



Office of the City Manager

CONSENT CALENDAR
October 25, 2005

To: Honorable Mayor and
Members of the City Council

From: *PK* Phil Kamlarz, City Manager

Submitted by: Claudette Ford, Acting Director, Public Works Department

Subject: Proposed Amendment No. 1 to Alameda County Measure B Expenditure Plan

RECOMMENDATION

Adopt a Resolution endorsing the Alameda County Transportation Authority's (ACTA) proposed Amendment No. 1 to the 1986 Alameda County Measure B Transportation Expenditure Plan, which is required by law to be approved by 14 ACTA member cities representing a majority of the County population. The Amendment includes the following elements:

1. Deletion of references to the Route 238 Hayward Bypass Project on Foothill Boulevard and Mission Boulevard from Industrial Parkway to I-580;
2. Addition of Hayward's proposed Route 238/Mission – Foothill – Jackson Corridor Improvement Project;
3. Addition of the I-580/Redwood Road Interchange Project in Castro Valley;
4. Addition of the Central Alameda County Freeway System Operational Analysis;
5. Addition of the Castro Valley Local Traffic Improvement Project; and
6. Addition of Implementing Guidelines for the proposed additional projects.

This is not a controversial issue for the County boards and cities. The intent of the Expenditure Plan Amendment is, to the extent possible, to mitigate the loss of a Central County regional transportation route with a program of replacement projects that provide for congestion relief in the same corridor.

FISCAL IMPACTS OF RECOMMENDATION

There is no fiscal impact to the City.

BACKGROUND

The statutes that govern the administration of the Measure B Program require an amendment when a project is added, deleted, or revised in a substantive manner. This means that the ACTA board, 14 Alameda County cities, the Metropolitan Transportation Commission (MTC), and the County Board of Supervisors must approve the amendment.

In 1986, Alameda County voters authorized a half-cent transportation sales tax, known as Measure B, to finance improvements to the County's overburdened transportation infrastructure. ACTA was established to administer this tax. The Alameda County Transportation Expenditure

Plan (Expenditure Plan), dated August 1986, guides the use of those funds. The collection of this tax for the 1986 Measure B program expired on March 31, 2002.

Specifically, the 1986 Expenditure Plan included Measure B funds for the construction of a 5.3-mile segment of Route 238 for a new expressway to bypass downtown Hayward, between Industrial Parkway and I-580 in Hayward. This project was commonly referred to as the Route 238 Hayward Bypass Project. In the Expenditure Plan, Caltrans was named as the project sponsor. The Hayward Bypass Project has been controversial since Caltrans commenced the project design in the mid-1960's. In 1997, a lawsuit was filed against the project by the Hayward Area Planning Association and the Citizens for Alternative Transportation Solutions, stating that the Route 238 Hayward Bypass being developed by Caltrans was not the project in the Expenditure Plan approved by voters. This suit resulted in a ruling in 2002 that Measure B funds could not be used in the delivery of the Route 238 Hayward Bypass Project as developed by Caltrans without amending the Expenditure Plan, effectively eliminating the only major funding source for the project.

Since 2002, ACTA, the City of Hayward and the County worked on the development of an alternative project to the Hayward Bypass Project that could meet the purpose of the original project and be eligible for Measure B funding. On March 1, 2005, the Hayward City Council approved the Route 238 Corridor Improvement Project to be submitted to ACTA as the substitute project for the Route 238 Bypass Project in the Expenditure Plan.

Expenditure Plan Amendment No. 1

In April 2005, the Authority Board approved the following projects and their associated Measure B funding for inclusion in the proposed Amendment No. 1 as a replacement for the Route 238 Hayward Bypass Project in the Expenditure Plan:

- Route 238/Mission – Foothill - Jackson Corridor Improvement Project in Hayward to be programmed with \$80 million in Measure B funds;
- I-580/Redwood Road Interchange Project in Castro Valley to be programmed with \$15 million in Measure B funds;
- Central Alameda County Freeway System Operational Analysis to be programmed with \$5 million in Measure B funds; and
- Castro Valley Local Traffic Improvement Project to be programmed with \$5 million in Measure B funds.

Implementing guidelines for the above projects were also approved by the Board for inclusion in the amendment. In May 2005, the ACTA Board approved the specific language for the proposed Amendment No. 1 to the 1986 Expenditure Plan.

As mentioned earlier, the intent of this Expenditure Plan Amendment is to mitigate the loss of a regional transportation route in the Central County with a program of replacement projects in Central County that provide for congestion relief in the same corridor.

The steps of the Expenditure Plan Amendment Process and the proposed time frame associated with each of the steps are noted below.

Step No.	Action	Start	Finish
1	ACTA Board approves initiation of Proposed Plan Amendment	04/28/05	04/28/05
2	ACTA Board approves Proposed Plan Amendment language	05/26/05	05/26/05
3	Plan Amendment forwarded to MTC, ACCMA and Caltrans	06/01/05	06/01/05
4	ACTA Holds Public Hearing on Plan Amendment and adopts any revisions	07/28/05	07/28/05
5	MTC reviews and approves the Plan Amendment	08/01/05	09/28/05
6	ACTA presents the Plan Amendment to the County Board of Supervisors and the City Councils (14) for approval	08/09/05	01/24/06
7	Amended Plan documented and distributed	01/24/06	01/31/06

On March 1, 2005, the City Council of Hayward passed a resolution submitting the Route 238 Corridor Improvement Project to the ACTA as the proposed replacement for the Route 238 Hayward Bypass Project in regional planning documents and the Expenditure Plan.

The ACTA Board approved the concept of the proposed Amendment on April 28, 2005, and the specific language of Amendment on May 26, 2005. The Amendment was transmitted on June 1, 2005 to the MTC for review and approval and MTC action is expected to occur in September 2005. The Mayors' Conference at their meeting on July 13, 2005 endorsed the Amendment by a unanimous vote of those in attendance.

The ACTA Board held a public hearing on the proposed Amendment at its Board Meeting on July 28, 2005, and adopted the final amendment language at the Board meeting immediately following the public hearing. ACTA transmitted a report on the public hearing to the MTC, which will consider Amendment No. 1 on September 28, 2005. The approval of the resolution is contingent upon the approval of the Expenditure Plan Amendment by the MTC without any substantive changes.

ALTERNATIVE ACTIONS CONSIDERED

By law the City of Berkeley City Council must be requested to consider and approve the Amendment.

CONTACT PERSON

Peter Hillier, Assistant Public Works Director, 981-7010.

Attachments:

1: Resolution

RESOLUTION NO. ##,###-N.S.

ENDORING ALAMEDA COUNTY TRANSPORTATION AUTHORITY'S PROPOSED AMENDMENT NO. 1 TO THE 1986 ALAMEDA COUNTY MEASURE B TRANSPORTATION EXPENDITURE PLAN

WHEREAS, The Alameda County Transportation Authority (ACTA) proposes to amend the Measure B Alameda County Transportation Expenditure Plan endorsed by Alameda County voters in 1986; and

WHEREAS, the Amendment by law must be approved by the Metropolitan Transportation Commission, the Alameda County Board of Supervisors, and 14 of the city councils in Alameda County that represent the majority of the population in the County.

WHEREAS, this Amendment No. 1 would result in the following changes:

1. Deletion of references to the Route 238 Hayward Bypass Project on Foothill Boulevard and Mission Boulevard from Industrial Parkway to I-580;
2. Addition of Hayward's proposed Route 238/Mission – Foothill – Jackson Corridor Improvement Project;
3. Addition of the I-580/Redwood Road Interchange Project in Castro Valley;
4. Addition of the Central Alameda County Freeway System Operational Analysis;
5. Addition of the Castro Valley Local Traffic Improvement Project; and
6. Addition of Implementing Guidelines for the proposed additional projects;

and, to the extent possible, mitigate the loss of a Central County regional transportation route with the implementation of a program of replacement projects to provide congestion relief in the same corridor; and

WHEREAS, in 1986, the voters of Alameda County approved Measure B, a half-cent sales tax to pay for transportation projects as described in the Alameda County Transportation Expenditure Plan (Expenditure Plan), dated August 1986, and to be administered by the Alameda County Transportation Authority (ACTA); and

WHEREAS, Caltrans developed the Route 238 Hayward Bypass Project as “a six-lane freeway/expressway along Foothill and Mission Boulevards to Industrial Parkway” as part of the Route 238 and Route 84 project specified in the Expenditure Plan; and

WHEREAS, court decisions in 2002 specified that Measure B funds could not be utilized to deliver the Route 238 Hayward Bypass Project as proposed by Caltrans without amending the Expenditure Plan; and

WHEREAS, Caltrans has relinquished sponsorship of the Route 238 Hayward Bypass portion of the Route 238 and Route 84 project in the Expenditure Plan; and

WHEREAS, on March 1, 2005, the City Council of Hayward passed a resolution submitting the Route 238 Corridor Improvement Project to ACTA as the proposed replacement for the Route 238 Hayward Bypass Project in regional planning documents and the Expenditure Plan; and

WHEREAS, the ACTA Board approved the concept of the proposed Amendment No. 1 to the Expenditure Plan on April 28, 2005, and the specific language of Amendment No. 1 to the Expenditure Plan on May 26, 2005; and

WHEREAS, Amendment No. 1 to the Expenditure Plan was transmitted on June 1, 2005 to the Metropolitan Transportation Commission (MTC) for review and approval and MTC action is expected to occur in September 2005; and

WHEREAS, the Mayors' Conference at their meeting on July 13, 2005 endorsed the proposed Amendment No. 1 to the Expenditure Plan by a unanimous vote of those in attendance.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Berkeley hereby approves Amendment No. 1 to the 1986 Measure B Alameda County Transportation Expenditure Plan, to mitigate the loss of a Central County regional transportation route with a program of replacement projects that provide for congestion relief in the same corridor.