




Office of the City Manager

CONSENT CALENDAR
September 26, 2006

To: Honorable Mayor and
Members of the City Council

From:  Phil Kamlarz, City Manager

Submitted by: Claudette R. Ford, Director, Public Works Department

Subject: Proposed Amendment No. 2 to Alameda County Measure B Expenditure Plan

RECOMMENDATION

Adopt a Resolution approving Amendment No. 2 to the 1986 Alameda County Transportation Expenditure Plan as proposed by the Alameda County Transportation Authority (ACTA), which would make the following changes to the Expenditure Plan:

1. Delete the Route 238 and Route 84 Project, as amended by Amendment No. 1 to the 1986 Expenditure Plan, from the Essential Transportation Project List in the Expenditure Plan;
2. Add the Route 238 (Mission Boulevard) Improvements Project–Hayward Segment to the Essential Transportation Project List in the Expenditure Plan;
3. Add the Route 238 (Mission Boulevard) Improvements Project–Union City Segment to the Essential Transportation Project List in the Expenditure Plan;
4. Add the Route 238 (Mission Boulevard) Improvements Project–Fremont Segment to the Essential Transportation Project List in the Expenditure Plan; and
5. Add the I-880 to Route 238 East-West Connector Project to the Essential Transportation Project List in the Expenditure Plan.

It is further recommended that the approval of Amendment No. 2 to the 1986 Expenditure Plan be made contingent on the approval of the same amendment by the Metropolitan Transportation Commission (MTC) and only become effective upon such approval by MTC, which is expected by the end of September 2006.

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, MTC, and the County Board of Supervisors must approve the amendment. ACTA is requesting that the cities within Alameda County and the Board of Supervisors consider the amendment in advance of MTC in order to expedite approval of the amendment so the projects added by the amendment can begin.

The Essential Transportation Project List in the original 1986 Alameda County Transportation Expenditure Plan listed the Route 238 Hayward Bypass, the Route 238 (Mission Boulevard) Improvements, and the Route 84 Realignment Project, as one integrated project. In actuality, these projects have been funded and delivered as separate projects. Amendment No. 1 to the Expenditure Plan that the Board adopted last year deleted the Hayward Bypass Project and added replacement projects, but left the Mission Boulevard Improvements Project and the Route 84 Realignment Project together as one project. Amendment No. 2 to the Expenditure Plan proposes to update the Expenditure Plan language to reflect the individual Mission Boulevard Spot Improvement Projects, as well as to delete the Route 84 Historic Parkway Project and add the Option 2 east-west connector project in Union City and Fremont. The Option 2 project has been agreed upon by ACTA, Caltrans and the cities of Union City and Fremont as a replacement for the Route 84 Historic Parkway. The 1986 Expenditure Plan must be amended to allow for the replacement. Amendment No. 2 proposes to make the following specific revisions:

1. Delete the Route 238 and Route 84 Project as amended by Amendment No. 1 to the 1986 Expenditure Plan from the Essential Transportation Project List in the Expenditure Plan;
2. Add the Route 238 (Mission Boulevard) Improvements Project–Hayward Segment to the Essential Transportation Project List in the Expenditure Plan;
3. Add the Route 238 (Mission Boulevard) Improvements Project–Union City Segment to the Essential Transportation Project List in the Expenditure Plan;
4. Add the Route 238 (Mission Boulevard) Improvements Project–Fremont Segment to the Essential Transportation Project List in the Expenditure Plan; and
5. Add the I-880 to Route 238 East-West Connector Project to the Essential Transportation Project List in the Expenditure Plan.

The Route 84 Realignment Project in Fremont and Union City has been embroiled in controversy throughout its lengthy history. After years of work on environmental studies, a Final Environmental Impact Statement/Environmental Impact Report (FEIR/S) was approved by Caltrans in 2002, but the Federal Highway Administration (FHWA) declined to certify the document due to continued local opposition to the Historic Parkway Alternative which was identified as the preferred of six alternatives analyzed as part of the environmental studies. Since that time, the Authority has been working with Fremont, Union City and Caltrans to develop an alternative that can be agreed to by the two cities. Option 2 was developed as a compromise and recently received consensus from both cities and Caltrans. Option 2 will not be adopted as Route 84, but Caltrans remains involved for the connections to I-880 and Route 238 (Mission Boulevard), and as a property owner in the corridor.

For the past few months, MTC has been working with Caltrans, Fremont and Union City to develop language for a Memorandum of Understanding (MOU) to document a framework for delivering Option 2. The MOU was recently accepted by all four parties clearing the way for the next steps in moving Option 2 into the environmental studies phase.

Since Option 2 varies significantly from the project included in the 1986 Expenditure Plan, the Authority will need to amend the 1986 Expenditure Plan to reflect the replacement of the Historic Parkway with Option 2. The review and approval process for Amendment No. 2 to the 1986 Expenditure Plan will be similar to the process followed last year for Amendment No. 1. The process of securing the necessary approvals is expected to take six months and consists of the following steps:

- Develop the Amendment (completed);
- Conduct a Public Hearing (held on June 22, 2006);
- Approval by MTC (expected by the end of September 2006);
- Approval by the Alameda County Board of Supervisors (approved August 1, 2006);
- Approval by a majority of cities representing a majority of the population in incorporated Alameda County (one by one during July, August and September 2006); and
- ACTA Board Adoption (expected by the end of December 2006).

In addition to replacing the Historic Parkway in the Expenditure Plan, the proposed Amendment No. 2 to the 1986 Expenditure Plan also revises the Route 238 improvements between Industrial Parkway and existing Route 84 to reflect the Mission Boulevard Spot Improvements Projects in Hayward, Union City and Fremont. The original Route 238/Route 84 Project included in the 1986 Expenditure Plan was previously revised in Amendment No. 1 to the 1986 Expenditure Plan.

RATIONALE FOR RECOMMENDATION

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

ALTERNATIVE ACTIONS CONSIDERED

No alternative actions were considered.

CONTACT PERSON

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

Matt Nichols, Principal Planner, Public Works, 981-7068

Attachments:

1: Resolution

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

APPROVING AMENDMENT NO. 2 TO ALAMEDA COUNTY MEASURE B
EXPENDITURE PLAN

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 August 1986 (Expenditure Plan), and to be administered by the Alameda County Transportation Authority (ACTA); and

WHEREAS, the Measure B projects and programs in the Expenditure Plan in North County and East County have been delivered and ACTA is currently working towards completing the delivery of the remaining projects in Central and South County; and

WHEREAS, the Route 238 and Route 84 project, sponsored by the California Department of Transportation (Caltrans), was one of the ten capital projects in the Expenditure Plan; and

WHEREAS, Amendment No. 1 to the Expenditure Plan, approved in 2005, deleted the Route 238 Hayward Bypass portion of the Route 238 and Route 84 project specified in the Expenditure Plan; and

WHEREAS, Caltrans and ACTA delivered the Route 238 (Mission Boulevard) Improvements in three segments, one each in Hayward, Union City and Fremont, as part of the Route 238 and Route 84 project specified in the Expenditure Plan; and

WHEREAS, Caltrans and ACTA developed the Route 84 Realignment Project in Fremont and Union City as a limited access expressway along a previously adopted alignment referred to as the "Historic Parkway" as part of the Route 238 and Route 84 project specified in the Expenditure Plan; and

WHEREAS, Caltrans approved a Final Environmental Impact Report/Statement (Final EIR/S) for the Historic Parkway in 2002 which the Federal Highway Administration (FHWA) declined to approve due to continuing local opposition to the project; and

WHEREAS, the ACTA Board approved a Memorandum of Understanding (MOU) between ACTA, Caltrans, Union City and Fremont on May 25, 2006, subsequent to the approval of the MOU by Union City and Fremont, which establishes agreement on a process to move forward with a replacement project for the Historic Parkway; and

WHEREAS, the ACTA Board approved the concept of the proposed Amendment No. 2 to the Expenditure Plan on May 25, 2006, and the specific language of Amendment No. 2 to the Expenditure Plan on June 22, 2006 which allows for the replacement of the Historic Parkway with the I-880 to Route 238 (Mission Boulevard) East-West Connector Project.

WHEREAS, Amendment No. 2 to the Expenditure Plan was transmitted to the Metropolitan Transportation Commission (MTC) for review and approval and MTC action is expected to occur in September 2006.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Berkeley hereby approves Amendment No. 2 to the 1986 Measure B Alameda County Transportation Expenditure Plan. This approval is contingent upon MTC approval of the Amendment substantially in the following form and will be effective immediately after MTC approval:

1. Delete the Route 238 and Route 84 Project as amended by Amendment No. 1 to the 1986 Expenditure Plan from the Essential Transportation Project List in the Expenditure Plan;
2. Add the Route 238 (Mission Boulevard) Improvements Project–Hayward Segment to the Essential Transportation Project List in the Expenditure Plan;
3. Add the Route 238 (Mission Boulevard) Improvements Project–Union City Segment to the Essential Transportation Project List in the Expenditure Plan;
4. Add the Route 238 (Mission Boulevard) Improvements Project–Fremont Segment to the Essential Transportation Project List in the Expenditure Plan; and
5. Add the I-880 to Route 238 East-West Connector Project to the Essential Transportation Project List in the Expenditure Plan.