



# Memorandum

7.1

1111 Broadway, Suite 800, Oakland, CA 94607

510.208.7400

www.AlamedaCTC.org

**DATE:** September 17, 2020

**TO:** Alameda County Transportation Commission

**FROM:** Tess Lengyel, Executive Director  
Carolyn Clevenger, Deputy Executive Director of Planning and Policy

**SUBJECT:** Approve Tri-Valley-San Joaquin Valley Regional Rail Authority Request for a 2014 Measure BB Transportation Expenditure Plan Amendment

## Recommendation

It is recommended that the Commission approve the Tri-Valley-San Joaquin Valley Regional Rail Authority (TVSJVRRRA) request (Attachment A) for an amendment to the 2014 Measure BB Transportation Expenditure Plan (TEP) to: 1) acknowledge TVSJVRRRA as a new agency in Alameda County that can be an eligible recipient of Measure BB funds; 2) remove the BART to Livermore project and associated \$400 million Measure BB funding; 3) add Valley Link in Alameda County project with \$400 million in Measure BB funding; and 4) make associated technical amendments. The Commission Plan Amendment Resolution recommended for approval is included as Attachment B and the proposed 2014 Measure BB Expenditure Plan redline markups and technical amendments are detailed in Attachment C. This is an action item and requires 2/3 of the Authorized vote for approval at the Commission meeting per the Implementing Guidelines of the 2014 TEP.

## Summary

The 2014 Measure BB TEP included \$400 million for BART to Livermore. Since that time, a significant number of developments have occurred on the project and in the project area, as detailed in the Project Background section of this memo. The 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 San Joaquin County that reflects regional consensus and meets the goals and objectives of the San Joaquin Valley and Tri-Valley communities.

In 2017, BART released the Draft Environmental Impact Report for BART to Livermore. In May 2018 the BART Board voted to certify the Final EIR. The Board also passed a motion directing the General Manager to not advance an alternative, effectively passing 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 TEP amendment process, as detailed later in this memo, requires a 45-day comment period by jurisdictions in Alameda County. The Commission approved initiation of the comment period on May 28, 2020. 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. The comment period ended on July 13, 2020. Comments received by August 28, 2020 are included in the summary matrix of comments and responses included as Attachment D; full text of the comment letters are included in Attachment E. Additional comments received for the September 14, 2020 PPLC meeting are included in Attachment F. Any comments received following the mailout of the Commission packet and up to 5pm on September 23, 2020 will be included in a handout provided to the Commission and posted on the Alameda CTC website the day of the Commission meeting.

Staff will present a summary of the comments received during the comment period to the Commission for its consideration. A 2/3 Authorized vote by the Commission is needed to amend the TEP, per the TEP Implementing Guidelines.

The proposed amendment includes the following elements, which are documented in Attachments B and C:

- 1) Acknowledgement of the TVSJRRRA as a new agency in Alameda County that is an eligible recipient of Measure BB funds (Attachment B, Plan Amendment Resolution).
- 2) Removal of the BART to Livermore Project: The amendment would remove reference to the BART to Livermore project, which was a named capital project in the BART Expansion and Maintenance program of the TEP and the associated \$400 million.
- 3) Addition of the Valley Link project: The amendment would add the Valley Link project as a new named capital project under the Commuter Rail Improvements program of the TEP and would include \$400 million in Measure BB funding.
- 4) Technical Adjustments: The amendment would make minor technical adjustments, such as updating maps and tables, to reflect the changes noted above (as shown in Attachment C, TEP Redline Markups).

### **Planning, Policy and Legislation Committee (PPLC)**

There was extensive discussion of the item at the September 14, 2020 PPLC meeting. One amendment was made to the proposed TEP amendment and the PPLC moved to recommend the amended item to the Commission for approval. Below is documentation of the amendment made at the PPLC meeting. Thirty-eight additional comment letters were received in advance or on the day of the PPLC meeting and are detailed in Table

2; those letters are also included as Attachment F and the comments were added to the updated comment response matrix, Attachment D. Sixteen public comments were made verbally at the PPLC meeting and are also noted in Attachment D.

### *PPLC Discussion*

Following public comment, the Committee members discussed a number of considerations. In response to concerns regarding San Joaquin County's financial participation in the project, and interest in ensuring an initial operating segment that effectively provides significant benefits to the Tri-Valley and the corridor overall, the following amendment was made to the proposed TEP amendment, as shown in yellow.

**Proposed TEP Amendment Language** (See **yellow** highlight of PPLC amendment language)

~~BART to Livermore~~-Valley Link Rail in Alameda County (\$400 M)

This project funds the first phase of a ~~BART~~-Valley Link Rail Extension from the existing Dublin/Pleasanton BART Station within the Tri-Valley and Altamont Pass in Alameda County ~~to the 580 Corridor freeway alignment to the vicinity of the I-580/Isabel Avenue interchange~~ using the most effective and efficient technology. Funds **are** for construction for any element of this first phase project **in Alameda County** and shall not be used until full funding commitments are identified and approved **for the initial operating segment, defined as from the Dublin/Pleasanton BART station to the proposed Mountain House station**, that most effectively meets the adopted project goals, and a project-specific environmental clearance is obtained. The project-specific environmental process will include a detailed alternatives assessment of ~~all~~ fundable and feasible alternatives, and be consistent with mandates, policies and guidance of federal, state, and regional agencies that have jurisdiction over the environmental and project development process.

**Blue** denotes new language added; **Red** denotes language removed

This clarification ensures:

- a clear understanding of what the initial operating segment is in Alameda County,
- establishes the funding nexus with San Joaquin County since Alameda County funding may only be spent within the county and Mountain House is in San Joaquin County,
- the highest ridership and cost effectiveness per passenger, based on data provided by the TVSJVRRRA,
- the highest estimated greenhouse gas emissions reduction, contingent upon final technology selection, and
- ensures only one maintenance facility is built by the project with the land donated by the City of Tracy (rather than a temporary station if the project only went to Greenville or Southfront in Alameda County).

### **Comments Received**

Per the TEP Implementing Guidelines, the comment period for a TEP Amendment is a comment period for jurisdictions in Alameda County. Comments received by the public and advocacy organizations are also included for the Commission's consideration. All

written comments received are included as Attachments E and F. The information below summarizes key themes and comments received; a complete documentation of comments, including those made verbally at PPLC and Commission meetings, and responses are included in Attachment D.

**Table 1. Summary of Support or Opposition to TEP Amendment**

<b>Agency</b>	<b>Support</b>	<b>Oppose</b>	<b>Questions/ concerns</b>
AC Transit – General Manager, not Board			•
Alameda County Board of Supervisors	•		
BART – Board Member McPartland	•		
BART – General Manager, not Board	•		•
City of Dublin	•		
City of Livermore	•		
City of Pleasanton	•		
City of Union City	•		
LAVTA	•		
San Joaquin Regional Rail Commission	•		
<b>Organizations and Public</b>	<b>Support</b>	<b>Oppose</b>	<b>Questions/ concerns</b>
Alameda County Taxpayers Association		•	
Bay Area Council	•		
Bay Area Transportation Working Group		•	
Bike East Bay			•
Building and Construction Trades Council of Alameda County, AFL-CIO	•		
Chabot Las Positas College	•		
Hacienda Business Park Owners Association	•		
Innovation Tri-Valley Leadership Group	•		
Jon Spangler		•	•
Laborers' Local 304	•		
Law Offices of Jason Bezis		•	•
Livermore Valley Chamber of Commerce	•		
Pleasanton Chamber of Commerce	•		
Sierra Club		•	•
Train Riders Association of California		•	•

**Table 2. Comments Received for September PPLC Meeting**

<b>Additional Comment Letters Received Before PPLC September 14, 2020 meeting</b>	<b>Support</b>	<b>Oppose</b>	<b>Questions/ concerns</b>
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	•		
Wente Family Estates	•		

## Key Themes from Comments

### *Support*

Comments expressing support for the TEP Amendment focused on project benefits and the need for rail in the Tri-Valley. The three cities in the Tri-Valley, along with the Board of Supervisors, Union City, the BART Board representative, LAVTA and the San Joaquin Regional Rail Commission all submitted strong letters of support. In addition, chambers of commerce/business groups and labor expressed support for the TEP Amendment and the Valley Link project. Full documentation of comments and responses are included in Attachments D and E; key benefits noted by commenters include:

- fulfills a commitment made to the Tri-Valley to advance rail connectivity to Livermore
- assures Tri-Valley residents will benefit from the taxes they have paid
- 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
- supports businesses in the Tri-Valley by providing easy and convenient access
- provides an estimated 22,000 jobs during construction and between \$2.6 billion and \$3.5 billion in revenues

### *Oppose/Concerns Raised*

Comments in opposition of the TEP Amendment included a number of key themes that were repeated across multiple commenters, summarized below. Full documentation of comments and responses are included in Attachments D and E.

- Timing of Amendment and impacts of COVID-19: Commenters raised concerns that the TEP Amendment is being rushed. Commenters stated that there is no valid reason to amend the TEP at this point in time, and that the amendment should be delayed until the project's Environmental Impact Report (EIR) is available and the impacts of the COVID-19 pandemic on sales tax revenues and transit ridership are better understood.

### Response:

- Overall timeframe: The TVSJVRRRA submitted a request for the TEP Amendment in September 2019. Since that time, Alameda CTC staff has worked with TVSJVRRRA staff as well as partner agencies to better understand the project, including detailed discussions regarding potential impacts on the I-580 Express Lanes and the potential funding plan. 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.
- EIR: As with all projects in the 2014 TEP, the project must meet specific environmental deadlines and comply with regional, state and federal

requirements. 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.

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 specifically 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.

- o COVID-19: The long-term travel impacts of COVID are unknown at this time. It is unclear when the region and country will start to have a better understanding of mid- and long-term impacts of the COVID-19 pandemic on travel patterns, and transit in particular. 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 (first 10) years of the Plan. Projects under development within the Bay Area must be consistent with MTC's long-range plan.

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.

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. The budget for sales tax revenues for FY2020-21 will be updated if and when appropriate based on data received from the CDTFA.

- Inadequate public noticing: Commenters raised concerns that the proposed TEP Amendment was not noticed to the public or posted on the Alameda CTC website. Requests were made for more time for the comment period, and for all comments to be posted by the end of July.

Response: The comment period, per the TEP Implementing Guidelines for a proposed TEP Amendment, is a comment period for jurisdictions. As noted above, following the Commission's May 28, 2020 approval to initiate the comment period, 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, 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. Per the direction of the Commission at its May meeting, staff were directed to include the full set of comments received in the PPLC materials and distribute those in advance of the meeting per standard Commission processes.

- Insufficient alternatives analysis and interest in other transit investments in the corridor: Commenters stated that there had been insufficient analysis of alternatives, with specific focus on further analysis of a bus alternative in order to determine if there are better, more efficient uses of the funding. In addition, BART and other commenters raised concerns regarding ensuring full understanding of and eligibility for BART core system impacts as part of the project and potential uses of the \$400 million. A few commenters specifically referenced TEP Implementing Guideline #22 as a reason other projects could be eligible for the funding.

Response: Extensive alternatives analysis has been completed in the 580 corridor as part of previous BART studies and environmental impact reports. 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 and 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. 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.

In developing the Valley Link Feasibility Report, and continuing in the EIR, the TVSJVRRRA is evaluating alternatives, building off of the work done by BART as well as by ACE as part of the ACE Forward analysis. The Feasibility Report included analysis of express bus alternative that included operating as bus on shoulder to provide a more time-competitive service, and focused on a limited set of stations mirroring the proposed rail service. The Feasibility Report found, consistent with the BART findings, that while express bus alternatives could be delivered at a fraction of the cost, the potential ridership benefits and greenhouse gas emission reductions were significantly higher for the rail alternative. An additional evaluation of alternatives will be released as part of the Valley Link Draft EIR.

The 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.

Based on current ridership forecasts developed by the TVSJVRRRA, 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 address these future potential impacts. BART and the TVSJVRRRA continue to work closely to fully identify and understand all potential impacts and benefits. Faregate modernization for non-Valley Link stations does not appear to be directly linked to impacts of the Valley Link project.

- Benefits to San Joaquin County and not Alameda County: A number of commenters raised concerns that Alameda County residents would not benefit from the project, but instead the project will primarily benefit San Joaquin County residents. In addition, concerns were raised that San Joaquin County has not committed funding to the project.

Response: As required by the TEP, expenditures from Measure BB will only be spent on transportation improvements in Alameda County. The project as defined will benefit Alameda County residents and businesses as well as San Joaquin County. The Bay Area is part of an integrated mega-region, with people and goods regularly moving between the Bay Area, Central Valley, and Sacramento region. Providing a high-quality transit alternative over the heavily-traveled Altamont Pass will support both the Central Valley and Bay Area. 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 daily boardings in the Tri-Valley in 2040
- 32,993 daily boardings in the full corridor
- Annual reduction of between 33,880 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.

Regarding funding, 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.

The TVSJVRRRA is working closely with cities in San Joaquin County, the San Joaquin Council of Governments (SJCOG), and the state to secure additional funding for the project. Thus far, the City of Tracy is anticipated to act in September 2020 to donate 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 showing \$163.9 million for the project in the plan from future measures and state funds, and SJCOG also contributed funding for the environmental document.

- Questions regarding how an initial operating segment would be determined: There were questions requesting more detail on how an initial operating (IOS) segment would be determined, given the proposed amendment language.

Response: The Valley Link Feasibility Report identified two major phases of the project: Phase 1 from Dublin-Pleasanton to North Lathrop; and Phase 2 from North Lathrop to Stockton. Within Phase 1, the project could be delivered in phases, including an initial operating segment that would terminate before North Lathrop. As part of the analysis currently underway, the TVSJVRRRA Board will consider potential IOSs in order to more quickly deliver service in the corridor. Options under consideration include service from Dublin-Pleasanton to Greenville, or from Dublin-Pleasanton to Mountain House. In addition, the TVSJVRRRA is considering a Southfront Station in Livermore. Estimated ridership, emissions reduction and costs for two IOS under consideration are summarized in Table 2.

Table 2. Potential Initial Operating Segments

Potential IOS	Initial Daily Ridership	GHG Emissions Reduction* (annual metric tons)	Capital Costs** (mid-point YOE)
D-P to Greenville	8,372	4,075 to 5,739	\$1.61 B
D-P to Mountain House***	11,101	3,980 to 7,172	\$2.04 B

\* Range based on various technologies under consideration.

\*\*Costs do not include O&M facilities (\$198.67 million) or vehicles (\$508.82 million)

\*\*\*Includes Southfront station

- Potential project impacts related to sprawl and interregional commutes: Commenters stated that the project will increase sprawl and further the distances between where people live and work. It was noted that this would violate the "inter-regional commuting" policy of Senate Bill 375 (SB 375) and Plan Bay Area.

Response: 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.

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:

- 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.

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 submitted to MTC/ABAG earlier this year and approved in February 2020.

- Measure BB equity considerations: Commenters stated that the amendment would require the entire TEP to need to be reopened because it would dramatically change the distribution of benefits across the county. That would therefore require the basic allocation formula for local streets and roads to need to be reconsidered.

Response: 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 \$400 million was identified in the TEP for a rail extension in the Tri-Valley. The proposed amendment does not change the geographic distribution of the benefits of the overall TEP.

## **Project Background**

A BART extension to Livermore has been a longstanding project, dating back in concept to the 1960s when the BART system was originally envisioned. Over the years, there have been efforts by many residents, local elected officials, and other stakeholders to extend

the BART alignment to Livermore, including planning, funding and project development efforts.

### ***Regional and State Rail Planning***

In 2007, the San Francisco Bay Area Regional Rail Plan developed by the Metropolitan Transportation Commission (MTC) identified the BART to Livermore extension as an important inter-regional rail connection. The Regional Rail Plan envisioned that BART should connect to the ACE train service in Livermore in order to provide a reliable and fast transit option for the growing congestion over the Altamont Pass and along the I-580 corridor. The importance of rail service between the Tri-Valley and San Joaquin Valley was reiterated in the 2018 California State Rail Plan, which calls for a Tri-Valley rail hub and increased rail frequencies and connectivity over the Altamont Corridor.

### ***BART to Livermore Project***

By the 1980s, the extension of BART further east in the Tri-Valley was already under serious consideration. In the mid-1980s, BART purchased a potential site for a future station near the Isabel Avenue and Interstate 580 interchange and a site in the vicinity of Greenville Road and Interstate 580 for purposes of preserving land for a potential station and yard/maintenance facility. In 1997, the Dublin/Pleasanton line was opened, with a West Dublin station added in 2011.

Numerous local and regional transportation measures have included support for BART to Livermore, starting with the 1986 Alameda County Measure B, which included \$170 million for a "Rail extension to Dublin Canyon". The 2000 TEP included funding of \$8.7 million for "I-580 Corridor/BART to Livermore Studies". Measure BB included \$400 million in the 2014 TEP for "BART to Livermore". The project also received Regional Measure 1 bridge toll funding to advance planning and environmental work. In June 2018, Bay Area voters approved Regional Measure 3, which includes \$100 million for "Tri-Valley Transit Access Improvements."

In 2010, after two years of analysis, BART completed a Program Environmental Impact Report (EIR) that evaluated the feasibility of five potential station sites and 10 different alignments for the BART to Livermore extension. In 2012, the BART Board of Directors directed its staff to advance the conceptual engineering and environmental review of a one-station extension to Isabel Avenue (Proposed Project), as well as to coordinate with the City of Livermore on the land use planning around the future station site.

In 2014, Alameda County voters approved Measure BB to fund the 2014 TEP, which includes \$400 million in dedicated funding for the BART to Livermore extension. Measure BB commits funds to support construction of the extension of BART in the I-580 corridor using the most effective and efficient technology.

On July 31, 2017, BART released the Draft Project EIR evaluating the Proposed Project and alternatives. In May 2018, BART released the Final Project EIR. The BART Board certified the Final Project EIR on May 24, 2018 and directed staff to not advance a specific project.

As major transportation project planning and analysis was underway, cities also advanced land use planning around future rail service. The City of Livermore prepared the Isabel Neighborhood Plan and program-level EIR for development around a new station. The Livermore City Council adopted the Isabel Neighborhood Plan and certified the EIR for the Plan in May 2018.

### ***ACEforward Program***

The San Joaquin Regional Rail Commission (SJRRC) ACEforward program outlined a vision for a phased rail infrastructure and service improvement plan to increase frequency, increase service reliability, and enhance passenger facilities along the existing ACE service corridor from San Jose to Stockton, and to extend ACE service to Modesto and Merced. The (SJRRC) released a Draft EIR in May of 2017 that was later rescinded; however, the technical documents developed by the SJRRC for the ACEforward Draft EIR were made available to the TVSJVRRRA for advancement of the Valley Link Project Feasibility Report and Draft EIR.

### ***Creation of TVSJVRRRA***

In 2017 Assemblymembers Catharine Baker and Susan Eggman authored AB 758, which created the TVSJVRRRA. The TVSJVRRRA is led by a 15-member governing Board comprised of representatives from the counties of Alameda and San Joaquin; the cities of Dublin, Livermore, Pleasanton, Danville, San Ramon, Tracy, Lathrop, Stockton, and Manteca; Mountain House Community Services District; the Livermore Amador Valley Transit Authority (LAVTA), BART, and the San Joaquin Regional Rail Commission (SJRRC). The goal established for the TVSJVRRRA is to deliver a cost-effective connection from the San Joaquin Valley to the BART system and the ACE system that reflects regional consensus and meet the goals and objectives of the San Joaquin Valley and Tri-Valley communities, consistent with a feasibility report.

AB 758 specifically stated that the TVSJVRRRA would only assume planning, development and delivery of a rail extension should the BART Board fail to adopt a preferred alternative for a BART extension by June 30, 2018. When the BART Board voted to not advance the BART to Livermore project, the TVSJVRRRA assumed responsibility to advance the project per AB 758. The TVSJVRRRA adopted several goals and policies to guide the development of the project.

A key requirement of AB 758 was that the TVSJVRRRA Board approve a Feasibility Report for the project. The [Final Feasibility Report](#) was approved in October 2019. The TVSJVRRRA has continued to work to advance the project, initiating the environmental impact analysis and preliminary design engineering work.

#### *TVSJVRRRA Adopted Project Goals:*

The following goals were adopted by the TVSJVRRRA to address identified regional and economic and transportation challenges:

- 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.

### *Valley Link Project Development Policies*

The TVSJVRRRA adopted several policies to guide the development framework of the project, including the following sustainability and transit-oriented development policies:

- **Sustainability Policy:** Identifies implementing strategies to achieve a zero emissions system. The adopted Sustainability Policy includes a commitment to encourage engagement in planning and decision-making for the project to ensure a meaningful level of participation from disadvantaged communities and low-income communities and households. It further directs maximizing benefits to these communities and households in the project planning and design of Valley Link. Four of the proposed stations in San Joaquin County are within disadvantaged community geographic areas and/or designated as low-income communities.
- **Transit Oriented Development (TOD) Policy:** 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:
  - 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.

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 submitted by the City of Livermore to MTC/ABAG as a new PDA.

### **Valley Link Project Description**

Valley Link is a proposed new rail service between Alameda and San Joaquin Counties. The proposed Phase 1 project will provide passenger rail service between the existing Dublin/Pleasanton BART Station and the North Lathrop ACE intermodal station. The

proposed project includes seven stations on a 42-mile alignment that is expected to run along the existing I-580 corridor (11.5 miles), through the Altamont Pass using the Alameda County-owned former Southern Pacific Railroad corridor (12.5 miles) and on existing UPRR rail corridor (17.5 miles) into San Joaquin County. Design work is currently underway as part of the EIR process and will examine detailed project right-of-way needs and potential impacts in more detail.

The TVSJVRRRA has been updating the project costs as part of project development. The most current project cost estimates range from \$2.81 billion to \$3.18 billion in mid-point year of expenditure dollars for the Phase 1 project from Dublin-Pleasanton to North Lathrop. The project is currently in the EIR process, and will begin both the Caltrans project development process and NEPA environmental clearance process in 2020 and 2021 respectively.

To date, a total of \$708 million is identified by the TVSJVRRRA as available for the project: \$400 million in Measure BB funds (per a 2014 TEP amendment), \$188 million in Bridge Toll funds (including \$100 million in Regional Measure 3 funds), \$40 million in impact fees from the City of Livermore, \$40 million from the Tri-Valley Transportation Council, and \$40 million from the City of Tracy property contribution. The project is expected to compete for regional, state and federal funds to secure additional funding. Other revenue measures in the Bay Area and San Joaquin County, if passed by voters, could be additional revenue sources for the project.

### **Other Agency Actions**

Given the project traverses two counties, two Metropolitan Planning Organization regions, and affects an interstate system, Express Lanes system, and existing rail system and service providers, the TVSJVRRRA established an Executive Steering Committee (ESC) comprised of MTC, the San Joaquin Council of Governments (SJCOG), SJRRC, BART, Alameda CTC, the California State Transportation Agency, and Caltrans to provide input on the development of the feasibility report and project development. Alameda CTC's executive director participates in these meetings. Several of these agencies have taken actions to support development of the project:

- MTC: In September 2018, MTC allocated \$10.12 million to the TVSJVRRRA for CEQA documentation and preliminary engineering on the Valley Link rail project, from the \$95 million in AB1171 Bridge Tolls committed to Tri-Valley Transit Access Improvements through MTC Resolution Number 3434. In March 2020, MTC approved an additional allocation of \$3 million in AB1171 Bridge Toll funds to the TVSJVRRRA for the environmental phase and updates to the preliminary engineering plans. In June 2020, MTC allocated an additional \$46.8 million to advance the project's environmental and design phases.
- SJCOG: 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.

- BART: BART has committed staff to directly lead the early development of the project due to its expertise in developing and delivering similar projects, such as the e-BART extension to Antioch.
- Alameda CTC, the SJRRC and Caltrans have provided technical reviews of preliminary design plans and documents. In addition, the TVSJVRRRA is in discussion with the City of Tracy regarding donation of a key 200-acre parcel under City of Tracy ownership to the project to be used for an operations and maintenance facility. The property was recently appraised and has an estimated value of \$40 million.

### **Project Considerations**

The project construction will have significant impacts on the I-580 Express Lanes, with major impacts anticipated during construction. The TVSJVRRRA staff have been working with Alameda CTC, as well as Caltrans, to identify design and construction considerations. Alameda CTC staff have held several workshops with the project design team to evaluate the preliminary design plans and will continue to be engaged through the ESC and technical groups to provide policy and technical feedback during design development to ensure minimal impacts to the I-580 Express Lanes. Alameda CTC will continue to work closely with the TVSJVRRRA as the project design advances, and will also conduct financial analysis to understand potential impacts to toll revenues during construction to ensure revenue losses are addressed.

### **Proposed Amendments**

The amendment that has been requested to be made to the 2014 TEP includes two elements as follows:

- Amend to include the new entity of the TVSJVRRRA
- Amend to include the Valley Link Project for \$400 million

#### *Existing TEP Language to be Amended*

The following is the current language in the 2014 TEP (page 18 of 2014 TEP):

#### **BART Extension and System improvements (\$710 M)**

The capital projects funded as part of the BART System Modernization and Expansion investments include projects that increase the capacity and utility of the existing system, as well as provide local funding for a proposed BART extension in the eastern part of the county.

#### **BART to Livermore (\$400 M)**

This project funds the first phase of a BART Extension within the I-580 Corridor freeway alignment to the vicinity of the I-580/Isabel Avenue interchange using the most effective and efficient technology. Funds for construction for any element of this first phase project shall not be used until full funding commitments are identified and approved, and a project-specific environmental clearance is obtained. The project-specific environmental process will include a detailed



alternative assessment of all fundable and feasible alternatives, and be consistent with mandates, policies and guidance of federal, state, and regional agencies that have jurisdiction over the environmental and project development process.

### *Proposed Changes Throughout the TEP*

The 2014 TEP has many references to BART to Livermore or a BART extension and requires changes to several pages in the 2014 TEP. The proposed changes include moving the project from page 18 from the BART section of the TEP to page 20 under the section "Major Transit Corridor and Commuter Rail Improvements", remove references to BART as the agency leading the rail extension, change references from the BART to Livermore project to Valley Link on pages 2, 3, 14, 18, 19 (map) and add Valley Link to the map on page 21 (see Attachment C).

### *Specific Changes to Project Description*

This following description will be included on page 20 of the 2014 TEP under Major Transit Corridor and Commuter Rail Improvements as shown on Attachment C. **Blue** denotes new language added; **red** denotes language removed.

#### ~~BART to Livermore~~ Valley Link Rail in Alameda County (\$400 M)

This project funds the first phase of a ~~BART~~ Valley Link rail extension from the existing Dublin/Pleasanton BART station within the Tri-Valley and Altamont Pass in Alameda County ~~I-580 Corridor freeway alignment to the vicinity of the I-580/Isabel Avenue interchange~~ using the most effective and efficient technology. Funds are for construction for any element of this first phase project in Alameda County and shall not be used until full funding commitments are identified and approved for the initial operating segment, defined as from the Dublin/Pleasanton BART station to the proposed Mountain House station, that most effectively meets the adopted project goals, and a project-specific environmental clearance is obtained. The project-specific environmental process will include a detailed alternatives assessment of all fundable and feasible alternatives, and be consistent with mandates, policies and guidance of federal, state, and regional agencies that have jurisdiction over the environmental and project development process.

### *Implementing Guidelines Related to this TEP Amendment*

Once the 2014 TEP amendments are complete, all the implementing guidelines will be applicable to the project and project sponsor similar to all other TEP projects. Specifically, for this TEP amendment, the following guidelines describe requirements for the amendment as well as the new project sponsor.

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.

8. Strict Project Deadlines: To ensure that the projects promised in this plan can be completed in a timely manner, each project will be given a period of seven years from

the first year of revenue collection (up to December 31, 2022) to receive environmental clearance approvals and to have a full funding plan for each project. Project sponsors may appeal to the Alameda CTC Commissioners for one-year time extensions.

*Note: any new amendment that adds a project must comply with this provision and the start date of the seven years will be from the date of the adopted amendment.*

11. Commitments from Fund Recipients: All recipients of funds allocated in this expenditure plan will be required to sign a Master Funding Agreement, which details their roles and responsibilities in spending sales tax funds and includes local hiring requirements. Funding agreements will include performance and accountability measures. All funds will be allocated through open and transparent public processes. In addition, fund recipients will be required to have an annual audit conducted by an independent CPA to ensure that funds are managed and spent according to the requirements of this Plan.

14. 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. Under no circumstances may these funds be appropriated by the State of California or any other governmental agency, as defined in the implementation guidelines.

18. New Agencies: New cities or new entities (such as new transit agencies) that come into existence in Alameda County during the life of the Plan may be considered as eligible recipients of funds through a Plan amendment.

**Fiscal Impact:** There is no fiscal impact for this item associated with the requested action.

**Attachments:**

- A. Letter from TVSJVRRRA Requesting TEP Amendment
- B. Resolution for 2014 TEP Amendment
- C. Proposed 2014 Measure BB Expenditure Plan Redline Markups and Technical Amendments
- D. Comment and Response Matrix
- E. Comment letters received
- F. Comment letters received between packet mailout and PPLC meeting