

FINAL

East-West Connector Mitigation Monitoring Committee Meeting Minutes

July 6, 2011 - 7:00 p.m.

City of Union City - City Council Conference Room (34009 Alvarado-Niles Road, Union City)

Attendees:

Robert Czerwinski (City of Fremont)
Melodye Khattak (City of Fremont)
Pat Mapelli (City of Fremont)
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
 - Chair John Repar welcomed the Mitigation Monitoring Committee (MMC) members, and lead introductions of those present.
2. Approval of Minutes
 - Khattak moved that minutes from MMC meeting No. 1 be approved, Gonzales seconded. Approval carried with a 5 – 0 vote.
 - Strumwasser distributed documents including updated roster, screen shot of Alameda CTC website and information on location of Alameda CTC board meetings.
3. Review of Action Items
 - Strumwasser reviewed action items – all complete. He also reminded MMC members that his contact information is on Roster for those who have questions or inquiries between meetings.
4. Update on Project Status
 - Garcia provided an overview of the status of the project, noting that it had been broken down into four segments – I-880 to Decoto Road (A), Paseo Padre to Alvarado Niles (B), Alvarado-Niles to Mission Blvd. (C) and Mission Blvd (D). Final design effort is moving along with some sections at 95% completion and others at 65%. He also noted that the right-of-way acquisition phase had been initiated, some appraisals have been conducted and construction is still slated to begin next summer. The funding status is the same - with a funding shortfall, however the current cost estimates have been refined from approximately \$210 million to approximately \$190 million.
 - A member asked about the delta in funding. Garcia noted that the Alameda CTC has approximately \$110 million for the project putting the shortfall in the \$80 million range.

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- A member asked about questions that came out of the original site visit that some of the members made last year. The group agreed to cover these under item 10 of the agenda as they were not necessarily germane to the MMC's focus.
5. Status of EWC MMP commitments
- *(Note: this agenda item included discussions on items No. 5 – No. 8.)*
 - Giberson handed out a newly revised mitigation summary table. Garcia clarified that the substance was identical to the previous version, however this new version broke the mitigation measures down into categories making it easier for the group to review and monitor.
 - A member asked if the comment period on the Section (404) permitting related to BIO-7 was still open. Giberson indicated that she didn't have that information but would research it.
 - A member asked if there would be any interruption of service when utilities were being relocated. Wintch noted that only minimal interruptions might occur for very short periods. Large utilities are not expected to be interrupted.
 - A member asked if there were any known gas lines in the area. Wintch noted that there were none known along the BART line but there are some in the streets of Fremont. He noted that PG&E would be responsible for relocation and would likely contract the work out.
 - A member asked that with respect to TRA-4 (BART rider awareness program), how would information be distributed. Garcia noted that first they will want to know the anticipated construction timing to help develop the plan. Goal will be to avoid any interruptions in revenue service. BART traditionally uses flyers at stations, website postings, overhead monitors in stations and other media as determined by the agency.
 - Garcia noted that for ASE-5 and BIO-11 one of the main goals is for establishing some consistency along the corridor.
 - A member asked, where you have existing vegetation will it be all removed and replaced. Garcia noted first that vegetation and landscaping are different and are treated differently depending on the impacts. Mitigations may include replanting in some locations, bioswales, etc.
 - A member noted that when they built the Quarry Lakes Park they removed all vegetation and then replanted. The only problem was they eliminated the habitat for animals in the area.
 - A member asked what a protected tree is. Giberson noted that cities have categories of trees that are protected (e.g. diameter, species type, etc.) which require special treatment.
 - Wintch noted that for mitigation measure AES-2 the team worked very closely with the cities and that the cities will have further opportunity to comment at the 95% and 100% plans stage.
 - Garcia noted that for AES-3 consideration has been given to establish a Technical Advisory Committee to provide input on sound wall design that incorporates a

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corridor theme(s) for sound walls, retaining walls and perhaps bridges. Also, likely to take these concepts to the councils.

- A member asked about the location of sound walls. These were indicated on the large map and in the environmental document.
- A member asked if the sound walls will be closest to the road (as opposed to the houses) and staff indicated that they would.
- A member asked what the height of the sound walls would be. Staff indicated approximately 8 – 10 feet.
- A member asked if there was any reflective noise to be concerned about. Staff noted that the Federal Highway Administration (FHWA) guidelines had been used to establish noise mitigation. Giberson noted that she would provide further information on this topic at a later date.
- A member asked about the standing water in the vicinity of Arroyo Park along the corridor and its disposition. It was noted that additional retention basins are planned that will allow this and other waters to percolate down into the ground and into the storm drain system.
- A member asked what is considered hazardous materials. Wintch noted that none were anticipated to be encountered and that if there were any they would likely be in the vicinity of the Pacific State Steel property and the railroad tracks.
- Giberson described NOI-9, the noise survey for those living immediately adjacent to the planned corridor. The purpose is to establish any homes that might not have forced air requiring their windows to be used to regulate heating and cooling. The goal is to ensure acceptable noise levels inside the dwellings. Giberson noted that 7 of 60 homes surveyed had not responded despite two certified mail attempts at contact. While the team is not required to further pursue these owners/residents, Bob Czerwinski agreed to investigate these further and get back to Strumwasser with results. The list of 7 properties was provided to Czerwinski by Giberson.
- A member asked what if residents already have double paned windows. Giberson noted that noise monitor testing might be conducted after the roadway is in place.
- A member recommended that monitors be placed in the appropriate locations so that they get good readings.
- A member noted that in the past noise monitors were placed at the first floor and that bedrooms are traditionally on second floors so monitors should be placed there. Giberson will investigate location of past and potential future noise monitor locations.
- A member noted that NPDES requirements have been enhanced – is project team taking this into consideration? Giberson noted that team is working closely with the Regional Water Quality Control Board and is aware of the new regulations.
- A member asked about the order of the construction of sections. Garcia noted that at this time there isn't any order - all segments are planned for concurrent delivery. Garcia went on to explain that to the extent necessary any "order of construction" will take advantage of the opportunity for cost effective and flexible implementation of the project.

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- A member asked if there were any sound walls that absorbed noise. Team indicated that there are some being used in a few locations. Team noted that the rubberized asphalt is expected to do more to reduce noise levels based on recent anecdotal experiences.
 - A member asked what the effect sound wall face types had on noise. Garcia indicated that it is not clear how it affects noise levels.
 - A member asked about the use of earthen berms as a way to mitigate noise. Wintch noted that this had been considered and that depressing the roadway in some areas, where it's possible to do so, will be incorporated to the design.
9. Public comment period
- Chair Repar noted that no members of the public were present for comment.
10. New action item review
- Strumwasser listed the Action Items as stated at the end of this summary.
 - A member had several questions that came out of the past site visit made by some members of the MMC. They included the following:
 - Vertical profile of roadway in several locations – described by the team.
 - Disposition of drainage water in eastern portion of roadway – addressed by realignment of “Line M” channel and additional retention basins.
 - Ensure that team will carefully assess any leakage from capped area at Pacific State Steel. Team noted DTSC permit requirements and a soil management plan will be part of the contract specifications for the contractor.
 - Assessment of ground material between BART tracks and 11th Street to ensure no hazardous materials – contractor will clear and grub and site investigation will be part of process.
 - Depth of roadway under BART/UP railroad – approximately 25 feet.
 - Depth of aquifer in this area – approximately 40 feet.
 - Desire to see Union City profile exhibit board at next meeting – on Action items list.
 - A member asked if EIR looks at potential for sink holes. Wintch indicated that extensive soil borings have been and will be taken in area to address this issue.
 - A member asked if the width of Old Alameda Creek varied, as the length of the bridges appears different. Garcia noted that the width of the creek is fairly constant, although the bridge lengths are different between the two because one hits the waterway at an angle and one is more perpendicular. Also, it was pointed out that the flood control channel along Paseo Padre Parkway is generally much wider than the Old Alameda Creek.
 - A member asked if the house closest to the new roadway would be acquired. Garcia stated that unless there was an impact that could not be mitigated it would not need to be acquired.
 - A member asked if the signal light at Osprey will be removed. Wintch indicated that it would and other signal changes in the area would occur as well.

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11. Next Meeting

- As previously agreed, the MMC will schedule its meetings the 1st Wednesday of each quarter:-

October 5th

January 4th

The next meeting will be held in the City of Fremont, location TBD. All meetings will be held at 7:00 PM

There being no further business the meeting was adjourned at 8:55 PM.

ACTION ITEMS

Item	Description	Resp. Party	Status
1	Make changes to roster including correction to Czerwinski's phone number.	Strumwasser	Complete
2	Investigate Section 404 permitting comment period timing.	Giberson	Complete
3	Giberson to provide further information on reflective noise.	Giberson	Complete
4	Bob Czerwinski to follow up on unanswered noise study surveys and provide results to Strumwasser	Czerwinski/Strumwasser	Pending
5	Provide more information on noise monitor locations, past and potential future.	Giberson	Pending
6	Update website with minutes, dates of future meeting, meeting materials, etc.	Garcia	Complete
7	Agenda and mitigation summary to be distributed as a packet for each subsequent meeting of the MMC. Include Status/Notes Column.	Strumwasser/Giberson	Complete
8	Bring Union City profile exhibit board at next meeting – on Action items	Wintch	Complete
9	Post minutes of EWC MMC Meeting No. 1 to ACTIA website	Strumwasser/Garcia	Complete
10	Bring alignment (roadway) exhibit board.	Wintch	Complete
11	Identify and notice location of next meeting	Strumwasser	Complete
12	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	Notes (Updated January 2012)
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	In-progress. Coordinating with Corps, USFWS, DFG and RWQCB. The Corps public notice was issued, review period over, two minor comments received regarding concerns over traffic during construction.
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.	Done. Included in 95% design plans that were submitted to City. Fremont's standard is being used in the contract documents.
PSR-1: Conduct an Investigation of Utility Line Locations and Maintain Utility Services	Prior to acquiring encroachment permits	ACTA	ACTA	Done. All utility conflicts identified. Included in 95% design plans. Ongoing work with utilities.
TRA-4: Prepare a Rider Awareness Program Addressing BART Service Interruptions	Prior to acquiring an encroachment permit from BART	ACTA, BART	ACTA	Not done. Working with BART on construction and maintenance agreement and then will work with them on this program. Limited weekend service interruptions are anticipated during shoofly/staging work.
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	Done. Team designing to constraints established by UPRR. Successfully reduced shoofly limits and speeds (so even less impact than identified in EIR).

Mitigation Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Notes (Updated January 2012)
Prior to Finalizing Landscaping Plan				
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.	In-progress. The project team is working with the both cities. Consistency along the corridor is desired. May need Technical Advisory Committee (TAC) to confirm.
AES-4: Provide Landscape Plan for Arroyo Park	Prior to construction	ACTA	ACTA, with Union City Public Works Dept.	In-progress. The project team is working with the cities. Intend to ensure project detention basin needs are compatible/consistent with park uses.
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.	In-progress. The project team is working with the cities.
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.	In-progress. The project team is working with the cities.
Prior to Construction				
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.	This will be an item for the TAC and will go to the city councils in the future.
BIO-1: Provide Construction Workers with Awareness Training for Special-Status Species and Sensitive Habitats in the Construction Area	Prior to construction	ACTA	ACTA	This will be in contract specifications.

Mitigation Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Notes (Updated January 2012)
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	This will be done no more than 72 hours prior to construction.
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	This will be in contract specifications.
BIO-10: Identify Wetlands and Other Waters Temporarily Affected and Install Protective Fencing during Construction	Prior to construction	ACTA	ACTA	This will be in contract specifications.
BIO-12: Install Temporary Fencing around Remaining Protected Trees	Prior to construction	ACTA	ACTA	This will be in contract specifications if applicable based on arborist report.
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	This will be in contract specifications.
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	In-progress.
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	This is associated with 401 permit requirements and will be in contract specifications.

Mitigation Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Notes (Updated January 2012)
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	Done. Included in 95% design plans.
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	Done. Included in 95% design plans.
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	Not done. This will be done closer to construction.
NOI-3: Conduct Structural Conditions Survey for Areas Where Vibratory Compaction is Proposed	Prior to construction	ACTA	ACTA	Not done. This will be done closer to construction.
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.	Done. The survey was completed. Surveys sent to approx 60 residences, there were 7 non-responses after 2 certified mail attempts, and Bob C volunteered to attempt delivery in person. The associated noise monitoring at appropriate residences will be conducted once the roadway is constructed and operating.
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.	Done. Included in 95% design plans.

Mitigation Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Notes (Updated January 2012)
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	
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	

Mitigation Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Notes (Updated January 2012)
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	
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	

Mitigation Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Notes (Updated January 2012)
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 upon Creation	Prior to opening new road to traffic	ACTA	ACTA, with Fremont City Manager's Office, Union City Manager's Office	
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	

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