

TEP Amendment Comment Letters

Jurisdiction Comments

Agency	Date	Comments	Response
AC Transit General Manager	July 9, 2020	1. AC Transit's Board of Directors has not had the opportunity to provide official comment and position on the proposed amendment; this letter reflects the comments of AC Transit staff.	Noted.

2. The Valley Link Rail project appears to have a primary purpose of transporting residents from San Joaquin County to Alameda County, with an ultimate destination in Santa Clara County, similar to existing ACE Train service. Alameda County taxpayers would not directly benefit as much as San Joaquin County residents, especially if there are no committed funds from San Joaquin County.

Expenditures from Measure BB will only be spent on transportation improvements in Alameda County. No expenditures may be made outside of Alameda County. Benefits of the project, including data specific to Alameda County residents where possible, as provided by the Valley Link staff is noted below. Data is based on an extension from Dublin-Pleasanton BART to North Lathrop.

- 10,137 Tri-Valley daily boardings in 2040
- 32,993 total daily boardings in 2040
- Annual reduction of 38,880 to 42,650 metric tons of greenhouse gas emissions in 2040 depending on the vehicle variant under consideration
- Reduction of approximately 570,000 average weekday vehicle miles travelled in 2040
- Approximately 57% of the project track mileage is in Alameda County
- Transit-oriented development in the Tri-Valley including developments at the proposed Isabel station and Southfront station alternative.

Valley Link will provide fast and frequent rail service to BART, operating 25 daily roundtrips a day with a focus on serving the Oakland and San Francisco commute. ACE currently operates 4 daily roundtrips with a focus on primarily serving Santa Clara County commuters. Expansion of ACE service is constrained due to operations on Union Pacific tracks in mixed freight.

3. There are many transportation projects that could improve travel and commute for Eastern Alameda County and would have a better cost-benefit ratio than the Valley Link Rail project and thus, a better and more efficient use of funds. Possible projects such as express bus service and bus rapid transit would fall into this category. Implementing Guideline #22 – “Fund Allocations” under the TEP would allow for such projects to be funded with the allocation.

BART conducted extensive alternatives analysis, as both part of the 2010 Program Environmental Impact Report (EIR) and as part of the subsequent Project EIR certified in 2018. The 2010 Program EIR included analysis of 10 alignment alternatives. The Project EIR included extensive analysis of four alternatives plus a no project alternative. The alternatives included an Express Bus/Bus Rapid Transit Alternative and an Enhanced Bus Alternative. Details of the alternatives can be found here. The analysis included detailed evaluation of potential benefits and impacts, including but not limited to: ridership, vehicle miles traveled, greenhouse gas emissions, capital and operating costs, travel times, integration with land use, and cost-effectiveness.

In considering the Project EIR in 2018, the BART Board could not reach consensus on which transit alternative to adopt as a preferred alternative. The BART Board acted to not advance an alternative.

The BART Project EIR found mixed performance results for the alternatives. While the cost per new rider for the Express Bus/BRT option was lower than for the rail alternatives, the rail alternatives carried significantly more riders and resulted in a higher reduction in vehicle miles traveled.

The Tri-Valley San Joaquin Valley Regional Rail Authority (TVSJVRRRA) was created by the State Legislature in 2017 by Assembly Bill 758 for the purposes of planning, developing and delivering cost-effective and responsive transit connectivity between BART and commuter rail service in the Tri-Valley and

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			<p>San Joaquin County that reflects regional consensus and meets the goals and objectives of the San Joaquin Valley and Tri-Valley communities.</p> <p>When the BART Board directed the General Manager to not advance an alternative, it effectively passed over to the TVSJVRRRA the ability to plan for a connection to the Dublin/Pleasanton BART Station in July 2018. The TVSJVRRRA then assumed the lead role for the project, now known as Valley Link. The TVSJRRRA has requested Alameda CTC to amend the TEP to add Valley Link and move the \$400 million from the BART to Livermore TEP project to Valley Link. The TVSJVRRRA is currently evaluating alternatives as part of the Valley Link EIR, building off of the work done by BART as well as by ACE as part of the ACE Forward analysis.</p> <p>The 2014 Transportation Expenditure Plan (TEP) #22 Guideline notes, "Fund Allocations: Should a planned project become undeliverable, infeasible or unfundable due to circumstances unforeseen at the time this Plan was created, or should a project not require all funds programmed for that project or have excess funding, funding for that project will be reallocated to another project or program of the same type, such as Transit, Streets, Highways, Community Development Investments, or Bicycle and Pedestrian Safety, at the discretion of Alameda CTC." The Valley Link project is a Transit project as is the BART to Livermore Project and it is at the Commission's discretion to act on a plan amendment to use these funds for transit purposes.</p>

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		<p>4. Given the current financial climate and the uncertainty that lies ahead, it is within reason for ACTC to also consider reallocating the \$400 million to any number of under-funded capital projects throughout the county, including transit projects within the AC Transit service area.</p>	<p>The funds that were programmed to BART to Livermore must be used on Transit and the Commission programming actions are subject to geographic equity by planning area. Reprogramming \$400M to other parts of Alameda County, rather than exclusively towards improvements built in East County, will impact the original TEP geographic funding distribution by planning area.</p>
<p>Alameda County Board of Supervisors</p>	<p>June 10, 2020</p>	<p>5. Expressed support for the amendment; will fulfill a commitment made to the Tri-Valley to advance rail connectivity to Livermore and assure that our residents will finally benefit from the taxes they have paid.</p>	<p>Support noted.</p>
		<p>6. Noted key benefits of the project:</p> <ul style="list-style-type: none"> - reduction of over 99.4 million Vehicle Miles Traveled - reduction of over 33,000 metric tons of greenhouse gas emissions per year - support advancement of transit-oriented development - protects open space 	<p>Benefits noted.</p>
<p>BART General Manager</p>	<p>July 13, 2020 and May 27, 2020</p>	<p>7. Expressed support, with recommendations, of the TEP amendment.</p>	<p>Support noted.</p>
		<p>8. Staff believes this action is consistent with intent of Alameda County voters to invest in transit in the I-580 Corridor. It is important that the \$400 M sales tax investment does accrue to Alameda County residents and businesses.</p>	<p>Noted.</p>

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		<p>9. BART recommends that the amendment to the TEP clearly indicate that required improvements to the BART system in Alameda County resulting from the impacts of the Valley Link Rail project are priority components of the Phase 1 Valley Link Rail project.</p> <ul style="list-style-type: none"> - Base Project: Impacts to the BART system including additional rail cars and the reconfiguration of the Dublin/Pleasanton station - Core Improvements: improvements to destination stations of Valley Link patrons - I-580 Corridor Faregate Modernization: modernize faregates for all stations in the I-580 Corridor (Castro Valley, West Dublin/Pleasanton, and Dublin/Pleasanton stations) 	<p>Valley Link and BART are working together closely to identify potential future impacts and benefits to the BART system, including both capital and operating impacts. Over the course of project development, it is anticipated that the benefits and impacts will be better defined. Based on current ridership forecasts, it appears that there may be some degree of impact to the BART core system in the 2040 horizon. The TVSJVRRRA has proposed to enter into an MOU with BART to detail a process to identify and address these future potential impacts. Faregate modernization for non-Valley Link stations does not appear to be directly linked to impacts of the Valley Link project.</p>
BART Director McPartland	May 27, 2020	10. Expressed support for the project approval of TEP amendment.	Support noted.
		11. Noted key benefits of project: to fulfil commitment made to Tri-Valley and reduce traffic on 580/680 corridor and VMT.	Benefits noted.
City of Dublin	May 25, 2020 and July 10, 2020	12. Expressed support for the project and amendment that will fulfill a commitment made to the Tri-Valley to advance rail connectivity to Livermore and, after many decades of study, assure that residents will finally benefit from the taxes paid.	Support noted.

Agency	Date	Comments	Response
		<p>13. Noted key benefits of the project:</p> <ul style="list-style-type: none"> - reduction of over 99.4 million Vehicle Miles Traveled - reduction of over 33,000 metric tons of greenhouse gas emissions per year - support advancement of transit-oriented development - connects Northern California Megaregion’s workforce to affordable housing - will provide an estimated 22,000 jobs during construction and went operational support 400 jobs per year 	Benefits noted.
City of Livermore	July 10, 2020 and May 28, 2020	14. Expressed support for the project and amendment that will fulfill a commitment made to the Tri-Valley to advance rail connectivity to Livermore and, after many decades of study, assure that our residents will finally benefit from the taxes paid.	Support noted.
		<p>15. Noted key benefits of the project:</p> <ul style="list-style-type: none"> - reduction of over 99.4 million Vehicle Miles Traveled - reduction of over 33,000 metric tons of greenhouse gas emissions per year - support advancement of transit-oriented development - protects open space - connects Northern California Megaregion’s workforce to affordable housing - will provide an estimated 22,000 jobs during construction and went operational support 400 jobs per year 	Benefits noted.

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City of Pleasanton	May 26, 2020 and June 26, 2020	16. Expressed support for the amendment. The Valley Link Project will complete the regional rail concept initially envisioned for the Tri-Valley decades ago and meets the vision and goals of Measure BB by expanding regional rail, providing traffic relief, improving air quality by providing clean transportation.	Support noted.
		17. Noted key benefits of the project: <ul style="list-style-type: none"> - reduction of greenhouse gas emissions - included renewable energy sources and sustainable construction practices - supports transit-oriented development - protects open space 	Benefits noted.
City of Union City	July 21, 2020	18. Expressed support for the amendment request.	Support noted.
		19. Noted benefits of the project: <ul style="list-style-type: none"> - mega-regional cooperation - provides connectivity to other transit providers - provides service between housing and job centers - facilitates the movement of goods - provides a transit alternative to reduce greenhouse gas emissions - supports transit-oriented development 	Benefits noted.
LAVTA	May 25, 2020	20. Expressed support for the project and amendment that will fulfill a commitment made to the Tri-Valley to advance rail connectivity to Livermore and, after many decades of study, assure residents will finally benefit from the taxes paid.	Support noted.

Agency	Date	Comments	Response
		21. Noted key benefits of the project: <ul style="list-style-type: none"> - reduction of over 99.4 million Vehicle Miles Traveled - reduction of over 33,000 metric tons of greenhouse gas emissions per year - support advancement of transit-oriented development - protects open space 	Benefits noted.
San Joaquin Regional Rail Commission	July 2, 2020	22. Expressed support for the amendment request.	Support noted.
		23. Noted key benefits of the project: <ul style="list-style-type: none"> - fulfill a commitment made to the Tri-Valley to advance rail connectivity to Livermore - supports an intermodal connection between ACE and the BART system and the advancement of the Altamont Corridor Vision. - will benefit the entire Tri-Valley by reducing traffic over the Altamont Pass and through the 580/680 corridor - estimated 28,000 are projected to ride the Valley Link system in 2040 - reduction of over 99.4 million Vehicle Miles Traveled (VMT) - reduction of over 33,000 metric tons of greenhouse gas emissions per year 	Benefits noted.

Public Comments

Organization/Individual	Date	Comments	Response
Bay Area Council	May 27, 2020	24. Expressed support for the project and amendment that will fulfill a commitment made to the Tri-Valley to advance rail connectivity to Livermore and, after many decades of study, assure residents will finally benefit from the taxes paid.	Support noted.
		25. Noted key benefits of the project: <ul style="list-style-type: none"> - reduction of over 99.4 million Vehicle Miles Traveled - reduction of over 33,000 metric tons of greenhouse gas emissions per year - supports advancement of transit-oriented development - protects open space 	Benefits noted.
Alameda County Taxpayers Association	May 22, 2020	26. Expressed opposition to transferring funds to Valley Link at this time.	Opposition noted.
		27. Encourages narrow reading of TEP as to intention of voters and sees need for full alternatives analysis completed including consideration of express bus. States that ACTA will vigorously oppose any plan to divert these funds away from a voter-approved project.	See response to Comment 3.

Organization/Individual	Date	Comments	Response
		28. Troubled by transferring funds before San Joaquin contribution is secured.	<p>The proposed TEP amendment states that funds are for construction only in Alameda County and shall not be used until full funding commitments are identified and approved for the initial operating segment.</p> <p>The TVSJVRRRA is working closely with cities in San Joaquin County, SJCOG, and the state to secure additional funding for the project. Thus far, the City of Tracy has committed to donation of a key 200-acre parcel under City ownership to the project to be used for an operations and maintenance facility. The property has an estimated value of \$40 million. In April 2020, the SJCOG Board approved an amendment to its 2018 Regional Transportation Plan to include the Valley Link project, including identification of \$163.9 million for the project in the plan from future measures and state funds.</p>
Bay Area Transportation Working Group	May 11, 2020 and May 23, 2020	29. Expressed opposition to the project and amendment.	Opposition noted.

Organization/Individual	Date	Comments	Response
		<p data-bbox="621 235 1083 475">30. A full unbiased feasibility study must be done, including assessment of projected ridership, cost-effectiveness, and funding opportunities of Valley Link and other transportation options for the corridor.</p> <p data-bbox="669 521 1062 724">Stated that the BART staff recommended a significantly upgraded bus option to its Board in 2017 that would better serve the transportation needs to Pleasanton and Livermore.</p> <p data-bbox="669 769 1083 1117">Stated that the Bay Area Transportation Working Group conducted an extensive investigation of a bus alternative and concluded that in terms of improving the access of the people of Livermore to BART, well-appointed buses operating in bus-only lanes would be a far cheaper and better option.</p>	<p data-bbox="1115 235 1854 370">See response to Comment 3. The BART staff did not recommend an alternative to the BART Board when considering the adoption of the Final BART to Livermore Environmental Impact Report on May 24, 2018.</p>
		<p data-bbox="621 1128 1083 1190">31. Valley Link primarily benefits non-Alameda County residents.</p>	<p data-bbox="1115 1128 1461 1154">See response to Comment 2.</p>

Organization/Individual	Date	Comments	Response
		32. Changes brought about by COVID must be considered.	The long-term travel and commute impacts of COVID are unknown at this time. In developing the region's long-range transportation plan, Plan Bay Area 2050, MTC's direction is to assume that long-term travel and development patterns do not significantly change as a result of COVID-19; rather those impacts are largely concentrated in the early years of the Plan. Projects under development within the Bay Area must be consistent with MTC's long-range plan.
Bike East Bay	May 11, 2020	33. Bike East Bay supports transit but has questions and concerns regarding the project.	Support with concerns noted.
		34. Concerned there was not sufficient public outreach in Livermore to generate support for the project. Where are the residents of Livermore on the project?	To-date there has been extensive public outreach in Livermore, first as part of the BART to Livermore project and subsequently when the Tri-Valley San Joaquin Valley Regional Rail Authority (TVSJRA) developed the Project Feasibility Report. The TVSJRA documented outreach it conducted in Appendix B of the Project Feasibility Report . The City of Livermore also conducted significant outreach as part of the Isabel Neighborhood Specific Plan, which is closely tied to rail service in Livermore. Livermore also recently advanced an application to form a new Priority Development Area (PDA) by the proposed site for a future station, the Southfront Station PDA, which was approved by ABAG in February 2020.
		35. Hour headways off-peak is not high-quality transit. What can be done to convert this to good transit?	As the project development has advanced, the planning service frequencies have been updated. The TVSJRA is currently planning for 12-minute frequencies in the weekday peak, 24-minute frequencies in the off-peak, and 36-minute frequencies on weekends and holidays by 2040.

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		<p>36. Requested information regarding the potential impacts of the current financial crisis on the project.</p>	<p>Alameda CTC is carefully monitoring the impact of COVID-19 on sales tax revenues. Sales tax revenues are received from the California Department of Tax and Fee Administration (CDTFA) two months in arrears, and staff has been updating the Commission as data becomes available.</p> <p>Alameda CTC has not developed a 5-year sales tax revenue projection at this point given the large uncertainties regarding the depth and breadth of the recession and the lack of sales tax receipt data received to date. Revenue projections for FY2020-21 were included in the agency budget that was adopted in May 2020, which can be found on Alameda CTC's website at the following link: https://www.alamedactc.org/wp-content/uploads/2020/05/7.1_COMM_FY2020-21_Proposed_Budget_20200528.pdf.</p> <p>The budget for sales tax revenues for FY2020-21 will be updated if and when appropriate based on data received from the CDTFA.</p> <p>Formulas used to calculate Direct Local Distributions (DLD) are not affected by increases or decreases in sales tax revenue collections. Alameda CTC's website also includes sales tax projections for DLDs for FY2020-21 here. Alameda CTC currently does not anticipate any impact to payments to jurisdictions for other grants nor specific projects or programs due to COVID-19.</p>

Organization/Individual	Date	Comments	Response
Building and Construction Trades Council of Alameda County	May 26, 2020 (same as May 11 letter)	37. Expressed support for the project and amendment that has been under development dating back to the 1960s when the BART system was originally envisioned.	Support noted.
		38. Noted key benefits of the project: <ul style="list-style-type: none"> - cost effective and efficient in that it uses currently existing transportation rights of way - will provide transportation alternatives that will benefit the environment, economy and quality of life of residents and Bay Area workers - sustainable technology - reduction of over 99.4 million Vehicle Miles Traveled - reduction of over 33,000 metric tons of greenhouse gas emissions per year - supports transit-oriented development - will provide an estimated 22,000 jobs during construction and between \$2.6 billion and \$3.5 billion in revenues 	Benefits noted.

Organization/Individual	Date	Comments	Response
		39. Supports advancing the amendment now so the project can compete for additional funding.	Support noted. The ability to leverage local sales tax dollars to secure competitive regional, state and federal funds is a key principle of local sales taxes. By being able to show a commitment of local funding, the project will be more competitive for regional, state and federal funding.
Chabot-Las Positas Community College	May 25, 2020	40. Expressed support for the amendment and notes fulfillment of commitment to tri-valley and benefits for student population from both Tri-Valley and 580-880 corridors.	Support and benefits noted.
Innovation Tri-Valley Leadership Group	May 7, 2020	41. Expressed support for the amendment, which fulfills a long-standing vision for rail connections from Dublin/Pleasanton to Livermore, and is consistent with the original intent and vision of Measure BB for rail connectivity in the Tri-Valley.	Support noted.
		42. Noted congestion reduction benefits of the project and the need to provide transportation alternatives in the corridor to benefit the environment, the economy and the quality of life of residents and workers.	Benefits noted.
		43. Amending the TEP now is important to allow the Authority to leverage local funds with State, federal and private funding to complete the project.	Support noted.

Organization/Individual	Date	Comments	Response
Laborers' Local 304 (Rafael Gonzalez)	May 26, 2020	44. Expressed support for the project and amendment.	Support noted.
		45. Noted key benefits of the project: <ul style="list-style-type: none"> - cost effective and efficient in that it uses currently existing transportation rights of way - will provide transportation alternatives that will benefit the environment, economy and quality of life of residents and Bay Area workers - sustainable technology - reduction of over 99.4 million Vehicle Miles Traveled - reduction of over 33,000 metric tons of greenhouse gas emissions per year - supports transit-oriented development 	Benefits noted.
Livermore Chamber of Commerce	May 8, 2020	46. Expressed support for the proposed amendment to provide an urgently needed and long-awaited effective rail connection between Livermore and the Dublin/Pleasanton BART station.	Support noted.
Hacienda	June 9, 2020	47. Expressed support for the project and amendment that advance long-held objectives of creating a viable rail connection between Alameda and San Joaquin Counties.	Support noted.

Organization/Individual	Date	Comments	Response
		<p>48. Critical employment centers, such as Hacienda, need to make sure that all corridors leading into the Tri-Valley provide easy and convenient access for businesses whose labor supply extends into outlying areas. Likewise, residents at Hacienda similarly need the ability to enjoy access to corridors connecting the Tri-Valley with the larger region.</p>	<p>Support noted. Valley Link would provide access to support businesses and residents at Hacienda.</p>
		<p>49. Noted key benefits of the project:</p> <ul style="list-style-type: none"> - reduction of over 99.4 million Vehicle Miles Traveled - reduction of over 33,000 metric tons of greenhouse gas emissions per year - supports advancement of transit-oriented development - protects open space 	<p>Benefits noted.</p>
Jon M Spangler	July 15, 2020	<p>50. Expressed opposition to the project and amendment.</p>	<p>Opposition noted.</p>
		<p>51. Inadequate public noticing of the comment period:</p> <ul style="list-style-type: none"> - The project was never on the 2014 Measure BB project list - Very limited public notice or input and almost no publicity - Process to submit public comment was not noticed on Alameda CTC's website 	<p>The following are amendment requirements as specified in the 2014 Transportation Expenditure Plan (2014 TEP) Implementing Guidelines:</p> <p>"4. Amendments Require 2/3 Support: To modify and amend this Plan, an amendment must be adopted by a two-thirds vote of the Alameda CTC Commissioners. All jurisdictions within the county will be given a minimum of 45 days to comment on any proposed Plan amendment."</p>

Organization/Individual	Date	Comments	Response
			<p>The comment period is for jurisdictions in Alameda County. Alameda CTC staff provided notification to the governing boards of all cities, the county and transit operators in Alameda County who are represented on the Alameda CTC Commission of a 45-day comment period regarding the proposed amendment, which included direction on how comments must be submitted to the Commission. The notifications were sent via email and hard copy through the US Postal Service on May 29, 2020.</p> <p>The public noticing process is consistent with what is required in the TEP Implementing Guidelines. The process was described at the May Alameda CTC Committee and Commission agenda materials and discussed at the meetings. Alameda CTC is responding to all public comments received. Comments were received by member jurisdictions as well as advocacy organizations and individual members of the public expressing a diversity of viewpoints on the proposed amendment.</p>

Organization/Individual	Date	Comments	Response
		<p>52. No environmental impact report is not complete so there is not detailed information available regarding the rail project's effects.</p>	<p>As with all projects in the 2014 TEP, the project must meet specific environmental deadlines and comply with regional, state and federal requirements. There is no legal requirement and the TEP does not require that projects must complete an environmental document before being in the plan, nor does it require that full funding is required before being in the plan. Every project in the 2014 TEP has a funding shortfall; the sales tax dollars are intended to be leveraged with other local, regional, state and federal funds to deliver the projects.</p> <p>Most of the named capital projects in the 2014 TEP did not have completed EIRs when the TEP was approved by voters. Only four of the 21 named capital projects in the TEP had an approved EIR when the TEP was approved by voters. The Draft EIR is anticipated to be released in fall 2020.</p>
		<p>53. No detailed evaluation of other alternatives such as extending BART service to Livermore.</p>	<p>See response to Comment 3.</p>

Organization/Individual	Date	Comments	Response
		<p>54. Concerned with exurban sprawl and the need to re-establish patterns of living close to work. Before the Valley Rail project received any public funding, policies must be established to ensure that only higher-density, compact growth will be allowed in these outlying areas.</p>	<p>The TVSJVRRRA has adopted a Transit Oriented Development (TOD) Policy to support the regional goals of both San Joaquin County and the Bay Area to support the advancement of transit-oriented development (TOD) in Valley Link station areas. The policy mirrors the TOD guidelines outlined in MTC Resolution 3434 TOD guidelines and identifies key policy objectives and strategies to:</p> <ul style="list-style-type: none"> • Develop and implement station area plans that meet or exceed a corridor-level threshold of 2,200 housing units within a half mile radius of stations. • Develop station area plans that, at a minimum, define the land use plan for the area, zoning, design standards, parking policies and station access plans. <p>The intent of these policies is to develop strategies to create vibrant and livable station area communities within the proposed station environs. The advancement of transit-oriented development adjacent to stations aims to further reduce Vehicle Miles Traveled (VMT) and greenhouse gas emissions (GHG) for the project. Station area plans are currently under development at the Isabel, Downtown Tracy and River Islands stations. The Dublin/Pleasanton and Isabel Stations are in established MTC Priority Development Areas (PDA) and an application for a Southfront Station PDA was recently added as a new PDA.</p>
		<p>55. The additional demand on BART and the mechanism for funding BART's added costs should also be detailed ahead of making large expenditures like this.</p>	<p>See response to Comment 9.</p>

Organization/Individual	Date	Comments	Response
		56. Large-scale policy and planning decisions and clearer understanding of Valley Link's overall impacts on growth and additional sprawl in the exurbs and suburbs must be very carefully calculated before, not after, such a project is funded.	See response to Comment 52.
		57. With future sales tax revenues in doubt and existing transit systems in crisis, the funding should remain unspent, be allocated to other voter-approved Measure BB projects, or used to support existing transit agencies and services.	See responses to Comments 3 and 4.
Law Offices of Jason A. Bezis	May 28, 2020	58. Expressed opposition to the TEP Amendment.	Opposition noted.
		59. Stated that the Amendment would be a bait and switch while voters distracted by the COVID-19 pandemic and is a major decision that should not be made during an emergency.	The Alameda County Transportation Commission continues to operate during the COVID pandemic, including acting on advancing projects approved by voters in the 2014 Transportation Expenditure Plan.
		60. Stated that the Valley Link Rail project to Altamont Pass is a drastically different project than BART to Livermore and raised concerns about funding being spent outside of the county and for little to no benefit to Alameda County taxpayers.	See response to Comment 2.

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		61. Stated that the Amendment upsets to overall geographic equity consensus that underpins the Measure BB TEP, as the benefits to the residents of the Tri-Valley are less than they would have been if BART to Isabel Avenue had advanced.	This Amendment preserves the original geographic funding distribution of the 2014 TEP. When the 2014 TEP was crafted by the Commission, it was done so to address geographic equity in investments and to reach consensus on a set of projects and programs that would provide benefits in all areas of Alameda County. The Amendment does not propose redistributing funds outside of the East Planning Area.
		62. Stated that the Commission is acting prematurely, with too many unknowns, and highlighted the need for the EIR to be released and an implementation plan and funding plan to be complete.	See responses to Comments 3 and 52. The proposed TEP amendment states that funds are for construction only in Alameda County and shall not be used until full funding commitments are identified and approved
		63. Raised concerns regarding potential impacts on crowded BART trains.	See response to Comment 9.
		64. States that alternatives need to be further evaluated. The commenter specifically advocated for an express bus alternative that was identified in the 2003 Caltrans I-580 widening study as a cost-effective alternative that could be implemented quickly, or for a t-BART proposal that would utilize existing rail corridors in the Tri-Valley.	See response to Comment 3. Conditions have changed since 2003 with the construction of the I-580 Express Lanes. BART did analysis in 2018 (Comment 3) and express bus was considered but not recommended to be advanced.
		65. Noted that voters in the Tri-Valley did not support Measure BB and suggested that voters in the Tri-Valley vote on whether or not to reallocate the \$400 million.	Measure BB passed based on total votes in the county, not based on geographies within the county. The TEP Implementing Guidelines lay out the Amendment process. This proposed Amendment is following that process.

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		66. Stated that the decision should not be made until after the fall elections, which will result in new mayors for all three cities in the Tri-Valley and a new county supervisor.	Actions taken at the Alameda County Transportation Commission are done based upon the 22 members representing the full Commission and are not made on a planning area basis.
		67. Stated that Livermore residents would be betrayed if the Amendment proceeds, as they would continue paying taxes with no BART service and diminished local streets and road funding.	The Valley Link project includes rail stations, and rail service connecting directly into the BART system. The City of Livermore submitted a letter of support for the project. See also response to Comment 34.
		68. Raised concerns regarding the Measure BB campaign.	See Memorandum, Attachment A to this Comment Matrix.
Sierra Club	May 11, 2020 and July 13, 2020	69. Expressed opposition to the proposed actions. Recommend that no action be taken for the foreseeable future, at least until after completion of a full Environmental Impact Report process and other related documentation, and until there is a return to financial stability for Measure BB sales tax funds.	See response to Comments 52 (regarding environmental analysis) and 36 (regarding sales tax).
		70. Expressed no current position regarding the project itself, pending much more documentation and analysis for both decisionmakers and the public.	Noted the desire for more documentation and analysis.

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		<p>71. Insufficient comment period:</p> <ul style="list-style-type: none"> - No notice was provided to the public or posted on the Alameda CTC website - The public was not informed how to communicate with elected representatives so that timely and informed comments by the jurisdiction could be submitted 	<p>See response to Comment 51.</p>
		<p>72. Request that all comments by jurisdictions be posted on the Alameda CTC website by the end of July 2020 so that the public can communicate on this matter with their elected officials.</p>	<p>Per direction of the Commission in May 2020, all comments will be posted with the September materials for the Planning, Policy and Legislation Committee (PPLC) along with a comment and response matrix.</p>
		<p>73. Request information regarding the potential/expected impact on other transit recipients if Valley Link is approved as a new agency that is eligible for Measure BB funds, including for operations? Does the selective omission of Valley Link in the “redlined” Appendix C of the May 28 materials mean that Valley Link will not be an eligible recipient under the Category of “Transit: Operations, Maintenance, and Safety Program”?</p>	<p>The TEP amendment request did not include a request for operating funds and, therefore, consideration for operating funds is not subject to this amendment. Redistribution of funds for operations would require a separate amendment, which has not been requested.</p>

Organization/Individual	Date	Comments	Response
		<p>74. The entire package of proposed actions is premature before completion of a full Environmental Review process, which is necessary to determine the viability, appropriateness, and environmental impact of the proposed project.</p>	<p>See response to Comment 51.</p>
		<p>75. Concerned the actions are being rushed, especially given the magnitude of current revenue uncertainties.</p>	<p>The TVSJVRRRA submitted its request for the TEP Amendment to Alameda CTC in September 2019. Over the past year, Alameda CTC has participated on a project Executive Steering Committee with MTC, BART, SJRRC, Caltrans, and the California State Transportation Agency to provide input on the development of the feasibility report and project development. Alameda CTC also evaluated initial project designs related to potential impacts on the I-580 Express Lanes; those discussions will continue as the design progresses.</p> <p>See response to Comment 36 regarding sales tax.</p>

Organization/Individual	Date	Comments	Response
		<p>76. Current financial projections and analyses identify significant shortfalls in sales tax revenues at all levels for the foreseeable future. Please identify your responses below both with, and without, the impact of ACTC approval of the proposed Valley Link actions:</p> <ul style="list-style-type: none"> - What are the current estimates and projections for Measures B and BB revenues (for at least the next 5 years), and as compared to previous actuals? - How will these changes in revenues affect DLD formulas, as well as other anticipated payments to jurisdictions and/or projects or programs? 	<p>See response to Comment 36.</p>

	<p>77. There is no “entitlement” for Measure BB funds from the cancelled “BART to Livermore” project for either the Tri-Valley planning area or even for a rail project, and the voters who actually approved Measure BB, with the “BART to Livermore” project, were, in large part, not primarily from the Tri-Valley. There should be an open, full and fair competitive assessment to determine any re-programming of that project’s successor, per Implementing Guideline 22 from the TEP.</p> <p><i>22. Fund Allocations:</i> <i>Should a planned project become undeliverable, infeasible, or unfundable due to circumstances unforeseen at the time this Plan was created, or should a project not require all funds programmed for that project or have excess funding, funding for that project will be allocated to another project or program of the same type, such as Transit, Streets, 4 Highways, Community Development Investments, or Bicycle and Pedestrian Safety, at the discretion of Alameda CTC.</i></p>	<p>See responses to Comments 3 and 4.</p>
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Organization/Individual	Date	Comments	Response
		78. Valley Link violates the “inter-regional commuting” policy of SB 375 and Plan Bay Area.	SB 375 applies to regional transportation plans/sustainable communities strategies (RTP/SCS) that are adopted by metropolitan transportation organizations (MPOs) in the state of California. As it relates to this project, the two MPOs are the Metropolitan Transportation Commission (MTC) and the San Joaquin Council of Governments (SJCOG). The MTC Commission recently voted to include Valley Link in Plan Bay Area 2050, the RTP/SCS currently in development in the Bay Area region. SJCOG’s most recent RTP/SCS was amended in early 2020 to include the Valley Link project. MTC’s robust project performance assessment did not identify performance concerns with the Valley Link project regarding the project conflicting with the guiding principles of Plan Bay Area and identified it as a relatively well performing regional rail project.
		79. Valley Link would disadvantage Alameda County residents, taxpayers, and transit riders to the benefit of inter-regional travelers from San Joaquin County.	See response to Comment 2.
		80. ACTC should not act until there is at least a matching financial commitment from San Joaquin County. Any ACTC action should be conditioned on a firm commitment of adequate funds for both capital and continuing operations for this multi-county project.	See response to Comment 28.

	<p>81. The ACTC meeting materials from May 28th show the proposed project description only as it would be amended, without including the carefully negotiated original terms – approved by the voters – that are proposed for omission or change now.</p> <ul style="list-style-type: none"> - What difference does the “initial operating segment” make to the proposal’s potential draw on Alameda County funds? - What criteria will be used to assess whether the initial operating segment “most effectively meets” the adopted project goals, and which agency will make that determination? - When will “full funding commitments” be identified and approved for the full project? - Please also explain why the references to “detailed” analysis and “all” alternatives are being deleted. 	<p>No Measure BB funds may be expended outside of Alameda County. Measure BB funds could be used for an Initial Operating Segment that would be adopted by the TVSJVRRRA Board, which has established project goals against which the proposed project and project alternatives will be measured and considered when considering project adoption. The TVSJVRRRA-adopted project goals are:</p> <ul style="list-style-type: none"> • Improve connectivity within the Bay Area Megaregion: connecting housing, people and jobs. • Establish rail connectivity between the Bay Area Rapid Transit District’s rapid transit system and the Altamont Corridor Express commuter service. • Pursue project implementation that is fast, cost-effective and responsive to the goals and objectives of the communities it will serve. • Be a model of sustainability in the design, construction, and operation of the system. • Support the vision of the California State Rail Plan to connect the Northern California Megaregion to the State rail system. <p>Currently the TVSJVRRRA is considering two different potential initial operating segments: an extension from Dublin-Pleasanton BART to Greenville, or an extension from Dublin-Pleasanton BART to Mountain House.</p> <p>As stated in the proposed TEP Amendment language, a full funding plan must be identified before Alameda CTC would release Measure BB funds. In addition, Measure BB funds are only allowed to be used for construction.</p> <p>References to “detailed” and “all” are proposed to be removed for clarity and to remove vague qualifying statements. The BART</p>
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Organization/Individual	Date	Comments	Response
			to Livermore Project EIR evaluated a number of alternatives, and the Valley Link EIR is also evaluating a number of alternatives.
		82. Several places in the proposed “amendments” describe Valley link as “Commuter Rail,” despite the fact that it is proposed to operate throughout the day. Is this an attempt to obviate or avoid an obligation for ADA complementary paratransit service for passengers, or attempted passengers, who may have difficulty using the train service?	Valley Link will comply with all ADA regulations and will work with local transit operators to assure equitable access to the system. Under those regulations, Valley Link clearly falls within the definition of "commuter rail" as it will not operate in exclusive right-of-way and is not a light rail (street car) system by definition. See 49 CFR §37.3, §37.121(c).
		83. There is simply no need to rush into the proposed actions, particularly in the context of the current health and financial crises being faced by the State and local communities. Why not first take time for responsible analysis and an opportunity to see if-how-and-when recovery is able to occur, before committing funds that may not materialize for years to come?	See response to Comment 36.
Pleasanton Chamber of Commerce	May 27, 2020	84. Expresses support for amendment. Cites traffic reduction benefits, fulfilment of voter promise, reduction in VMT.	Support noted. Benefits noted.

Organization/Individual	Date	Comments	Response
Train Riders Association of California	May 26, 2020	85. Urge the Commission to defer action until an Environmental Impact Report is completed.	Comment noted.
		<p>86. Without a certified EIR, there is no evidence to support the claim that the proposed Valley Link project will provide meaningful benefits to Alameda County taxpayers. The Commission has a special duty to taxpayers to make an affirmative finding of benefit, under Section 14 of the Expenditure Plan Guidelines:</p> <ul style="list-style-type: none"> - No Expenditures Outside of Alameda County: Under no circumstances may the proceeds of this transportation sales tax be applied to any purpose other than for transportation improvements benefitting Alameda County. 	No Measure BB funding may be spent outside of Alameda County. See response to Comment 2.
		87. Valley Link may result in overcrowding on the BART system that would have serious implications as to whether the project could reasonably be judged as benefitting Alameda County residents.	See response to Comment 9.

Organization/Individual	Date	Comments	Response
		<p>88. An EIR would determine whether Valley Link would result in the construction of any infrastructure or station that would be inconsistent with the land use constraining provisions of Alameda County year 2000 Measure D. An EIR will provide information on the Valley Link project's compliance with the County's Gateway Policy.</p>	<p>The "gateway policy" is part of the Alameda County East County Area Plan - as amended by Measure D. The policies identified in the Plan (as noted in italics below) do not preclude the advancement of Valley Link. The Valley Link project will both facilitate the movement of commercial goods and improve safety in the corridor.</p> <ul style="list-style-type: none"> • <i>The County shall assign priority in funding decisions to arterial and transit improvements that would improve local circulation, and to improvements that would facilitate movement of commercial goods.</i> • <i>This policy shall not preclude the County from supporting or approving any rail projects or improvements required for roadway safety.</i>
		<p>89. As the largest single capital project in Measure BB, BART to Livermore was the marquee project. Because of that special status, it demands special treatment above and beyond the 2/3 majority required for an amendment.</p>	<p>The TEP implementing guidelines do not include any special requirements for specific projects. The TEP implementing guidelines specifically state:</p> <p>"4. Amendments Require 2/3 Support: To modify and amend this Plan, an amendment must be adopted by a two-thirds vote of the Alameda CTC Commissioners. All jurisdictions within the county will be given a minimum of 45 days to comment on any proposed Plan amendment."</p>
		<p>Because Measure BB resulted in financial trade-offs between the Tri-Valley and the North County cities through a reweighting of the basic allocation formula for local streets and roads, the entire Expenditure Plan would need to be reopened to assure fairness for all jurisdictions.</p>	<p>See response to Comment 4.</p>

Organization/Individual	Date	Comments	Response
		90. Other alternative projects, including several that TRAC has advocated for, would potentially be far more cost-effective in providing the service that Valley Link seeks to offer.	See response to Comment 3.

Additional Comment Letters Submitted in Advance of the September 14, 2020 PPLC Meeting

Entity	Comments
Alameda County Board of Supervisors	91. Noted support for the project and the proposed amendment.
Alameda County Fairgrounds	92. Noted support for the project and the proposed amendment.
Assemblymember Bauer-Kahan	93. Noted support for the project and the proposed amendment.
Bay Area Council	94. Noted support for the project and the proposed amendment.
Building & Construction Trades Council of Alameda County	95. Noted support for the project and the proposed amendment.
California Automotive Retailing Group, Inc.	96. Noted support for the project and the proposed amendment.
CEMEX	97. Noted support for the project and the proposed amendment.
Chabot Las Positas Community College District	98. Noted support for the project and the proposed amendment.
City of Livermore	99. Noted support for the project and the proposed amendment.
City of Pleasanton	100. Noted support for the project and the proposed amendment.
City of San Ramon	101. Noted support for the project and the proposed amendment.
Dublin Chamber of Commerce	102. Noted support for the project and the proposed amendment.
East Bay Economic Development Alliance, East Bay Leadership Council, Innovation Tri-Valley Leadership Group joint letter	103. Noted support for the project and the proposed amendment.
GILLIG	104. Noted support for the project and the proposed amendment.
Hacienda Business Park	105. Noted support for the project and the proposed amendment.
Innovation Tri-Valley Leadership Group	106. Noted support for the project and the proposed amendment.
International Association of Sheet Metal, Air, Rail and Transportation Workers Local 104	107. Noted support for the project and the proposed amendment.
International Brotherhood of Electrical Workers Local 595	108. Noted support for the project and the proposed amendment.
Livermore Valley Chamber of Commerce	109. Noted support for the project and the proposed amendment.
Livermore Valley Winegrowers Association	110. Noted support for the project and the proposed amendment.

Entity	Comments
MAG Trucking	111. Noted support for the project and the proposed amendment.
Marshall Brothers Enterprises, Inc.	112. Noted support for the project and the proposed amendment.
Metropolitan Transportation Commission	113. Noted support for the project and the proposed amendment.
Northern California District Council LiUNA	114. Noted support for the project and the proposed amendment.
Pleasanton Chamber of Commerce	115. Noted support for the project and the proposed amendment.
Pleasanton City Councilmember Pentin	116. Noted support for the project and the proposed amendment.
Ponderosa Homes	117. Noted support for the project and the proposed amendment.
Robert and Cynthia Panas	118. Noted support for the project and the proposed amendment.
San Joaquin Council of Governments	119. Noted support for the project and the proposed amendment.
San Joaquin Regional Rail Commission	120. Noted support for the project and the proposed amendment.
Senator Steve Glazer	121. Noted support for the project and the proposed amendment.
Sensiba San Filippo CPAs and Business Advisor	122. Noted support for the project and the proposed amendment.
TopCon	123. Noted support for the project and the proposed amendment.
Trish Munro	124. Noted support for the project and the proposed amendment.
Tri-Valley Conservancy	125. Noted support for the project and the proposed amendment.
Tri-Valley San Joaquin Valley Regional Rail Authority	126. Noted support for the project and the proposed amendment.
Tri-Valley Transportation Council	127. Noted support for the project and the proposed amendment.
US Representative Eric Swalwell	128. Noted support for the project and the proposed amendment.
Wente Family Estates	129. Noted support for the project and the proposed amendment.

Verbal Comments & Letters Received for PPLC and Commission Meetings

May 11, 2020 Alameda CTC Planning, Policy and Legislation Committee meeting

The following public comments were heard during the May 11, 2020 PPLC meeting:

- Pat Piras, on behalf of the Sierra Club, spoke during public comment noting that there were too many issues and questions that should be addressed before the recommended actions move forward. Ms. Piras specifically questioned the lack of funding from San Joaquin County, consistency with SB 375, and the financial impact of COVID-19.

The following letters were received for the May 11, 2020 PPLC Meeting and received by Commissioners:

- Gerald Cauthen on behalf of Bay Area Transportation Working Group – expressing concern about reallocation, advocating for buses in bus-only lanes as a superior alternative.
- Dave Campbell on behalf of Bike East Bay – Raised questions about the lack of outreach in the City of Livermore. He mentioned concerns regarding how the financial crisis will impact the proposed project
- Kelly Ellen Marshal on behalf of Building and Construction Trades Council of Alameda County, AFL-CIO – Support of staff's recommendation
- Tim Sbranti on behalf of Innovation Tri-Valley Leadership Group – Support of staff's recommendation
- Dawn P. Argula on behalf of Livermore Chamber of Commerce – Support of staff's recommendation
- Sierra Club (San Francisco Bay Chapter) (Matt Williams, Dick Schneider, Eric Parfrey) – Noted too many issues and questions that should be addressed before the recommended actions move forward; and questioned the lack of funding from San Joaquin County, consistency with SB 375, and the financial impact of COVID-19

May 28, 2020 Alameda CTC Commission meeting:

The following public comments were heard during the May 28, 2020 Commission meeting:

- Jason Bezis stated he did not support staff's recommendation and noted his concerns about the \$400 Million being used by San Joaquin residents and not Alameda County residents.
- BART Director John McPartland stated that he supports staff's recommendation.

- Pat Piras, on behalf of the Sierra Club, urged Alameda CTC to defer this action and requested Alameda CTC respond to the letters and comments before the end of the 45-day comment period.
- Gerald Cauthen (President of Bay Area Transportation Working Group) expressed his opposition to staff's recommendation.

The following Public comment letters were received by the noticed deadline for the May 28, 2020 Commission Meeting and provided to Commissioners:

- Alameda County Taxpayers Association – Oppose staff's recommendation
- BART Director John McPartland – Support of staff's recommendation
- BART General Manager Robert Powers – Support of staff's recommendation
- Jim Wunderman writes on behalf of the Bay Area Council – Support of staff's recommendation
- Gerald Cauthen, President and co-founder of the Bay Area Transportation Working Group – Oppose staff's recommendation
- Andreas Culver, Secretary-Treasurer, of the Building and Construction Trades Council of Alameda County – Support of staff's recommendation
- Ronald P. Gerhard, Chancellor of the Chabot-Los Positas Community College District – Support of staff's recommendation
- Linda Smith, City Manager of the City of Dublin – Support of staff's recommendation
- John Marchand, Mayor of the City of Livermore – Support of staff's recommendation
- Nelson Fialho, City Manager of the City of Pleasanton – Support of staff's recommendation
- Tim Sbranti, on behalf of the business and civic leaders who comprise the Innovation Tri-Valley Leadership Group – Support of staff's recommendation
- Rafael Gonzalez on behalf of Laborers' Local 304 – Support of staff's recommendation
- David Haubert on behalf of the Livermore Amador Valley Transit Authority (LAVTA) – Support of staff's recommendation
- Steve Van Dorn, President and CEO of the Pleasanton Chamber of Commerce – Support of staff's recommendation
- David Schonbrunn, President of the Train Riders Association of California, writes to urge the Commission to defer action on amending the Expenditure Plan for Measure BB until Alameda CTC receives an environmental impact report for Valley Link

June 8, 2020 Alameda CTC Planning, Policy and Legislation Committee

1. Public Comment

Pat Piras, on behalf of the Sierra Club, commented on the Valley Link Project and the proposed 2014 Transportation Expenditure Plan amendment. Ms. Piras requested that Alameda CTC respond to questions raised by the Sierra Club, well in advance of the 45-day comment period that is required to amend the 2014 Transportation Plan. She requested to extend the 45-day comment period to end at a later date.

September 14, 2020 Alameda CTC Planning, Policy and Legislation Committee

The following public comments were heard during the September 14, 2020 PPLC meeting:

- Mark Roberts – City Manager, City of Livermore – Support staff's recommendation
- Val Menotti – Chief Planning and Development Officer, BART – BART staff support staff's recommendation and are working closely with Valley Link to develop a Memorandum of Understanding and to ensure potential impacts to the BART system are addressed and that a high-quality experience is provided to the customer
- Guisselle Nunez – Chabot Las Positas Community College – Support staff's recommendation
- Mark Triska – Tri-Valley Conservancy – Support staff's recommendation
- Dan Leavitt – San Joaquin Regional Rail Commission – noted the SJRRC is working closely with Valley Link and that a future Valley Link and ACE service are not duplicative of each other – Support staff's recommendation
- John McPartland – BART director – Support staff's recommendation
- Evan Branning – teacher in the Tri-Valley – Support staff's recommendation
- Steven Dunbar – resident of Livermore – Support staff's recommendation
- Linda Smith – City Manager, City of Dublin – Support staff's recommendation
- John Belperio – Carpenters Union – Support staff's recommendation
- Jennifer – Livermore resident – Support staff's recommendation
- Mario Santa Cruz – field representative for Local 102 – Support staff's recommendation
- Pat Piras – Sierra Club – Noted opposition of the amendment, as detailed in comment letter. Specific concerns noted verbally include: inconsistency with SB 375 and interregional commute; clarification that Plan Bay Area 2050

has not been adopted; premature to act on the amendment and urged the Committee to wait and see if San Joaquin County passes sales tax, and if an MOU with BART gets signed; and stated there were no credible sales tax estimates. – Oppose staff recommendation

- Martin Espinoza Jr – field rep for the pile drivers – Support staff's recommendation
- Regina –Livermore resident – Support staff's recommendation
- Candice –Alameda County resident – Support staff's recommendation

The following letters were received for the September 14, 2020 PPLC Meeting and received by Commissioners:

Letters of **support for the TEP Amendment** were submitted by the following:

- Alameda County Board of Supervisors
- Alameda County Fairgrounds
- Assemblymember Bauer-Kahan
- Bay Area Council
- Building & Construction Trades Council of Alameda County
- California Automotive Retailing Group, Inc.
- CEMEX
- Chabot Las Positas Community College District
- City of Livermore
- City of Pleasanton
- City of San Ramon
- Dublin Chamber of Commerce
- East Bay Economic Development Alliance, East Bay Leadership Council, Innovation Tri-Valley Leadership Group joint letter
- GILLIG
- Hacienda Business Park
- Innovation Tri-Valley Leadership Group
- International Association of Sheet Metal, Air, Rail and Transportation Workers Local 104
- International Brotherhood of Electrical Workers Local 595
- Livermore Valley Chamber of Commerce
- Livermore Valley Winegrowers Association
- MAG Trucking

- Marshall Brothers Enterprises, Inc.
- Metropolitan Transportation Commission
- Northern California District Council LiUNA
- Pleasanton Chamber of Commerce
- Pleasanton City Councilmember Pentin
- Ponderosa Homes
- Robert and Cynthia Panas
- San Joaquin Council of Governments
- San Joaquin Regional Rail Commission
- Senator Steve Glazer
- Sensiba San Filippo CPAs and Business Advisor
- TopCon
- Trish Munro
- Tri-Valley Conservancy
- Tri-Valley San Joaquin Valley Regional Rail Authority
- Tri-Valley Transportation Council
- US Representative Eric Swalwell
- Wentz Family Estates



1111 Broadway, 24th Floor
Oakland, CA 94607-4036

T: 510.834.6600
F: 510.834.1928

www.wendel.com

MEMORANDUM

September 3, 2020

TO: Alameda County Transportation Commission

FROM: R. Zachary Wasserman

RE: Comments from Jason Bezis regarding the 2014 campaign to approve Measure BB as part of Valley Link comments

Jason Bezis submitted a number of comments on the Valley Link amendment which are addressed as part of the Comment Matrix. In addition to comments about both the substance and the process for this amendment, he added irrelevant comments about the 2014 election that approved the extension and increase of the sales tax supporting transportation projects and programs in Alameda County. Mr. Bezis raised these issues in 2014 and 2015 with the Commission and with the State Fair Political Practices Commission ("FPPC"). The Commission retained an independent law firm, Renne Sloane Holtzman Sakai to investigate the issues he raised. Randy Riddle of that firm conducted a thorough factual investigation and legal analysis, resulting in a 62-page report. The report concluded that no laws were violated, that no public funds were improperly used and that no conflict of interest rules were violated by any of the actions raised by Mr. Bezis. Mr. Riddle did recommend that Commission staff receive formal ethics training about campaign rules. That training has been provided as part of a broader ethics training program.

Mr. Bezis made a complaint to the FPPC with similar issues. The FPPC reviewed the complaint and a response from ACTC and declined to investigate those complaints. A similar, but more vague complaint was made by Jerry Cauthen to the FPPC. After reviewing the report by Randy Riddle, the FPPC also declined to investigate that complaint.

These issues are entirely irrelevant to the Valley Link amendment and as noted have been thoroughly investigated and rejected by both the Commissions independent investigator and the FPPC. No further response is necessary.

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