



Alameda County Transportation Commission (Commission) Meeting Agenda Thursday, March 28, 2024, 2:00 PM

The Commission and its Standing Committees will meet in the Mary V. King Conference Room at Alameda CTC's offices at 1111 Broadway, Suite 800, Oakland, CA 94607. The live stream of each Alameda CTC Commission and Standing Committee meeting is available for public viewing at www.alamedactc.org/all-meetings by clicking on **View Event** next to the meeting in the list of Upcoming Events.

Members of the public may submit public comments that are addressed to the Commission or Committee members on topics germane to the jurisdiction of the Alameda CTC in person by attending the meeting in Alameda CTC's offices. Alameda CTC conducts orderly meetings to fulfill its mandate. Discriminatory statements or conduct that would potentially violate the federal Civil Rights Act of 1964 and/or the California Fair Employment and Housing Act, California Penal Code sections 403 or 415 is per se disruptive to a meeting and will not be tolerated. Please see [Alameda CTC's Meeting Code of Conduct](#) for more information.

Additionally, comments may be submitted by email sent to the Clerk of the Commission at clerk@alamedactc.org, including the words "Public Comment" and the meeting to which it pertains in the email's subject line. 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 the Alameda CTC website; comments submitted after that time will be distributed to Commissioners or Committee members and posted as soon as possible. Comments submitted will be read aloud or summarized, as specified by the Chair, to the Commission or Committee and those listening telephonically or electronically.

As a convenience, members of the public may also make comments remotely during the meeting by accessing the Zoom link listed below, using the "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 press the star key (*) and then the number 9 (*9) to raise/lower your hand. Comments made in person or via Zoom will generally be limited to three minutes in length, or as specified by the Chair. Alameda CTC cannot guarantee that the public's access to Zoom via phone or other device will be uninterrupted, and technical difficulties may occur from time to time. Unless required by the Brown Act, the meeting will continue despite technical difficulties for participants using the Zoom option.

Chair: John J Bauters
Vice Chair: David Haubert

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

Location Information:

Alameda County Transportation Commission
Mary V. King Conference Room
1111 Broadway, Suite 800
Oakland, CA 94607

Alameda County Fairgrounds
Heritage House
4501 Pleasanton Drive
Pleasanton, CA 94566

Zoom Link:

<https://us06web.zoom.us/j/81823881400?pwd=VoRnUUNTtTlNTQWo2cog3aHVHeWRIZzo9>

Dial-in Information: 1 (669) 900 6833
Webinar ID: 818 2388 1400
Passcode: 758993

Meeting Agenda

1. Call to Order

2. Roll Call

3. Public Comment

4. Chair and Vice Chair Report

5. Executive Director's Report

- 5.1 Executive Director's Report - March 2024
Information

6. Consent Calendar

- 6.1 Approve the February 22, 2024 Commission Meeting Minutes
Approve
[6.1_COMM_Minutes_20240222.pdf](#)
- 6.2 FY2023-24 Second Quarter Report of Claims Acted Upon Under the Government Claims Act Update
Information
[6.2_COMM_Government_Claims_Act_FY2023-24_2nd_Qtr_Report_20240328.pdf](#)
- 6.3 Approve the Alameda CTC FY2023-24 Second Quarter Consolidated Financial Report
Approve
[6.3_COMM_FY23-24_2nd_Qtr_Financial_20240328.pdf](#)
- 6.4 I-580 and I-680 Express Lanes Operations Update
Information
[6.4_COMM_EL_Ops_FY23-24_Q2_20240328.pdf](#)
- 6.5 Approve Amendments to the Alameda CTC Administrative Code
Approve
[6.5_COMM_Admin_Code_Update_20240328.pdf](#)
- 6.6 Approve Actions Related to Cooperative Agreements with the Bay Area Toll Authority for Regional Customer Service Center Services for the I-580 and I-680 Express Lanes
Approve
[6.6_COMM_BATA_RCSC_20240328.pdf](#)
- 6.7 Waive Reading and Introduce Ordinance Amending the Alameda CTC Express Lanes Toll Enforcement Ordinance
Approve
[6.7_COMM_Toll_Ordinance_20240328.pdf](#)

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

Information

[6.8_COMM_CMP_20240328.pdf](#)

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

Information / Approve

[6.9_COMM_March_Legislative_Update_20240328.pdf](#)

- 6.10 2023 Performance Report

Information

[6.10_COMM_2023_Performance_Report_20240328.pdf](#)

7. Committee Reports

- 7.1 Bicycle and Pedestrian Advisory Committee

Information

- 7.2 Independent Watchdog Committee

Information

[7.2_COMM_Independent_Watchdog_Committee_20240328.pdf](#)

- 7.3 Paratransit Advisory and Planning Committee

Information

8. Regular Matters

- 8.1 FY2023-24 Mid-Year Budget Update

Approve

[8.1_COMM_FY2023-24_Mid-Year_Budget_Update_20240328.pdf](#)

9. Closed Session

- 9.1 Pursuant to California Government Code section 54956.9 (d)(4) Conference with General Counsel regarding anticipated litigation related to proposed acquisition of real property interests necessary for the Interstate 880 Oakland -Alameda Access Project– Five (5) Items

Information

- 9.2 Report on Closed Session

Information

10. Resolution of Necessity Hearing

- 10.1 Consideration of Adoption of Resolutions of Necessity Authorizing the Filing of Eminent Domain Proceedings to Acquire Real Property Interests Necessary for the Interstate 880 Oakland Alameda Access Project

Approve

[10.1_COMM_OAAP_20240328.pdf](#)

11. Adjournment

Next Meeting:

April 25, 2024

Notes:

- All items on the agenda are subject to action and/or change by the Commission/Committee.
- To comment on an item not on the agenda, submit a speaker card to the Clerk or follow remote instructions listed in the agenda preamble.
- 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.
- For language assistance, please call (510) 208-7475. We request at least five working days' notice to accommodate your request.
 - Para obtener asistencia de idioma, comuníquese al (510) 208-7475. Para hacer lugar a su pedido, solicitamos que nos avise con una anticipación mínima de cinco días hábiles.
 - 如需语言协助, 请致电 (510) 208-7475. 请至少提前五个工作日通知, 以便满足您的要求。
 - Para sa tulong sa wika, tumawag sa (510) 208-7475. Mag-abiso nang limang araw na may pasok o mas maaga para mapagbigyan ang inyong kahilingan.
 - Để được hỗ trợ ngôn ngữ, vui lòng gọi (510) 208-7475. Chúng tôi yêu cầu quý vị thông báo ít nhất năm ngày làm việc để có thể đáp ứng được yêu cầu của quý vị.
- Call (510) 208-7450 (Voice) or 1(800) 855-7100 (TTY) five days in advance of the meeting to request a sign-language interpreter.
- Call (510) 208-7400 48 hours in advance to request other accommodations or assistance at this meeting.



Alameda County Transportation Commission Commission Meeting Minutes Thursday, February 22, 2024, 2:00 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 Carson, Cavanaugh, Ezzy Ashcraft, Fife, Miley, and Tam.

Commissioners Carson and Miley arrived during item 4.

Commissioner Fife arrived during item 8.1.

Commissioner Freitas departed during item 8.1.

3. Public Comment

There were no public comments.

4. Chair and Vice Chair Report

Chair Bauters acknowledged the celebration of Lunar New Year. Chair Bauters also informed the Commission of the cost savings that will occur with the dissolution of the I-680 Sunol Smart Carpool Lane Joint Powers Authority (Sunol JPA), termination of the Sunol JPA, and the transfer of the I-680 Express Lanes operations in Alameda County to Alameda County Transportation Commission. He noted that this change will save taxpayers half a million dollars annually. Chair Bauters thanked Commissioner Hernandez, Chair of Sunol JPA, staff, and the Commission for their work in finalizing the dissolution. Chair Bauters also read a statement detailing how the Alameda CTC will conduct orderly meetings with public decorum.

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

5. Executive Director Report

Tess Lengyel noted that the agency is honoring Black History Month with two staff-led walks to the African American Museum as part of the Alameda CTC Culture and Engagement Committee. She informed the Commission that Alameda CTC is kicking off the Countywide Transportation Plan with a blueprint and policy for making Alameda County safer. She reported that the agency is working on developing the Comprehensive Investment Plan, and that in May 2024, staff will update the Commission and request authorization for a Call for Projects. Ms. Lengyel stated that in February 2024, Alameda CTC will submit federal grant applications totaling \$50 million, with \$25 million for the East Bay Greenway Project and \$25 million for the Rail Safety Program. Ms. Lengyel noted that the East Bay Economic Development Alliance Land Use Committee hosted Dr. Scott Brandt with the Alliance for Renewable Clean Hydrogen Energy Systems, who presented on how the state is implementing the \$1.2 billion federal grant award for a hydrogen hub.

6. Consent Calendar

- 6.1. Approve the January 25, 2024 Commission Meeting Minutes**
- 6.2. Approve Commissioner Travel for Legislative Related Activities, California Association of Councils of Governments Meetings, Self-Help Counties Coalition Focus on the Future Conference, Transportation Study Sessions, and Other Work-Related Agency Travel**
- 6.3. Approve the Administrative Amendments to Various Agreements to Extend Agreement Expiration Dates**
- 6.4. Approve Measure BB Allocation for the San Joaquin Regional Rail Commission's Union City Intermodal Station Phase 3 Project**
- 6.5. Approve concurrence action of AC Transit's Regional Measure 3 Allocation Request**
- 6.6. Approve Transportation Fund for Clean Air (TFCA) FY 2024-25 Expenditure Plan Application and Call for Projects**
- 6.7. Congestion Management Program (CMP): Summary of the Alameda CTC's Review and Comments on Environmental Documents and General Plan Amendments**
- 6.8. Federal, state, regional, and local legislative activities update**
- 6.9. Approve Community Committee Appointments**

Commissioner Salinas moved to approve the consent calendar. Commissioner Márquez seconded the motion. The motion passed with the following roll call vote:

Yes: Bauters, Brown, Carson, Dutra-Vernaci, Freitas, González, Haubert, Hernandez, Jordan, Kaplan, Marchand, Márquez, Mei, Miley, Salinas, Saltzman, Taplin, Young

No: None

Abstain: None

Absent: Cavanaugh, Ezzy Ashcraft, Fife, Tam

7. Community Advisory Committees

7.1 Bicycle and Pedestrian Advisory Committee

Matt Turner, Chair of the Bicycle and Pedestrian Advisory Committee (BPAC), provided an update on the February 8, 2024 BPAC meeting.

7.2 Independent Watchdog Committee

There was no report from the Independent Watchdog Committee.

7.3 Paratransit Advisory and Planning Committee

There was no report from the Paratransit Advisory and Planning Committee.

8. Regular Matters

8.1. Countywide Transportation Plan: Making Alameda County Safer

Chris Marks provided the Commission with an overview of the development approach for the safety element of the Policy Blueprint for the 2026 Countywide Transportation Plan.

9. Adjournment

The next meeting is Thursday, March 28, 2024, at 2:00 p.m. and will be in person at the Alameda CTC offices at 1111 Broadway, Suite 800, Oakland, CA 94607.



Memorandum

6.2

1111 Broadway, Suite 800, Oakland, CA 94607

• 510.208.7400

• www.AlamedaCTC.org

DATE:	March 21, 2024
TO:	Alameda County Transportation Commission
FROM	Patricia Reavey, Deputy Executive Director of Finance and Administration
SUBJECT:	FY2023-24 Second Quarter Report of Claims Acted Upon Under the Government Claims Act Update

Recommendation

This item is to provide the Commission with an update on the FY2023-24 Second Quarter Report of Claims Acted upon under the Government Claims Act. This item is for information only.

Summary

The Report of Claims Acted Upon by Staff Under the Government Claims Act during the second quarter of FY2023-24 is attached as Attachment A.

Background

Tort claims against Alameda CTC and other California government entities are governed by the Government Claims Act (Act). The Act allows the Commission to delegate authority to an agency employee to review, reject, allow, settle, or compromise tort claims pursuant to a resolution adopted by the Commission. If the authority is delegated to an employee, that employee can only reject claims or allow, settle, or compromise claims \$50,000 or less. The decision to allow, settle, or compromise claims over \$50,000 must go before the Commission for review and approval.

California Government Code section 935.4 states:

“A charter provision, or a local public entity by ordinance or resolution, may authorize an employee of the local public entity to perform those functions of the governing body of the public entity under this part that are prescribed by the local public entity, but only a charter provision may authorize that employee to allow, compromise, or settle a claim against the local public entity

if the amount to be paid pursuant to the allowance, compromise or settlement exceeds fifty thousand dollars (\$50,000). A Charter provision, ordinance, or resolution may provide that, upon the written order of that employee, the auditor or other fiscal officer of the local public entity shall cause a warrant to be issued upon the treasury of the local public entity in the amount for which a claim has been allowed, compromised, or settled.”

On June 30, 2016, the Commission adopted a resolution which authorized the Executive Director to reject claims or allow, settle, or compromise claims up to and including \$50,000.

There have only been a handful of small claims filed against Alameda CTC and its predecessors over the years, and many of these claims were erroneously filed, and should have been filed with other agencies. As staff moves forward with the implementation of Measure BB, Alameda CTC may experience an increase in claims against the agency as Alameda CTC puts more projects on the streets and highways of Alameda County and as Alameda CTC’s name is recognized as a funding agency on these projects. Staff works directly with the agency’s insurance provider, the Special District Risk Management Authority (SDRMA), when claims are received so that responsibility may be determined promptly and they might be resolved expediently or referred to the appropriate agency. This saves Alameda CTC money because when working with the SDRMA directly, much of the legal costs to address these claims are covered by insurance.

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

Attachment:

- A. Report of Claims Acted Upon by Staff Under the Government Claims Act
October 1, 2023 – December 31, 2023

Report of Claims Acted Upon by Staff Under the Government Claims Act
October 1, 2023 - December 31, 2023

Claimant	Submitted By	Received Date	Amount	Action Taken	Date	Notes
Jonathan Carey and Amy Schoenblum	Jonathan Carey	October 25, 2023	\$687,545.19	Claim Rejected - Alameda CTC has no involvement with the construction contract or the decision-making process regarding the construction work or the installation of the fence at issue in the claim.	November 7, 2023	Rejected with notice and warning given pursuant to Government Code Section 945.6.
Assaf Arkiin	Scott B. Baez, Bailey Glasser LLP	November 3, 2023	TBD	Claim Rejected - Neither Alameda CTC nor any of its employees has any responsibility for maintenance, operation, or other oversight of the related intersection, roadway, or sidewalk, and does not control any of these facilities.	December 5, 2023	Rejected with notice and warning given pursuant to Government Code Section 945.6.
Jennifer Hong	Scott B. Baez, Bailey Glasser LLP	November 3, 2023	TBD	Claim Rejected - Neither Alameda CTC nor any of its employees has any responsibility for maintenance, operation, or other oversight of the related intersection, roadway, or sidewalk, and does not control any of these facilities.	December 5, 2023	Rejected with notice and warning given pursuant to Government Code Section 945.6.



Memorandum

6.3

1111 Broadway, Suite 800, Oakland, CA 94607

• 510.208.7400

• www.AlamedaCTC.org

DATE: March 21, 2024

TO: Alameda County Transportation Commission

FROM: Patricia Reavey, Deputy Executive Director of Finance and Administration
Yoana Navarro, Accounting Manager

SUBJECT: Approve the Alameda CTC FY2023-24 Second Quarter Consolidated Financial Report

Recommendation

It is recommended that the Commission approve the Alameda CTC FY2023-24 Second Quarter Consolidated Financial Report.

Summary

Alameda CTC's expenditures through December 31, 2023 are within year-to-date budget authority per the currently adopted budget. The agency remains in a strong financial position compared to budget through the second quarter of FY2023-24.

The attached FY2023-24 Second Quarter Financial Report has been prepared on a consolidated basis and is compared to the currently adopted budget on a year-to-date basis. This report provides a summary of FY2023-24 actual revenues and expenditures through December 31, 2023. Variances from the year-to-date budget are demonstrated as a percentage of the budget used by line item as well as stating either a favorable or unfavorable variance in dollars. Percentages over 100 percent indicate that actual revenue or expenditure items are more than 50 percent of the total annual budget through the second quarter of the fiscal year, and percentages under 100 percent indicate that actual revenue or expenditure items are less than 50 percent of the total annual budget through the second quarter of the fiscal year. As of December 31, 2023, Alameda CTC activity for the fiscal year results in a net increase in fund balance in the amount of \$80.7 million. While various funds showed an increase to their fund balance, the most significant contributors were the Measure BB Special Revenue Fund and the Measure BB Capital Projects Fund which collected sales tax revenues that outpaced expenditures through the second quarter.

Background

The following are highlights of actual revenues and expenditures compared to budget as of December 31, 2023 by major category:

Revenues

Sales tax revenues are over budget by \$1.1 million, or 0.6 percent, investment income is over budget by \$10.2 million or 116.7 percent due to market changes, and grant revenues are under budget by \$21.3 million mostly related to timing on capital projects. Grant revenues are recognized on a reimbursement basis and, therefore, correlate directly with related expenditures. Consequently, capital and other project expenditures are also under budget.

Salaries and Benefits

Salaries and benefits are under budget by \$0.5 million, or 9.8 percent, as of December 31, 2023.

Administration

Costs for overall administration are under budget by \$3.1 million, or 32.1 percent, mostly due to debt service costs which incurred costs for only one of the two semi-annual interest payments and no principal payments as of December 31, 2023. Principal payments are made annually on March 1. Debt service costs are required to be recorded when incurred per government accounting standards. Actual expenditures in the debt service fund will equal 100% of the budget by the end of the fiscal year.

Freeway Operations

Freeway Operations expenditures are under budget by \$2.4 million, or 47.9 percent, primarily related to the special project in the express lanes fund. The lower than expected expenditures is due to a change in the approach to updating the I-580 toll system in favor of a more comprehensive toll system upgrade strategy which is now expected to begin later this fiscal year.

Planning

Planning expenditures are under budget by \$0.7 million, or 44.7 percent, mostly related to timing on planning projects and lower than anticipated support services utilized through the second quarter as new efforts were initiated and ramping up.

Programs

Programs expenditures are under budget by \$5.8 million, or 4.8 percent, mainly due to delayed expenditures for various discretionary programs and projects funded in the Comprehensive Investment Plan, which is offset by an increase in expenditures for MBB Direct Local Distributions which is directly related to the amount of sales tax revenues collected.

Capital Projects

Capital Projects expenditures are under budget by \$161.0 million, or 75.7 percent, mostly due to later than anticipated construction work on the 7th Street Grade Separation East project. Alameda CTC utilizes a rolling capital budget system in which any unused approved budget from prior years is available to pay for costs in subsequent fiscal years. Additional

budget authority is requested by project only as needed in accordance with the budget process. The year-to-date budget amounts used for comparison is a straight-line amortization of the total approved project budget including unspent budget authority rolled over from the prior year. Expenditures planned through December 31, 2023 in the budget process generally will differ from the straight-line budgeted amount used for this financial statement comparison. However, presenting the information with this comparison helps financial report users, project managers, and the project control team review year-to-date expenditures to give them an idea of how projects are progressing as compared to the approved budget. There are currently no budget issues on capital projects.

Limitations Calculations

Staff has completed the limitation calculations required in the 2014 Measure BB Transportation Expenditure Plan related to salaries and benefits and administration costs, and Alameda CTC is compliant with all limitation requirements.

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

Attachment:

- A. Alameda CTC Consolidated Revenues/Expenditures as of December 31, 2023

ALAMEDA COUNTY TRANSPORTATION COMMISSION
Consolidated Revenues/Expenditures
December 31, 2023

	Total Consolidated			Favorable/ (Unfavorable)
	YTD Actuals	YTD Budget	% Used	Variance
REVENUES				
Sales Tax Revenue	\$ 201,896,375	\$ 200,750,001	100.57	\$ 1,146,374
Investment Income	18,984,454	8,762,500	216.66	10,221,954
Member Agency Fees	822,393	822,393	100.00	-
VRF Funds	6,237,806	6,000,000	103.96	237,806
TFCA Funds	1,064,786	1,025,154	103.87	39,632
Toll Revenues	5,560,803	5,150,000	107.98	410,803
Toll Violation and Penalty Revenues	1,415,298	800,000	176.91	615,298
Other Revenues	7,000	-	-	7,000
Regional/State/Federal Grants	16,989,697	36,369,522	46.71	(19,379,825)
Local and Other Grants	3,632,107	5,583,146	65.05	(1,951,039)
Total Revenues	\$ 256,610,719	\$ 265,262,716	96.74	\$ (8,651,996)
EXPENDITURES				
Administration				
Salaries and Benefits ⁽¹⁾	\$ 1,920,983	\$ 1,704,030	112.73	\$ (216,953)
General Office Expenses	987,303	1,440,383	68.54	453,080
Travel Expense	13,199	26,000	50.77	12,801
Debt Service ⁽²⁾	2,981,125	4,523,750	65.90	1,542,625
Professional Services	530,399	1,545,254	34.32	1,014,855
Commission and Community Support	89,881	111,913	80.31	22,032
Contingency	-	250,000	-	250,000
Subtotal	6,522,890	9,601,330	67.94	3,078,440
Freeway Operations				
Salaries and Benefits ⁽¹⁾	94,436	147,109	64.19	52,673
Operating Expenditures	2,369,924	2,826,000	83.86	456,076
Special Project Expenditures	151,823	2,045,000	7.42	1,893,177
Subtotal	2,616,183	5,018,109	52.13	2,401,926
Planning				
Salaries and Benefits ⁽¹⁾	536,686	793,637	67.62	256,951
Transportation Planning	345,168	800,000	43.15	454,832
Subtotal	881,854	1,593,637	55.34	711,783
Programs				
Salaries and Benefits ⁽¹⁾	1,647,478	1,580,641	104.23	(66,837)
Programs Management and Support	622,318	1,183,750	52.57	561,432
Safe Routes to School Program	1,066,589	1,672,315	63.78	605,726
VRF Programming	6,322,148	9,376,000	67.43	3,053,852
Measure BB Direct Local Distribution	102,480,060	91,609,056	111.87	(10,871,004)
Grant Awards	1,873,720	12,678,500	14.78	10,804,780
TFCA Programming	104,570	1,816,437	5.76	1,711,867
Subtotal	114,116,883	119,916,699	95.16	5,799,816
Capital Projects				
Salaries and Benefits ⁽¹⁾	509,073	992,858	51.27	483,785
Capital Project Expenditures	51,252,544	211,788,488	24.20	160,535,944
Subtotal	51,761,617	212,781,346	24.33	161,019,729
Total Expenditures	\$ 175,899,427	\$ 348,911,121	50.41	\$ 173,011,694
Net Change in Fund Balance	\$ 80,711,292	\$ (83,648,406)		
Beginning Fund Balance	867,154,910	867,154,910		
Ending Fund Balance	\$ 947,866,202	\$ 783,506,505		

(1) Salaries and benefits are under budget by \$509,619 or 9.8% as of December 31, 2023.

(2) Debt service cost are required to be recorded when incurred per government accounting standards and will equal budget by year end.



Memorandum

6.4

1111 Broadway, Suite 800, Oakland, CA 94607

• 510.208.7400

• www.AlamedaCTC.org

DATE: March 21, 2024

TO: Alameda County Transportation Commission

FROM: Ashley Tam, Senior Transportation Engineer

SUBJECT: I-580 and I-680 Express Lanes Operations Update

Recommendation

This item is to provide the Commission with an update on the operation of the I-580 Express Lanes and I-680 Sunol Express Lanes for the second quarter of fiscal year 2023-2024. This item is for information only.

Summary

The purpose of this item is to provide the Commission with a Quarterly Operations Update of the existing I-580 Express Lanes and of the I-680 Sunol Express Lanes for the second quarter of fiscal year 2023-2024 (October through December 2023). The express lanes continue to provide higher average speeds and lower average lane densities than the general purpose lanes, as well as travel reliability along the corridor.

Background

The Alameda CTC is the project sponsor of the I-580 Express Lanes and I-680 Sunol Express Lanes. The I-580 Express Lanes are located in the Tri-Valley corridor through the Cities of Dublin, Pleasanton, and Livermore, and opened to traffic in February 2016. The I-580 Express Lanes extend from Hacienda Drive to Greenville Road in the eastbound direction and from Greenville Road to the I-680 Interchange in the westbound direction.

The I-680 Sunol Express Lanes spans approximately 14 miles in the southbound direction, from SR 84 near Pleasanton to SR 237 in the City of Milpitas, and 9 miles in the northbound direction, from just south of Auto Mall Parkway to SR 84. The I-680 Sunol Southbound Express Lane originally opened to traffic in September 2010 as a controlled access express lane. Construction began in 2018 on a new northbound express lane and to convert the southbound express lane to a continuous access configuration. Tolling resumed in the southbound lane, concurrent with tolling commencement on the new northbound lane on March 31, 2023.

Motorists using the Express Lanes facilities benefit from travel time savings and travel reliability as the express lanes optimize the corridor capacity by providing a choice to drivers. Single occupancy vehicles (SOVs) may choose to pay a toll and travel within the express lanes, while carpools, motorcycles, and transit vehicles using a FasTrak® flex toll tag may enjoy the benefits of toll-free travel in the express lanes. On March 31, 2023, eligible single-occupant clean-air vehicles (CAV) began receiving 50% toll discount consistent with other express lanes in the region.

An All Electronic Toll (AET) collection method has been employed to collect tolls. Toll rates are calculated based on traffic conditions (speed and volume) in express and general purpose lanes, and can change as frequently as every three minutes. California Highway Patrol (CHP) officers provide enforcement services, and the California Department of Transportation (Caltrans) provides roadway maintenance services through reimbursable service agreements.

I-580 FY 2023-2024 Q2 Operations Update:

Performance of the I-580 Express Lane for the second quarter (Q2) of fiscal year 2023-2024 are highlighted below.

- Motorists made over 2,200,000 express lane trips during operational hours in Q2. Daily express lane trips averaged 35,500, a 10% increase from the same quarter in the prior fiscal year.
 - Paid trips totaled 1,010,000, or 16,300 trips per day, which is a 12% increase over the same quarter of the previous fiscal year.
 - Toll-free trips made up 54% of all trips, which is a decrease over the 55% observed in the same quarter of the previous fiscal year.
- Generally, express lane users experienced better traffic conditions than the general purpose lanes, particularly during peak commute hours.
 - Westbound peak period (6 AM - 9 AM) express lane speeds averaged 67 miles per hour (mph) and users experienced average level of service (LOS) B throughout the corridor.
 - Eastbound peak period (3 PM - 6 PM) express lane speeds averaged 61 mph and users experienced averaged LOS C throughout the corridor.
- Solo drivers carrying CAV tags receive a 50% toll discount.
 - Single-occupant CAVs were 1.4% of total single-occupancy trips taken during the quarter.
- The average assessed toll for SOV motorists was \$2.34 and \$3.51 for westbound and eastbound, respectively.
- CHP performed 343 hours of enforcement services and made 409 enforcement contacts during Q2.

I-680 FY 2023-2024 Q2 Operations Update:

Performance of the I-680 Sunol Express Lane for the second quarter (Q2) of fiscal year 2023-2024 are highlighted below.

- Motorists made nearly 1,688,000 express lane trips during operational hours in Q2. Daily express lane trips averaged 27,000 a day, a 3.6% decrease from the previous quarter.
 - Paid trips totaled 853,000, or 14,000 trips per day, which is similar to the previous quarter.
 - Toll-free trips made up 49% of all trips, which is an 1% increase over the previous quarter.
- On average, express lane users experienced better traffic conditions compared to all lanes, particularly during peak commute hours.
 - Southbound peak period (7 AM - 10 AM) express lane speeds averaged 5 mph faster than all lanes.
 - Northbound peak period (3 PM - 6 PM) express lane speeds averaged 6 mph faster than all lanes.
- Solo drivers carrying CAV tags receive a 50% toll discount.
 - Single-occupant CAVs were 3.7% of total single-occupancy trips taken during the quarter.
- The average assessed toll for SOV motorists was \$2.40 and \$4.58 for southbound and northbound, respectively.
- CHP performed 235 hours of enforcement services and made 338 enforcement contacts during Q2.

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



Memorandum

6.5

1111 Broadway, Suite 800, Oakland, CA 94607

510.208.7400

www.AlamedaCTC.org

DATE: March 21, 2024

TO: Alameda County Transportation Commission

FROM: Patricia Reavey, Deputy Executive Director of Finance and Administration

SUBJECT: Approve Amendments to the Alameda CTC Administrative Code

Recommendation

It is recommended that the Commission approve amendments to the Alameda CTC Administrative Code.

Summary

Amendments to Alameda CTC's Administrative Code are attached in redline to show the recommended changes since the Administrative Code was last adopted in September 2022. The recommended changes to the Administrative Code include:

- The addition of language that formalizes procedures related to conducting the Executive Director's performance evaluation, approving adjustments to the rate of compensation and benefits, and entering into a contract amendment with the Executive Director.
- The Power, Authority and Duty for the Executive Director to implement a code of conduct for conduct at public meetings of Alameda CTC and to reject, allow, compromise, or settle a claim against Alameda CTC for amounts \$50,000 or less, pursuant to California Government Code.
- The increase of the compensation, or per diem, amount from \$50 to \$100 for Advisory Committee's and the Independent Watchdog Committee's (IWC) members for attending committee meetings and outreach meetings of the Committees.
- Other administrative amendments.

Background

Alameda CTC staff and legal counsel did a periodic review of the Administrative Code for any changes that might be necessary to clarify responsibilities and to incorporate other administrative adjustments. The draft amendments are attached to this staff report in redline for Commission review.

Some of the more significant changes include the addition of language that formalizes procedures related to conducting the Executive Director's performance evaluation, approving adjustments to the rate of compensation and benefits, and entering into a contract amendment with the Executive Director; allowing for the Executive Director to implement a code of conduct for the conduct at public meetings of the agency and to reject, allow, compromise, or settle claims against the agency for amounts up to and including \$50,000 per California Government Code; and to increase the per diem amount allowed to be paid to community advisory and IWC committee members for attending meetings and committee outreach events.

Over the last few years, there had been some confusion on timing and process concerning the Executive Director's performance evaluation and any related adjustments, so the process has been formalized in this proposed amendment to the Administrative Code to ensure that there is no ambiguity going forward.

In addition, while powers already granted to the Executive Director allow for the implementation of a code of conduct for public meetings and for the Executive Director to settle claims up to and including \$50,000 per the California Government Code; these additions clarify the authority in the Administrative Code.

Finally, staff completed a survey of similar agencies regarding per diem amounts paid to similar community advisory and watchdog committees. The results of this survey showed that the amount Alameda CTC currently pays, on average, is on par with other similar agencies. This survey was initiated in response to a request from the IWC to increase their per diem from \$50 per meeting to \$100 per meeting. The agency understands that there have been increased costs throughout the region in relation to inflation and other costs including transportation to and from these meetings and would like to ensure the volunteers on our committees can continue to do the good work they do in support of the agency without feeling the effect of these increased costs.

Fiscal Impact: The fiscal impact to the approval of this item is related to the increase in the per diem amount for the Advisory Committees and the IWC. While the approved budget for FY2023-24 will be sufficient for the balance of the current fiscal year, the budget for FY2024-25 will increase by \$16,100.

Attachment:

- A. Draft Alameda CTC Administrative Code March 2024 (Redline)

**ALAMEDA COUNTY TRANSPORTATION COMMISSION
ADMINISTRATIVE CODE**

(as amended on ~~March~~~~September~~ 28~~2~~, 202~~4~~)

TABLE OF CONTENTS

	Page
ARTICLE 1 GENERAL PROVISIONS	1
ARTICLE 2 CODE OF ETHICS.....	1
ARTICLE 3 DEFINITIONS.....	2
ARTICLE 4 POWERS, AUTHORITY AND DUTIES	8
ARTICLE 5 ADVISORY AND EXTERNAL COMMITTEES	18
<u>ARTICLE 6 PARTICIPATION IN TELECONFERENCE MEETINGS</u>	<u>21</u>

ALAMEDA COUNTY TRANSPORTATION COMMISSION
ADMINISTRATIVE CODE
(as amended on September 22, 2022)

ARTICLE 1
GENERAL PROVISIONS

1.1 Title. This Code is enacted by the Alameda County Transportation Commission (“Alameda CTC” or “ACTC”) pursuant to the provisions of California Public Utilities Code Section 180105 and the Joint Powers Agreement dated for reference purposes as of March 25, 2010 (as it may subsequently be amended from time to time) which created Alameda CTC (“JPA”). This Code may be referred to as the “Alameda County Transportation Commission Administrative Code.” This Code prescribes the powers and duties of officers of Alameda CTC, the method of appointment of employees of Alameda CTC, and the methods, procedures, and systems of operation and management of Alameda CTC.

1.2 Reference Includes Amendments. Reference to this Code or any portion thereof includes later amendments thereto. This Code may be amended by ordinance of the Commission.

1.3 Severability. If any term or provision of this Code is ever determined to be invalid or unenforceable for any reason, such term or provision shall be severed from this Code without affecting the validity or enforceability of the remainder of this Code.

1.4 Interpretation. Section headings in this Code are for convenience of reference only and shall not affect the meaning or interpretation of any provision of this Code. As used herein: (a) the singular shall include the plural (and vice versa) and the masculine or neuter gender shall include the feminine gender (and vice versa) where the context so requires; (b) locative adverbs such as “herein,” “hereto,” and “hereunder” shall refer to this Code in its entirety and not to any specific Section or paragraph; (c) the terms “include,” “including,” and similar terms shall be construed as though followed immediately by the phrase “but not limited to;” and (d) “shall,” “will” and “must” are mandatory and “may” is permissive.

ARTICLE 2
CODE OF ETHICS

2.1 Ethics Statement. The foundation of any democratic institution or governmental agency relies upon the trust and confidence its citizens place in its elected officials, appointed managers or administrators, and staff. Honesty, integrity and professionalism must serve as the guiding principles for Alameda CTC in carrying out its deliberations and Alameda CTC’s business. The ethical operation of local government requires that decision-makers be impartial and accountable. Alameda CTC expects its representatives, including but not limited to Commission Members, employees, contractors, and advisory committee members to act in a manner that retains and inspires the trust and confidence of the people they serve.

2.2 Expectations. It is the general policy of Alameda CTC to promote the highest standards of personal and professional ethics by individuals charged with carrying out Alameda CTC's business. Alameda CTC expects all participants to:

2.2.1 Conduct public deliberations and Alameda CTC business in an atmosphere of mutual respect, consideration, cooperation and civility.

2.2.2 Conduct public processes openly, unless legally required to be confidential.

2.2.3 Comply with both the letter and spirit of the laws and policies affecting the operations of government in general and Alameda CTC specifically, including but not limited to the Political Reform Act, common law restrictions on conflicts of interest and self-dealing, Government Code Section 1090, and the Conflict of Interest Code.

2.2.4 Use public service for the public good, not for personal gain.

2.3 Prohibition on Ex Parte Communications. Alameda CTC recognizes that adherence to procedures ensuring fairness is essential to the maintenance of public confidence in the value and soundness of Alameda CTC's procurement processes. Therefore, any communication (whether in person, by telephone, or through electronic means), other than at a public meeting or as instructed in a procurement document ("ex parte communications"), between a bidder, proposer, consultant, contractor or protestor (or any subconsultant or subcontractor thereto, and their respective employees, agents or representatives) and Alameda CTC's Commissioners, Alternates, Staff, agents, general counsel, contractors, or other representatives during the procurement process is strictly prohibited, except as otherwise provided herein.

2.3.1 Ex parte communications are prohibited from the date of advertising of the solicitation, through contract award, until the contract has been fully executed by Alameda CTC and the contractor or consultant. Further, ex parte communications are prohibited with respect to proposed or potential amendments or extensions to existing contracts.

2.3.2 Exceptions. This requirement shall not prohibit:

2.3.2.1 Communications specifically authorized by specific procurement documents, which generally designate a Sole Point of Contact.

2.3.2.2 Communications between Staff and prime consultant /prime contractor representatives following contract award regarding (i) negotiation of final contract or amendment terms, work scope, and budget with respect to consultants or other service providers, (ii) collection and verification of administrative matters such as proof of insurance, bonds and other required forms, as applicable, and (iii) execution and delivery of signed contracts.

2.3.2.3 Pre-Bid and Pre-Proposal Meetings, and procurement interviews.

2.3.2.4 The filing and processing of (i) a written protest to any proposed award, to be made pursuant to the Bid Protest Procedure and/or the specific procurement document; (ii) an appeal of any decision made pursuant to Alameda CTC's Local Business Contract Equity (LBCE) Program, following the procedures outlined therein; or (iii) an appeal of any decision or determination with respect to Disabled Business Enterprise (DBE) matters, following procedures applicable thereto.

2.3.2.5 Addressing the Commission or a Standing Committee at public meetings.

2.3.2.6 Contacts between Staff and its consultants or contractors in regard to any work being performed on Alameda CTC projects or programs unrelated to the solicitation.

2.4 Nepotism. To ensure that the business of Alameda CTC is conducted in accordance with the standards outlined in this Article 2 and to avoid situations that create an actual or potential conflict between employees or officials' personal interests and the interests of the agency, no close relative, as defined in Article 3, of the Executive Director, Executive Team, General Counsel, or a Commission Member may be employed by Alameda CTC during the above-listed employees/officials' tenure or term.

ARTICLE 3 DEFINITIONS

3.1 Existing Definitions Adopted. For the purposes of this Code, all words not defined herein shall have such meanings as (i) have been established in a controlling Expenditure Plan, or (ii) have been determined by the laws of the State and decisions of the courts of the State, or (iii) if a term has not been defined in any of the foregoing, the term shall have such meaning as is ascribed to it in standard American-English vernacular, as evidenced by common usage and definitions contained in generally-accepted American-English dictionaries.

3.2 "1986 Transportation Expenditure Plan" means the Alameda County Transportation Expenditure Plan approved by the voters of Alameda County pursuant to the passage of the original Measure B on November 4, 1986, as it may subsequently be amended from time to time.

3.3 "2000 Measure B" means Measure B as adopted by the voters of Alameda County on November 7, 2000 pursuant to Section 180206 of the Act. The half-cent sales tax authorized by 2000 Measure B will extend through March 31, 2022.

3.4 "2000 Transportation Expenditure Plan" means Alameda County's 20-Year Transportation Expenditure Plan, dated July 2000 and funded by the retail transactions and use tax imposed pursuant to 2000 Measure B, as it may subsequently be amended from time to time.

3.5 "2014 Measure BB" means Measure BB as adopted by the voters of Alameda County on November 4, 2014 pursuant to Section 180206 of the Act. Measure BB augments the 2000 Measure B half-cent sales tax by an additional half cent, from April 1, 2015 through

March 31, 2022. The full one-cent sales tax authorized by 2014 Measure BB will begin April 1, 2022 and will extend through March 31, 2045.

3.6 “2014 Transportation Expenditure Plan” means Alameda County’s 30-Year Transportation Expenditure Plan, dated January 2014 and funded by the retail transaction and use tax imposed pursuant to 2014 Measure BB, as it may subsequently be amended from time to time.

3.7 “Act” means Division 9 of the California Public Utilities Code, Sections 180000 et seq., also known as the Local Transportation Authority and Improvement Act, as the Act may be amended from time to time.

3.8 “ACCMA” or “CMA” each mean the Alameda County Congestion Management Agency, the agency originally tasked with the duty of adopting and implementing the Congestion Management Program, as a result of the 1990 passage of Proposition 111. ACCMA has now been dissolved, and Alameda CTC has assumed its duties, rights and obligations pursuant to the JPA.

3.9 “ACTA” means the Alameda County Transportation Authority, the agency originally tasked with the duty of implementing the 1986 Transportation Expenditure Plan. ACTA has now been dissolved, and Alameda CTC has assumed its duties, rights and obligations pursuant to the JPA.

3.10 “ACTAC” means the Alameda County Technical Advisory Committee, the technical advisory committee to the Commission, as described herein.

3.11 “ACTIA” means the Alameda County Transportation Improvement Authority, the agency originally tasked with the duty of implementing the 2000 Transportation Expenditure Plan. ACTIA has now been dissolved, and Alameda CTC has assumed its duties, rights and obligations pursuant to the JPA.

3.12 “Advisory Committee” means each advisory committee established by or for the Commission.

3.13 “Alameda CTC” and “ACTC” each mean the Alameda County Transportation Commission.

3.14 “Alternate” means each of those persons appointed to serve and vote as an alternate member of the Commission or of a Standing Committee in the absence of a specific Commission Member. Each Alternate shall be an elected official and shall meet all other criteria set forth in the JPA. Commission Members’ staff are not eligible to serve as an alternate for a Commission Member.

3.15 “Annual Budget” means the budget for Alameda CTC, including budgets related to (i) the 1986 Transportation Expenditure Plan, (ii) the 2000 Transportation Expenditure Plan, as required by Section 180105 of the Act, (iii) the 2014 Transportation Expenditure Plan, as

required by Section 180105 of the Act, (iv) the Congestion Management Program, (v) the Vehicle Registration Fee (VRF) Expenditure Plan, and (vi) other matters.

3.16 “Audit Committee” means such Standing Committee, consisting of the Chair and Vice Chair of the Commission and the chair of the Finance and Administration Committee, that meets on an as needed basis with the powers, authority and duties as described in Section 4.9 herein. The FAC chair shall serve as chair of the Audit Committee, and the Commission Chair shall serve as vice chair of the Audit Committee.

3.17 “Authorized Vote” means the total number of weighted votes represented by all Commission Members, pursuant to the provisions of the JPA. Weighted voting applies only to actions by the Commission, and is not used for Committee votes.

3.18 “Bicycle and Pedestrian Advisory Committee” or “BPAC” each mean the Advisory Committee which shall advise Alameda CTC and staff on the development and implementation of bicycle and pedestrian programs.

3.19 “Board of Supervisors” means the Board of Supervisors of the County.

3.20 “Bonds” means indebtedness and securities of any kind or class, including but not limited to bonds, refunding bonds, or revenue anticipation notes.

3.21 “Brown Act” means the Ralph M. Brown Act, Government Code Sections 54950 *et seq.*, as it may be amended from time to time.

3.22 “Chair” means the chair of the Commission, as elected by the Commission.

3.23 “Citizens Watchdog Committee” or “CWC” each mean the Advisory Committee for 2000 Measure B required by the 2000 Transportation Expenditure Plan. Pursuant to 2014 Measure BB, the CWC has been renamed the Independent Watchdog Committee effective July 1, 2015.

3.24 “City” means any incorporated city or town within the County.

3.25 “Clerk” means the Staff member designated by the Executive Director to serve as the Clerk of the Commission.

3.26 “Close Relative” means a spouse, domestic partner, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person.

3.27 “Code” means this Administrative Code of the Alameda County Transportation Commission.

3.28 “Commission” means the governing body of Alameda CTC, which constitutes the legislative body of Alameda CTC as defined under Section 54952 of the Brown Act. The Commission is referenced as the “Board” in the JPA and certain other documentation to ensure consistency with the historical practice of ACTA, ACTIA, and ACCMA.

3.29 “Commission Engineer” means a Staff member holding and maintaining a California Professional Civil Engineer license who is designated by the Executive Director as the Commission Engineer.

3.30 “Commission Member” and **“Commissioner”** each mean each of those persons appointed to serve as a member of the Commission pursuant to the JPA.

3.31 “Commission Meeting” means a regular or special meeting of the full governing body of Alameda CTC noticed in accordance with the Brown Act.

3.32 “Conflict of Interest Code” means the Conflict of Interest Code of Alameda CTC, as adopted and regularly updated by the Commission pursuant to the provisions of Government Code Section 87300 *et seq.*

3.33 “Congestion Management Agency” means Alameda CTC serving in its role as the County’s Congestion Management Program agency, as designated pursuant to Government Code Section 65089 and the JPA.

3.34 “Congestion Management Program” means the program developed and administered by Alameda CTC, as the Congestion Management Agency and successor to the ACCMA, in accordance with the provisions of Government Code Section 65089.

3.35 “County” means the County of Alameda.

3.36 “Elected Official” means (i) any duly elected and serving official of the legislative body, as defined in Government Code Sections 34000 and 34002, of any City, (ii) any duly elected and serving member of the Board of Supervisors, and (iii) any duly elected and serving official of the legislative body of any Member Transit Agency.

3.37 “Executive Director” means the chief executive officer selected by the Commission to conduct the overall and day-to-day management of the activities of Alameda CTC.

3.38 “Expenditure Plan Project” means a project and/or a program described in one or more of the Expenditure Plans.

3.39 “Expenditure Plans” mean the 1986 Transportation Expenditure Plan, the 2000 Transportation Expenditure Plan, the 2014 Transportation Expenditure Plan and the VRF Expenditure Plan, collectively.

3.40 “Finance and Administration Committee” or **“FAC”** each mean such Standing Committee with the powers, authority and duties as described in Section 4.9 herein.

3.41 “Fiscal Year” means July 1 to and including the following June 30.

3.42 “General Counsel” or **“Special Legal Counsel”** means the attorney(s) or law firm(s) acting as general or special legal counsel to Alameda CTC.

3.43 “Geographic Area” means the four subareas in the County, consisting of North County (the cities of Alameda, Albany, Berkeley, Emeryville, Oakland and Piedmont), Central County (the cities of Hayward and San Leandro and the unincorporated areas of Ashland, Castro Valley, San Lorenzo and others in the central section of the County), South County (the cities of Fremont, Newark and Union City), and East County (the cities of Dublin, Livermore, Pleasanton and the unincorporated areas of Eastern Alameda County).

3.44 “Holiday” means any day observed by Alameda CTC as a holiday, other than a Saturday or Sunday.

3.45 “Independent Watchdog Committee” or “IWC” each mean the committee created by the Commission as required by Measure BB, with the assistance of the League of Women Voters and other groups as defined in the 2014 Transportation Expenditure Plan. The IWC is a continuation of the Citizens Watchdog Committee originally created by the ACTIA Board as required by 2000 Measure B, as renamed effective on July 1, 2015. The IWC reports directly to the public and is charged with reviewing all 2000 Measure B expenditures and 2014 Measure BB expenditures and performance measures of Alameda CTC, as appropriate. IWC members are private individuals who are not elected officials at any level of government, nor individuals in a position to benefit personally in any way from the taxes levied pursuant to 2000 Measure B and 2014 Measure BB.

3.46 “Investment Policy” means any investment policy adopted by the Commission in conformance with applicable law.

3.47 “JPA” means the Joint Powers Agreement which created Alameda CTC, dated for reference purposes as of March 25, 2010, as it may subsequently be amended from time to time.

3.48 “Member Agency” means each public agency which is a member of Alameda CTC pursuant to the JPA.

3.49 “Member Transit Agency” means each transit agency which is a Member Agency.

3.50 “Metropolitan Transportation Commission” means the regional transportation planning agency for the San Francisco Bay Area authorized and created by Government Code Sections 66500 *et seq.*

3.51 “Net Revenues” means respectively (i) gross revenues derived from imposition of a retail transactions and use tax, less Board of Equalization administrative and other charges, with respect to the 1986 Transportation Expenditure Plan, 2000 Transportation Expenditure Plan and 2014 Transportation Expenditure Plan, or (ii) gross revenues derived from imposition of the VRF, less Department of Motor Vehicles administrative and other charges, with respect to the VRF Expenditure Plan.

3.52 “Official Acts” means all substantive actions taken by the Commission, excluding matters which are procedural in nature.

3.53 “Paratransit Advisory and Planning Committee” or “PAPCO” each mean the Advisory Committee, as described in Section 5.5 herein, which shall advise Alameda CTC and staff on the development and implementation of paratransit programs.

3.54 “Planning, Policy, and Legislation Committee” and “PPLC” each mean such Standing Committee with the powers, authority and duties as described in Section 4.9 herein.

3.55 “Programs and Projects Committee” or “PPC” each mean such Standing Committee with the powers, authority and duties -as described in Section 4.9 herein.

3.56 “Procurement Policy” means any policy or policies adopted by the Commission regarding procurement of goods, services and supplies, and hiring of consultants and contractors, as such policy or policies may be amended from time to time.

3.57 “Staff” means employees of Alameda CTC.

3.58 “Standing Committee” means each of the standing subcommittees of the Commission as described in Section 4.9 herein, consisting of the Audit Committee, the FAC, the PPLC, and the PPC.

3.59 “State” means the State of California.

3.60 “Vice Chair” means the vice chair of the Commission, as elected by the Commission.

3.61 “VRF” means the vehicle registration fee adopted by the voters of the County in 2010 pursuant to Government Code Section 65089.20, as codified pursuant to Senate Bill 83 in 2009.

3.62 “VRF Expenditure Plan” means the expenditure plan adopted with respect to the VRF, and as it may subsequently be amended from time to time.

3.63 “Working Day” means any day other than a Saturday, Sunday or Holiday.

ARTICLE 4 POWERS, AUTHORITY AND DUTIES

4.1 Power, Authority and Duty of the Commission. The Commission shall have the power, authority, and duty to do all of those things necessary and required to accomplish the stated purpose and goals of Alameda CTC as set forth in the JPA. Except as otherwise provided herein, the Commission may delegate its power and authority to the Executive Director, who may further delegate such power and authority to Staff. Without limiting the generality of the foregoing, the Commission shall have the power and authority to do any of the following on behalf of Alameda CTC:

4.1.1 To administer and amend, as necessary, the Expenditure Plans, to provide for the design, financing and construction of the projects described therein, and to

determine the use of Net Revenues in conformance with the parameters established in the Expenditure Plans, and in conformance with governing statutes.

4.1.2 To provide for the design, financing and construction of other projects as may be undertaken from time to time by Alameda CTC.

4.1.3 To serve as a lead agency and evaluate and certify projects under the California Environmental ~~Quality~~Quality Act (CEQA) where authorized by law.

4.1.4 To prepare, adopt, implement and administer the Congestion Management Program as the designated congestion management agency for Alameda County.

4.1.5 To establish, update and amend the Annual Budget.

4.1.6 To enter into a contract and/or contract amendment with the Executive Director, which contract shall include the rate of compensation and other benefits of the Executive Director.

4.1.7 To establish and revise the salary and benefit structure for Alameda CTC employees from time to time.

4.1.8 To make and enter into contracts.

4.1.9 To appoint agents.

4.1.10 To acquire, hold, or dispose of real property and other property by any lawful means, including without limitation, gift, purchase, lease, lease purchase or sale, including use of the power of eminent domain to the extent Alameda CTC is legally entitled to exercise such power. In compliance with applicable State law, resolutions of necessity related to the exercise of such power shall be heard by the Commission without prior review by any Standing Committee.

4.1.11 To incur debts, liabilities or obligations subject to applicable limitations, including without limitation the issuance of Bonds.

4.1.12 Subject to applicable reporting and other limitations as set forth in the Conflict of Interest Code, to receive gifts, contributions and donations of property, funds, services and other forms of financial assistance from persons, firms, corporations and any governmental entity.

4.1.13 To sue and be sued on behalf of Alameda CTC.

4.1.14 To apply for appropriate grants under any federal, state, regional or local programs for assistance in developing any of its projects, administering any of its programs, or carrying out any other duties of Alameda CTC pursuant to the JPA.

4.1.15 To create, modify and/or terminate the Standing Committees, Advisory Committees, and ad hoc committees as may be deemed necessary by the Commission, subject to compliance with the Expenditure Plans and applicable laws.

4.1.16 To review and amend the Administrative Code as necessary.

4.1.17 To establish such policies for the Commission and/or Alameda CTC as the Commission deems necessary or are required by applicable law, and thereafter to amend such policies as appropriate.

4.1.18 To exercise any other powers authorized in the JPA, the Act, the congestion management statutes (Government Code §§65088 *et seq.*), and/or any other applicable state or federal laws or regulations.

4.1.19 To administer Alameda CTC in furtherance of all the above.

4.2 Rules For Proceedings. Except as otherwise provided herein, the following rules shall apply to all meetings of the Commission, the Standing Committees, the Independent Watchdog Committee, and all Advisory Committees.

4.2.1 The selection of topics for meeting agendas is within the sole discretion of Alameda CTC and all agenda items must be related to and further the mission of Alameda CTC.

4.2.2 All proceedings shall be governed by Robert's Rules of Order, unless otherwise specifically provided in this Code.

4.2.3 All meetings shall be conducted in the manner prescribed by the Brown Act.

4.2.4 A majority of the members of the Commission constitutes a quorum for the transaction of business of the Commission, regardless of the percentage of Authorized Vote present at the time, except that less than a quorum may adjourn from time to time.

4.2.5 Except as otherwise provided herein or otherwise required by applicable law, all Official Acts require the affirmative vote of a majority of the Authorized Vote of the Commission Members (and/or Alternates eligible to vote) present at the time of the vote.

4.2.6 Adoption of a resolution of necessity authorizing the exercise of the power of eminent domain requires approval by not less than 15 Commission Members (and/or Alternates eligible to vote), since a two-thirds vote of the 22 Commission Members is required by law. For projects on the State highway system, adoption of a resolution of necessity requires approval by not less than 18 Commission Members (and/or Alternates eligible to vote), since a four-fifths vote of the 22 Commission Members is required by law. Further, in compliance with Caltrans' requirements, adoption of a resolution agreeing to hear resolutions of necessity for projects on the State highway system requires approval by not less than 18 Commission Members (and/or Alternates eligible to vote). Weighted voting may not be used for the adoption of any resolutions discussed in this Section.

4.2.7 As required by the 2000 Transportation Expenditure Plan and the 2014 Transportation Expenditure Plan, two-thirds of the Authorized Vote of the Commission Members (and/or Alternates eligible to vote) present at the time of the vote is required to approve an amendment to the 2000 Transportation Expenditure Plan or the 2014 Transportation Expenditure Plan.

4.2.8 A two-thirds vote of the Commission Members (and/or Alternates eligible to vote) present at the time of the vote is required to approve a new Expenditure Plan.

4.2.9 A majority of the total Authorized Vote shall be required for each of the following actions by the Commission:

4.2.9.1 To adopt or amend the Congestion Management Program.

4.2.9.2 To adopt a resolution of conformance or non-conformance with the adopted Congestion Management Program.

4.2.9.3 To approve or reject a deficiency plan.

4.2.9.4 To adopt or amend the Countywide Transportation Plan.

4.2.9.5 To approve federal or state funding programs.

4.2.9.6 To adopt the Annual Budget and/or require contributions from any Member Agency.

4.2.10 The election of the Chair and Vice Chair of the Commission will occur biennially during a Commission Meeting in the first quarter of the calendar year, and such elections will be effective immediately. If the Chair or Vice Chair resigns or is removed from office, the election for Chair or Vice-Chair to serve the remainder of the term shall be held at the next Commission meeting. In choosing the Chair and Vice Chair, Members shall give reasonable consideration to rotating these positions among the Geographic Areas and the transit representatives, among other factors.

4.2.11 The Commission shall annually adopt the schedule of regular meetings of the Commission and the Standing Committees for the upcoming year; and may modify the schedule as and when deemed necessary. The Commission and each Standing Committee may change the date for a regular meeting of such body to another business day if the regular date is a holiday or as otherwise determined by the Commission or such Standing Committee.

4.2.12 The acts of the Commission shall be expressed by motion, resolution, or ordinance.

4.2.13 A majority of the members of an Advisory Committee, a Standing Committee, or the Independent Watchdog Committee constitutes a quorum for the transaction of business of such committee, except that less than a quorum may adjourn from time to time.

4.2.14 The acts of the Standing Committees, Advisory Committees, and the Independent Watchdog Committee shall be expressed by motion.

4.3 Compensation of Commission Members and Alternates. Commission Members or Alternates attending and participating in any Commission Meeting, a Standing Committee, or any external committee where such Commission Member or Alternate serves as the appointed or designated representative of Alameda CTC pursuant to Section 5.10 of this Administrative Code, shall be compensated at the rate of \$225 for each such meeting, plus travel costs, if applicable, at the per diem rate of \$25.

4.4 Powers Reserved to Commission. The matters not delegated to the Executive Director, but rather specifically reserved for the Commission, include ~~adoption of the Annual Budget, establishment of strategy and policies for Alameda CTC, and succession planning for the Executive Director~~ the following:

4.4.1 Adoption of the Annual Budget.

4.4.2 Establishment of strategy and policies for Alameda CTC.

4.4.3 Entering into a contract with the Executive Director, and amending such contract as deemed appropriate.

4.4.4 Consideration and approval of adjustments to the Executive Director's rate of compensation and/or benefits for each calendar year by September 30 of the prior year.

4.4.5 Succession planning for the Executive Director.

4.5 Commission Directions to Staff through Executive Director. Neither the Commission nor any Commission Member or Alternate shall give orders or directions to any Staff member or any Alameda CTC consultant or contractor except by and through the Executive Director. This shall not prohibit the Commission, Commission Members or Alternates from contacting Staff members for purposes of response or inquiry, to obtain information, or as authorized by the Executive Director.

4.6 Power, Authority and Duty of the Executive Director. The Commission delegates to the Executive Director all matters necessary for the day-to-day management of Alameda CTC, except matters specifically reserved for the Commission herein. The Executive Director shall, on behalf of Alameda CTC, be responsible for instituting those methods, procedures and systems of operations and management which, in his/her discretion, shall best accomplish the mission and goals of Alameda CTC. Without limitation, the Executive Director shall have the power, authority, and duty to do each of the following:

4.6.1 To serve as the chief executive officer of Alameda CTC and to be responsible to the Commission for the proper administration of all Alameda CTC affairs.

4.6.2 To prepare and submit an annual budget, and such amendments thereto as may be necessary, to the Commission for its approval.

4.6.3 To prepare and submit an annual salaries and benefits plan, and such amendments thereto as may be necessary, to the Commission for its approval.

4.6.4 To administer the personnel system of Alameda CTC, including hiring, controlling, supervising, promoting, transferring, suspending with or without pay or discharging any employee, including but not limited to determination of a staffing plan and determination of each employee's level of salary, subject to conformance with the Annual Budget and the salaries and benefits plan established from time to time by the Commission.

4.6.5 To prepare periodic reports updating the Commission on financial and project status, as well as other activities of Alameda CTC and Staff.

4.6.6 To approve and execute contracts on behalf of Alameda CTC following such approvals as may be required hereunder, subject to compliance with the Procurement Policy and any other applicable direction or policy of the Commission, and in accordance with the Annual Budget.

4.6.7 To see that all rules, regulations, ordinances, policies, procedures and resolutions of Alameda CTC are enforced.

4.6.8 To accept and consent to deeds or grants conveying any interest in or easement upon real estate to Alameda CTC pursuant to Government Code Section 27281, and to prepare and execute certificates of acceptances therefor from time to time as the Executive Director determines to be in furtherance of the purposes of the Commission. Such authority shall be limited to actions of a ministerial nature necessary to carry out conveyances authorized by the Commission.

4.6.9 To designate, in writing, the Commission Engineer and such Commission Engineer's authorized delegees. Any such designations will remain in effect until modified or revoked by the Executive Director.

4.6.10 To approve and implement a code of conduct for the conduct of all public meetings of Alameda CTC.

4.6.11 To reject, allow, compromise, or settle a claim against Alameda CTC if the amount to be paid pursuant to the allowance, compromise or settlement does not exceed fifty thousand dollars (\$50,000), pursuant to the California Government Code.

4.7 Power, Authority and Duty of the Commission Engineer. The Commission Engineer shall do the following:

4.7.1 Sign plans for conformance with project requirements and design exceptions.

4.7.2 Certify matters related to utilities and rights-of-way in connection with right-of-way programs approved by the Commission.

4.7.3 Approve construction contract change orders (CCOs) and other documents which require, or recommend, the signature of an Alameda CTC representative with a California Professional Civil Engineering license, all in accordance with the applicable construction program manual.

4.8 Power, Authority and Duty of the Chair and Vice Chair.

4.8.1 The Chair shall preside over all Commission Meetings. In the absence of the Chair, the Vice Chair, not the Chair's alternate, shall serve as and have the authority of the Chair. In the event that the Chair knows they will be absent from a meeting, the Chair shall notify the Clerk of the Commission prior to the meeting. In the event of absence of both the Chair and Vice Chair or their inability to act, the members present shall select one of their members to act as Chair Pro Tempore, who, while so acting, shall have the authority of the Chair.

4.8.2 The Chair shall appoint all members, and select the chair and vice chair, of each Standing Committee other than the Audit Committee, as further provided in Section 4.9.1.1. In making such appointments, the Chair shall endeavor to include members representing all four geographic areas on each Standing Committee.

4.8.3 The Chair and Vice Chair shall serve as voting members of each Standing Committee.

4.8.4 In urgent situations where Commission action is impractical or impossible, the Chair may take and communicate positions on behalf of Alameda CTC regarding legislative matters. The Chair shall report to the Commission and the appropriate Standing Committee at the next meeting of each said body regarding any such actions taken by the Chair.

4.9 Power, Authority and Duty of the Standing Committees.

4.9.1 The following general provisions apply to each of the Standing Committees as appropriate:

4.9.1.1 All members of the Standing Committees shall be Commission Members, and shall be appointed by the Chair after consultation with the Members and solicitation of information regarding each Member's interests, except for the Audit Committee which consists of the Chair and Vice Chair of the Commission and the chair of the FAC pursuant to Section 3.16. Appointments to the Standing Committees shall occur when a vacancy occurs, or as otherwise needed or desired. Upon the removal or resignation of a Commission Member, such Commission Member shall cease to be a member of any Standing Committee. If a vacancy occurs on a Standing Committee and such exiting member held the chair or vice chair position of such Standing Committee, the newly appointed member will not automatically be selected as the chair or vice chair of the Standing ~~Committee~~Committee. The Chair of the Commission may select any member of the Standing Committee to serve as chair or vice chair of that Standing Committee in accordance with the Chair's authority outlined in subsection 4.8.2 above, except as otherwise provided in Section 3.16.

4.9.1.2 Each Standing Committee, including the Chair and Vice Chair as voting members thereof, shall be limited to eleven total members, so no Committee will constitute a quorum of the Commission.

4.9.1.3 Each member of a Standing Committee shall carry one non-weighted vote.

4.9.1.4 The Standing Committees may meet as committees of the whole with respect to the Commission.

4.9.1.5 Whether or not a Standing Committee meets as a committee of the whole, no recommendation by a Standing Committee shall be deemed an action of the Commission, except with respect to any actions that the Standing Committee may be specifically authorized to approve by the Commission.

4.9.1.6 Unless specifically stated otherwise, all actions of the Standing Committees are advisory and consist of recommendations to the Commission. If a matter is unable to be voted on by the applicable Standing Committee, including in situations where the Standing Committee is unable to meet quorum requirements or where the urgency of the matter does not allow an opportunity to present the matter to the Standing Committee, the matter may be considered by the Commission without a recommendation from the Standing Committee. If a matter is presented to a Standing Committee but no action is taken due to lack of quorum, the matter may be included as a consent item before the Commission if no Committee members object to the staff recommendation.

4.9.1.7 All Commission Members shall be notified of the time and date of Standing Committee meetings. However, Commission Members and Alternates who are not members of a given Standing Committee may only attend such meetings as observers, including sitting with other members of public rather than with the Standing Committee members, and neither voting, participating in discussions, nor providing any public comment.

4.9.1.8 The chair of each Standing Committee shall preside over all meetings of the Standing Committee. In the absence of the chair, the vice chair, not the chair's alternate, shall serve as and have the authority of the chair. In the event that the chair knows they will be absent from a Standing Committee meeting, the chair shall notify the Clerk of the Commission prior to the meeting. In the event of absence of both the chair and vice chair or their inability to act, the members present shall select one of their members to act as Chair Pro Tempore, who, while so acting, shall have the authority of the chair.

4.9.2 The matters within the jurisdiction of the Audit Committee are as follows:

4.9.2.1 Oversight of financial reporting and disclosure.

4.9.2.2 Review audit plan with independent auditors.

4.9.2.3 Report financial or internal control concerns to independent auditor.

4.9.2.4 Respond to independent auditor inquiries regarding risk and/or potential fraud.

4.9.2.5 Review the Draft Annual Comprehensive Financial Report annually, including audited financial statements.

4.9.3 The matters within the jurisdiction of the Finance and Administration Committee (FAC) are as follows:

4.9.3.1 Alameda CTC operations and performance.

~~**4.9.3.2** Human resources and personnel policies and procedures.~~

~~**4.9.3.3**~~**4.9.3.2** Administrative Code.

4.9.3.3 Salaries and benefits

4.9.3.4 Conduct the Executive Director's annual performance evaluation in September of each year and, based upon the FAC performance evaluation, authorize the Chair and Vice Chair of the Commission, if needed, to meet with the Executive Director with sufficient time such that any adjustments to the Executive Director's salary and/or benefits for the following calendar year can be reflected in the agenda packet for the Commission's September meeting.

4.9.3.5 Procurement policies and procedures.

4.9.3.6 Procurement of administrative contracts not delegated to the Executive Director.

4.9.3.7 Contract preference programs for entities such as local business enterprises, small local business enterprises and disadvantaged business enterprises, including consideration of participation reports.

4.9.3.8 Bid protests and complaints related to administrative contract procurement.

4.9.3.9 Annual budget and financial reports.

4.9.3.10 Investment policy and reports.

4.9.3.11 Audit reports, financial reporting, internal controls and risk management.

4.9.3.12 Annual work program.

4.9.3.13 Amendments to the Alameda CTC Joint Powers Agreement.

4.9.3.14 Other matters as assigned by the Commission or Chair.

4.9.4 The matters within the jurisdiction of the Planning, Policy and Legislation Committee (PPLC) are as follows:

4.9.4.1 Congestion Management Program (CMP).

4.9.4.2 Countywide Transportation Plan (CWTP).

4.9.4.3 Federal, state, regional and local transportation and land-use planning policies.

4.9.4.4 Transportation and land use planning studies.

4.9.4.5 Goods movement plans and studies, partnerships and collaboration, and policy development.

4.9.4.6 Transit planning studies, collaboration, and policy development.

4.9.4.7 Amendments to the 1986 Transportation Expenditure Plan, the 2000 Transportation Expenditure Plan or the 2014 Transportation Expenditure Plan, and development of new Expenditure Plans.

4.9.4.8 Amendments to the VRF Expenditure Plan.

4.9.4.9 Transit oriented development, priority development areas projects and programs.

4.9.4.10 Annual legislative program.

4.9.4.11 State and Federal legislative matters.

4.9.4.12 General and targeted outreach programs (public information, media relations, and public participation).

4.9.4.13 Advisory and Independent Watchdog Committees' bylaws, performance and effectiveness.

4.9.4.14 Programs implementation, including the paratransit services bicycle and pedestrian programs and affordable student transit pass program, (programming of funds for these programs is a function of the Programs and Projects Committee).

4.9.4.15 Procurement of planning and programs implementation contracts not delegated to the Executive Director.

4.9.4.16 Other matters as assigned by the Commission or Chair.

4.9.5 The matters within the jurisdiction of the Programs and Projects Committee (PPC) are as follows:

4.9.5.1 Programming of local, state, CMA Transportation Improvement Program (TIP), TFCA vehicle registration fee program, Vehicle Registration Fee program, and Expenditure Plan programs and projects.

4.9.5.2 Local, Regional, state and federally funded projects and funding programs.

4.9.5.3 Annual Comprehensive Investment Plan for programs and projects.

4.9.5.4 Funding requests from project sponsors and other eligible recipients.

4.9.5.5 Funding allocations to ~~the~~ various transportation programs and projects funded ~~from the original Measure B, 2000 Measure B, 2014 Measure BB and the Vehicle Registration Fee~~ with fund sources administered by Alameda CTC.

4.9.5.6 Eminent domain proceedings, subject to the provisions of Section 4.1.10, pursuant to which resolutions of necessity shall be heard by the Commission without prior Standing Committee review.

4.9.5.7 Environmental evaluations and certifications, including those associated with serving as a lead agency under CEQA.

4.9.5.8 Procurement of engineering and construction contracts not delegated to the Executive Director.

4.9.5.9 Good faith efforts policies and procedures.

4.9.5.10 Bid protests and complaints regarding engineering and construction contract procurement.

4.9.5.11 Policies related to the I-580 express lanes.

4.9.5.12 Other matters as assigned by the Commission or Chair.

ARTICLE 5 ADVISORY AND EXTERNAL COMMITTEES

5.1 Advisory Committee Bylaws. The Commission shall be responsible for adopting and amending the bylaws for each Advisory Committee and the Independent Watchdog Committee, as deemed necessary.

5.2 Alameda County Technical Advisory Committee. The Alameda County Technical Advisory Committee (ACTAC) shall be composed of staff representatives from the planning and public works departments (where applicable), from each of the following: Alameda CTC, each City, the County, each Member Transit Agency, the Livermore Amador Valley Transit Agency, the Port of Oakland, the Metropolitan Transportation Commission, the Association of Bay Area Governments, Bay Area Air Quality Management District, Union City Transit, California Highway Patrol, Altamont Corridor Express, Bay Area Water Emergency Transportation Authority, and Caltrans. ACTAC may form subcommittees as necessary. The Executive Director or his/her designee shall preside over the meetings of the ACTAC.

5.3 Bicycle and Pedestrian Advisory Committee. The BPAC, as originally created by ACTIA and continued by Alameda CTC, advises Alameda CTC on improving walking and biking in Alameda County. BPAC members advise Alameda CTC and staff on the development and implementation of bicycle and pedestrian programs, including a countywide grant program. The BPAC shall have the membership composition as established by the Commission from time to time, and shall have the specific role(s) set by the Commission and Alameda CTC staff from time to time.

5.4 Independent Watchdog Committee. The CWC defined in and required by the 2000 Transportation Expenditure Plan shall continue as the IWC effective as of July 1, 2015. The IWC shall have all duties and obligations of the CWC as described in the 2000 Transportation Expenditure Plan with respect thereto, shall have all duties and obligations of the IWC with respect to the 2014 Transportation Expenditure Plan keeping within the budget adopted by the Commission, and shall have the membership required by such Expenditure Plans.

5.5 Paratransit Advisory and Planning Committee. The PAPCO makes recommendations on transportation funding for seniors and people with disabilities to address planning and coordination issues regarding paratransit services in Alameda County. PAPCO members advise Alameda CTC on the development and implementation of paratransit programs, including a grant program. The PAPCO shall have the membership composition as established by the Commission from time to time, and shall have the specific role(s) set by the Commission and Alameda CTC staff from time to time.

5.6 Other Advisory Committees. The Commission shall establish and appoint such Advisory Committees as it deems necessary, and as may be required by the Expenditure Plans or applicable statutes.

5.7 Compensation of Advisory Committee and Independent Watchdog Committee Members. Any person appointed as a member, and participating as a voting representative at a meeting of, any Advisory Committee or the Independent Watchdog Committee or any required outreach meeting of said Committees shall have the right to be compensated at the rate of \$~~100~~50 for each such meeting. Notwithstanding the foregoing, no compensation shall be payable hereunder to any representative of ACTAC.

5.8 Geographic Area Meetings. Meetings of representatives (including Commission Members, Alternates and ACTAC members) from a Geographic Area may be called on an as-needed basis by the Chair, the Executive Director, or by two or more Commission Members

from a Geographic Area. Such meetings are intended to provide an opportunity to discuss matters of common interest and to advise the Commission on matters affecting the Geographic Area.

5.9 Staff Support. The Executive Director shall designate one or more Staff members to aid each Advisory Committee and the Independent Watchdog Committee in its work.

5.10 Representation on External Committees and Agencies. The Chair or the Commission may designate either Commission Members, Alternates, or members of Staff, as may be deemed appropriate, to serve as the designated representative(s) of Alameda CTC on any outside committees or agencies. Such representative(s) shall make a good faith effort to represent the position of the Commission on any matter on which the Commission has taken an official position or has otherwise taken formal action. Such appointments shall include provisions for the designation of alternates and of term of the appointment where appropriate. Attendance at conferences or social gatherings does not constitute an external or outside committee or external agency for purposes of this subsection.

ARTICLE 6 PARTICIPATION IN TELECONFERENCE MEETINGS

6.1 Brown Act. Due to the COVID-19 pandemic, the Brown Act has been amended to facilitate remote and hybrid meetings using teleconference and/or video facilities, and further Brown Act amendments regarding such meetings may be adopted by the Legislature in the future. The provisions in this Article 6 are intended to guide participation by members in Commission, Standing Committee, Advisory Committee, and Independent Watchdog Committee meetings. The provisions of the Brown Act as it may be amended from time to time shall control over any contrary provision of this Article 6.

6.2 Commissioners and Committee Members' Participation Should Reflect Presence. To the extent practical, Commissioners, Alternates, and members of Advisory Committees and the Independent Watchdog Committee participating in meetings remotely should appear both by video and audio, to ensure that the Clerk (or other staff facilitating the meeting) and members of the public watching the meeting can fully identify the participants in each meeting. This is especially important while speaking, making or seconding a motion, or casting a vote. If a Commissioner or committee member is participating through Zoom or other remote meeting platform but unable to use the camera for technical or practical reasons, the Clerk (or other staff facilitating the meeting) shall verify the participant's identity and ensure that the participant's name is displayed. If a Commissioner or committee member is participating only by phone, the Clerk (or other staff facilitating the meeting) shall verify the participant's identity when admitting the member into the meeting. All participants on video or otherwise identified by the Clerk (or other staff facilitating the meeting) shall count towards the quorum and are eligible to vote.

6.3 Making or Seconding Motions. To facilitate the taking of minutes, meeting participants should say their last name after making or seconding a motion, but the motion or second shall count and be valid even if the participant does not so identify themselves if the

Clerk (or other staff facilitating the meeting) is able to discern the identity of the maker or seconder.

6.4 Casting Votes. All teleconference votes must be taken by roll call, as required by the Brown Act. If a Commissioner or committee member is participating on video by Zoom or other remote meeting platform and a participant's audio is not working, the participant may vote by a physical "thumbs up" or "thumbs down" gesture visible to the camera. Votes may not be cast by email, text message, or through the use of the remote meeting platform chat function.



Memorandum

6.6

1111 Broadway, Suite 800, Oakland, CA 94607

• 510.208.7400

• www.AlamedaCTC.org

DATE: March 21, 2024

TO: Alameda County Transportation Commission

FROM: Ashley Tam, Senior Transportation Engineer (Express Lanes)

SUBJECT: Approve Actions Related to Cooperative Agreements with the Bay Area Toll Authority for Regional Customer Service Center Services for the I-580 and I-680 Express Lanes

Recommendation

It is recommended that the Commission approve and authorize the Executive Director to:

1. Execute an amendment to Cooperative Agreement I-580-EL-BATA with the Bay Area Toll Authority (BATA) for Regional Customer Service Center (RCSC) services for the I-580 Express Lanes to extend the term of the Agreement until June 30, 2024.
2. Execute an amendment to Cooperative Agreement I-680 BATA/JPA with BATA for RCSC services for the I-680 Express Lanes to extend the term of the Agreement until June 30, 2024 and authorize assignment of the Agreement to Alameda CTC.
3. Execute a new Cooperative Agreement with BATA that includes RCSC services for both the I-580 Express Lanes and I-680 Express Lanes.

Summary

BATA operates the Regional Customer Service Center (RCSC) that services customer accounts for all toll facilities in the Bay Area, including the toll bridges and express lanes. Alameda CTC's express lanes program consists of express lanes on the I-580 and I-680 corridors in Alameda County. RCSC services for the I-580 Express Lanes are currently provided through a cooperative agreement between Alameda CTC and BATA, and RCSC services for the I-680 Express Lanes are currently provided through a cooperative agreement between the Sunol Smart Carpool Lane Joint Powers Authority (Sunol JPA) and BATA. Both of these agreements are set to expire on March 30, 2024.

Following the Sunol JPA's approval of a resolution to dissolve the Sunol JPA and to transfer all responsibilities for the administration of the I-680 Express Lanes in Alameda County to Alameda CTC, there is an opportunity to consolidate RCSC services for Alameda CTC's I-580 Express Lanes and I-680 Express Lanes under a single cooperative agreement with BATA.

The existing cooperative agreements for RCSC services for I-580 and I-680 need to be extended to provide continuity of services until the new agreement is in place, which is anticipated to be no later than June 30, 2024.

The new, combined cooperative agreement with BATA for I-580 and I-680 RCSC services will specify the types of reimbursable costs that support revenue collections. These are anticipated to include unit costs for transaction and violation processing and RCSC contractor and BATA direct costs that are prorated based on each express lane operator's share of tolled transactions. The agreement is also anticipated to include one-time costs to be negotiated by Alameda CTC and BATA for equipment, marketing, and start-up costs associated with the implementation of new or modified express lane operations. Alameda CTC staff will work with BATA and the other regional operators to ensure that RCSC costs are shared equitably and consistently. Cost adjustments are reviewed and adjusted on an annual basis. The term of the agreement is proposed to align with the expiration date of BATA's agreement with the RCSC contractor, which is September 30, 2027.

All costs that are paid under the cooperative agreement are operational costs and are included in the annual operating budgets for the I-580 and I-680 express lanes.

Background

Alameda CTC is authorized pursuant to California Streets and Highways Code Section 149.5 to conduct, administer, and operate express lanes on two transportation corridors in Alameda County, which includes express lanes implemented on I-580 and I-680. The process of taking over administration of the I-680 Express Lanes was initiated following the Sunol JPA's approval on February 12, 2024 of a resolution to terminate the Sunol JPA and to transfer all responsibilities for the administration of the I-680 Express Lanes in Alameda County to Alameda CTC. Section 149.5 requires that Alameda CTC enter into a cooperative agreement with BATA to provide customer service through the FasTrak® RCSC. BATA is the only agency in the Bay Area that is set up to distribute FasTrak® toll tags, maintain accounts, collect tolls, process violation penalties, and provide related customer services for the Bay Area. BATA therefore provides these back office services for all of the Bay Area toll facilities, including express lanes.

All motorists traveling in express lanes are required to have a valid FasTrak® account. Tolls for solo drivers are collected through an All Electronic Toll (AET) collection method using FasTrak® transponders. Motorists without transponders are assessed a toll via the vehicle's license plate. Toll transactions and license plate information captured by the roadside toll system are sent to the RCSC for processing. Tolls are automatically debited from customer accounts and are shown on monthly statements issued by the RCSC. A notice of toll evasion violation is issued by the RCSC if the customer does not have a valid. The RCSC is the point of contact for all customer inquiries regarding FasTrak® accounts, toll tags, statements, and payment of toll violations.

Alameda CTC entered into a cooperative agreement with BATA for toll collection and customer services necessary to operate the I-580 Express Lanes prior to the facility opening in 2016. The agreement was subsequently amended in September 2019 and extended in

March 2022. The Sunol JPA similarly entered into a cooperative agreement with BATA prior to the opening of the I-680 Express Lanes opening in 2010 and that agreement was subsequently amended six times. The current Alameda CTC and Sunol JPA cooperative agreements with BATA are set to expire on March 30, 2024.

Establishing a new cooperative agreement between Alameda CTC and BATA for RCSC services for the I-580 and I-680 express lanes will be easier to administer as compared to two separate agreements. Until the new agreement is able to be executed, the current agreements must be extended by three additional months to June 30, 2024 in order to provide continuity of toll collection and customer service. The term of the new agreement is proposed to align with the termination of BATA's current contract with the RCSC contractor, which is September 30, 2027.

Like the individual agreements currently in place, the new cooperative agreement for RCSC services for the I-580 and I-680 express lanes will identify the reimbursable costs that support revenue collections services. These are anticipated to include (1) unit costs specified in BATA's contract with the RCSC provider, (2) RCSC contract costs and BATA direct costs that are distributed in proportion to each toll operator's share of tolling transactions, and (3) one-time costs for equipment, marketing, and to integrate new or modified express lane projects. Alameda CTC staff work with BATA and the other regional toll operators to ensure that joint costs are shared equitably and consistently. Unit costs and shared costs are reviewed and adjusted annually. The table below provides further details on the costs included in the new agreement.

Cost Type	Cost Descriptions	Cost Calculation
(1) Unit Costs	<ul style="list-style-type: none"> • Cost per toll tag transaction processed • Cost per license plate transaction processed • Cost per violation notice generated 	Pass through costs from RCSC contractor applied on a per transaction/ per notice basis
(2) Shared Costs	<p>Calculated share of RCSC contract costs, including:</p> <ul style="list-style-type: none"> • Clean Air Vehicle program costs • Equipment procurement • Operations, maintenance and licensing of RCSC software and hardware • RCSC accounting specialist support staff • Cash Payment Network fees <p>Calculated share of BATA direct costs, including:</p> <ul style="list-style-type: none"> • Credit card and banking fees • Direct staff costs for express lanes support 	Prorated based on Alameda CTC's share of all Bay Area toll transactions

Cost Type	Cost Descriptions	Cost Calculation
(3) One-Time Costs	<ul style="list-style-type: none"> • Equipment and supplies purchased by BATA on behalf of Alameda CTC • Marketing costs mutually agreed to by Alameda CTC and BATA • Startup costs for the design, testing and implementation of software and hardware upgrades to support new express lanes or modifications to existing express lanes. This would include costs associated with the opening of the I-680 Southbound Gap Closure Project and any costs associated with the planned upgrade of the I-580 Express Lanes toll system. 	To be negotiated and mutually agreed by BATA and Alameda CTC

Fiscal Impact: There is no direct fiscal impact associated with approving this item. Costs paid to BATA for RCSC services are authorized upon the approval of annual operating budgets for I-580 and I-680 Express Lanes.



Memorandum

6.7

1111 Broadway, Suite 800, Oakland, CA 94607

• 510.208.7400

• www.AlamedaCTC.org

DATE: March 21, 2024

TO: Alameda County Transportation Commission

FROM: John Lowery, Director of Express Lane Operations

SUBJECT: Waive Reading and Introduce Ordinance Amending the Alameda CTC Express Lanes Toll Enforcement Ordinance

Recommendation

It is recommended that the Commission waive the reading and introduce an ordinance to amend Alameda CTC's existing ordinance for the administration of tolls and enforcement of toll violations for Alameda County Transportation Commission (Alameda CTC) Express Lanes on I-580 to include the limits of the I-680 Sunol Express Lanes.

Summary

In an effort to streamline administration and operation of the I-680 Sunol Express Lanes, on February 12, 2024, the Sunol Smart Carpool Lane Joint Powers Authority (Sunol JPA) approved a resolution to dissolve the Sunol JPA and to transfer all responsibilities for the administration of the I-680 Express Lanes in Alameda County to Alameda CTC. Before the dissolution can become effective, Alameda CTC's Express Lanes Toll Enforcement Ordinance must be amended to include the I-680 Sunol Express Lanes so that Alameda CTC can administer tolls and enforce toll violations on that facility.

Alameda CTC's Express Lanes Toll Enforcement Ordinance, originally adopted in July of 2015 and last updated in June of 2023, is specific to the I-580 Express Lanes. It establishes usage requirements for the I-580 Express Lanes and establishes civil penalties for the evasion of tolls or noncompliance with other policies set forth in the ordinance. The Sunol JPA's I-680 Sunol Express Lanes Toll Enforcement Ordinance similarly establishes requirements and penalties for the I-680 Sunol Express Lanes. The current usage requirements and penalties are identical for both the I-580 and I-680 express lanes and no changes are proposed. The attached ordinance simply defines Alameda CTC's express lanes program to include the limits of the I-680 Sunol Express Lanes without modifying any policies, requirements or penalties for the I-680 or I-580 Express Lanes in Alameda County.

The process for adoption of the amended ordinance includes introduction and adoption of the ordinance at two separate meetings. A public hearing will be held at the second meeting. Prior to the second meeting, a notice of public hearing will be published along with a summary of the amended ordinance. The public hearing is expected to be held at the Commission meeting currently scheduled for April 25, 2024. The ordinance would be put forth for adoption subsequent to the public hearing.

Background

Prompted by a desire to create a more streamlined governance and administrative structure, the Commission adopted a resolution in January of 2024 to initiate the dissolution of the Sunol JPA and to transition operation of the I-680 Sunol Express Lanes to Alameda CTC. The following month, the Sunol JPA adopted a resolution of termination and authorized the transition of all responsibilities to administer and operate the I-680 Sunol Express Lanes to Alameda CTC. These actions were made possible by the signing of Senate Bill 891 in September of 2023, which amended Section 149.5 of the Streets and Highways Code to grant explicit authority to Alameda CTC, to conduct, administer, and operate express lanes on I-680 in Alameda County. Prior to this, Section 149.5 only authorized Alameda CTC to conduct, administer, and operate express lanes on a single transportation corridor in Alameda County.

Alameda CTC's Express Lanes Program now consists of express lanes on the I-580 and I-680 corridors. The I-580 Express Lanes extend through the Cities of Dublin, Pleasanton and Livermore, from Hacienda Drive to Greenville Road in the eastbound direction and from Greenville Road to the I-680 Interchange in the westbound direction. The I-680 Sunol Express Lanes span approximately 14 miles in the southbound direction, from SR-84 near Pleasanton to SR-237 in the City of Milpitas, and 9 miles in the northbound direction from just south of Auto Mall Parkway to SR-84. Construction is underway on a project to extend the southbound express lane on I-680 from the SR-84 interchange to Alcosta Boulevard at the Contra Costa County Line (referred to as the I-680 Southbound Gap Closure). Staff will recommend the introduction and adoption of an updated ordinance to incorporate the limits of the I-680 Southbound Gap Closure project prior to the project opening date, which is currently anticipated to be in late 2025 or early 2026.

The Alameda CTC toll ordinance was originally adopted in July of 2015 and last updated in May of 2023. It establishes usage requirements and civil penalties for the evasion of tolls on the I-580 Express Lanes. With the dissolution of the Sunol JPA and transfer of administration and operation of the I-680 Express Lanes in Alameda County from the Sunol JPA to Alameda CTC, the Alameda CTC ordinance must be amended to apply to both the I-580 and I-680 corridors. Current usage requirements and toll evasion penalties for the I-580 and I-680 corridors are identical and no changes to the requirements or penalties are being recommended at this time. Therefore, the amended and restated ordinance solely consists of adding reference to the I-680 Express Lanes with no other changes to policies, requirements or penalties that are currently in effect.

Supported by state law, Alameda CTC's currently adopted toll policies and business rules require that all motorists traveling in Alameda CTC's Express Lanes facilities have a valid

FasTrak® account with a balance sufficient to pay the toll. All motorists seeking toll discounts, including toll-free use of the express lanes, are required to self-declare eligibility for these discounts by using an appropriate FasTrak transponder, properly mounted and linked to a valid FasTrak account. For qualifying high occupancy vehicles (HOVs) and motorcycles, this is a FasTrak Flex® transponder, which allows motorists to declare the occupancy of the vehicle as “1”, “2”, or “3+”. For qualifying clean air vehicles (CAVs), this is a FasTrak transponder marked for use by CAVs; occupancy for these users must also be self-declared via a switchable transponder so that the maximum toll discount for which the vehicle is eligible may be applied. All motorists traveling in the express lanes without a valid FasTrak account are deemed violators and are subject to a notice of toll evasion.

The process for adoption of an ordinance includes introduction and adoption at two separate meetings. A public hearing will be held at the second meeting before the ordinance is considered for adoption. A notice of the public hearing along with a summary of the ordinance will be published in newspapers of general circulation prior to the second meeting. Following the introduction of the ordinance, a copy of the ordinance will be posted on the agency’s website and the required noticing will be published. Staff proposes that the public hearing be held at the Commission meeting scheduled for April 25, 2024. Subsequent to the public hearing, the ordinance would be put forth for adoption. Once adopted, the ordinance would go into effect after 30 days.

Staff recommends that the Commission waive reading and introduce the ordinance and approve noticing of a public hearing for the ordinance.

Fiscal Impact: There is no fiscal impact associated with this action.

Attachment:

- A. Ordinance Amending Alameda CTC Express Lanes Ordinance for the Administration of Tolls and Enforcement of Toll Violations

ALAMEDA COUNTY TRANSPORTATION COMMISSION
ORDINANCE AMENDING ALAMEDA CTC EXPRESS LANES
ORDINANCE FOR ADMINISTRATION OF
TOLLS AND ENFORCEMENT OF TOLL VIOLATIONS

WHEREAS, Alameda County Transportation Commission’s (“Alameda CTC”) Express Lanes Toll Enforcement Ordinance (“Toll Ordinance”) was adopted in July of 2015 and last updated in June of 2023; and

WHEREAS, the Toll Ordinance is specific to the I-580 Express Lanes and establishes usage requirements for the I-580 Express Lanes and establishes civil penalties for the evasion of tolls or noncompliance with other policies set forth in the ordinance; and

WHEREAS, in an effort to streamline administration and operation of the I-680 Sunol Express Lanes, on February 12, 2024, the Sunol Smart Carpool Lane Joint Powers Authority (“Sunol JPA”) approved a resolution to dissolve the Sunol JPA and to transfer all responsibilities for the administration of the I-680 Express Lanes in Alameda County to Alameda CTC; and

WHEREAS, before the dissolution can become effective, Alameda CTC’s Toll Ordinance must be amended to incorporate the I-680 Sunol Express Lanes so that Alameda CTC can administer tolls and enforce toll violations.

NOW, THEREFORE, THE ALAMEDA COUNTY TRANSPORTATION COMMISSION DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Findings

Alameda CTC finds that the foregoing recitals are true and correct and are incorporated into the Toll Ordinance by this reference.

SECTION 2. Amendments to the Toll Ordinance

- A. The **Preamble** of the Alameda CTC Toll Ordinance is amended as follows with additions in double-underline and deletions in ~~striketrough~~:

PREAMBLE

The Alameda County Transportation Commission (“Alameda CTC”) is authorized pursuant to California Streets and Highways Code section 149.5 to conduct, administer, and operate a value pricing high-occupancy vehicle program on ~~one~~ transportation corridors in Alameda County. Alameda CTC’s Express Lanes Program includes Express Lanes implemented on Interstate 580 (“I-580”) and on Interstate 680 (“I-680”) in Alameda County.

B. **Appendix B** of the Alameda CTC Toll Ordinance is amended as follows with additions in double-underline and deletions in ~~striketrough~~:

Appendix B

Operational Alameda CTC Express Lanes Under Jurisdiction of Alameda CTC

(as adopted by the Commission on April 25, 2024)

- Westbound I-580: Greenville Road to Interstate 680
- Eastbound I-580: Hacienda Drive to Greenville Road
- Southbound I-680 Sunol Express Lanes: SR-84 to SR-237
- Northbound I-680 Sunol Express Lanes: Auto Mall Parkway to SR-84

SECTION 3. Severability.

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Commission hereby declares that it would have passed the Ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of this Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 4. Publication/Effective Date of Amended Ordinance.

A summary of this Ordinance shall be prepared by the General Counsel. At least five (5) days prior to the Commission meeting at which this Ordinance is scheduled to be adopted, the Clerk of the Commission shall (1) publish the summary, which will include a web address for access to the full version and a statement that a hard copy of the full ordinance will be mailed to members of the public upon request, in a newspaper of general circulation printed and published within the jurisdiction of the Alameda CTC, and (2) post in the Alameda CTC's Office a certified copy of this Ordinance. Within fifteen (15) days after the adoption of this Ordinance, the Clerk shall (1) publish the summary in a newspaper of general circulation, which will include a web address for access to the full version, printed and published within the jurisdiction of the Alameda CTC, and (2) post in the Alameda CTC Office a certified copy of the full text of this Ordinance along with the names of those Commission members voting for and against this Ordinance or otherwise voting. The Clerk of the Commission shall attest to such adoption and publication of this Ordinance. This Ordinance shall become effective thirty (30) days after adoption.

PASSED AND ADOPTED by the Alameda County Transportation
Commission on _____ by the following vote:

AYES:

NOES:

EXCUSED:

Date Published: _____ (Alameda County)

Attested to:

Dated: _____

Clerk of the Commission



Memorandum

6.8

1111 Broadway, Suite 800, Oakland, CA 94607

• PH: (510) 208-7400

• www.AlamedaCTC.org

DATE: March 21, 2024

TO: Alameda County Transportation Commission

FROM: Colin Dentel-Post, Principal Transportation Planner
Aleida Andrino-Chavez, 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.

Between January 16, 2024 and February 15, 2024, the Alameda CTC submitted comments on one Draft Environmental Impact Report (DEIR) included as an Attachment.

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

Attachment:

- A. Comments on the DEIR for the University of California Cal Softball Field Renovation Project

January 29, 2024

UC Berkeley Cal Softball Field Renovation Project Draft EIR
Shraddha Navalli Patil, Senior Planner
Physical & Environmental Planning
University of California, Berkeley
200 A&E Building
Berkeley, CA 94720-1382

SUBJECT: Alameda CTC Comments on the Draft Environmental Report (Draft EIR) for the University of California, Berkeley (UC Berkeley) Cal Softball Field Renovation Project

Ms. Navalli Patil,

Thank you for the opportunity to comment on the UC Berkeley Cal Softball Field Renovation Project Draft EIR.

The project consists of renovating and improving the existing 40,000 square foot Cal Softball Field to meet modern safety and competition standards and to support campus compliance with Title IX of the Education Amendments of 1972 through the provision of equitable athletics facilities for male and female student athletes. The use of the softball facility would remain similar to its current uses, but the project will increase the number of spectator seats from 1,340 to 1,511, install a press box, spectator concourse, replacement competition-grade lights, restrooms, public address system, expanded playing field dimensions, team locker rooms, a ticket booth, improved training facilities, entry plaza, landscaping, sustainable design features, access and bus stop improvements, and utilities. The project will remove approximately 85 parking spaces and retain 25 parking spaces in the exiting Witte Lot. The project also includes the implementation of a game-day transportation demand management plan and a project-specific wildfire protection plan.

The project site comprises approximately 3 acres and is located on the campus of the University of California, Berkeley within the Hill Campus area. The project is bounded to the north by Centennial Drive; to the northeast by Strawberry Canyon Recreation Area; to the west by Witter Rugby Field; and to the south by a densely wooded area and the Panoramic Hill neighborhood beyond.

Alameda CTC understands that UC Berkeley is constitutionally exempt from local government regulations when using property under its control and in furtherance of its educational purposes. However, since the proposed project would add vehicles to Berkeley roadways, the project sponsor has considered the City of Berkeley's transportation policies in its evaluation of whether the project conflicts with a program, policy, or plan that addresses the circulation system. Alameda CTC, the Congestion Management Agency and Transportation Improvement Authority for Alameda County, comments on projects that are likely to generate over 100 trips pm-peak trips, which are subject to review under the Land Use Analysis Program (LUAP) of the Congestion Management Program (CMP). The proposed project expansion would appear to generate over 100 additional pm-peak trips; Therefore, Alameda CTC respectfully submits the following comments:

Congestion Management Program (CMP) Review

- While SB743 changed the metric used to evaluate the effects of a proposed land use projects on the transportation network, the County Congestion Management Program (CMP) legislation still requires project sponsors to evaluate the effects of the project on the CMP network of roads outside of CEQA. In general, project sponsors have met this requirement by producing a memorandum separate from the CEQA document and submitting it to Alameda CTC. The CMP Roadways near the project include:
 - Telegraph Avenue
 - Bancroft Way
 - Shattuck Avenue
 - University Avenue

Use of Countywide Travel Demand Model

On page 4.6-33, the DEIR states that the Alameda CTC Travel Demand Model may not be capable of analyzing a sporting event that would vary in intensity and which provides a small number of regional vehicle trips. As a result, estimation of VMT generated by project was performed qualitatively per Section 15064.3 Subdivision (b)(3) of the OPR Technical Advisory. While the analysis is conservative, the project impact is considered significant and unavoidable, even with the implementation of mitigation measures.

Transportation Demand Management Program

Alameda CTC appreciates that the project sponsor would keep on implementing University Continuing Best Practices during the construction and operations of the project as stated in Appendix B: University Continuing Best Practices, which includes air quality and transportation best practices that would help increase the use of alternative modes of transportation to access the project on game days.

Bike and Pedestrian Plans

The City of Berkeley is home to several [Countywide Bikeways Network](#) corridors in the vicinity of the project: Bancroft, Telegraph, Hillegass, and Milvia. The Alameda CTC Commission has adopted a policy requiring bike infrastructure on the Countywide Bikeways Network and funded by Alameda CTC discretionary sources to meet an All Ages and Abilities (AAA) standard. This new standard provides heightened levels of safety for bicycle riders of all skill levels.

Alameda CTC is pleased to learn that the project sponsor will improve pedestrian access to the project as stated on page 4.6-29. These improvements include: Replacing of missing bollards along the stadium side for the road, implementation of wayfinding signage from the stadium garage to the Cal Softball field, painting pavement pedestrian markings and rumble strips, implementation of stop signs, removal of vegetation along the route to the stadium, and the possibility of using a temporary crossing guard on game days.

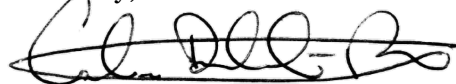
Cumulative Transportation Impacts

According to the qualitatively VMT analysis, even with proposed project mitigation (Impact TRA-1), the cumulative impact would remain significant and unavoidable as stated on page 4.6-37. However, Alameda CTC encourages UC Berkeley to continue working with the City of Berkeley and with AC Transit and BART in coordinating ways to promote and encourage the use of sustainable travel modes as an ongoing practice for university operations and for special events, such as women's softball games. Implementation and monitoring of TDM measures, updates to Pedestrian and Bicycle Master Plans,

parking management programs, and other pricing strategies are some of the tools available to project sponsors to curb VMT generated by projects.

Thank you for the opportunity to comment on this DEIR. Please contact me at (510) 208-7400 or Aleida Andrino-Chavez at (510) 208-7480 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: Aleida Andrino-Chavez, Associate Transportation Planner



Memorandum

6.9

1111 Broadway, Suite 800, Oakland, CA 94607

• 510.208.7400

• www.AlamedaCTC.org

DATE: March 21, 2024

TO: Alameda County Transportation Commission

FROM: Carolyn Clevenger, Deputy Executive Director of Planning and Policy

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

Recommendation

This item will provide the Commission with an update on federal, state, regional, and local legislative activities.

Background

The Commission approved the 2024 Legislative Program in December 2023. 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 2024 adopted Legislative Program.

State Updates

In late February, more bad news was announced regarding the state's budget. The Legislative Analyst's Office announced a higher projected deficit, with the projected shortfall \$15 billion higher than previously estimated, bringing the projected deficit for FY2024-25 to \$73 billion. The preliminary General Fund cash receipts in January were \$5 billion below the governor's budget forecast. This will put more pressure on the already challenging budget discussions, and spending cuts will potentially be under consideration. While transportation funding fared well in the Governor's initial budget proposal, staff will monitor discussions as they progress this spring. The Governor will propose an updated budget in May before negotiations with legislative leaders and a final spending blueprint in June.

The 2024 legislative session is in full swing, with February 16th having been the last day for new bills to be introduced. Staff is currently evaluating bills related to the Alameda CTC Legislative Program and will bring recommendations to the

Commission as bills advance this spring. Staff will provide a verbal update highlighting key bills of note that are relevant to the 2024 Legislative Program.

In late April, the Commission will head to Sacramento for a state advocacy day. Meetings are being scheduled with the California State Transportation Agency (CalSTA), Caltrans, the California Transportation Commission as well as individual meetings with members of the state delegation representing Alameda County. Discussions will focus on key policy priorities that align well with state goals and priorities, advocating for funding for projects and programs throughout Alameda County, and highlighting opportunities for partnership.

Fiscal Impact: There is no fiscal impact.

Attachment:

- A. Alameda CTC 2024 Legislative Program

2024 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 and protection of existing funding to support projects, programs, and operations and seek to leverage local funds to the maximum extent possible to implement transportation improvements and services through grants and partnerships with regional, state and federal agencies. Advocate for sustainable funding to support transit agencies in their continued recovery.
Equity: Advocate for resources, legislation, and initiatives that provide accessible, affordable and equitable transportation opportunities and elevate the needs of equity priority communities. Prioritize and advance racial and socio-economic equity and environmental justice throughout the 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. Support opportunities for local jurisdictions to advance initiatives to increase safety in their communities.
Sustainability: Support legislation, strategies and investments that reduce greenhouse gas emissions to create sustainable and healthy communities and increase the resiliency of our transportation system and communities, especially for equity communities; support investments and funding for alternative fuels, vehicles and supportive infrastructure to reduce emissions.
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 governance, and support innovative project delivery.

Transportation Funding: Advocate for increased transportation funding and protection of existing funding to support projects, programs, and operations and seek to leverage local funds to the maximum extent possible to implement transportation improvements and services through grants and partnerships with regional, state and federal agencies. Advocate for sustainable funding to support transit agencies in their continued recovery.

- 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, including as part of any regional transportation measure.
- Support transit agencies as they seek to recover from impacts of the pandemic on fiscal solvency and ridership, including regional efforts to secure sustainable multi-year funding and improve service for the public.
- 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 including funding for delivery of programs and operations.
- 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 opportunities and elevate the needs of equity priority communities. Prioritize and advance racial and socio-economic equity and environmental justice throughout the legislative program.

- Support accessible, affordable and equitable transportation resources 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 policies and funding to develop and implement equitable mobility improvements.

- Support projects and programs that reduce emissions with a particular emphasis on communities historically disproportionately burdened by pollution from the transportation sector.
- Support 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. Support opportunities for local jurisdictions to advance initiatives to increase safety in their communities.

- 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 emissions (GHG) to create sustainable and healthy communities and increase the resiliency of our transportation system and communities, especially for equity communities; support investments and funding for alternative fuels, vehicles and supportive infrastructure to reduce emissions.

- 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 and prioritize continued access to the electric grid for charging to support reliable operations.
- 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 to enhance last mile connectivity to

transit, including data sharing that will enable long-term planning and analysis of benefits and impacts.

- 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 governance, and support innovative project delivery.

- Advance innovative and cost-effective project delivery.
- Advance efficient and effective operations and governance of the Express Lane and HOV systems.
- 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

6.10

1111 Broadway, Suite 800, Oakland, CA 94607

• 510.208.7400

• www.AlamedaCTC.org

DATE: March 21, 2024

TO: Alameda County Transportation Commission

FROM: Kristen Villanueva, Director of Planning
Shannon McCarthy, Associate Transportation Planner

SUBJECT: 2023 Performance Report

Recommendation

This item is to provide the Commission with an update on key findings related to the 2023 Performance Report. This is an information item.

Summary

As the Congestion Management Agency for Alameda County, Alameda CTC is responsible for regularly assessing and reporting on transportation system performance. Alameda CTC presents countywide performance trends across a variety of metrics related to the transportation system annually through the Performance Report, and publishes more detailed, legislatively required performance data collected every other year in the Multimodal Monitoring Report. Together, these two reports ensure Alameda CTC's conformity with state legislation and allow Alameda CTC to better understand the county's multimodal transportation system.

The Performance Report provides an opportunity to investigate the latest data available on a wide range of topics relevant to the county's transportation system in order to illuminate trends as they unfold and support informed decision making. The 2023 Performance Report is included in Attachment A and presents findings related to countywide demographics, the economy and goods movement, auto congestion, transit performance, and active transportation safety in Alameda County using the latest data available from 2022 and 2023.

Starting last year, the Performance Report includes a Data Compendium that presents current and historical data for a variety of performance measures, including multiple metrics from the National Transit Database for the seven transit operators that provide service in Alameda County. The compendium additionally clarifies which metrics can be found in the agency's biennial [Multimodal Monitoring Report](#), which was last published in 2023 with data from the previous year and will be updated again in 2025 with data from this year.

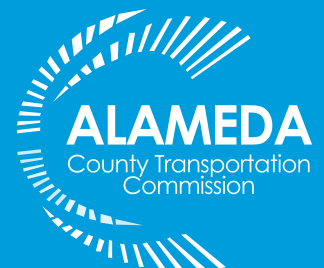
Fiscal Impact: There is no fiscal impact.

Attachment:

A. 2023 Performance Report

2023 Performance Report

Alameda County
Annual Performance Report
Published March 2024





2023 Performance Report

1111 Broadway, Suite 800, Oakland, CA 94607

• 510.208.7400

• www.AlamedaCTC.org

Background

As the Congestion Management Agency for Alameda County, Alameda CTC is responsible for regularly assessing and reporting on transportation system performance. Alameda CTC presents countywide performance trends annually through the Performance Report, and publishes more detailed, legislatively required performance data collected every other year in the Multimodal Monitoring Report. Together, these two reports ensure Alameda CTC's conformity with state legislation and allow Alameda CTC to better understand the changing nature of the county's multimodal transportation system.

The Performance Report provides an opportunity to investigate a wide range of topics relevant to the county's transportation system in order to illuminate trends as they unfold and support informed decision making. The 2023 Performance Report summarizes key findings related to countywide demographics, the economy and goods movement, auto congestion, transit performance, and active transportation safety in Alameda County using the latest data available from 2022 and 2023.

Key findings from the 2023 Performance Report include:

- Population Stable and Aging: Alameda County's population increased for the first year since 2020, growing by 0.4 percent or roughly 6,000 residents to a total of 1.66 million residents in 2023.¹ The median age rose to 39.4 years in 2022, surpassing the national average for the first time in over a decade.
- Linguistic Diversity: Nearly half of Alameda County's residents speak a language other than English at home, the second-highest rate of linguistic diversity in the Bay Area behind Santa Clara County.²
- Economic Recovery Stabilizing: Following significant economic shifts in the wake of the pandemic, employment in Alameda County remained stable in 2023, dropping by 0.2 percent to 796,750 total jobs,³ while the unemployment rate rose by 0.6 percentage points to 3.6 percent. The annual rate of inflation cooled in 2023, falling from a high of 5.6 percent in 2022 to 3.7 percent.⁴
- Drop in Trade, Remains Balanced: The Port of Oakland handled 2.07 million containers in 2023, reflecting a drop of 11.6 percent from 2022 in line with a

¹ California Department of Finance, January Population Estimates, 2013-2023, Alameda County

² U.S. Census Bureau, American Community Survey (ACS) 1-Year Estimates, 2012-2022, Alameda County

³ Bureau of Labor Statistics (BLS), Local Area Unemployment Statistics, 2013-2023, Alameda County

⁴ BLS, Local Area Unemployment Statistics & Consumer Price Index for All Urban Consumers, 2013-2023, San Francisco-Oakland-Hayward Metropolitan Statistical Area

decline in global trade more broadly. Despite challenges including persistent inflation, geopolitical tensions, and lower demand, the Port is the 9th busiest container port in the United States. Imports through the Port remained roughly balanced with exports, as was the case pre-pandemic.⁵ Oakland International Airport likewise reported a reduction of 11.8 percent in trade activity year-over-year, transporting a total of 1.1 billion pounds of air cargo in 2023.⁶

- Growth Focused in Priority Development Areas: Over 80 percent of housing built in Alameda County between 2018 and 2022 was located in Priority Development Areas (PDAs). Alameda County jurisdictions permitted 53,700 units between 2015 and January 2023, surpassing the county's total Regional Housing Needs Allocation (RHNA) by 22%. While this varied widely by affordability, with low- and moderate-income housing still well below RHNA targets, units permitted and built in PDAs were twice as likely to be affordable than those outside of PDAs.^{7,8}
- Telecommuting Continues: The share of employed Alameda County residents primarily working from home fell from a high of 35 percent in 2021 to 28 percent in 2022, but remained nearly double the national average of 15 percent.⁹ Commuters who drove made up the largest total increase from 2021, bringing the auto commute mode share to 59 percent, however transit saw the largest relative increase, growing by 72 percent from 2021 to make up 7 percent of all commutes in 2022. The share of commuters walking, biking or taking another mode to work remained consistent with pre-pandemic levels at 6 percent.
- Freeway Congestion Rising: As auto travel on Alameda County freeways rose 1 percent year-over-year to a total of 22.4 million average daily vehicle miles traveled (VMT) in 2023,¹⁰ freeway congestion rebounded to just 5 percent below pre-pandemic levels, increasing 52 percent from 2022 to an average daily 31,000 hours of vehicle delay (VHD) in 2023.¹¹ While total freeway VMT has surpassed pre-pandemic levels by 8 percent, average daily traffic volumes (ADT) on the county's three gateway bridges combined remained 13 percent below pre-pandemic levels. ADT the San Mateo and Dumbarton bridges was down by nearly 20 percent, while the more heavily trafficked Bay Bridge was just 9 percent below pre-pandemic levels. Together these trends point to shifting travel patterns away from peninsula-bound commutes, and potentially towards more local auto travel within Alameda County.¹²
- Transit Ridership Recovery Continues: Alameda County's seven transit operators provided a total of 90.2 million trips in FY22-23, and ridership continued to

⁵ Port of Oakland, Historic TEU Data, 2013-2023

⁶ Oakland International Airport, January 2024 Press Release

⁷ California Department of Housing & Community Development, Housing Element and APR Dashboard

⁸ Metropolitan Transportation Commission, Association of Bay Area Governments

⁹ U.S. Census, ACS 1-Year Estimates 2019-2022, Alameda County

¹⁰ Caltrans, Performance Measurement System, Vehicle Miles Traveled, 2017-2023, Alameda County

¹¹ Caltrans, PeMS, Vehicle Hours of Delay, 2017-2023, Alameda County

¹² Bay Area Toll Authority, 2019-2023 Volume (Bay Bridge, San Mateo Bridge, Dumbarton Bridge)

increase from pandemic lows year-over-year for all Alameda County operators throughout 2023. Bus and ferry operators had recovered the highest share of their pre-pandemic ridership as of October 2023, with Union City Transit leading at 89 percent of pre-pandemic levels, and AC Transit, LAVTA and WETA all at 70 percent. While rail ridership has been slower to recover, at 42 and 45 percent of pre-pandemic levels for BART and ACE respectively, ACE saw the highest relative increase of 57 percent year-over-year.¹³

- Variations in Transit Recovery: Ridership recovery continues to vary significantly by operator, route and day of the week. While multiple operators, including AC Transit, BART and WETA report stronger weekend ridership recovery relative to pre-pandemic levels, weekday ridership recovery slightly outpaced total ridership recovery between FY21-22 and FY22-23 at 30 versus 26 percent. Union City Transit was the first operator in FY22-23 to report average weekday ridership that surpassed pre-pandemic levels, growing by 3 percent.¹⁴
- Most Traffic Fatalities in Two Decades: 102 people were killed in traffic collisions in Alameda County in 2022, marking the most fatal year on the county's roadways since 2003. Total collisions increased 4 percent year-over-year for all modes (auto, bike, pedestrian, etc.) to 6,769 collisions, 9 percent of which resulted in a severe injury or fatality. Bicycle and pedestrian collisions increased by 19 percent, to 1,064, in 2022, 16 percent of which were fatal or severe. Excessive speeding remains the most common factor in all collisions.¹⁵
- Safety Disparities by Age and Race: Older adults in Alameda County make up a disproportionately high share of collisions that result in a severe injury or fatality, with those over 65 years old accounting for 23 and 26 percent of all severe and fatal pedestrian collisions respectively, despite making up just 15 percent of the population. Black and Hispanic pedestrians are also disproportionately harmed, with Black pedestrians accounting for 22 and 20 percent of all severe and fatal collisions respectively, despite making up 10 percent of the population.^{16,17}
- Pavement Condition Stable: Alameda County roads received an average Pavement Condition Index (PCI) score of 67 out of 100, reflecting "fair" pavement conditions.¹⁸ Without investment in road maintenance, conditions naturally deteriorate over time due to weather and use. County PCI scores have been stable over the past decade, reflecting investment in ongoing maintenance.

¹³ Total October Ridership, Board Reports, Local Transit Agencies, 2023

¹⁴ Board Reports, Local Transit Agencies, 2022

¹⁵ University of California, Berkeley Safe Transportation Research and Education Center, Transportation Injury Mapping System (TIMS), Collisions 2012-2022 (2022 Provisional), Alameda County

¹⁶ TIMS Pedestrian Collisions 2017-2022, Alameda County

¹⁷ U.S. Census, ACS 2022 5-Year Estimate, Alameda County

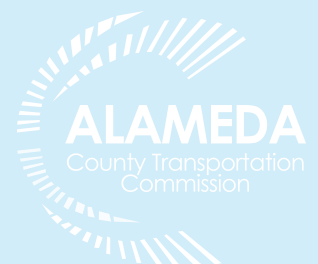
¹⁸ Metropolitan Transportation Commission, Regional Pavement Condition Summary Report, PCI, 2012-2022, Alameda County

Attachments:

- A. 2023 Performance Report Charts and Graphics
- B. Performance Data Compendium

Attachment A

2023 Performance Report Charts & Graphics

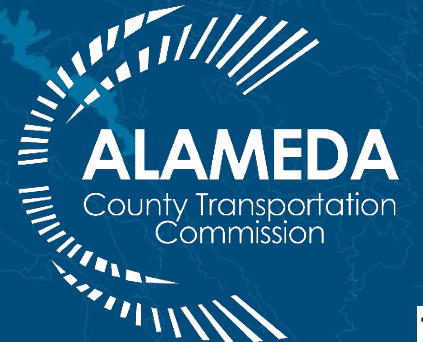


2023 Performance Report

Alameda County Transportation Commission

Shannon McCarthy

March 2024



2023 Performance Report



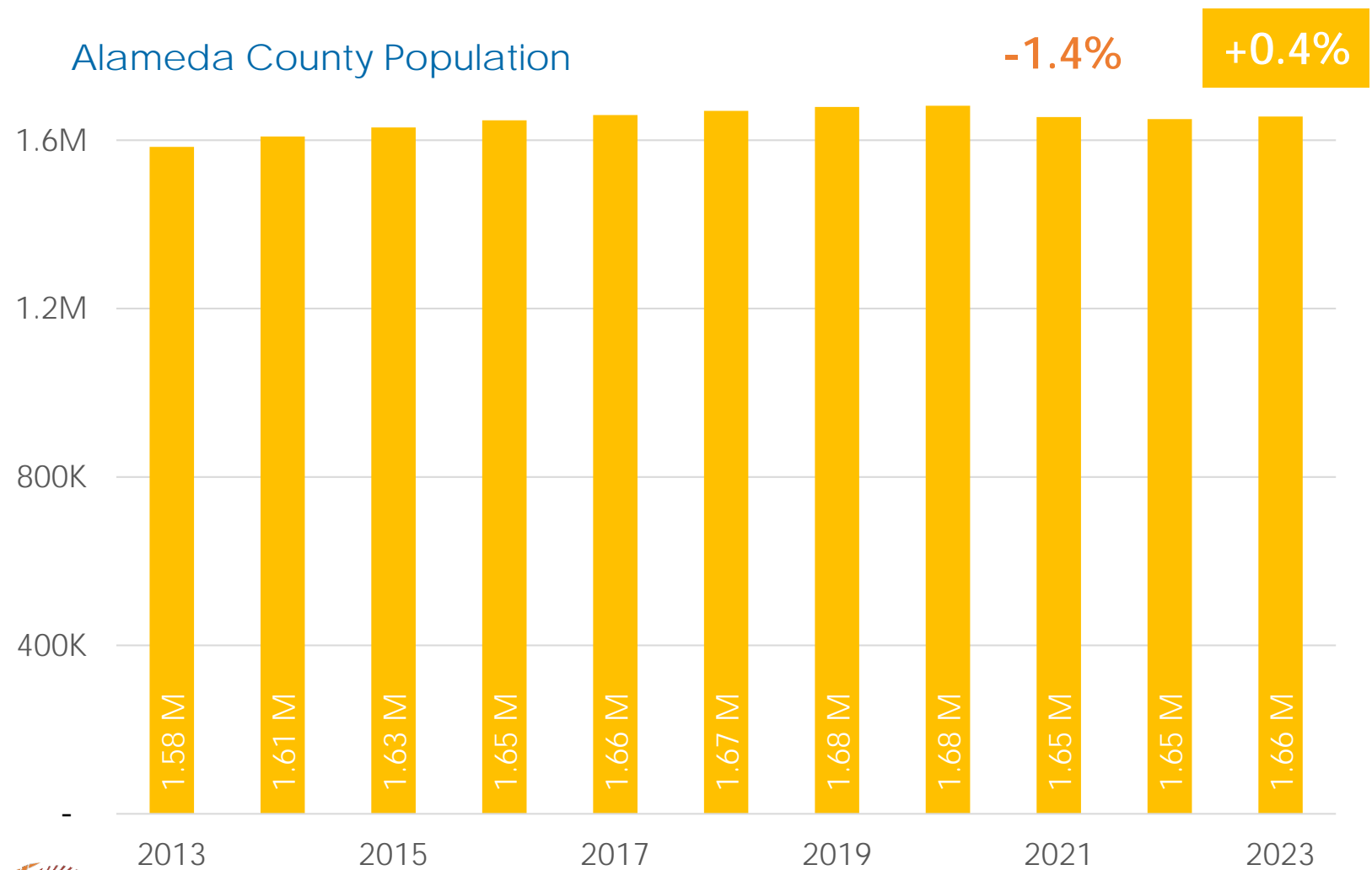
- 1 Population & Economy
- 2 Auto Travel
- 3 Transit Performance
- 4 Safety

1

Population and Economy: Key Findings

- Population aging
- Economic recovery stabilizing
- Affordable housing development focused in areas near transit

First Population Increase Since Pandemic



Total Population

1.66 Million

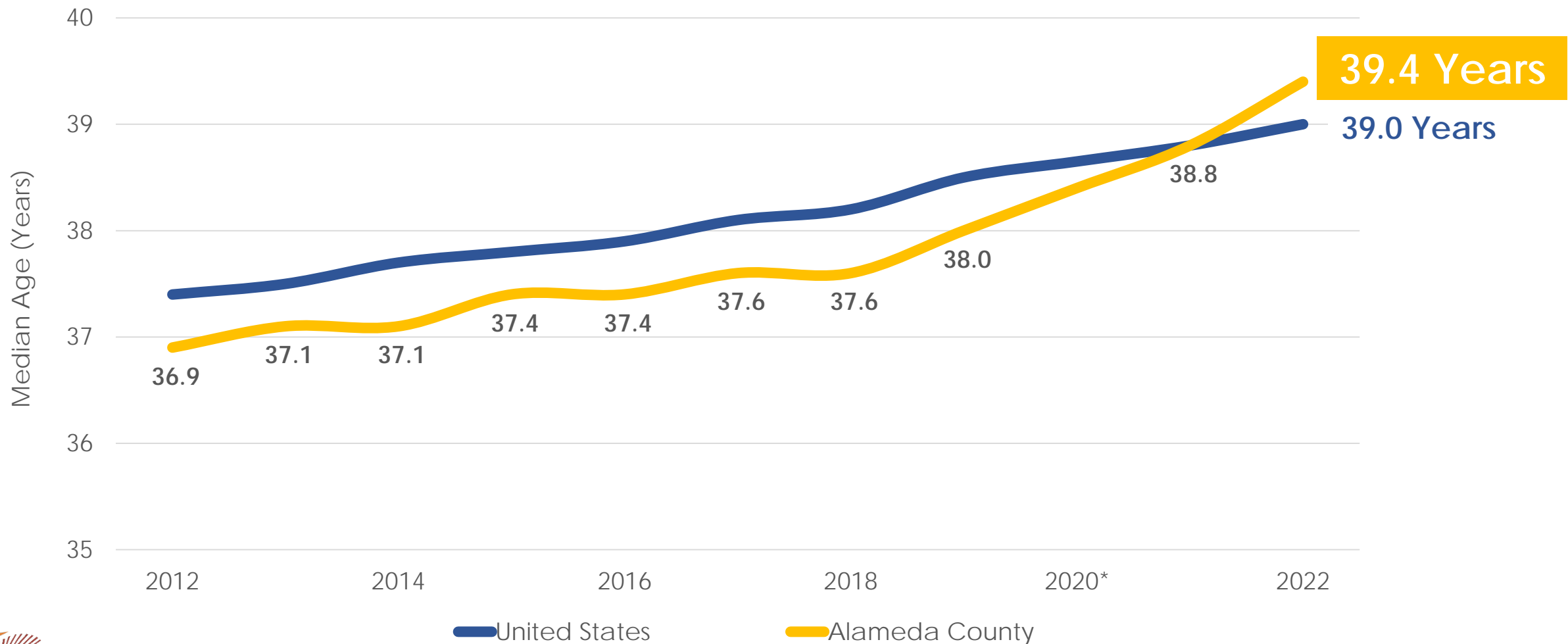
+6,000 YoY

Linguistic Diversity

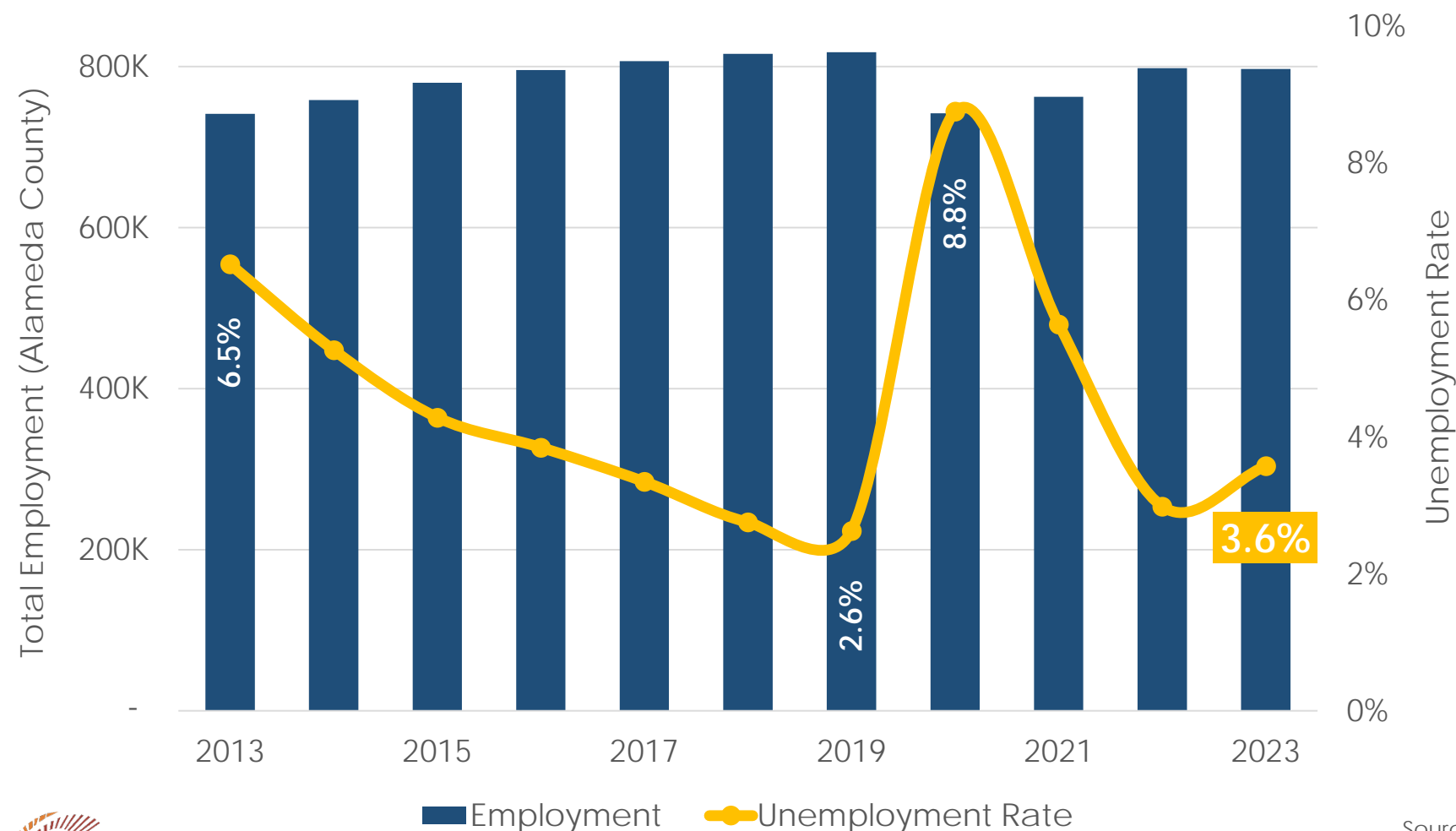
46%

Speak a language
other than English
at home

Aging Population Surpassed US Average



Economic Indicators Stabilizing



Employment

796,750 Jobs

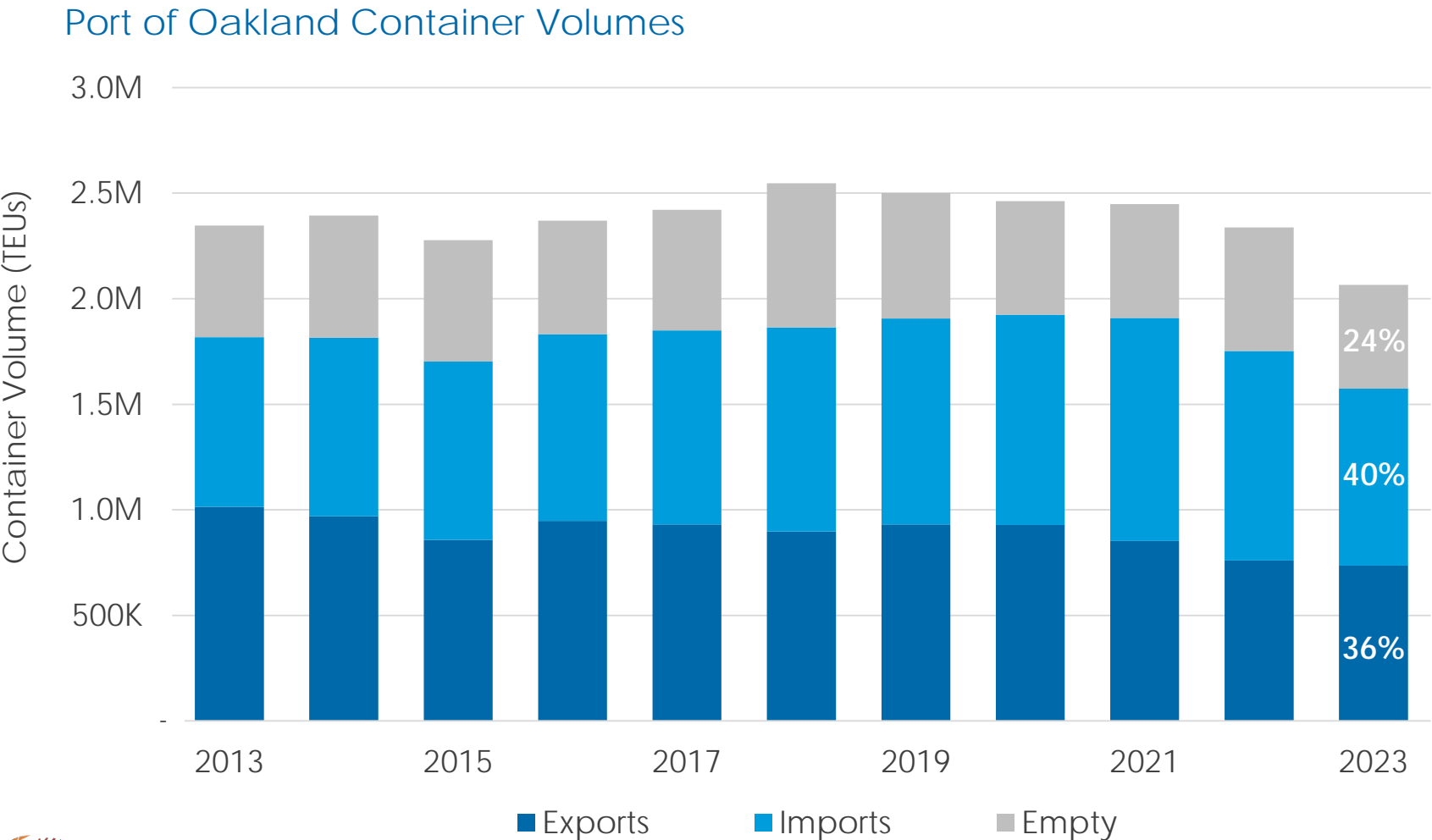
-0.2% YoY

Annual Inflation Rate

3.7%

-1.9% from 2022

Trade Dropping, Remains Balanced



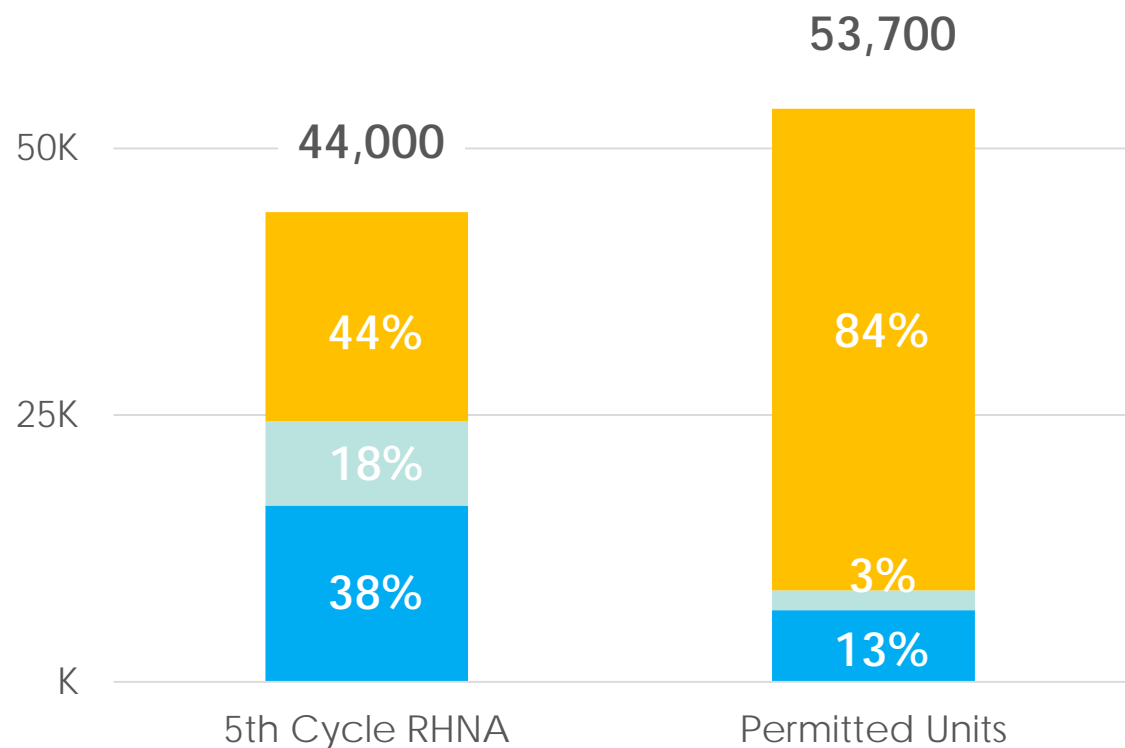
National Ranking
9th Busiest Port

Port Volume
2.07 Million TEUs
-11.6% YoY

OAK Air Cargo
1.1 Billion Pounds
-11.8% YoY

Housing Focused in Areas Near Transit

Alameda County Regional Housing Needs Allocation



■ Lower Income ■ Moderate ■ Above Moderate Income

Priority Development Areas

Locally nominated areas near transit and planned for significant growth

48 PDAs

in Alameda County

80%

of housing built between 2018-2022 was located in a PDA

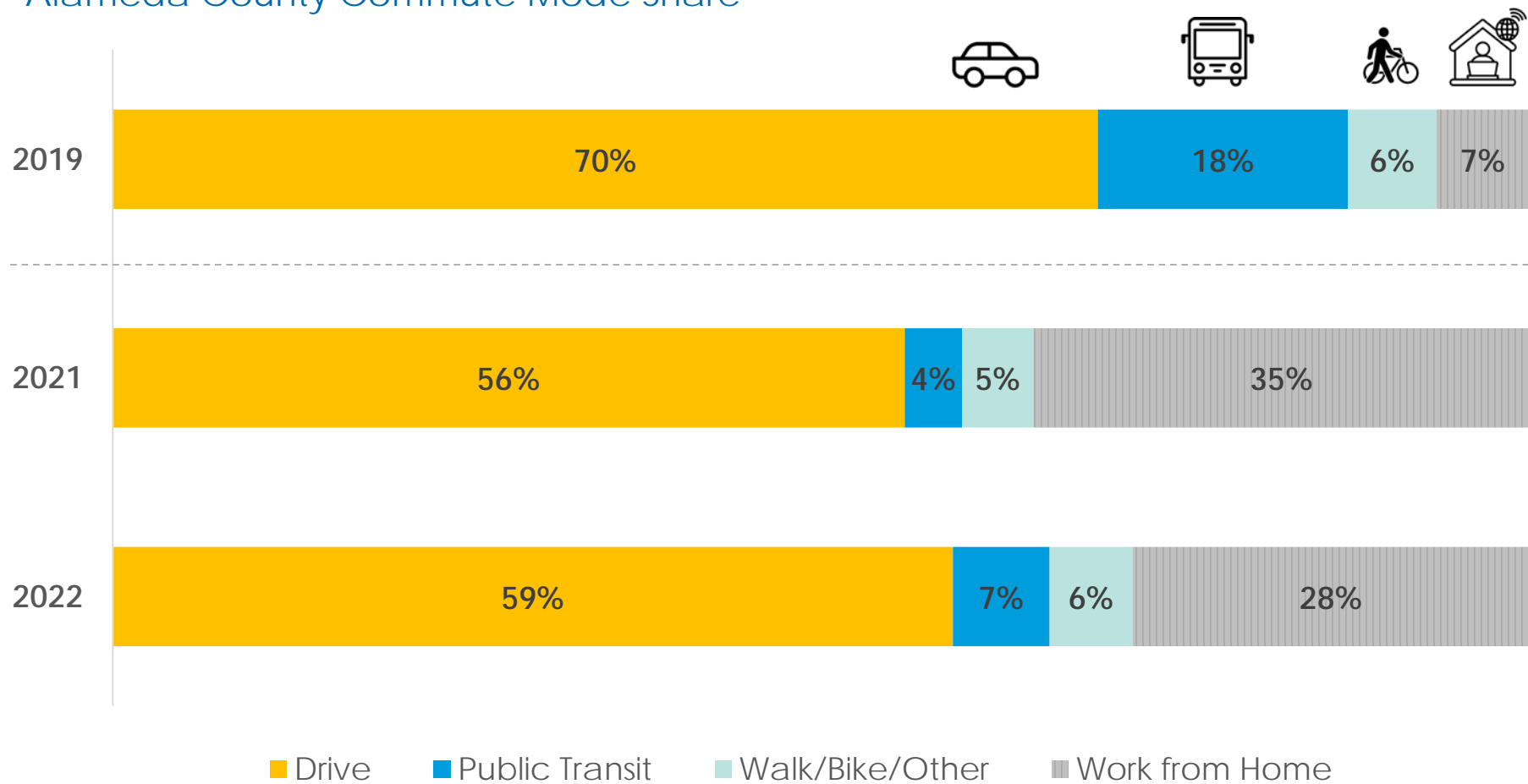
New housing in PDAs is

2x more likely

to be affordable than outside PDAS

Remote Work Declined in 2022

Alameda County Commute Mode Share



Avg.
Commute

30 Minutes

+1.4 Min YoY

U.S. WFH Rate

15%

-3% from 2022

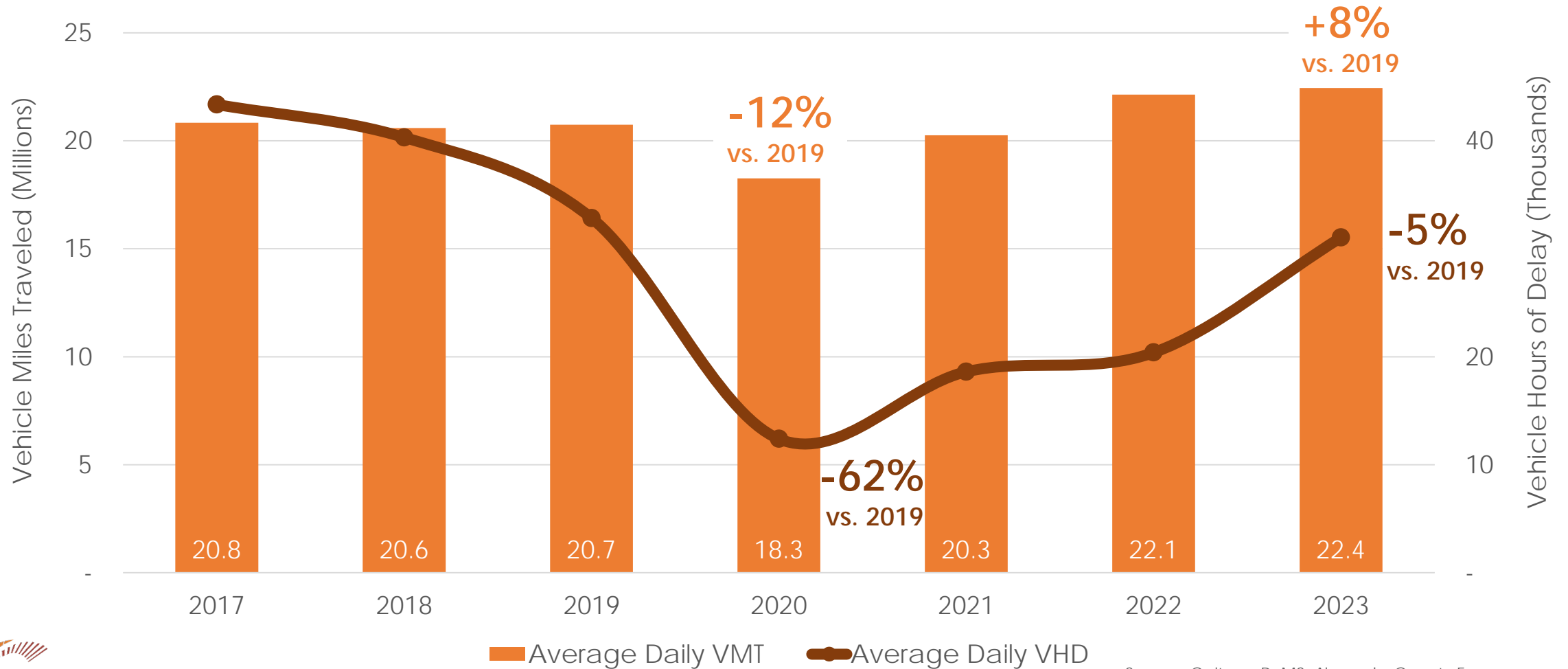
2

Auto Travel and Congestion: Key Findings

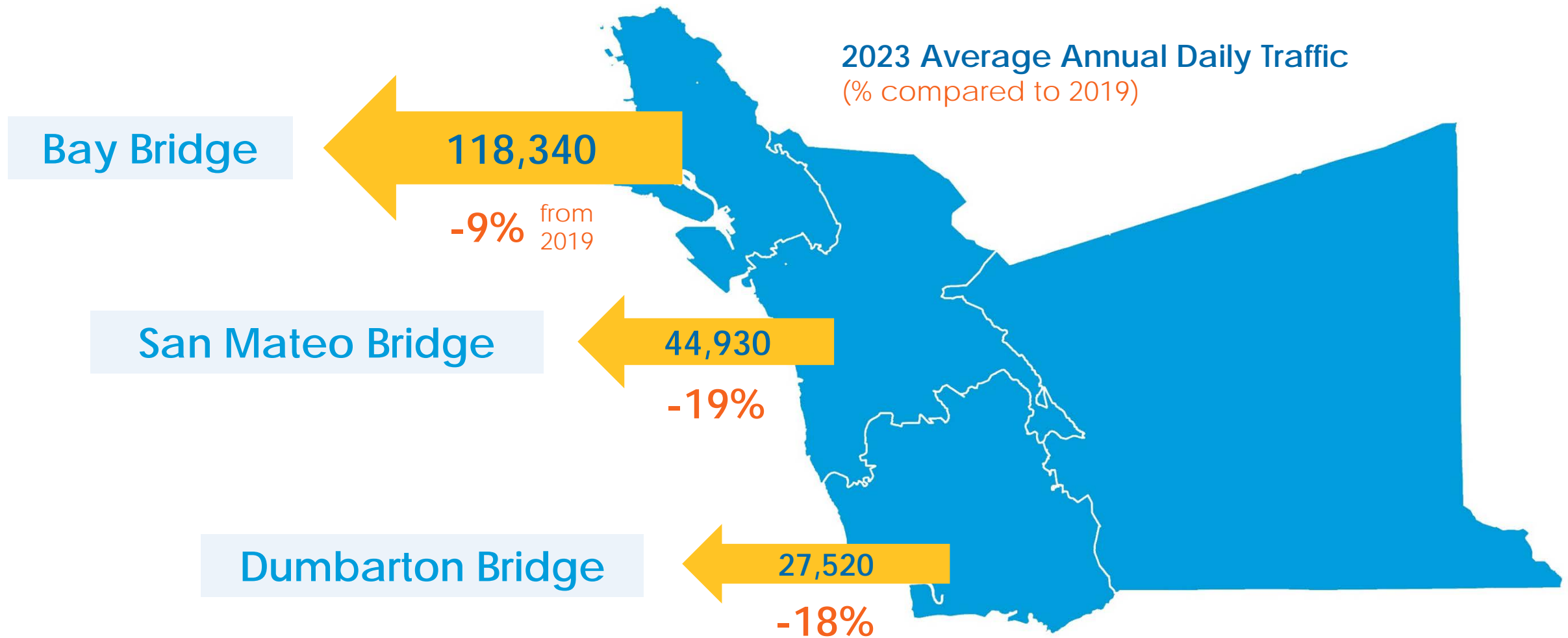
- Freeway travel above pre-pandemic levels
- Bridge volumes not fully recovered

Freeway Congestion Rising

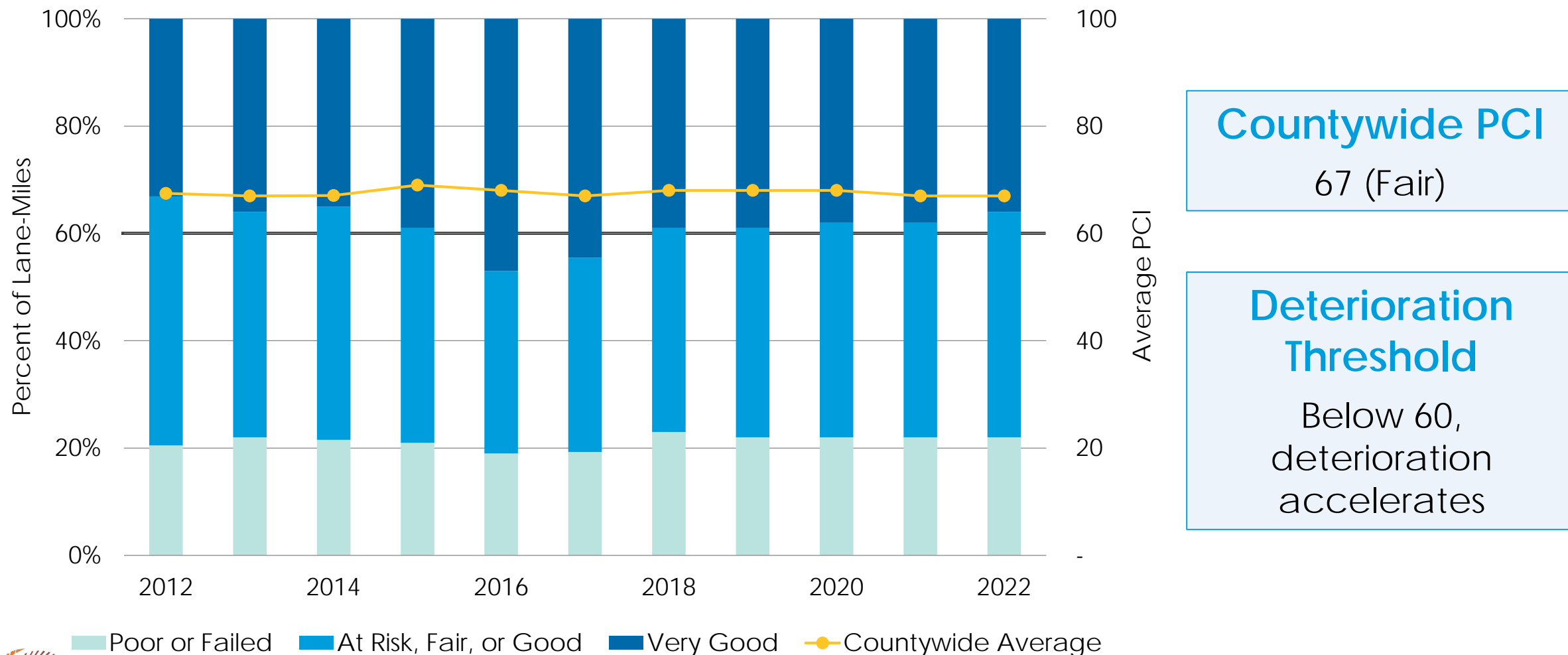
Alameda County Average Daily Freeway Vehicle Miles Traveled and Delay



Bridge Volumes Still Below Pre-Pandemic Levels



Stable Pavement Condition Index



3

Transit Performance: Key Findings

- Steady ridership recovery continues
- Average weekday ridership starting to outpace weekend recovery

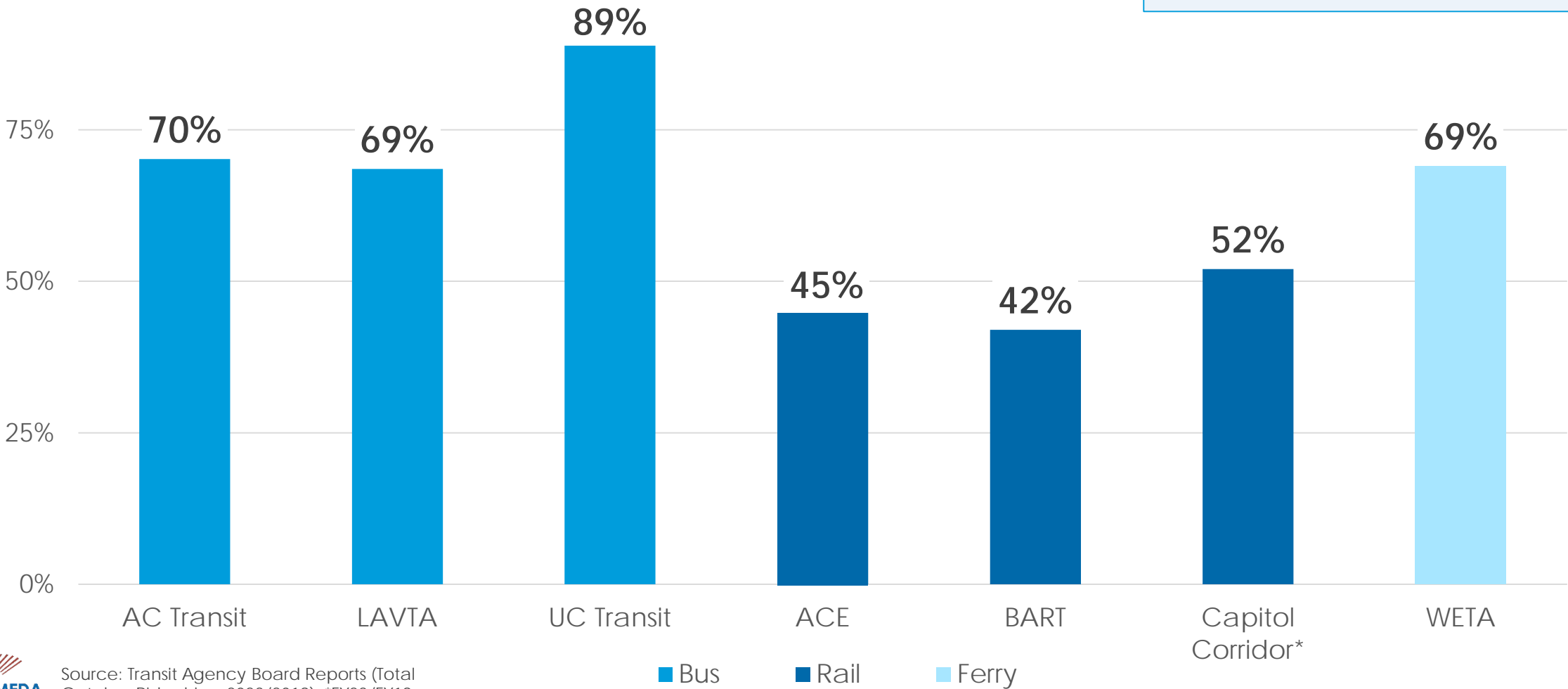
Ridership Recovery Continues

October 2023 Ridership as Share of Pre-Pandemic Levels

FY22-23 Total Trips

90.2 Million

+26% YoY

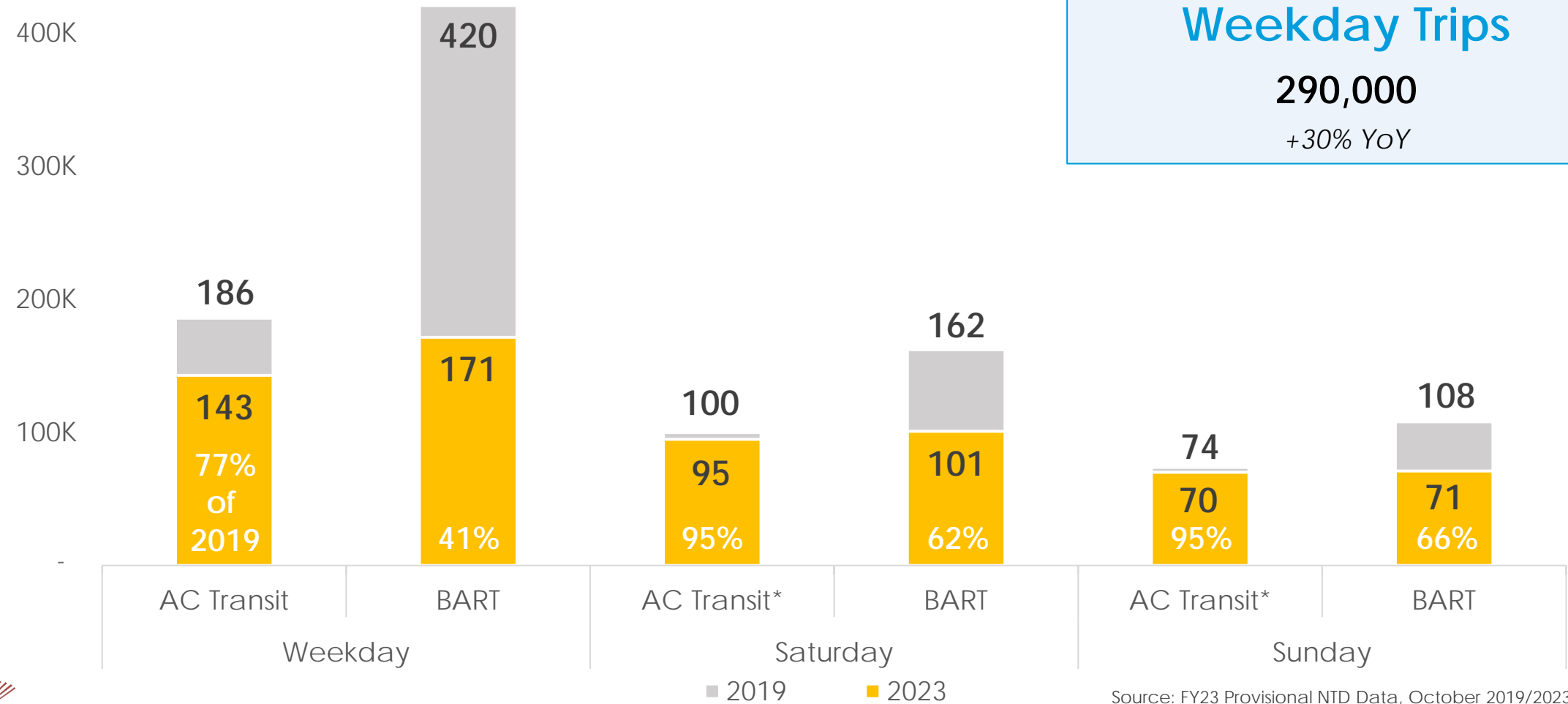


Source: Transit Agency Board Reports (Total October Ridership – 2023/2019), *FY23/FY19

Variations in Recovery by Day

Average Daily Ridership (October)

**FY22-23 Avg.
Weekday Trips**
290,000
+30% YoY



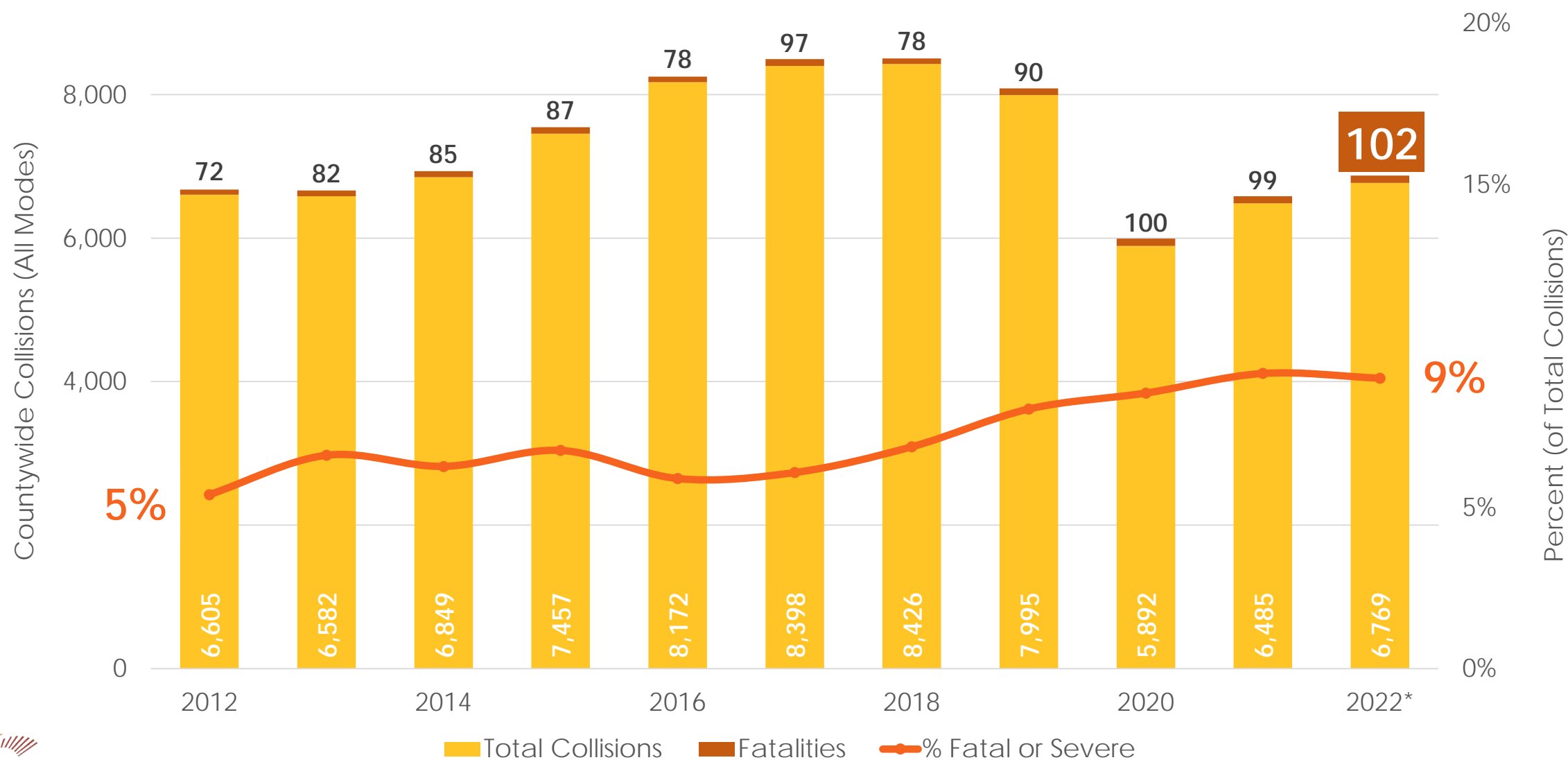
Source: FY23 Provisional NTD Data, October 2019/2023
Ridership - AC Transit & BART Board Reports, *Calculated

4

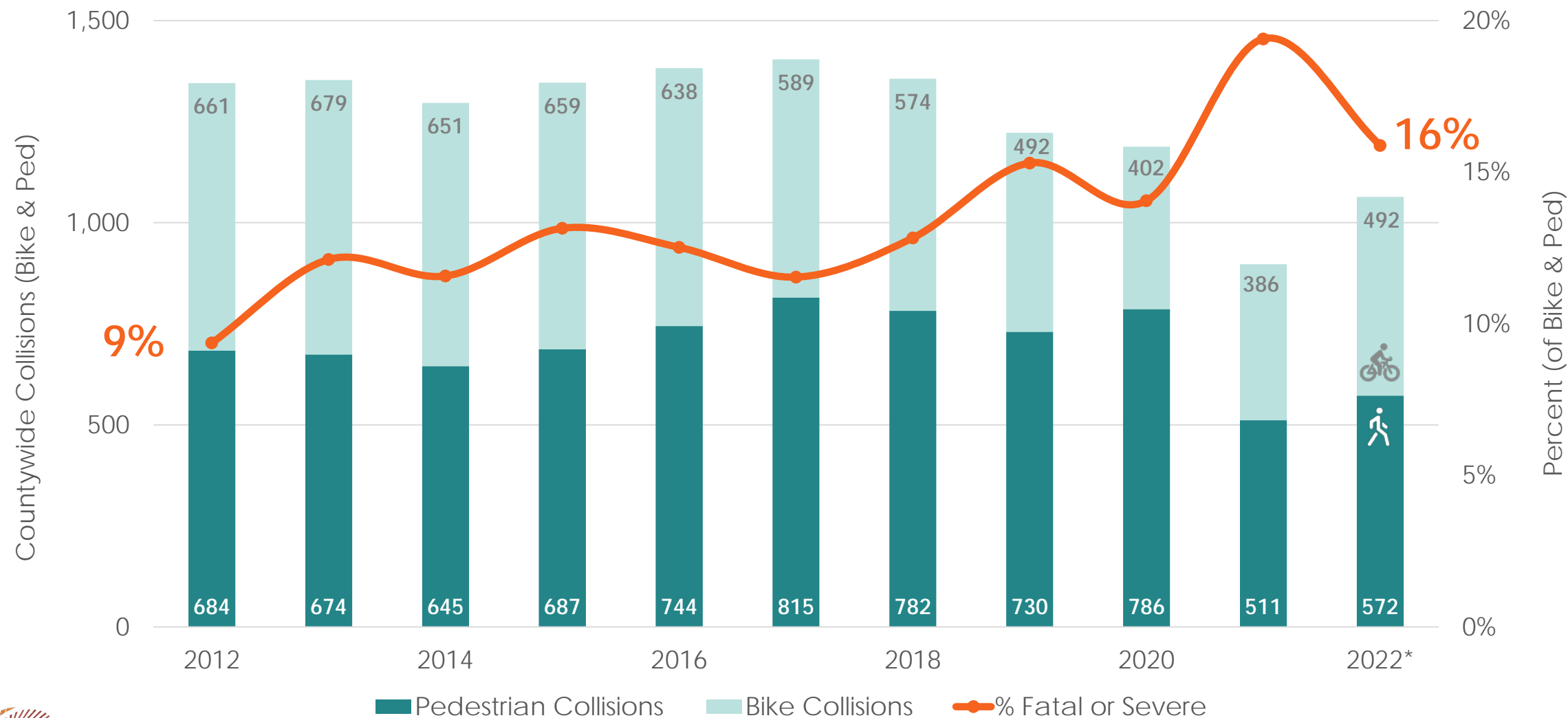
Safety: Key Findings

- Rise in total collisions
- High severity rate for bikes and pedestrians
- Age and racial disparities in pedestrian safety

2022 Most Traffic Fatalities Since 2003

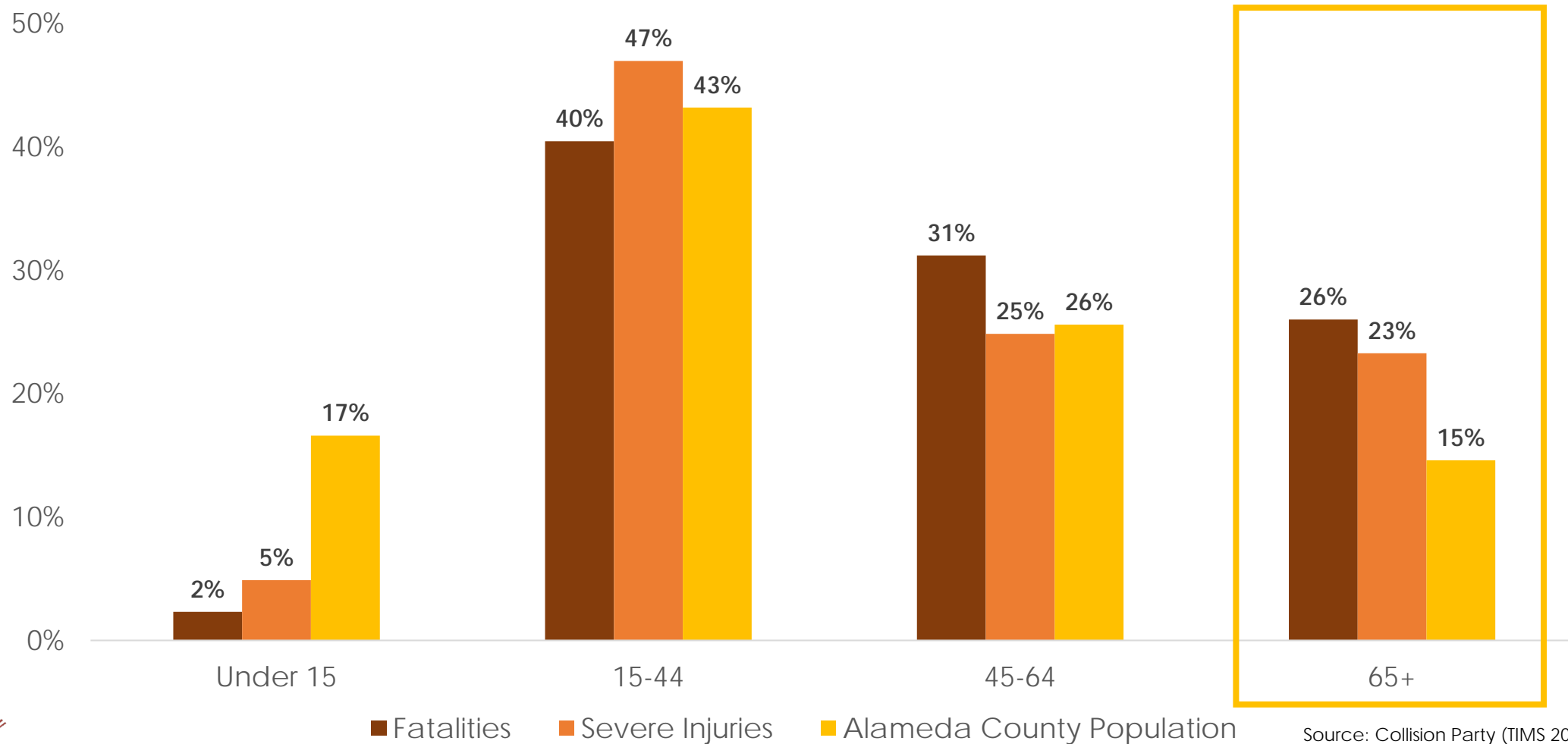


Bike & Ped Collision Severity Rate Remains High



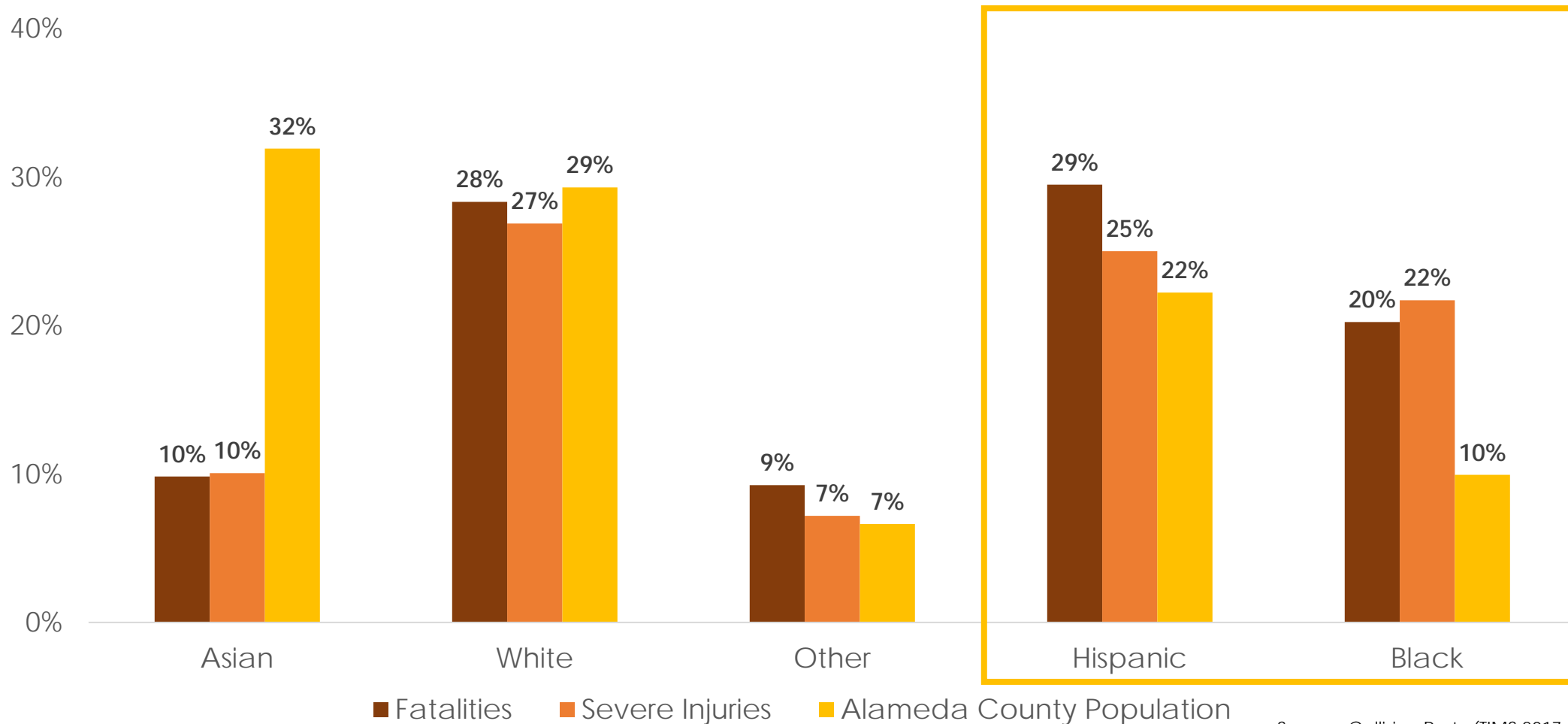
Pedestrian Safety Disparities by Age

Share of Countywide Pedestrian Collisions by Age vs. Share of Population



Pedestrian Safety Disparities by Race

Share of Countywide Pedestrian Collisions by Race vs. Share of Population



Performance Report Summary

Travel Patterns

- Auto congestion rebounding as people continue to drive more
- Transit ridership steadily recovering
- Fewer commute-centric trips, more local travel

Environment

- Vehicle miles traveled increasing, counter to greenhouse gas reduction targets
- Majority of planned housing development located near transit

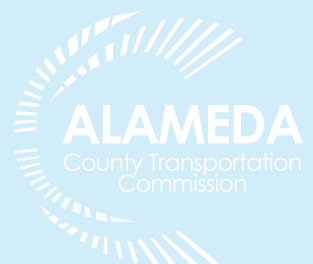
Safety

- Fatalities and collisions rising, severity rate remains elevated
- Planning safe systems for an aging & diverse population

Attachment B

Performance Data Compendium

2013-2023



Performance Data Compendium

Alameda CTC
2013 - 2023

Purpose:

The Performance Data Compendium presents current and historical data for Alameda CTC's Performance Report. These data are compiled from a combination of publicly available sources and transit operators by Alameda CTC staff each spring and reflect the most recently available data at the time of data collection.

Alameda CTC complements the Performance Report's annual analysis of publicly available data with supplemental data collection of auto speed, transit speed, and congestion data every other year through the Multimodal Monitoring effort. These metrics (including the legislatively required Level of Service scores for the county's Congestion Management Program network) can be found in the latest Multimodal Monitoring Report posted on Alameda CTC's website. The 2022 Multimodal Monitoring Report, published in 2023, contains the most recent data available. Findings from the upcoming 2024 monitoring cycle will be published in 2025.

**Transit Data
Notes:**

Transit data are compiled from the National Transit Database (NTD) and transit operators. The latest fiscal year data (FY2023) and other metrics not available in the NTD (denoted with grey shading and italicized text) are **provisionally** provided by transit operators to Alameda CTC to support timely analyses and are subject to change. Transit data presented in this compendium is reflective of each agency's fiscal year (generally July - June), and all monetary values have been inflated to reflect \$2023 values.

For more information on the NTD, users are encouraged to consult the most current NTD Data Publications guide located at <https://www.transit.dot.gov/ntd/data-product/ntd-data-product-guide>.

Disclaimer:

The Performance Data Compendium is provided as a resource to support transportation performance monitoring in Alameda County. These data have been compiled and reviewed to the best of staff ability. As much of the data is provisional and compiled from external sources, values are subject to change periodically. Use of the Performance Data Compendium is at the user's discretion.

Please reach out to Shannon Mccarthy at smccarthy@alamedactc.org with any questions or feedback.

Public Transit

Performance Measures

Transit Service Provided

Fiscal Year:		2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023 (P)
Revenue Miles	ACE	914,658	950,383	1,001,858	1,078,543	1,084,966	1,102,574	1,126,384	1,008,877	479,399	867,991	988,529
	AC Transit	24,869,157	25,073,407	25,359,186	26,335,931	26,811,246	27,059,822	27,450,661	24,168,914	19,477,311	16,771,859	17,546,238
	BART	65,652,045	64,766,101	67,527,341	72,042,996	75,633,834	77,748,993	79,665,710	71,308,009	50,301,975	77,158,833	83,783,824
	Capitol Corridor ¹	5,088,685	5,088,685	5,487,326	5,376,250	5,140,544	6,398,734	6,960,137	5,147,502	3,781,681	3,961,363	5,800,357
	LAVTA	2,027,558	2,018,572	2,208,594	2,202,254	2,150,798	2,160,306	2,140,927	1,848,620	1,148,750	1,225,468	1,328,472
	UC Transit	558,370	558,489	569,912	563,620	542,952	542,177	534,429	531,584	495,751	511,473	572,554
	WETA	294,996	310,614	308,104	318,683	405,446	427,156	405,374	329,782	161,880	485,173	515,185
Revenue Hours	ACE	23,283	24,301	25,062	27,973	28,013	28,219	28,445	25,629	12,075	22,006	24,811
	AC Transit	2,039,414	2,059,059	2,113,557	2,222,174	2,367,804	2,460,285	2,486,382	2,221,439	1,861,694	1,659,634	1,701,504
	BART	1,821,197	1,803,171	1,918,443	2,052,842	2,163,933	2,211,483	2,286,795	2,064,392	1,708,631	2,427,363	2,669,501
	Capitol Corridor ¹	-	-	-	-	-	-	-	-	-	21,850	21,850
	LAVTA	151,444	147,703	152,371	155,463	152,299	156,838	164,483	140,245	89,800	90,069	100,598
	UC Transit	50,714	46,502	45,300	46,188	50,374	49,831	49,167	50,454	41,670	35,479	41,060
	WETA	14,577	15,311	15,316	15,673	20,541	20,384	20,596	17,334	7,056	23,839	24,860

Sources: NTD TS 2.2 Service Data and Operating Expenses Time Series by System

FY2023 values are provisionally provided by Alameda County transit operators and subject to change

¹Capitol Corridor does not report to NTD; all values provided by agency staff

Notes: Rail (ACE, BART & Capitol Corridor) values reflect Passenger Car Revenue Miles & Revenue Hours

Transit Ridership & Service Utilization

Fiscal Year:		2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023 (P)
Annual Ridership (Boardings)	ACE	786,947	940,774	1,075,648	1,209,755	1,290,085	1,299,717	1,398,954	1,506,183	1,061,990	160,007	321,752	474,498
	AC Transit	54,396,776	55,951,572	56,765,039	56,020,660	54,575,655	53,416,004	52,789,850	54,067,171	45,165,365	21,535,037	29,608,863	34,603,649
	BART	118,674,764	126,546,495	125,784,207	135,240,559	137,658,212	132,802,066	129,044,343	128,217,031	91,006,971	17,839,678	38,224,072	50,764,402
	Capitol Corridor ¹	1,746,397	1,701,185	1,419,084	1,474,873	1,560,814	1,607,277	1,698,515	1,777,136	898,007	354,373	714,524	921,105
	LAVTA	1,795,807	1,771,826	1,695,890	1,696,829	1,703,786	1,590,205	1,695,874	1,706,551	1,442,623	435,186	841,343	1,145,515
	UC Transit	521,350	516,030	422,198	354,635	330,444	298,577	295,745	281,101	242,727	125,624	194,324	238,543
	WETA	727,693	1,509,873	1,925,648	2,091,276	2,479,944	2,609,411	2,844,400	3,048,876	2,298,857	264,498	1,412,543	2,024,646
Boardings/ Revenue Vehicle Mile	ACE	0.98	1.03	1.13	1.21	1.20	1.20	1.27	1.34	1.05	0.33	0.37	0.48
	AC Transit	2.21	2.25	2.26	2.21	2.07	1.99	1.95	1.97	1.87	1.11	1.77	1.97
	BART	1.87	1.93	1.94	2.00	1.91	1.76	1.66	1.61	1.28	0.35	0.50	0.61
	Capitol Corridor ¹	1.44	0.33	0.28	0.27	0.29	0.31	0.27	0.26	0.17	0.09	0.18	0.16
	LAVTA	0.87	0.87	0.84	0.77	0.77	0.74	0.79	0.80	0.78	0.38	0.69	0.86
	UC Transit	0.95	0.92	0.76	0.62	0.59	0.55	0.55	0.53	0.46	0.25	0.38	0.42
	WETA	8.86	5.12	6.20	6.79	7.78	6.44	6.66	7.52	6.97	1.63	2.91	3.93
Boardings/ Revenue Vehicle Hour	ACE	39	40	44	48	46	46	50	53	41	13	15	19
	AC Transit	27	27	28	27	25	23	21	22	20	12	18	20
	BART	65	69	70	70	67	61	58	56	44	10	16	19
	Capitol Corridor ¹	-	-	-	-	-	-	-	-	-	-	-	42
	LAVTA	12	12	11	11	11	10	11	10	10	5	9	11
	UC Transit	10	10	9	8	7	6	6	6	5	3	5	6
	WETA	110	104	126	137	158	127	140	148	133	37	59	81

Sources: Boardings pulled from NTD TS 2.2 Service Data and Operating Expenses Time Series by System
FY2023 Boardings values are provisionally provided by Alameda County transit operators and subject to change
¹Capitol Corridor does not report to NTD; all values provided by agency staff

Note: Boardings per Revenue Vehicle Mile & Hour are calculated

Cost Effectiveness

Fiscal Year:		2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023 (P)
Operating Costs (\$2023)	ACE	\$17,269,502	\$20,661,564	\$20,886,360	\$21,862,861	\$22,124,383	\$26,618,598	\$22,779,414	\$22,591,280	\$25,396,060	\$22,083,705	\$27,111,370	\$36,150,511
	AC Transit	\$467,164,524	\$459,403,994	\$458,726,923	\$470,348,304	\$530,290,894	\$514,287,062	\$527,174,263	\$546,458,712	\$566,108,558	\$496,160,602	\$486,939,812	\$537,551,914
	BART	\$691,656,703	\$727,078,595	\$718,497,399	\$760,841,609	\$796,865,195	\$772,812,802	\$775,451,484	\$773,520,341	\$770,539,483	\$692,484,729	\$711,039,067	\$796,259,977
	Capitol Corridor ¹	\$80,608,361	\$79,884,242	\$74,383,914	\$75,510,318	\$72,731,989	\$71,541,270	\$72,691,623	\$71,823,415	\$55,200,223	\$45,911,517	\$52,617,732	\$60,021,847
	LAVTA	\$19,490,603	\$18,635,374	\$19,292,912	\$18,670,196	\$19,601,745	\$18,935,095	\$18,222,286	\$19,476,094	\$19,130,865	\$15,321,861	\$15,139,493	\$17,210,855
	UC Transit	\$5,486,476	\$5,732,187	\$5,956,899	\$5,941,864	\$5,643,843	\$5,979,331	\$5,674,532	\$5,600,474	\$5,761,825	\$5,861,217	\$5,500,002	\$6,395,354
	WETA	\$9,635,685	\$31,529,743	\$33,492,462	\$33,513,734	\$32,968,254	\$37,039,778	\$40,684,379	\$45,021,702	\$43,505,541	\$33,971,129	\$48,184,690	\$55,300,017
Operating Cost/ Passenger	ACE	\$22	\$22	\$19	\$18	\$17	\$20	\$16	\$15	\$24	\$138	\$84	\$76
	AC Transit	\$9	\$8	\$8	\$8	\$10	\$10	\$10	\$10	\$13	\$23	\$16	\$16
	BART	\$6	\$6	\$6	\$6	\$6	\$6	\$6	\$6	\$8	\$39	\$19	\$16
	Capitol Corridor ¹	\$46	\$47	\$52	\$51	\$47	\$45	\$43	\$40	\$61	\$130	\$74	\$65
	LAVTA	\$11	\$11	\$11	\$11	\$12	\$12	\$11	\$11	\$13	\$35	\$18	\$15
	UC Transit	\$11	\$11	\$14	\$17	\$17	\$20	\$19	\$20	\$24	\$47	\$28	\$27
	WETA	\$13	\$21	\$17	\$16	\$13	\$14	\$14	\$15	\$19	\$128	\$34	\$27
Operating Cost/ Revenue Vehicle Mile	ACE	\$21	\$23	\$22	\$22	\$21	\$25	\$21	\$20	\$25	\$46	\$31	\$37
	AC Transit	\$19	\$18	\$18	\$19	\$20	\$19	\$19	\$20	\$23	\$25	\$29	\$31
	BART	\$11	\$11	\$11	\$11	\$11	\$10	\$10	\$10	\$11	\$14	\$9	\$10
	Capitol Corridor ¹	\$16	\$16	\$15	\$14	\$14	\$14	\$11	\$10	\$11	\$12	\$13	\$10
	LAVTA	\$9	\$9	\$10	\$8	\$9	\$9	\$8	\$9	\$10	\$13	\$12	\$13
	UC Transit	\$10	\$10	\$11	\$10	\$10	\$11	\$10	\$10	\$11	\$12	\$11	\$11
	WETA	\$117	\$107	\$108	\$109	\$103	\$91	\$95	\$111	\$132	\$210	\$99	\$107
Operating Cost/ Revenue Vehicle Hour	ACE	\$855	\$887	\$859	\$872	\$791	\$950	\$807	\$794	\$991	\$1,829	\$1,232	\$1,457
	AC Transit	\$230	\$225	\$223	\$223	\$239	\$217	\$214	\$220	\$255	\$267	\$293	\$316
	BART	\$381	\$399	\$398	\$397	\$388	\$357	\$351	\$338	\$373	\$405	\$293	\$298
	Capitol Corridor ¹	-	-	-	-	-	-	-	-	-	-	\$2,408	\$2,747
	LAVTA	\$129	\$123	\$131	\$123	\$126	\$124	\$116	\$118	\$136	\$171	\$168	\$171
	UC Transit	\$110	\$113	\$128	\$131	\$122	\$119	\$114	\$114	\$114	\$141	\$155	\$156
	WETA	\$1,460	\$2,163	\$2,187	\$2,188	\$2,104	\$1,803	\$1,996	\$2,186	\$2,510	\$4,815	\$2,021	\$2,224

Sources: Operating Costs are pulled from NTD TS 2.2 Sevice Data and Operating Expenses Time Series by System
FY2023 Operating Costs are provisionally provided by Alameda County transit operators and subject to change
¹Capitol Corridor does not report to NTD; all values provided by agency staff

Notes: All Operating Costs have been inflated to reflect 2023 dollar values
Operating Cost per Passenger, Revenue Mile & Revenue Hour are calculated

On Time Performance & Transit State of Good Repair

Fiscal Year:		2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023 (P)
Systemwide On-Time Performance*	ACE	92%	94%	93%	90%	87%	89%	81%	82%	90%	89%	87%
	AC Transit	69%	67%	68%	70%	70%	70%	72%	73%	76%	73%	74%
	BART	93%	92%	88%	88%	83%	87%	89%	88%	92%	83%	70%
	Capitol Corridor ¹	95%	95%	93%	94%	91%	90%	89%	88%	90%	83%	82%
	LAVTA	85%	81%	80%	80%	81%	85%	84%	88%	92%	90%	88%
	UC Transit	97%	97%	98%	96%	95%	-	-	-	-	-	-
	WETA	-	-	-	-	-	-	-	-	-	-	97%
Mean Distance Between Breakdowns	ACE (Hrs)	-	12,151	8,354	4,662	2,334	3,527	4,064	2,563	3,019	5,502	6,203
	AC Transit (Mi)	8,033	5,725	6,243	5,885	6,156	6,078	7,188	7,344	7,434	6,936	8,424
	BART (Hrs)	7,850	7,071	7,212	9,504	9,169	8,377	7,726	10,070	3,147	3,934	4,362
	Capitol Corridor ¹	-	-	-	-	-	-	-	-	-	-	-
	LAVTA (Mi)	16,092	12,308	17,529	18,200	19,732	15,321	10,813	10,102	18,832	27,233	22,516
	UC Transit (Mi) ²	-	-	-	-	-	-	-	-	-	-	-
	WETA (Mi)	4,836	9,136	16,216	9,105	9,653	18,572	21,335	25,368	13,490	19,407	7,360

Sources: *On-Time Performance is a general estimate provided by operators that is not audited to the same standard as NTD metrics

¹Capitol Corridor does not report to NTD; all values provided by agency staff

²Union City Transit is considered a Reduced Reporter to the NTD, and is not required to report vehicle breakdowns among other metrics

Notes: Mean Distance Between Breakdowns is calculated by dividing Vehicle Revenue Miles by NTD-reported Total Failures

Bus Speed and Reliability

Spring Monitoring Period:		2018	2022
Peak vs. Off-Peak Speed (Trunk Lines)	AC Transit	See the latest Alameda CTC Multimodal Monitoring Report https://www.alamedactc.org/planning/congestion-management-program	
	LAVTA		
Bus-to-Auto Speed Ratio	AC Transit		
	LAVTA		

Source: <https://www.alamedactc.org/planning/congestion-management-program>

Notes: The 2022 Multimodal Monitoring Report contains the latest data available. Findings from the upcoming 2024 monitoring cycle will be published in 2025.
Spring Monitoring Period is March - May of each calendar year

Local Streets & Roads

Performance Measures

Pavement Condition

Calendar Year:		2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Average Pavement Condition Index (PCI)	Alameda Countywide Average	67	67	69	68	67	68	68	68	67	67
	City of Alameda	68	67	72	71	71	70	70	70	68	67
	City of Albany	55	56	61	59	57	54	57	56	57	57
	City of Berkeley	58	58	57	58	55	59	57	58	57	56
	City of Dublin	85	85	84	85	85	85	85	84	82	80
	City of Emeryville	73	80	80	79	73	71	74	74	75	76
	City of Fremont	67	69	72	71	73	73	73	73	72	72
	City of Hayward	67	66	68	68	71	71	70	70	69	69
	City of Livermore	77	76	77	76	80	79	79	79	79	78
	City of Newark	76	76	76	76	76	76	75	74	73	72
	City of Oakland	58	56	56	56	52	55	53	52	53	54
	City of Piedmont	67	67	61	62	63	61	64	64	64	63
	City of Pleasanton	78	78	80	78	80	79	79	78	78	78
	City of San Leandro	57	56	54	56	59	56	57	55	55	55
	City of Union City	79	83	82	82	79	78	78	77	76	73
	Unincorporated Alameda County	71	71	70	71	71	70	71	72	72	72

Source: Metropolitan Transportation Commission (StreetSaver)

Note: Measured on a scale of 0 to 100 (where 100 means a newly paved road), and reported as a 3-year moving average to improve reliability.
Segment PCI data is collected on a rolling basis and is imputed for interim years based on facility age and treatments using the MTC StreetSaver system.

Auto Speed and Reliability

Spring Monitoring Period:		2018	2020	2022
Auto Speeds (by CMP Segment)	AM Peak Period	See the latest Alameda CTC Multimodal Monitoring Report https://www.alamedactc.org/planning/congestion-management-program		
	PM Peak Period			
Level of Service (by CMP Segment)	AM Peak Period			
	PM Peak Period			

Source: <https://www.alamedactc.org/planning/congestion-management-program>

Notes: The 2022 Multimodal Monitoring Report contains the latest data available. Findings from the upcoming 2024 monitoring cycle will be published in 2025.
 Spring Monitoring Period is March - May of each calendar year
 Results from previous monitoring cycles can be found in prior Level of Service Reports on Alameda CTC's website
 More information on the Level of Service methodology can be found in the Multimodal Monitoring Report appendices



Independent Watchdog Committee Meeting Minutes Thursday, November 16, 2023, 3:30 p.m.

7.2

1111 Broadway, Suite 800, Oakland, CA 94607

510.208.7400

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1. Call to Order

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

2. Roll Call

A roll call was conducted and all members were present. Pat Piras welcomed and introduced new member Esther Waltz, who represents the Paratransit Advisory and Planning Committee.

Ms. Piras requested that the committee consider adding an item to the agenda after item 5.3 to discuss the approval of Time Extension Actions Associated with the 2014 Transportation Expenditure Plan Deadlines for Securing Environmental Clearance and a Full Funding Plan, which was presented at the Programs and Projects Committee on Monday, November 13, 2023 and will go before the Commission on December 7, 2023. She noted that a two-thirds vote is needed to add the item to the agenda under the Brown Act, because the need to consider it arose subsequent to the posting of the agenda.

Lenore Gunst motioned to add an item to the IWC agenda regarding the time extensions to the 2014 Transportation Expenditure Plan Capital Projects deadlines discussed at the Programs and Projects Committee (PPC) on November 13, 2023. Esther Waltz seconded the motion. The motion passed with the following vote:

Yes: Brown, Buckley, Exner, Gunst, Park, Piras, Rubin, Tilchen, Waltz
No: None
Abstain: None
Absent: None

3. Public Comment

There were no public comments.

4. Consent Calendar

4.1. Approve July 13, 2023 IWC Meeting Minutes

Tom Rubin made a motion to approve the Consent Calendar. Esther Waltz seconded the motion. The motion passed with the following vote:

Yes: Brown, Buckley, Exner, Park, Piras, Rubin, Tilchen, Waltz
No: None
Abstain: Gunst
Absent: None

5. Regular Matters

5.1. IWC Annual Report Outreach Summary and Publication Cost Update

(This item was presented after 5.2)

Yoana Navarro provided an update on outreach activities and costs for the 21st Annual IWC Report to the Public. This item was for information only.

5.2. Presentation of the Annual Comprehensive Financial Report for the Year Ended June 30, 2023 by Independent Auditor

(This item was presented before 5.1)

David Alvey, Maze & Associates, provided an overview of the Alameda CTC's Audited Comprehensive Financial Report for the year ending June 30, 2023, for which Maze & Associates issued a clean, or unmodified, audit opinion. This item was for information only.

5.3. Measure B and Measure BB Capital Projects Update

Jhay Delos Reyes gave an update to the IWC on Measure B and Measure BB Capital Projects. This item was for information only.

Alejandro Jasso, Bike Hayward, submitted a public comment expressing concern about the potential misuse of Measure BB funds for Hayward's East Bay Greenway.

5.4. Consideration of the Time Extensions for Securing Environmental Clearance for Funding Plans not under Alameda CTC Jurisdiction

Lenore Gunst requested that staff explain how cities receive funding and do not spend the funds for several years. Ms. Gunst also noted that she submitted a public comment for the November 13, 2023 meeting of the PPC for item 5.2 "Approve Time Extension Actions Associated with the 2014 Transportation Expenditure Plan Deadlines for Securing Environmental Clearance and a Full Funding Plan", but that the public comment for the PPC was not read to the committee.

Lenore Gunst made a motion to raise the issue about the lack of response to a public comment regarding the procedure for multiple time extensions on projects at the November 13, 2023 PPC meeting as well as the non-response to a request made at the February 13, 2023 IWC meeting for more information regarding the project time extensions. Tom Rubin seconded the motion. The motion passed with the following vote:

Yes: Brown, Buckley, Gunst, Park, Piras, Rubin, Tilchen, Waltz

No: Exner

Abstain: None

Absent: None

6. Committee Member Reports

6.1. Chair's Report

Pat Piras noted that Glen Naté resigned from the IWC. She mentioned that she and Curtis Buckley will continue to follow up with Commissioner/Supervisor Miley regarding the Alameda County Public Works Agency presentation at the July 13,

2023 IWC Meeting. Ms. Piras indicated that the memo in the packet from legal counsel is a reminder to the committee of the IWC's role and responsibilities, and announced that Alameda CTC has scheduled a Brown Act and Robert's Rules of Order training for the January IWC Meeting.

6.2. IWC Issues Identification Process and Form

The Issues Identification Process and Form was included in the agenda packet for informational purposes.

6.3. Issues Identification Form - Information Requests regarding Alameda County High Injury Network

Curtis Buckley and Pat Piras submitted an Issues Identification Form requesting information regarding the Alameda County High Injury Network which included a list of questions, and the request for motorcycle data if possible.

Alejandro Jasso, Bike Hayward, offered to provide the committee with tools that will provide data on fatal crashes in Alameda County. He provided his email address, to reach out to him regarding the data.

Tom Rubin made a motion to have staff provide a report in the January packet responding to the questions submitted on the Issues Identification Form regarding Alameda County's High Injury Network. Esther Waltz seconded the motion. The motion passed with the following vote:

Yes: Brown, Buckley, Exner, Gunst, Park, Piras, Rubin, Tilchen, Waltz
No: None
Abstain: None
Absent: None

6.4. IWC Member Reports

There were no member reports.

7. Staff Reports

7.1. Staff Responses to Request for Information

Yoana Navarro noted that this item was included to show responses to requests for information from IWC members during or following the last IWC meeting, and no requests were received.

7.2. IWC Fiscal Year 2023-24 Calendar/Work Plan

The Calendar and Work Plan was included in the agenda packet for informational purposes.

7.3. IWC Roster

The IWC Roster was provided in the agenda packet for informational purposes.

8. Adjournment

The next meeting is scheduled for January 11, 2024, at 3:30 p.m. and will be held in person at 1111 Broadway, Suite 800, Oakland, CA 94607.

**Alameda County Transportation Commission
Independent Watchdog Committee
Member Roster - Fiscal Year 2023-2024**

	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.	Buckley, Vice Chair	Curtis	Berkeley	Bike East Bay	Oct-16		N/A
3	Mr.	Brown	Keith	Oakland	Alameda Labor Council (AFL-CIO)	Apr-17		N/A
4	Mr.	Exner	Alfred	Pleasanton	Alameda County Mayor's Conference, D-4	Jun-21	May-23	May-25
5	Ms.	Gunst	Lenore	Oakland	League of Women Voters	Jan-22		N/A
6	Mr.	Park	Damian	Berkeley	Alameda County Mayor's Conference, D-5	Feb-23		Feb-25
7	Mr.	Rubin	Thomas	Oakland	Alameda County Taxpayers Association	Jan-19		N/A
8	Mr.	Tabjulu	Vamsi	San Leandro	Alameda County Mayor's Conference, D-3	Jan-24		Jan-26
9	Ms.	Waltz	Esther	Livermore	Paratransit Advisory and Planning Committee	Jul-23		N/A
10		Vacancy			Alameda County Board of Supervisors District 1			
11		Vacancy			Alameda County Board of Supervisors District 2			
12		Vacancy			Alameda County Board of Supervisors, District 3			
13		Vacancy			Alameda County Board of Supervisors District 4			
14		Vacancy			Alameda County Board of Supervisors District 5			
15		Vacancy			Alameda County Mayor's Conference, D-1			
16		Vacancy			Alameda County Mayor's Conference, D-2			
17		Vacancy			East Bay Economic Development Alliance			



Memorandum

8.1

1111 Broadway, Suite 800, Oakland, CA 94607

• 510.208.7400

• www.AlamedaCTC.org

DATE: March 21, 2024

TO: Alameda County Transportation Commission

FROM: Patricia Reavey, Deputy Executive Director of Finance & Administration
Lily Balinton, Director of Finance

SUBJECT: FY2023-24 Mid-Year Budget Update

Recommendation

It is recommended that the Commission approve the Proposed FY2023-24 Mid-Year Budget Update as presented.

Summary

The proposed update to the FY2023-24 budget is a balanced, sustainable budget that was developed to reflect changes to actual fund balances and projected revenues and expenditures on projects and programs since the original budget was adopted in May 2023. In addition, the proposed update includes budget authority necessary for the operations of the I-680 express lanes upon dissolution of the Sunol Smart Carpool Lane JPA (Sunol JPA). Once all termination and dissolution actions related to the Sunol JPA have been completed, all contracts and property will be assigned to Alameda CTC. The proposed budget update provides the resources and expenditure authority for Alameda CTC to assume financial responsibility of the I-680 express lanes.

The proposed budget update includes an increase of \$246.9 million to the beginning fund balance which is a true up to the fund balance rolled forward into FY2023-24 from the FY2022-23 audited financial statements for a total beginning fund balance of \$867.2 million. The proposed budget also contains revenues totaling \$608.9 million of which sales tax revenues comprise \$401.5 million, or 65.9 percent. The total revenue amount proposed is an increase of \$88.6 million over the currently adopted FY2023-24 budget mostly related to external funding sources for capital projects which were approved in the FY2022-23 budget, but have rolled forward to the FY2023-24 budget because they had not yet been utilized by the end of FY2022-23. There was no proposed change to sales tax revenues in this mid-year budget update due to the limited amount of information received year-to-date. An update to the sales tax revenue budget will be brought to the Finance and Administration Committee and the Commission for approval as appropriate.

Revenues are offset in the proposed budget update by \$735.9 million in total expenditures of which \$468.4 million, or 63.7 percent, are allocated for capital project expenditures. Total expenditures increased \$257.4 million over the currently adopted budget in this budget update. This increase appears to be significant; however, it is mostly related to the adjustment for the capital projects roll forward balance from FY2022-23, an estimate of which was included and approved in the originally adopted FY2023-24 budget on the Capital Programs Budget spreadsheet but actual amounts could not be pulled to the consolidated Alameda CTC budget spreadsheet until final fund balance roll forward amounts were updated based on the audited Annual Comprehensive Financial Report (ACFR) for the year ended June 30, 2023. The ACFR was approved by the Commission in December 2023.

Capital projects fund revenues and expenditures that appeared on the Alameda CTC Consolidated Budget spreadsheet in the adopted budget for FY2023-24 when the budget was adopted in May 2023 did not include the roll forward revenue and expenditure balances because these amounts were still included in the approved budget and projected ending fund balance for FY2022-23. During the mid-year budget update process, the roll forward fund balances are updated to actual amounts based on audited financial statements from the prior fiscal year. Therefore, the capital budget revenue and expenditure amounts on the consolidated budget spreadsheet for the mid-year budget update include the full capital budget which consists of both the actual roll forward balances from FY2022-23 and any additional requested capital budget for FY2023-24. This methodology ensures more reliable projected fund balance information in Alameda CTC's budget process.

The proposed mid-year budget update includes a projected \$10.8 million acquisition of personal property, including cash, related to the I-680 express lanes upon termination of the Sunol JPA for operations of the I-680 express lanes. In addition, Alameda CTC will take possession of and be responsible for all express lane equipment installed on the lanes and any other real property interests.

Salary and benefits costs in this mid-year budget update are \$9.8 million, which is a decrease of \$0.6 million from the currently adopted budget. This decrease is due in part to the timing of when authorized positions were filled as opposed to the timing of when they were estimated to be filled in the original budget. Total salary and benefits costs in this mid-year budget update are nominal as compared to total expenditures at 1.3 percent.

The update of audited fund balances from FY2022-23, projected revenues and expenditures, and the acquisition of the I-680 express lanes together constitute a net increase in the projected ending fund balance of \$88.9 million, for a projected consolidated ending fund balance of \$751.0 million for FY2023-24. The set aside of fund balance reserves in the general fund has been updated to \$62.3 million, an increase of \$21.4 million related to roll forward capital project funds, in order to comply with the adopted fund balance reserve policy. The Freeway Maintenance and Express Lanes Operational Reserves were increased by \$1.0 million and \$8.0 million, respectively, to account for the reserves originally established in the fund balance of the Sunol JPA. The 2014 Measure BB Limitation ratios required by the Transportation Expenditure Plan and the Public Utilities Code were calculated based on the proposed updated budgeted revenues and expenditures and were found to be compliant with all requirements.

Background

Development of the FY2023-24 budget and this proposed mid-year budget update were focused on enabling Alameda CTC to plan, fund and deliver transportation programs and projects that expand access and improve mobility in Alameda County. This was accomplished by allocating available resources to identify transportation needs and opportunities in the County and formulate strategies and solutions by providing the funding necessary to evaluate, prioritize, and fund the delivery of quality programs and projects so they can be completed on schedule and within budget.

Fiscal Impact: The fiscal impact of approving the proposed FY2023-24 mid-year budget update would be to allow the roll forward of audited fund balances from FY2022-23 for an increase of \$246.9 million, provide additional resources of \$88.6 million, authorize additional expenditures of \$257.4 million, and incorporate \$10.8 million of personal property related to the acquisition of the I-680 express lanes reflecting an overall increase in fund balance of \$88.9 million for a projected ending fund balance of \$751.0 million.

Attachments:

- A. Alameda CTC FY2023-24 Proposed Mid-Year Budget Update
- B. Capital Projects FY2023-24 Proposed Mid-Year Budget Update

Alameda County Transportation Commission
Fiscal Year 2023-24
Proposed Mid-Year Budget Update

	General Funds Proposed	Express Lanes Funds Proposed	Special Revenue Funds Proposed	Exchange Fund Proposed	Debt Service Fund Proposed	Capital Project Fund Proposed	Inter-Agency Adjustments/ Eliminations Proposed	Total Proposed Budget	Proposed Adjustments	Currently Adopted Budget
Beginning Fund Balance:	\$ 121,518,404	\$ 32,956,355	\$ 296,655,313	\$ 7,186,813	\$ 3,025,483	\$ 405,812,542	\$ -	\$ 867,154,910	\$ 246,880,270	\$ 620,274,640
Revenues:										
Sales Tax Revenues	\$ 16,060,000	\$ -	\$ 290,803,633	\$ -	\$ -	\$ 94,636,367	\$ -	\$ 401,500,000	\$ -	\$ 401,500,000
Investment Income	4,500,000	1,129,167	9,190,000	650,000	125,000	16,100,000	-	31,694,167	14,169,167	17,525,000
Member Agency Fees	1,644,786	-	-	-	-	-	-	1,644,786	-	1,644,786
VRF Funds	-	-	12,000,000	-	-	-	-	12,000,000	-	12,000,000
TFCA Funds	-	-	2,050,308	-	-	-	-	2,050,308	-	2,050,308
Toll Revenues	-	12,366,667	-	-	-	-	-	12,366,667	2,066,667	10,300,000
Toll Violation and Penalty Revenue	-	2,933,333	-	-	-	-	-	2,933,333	1,333,333	1,600,000
Other Revenues	-	-	15,500	-	-	-	(15,500)	-	-	-
Regional/State/Federal Grants	2,357,763	-	828,180	-	-	129,190,031	-	132,375,974	62,450,999	69,924,975
Local and Other Grants	-	375,940	-	3,395,825	-	8,585,228	-	12,356,993	8,591,558	3,765,435
Total Revenues	24,562,549	16,805,107	314,887,621	4,045,825	125,000	248,511,627	(15,500)	608,922,228	88,611,724	520,310,504
Expenditures:										
Administration										
Salaries and Benefits	3,389,309	-	-	-	-	10,474	-	3,399,783	(8,275)	3,408,058
General Office Expenses	2,546,530	-	2,800	-	-	16,200	(2,800)	2,562,730	(318,036)	2,880,766
Travel Expense	87,200	-	-	-	-	-	-	87,200	35,200	52,000
Debt Service	-	-	-	-	9,047,250	-	-	9,047,250	(250)	9,047,500
Professional Services	2,787,289	-	-	-	-	30,000	-	2,817,289	(273,219)	3,090,508
Commission and Community Support	223,825	-	12,700	-	-	-	(12,700)	223,825	-	223,825
Contingency	500,000	-	-	-	-	-	-	500,000	-	500,000
Express Lanes Operations										
Salaries and Benefits	-	257,902	-	-	-	-	-	257,902	(36,315)	294,217
Operating Expenditures	-	6,939,432	-	-	-	-	-	6,939,432	1,287,432	5,652,000
Special Project Expenditures	-	-	-	-	-	-	-	-	(4,090,000)	4,090,000
Planning										
Salaries and Benefits	1,551,212	-	-	-	-	-	-	1,551,212	(36,061)	1,587,273
Transportation Planning/Transportation Expenditure Plan	240,000	-	1,578,000	-	-	-	-	1,818,000	218,000	1,600,000
Programs										
Salaries and Benefits	132,977	-	2,994,073	102,838	-	-	(142,454)	3,087,434	(73,847)	3,161,280
Programs Management and Support	140,000	-	1,521,500	-	-	-	-	1,661,500	(706,000)	2,367,500
Safe Routes to School Programs	-	-	3,088,489	-	-	-	-	3,088,489	(256,140)	3,344,629
VRF Programming	-	-	12,587,560	-	-	-	-	12,587,560	(6,164,440)	18,752,000
Measure BB Direct Local Distribution	-	-	204,339,089	-	-	-	-	204,339,089	21,120,977	183,218,112
Grant Awards	-	-	9,650,019	-	-	-	-	9,650,019	(15,706,981)	25,357,000
TFCA Programming	-	-	3,831,873	-	-	-	-	3,831,873	199,000	3,632,873
Exchange Fund Programming	-	-	-	46,000	-	-	-	46,000	46,000	-
Capital Projects										
Salaries and Benefits	-	112,900	-	-	-	1,432,060	(69,263)	1,475,697	(510,021)	1,985,718
Capital Project Expenditures	-	7,106,999	20,580,273	3,246,987	-	436,012,719	-	466,946,979	262,738,043	204,208,936
Indirect Cost Recovery/Allocation										
Indirect Cost Recovery from Capital, Spec Rev & Exch Funds	(211,717)	-	-	-	-	-	211,717	-	-	-
Total Expenditures	11,386,625	14,417,233	260,186,375	3,395,825	9,047,250	437,501,453	(15,500)	735,919,262	257,465,067	478,454,195
Interfund Transfer	-	-	(9,047,250)	-	9,047,250	-	-	-	-	-
Projected I-680 Acquisition	-	10,825,886	-	-	-	-	-	10,825,886	10,825,886	-
Net Change in Fund Balance	13,175,923	13,213,760	45,653,995	650,000	125,000	(188,989,827)	-	(116,171,148)	(158,027,457)	41,856,309
Projected Ending Fund Balance	134,694,327	46,170,115	342,309,308	7,836,813	3,150,483	216,822,715	-	750,983,762	\$ 88,852,813	\$ 662,130,949
Freeway Maintenance Contributions	-	6,000,000	-	-	-	-	-	6,000,000	1,000,000	5,000,000
Fund Balance/Operational Reserves	62,276,782	28,000,000	-	-	-	-	-	90,276,782	29,358,711	60,918,071
Projected Net Fund Balance	\$ 72,417,545	\$ 12,170,115	\$ 342,309,308	\$ 7,836,813	\$ 3,150,483	\$ 216,822,715	\$ -	\$ 654,706,980	\$ 58,494,103	\$ 596,212,877

Alameda County Transportation Commission
Fiscal Year 2023-24
Proposed Capital Programs Mid-Year Budget Update

	(A)	(B)	(A) - (B) = (C)	(D)	(E)	(C) + (D) + (E) = (F)	Funding			
Capital Programs	Adopted FY 2022-23 Capital Budget	Actual FY 2022-23 Expenditures	Actual FY 2022-23 Rollover to FY 2023-24	Adopted FY 2023-24 Capital Budget Request	FY 2023-24 Capital Budget Adjustment	Proposed FY 2023-24 Capital Budget w/ Actual Rollover	Total Local	Total Regional	Total State	Total Federal
1986 Measure B Capital Program	\$ 7,792,305	\$ 1,811,092	\$ 5,981,213	\$ 2,597,604	\$ (1,276,914)	\$ 7,301,903	\$ 7,301,904	\$ -	\$ -	\$ -
2000 Measure B Capital Program	42,485,702	1,828,915	40,656,787	9,010,000	5,421,673	55,088,460	55,088,460	-	-	-
2000 Measure B SRF Discretionary Capital Program	105,000	24,928	80,072	-	-	80,072	80,072	-	-	-
2014 Measure BB Capital Program	328,059,893	164,681,623	163,378,270	173,545,000	21,058,945	357,982,215	237,669,972	36,300,000	83,587,099	425,144
2014 Measure BB SRF Discretionary Capital Program	12,461,627	1,710,622	10,751,005	2,500,000	(299,804)	12,951,201	12,951,201	-	-	-
Non-Sales Tax Capital Program	8,796,493	2,460,967	6,335,526	10,765,435	(28,760)	17,072,201	8,194,412	8,627,813	249,975	-
Non-Sales Tax Exchange Fund Capital Program	3,909,020	662,033	3,246,987	-	-	3,246,987	3,246,987	-	-	-
Non-Sales Tax SRF Capital Program	776,308	640,308	136,000	7,000,000	413,000	7,549,000	7,549,000	-	-	-
Express Lanes Capital Program	626,870	-	626,870	853,949	5,739,079	7,219,899	7,219,899	-	-	-
	<u>\$ 405,013,219</u>	<u>\$ 173,820,488</u>	<u>\$ 231,192,731</u>	<u>\$ 206,271,988</u>	<u>\$ 31,027,219</u>	<u>\$ 468,491,939</u>	<u>\$ 339,301,907</u>	<u>\$ 44,927,813</u>	<u>\$ 83,837,074</u>	<u>\$ 425,144</u>



Memorandum

10.1

1111 Broadway, Suite 800, Oakland, CA 94607

• 510.208.7400

• www.AlamedaCTC.org

DATE: March 21, 2024

TO: Alameda County Transportation Commission

FROM: Gary Huisingh, Deputy Executive Director of Projects
Jhay Delos Reyes, Director of Project Delivery

SUBJECT: Consideration of Adoption of Resolutions of Necessity Authorizing the Filing of Eminent Domain Proceedings to Acquire Real Property Interests Necessary for the Interstate 880 Oakland Alameda Access Project

Recommendation

It is recommended the Commission take the following actions for the Interstate 880 Oakland Alameda Access Project:

- 1) Conduct hearings on Resolutions of Necessity (RONs) and consider all the evidence presented for the acquisition of the real property interests identified as necessary for construction of the Oakland Alameda Access Project (OAAP) (Project).
- 2) Adopt, by at least a four-fifths affirmative , non-weighted vote of the membership of the Commission (i.e., at least 18 Commissioners or Alternates), Resolutions of Necessity making the findings that the public interest and necessity require the Project; that the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; that the property interests sought to be acquired are necessary for the Project; and that the offers required by Section 7267.2 of the Government Code have been made to the owners of record, and authorizing the commencement of eminent domain proceedings.

Summary

The Alameda County Transportation Commission (Alameda CTC) is the project sponsor and the implementing agency for the Plans, Specifications and Estimate (PS&E) and right-of-way (R/W) phases for the Project. Currently, the Project has completed the 95% PS&E milestone and is working on right-of-way activities to finalize project development.

The Commission on July 25, 2023 adopted Resolution No. 23-011 to hear RONS. Today's item is the next step to hold the RON hearings on a variety of real property interests, including 2 permanent abutters' rights of access, 2 permanent easements, and 2 temporary construction easements (TCEs) that have been identified as necessary for the construction of the Project. Each required property interest is identified as a separate Caltrans parcel or subparcel. The Commission will be considering 5 RONS, relating to a total of 6 Caltrans parcels or subparcels (including 2 Caltrans sub-parcels on the same property and thus covered by one RON) and 4 property owners. Staff has been negotiating with these property owners since September 2023. Staff has received verbal agreements from 2 property owners; however, the purchase agreements have not yet been signed. For the 2 remaining owners, staff has not yet reached final agreement.

To keep the Project on schedule and to avoid the risk of delay and loss of funding for the Project, the Commission is recommended to proceed with adopting Resolutions of Necessity to authorize filing eminent domain actions to acquire the real property interests necessary for the Project.

Background

The Project, previously known as the I-880 Broadway Jackson Project, has been in the planning stages for nearly 30 years. Caltrans, was the lead agency for the environmental document, circulated the Draft Environmental Document, which was an Environmental Impact Report in compliance with the California Environmental Quality Act and an Environmental Assessment in compliance with the National Environmental Policy Act. Public review and comment for the Draft Environmental Document began on September 29, 2020 with the comment period closing on November 30, 2020. The subsequent Final Environmental Document was signed on August 20, 2021 and the related Project Report was approved by Caltrans in January 2022, marking the completion of the Project Approval and Environmental Document (PA&ED) phase.

PS&E and right of way (R/W) work began in 2022 and the project is anticipated to be ready to bid for construction by September 2024. The Project improvements include:

- Removal and modification of existing freeway ramps.
- Construction of a new horseshoe ramp from the Posey Tube that would connect to the existing I-880.
- Modification of the Posey Tube exit in the City of Oakland.
- Construction of approximately 3.0 miles of new bicycle/pedestrian facility.
- Implementation of various safety and "complete streets" improvements to facilitate mobility across I-880 between downtown Oakland and the Jack London neighborhood.
- Refine design elements that address pedestrian/bicycle safety and connectivity (e.g. lighting improvements, sidewalks, bulb-outs).

The Project is fully funded after the Commission's action in October 2023 to approve the funding plan for the Project. The total cost from inception to completion of construction of the Project is \$151.9 million. The Project has leveraged a significant amount of external funding and is currently funded with a combination of \$8.1 million of 2000 Measure B, \$73.5 million of 2014 Measure BB, \$2.5 million local CMA TIP, \$35.4 million STIP and \$32.5 million SB1 LPP funds.

Right of Way Needs

Caltrans has delegated its authority to hear any resolutions of necessity for the Project to Alameda CTC, which has the authority to hear any resolutions of necessity for the Project under its power of eminent domain pursuant to Article 1, Section 19 of the Constitution of the State of California, Section 25350.5 of the Government Code of the State of California as delegated in Section 14 of the Alameda CTC Joint Powers Agreement, Section 760 of the Streets and Highways Code of the State of California, and Sections 1240.010 and 1240.110 of the Code of Civil Procedure of the State of California within the jurisdiction limits of the County of Alameda.

Construction of the Project requires that Alameda CTC obtain a variety of real property interests, including 2 permanent abutters' rights of access, 2 permanent easements, and 2 temporary construction easements (TCEs) from 6 parcels (4 property owners). Abutters' rights of access is the legal right of an abutting property owner to access a public highway of roadway at a specified location. The rights of access is a linear property right that may be acquired for access control purposes to meet certain jurisdictional safety requirements. Access control imposes restriction of access openings on abutting properties to and from a public highway or roadway that are located near an intersection or ramp connection to reduce conflicts and maintain safe street operations at these locations.

The Government Code section 7267.2 offers were made to the four property owners between September and December 2023. The Project team met the minimum 30-day period identified in Caltrans guidance in providing each of the property owners with at least 75 days to review, respond to, and negotiate the offers. Follow up with the property owners occurred on a regular basis. Staff mailed a "Notice of Intent to Adopt a Resolution of Necessity" under Code of Civil Procedure section 1245.235 to each of the property owners on February 26, 2024, which provided notice of their right to appear and be heard on issues of necessity. Property owners had a 15-calendar-day period to provide a corresponding written request to appear and be heard which ended on March 11, 2024. No written requests to appear and be heard have been received.

Subject Properties Required for the Project

1. Peralta Community College District

Location: Assessor's Parcel Number (APN) 018-0455-12 & 018-0455-015-02 at 510 Fallon Street, Oakland, CA, 94607

Proposed Acquisition: Caltrans Parcel 64630-1: 4,881 square feet (sf) Temporary Construction Easement (TCE):

The proposed acquisition from this parcel includes an approximately 4,881 square foot TCE. The term of the TCE includes a period of 48 months, from July 1, 2024 to June, 30, 2028.

In the vicinity of this parcel, the Project will widen the northbound bound off-ramp to accommodate traffic related to the removal of the Broadway off-ramp as part of the overall project.

The TCE is located at the rear of the property, adjacent to the freeway off-ramp. The TCE area is a strip of land approximately 10' wide for access for off-ramp and retaining wall work related to the overall project. The TCE has been designed to be limited to the area and term required for construction of the project and to not impact the existing use of the rest of the property. The TCE area is not located within the parking lot, and the TCE will not impair the use of the existing parking lot.

At Project completion, the area of the proposed TCE will be restored to a similar condition as it existed prior to the construction of the project.

An offer pursuant to Government Code section 7267.2 was made to the owner on October 2, 2024. The College District has accepted the offer, conditioned on board approval. The College District is expected to take the offer to their board for approval in April 2024. If reached, the negotiated resolution would be reflected in a written right-of-way agreement; however, it is not anticipated that such an agreement would be finalized within the time required to meet the project schedule. Therefore, proceeding with authorization to file an action in eminent domain is needed to maintain the project schedule and meet funding deadlines while negotiations remain ongoing.

2. Wo Hing, LLC

Location: APN 018-0435-001 at 70 4th Street, Oakland, CA 94607

Proposed Acquisition: Caltrans Parcel 64634-1: 91 lf abutters' rights of access

The proposed acquisition from this parcel includes approximately 91 linear feet of abutters' rights of access along the roadway frontage of this property:

In the vicinity of this parcel, the Project must acquire access rights to satisfy Caltrans' access control requirements.

The proposed acquisition is permanent abutters' rights of access along Oak Street on the westerly property boundary of the subject property. The purpose of the proposed acquisition is to remove 91 lf of access along Oak Street, starting at the northwest corner of 5th Street heading south. The length of access acquired is to satisfy Caltrans' ingress

and egress standards for Caltrans controlled intersections. The proposed acquisition has been limited to those interests necessary to satisfy those requirements.

No driveways for the Subject Property are being eliminated as part of the acquisition. A parklet located within the public right of way will be required to be removed.

An offer pursuant to Government Code section 7267.2 was initially made to the owner on October 25, 2023. Alameda CTC has been in communication with the property owner who is working with the tenant to remove the parklet before the property owner will execute the acquisition agreement. Because the owner has not executed the acquisition agreement as of the date of this agenda report, authorization to proceed with an action in eminent domain is necessary in order to meet project schedule and funding deadlines.

3. *Hansen, et al.*

Location: APN 001-0163-003 at 105 5th Street, Oakland. CA 94607

Proposed Acquisition: Caltrans Parcel 64636-1 :179 lf abutters' rights of access

The proposed acquisition from this parcel includes approximately 179 linear feet of abutters' rights of access.

In the vicinity of this parcel, the Project must remove one driveway on 5th Street and remove one driveway on Oak Street to accommodate Caltrans' access control requirements, and will construct curb, gutter, and sidewalk within existing public right-of-way.

The proposed acquisition is permanent abutters' rights of access along 5th Street and Oak Street on the northerly and easterly property boundaries of the subject property. The purpose of the proposed acquisition is to remove a total of 179 lf of access along 5th Street and Oak Street, starting at the SE corner of 5th Street and Oak Street. 100 lf of access is proposed for acquisition along the northly boundary along 5th Street heading west, and 79 lf of access is proposed for acquisition along the easterly boundary heading south. The length of access acquired is to satisfy Caltrans' ingress and egress standards for Caltrans controlled intersections. The proposed acquisition has been limited to those interests necessary to satisfy those requirements.

As a result, the subject property would lose two driveways, the easterly most driveway on 5th Street and the northerly most driveway on Oak Street. The subject property has two remaining driveways, the westerly most driveway on 5th Street and the southerly most driveway on Oak Street.

An offer pursuant to Government Code section 7267.2 was initially made to the owner on September 29, 2023. The parties have been in active negotiations, including a Condemnation Evaluation Meeting the week of March 11, with at least one further meeting planned ahead of the March 28, 2024 hearing date; however, a final agreement has not yet

been reached and, therefore, in order to meet project schedule and funding deadlines, it is necessary to proceed with seeking authorization to proceed with an action in eminent domain.

4. *Catellus & BIT Investment, et al. (Webster St.)*

Location: APN 074-1364-005-03 at 2145 Webster Street, Alameda. CA 94501

Proposed Acquisition: Caltrans Parcel 64639-1: 163 sf permanent easement for pedestrian purposes. Caltrans Parcel 64639-2: 788 sf TCE

The proposed acquisitions from this parcel include approximately 163 square feet for a permanent easement for pedestrian purposes and an approximately 788 square foot TCE.

In the vicinity of this parcel, the Project will construct a new sidewalk connecting Alameda and the Webster Tube.

The TCE proposed for acquisition is a strip of land that varies in width between approximately 5' and 12' for the construction of a sidewalk for pedestrian access purposes. The TCE is needed for a period of 48 months, from July 1, 2024 to June, 30, 2028. The permanent easement for pedestrian purposes will provide the necessary public access to the sidewalk to be constructed as part of the project.

At Project completion, the area of the proposed temporary easement acquisition will be restored to a similar condition as it existed prior to the construction of the project.

An offer pursuant to Government Code section 7267.2 was initially made to the owner on November 3, 2023. Two of the three property owners have executed the acquisition agreement but, because the third property owner has not executed the agreement as of the date of this agenda report, in order to meet project schedule and funding deadlines, it is necessary to proceed with authorization to an action in eminent domain at this time.

5. *Catellus and BIT Investment, et al. (Willie Stargell Ave.)*

Location: APN 074-1366-002-02 at Willie Stargell Avenue, Alameda. CA 94501.

Proposed Acquisition: Caltrans Parcel 64641-1: 214 sf permanent easement for sidewalk purposes

The proposed acquisitions from this parcel includes approximately 214 sf for a permanent easement for sidewalk purposes. In the vicinity of this parcel, the Project will construct sidewalk and pedestrian improvements allowing access across Mariner Square Loop.

The proposed acquisition is a permanent easement for sidewalk purposes.

The proposed easement is needed in order to reconfigure a portion of an existing sidewalk at the far southeast corner of the subject property along the Mariner Square Loop frontage.

An offer pursuant to Government Code section 7267.2 was made to the owner on October 24, 2023. Two of the three property owners have executed the acquisition agreement but, because the third property owner has not executed the agreement as of the date of this agenda report, in order to meet project schedule and funding deadlines it is necessary to proceed with authorization to an action in eminent domain at this time.

Equity Considerations

Equity is a key priority for Alameda CTC. California law has developed considerably to address these concerns since the eminent domain abuses that plagued the development of the National Highway System and the redevelopment districts that were effectively dissolved in October 2011. In particular, California law no longer recognizes the elimination of perceived “blight,” which historically had disproportionately affected communities of color, as supporting a finding of project necessity.

Similar changes have been made over time to the statutes, guidance, and licensing requirements that govern the appraisal of property and the precondemnation offer, including California Eminent Domain Law; California Government Code Section 7260 et seq.; Uniform Standards of Professional Appraisal Practice requirements; the Caltrans Right of Way Manual; and 49 CFR, Part 24. For example, the Uniform Standards of Professional Appraisal Practice was recently amended, with advisory opinions issued, for the specific purpose of promoting equity and nondiscrimination in appraisal practices. The following additional detail demonstrates Alameda CTC’s actions in accordance with or in addition to the above-identified standards.

- Alameda CTC engaged Associated Right of Way Services (“AR/WS”), a well-respected, equity-sensitive and experienced right-of-way acquisition consultant that has assisted Alameda CTC with numerous projects.
- Appraisals were prepared by licensed AR/WS appraisers certified by the State Bureau of Real Estate Appraisers.
- All appraisals were prepared and reviewed in accordance with following:
 - The appraisers consulted with Alameda CTC legal counsel, Fennemore Wendel, as needed, to ensure compliance with California law.
 - AR/WS conducted property inspections and provided owner(s) or their designated representative(s) the opportunity to accompany the appraiser during the inspection.
 - The appraisals were prepared in an Appraisal Report format in accordance with Uniform Standards of Professional Appraisal Practice, Standard Rule 2-2.

- The properties were valued at “Fair Market Value” as per California Code of Civil Procedure, Section 1263.320, which requires a determination of the *highest price* that would be agreed upon by a willing buyer and willing seller, as opposed to the *most probable price* standard that applies to a traditional appraisal.
- The appraisals were reviewed by a qualified independent appraiser, who is also licensed, and subject to compliance with the various standards prescribed by the Federal and State Uniform Acts, Federal Highway Administration, Caltrans appraisal procedures, Uniform Standards of Professional Appraisal Practice (USPAP) and the California Eminent Domain codes.
- The appraisals were reviewed by Alameda CTC legal counsel, Fennemore Wendel.
- As part of a newly-initiated quality control and compliance initiative, Caltrans Right of Way Local Programs conducted a randomly-selected “spot check” of appraisals for Parcels 64636 and 64639 & 64641.
- Property owners were offered the option to have their own appraisals prepared by a qualified appraiser and offered up to \$5,000 reimbursement for the appraiser fee pursuant to California Civil Code of Procedure 1263.025. None of the property owners requested their own appraisals.
- The Project team initiated early outreach beginning in 2022 to make sure those within the identified footprint of the project are aware of the project, specific design, anticipated property rights that would be needed from them, process and timeline. The Project team held many meetings with these individuals. No owners expressed concern about the project design or scope of property identified for potential acquisition, with the exception of the owner of parcel 64636, who raised concerns regarding the effect of access controls on driveways. In addition to keeping the owners informed, the outreach ensured the identification of and measures to address any language barriers. One of the three owners of one parcel communicated with the Project team through a family member fluent in English. The remaining Owners of that property communicated with the Project team in English. Except as addressed, no language barriers were identified.
- Communications provided during the appraisal and offer process include an informational pamphlet detailing the process of eminent domain and the property owner’s rights under the Eminent Domain law. *See, e.g., Cal. Govt. Code §§ 7267.2(a)(2).*

Proposed Resolutions of Necessity

Negotiations have been ongoing with the four property owners and their representatives, but mutually acceptable agreements have not been reached. Discussions will continue with

all owners in hopes of negotiating agreements outside of court; however, to meet the construction schedule and to avoid the loss of critical STIP and SB1 LPP funding, the adoption of RONs to acquire the needed right of way, as further described below, are needed at this time.

Adoption of Resolutions of Necessity, by at least four-fifths vote of the membership of the Commission (i.e. at least 18 members), with the following findings is required for the initiation of follow-up eminent domain actions (if required):

1. The public interest and necessity require the proposed project.

The project is set amongst a dense and diverse urban environment, with mixed residential and commercial properties, as well as community venues serving children and seniors. In Oakland, the I-880 viaduct occupies a corridor between 5th and 6th streets, and a complex network of ramps allows partial access to Oak Street, Jackson Street, and Broadway, depending on the direction of travel. Mobility during peak commute periods is poor, with local traffic experiencing heavy congestion and delays traveling between Alameda and I-880 and I-980. Morning queues often extend the entire length of the Posey Tube. Accessibility and connectivity are both inconsistent and inconvenient, requiring motorists traveling to and from the Webster and Posey Tubes to wind through busy neighborhood streets in downtown Oakland's Chinatown and Jack London Districts. Multimodal connectivity for pedestrians and bicycles is poor due to discontinuous sidewalks, bike lanes, and the shadow effect of the large overhead freeway structure. Safety for all modes is degraded due to the numerous pedestrian/vehicle conflicts occurring on the freeway access routes on busy streets serving local residents and businesses. Access between the freeway and the roadway networks between I-880 and the Tubes is limited and indirect, and access to/from the Cities of Oakland and Alameda is circuitous. Existing access to I-880 from Alameda and the Jack London District requires loops through several local streets and intersections, routing vehicles through the downtown Oakland Chinatown neighborhood.

2. The proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

Staff, the Project Team and Caltrans studied and considered a number of alternatives for the Project design. No other alternative that was studied provided the needed safety and operational improvements afforded by the Project as designed with the least private injury to adjacent properties. The Project as planned will thus be a benefit to the residents of Alameda County and the region as a whole, while impacting relatively few private property owners. Given the dense urban environment, the project was designed so as to require the fewest acquisitions from neighboring properties as possible and to limit the acquisitions to the least amount of property or interests required to meet the project needs.

3. The property described in the resolution of necessity is necessary for the proposed project.

The Project Report and Environmental Document for the Project each considered various alternatives, and the Project as planned provided the greatest benefit to the residents of Alameda County and the region as a whole, with the least private injury. The identified acquisitions are necessary for the Project as planned and designed.

4. The offer required by Government Code Section 7267.2 has been made to all owners of record.

The Project team has made the required written offers to the owners of record or representative of the owners of record for each parcel, based on an approved appraisal of the fair market value of the properties as a whole and the specific property interests necessary for the Project. The offers included a written statement containing detail sufficient to indicate the basis for the offer as required by Government Code section 7267.2, and an informational pamphlet setting out the eminent domain process and the property owner's rights.

Issues related to compensation for the real property interests necessary for the Project are not considered as part of the hearing on the proposed Resolutions of Necessity.

Staff recommends the Commission conduct hearings on RONS and consider all the evidence presented for the acquisition of the following real property interests identified as necessary for the Project and, thereafter, adopt each of the Resolutions based on the above findings and information.

Next Steps*

- File Summons/Complaint/Motion for Order of Possession (OP) Hearing Date – April 11, 2024**
- Make Deposits of Probable Compensation – Concurrent with Filings
- Hearing Date for OP / Service of OP – August 9, 2024 (hearing date requires no less than 90 days' notice for occupied properties)
- Effective OPs, if granted – September 9, 2024 (30 days after service of Order for Possession)
- Right of Way Certification – September 23, 2024
- Ready to List (RTL) – September 30, 2024
- Request Allocation of State Funds from California Transportation Commission (CTC) – December 5, 2024
- Construction Contract Advertisement – Early January 2025
- Construction Contract Award – Early April 2025

*Pending adoption of resolution of necessity.

**Above dates are tentative and subject to change depending upon superior court schedule and subject to entry of identified orders.

Consequences for not Adopting RONS on March 28, 2024:

Alternative A – No RON Adopted / Not Considered At a Later Date:

If RONS are not adopted at the March 28, 2024 Commission meeting, Alameda CTC would not be able to proceed with actions in eminent domain to acquire the property interests needed for the project. Without the necessary property, the project could not move forward.

Alternative B – No RON Adopted / Considered At a Later Date:

Should the Commission decide to reconsider and adopt RONS at a later date, the effect would be that project funding and construction deadlines will not be met and the ability to secure identified funding sources for the project would be compromised.

In addition to funding considerations, the failure to adopt a RON at the scheduled hearing date would also add cost and delay. For example, holding a further hearing to reconsider the adoption of RONS would require a new notice to the affected owners. Current practice is to provide approximately 30 days' notice to meet the statutory requirement of reasonable notice to owner(s) of record whose name and address appear on the last equalized tax roll.

Depending upon the timing of a new hearing, the delay could subject the appraisals underlying the offers previously made to each owner to become stale, which could necessitate updated appraisals and offers to support a finding of compliance with Government Code section 7267.2. The requirement to secure updated appraisals and make new offers could create delay by several months, depending on appraiser availability, thereby further adding cost and delay.

The delays associated with a later adopted RON, even if continued to the first available hearing date following the scheduled date, would continue through each of the steps outlined above, including state funding allocation, which would slip no less than two months until the January 23, 2025 CTC meeting. This date could further slip to March 20, 2025 CTC meeting because there is no CTC meeting in February 2025. Construction completion could slip from summer 2028 to the end of 2028 and potentially to spring 2029 depending upon the weather conditions.

Fiscal Impact: There is no fiscal impact to the Project. Budget for right of way acquisition and staff support is included in the Project funding plan and budget.

Attachments:

- A. Resolution Number 23-011
- B. Proposed Resolution of Necessity No. 24-004 for Caltrans Parcel 64630-1 with attached legal descriptions and map

- C. Proposed Resolution of Necessity No. 24-005 for Caltrans Parcel 64634-1 with attached legal descriptions and map
- D. Proposed Resolution of Necessity No. 24-006 for Caltrans Parcel 64636-1 with attached legal descriptions and map
- E. Proposed Resolution of Necessity No. 24-008 for Caltrans Parcel 64639-1 and 64639-2 with attached legal descriptions and map
- F. Proposed Resolution of Necessity No. 24-010 for Caltrans Parcel 64641-1 with attached legal descriptions and map



Commission Chair
Mayor John J. Bauters
City of Emeryville

Commission Vice Chair
Supervisor David Haubert, District 1

Alameda County
Supervisor Elsa Márquez, District 2
Supervisor Lena Tam, District 3
Supervisor Nate Miley, District 4
Supervisor Keith Carson, District 5

AC Transit
President Joel B. Young

BART
Director Rebecca Saltzman

City of Alameda
Mayor Marilyn Ezzy Ashcraft

City of Albany
Councilmember Preston Jordan

City of Berkeley
Councilmember Rigel Robinson

City of Dublin
Mayor Melissa Hernandez

City of Fremont
Mayor Lily Mei

City of Hayward
Mayor Mark Salinas

City of Livermore
Mayor John Marchand

City of Newark
Councilmember Luis Freitas

City of Oakland
Councilmember At-Large
Rebecca Kaplan
Councilmember Carroll Fife

City of Piedmont
Mayor Jen Cavanaugh

City of Pleasanton
Mayor Karla Brown

City of San Leandro
Mayor Juan Gonzalez, III

City of Union City
Mayor Carol Dutra-Vernaci

Executive Director
Tess Lengyel

ALAMEDA COUNTY TRANSPORTATION COMMISSION RESOLUTION 23-011

Resolution of the Alameda County Transportation Commission Electing to Hear Resolutions of Necessity for the Oakland Alameda Access Project

WHEREAS, Alameda CTC is undertaking the Oakland Alameda Access Project to implement various safety and operational improvements, including construction of a new horseshoe ramp from Posey Tube, realignment and reconstruction of existing ramps, and construction of bicycle and pedestrian facilities, to improve safety, accessibility and connectivity, and reduce congestion on the State Highway and local streets within the Cities of Oakland and Alameda in Alameda County; and

WHEREAS, as of March 1, 2012, Alameda CTC has been vested with the power of eminent domain to acquire real property by virtue of Article 1, Section 19 of the Constitution of the State of California, Section 25350.5 of the Government Code of the State of California as delegated in Section 14 of Alameda CTC's Joint Powers Agreement, and Sections 1240.010 and 1240.110 of the Code of Civil Procedure of the State of California, within the jurisdictional limits of the County of Alameda; and

WHEREAS, the State of California, Department of Transportation requires the governing body of a local transportation agency acquiring real property for a project relating to a State Highway to pass and adopt, by a four-fifths vote, a resolution determining that the governing body of the local transportation authority will hear resolutions of necessity to acquire real property for a project relating to a State Highway, if any are necessary; and

WHEREAS, to proceed with the Project and the acquisition process, and in light of the Project's schedule, critical deadlines, and necessary acquisitions, it may be necessary to conduct Resolution of Necessity hearings.

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Alameda County Transportation Commission hereby agrees to conduct Resolution of Necessity hearings, and to adopt or reject the proposed resolutions of necessity to obtain the real property and real property interests determined to be necessary for the Project.

DULY PASSED AND ADOPTED by the Alameda CTC Commission at the regular Commission meeting held on Thursday, July 27, 2023 in Oakland, California, by the following vote:

AYES: 21

NOES: 0

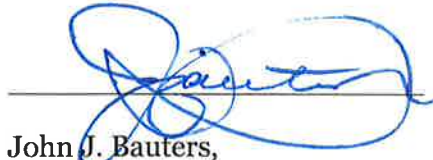
ABSTAIN: 0

ABSENT: 1

Bauters, Bowen, Brown,
Carson, Cavanaugh,
Dutra-Vernaci, Ezzy Ashcraft,
Fife, Freitas, Gonzalez, Jordan,
Kaplan, Marchand, Márquez,
Mei, Miley, Robinson, Salinas,
Saltzman, Salwan, Young

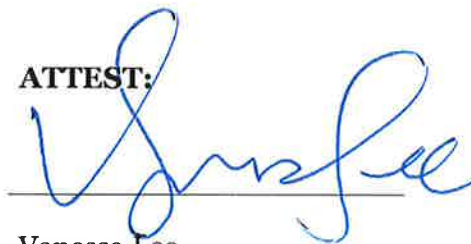
Hernandez

SIGNED:



John J. Bauters,
Chair, Alameda CTC

ATTEST:



Vanessa Lee,
Clerk of the Commission



Commission Chair
Councilmember John J. Bauters
City of Emeryville

Commission Vice Chair
Supervisor David Haubert, District 1

Alameda County
Supervisor Elisa Márquez, District 2
Supervisor Lena Tam, District 3
Supervisor Nate Miley, District 4
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City of Berkeley
Councilmember Terry Taplin

City of Dublin
Mayor Melissa Hernandez

City of Fremont
Mayor Lily Mei

City of Hayward
Mayor Mark Salinas

City of Livermore
Mayor John Marchand

City of Newark
Councilmember Luis Freitas

City of Oakland
Councilmember At-Large
Rebecca Kaplan
Councilmember Carroll Fife

City of Piedmont
Mayor Jen Cavanaugh

City of Pleasanton
Mayor Karla Brown

City of San Leandro
Mayor Juan Gonzalez, III

City of Union City
Mayor Carol Dutra-Vernaci

Executive Director
Tess Lengyel

ALAMEDA COUNTY TRANSPORTATION COMMISSION RESOLUTION NO. 24-004

A RESOLUTION OF THE ALAMEDA COUNTY TRANSPORTATION COMMISSION DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN LAND AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS ON CERTAIN PROPERTY FOR THE OAKLAND ALAMEDA ACCESS PROJECT

WHEREAS, the Alameda County Transportation Commission (“Alameda CTC”) is vested with the power of eminent domain and is authorized to acquire real property by virtue of Article 1, Section 19 of the Constitution of the State of California; Section 25350.5 of the Government Code of the State of California, as delegated in Section 14 of the Alameda CTC Joint Powers Agreement; Section 760 of the Streets and Highways Code of the State of California; and Sections 1240.010, 1240.110, and 1240.610 of the Code of Civil Procedure of the State of California within the jurisdictional limits of the County of Alameda; and

WHEREAS, it is desirable and necessary for Alameda CTC to acquire certain real property and property interests, particularly described in Exhibit A, for the purpose of, inter alia, improving multimodal safety and reducing conflicts in equity priority communities and reducing incidents between regional and local traffic; enhancing bicycle and pedestrian accessibility and connectivity within the project study area; creating more multimodal options helping to protect the climate; improving mobility and accessibility between I-880, SR-260, City of Oakland downtown neighborhoods and the City of Alameda, some of which are equity priority communities that are low income and have been historically underserved; reducing freeway-bound regional traffic and congestion on local roadways and in area neighborhoods, and reducing carbon emissions in the County of Alameda, State of California; and

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure, written notice has been duly given to all persons whose property is to be acquired by eminent domain and whose names and addresses appear on the last County of Alameda equalized assessment roll, all of whom have been given a reasonable opportunity to appear and be heard before the governing body of Alameda CTC (the “Commission”) on the following matters:

1. Whether the public interest and necessity require the project;
2. Whether the project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
3. Whether the property sought to be acquired is necessary for the project; and

4. Whether the offer required by Section 7267.2 of the Government Code has been made to the owners of record.

NOW THEREFORE, BE IT RESOLVED, by at least a four-fifths vote of the Commission, pursuant to Sections 1240.030 and 1245.230 of the Code of Civil Procedure of the State of California, that this Commission does and it hereby finds and determines each of the following:

Section 1. Based upon the evidence presented, this Commission finds and resolves as follows:

- (a) The property to be acquired is described in Exhibit A, attached hereto and incorporated herein;
- (b) Said property is to be acquired for public use, to wit, for public highway purposes, pursuant to the authority granted by Article 1, Section 19 of the Constitution of the State of California; Section 25350.5 of the Government Code of the State of California, as delegated in Section 14 of the Alameda CTC Joint Powers Agreement; Section 760 of the Streets and Highways Code of the State of California; and Part 3, Title 7 of the Code of Civil Procedure;
- (c) The public interest and necessity require the project, which is to improve public health, safety and welfare by improving multimodal safety and reducing conflicts between regional and local traffic, enhancing bicycle and pedestrian accessibility and connectivity within the project area, improving mobility and accessibility between I-880, SR-260 (Tubes), City of Oakland downtown neighborhoods, and the City of Alameda, and reducing freeway-bound regional traffic and congestion on local roadways and in area neighborhoods in the County of Alameda, State of California;
- (d) The proposed project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury;
- (e) The property described in Exhibit A is being acquired in Temporary Construction Easement (TCE), and is necessary for the construction of the proposed project; and
- (f) The offer required by Government Code Section 7267.2 has been made to the owners of record of the real property.

Section 2. General Counsel of Alameda CTC or his duly authorized designee, be, and is hereby authorized and directed to institute and conduct to conclusion an action in eminent domain for the acquisition of the estates and interests aforesaid and to take such action as counsel may deem advisable or necessary in connection therewith. An order for prejudgment possession may be obtained in said action and a warrant issued and deposited with the State Treasurer Condemnation Fund, in the amount determined the most probable compensation for the property sought to be acquired, as a condition to the right of possession.

ADOPTED March 28, 2024, by the Commission of the Alameda County Transportation Commission by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

SIGNED:

ATTEST:

John J. Bauters, Chair
Alameda CTC

Vanessa Lee, Clerk of the Commission

APPROVED AS TO FORM:

General Counsel of the Alameda
County Transportation Commission

Exhibit A

PARCEL 64630-1

A temporary easement to terminate June 30, 2028 for construction purposes over, through and across that real property situated in the City of Oakland, County of Alameda, State of California, being a portion of Parcel 4 as described in the Grant Deed recorded November 14, 1967, in Reel 2074 Image 235 and a portion of Parcel 1 and Parcel 3 as described in the Grant Deed recorded March 10, 1970, in Reel 2578 Image 945, Alameda County Records, more particularly described as follows:

Beginning at the northerly corner of Parcel 1 as described in the Grant Deed recorded July 14, 2004, as Document Number 2004320587, Alameda County Records. Said point also being at the intersection of the southeasterly line of Fallon Street (80' wide) with the northeasterly line of State Route 880, Nimitz Freeway;

thence along the northeasterly line of Parcel 1 of said Document Number 2004320587, South 48°21'51" East 133.40 feet to the southerly line of said Parcel 3;

thence along said southerly line South 60°26'48" East 178.62 feet to an angle point in the general northwesterly line of said Parcel 4;

thence along said northwesterly line South 29°33'12" West 32.15 feet to the northeasterly line of Parcel 2 as described in the Grant Deed recorded July 14, 2004 as Document Number 2004320587, Alameda County Records;

thence along said northeasterly line South 38°06'19" East 143.61 feet;

thence leaving said northeasterly line North 50°40'31" East 9.85 feet;

thence North 38°06'19" West 136.80 feet;

thence North 29°03'56" East 35.55 feet;

thence North 60°26'48" West 187.11 feet;

thence North 48°21'51" West 134.88 feet to the southeasterly line of said Fallon Street;

thence along said southeasterly line South 27°24'35" West 10.32 feet to the **Point of Beginning**;

Contains 4,881 sq. ft. more or less.

Bearings and distances based upon the California Coordinate System (CCS83, Zone 3, Epoch 2010.00) Multiply by 1.0000659 to obtain ground distances.

Signature _____

Jonathon J. Correa

Licensed Land Surveyor (PLS 8950)

Date 10/16/2023



EXHIBIT B

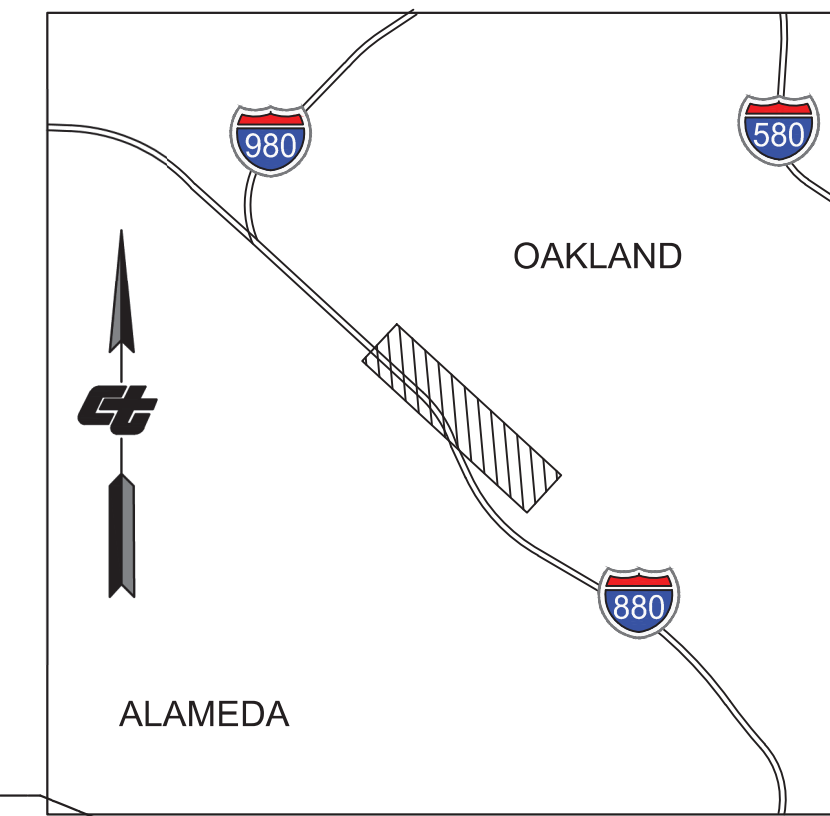
NOTE: The State of California or its officers or agents shall not be responsible for the accuracy or completeness of digital images of this map.

GUIDA SURVEYING COMPANY
3536 CONCOURS STREET SUITE 201,
Ontario, CA 91764
OFFICE: 925.398.2540
EMAIL: Jcorrea@guidainc.com

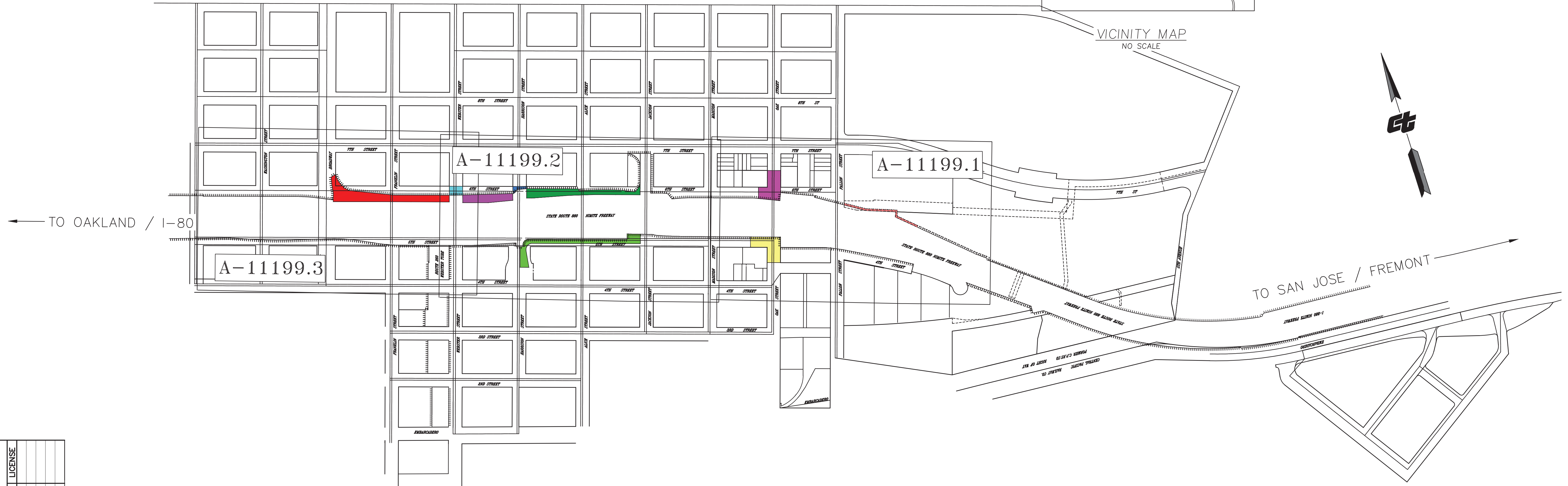
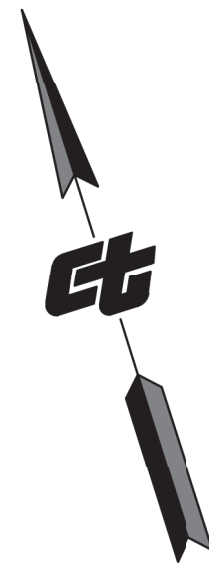


JONATHON CORREA
P.L.S 8950

8/4/2023
DATE:



VICINITY MAP
NO SCALE



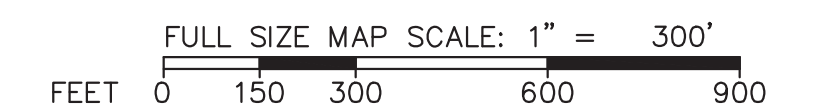
PARCEL NO.	GRANTOR	SHEET
64630-1	PERALTA JUNIOR COLLEGE DISTRICT, OF ALAMEDA	2
64631-1	CITY OF OAKLAND	2
64632-1	CITY OF OAKLAND	2
64633-1	CITY OF OAKLAND	3
56158_SEG 1	STATE OF CALIFORNIA	3
64635-1	CITY OF OAKLAND	3
56158_SEG 2	STATE OF CALIFORNIA	3
64637-1	CTY OF OAKLAND	3
56158_SEG 3	STATE OF CALIFORNIA	4
64634-1	WO HING, LLC	2
64636-1	HAROLD AND PATSY THOMAS, ET AL	2
64638-1	6TH & OAK ASSOCIATES, L.P.	2
64640-1	SIU KING LEUN, ET AL	2

[illegible]

STATE OF CALIFORNIA
CALIFORNIA STATE TRANSPORTATION AGENCY
DEPARTMENT OF TRANSPORTATION

**RIGHT OF WAY
APPRAISAL MAP INDEX
A-11199.0**

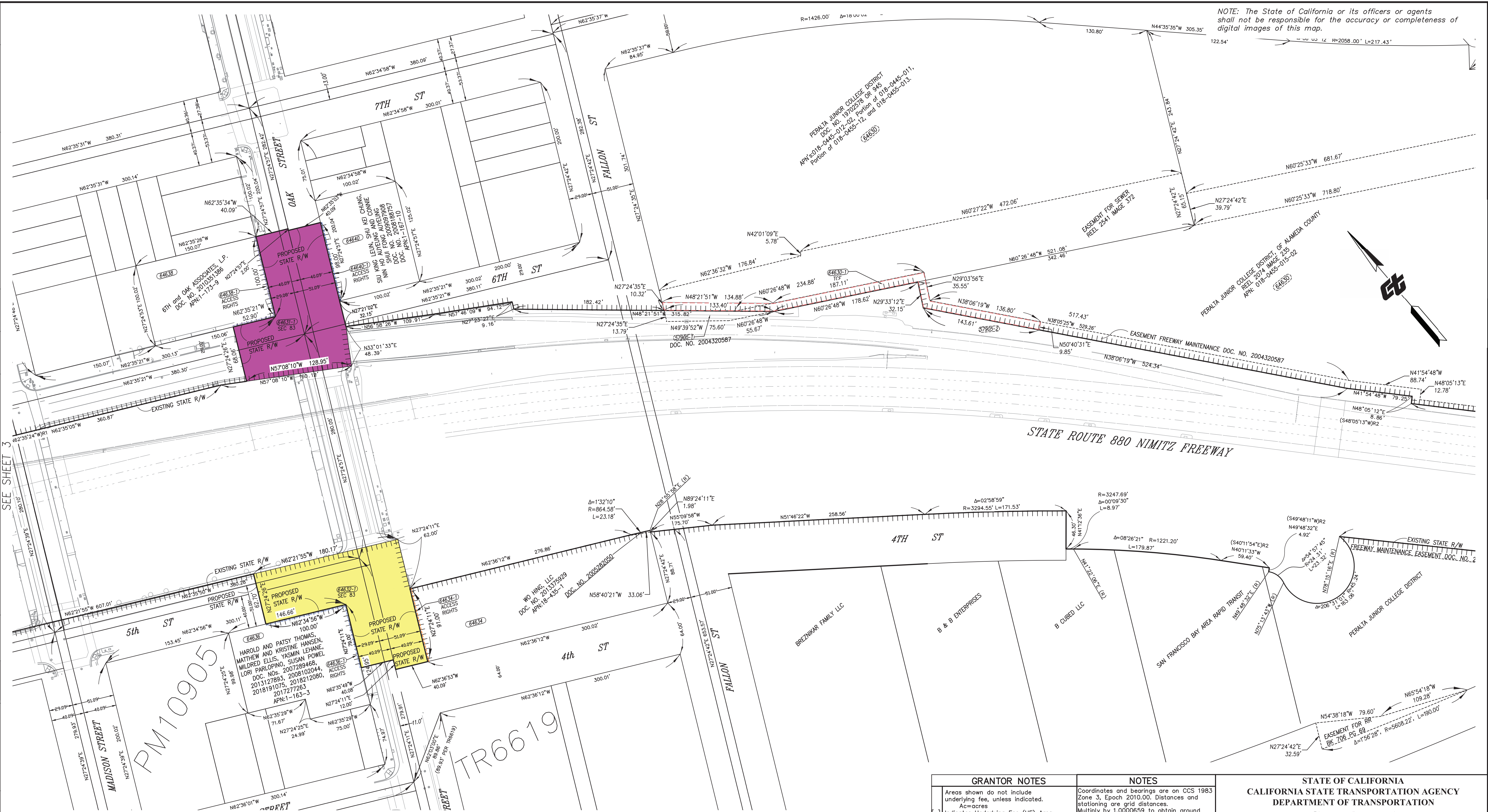
COPYRIGHT 2019 CALIFORNIA DEPARTMENT OF TRANSPORTATION.
ALL RIGHTS RESERVED.



TO DESIGN:#			EA(s):0G360	FA#:##	
DISTRICT	COUNTY	ROUTE	PROJECT PM LIMITS	SHEET NO.	TOTAL SHEETS
04	ALAMEDA	880	30.6-31.6	1	4

PROJECT ID: 0400000326

PROJECT SURVEYOR: ##	REVISIONS	DATE	REVISIONS	DATE	SURVEYOR	LICENSE	REVISIONS	DATE	SURVEYOR	LICENSE
10/16/2023	CHANGED TCE (PARCEL 64630-1)	EXP. DATE			J. CORREA	PLS 8950				



PARCEL#	TITLE CODE	GRANTOR/GRANTEE	AREAS (square feet or as noted)					REMARKS	RECORDATION		
			TOTAL	REQUIRED	[UF]	EXCESS	[UF]	REMAINDER	TYPE	DATE	DOC.#
64630-1	TCE	PERALTA JR. COLLEGE DIST. OF ALAMEDA						4,881 SQ.FT. TEMPORARY CONSTRUCTION EASEMENT (EXPIRES 12/31/2027)	TCE		
64631-1	83	CITY OF OAKLAND		17,726				INTENT LETTER DATED //	LTR		
64632-1	83	CITY OF OAKLAND		18,048				INTENT LETTER DATED //	LTR		
64634-1	A	WO HING, LLC	27,298					91.00 LINEAR FEET ACCESS RIGHTS	GD		
64636-1	A	HAROLD AND PATSY THOMAS, ET AL	16,537					179.00 LINEAR FEET ACCESS RIGHTS	GD		
64638-1	A	6TH AND OAK ASSOCIATES, L.P.	15,009					152.90 LINEAR FEET ACCESS RIGHTS	GD		
64640-1	A	SU KING LEUN, ET AL	12,505					98.00 LINEAR FEET ACCESS RIGHTS	GD		

GRANTOR NOTES

Areas shown do not include underlying fee, unless indicated.

Ac=acres

Indicates Underlying Fee (UF) Area

Indicates Indeterminate UF

TITLE CODES:

A=Access Rights Only

F=Fee

E=Easement (Ease)

TCE=Temp Construction Ease

T=Other Temp Ease (see Remarks)

O=Other (see Remarks)

TYPE:

GD=Grant deed

ED=Easement deed

QC=Quitclaim

DD=Director's deed

DE=Director's easement deed

DK=Director's quitclaim deed

FOC=Final Order of Condemnation

HE=Highway easement deed

REL=Relinquishment

VAC=Vacation

JUA=Joint use agreement

CCUA=Consent to common use agreement

Document or Instrument number

NOTES

Coordinates and bearings are on CCS 1983 Zone 3, Epoch 2010.00. Distances and stationing are grid distances. Multiply by 1.0000659 to obtain ground distances. All distances are in feet unless otherwise noted.

LEGEND

Access Prohibited

Access Superseded

Existing R/W Superseded

Access Opening (Private)

Indicates Radial Bearing

Indicates Found Monument as noted

Indicates calculated point. (Does not imply monument set)

Title to State

Required for Others

STATE OF CALIFORNIA
CALIFORNIA STATE TRANSPORTATION AGENCY
DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY
APPRAISAL MAP
A-11199.1

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FOR PREVIOUS R/W INFORMATION SEE MAP(S)R-10479.5 - R-10479.7, S-601, R-7.1

FULL SIZE MAP SCALE: 1" = 60'

FEET 0 30 60 120 180

TO DESIGN: DRAFTED BY:JG

EA(s):06360

FA#:

CHECKED BY:JC

DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
4	ALA	880	31.0	2	4



Commission Chair
Councilmember John J. Bauters
City of Emeryville

Commission Vice Chair
Supervisor David Haubert, District 1

Alameda County
Supervisor Elisa Márquez, District 2
Supervisor Lena Tam, District 3
Supervisor Nate Miley, District 4
Supervisor Keith Carson, District 5

AC Transit
President Joel B. Young

BART
Director Rebecca Saltzman

City of Alameda
Mayor Marilyn Ezzy Ashcraft

City of Albany
Councilmember Preston Jordan

City of Berkeley
Councilmember Terry Taplin

City of Dublin
Mayor Melissa Hernandez

City of Fremont
Mayor Lily Mei

City of Hayward
Mayor Mark Salinas

City of Livermore
Mayor John Marchand

City of Newark
Councilmember Luis Freitas

City of Oakland
Councilmember At-Large
Rebecca Kaplan
Councilmember Carroll Fife

City of Piedmont
Mayor Jen Cavanaugh

City of Pleasanton
Mayor Karla Brown

City of San Leandro
Mayor Juan Gonzalez, III

City of Union City
Mayor Carol Dutra-Vernaci

Executive Director
Tess Lengyel

ALAMEDA COUNTY TRANSPORTATION COMMISSION RESOLUTION NO. 24-005

A RESOLUTION OF THE ALAMEDA COUNTY TRANSPORTATION COMMISSION DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN LAND AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS ON CERTAIN PROPERTY FOR THE OAKLAND ALAMEDA ACCESS PROJECT

WHEREAS, the Alameda County Transportation Commission (“Alameda CTC”) is vested with the power of eminent domain and is authorized to acquire real property by virtue of Article 1, Section 19 of the Constitution of the State of California; Section 25350.5 of the Government Code of the State of California, as delegated in Section 14 of the Alameda CTC Joint Powers Agreement; Section 760 of the Streets and Highways Code of the State of California; and Sections 1240.010, 1240.110, and 1240.610 of the Code of Civil Procedure of the State of California within the jurisdictional limits of the County of Alameda; and

WHEREAS, it is desirable and necessary for Alameda CTC to acquire certain real property and property interests, particularly described in Exhibit A, for the purpose of, inter alia, improving multimodal safety and reducing conflicts in equity priority communities and reducing incidents between regional and local traffic; enhancing bicycle and pedestrian accessibility and connectivity within the project study area; creating more multimodal options helping to protect the climate; improving mobility and accessibility between I-880, SR-260, City of Oakland downtown neighborhoods and the City of Alameda, some of which are equity priority communities that are low income and have been historically underserved; reducing freeway-bound regional traffic and congestion on local roadways and in area neighborhoods, and reducing carbon emissions in the County of Alameda, State of California; and

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure, written notice has been duly given to all persons whose property is to be acquired by eminent domain and whose names and addresses appear on the last County of Alameda equalized assessment roll, all of whom have been given a reasonable opportunity to appear and be heard before the governing body of Alameda CTC (the “Commission”) on the following matters:

1. Whether the public interest and necessity require the project;
 2. Whether the project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
 3. Whether the property sought to be acquired is necessary for the project;
- and

4. Whether the offer required by Section 7267.2 of the Government Code has been made to the owners of record.

NOW THEREFORE, BE IT RESOLVED, by at least a four-fifths vote of the Commission, pursuant to Sections 1240.030 and 1245.230 of the Code of Civil Procedure of the State of California, that this Commission does and it hereby finds and determines each of the following:

Section 1. Based upon the evidence presented, this Commission finds and resolves as follows:

- (a) The property to be acquired is described in Exhibit A, attached hereto and incorporated herein;
- (b) Said property is to be acquired for public use, to wit, for public highway purposes, pursuant to the authority granted by Article 1, Section 19 of the Constitution of the State of California; Section 25350.5 of the Government Code of the State of California, as delegated in Section 14 of the Alameda CTC Joint Powers Agreement; Section 760 of the Streets and Highways Code of the State of California; and Part 3, Title 7 of the Code of Civil Procedure;
- (c) The public interest and necessity require the project, which is to improve public health, safety and welfare by improving multimodal safety and reducing conflicts between regional and local traffic, enhancing bicycle and pedestrian accessibility and connectivity within the project area, improving mobility and accessibility between I-880, SR-260 (Tubes), City of Oakland downtown neighborhoods, and the City of Alameda, and reducing freeway-bound regional traffic and congestion on local roadways and in area neighborhoods in the County of Alameda, State of California;
- (d) The proposed project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury;
- (e) The property described in Exhibit A is being acquired in permanent abutters' rights of access for the relinquishment of access rights onto Oak Street, and is necessary for the construction of the proposed project; and
- (f) The offer required by Government Code Section 7267.2 has been made to the owners of record of the real property.

Section 2. General Counsel of Alameda CTC or his duly authorized designee, be, and is hereby authorized and directed to institute and conduct to conclusion an action in eminent domain for the acquisition of the estates and interests aforesaid and to take such action as counsel may deem advisable or necessary in connection therewith. An order for prejudgment possession may be obtained in said action and a warrant issued and deposited with the State Treasurer Condemnation Fund, in the amount determined the most probable compensation for the property sought to be acquired, as a condition to the right of possession.

ADOPTED March 28, 2024, by the Commission of the Alameda County Transportation Commission by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

SIGNED:

ATTEST:

John J. Bauters, Chair
Alameda CTC

Vanessa Lee, Clerk of the Commission

APPROVED AS TO FORM:

General Counsel of the Alameda
County Transportation Commission

Exhibit A

PARCEL 64634-1

This conveyance is made for the purpose of a freeway and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights of access, appurtenant to grantor's property, in and to said freeway over and across the following line:

Beginning at the most northerly corner of the Tract of land conveyed to the State of California by Indenture No. 14611 Recorded March 21, 1957, In Book 8318 of Official Records of Alameda County, Page 123 said corner being on the Southerly line of Oak Street; Thence along said Southerly line of Oak Street South 27°24'11" West 91.00 feet to a point on a line parallel with and distant 64 feet Northeasterly, at right angles from the Southwesterly line of said State's Tract No. 14611, said point being the **Terminus Point** of herein described line.

Bearings and distances based upon the California Coordinate System (CCS83, Zone 3, Epoch 2010.00) Multiply by 1.0000659 to obtain ground distances.

Signature _____

Jonathon J. Correa

Licensed Land Surveyor (PLS 8950)

Date 9/28/2023



EXHIBIT B

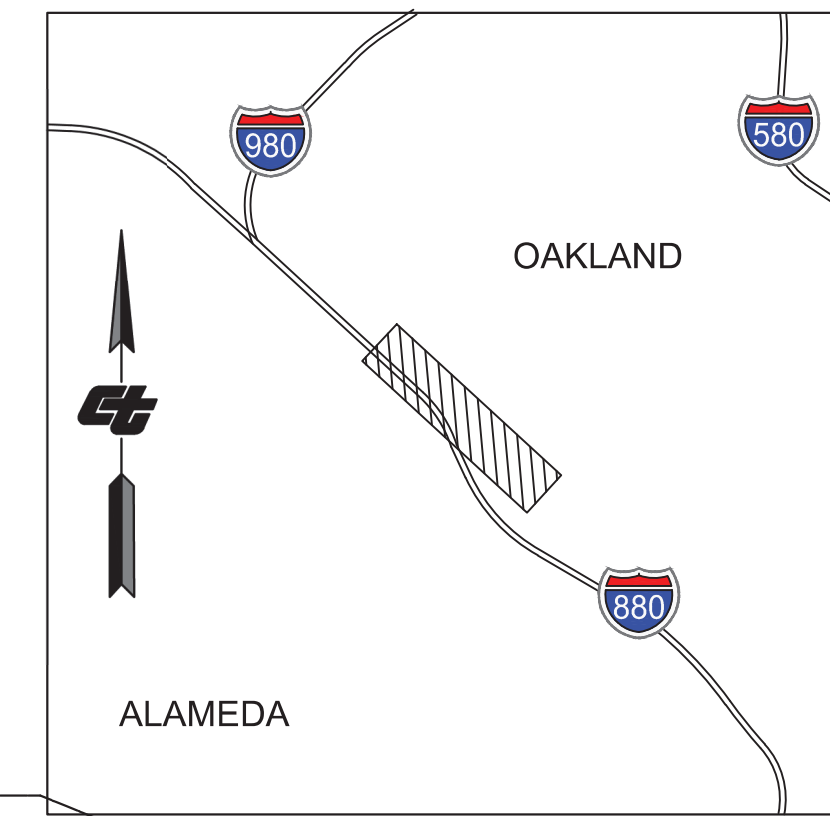
NOTE: The State of California or its officers or agents shall not be responsible for the accuracy or completeness of digital images of this map.

GUIDA SURVEYING COMPANY
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Ontario, CA 91764
OFFICE: 925.398.2540
EMAIL: Jcorrea@guidainc.com

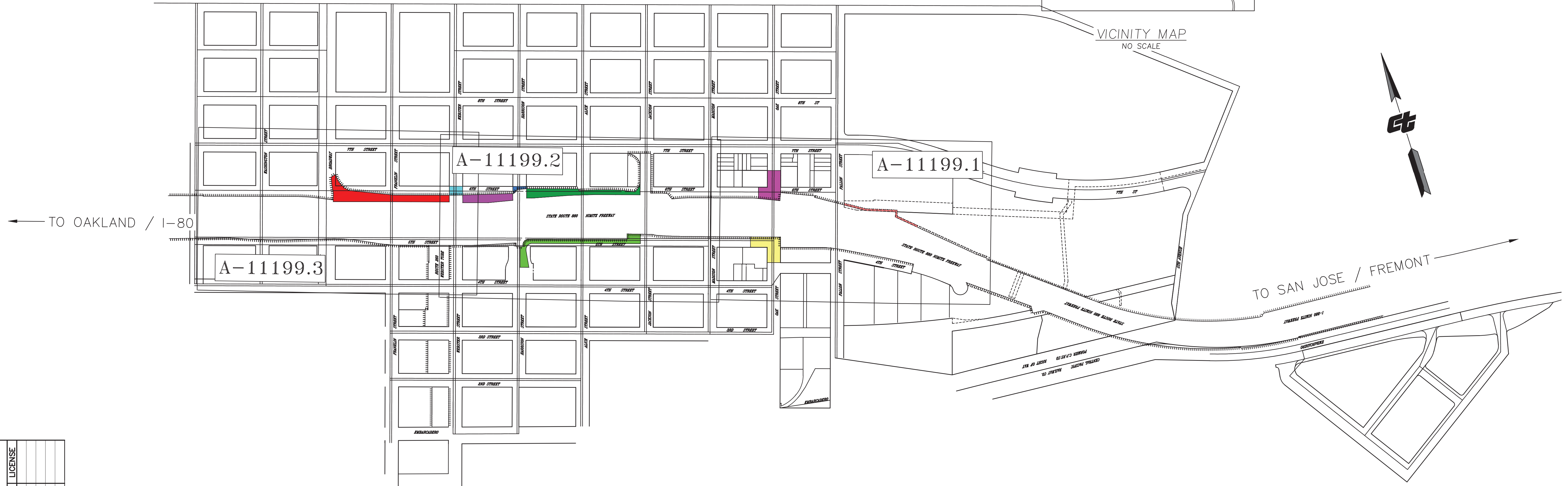
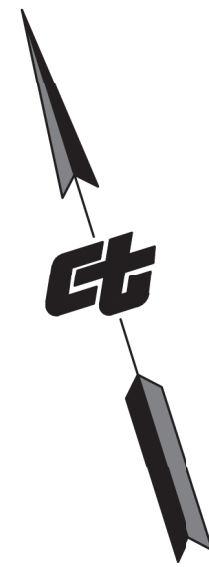


JONATHON CORREA
P.L.S 8950

8/4/2023
DATE:



VICINITY MAP
NO SCALE



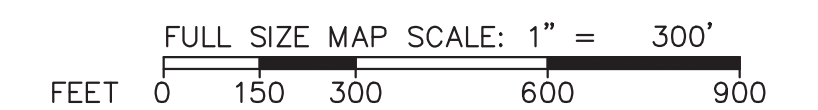
PARCEL NO.	GRANTOR	SHEET
64630-1	PERALTA JUNIOR COLLEGE DISTRICT, OF ALAMEDA	2
64631-1	CITY OF OAKLAND	2
64632-1	CITY OF OAKLAND	2
64633-1	CITY OF OAKLAND	3
56158_SEG 1	STATE OF CALIFORNIA	3
64635-1	CITY OF OAKLAND	3
56158_SEG 2	STATE OF CALIFORNIA	3
64637-1	CTY OF OAKLAND	3
56158_SEG 3	STATE OF CALIFORNIA	4
64634-1	WO HING, LLC	2
64636-1	HAROLD AND PATSY THOMAS, ET AL	2
64638-1	6TH & OAK ASSOCIATES, L.P.	2
64640-1	SIU KING LEUN, ET AL	2

[illegible]

STATE OF CALIFORNIA
 CALIFORNIA STATE TRANSPORTATION AGENCY
 DEPARTMENT OF TRANSPORTATION

**RIGHT OF WAY
APPRAISAL MAP INDEX
A-11199.0**

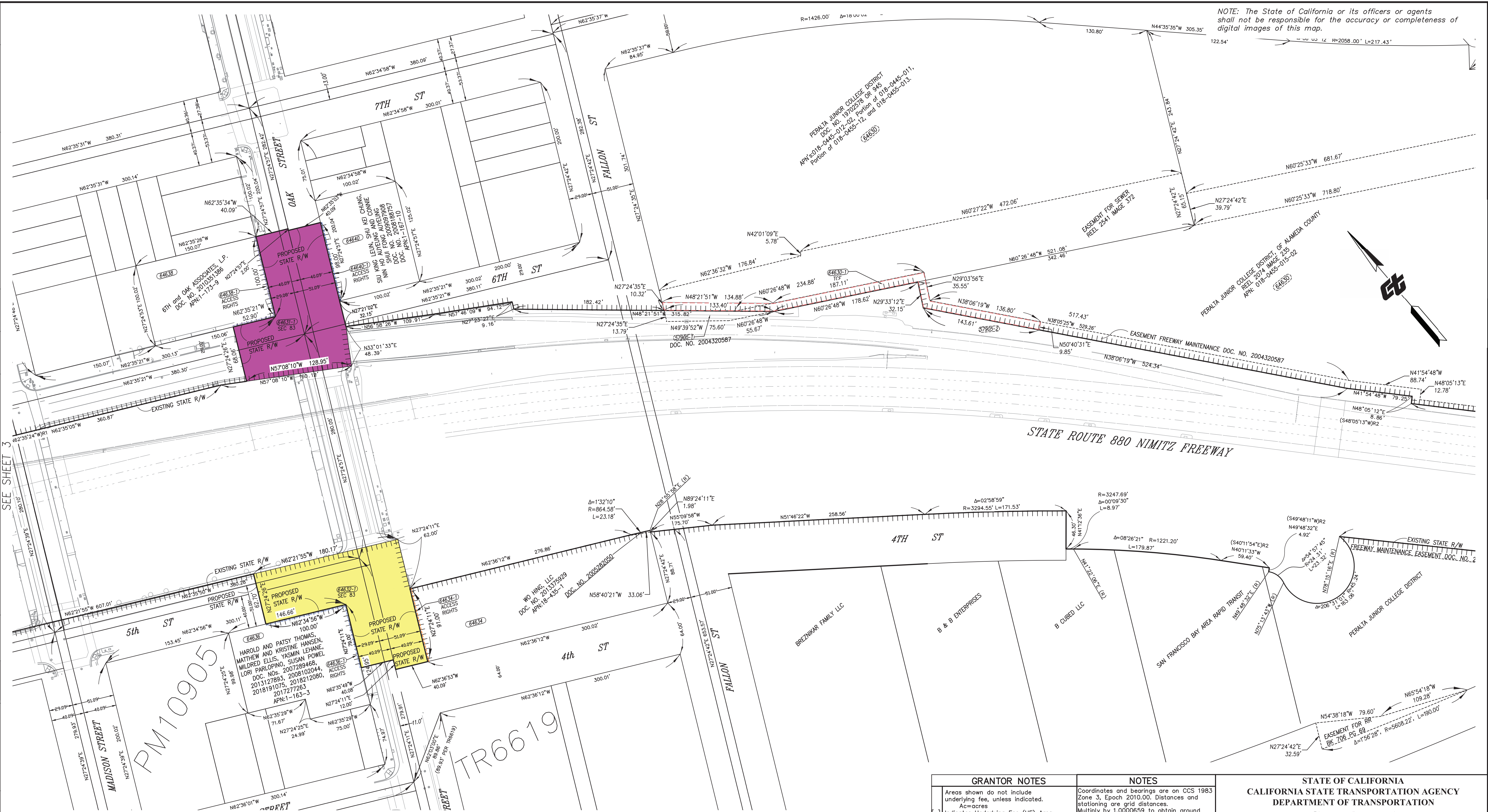
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TO DESIGN:#			EA(s):0G360	FA#:##	
DISTRICT	COUNTY	ROUTE	PROJECT PM LIMITS	SHEET NO.	TOTAL SHEETS
04	ALAMEDA	880	30.6-31.6	1	4

PROJECT ID: 0400000326

PROJECT SURVEYOR: ##	REVISIONS	DATE	REVISIONS	DATE	SURVEYOR	LICENSE	DATE	REVISIONS	SURVEYOR	LICENSE
10/16/2023	CHANGED TCE (PARCEL 64630-1)	EXP. DATE			J. CORREA	PLS 8950				



PARCEL#	TITLE CODE	GRANTOR/GRANTEE	AREAS (square feet or as noted)					REMARKS	RECORDATION		
			TOTAL	REQUIRED	[UF]	EXCESS	[UF]	REMAINDER	TYPE	DATE	DOC.#
64630-1	TCE	PERALTA JR. COLLEGE DIST. OF ALAMEDA						4,881 SQ.FT. TEMPORARY CONSTRUCTION EASEMENT (EXPIRES 12/31/2027)	TCE		
64631-1	83	CITY OF OAKLAND		17,726				INTENT LETTER DATED //	LTR		
64632-1	83	CITY OF OAKLAND		18,048				INTENT LETTER DATED //	LTR		
64634-1	A	WO HING, LLC	27,298					91.00 LINEAR FEET ACCESS RIGHTS	GD		
64636-1	A	HAROLD AND PATSY THOMAS, ET AL	16,537					179.00 LINEAR FEET ACCESS RIGHTS	GD		
64638-1	A	6TH AND OAK ASSOCIATES, L.P.	15,009					152.90 LINEAR FEET ACCESS RIGHTS	GD		
64640-1	A	SU KING LEUN, ET AL	12,505					98.00 LINEAR FEET ACCESS RIGHTS	GD		

GRANTOR NOTES

Areas shown do not include underlying fee, unless indicated.

Ac=acres

Indicates Underlying Fee (UF) Area

Indicates Indeterminate UF

TITLE CODES:

A=Access Rights Only

F=Fee

E=Easement (Ease)

TCE=Temp Construction Ease

T=Other Temp Ease (see Remarks)

O=Other (see Remarks)

TYPE:

GD=Grant deed

ED=Easement deed

QC=Quitclaim

DD=Director's deed

DE=Director's easement deed

DK=Director's quitclaim deed

FOC=Final Order of Condemnation

HE=Highway easement deed

REL=Relinquishment

VAC=Vacation

JUA=Joint use agreement

CCUA=Consent to common use agreement

Document or Instrument number

NOTES

Coordinates and bearings are on CCS 1983 Zone 3, Epoch 2010.00. Distances and stationing are grid distances. Multiply by 1.0000659 to obtain ground distances. All distances are in feet unless otherwise noted.

LEGEND

Access Prohibited

Access Superseded

Existing R/W Superseded

Access Opening (Private)

Indicates Radial Bearing

Indicates Found Monument as noted

Indicates calculated point. (Does not imply monument set)

Title to State

Required for Others

STATE OF CALIFORNIA
CALIFORNIA STATE TRANSPORTATION AGENCY
DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY
APPRAISAL MAP
A-11199.1
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FOR PREVIOUS R/W INFORMATION SEE MAP(S)R-10479.5 - R-10479.7, S-601, R-7.1
FULL SIZE MAP SCALE: 1" = 60'
FEET 0 30 60 120 180
TO DESIGN: DRAFTED BY:JG
EA(s):06360
FA#:
CHECKED BY:JC
DISTRICT COUNTY ROUTE SHEET PM SHEET NO. TOTAL SHEETS
4 ALA 880 31.0 2 4

PROJECT ID: 040000326



**ALAMEDA COUNTY TRANSPORTATION COMMISSION
RESOLUTION NO. 24-006**

Commission Chair
Councilmember John J. Bauters
City of Emeryville

Commission Vice Chair
Supervisor David Haubert, District 1

Alameda County
Supervisor Elisa Márquez, District 2
Supervisor Lena Tam, District 3
Supervisor Nate Miley, District 4
Supervisor Keith Carson, District 5

AC Transit
President Joel B. Young

BART
Director Rebecca Saltzman

City of Alameda
Mayor Marilyn Ezzy Ashcraft

City of Albany
Councilmember Preston Jordan

City of Berkeley
Councilmember Terry Taplin

City of Dublin
Mayor Melissa Hernandez

City of Fremont
Mayor Lily Mei

City of Hayward
Mayor Mark Salinas

City of Livermore
Mayor John Marchand

City of Newark
Councilmember Luis Freitas

City of Oakland
Councilmember At-Large
Rebecca Kaplan
Councilmember Carroll Fife

City of Piedmont
Mayor Jen Cavanaugh

City of Pleasanton
Mayor Karla Brown

City of San Leandro
Mayor Juan Gonzalez, III

City of Union City
Mayor Carol Dutra-Vernaci

Executive Director
Tess Lengyel

A RESOLUTION OF THE ALAMEDA COUNTY TRANSPORTATION COMMISSION DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN LAND AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS ON CERTAIN PROPERTY FOR THE OAKLAND ALAMEDA ACCESS PROJECT

WHEREAS, the Alameda County Transportation Commission (“Alameda CTC”) is vested with the power of eminent domain and is authorized to acquire real property by virtue of Article 1, Section 19 of the Constitution of the State of California; Section 25350.5 of the Government Code of the State of California, as delegated in Section 14 of the Alameda CTC Joint Powers Agreement; Section 760 of the Streets and Highways Code of the State of California; and Sections 1240.010, 1240.110, and 1240.610 of the Code of Civil Procedure of the State of California within the jurisdictional limits of the County of Alameda; and

WHEREAS, it is desirable and necessary for Alameda CTC to acquire certain real property and property interests, particularly described in Exhibit A, for the purpose of, inter alia, improving multimodal safety and reducing conflicts in equity priority communities and reducing incidents between regional and local traffic; enhancing bicycle and pedestrian accessibility and connectivity within the project study area; creating more multimodal options helping to protect the climate; improving mobility and accessibility between I-880, SR-260, City of Oakland downtown neighborhoods and the City of Alameda, some of which are equity priority communities that are low income and have been historically underserved; reducing freeway-bound regional traffic and congestion on local roadways and in area neighborhoods, and reducing carbon emissions in the County of Alameda, State of California; and

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure, written notice has been duly given to all persons whose property is to be acquired by eminent domain and whose names and addresses appear on the last County of Alameda equalized assessment roll, all of whom have been given a reasonable opportunity to appear and be heard before the governing body of Alameda CTC (the “Commission”) on the following matters:

1. Whether the public interest and necessity require the project;
2. Whether the project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
3. Whether the property sought to be acquired is necessary for the project; and
4. Whether the offer required by Section 7267.2 of the Government Code has been made to the owners of record.

NOW THEREFORE, BE IT RESOLVED, by at least a four-fifths vote of the Commission, pursuant to Sections 1240.030 and 1245.230 of the Code of Civil Procedure of the State of California, that this Commission does and it hereby finds and determines each of the following:

Section 1. Based upon the evidence presented, this Commission finds and resolves as follows:

- (a) The property to be acquired is described in Exhibit A, attached hereto and incorporated herein;
- (b) Said property is to be acquired for public use, to wit, for public highway purposes, pursuant to the authority granted by Article 1, Section 19 of the Constitution of the State of California; Section 25350.5 of the Government Code of the State of California, as delegated in Section 14 of the Alameda CTC Joint Powers Agreement; Section 760 of the Streets and Highways Code of the State of California; and Part 3, Title 7 of the Code of Civil Procedure;
- (c) The public interest and necessity require the project, which is to improve public health, safety and welfare by improving multimodal safety and reducing conflicts between regional and local traffic, enhancing bicycle and pedestrian accessibility and connectivity within the project area, improving mobility and accessibility between I-880, SR-260 (Tubes), City of Oakland downtown neighborhoods, and the City of Alameda, and reducing freeway-bound regional traffic and congestion on local roadways and in area neighborhoods in the County of Alameda, State of California;
- (d) The proposed project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury;
- (e) The property described in Exhibit A is being acquired in permanent abutters' rights of access for the relinquishment of access rights onto 5th Street and Oak Street, and is necessary for the construction of the proposed project; and
- (f) The offer required by Government Code Section 7267.2 has been made to the owners of record of the real property.

Section 2. General Counsel of Alameda CTC or his duly authorized designee, be, and is hereby authorized and directed to institute and conduct to conclusion an action in eminent domain for the acquisition of the estates and interests aforesaid and to take such action as counsel may deem advisable or necessary in connection therewith. An order for prejudgment possession may be obtained in said action and a warrant issued and deposited with the State Treasurer Condemnation Fund, in the amount determined the most probable compensation for the property sought to be acquired, as a condition to the right of possession.

ADOPTED March 28, 2024, by the Commission of the Alameda County Transportation Commission by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

SIGNED:

ATTEST:

John J. Bauters, Chair
Alameda CTC

Vanessa Lee, Clerk of the Commission

APPROVED AS TO FORM:

General Counsel of the Alameda
County Transportation Commission

Exhibit A

PARCEL 64636-1

This conveyance is made for the purpose of a freeway and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights of access, appurtenant to grantor's property, in and to said freeway over and across the following line:

Beginning at a point located South 27°24'11" West 79.00 feet along the northwesterly line of Oak Street from the northeasterly corner of that certain parcel described in the Grant Deed recorded November 1, 2018 as Document No. 2018212080 of Official Records of the County of Alameda, said northeasterly corner also being the intersection of the southerly line of 5TH Street with the northwesterly line of Oak Street.

Thence along said northwesterly line of Oak Street North 27°24'11" East 79.00 feet to said northeasterly corner and the southerly line of 5TH Street;

Thence along said southerly line of 5TH Street, North 62°34'56" West 100.00 feet to the **Terminus Point** of herein described line.

Bearings and distances based upon the California Coordinate System (CCS83, Zone 3, Epoch 2010.00) Multiply by 1.0000659 to obtain ground distances.

Signature _____

Jonathon J. Correa

Licensed Land Surveyor (PLS 8950)

Date 9/28/2023



NOTE: The State of California or its officers or agents shall not be responsible for the accuracy or completeness of digital images of this map.

GUIDA SURVEYING COMPANY
3536 CONCOURS STREET SUITE 201,
Ontario, CA 91764
OFFICE: 925.398.2540
EMAIL: Jcorrea@guidainc.com




JONATHON CORREA
P.L.S. 8950

8/4/2023
DATE:



VICINITY MAP
NO SCALE



← TO OAKLAND / I-80

TO SAN JOSE / FREMONT →

PARCEL NO.	GRANTOR	SHEET
64630-1	PERALTA JUNIOR COLLEGE DISTRICT, OF ALAMEDA	2
64631-1	CITY OF OAKLAND	2
64632-1	CITY OF OAKLAND	2
64633-1	CITY OF OAKLAND	3
56158 SEG 1	STATE OF CALIFORNIA	3
64635-1	CITY OF OAKLAND	3
56158 SEG 2	STATE OF CALIFORNIA	3
64637-1	CTY OF OAKLAND	3
56158 SEG 3	STATE OF CALIFORNIA	4
64634-1	WO HING, LLC	2
64636-1	HAROLD AND PATSY THOMAS, ET AL	2
64638-1	6TH & OAK ASSOCIATES, L.P.	2
64640-1	SIU KING LEUN, ET AL	2

PROJECT SURVEYOR: ## DATE	LICENSE: ##	
	SURVEYOR	LICENSE

STATE OF CALIFORNIA
CALIFORNIA STATE TRANSPORTATION AGENCY
DEPARTMENT OF TRANSPORTATION

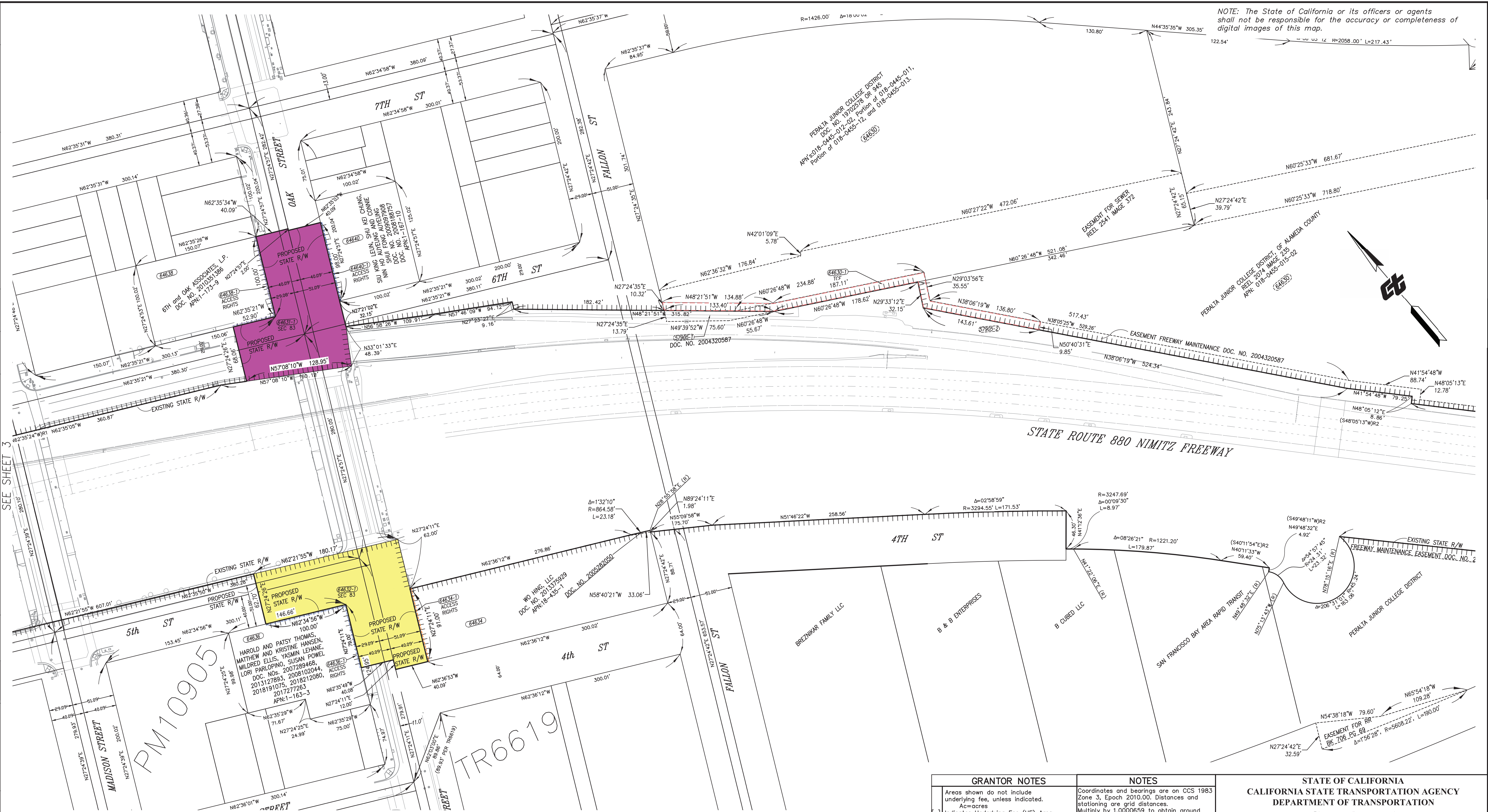
RIGHT OF WAY
APPRAISAL MAP INDEX
A-11199.0

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FULL SIZE MAP SCALE: 1" = 300'
FEET 0 150 300 600 900

TO DESIGN: #		EA(s): 06360	FA #: ##		
DISTRICT	COUNTY	ROUTE	PROJECT PM LIMITS	SHEET NO.	TOTAL SHEETS
04	ALAMEDA	880	30.6-31.6	1	4

PROJECT SURVEYOR: ##	REVISIONS	DATE	REVISIONS	DATE	SURVEYOR	LICENSE	REVISIONS	DATE	SURVEYOR	LICENSE
10/16/2023	CHANGED TCE (PARCEL 64630-1)	EXP. DATE			J. CORREA	PLS 8950				



PARCEL#	TITLE CODE	GRANTOR/GRANTEE	AREAS (square feet or as noted)					REMARKS	RECORDATION		
			TOTAL	REQUIRED	[UF]	EXCESS	[UF]	REMAINDER	TYPE	DATE	DOC.#
64630-1	TCE	PERALTA JR. COLLEGE DIST. OF ALAMEDA						4,881 SQ.FT. TEMPORARY CONSTRUCTION EASEMENT (EXPIRES 12/31/2027)	TCE		
64631-1	83	CITY OF OAKLAND		17,726				INTENT LETTER DATED //	LTR		
64632-1	83	CITY OF OAKLAND		18,048				INTENT LETTER DATED //	LTR		
64634-1	A	WO HING, LLC	27,298					91.00 LINEAR FEET ACCESS RIGHTS	GD		
64636-1	A	HAROLD AND PATSY THOMAS, ET AL	16,537					179.00 LINEAR FEET ACCESS RIGHTS	GD		
64638-1	A	6TH AND OAK ASSOCIATES, L.P.	15,009					152.90 LINEAR FEET ACCESS RIGHTS	GD		
64640-1	A	SU KING LEUN, ET AL	12,505					98.00 LINEAR FEET ACCESS RIGHTS	GD		

GRANTOR NOTES

Areas shown do not include underlying fee, unless indicated.

Ac=acres

Indicates Underlying Fee (UF) Area

Indicates Indeterminate UF

TITLE CODES:

A=Access Rights Only

F=Fee

E=Easement (Ease)

TCE=Temp Construction Ease

T=Other Temp Ease (see Remarks)

O=Other (see Remarks)

TYPE:

GD=Grant deed

ED=Easement deed

QC=Quitclaim

DD=Director's deed

DE=Director's easement deed

DK=Director's quitclaim deed

FOC=Final Order of Condemnation

HE=Highway easement deed

REL=Relinquishment

VAC=Vacation

JUA=Joint use agreement

CCUA=Consent to common use agreement

Document or Instrument number

NOTES

Coordinates and bearings are on CCS 1983 Zone 3, Epoch 2010.00. Distances and stationing are grid distances. Multiply by 1.0000659 to obtain ground distances. All distances are in feet unless otherwise noted.

LEGEND

Access Prohibited

Access Superseded

Existing R/W Superseded

Access Opening (Private)

Indicates Radial Bearing

Indicates Found Monument as noted

Indicates calculated point. (Does not imply monument set)

Title to State

Required for Others

STATE OF CALIFORNIA
CALIFORNIA STATE TRANSPORTATION AGENCY
DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY
APPRAISAL MAP
A-11199.1

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FOR PREVIOUS R/W INFORMATION SEE MAP(S)R-10479.5 - R-10479.7, S-601, R-7.1

FULL SIZE MAP SCALE: 1" = 60'

TO DESIGN: DRAFTED BY:JG

EA(s):06360

FA#:

CHECKED BY:JC

DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
4	ALA	880	31.0	2	4



Commission Chair
Councilmember John J. Bauters
City of Emeryville

Commission Vice Chair
Supervisor David Haubert, District 1

Alameda County
Supervisor Elisa Márquez, District 2
Supervisor Lena Tam, District 3
Supervisor Nate Miley, District 4
Supervisor Keith Carson, District 5

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City of Livermore
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City of Newark
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City of Oakland
Councilmember At-Large
Rebecca Kaplan
Councilmember Carroll Fife

City of Piedmont
Mayor Jen Cavanaugh

City of Pleasanton
Mayor Karla Brown

City of San Leandro
Mayor Juan Gonzalez, III

City of Union City
Mayor Carol Dutra-Vernaci

Executive Director
Tess Lengyel

ALAMEDA COUNTY TRANSPORTATION COMMISSION RESOLUTION NO. 24-008

A RESOLUTION OF THE ALAMEDA COUNTY TRANSPORTATION COMMISSION DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN LAND AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS ON CERTAIN PROPERTY FOR THE OAKLAND ALAMEDA ACCESS PROJECT

WHEREAS, the Alameda County Transportation Commission (“Alameda CTC”) is vested with the power of eminent domain and is authorized to acquire real property by virtue of Article 1, Section 19 of the Constitution of the State of California; Section 25350.5 of the Government Code of the State of California, as delegated in Section 14 of the Alameda CTC Joint Powers Agreement; Section 760 of the Streets and Highways Code of the State of California; and Sections 1240.010, 1240.110, and 1240.610 of the Code of Civil Procedure of the State of California within the jurisdictional limits of the County of Alameda; and

WHEREAS, it is desirable and necessary for Alameda CTC to acquire certain real property and property interests, particularly described in Exhibit A, for the purpose of, inter alia, improving multimodal safety and reducing conflicts in equity priority communities and reducing incidents between regional and local traffic; enhancing bicycle and pedestrian accessibility and connectivity within the project study area; creating more multimodal options helping to protect the climate; improving mobility and accessibility between I-880, SR-260, City of Oakland downtown neighborhoods and the City of Alameda, some of which are equity priority communities that are low income and have been historically underserved; reducing freeway-bound regional traffic and congestion on local roadways and in area neighborhoods, and reducing carbon emissions in the County of Alameda, State of California; and

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure, written notice has been duly given to all persons whose property is to be acquired by eminent domain and whose names and addresses appear on the last County of Alameda equalized assessment roll, all of whom have been given a reasonable opportunity to appear and be heard before the governing body of Alameda CTC (the “Commission”) on the following matters:

1. Whether the public interest and necessity require the project;
 2. Whether the project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
 3. Whether the property sought to be acquired is necessary for the project;
- and

4. Whether the offer required by Section 7267.2 of the Government Code has been made to the owners of record.

NOW THEREFORE, BE IT RESOLVED, by at least a four-fifths vote of the Commission, pursuant to Sections 1240.030 and 1245.230 of the Code of Civil Procedure of the State of California, that this Commission does and it hereby finds and determines each of the following:

Section 1. Based upon the evidence presented, this Commission finds and resolves as follows:

- (a) The property to be acquired is described in Exhibits A and B, attached hereto and incorporated herein;
- (b) Said property is to be acquired for public use, to wit, for pedestrian access purposes, pursuant to the authority granted by Article 1, Section 19 of the Constitution of the State of California; Section 25350.5 of the Government Code of the State of California, as delegated in Section 14 of the Alameda CTC Joint Powers Agreement; Section 760 of the Streets and Highways Code of the State of California; and Part 3, Title 7 of the Code of Civil Procedure;
- (c) The public interest and necessity require the project, which is to improve public health, safety and welfare by improving multimodal safety and reducing conflicts between regional and local traffic, enhancing bicycle and pedestrian accessibility and connectivity within the project area, improving mobility and accessibility between I-880, SR-260 (Tubes), City of Oakland downtown neighborhoods, and the City of Alameda, and reducing freeway-bound regional traffic and congestion on local roadways and in area neighborhoods in the County of Alameda, State of California;
- (d) The proposed project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury;
- (e) The property described in Exhibits A and B is being acquired in permanent easement deed for pedestrian purposes and Temporary Construction Easement (TCE), and is necessary for the construction of the proposed project; and
- (f) The offer required by Government Code Section 7267.2 has been made to the owners of record of the real property.

Section 2. General Counsel of Alameda CTC or his duly authorized designee, be, and is hereby authorized and directed to institute and conduct to conclusion an action in eminent domain for the acquisition of the estates and interests aforesaid and to take such action as counsel may deem advisable or necessary in connection therewith. An order for prejudgment possession may be obtained in said action and a warrant issued and deposited with the State Treasurer Condemnation Fund, in the amount determined the most probable compensation for the property sought to be acquired, as a condition to the right of possession.

ADOPTED March 28, 2024, by the Commission of the Alameda County Transportation Commission by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

SIGNED:

ATTEST:

John J. Bauters, Chair
Alameda CTC

Vanessa Lee, Clerk of the Commission

APPROVED AS TO FORM:

General Counsel of the Alameda
County Transportation Commission

Exhibit A

PARCEL 64639-1

A pedestrian access easement over that real property situate in the City of Alameda, County of Alameda, State of California, being a portion of the lands described in the Grant Deed recorded June 2, 2014, as Document Number 2014132473, Alameda County Records, more particularly described as follows:

Commencing at the southwesterly terminus of that certain course described as "S 74° 46' 54" W 2.56 feet" in the Grant of Easement to the City of Alameda recorded June 15, 2016 as Document Number 2016150333, Alameda County Records.

Thence along the easterly line of the easement described in said Grant of Easement South 14°48'56" East 6.58 feet to the **Point of Beginning**;

thence continuing along said easterly line South 14°48'56" East 31.59 feet;

thence leaving said easterly line North 29°53'07" East 9.28 feet;

thence North 15°06'53" West 18.63 feet;

thence North 60°06'53" West 9.05 feet to the **Point of Beginning**;

Contains 163 sq. ft. more or less.

Bearings and distances based upon the California Coordinate System (CCS83, Zone 3, Epoch 2010.00) Multiply by 1.0000659 to obtain ground distances.

Signature _____

Jonathon J. Correa

Licensed Land Surveyor (PLS 8950)

Date 8/4/2023



Exhibit B

PARCEL 64639-2

A temporary easement to terminate June 30, 2028 for construction purposes over, through and across that Real Property situated in the City of Alameda, County of Alameda, State of California, being a portion of the lands described in the Grant Deed recorded June 2, 2014 as Document Number 2014132473, Alameda County Records.

Commencing at the southwesterly terminus of that certain course described as "S 74° 46' 54" W 2.56 feet" in the Grant of Easement recorded June 15, 2016, as Document Number 2016150333, Alameda County Records.

Thence along the easterly line of the easement described in said Grant of Easement South 14°48'56" East 38.17 feet to the **True Point of Beginning**;

thence leaving said easterly line North 29°53'07" East 9.28 feet;

thence North 15°06'53" West 18.63 feet;

thence North 60°06'53" West 9.05 feet to a point on said easterly line being South 14°48'56" East 6.58 feet from the point of commencement;

thence along said easterly line North 14°48'56" West 6.58 feet;

thence continuing along said easterly line North 74°47'14" East 2.56 feet;

thence continuing along said easterly line North 14°59'01" West 39.98 feet;

thence leaving said easterly line North 75°01'03" East 5.00 feet;

thence South 14°58'57" East 40.00 feet;

thence South 60°06'53" East 12.58 feet;

thence South 14°48'56" East 19.76 feet;

thence South 29°53'07" West 7.11 feet;

thence South 14°48'56" East 21.51 feet;

thence South 75°11'04" West 11.50 feet;

thence North 14°48'56" West 17.00 feet to the **True Point of Beginning**;

Containing 788 sq. ft. more or less

Bearings and distances based upon the California Coordinate System (CCS83, Zone 3, Epoch 2010.00) Multiply by 1.0000659 to obtain ground distances.

Signature _____

Jonathon J. Correa

Licensed Land Surveyor (PLS 8950)

Date 10/16/2023



EXHIBIT C

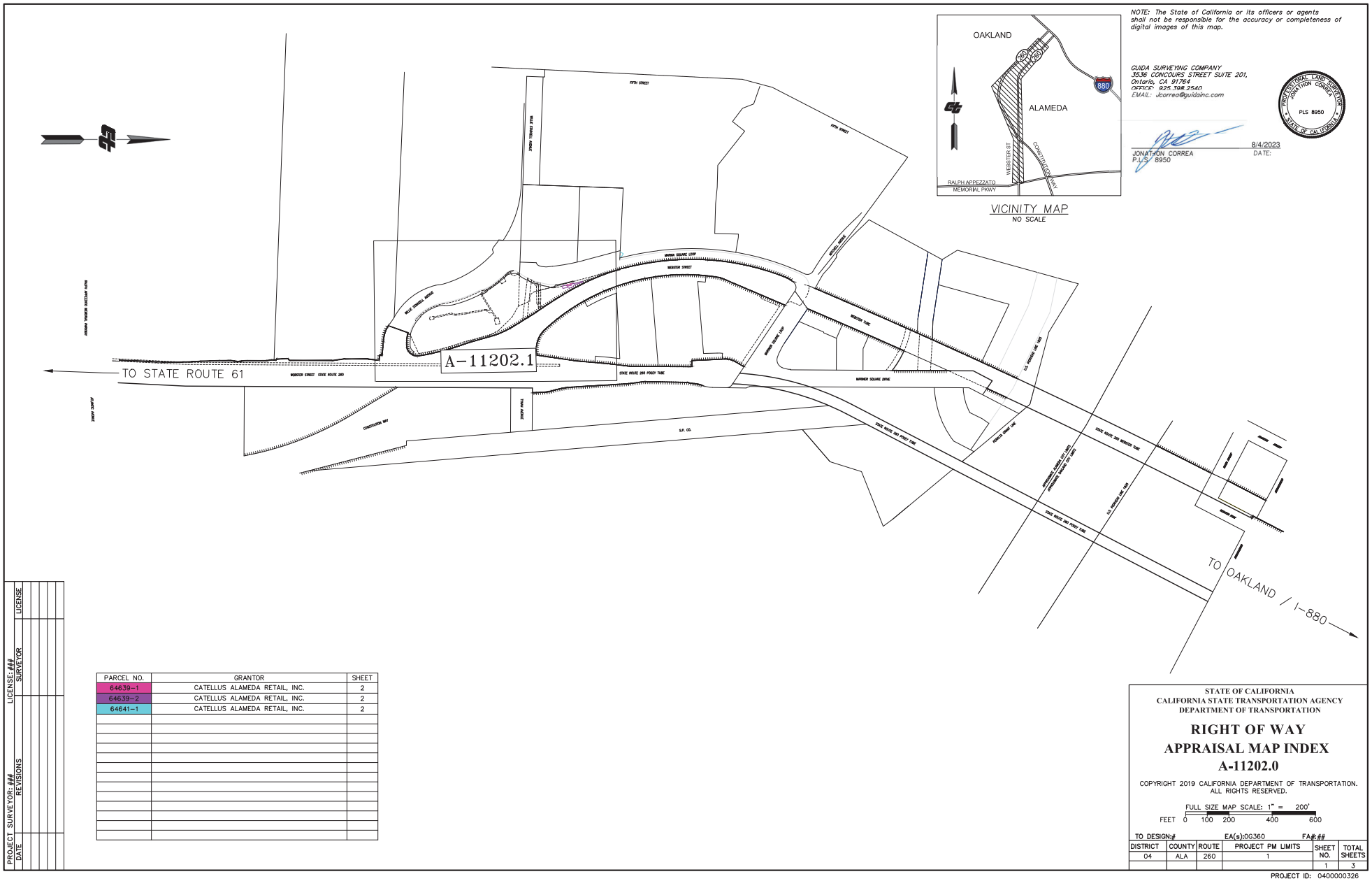


EXHIBIT C

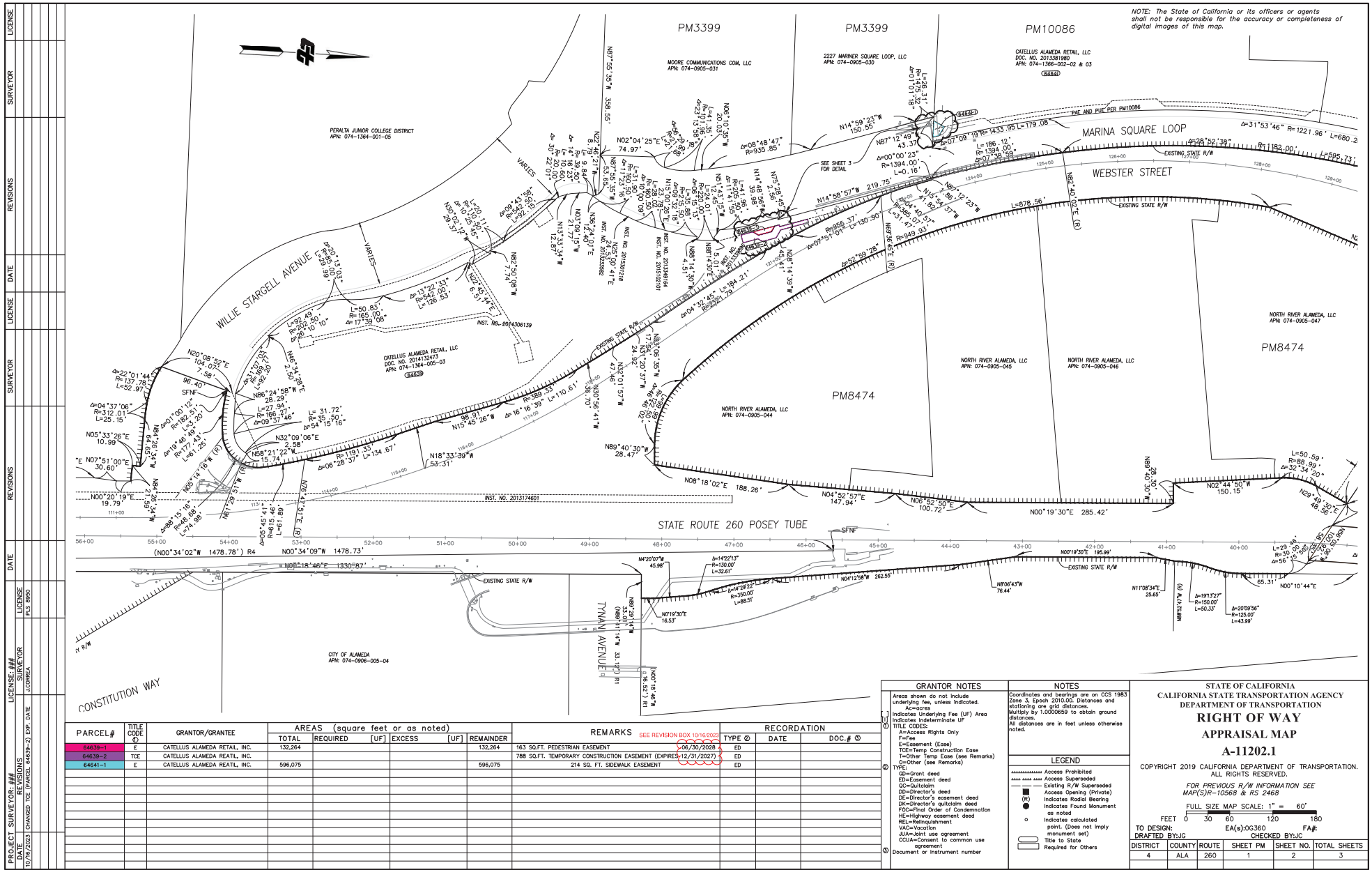
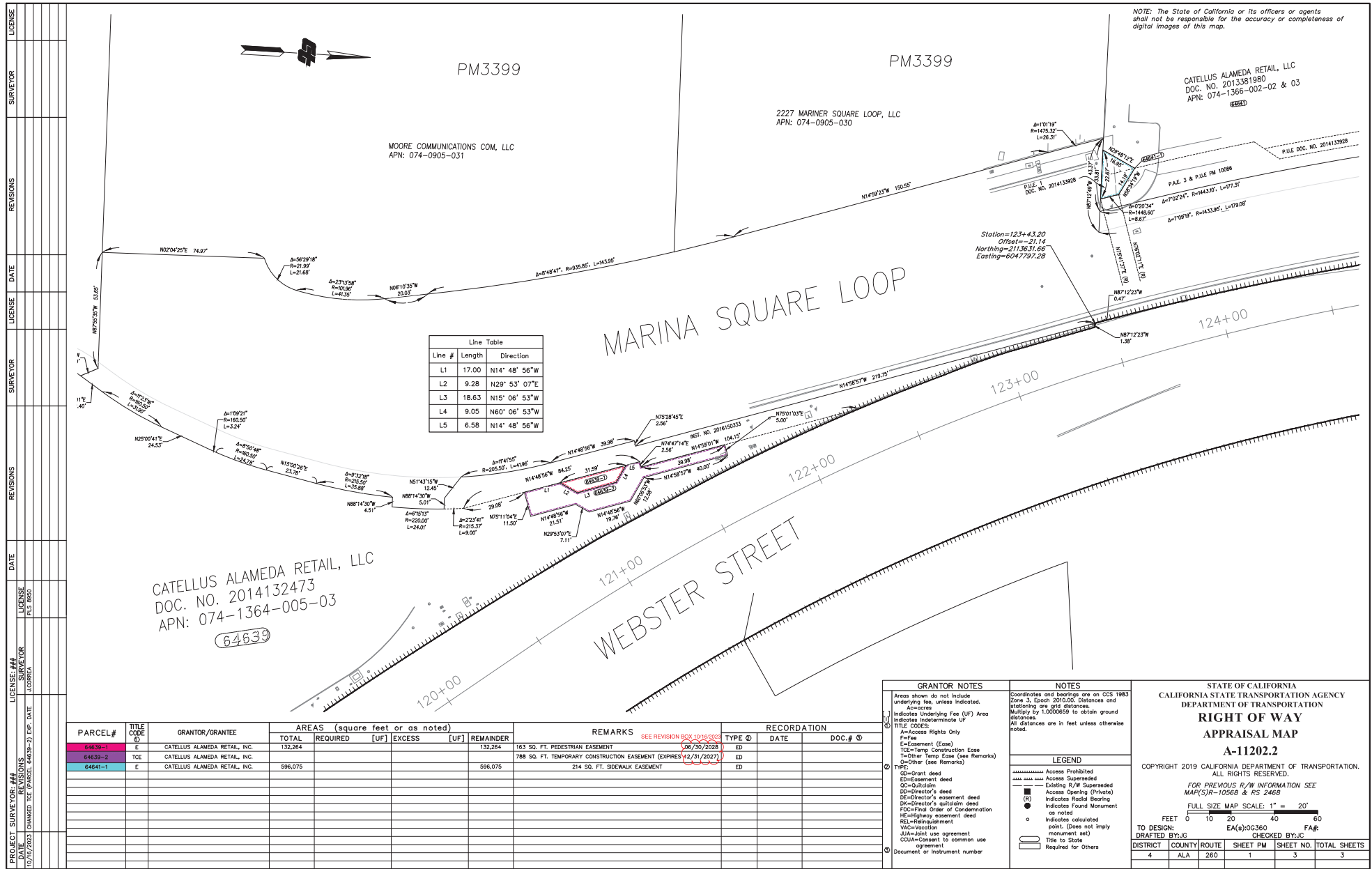


EXHIBIT C





Commission Chair
Councilmember John J. Bauters
City of Emeryville

Commission Vice Chair
Supervisor David Haubert, District 1

Alameda County
Supervisor Elisa Márquez, District 2
Supervisor Lena Tam, District 3
Supervisor Nate Miley, District 4
Supervisor Keith Carson, District 5

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City of Newark
Councilmember Luis Freitas

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Rebecca Kaplan
Councilmember Carroll Fife

City of Piedmont
Mayor Jen Cavanaugh

City of Pleasanton
Mayor Karla Brown

City of San Leandro
Mayor Juan Gonzalez, III

City of Union City
Mayor Carol Dutra-Vernaci

Executive Director
Tess Lengyel

ALAMEDA COUNTY TRANSPORTATION COMMISSION RESOLUTION NO. 24-010

A RESOLUTION OF THE ALAMEDA COUNTY TRANSPORTATION COMMISSION DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN LAND AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS ON CERTAIN PROPERTY FOR THE OAKLAND ALAMEDA ACCESS PROJECT

WHEREAS, the Alameda County Transportation Commission (“Alameda CTC”) is vested with the power of eminent domain and is authorized to acquire real property by virtue of Article 1, Section 19 of the Constitution of the State of California; Section 25350.5 of the Government Code of the State of California, as delegated in Section 14 of the Alameda CTC Joint Powers Agreement; Section 760 of the Streets and Highways Code of the State of California; and Sections 1240.010, 1240.110, and 1240.610 of the Code of Civil Procedure of the State of California within the jurisdictional limits of the County of Alameda; and

WHEREAS, it is desirable and necessary for Alameda CTC to acquire certain real property and property interests, particularly described in Exhibit A, for the purpose of, inter alia, improving multimodal safety and reducing conflicts in equity priority communities and reducing incidents between regional and local traffic; enhancing bicycle and pedestrian accessibility and connectivity within the project study area; creating more multimodal options helping to protect the climate; improving mobility and accessibility between I-880, SR-260, City of Oakland downtown neighborhoods and the City of Alameda, some of which are equity priority communities that are low income and have been historically underserved; reducing freeway-bound regional traffic and congestion on local roadways and in area neighborhoods, and reducing carbon emissions in the County of Alameda, State of California; and

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure, written notice has been duly given to all persons whose property is to be acquired by eminent domain and whose names and addresses appear on the last County of Alameda equalized assessment roll, all of whom have been given a reasonable opportunity to appear and be heard before the governing body of Alameda CTC (the “Commission”) on the following matters:

1. Whether the public interest and necessity require the project;
 2. Whether the project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
 3. Whether the property sought to be acquired is necessary for the project;
- and

4. Whether the offer required by Section 7267.2 of the Government Code has been made to the owners of record.

NOW THEREFORE, BE IT RESOLVED, by at least a four-fifths vote of the Commission, pursuant to Sections 1240.030 and 1245.230 of the Code of Civil Procedure of the State of California, that this Commission does and it hereby finds and determines each of the following:

Section 1. Based upon the evidence presented, this Commission finds and resolves as follows:

- (a) The property to be acquired is described in Exhibit A, attached hereto and incorporated herein;
- (b) Said property is to be acquired for public use, to wit, for pedestrian access purposes, pursuant to the authority granted by Article 1, Section 19 of the Constitution of the State of California; Section 25350.5 of the Government Code of the State of California, as delegated in Section 14 of the Alameda CTC Joint Powers Agreement; Section 760 of the Streets and Highways Code of the State of California; and Part 3, Title 7 of the Code of Civil Procedure;
- (c) The public interest and necessity require the project, which is to improve public health, safety and welfare by improving multimodal safety and reducing conflicts between regional and local traffic, enhancing bicycle and pedestrian accessibility and connectivity within the project area, improving mobility and accessibility between I-880, SR-260 (Tubes), City of Oakland downtown neighborhoods, and the City of Alameda, and reducing freeway-bound regional traffic and congestion on local roadways and in area neighborhoods in the County of Alameda, State of California;
- (d) The proposed project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury;
- (e) The property described in Exhibit A is being acquired in permanent easement deed for sidewalk purposes, and is necessary for the construction of the proposed project; and
- (f) The offer required by Government Code Section 7267.2 has been made to the owners of record of the real property.

Section 2. General Counsel of Alameda CTC or his duly authorized designee, be, and is hereby authorized and directed to institute and conduct to conclusion an action in eminent domain for the acquisition of the estates and interests aforesaid and to take such action as counsel may deem advisable or necessary in connection therewith. An order for prejudgment possession may be obtained in said action and a warrant issued and deposited with the State Treasurer Condemnation Fund, in the amount determined the most probable compensation for the property sought to be acquired, as a condition to the right of possession.

ADOPTED March 28, 2024, by the Commission of the Alameda County Transportation Commission by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

SIGNED:

ATTEST:

John J. Bauters, Chair
Alameda CTC

Vanessa Lee, Clerk of the Commission

APPROVED AS TO FORM:

General Counsel of the Alameda
County Transportation Commission

Exhibit A

PARCEL 64641-1

All that certain real property situate in the City of Alameda, County of Alameda, State of California, being a portion of Parcel 2 as said parcel is shown on that certain map entitled "Parcel Map No. 10086", filed July 6, 2012, in Book 320 of Parcel Maps at pages 43 through 53 inclusive, in the office of the Recorder of Alameda County, more particularly described as follows:

Beginning at the westerly terminus of that certain course delineated as "North 87°12'43" East 5.76 feet" on the southerly line of the Pedestrian Access Easement 3 and the Public Utility Easement as said easements are shown on said parcel map, said southerly line being also the southerly line of said Parcel 2;

thence continuing along said southerly line North 87°12'49" West 22.67 feet;

thence leaving said easterly line North 29°48'12" East 16.95 feet to the general westerly line of said easements;

thence along said general westerly line South 58°34'19" East 14.19 feet to a point on a curve concave easterly, having a radius of 1448.60 feet from which a radial line bears North 76°02'11" East;

thence continuing along said general westerly line southerly along said curve through a central angle of 00°20'34", an arc distance of 8.67 feet to the **Point of Beginning**;

Contains 214 sq. ft. more or less.

Bearings and distances based upon the California Coordinate System (CCS83, Zone 3, Epoch 2010.00) Multiply by 1.0000659 to obtain ground distances.

Signature _____

Jonathon J. Correa

Licensed Land Surveyor (PLS 8950)

Date 8/4/2023



EXHIBIT B

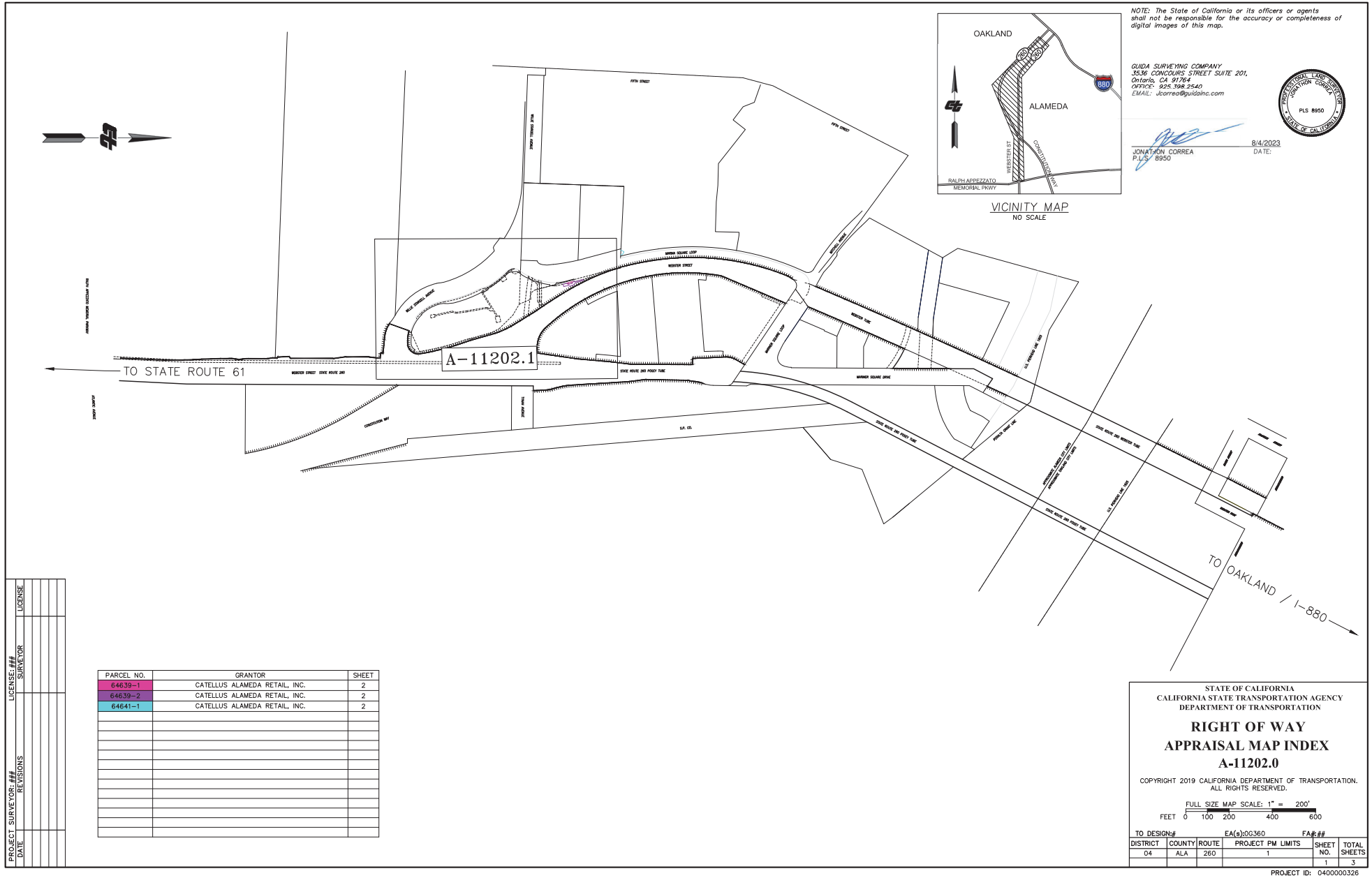
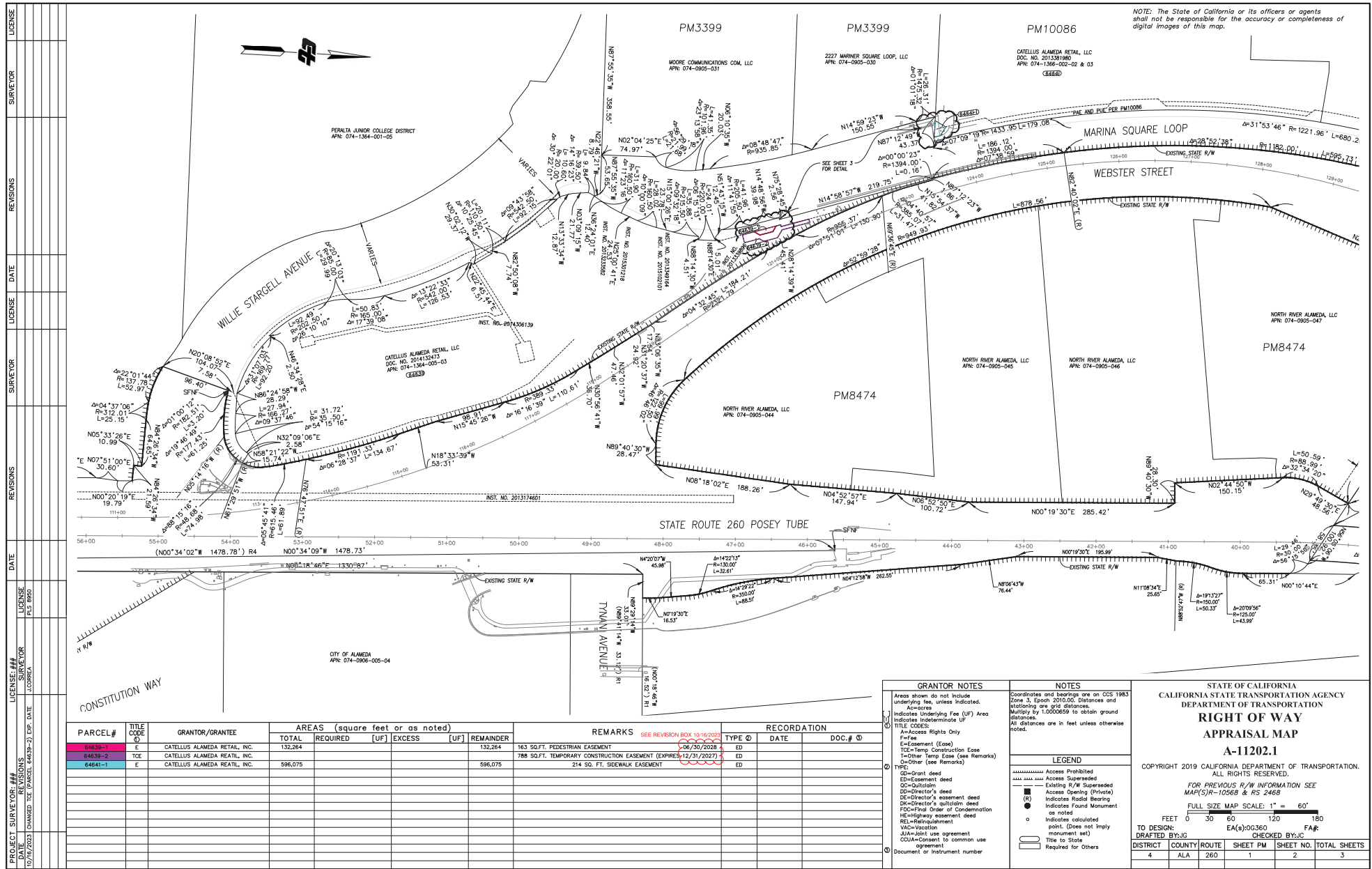


EXHIBIT B



162

