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East-West Connector Mitigation Monitoring Committee Meeting Minutes

January 4, 2011 - 6:30 p.m.

City of Fremont Niles Room (39550 Liberty Street, Fremont)

Attendees:

Robert Czerwinski (City of Fremont)
Melodye Khattak (City of Fremont)
Pat Mapelli (City of Fremont)
Angelo Artale (City of Union City)
John Repar (City of Union City)
Ray Gonzales, Jr. (City of Union City)
Ben Strumwasser (Facilitator, ACTC Project Team)
Tom Wintch (ACTC Project Team)
Stefan Garcia (ACTC Project Manager)

Meeting minutes:

1. Welcome and Introductions
 - Stefan Garcia welcomed the Mitigation Monitoring Committee (MMC) members, and provided a brief background on the project, including status of agencies involved and their relationship to the project (e.g. ACTA/ACTIA/ACTC).
2. Distribution of documents
 - Ben Strumwasser distributed the updated MMC roster and noted that his information is also there for questions and requests of the committee members.
3. Facilitator Role and Resource
 - Strumwasser outlined the role of facilitator as described in the MMC Formation document.
 - A member asked how often the Project Development Team meets and who is on it. Garcia noted that they generally meet monthly and that representatives of the cities, ACTC and other interested local agencies participate.
 - A member asked how the public is informed about MMC meetings. Garcia noted that the ACTC website (www.actia2022.com) will note the dates of the meetings. He also noted that while the public is welcome to attend MMC meetings, the purpose of the meeting is fundamentally for the MMC to accomplish its work as outlined in its Charter.
 - A member asked if meeting minutes will be made available. Garcia indicated that draft minutes will be emailed to MMC members for review, and will be posted on the ACTC site once approved by the MMC.
4. MMC Guidelines and Rules of Conduct
 - Guidelines and Rules of Conduct were distributed and reviewed.
 - A member asked if the every 6 months requirement for Board updates applies to city councils as well. Garcia noted that the same general time frame may apply but

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the committee might want to consider in certain instances to provide an update through a written memo outlining issues addressed at previous MMC meetings.

- A member asked when ACTIA board meetings are held. Garcia noted that they are held the fourth Thursday at 2:30 PM.
 - It was also pointed out that the MMC report will, (like other board items), need to go through the Projects and Program Committee (PPC) before the Board meeting.
 - A staff report for the Board and any other information would then be placed on the consent calendar unless it is pulled for discussion by the Board.
 - A member asked when the PPC meets. Garcia noted it is conducted on the second Monday of the month at 12:15PM (corrected from what was stated at the meeting).
 - A member asked where ACTC meetings are held. Strumwasser noted that this information, along with other logistical questions, will be provided and can be accessed through ACTA's website at www.actia2022.com. Garcia talked further about the transitions at ACTA, ACTIA and the ACTC and the roles of these agencies through the transition which is ongoing.
 - Members noted that they had recently completed a site walk along the corridor and planned to do another one as soon as weather permits.
5. Election of Committee Officers
- After committee discussion it was agreed that this item will be moved to the end of the agenda to let the group get to know one another a bit more.
6. Intended Scope, Mission and Function of the MMC
- Strumwasser reviewed the formation document highlighting the objectives and role of the group as approved by ACTA and the councils.
7. Overview of project background and current status
- Garcia noted that the project team was approximately 30% through the right-of-way acquisition process and 65% through design. Further, he noted that completed design documents should be available by the end of the year. Current estimates show construction starting in the summer of 2012 but are subject to change.
 - A member asked where we are on project funding.
 - We currently have \$110M in funding. New cost estimates for the project are being prepared.
 - A member asked is there a funding gap and are we looking for more money.
 - Another member asked, "How far can we go with what we have?" Garcia noted that there is a funding gap and that it is not unusual for large infrastructure projects to obtain their funds incrementally and that the agency and cities were actively pursuing other funding sources.
 - A member asked if a new EIR would be required if there was a significant delay in obtaining funds. Garcia noted that the environmental document was good for several years.
 - A member asked where the balance of funds might come from.
 - State Transportation Improvement Program(STIP)
 - Stimulus funds

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- City contributions
 - Other capital funding from ACTC
 - A member asked if they could have a copy of the Final Environmental Impact Report (FEIR). Garcia noted that the complete document is available online at ACTC/ACTIA's website (http://www.actia2022.com/app_pages/view/88)
 - A member noted that during their initial informal walking tour several questions about the project came up. Using an example, it was asked if these were the type of issues that would be addressed in the Committee. Garcia noted that as long as they are relevant to the Mitigation Monitoring Plan itself, they would be.
8. Summary discussion of key Mitigation Monitoring Plan (MMP) items
- Strumwasser distributed and provided an overview of the contents of the approved MMP.
 - A member asked about what type of issues would be addressed in the meetings. Strumwasser directed participants to an example of fencing/screening of construction staging areas. Garcia noted that it is expected that committee members will help the project team by providing an update of what they observe. The project team in turn will provide the committee with regular updates regarding the project's progress. Garcia noted that it will be helpful in some cases to get questions up front (before the meetings) so that issues can be properly agendized and detailed answers can be provided at the meetings themselves. It is expected that at the next meeting that we will review the project alignment and bring renderings as requested. In addition a request for elevations of the alignment was made.
9. Meeting documentation protocols and distribution schedule
10. Strumwasser reviewed the document distribution schedule as outlined in the Formation document. Schedule for future meetings
- Garcia requested that we plan 3 meetings in advance noting that we can still adjust timing if necessary. Members noted the 1st/3rd Thursdays should be avoided and that council meetings on Tuesday evenings should be avoided.
 - It was unanimously agreed that the MMC would schedule its meetings the 1st Wednesday of each quarter
 - April 6th
 - July 6th
 - October 5th
 - The next meeting will be held in Union City, location TBD. All meetings will be held at 7:00 PM
- A member asked how long the committee is expected to exist. Garcia indicated approximately 3-4 years.
11. Election of Committee Officers
- The group decided to informally select the Chair and Vice Chair. After a brief discussion amongst members, the committee unanimously agreed to elect John Repar as Chair and Bob Czerwinski as Vice-Chair. Strumwasser indicated he will be in touch with both to address any outstanding committee issues.

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There being no further business the meeting was adjourned at 8:10 PM.

ACTION ITEMS

Item	Description	Resp. Party	Status
1	Post dates of planned EWC MMC Meetings to ACTIA website (http://www.actia2022.com/app_pages/view/88)	Garcia	Complete
2	Post minutes of EWC MMC meetings to ACTIA website	Strumwasser/Garcia	Pending approval by MMC at next regularly scheduled meeting
3	Provide Location of ACTIA Board meetings at next MMC meeting	Strumwasser	Pending
4	Provide further information regarding "shelf life" of environmental document given funding shortfalls and possible delays in project construction.	Strumwasser	Delivered information to Chair
5	Bring alignment (roadway) exhibit board, renderings and elevations at next meeting	Wintch	Pending
6	Identify and notice location of next meeting	Strumwasser	Pending
7	Contact Chair and Vice Chair for future coordination in anticipation of next meeting	Strumwasser	Complete

Table 1. Mitigation Monitoring Plan – Summary of Mitigation Measures

Mitigation Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Monitoring/Reporting Notes
Prior to Finalizing Permits and Agreements				
BIO-7: Prepare and Implement a Wetlands Mitigation Plan that Includes the Creation of New Wetlands, Waters of the United States and State, and Replacement and Enhancement of Willow Riparian Woodland and Scrub	Prior to acquiring Section 404 permit from Corps, Section 401 permit from RWQCB	ACTA, with Corps, RWQCB	ACTA, with Corps, RWQCB	
LUP-1: Ensure Compatibility of Gutter Pans and Sewer Grates with Bicycle Traffic along Paseo Padre Parkway	Prior to acquiring encroachment permit from Fremont	ACTA	ACTA, with Fremont Engineering Div.	
PSR-1: Conduct an Investigation of Utility Line Locations and Maintain Utility Services	Prior to acquiring encroachment permits	ACTA	ACTA	
TRA-4: Prepare a Rider Awareness Program Addressing BART Service Interruptions	Prior to acquiring an encroachment permit from BART	ACTA, BART	ACTA	
NOI-6: Maximize Distance between Shoofly and Residences to Extent Allowed by UPRR	Prior to securing Right-of-Entry Construction and Maintenance Agreement with UPRR	ACTA	ACTA, with UPRR	
Prior to Finalizing Landscaping Plan				
AES-5: Ensure the Landscape Plan Precludes Extremely Tall Vegetation along the New Roadway Alignment between the Two Old Alameda Creek Bridge Crossings	Prior to finalizing landscaping plan	ACTA, with Fremont Landscape Architecture Div.	ACTA, with Fremont Landscape Architecture Div.	

Mitigation Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Monitoring/Reporting Notes
BIO-11: Prepare an Arborist Report and Develop and Implement a Landscaping Plan that Includes Compensation for Loss of Protected Trees	Prior to finalizing landscaping plan	ACTA, with Fremont Landscape Architecture Div., Union City Planning Dept.	ACTA, with Fremont Landscape Architecture Div., Union City Planning Dept.	
Prior to Construction				
AES-2: Prepare and Implement a Landscape Plan along the Project Alignment	Prior to construction	ACTA, with Fremont Landscape Architecture Div., Union City Planning Dept.	ACTA, with Fremont Landscape Architecture Div., Union City Planning Dept.	
AES-3: Incorporate Aesthetically Sensitive Design into the Soundwalls between Paseo Padre Parkway and Alvarado-Niles Road	Prior to construction	ACTA, with Fremont Planning Div., Union City Planning Dept.	ACTA, with Fremont Planning Div., Union City Planning Dept.	
AES-4: Provide Landscape Plan for Arroyo Park	Prior to construction	ACTA	ACTA, with Union City Public Works Dept.	
BIO-1: Provide Construction Workers with Awareness Training for Special-Status Species and Sensitive Habitats in the Construction Area	Prior to construction	ACTA	ACTA	
BIO-2: Conduct Preconstruction Surveys and, If Necessary, Implement Measures to Protect California Red-Legged Frog, California Tiger Salamander, and Western Pond Turtle	Prior to construction	ACTA	ACTA, with DFG	
BIO-8: Protect Willow Riparian Woodland and Scrub Habitat during Project Construction	Prior to construction in the vicinity of Old Alameda Creek	Construction contractor	ACTA	
BIO-10: Identify Wetlands and Other Waters Temporarily Affected and Install Protective Fencing during Construction	Prior to construction	ACTA	ACTA	

Mitigation Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Monitoring/Reporting Notes
BIO-12: Install Temporary Fencing around Remaining Protected Trees	Prior to construction	ACTA	ACTA	
HAZ-1: Train Construction Workers to Identify Potentially Contaminated Materials and, if Found, Stop Work and Implement Hazardous Materials Investigations and Remediation	Prior to construction	ACTA	ACTA	
HAZ-2: Implement Recommendations in the Phase I Environmental Site Assessment to Prepare a Phase II Environmental Site Assessment, a Health and Safety Plan, and a Soil and Groundwater Management Plan, and to Properly Abandon any Agricultural Wells	Prior to construction	ACTA	ACTA, with ACWD	
HWQ-1: Comply with National Pollutant Discharge Elimination System Requirements and Develop and Implement a Stormwater Pollution Prevention Plan	Prior to construction	ACTA, with Fremont Engineering Div., Union City Public Works Dept.	ACTA	
HWQ-6: Incorporate Site-Specific Water Quality Treatment Devices into Site Drainage Plans to Meet Water Quality Standards and Maintain Beneficial Uses	Prior to construction	ACTA	ACTA	
HWQ-5: Construct the Tree Wells and Infiltration Basins to Implement the Hydrograph Modification Management Plan for Stormwater Runoff	Prior to construction	ACTA, with ACWD, ACCWP, RWQCB	ACTA	
NOI-2: Prepare a Community Awareness Program for Project Construction	Prior to construction	ACTA, with Fremont Planning Div., Fremont Engineering Div., Union City Planning Dept., Union City Public Works Dept.	ACTA	

Mitigation Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Monitoring/Reporting Notes
NOI-3: Conduct Structural Conditions Survey for Areas Where Vibratory Compaction is Proposed	Prior to construction	ACTA	ACTA	
NOI-9: Conduct Survey for Presence of Air Conditioning at Residences Adjacent to the New Roadway	Prior to construction	ACTA	ACTA, with Fremont Engineering Div., Union City Public Works Dept.	
TRA-1: Develop and Implement a Traffic Control Plan for Project Construction	Prior to construction	Construction contractor	ACTA, with Fremont Engineering Div., Union City Public Works Dept.	
During Construction				
AES-1: Provide Screened Fencing around Project Staging Areas During Construction	During construction	Construction contractor	ACTA	
AES-7: Minimize Fugitive Light from Portable Sources	During nighttime construction	Construction contractor	ACTA	
AIR-1: Employ Measures to Reduce Criteria Pollutant Emissions during Construction	During construction	Construction contractor	ACTA, BAAQMD	
AIR-2: Employ Measures to Reduce Project-Related Greenhouse Gas Emissions	During construction	Construction contractor	ACTA	
BIO-3: Conduct Site Preparation and Construction Activities between September 1 and January 31 to Avoid the Typical Nesting Period of Migratory Birds, and Implement Preconstruction Surveys and Protective Measures if Necessary	During construction	Construction contractor	ACTA	
BIO-4: Conduct In-Water Construction Activities in Alameda Creek Flood Control Channel between May 1 and October 1 to Avoid Special-Status Fish Spawning and Migration Seasons	During construction	Construction contractor	ACTA, with DFG	

Mitigation Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Monitoring/Reporting Notes
BIO-5: Provide an Alternate Migration Corridor through the Alameda Flood Control Channel if Surface Flow Is Present during Construction	During construction	ACTA	ACTA	
BIO-6: Implement Channel Protection Measures during Construction	During construction	Construction contractor	ACTA	
BIO-9: Implement Measures to Avoid or Minimize the Dispersal of Noxious Weeds into Sensitive Riparian Areas during Construction	During construction	Construction contractor	ACTA	
CUL-1: Conduct Earthwork Monitoring by Qualified Archaeologist during Construction and Implement Management Measures if Resources are Discovered	During construction	ACTA	ACTA	
HAZ-3: Implement Procedures to Reduce Fire Risk during Construction	During construction	Construction contractor	ACTA	
HWQ-2: Clean Paved Areas with Street-Sweeping Equipment	During construction	Construction contractor	ACTA	
HWQ-3: Implement Additional Water Quality Protection Measures to Reduce Sediment in Surface Waters during Construction	During construction	Construction contractor	ACTA	
HWQ-4: Prepare and Implement a Hazardous Materials Spill Prevention and Control Program during Construction	During construction	ACTA	ACTA	
NOI-1: Employ Measures to Reduce Construction Noise to Comply with Applicable Construction Noise Standards	During construction	ACTA	ACTA, with Fremont City Manager's Office, Union City Manager's Office	
NOI-4: Limit Extent of Vibratory Compaction Activity and Vibratory Pile Driving	During construction	Construction contractor	ACTA	

Mitigation Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Monitoring/Reporting Notes
NOI-5: Limit Vibration Levels Received at Structures	During construction	Construction contractor	ACTA	
NOI-C2: Use Low Noise Pavement Types on Project Roadways	During construction	ACTA	ACTA, with Fremont Engineering Div., Union City Public Works Dept.	
TRA-2: Provide Temporary Bus Service during All Interruptions in BART Service	During construction of BART shoofly	BART	ACTA	
TRA-3: Limit Interruption of BART Service to Weekends	During construction of BART shoofly	ACTA, BART	ACTA	
Prior to Operation				
AES-6: Install Low-Standing Light Standards with Directional Shields Downward along the New Roadway	Prior to opening the new road to traffic	ACTA	ACTA	
NOI-7: Implement Traffic Noise Reduction Treatments (Soundwalls and Quiet Pavement) along the New Roadway between Paseo Padre Parkway and Alvarado-Niles Road	Prior to opening new road to traffic	ACTA	ACTA, with Fremont Engineering Div., Union City Public Works Dept.	
NOI-8: Implement Traffic Noise Reduction Treatments (Soundwalls and Quiet Pavement) at the Affected Residences along the New Roadway between Alvarado-Niles Road and Mission Boulevard	Prior to opening new road to traffic	ACTA	ACTA, with Union City Public Works Dept.	
NOI-C1: Contribute to City Funds to Implement Traffic Noise Reduction Treatments	Prior to opening new road to traffic	ACTA	ACTA, with Fremont City Manager's Office, Union City Manager's Office	

Mitigation Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Monitoring/Reporting Notes
TRA-5: Adjust Signal Timing and Signal Coordination at Intersections	Prior to opening new road to traffic	ACTA, with Caltrans, Fremont Engineering Div.	ACTA	
TRA-6: Relocate the Crosswalk at Mission Boulevard and Nursery Avenue	Prior to opening new road to traffic	ACTA, with Caltrans, Fremont Engineering Div.	ACTA	