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September 23, 2020

Alameda County Transportation Commission
1111 Broadway, Suite 800
Oakland, CA 94607
VIA E-MAIL TO contact@alamedactc.org; vlee@alamedactc.org

Re: September 24, 2020 Meeting: Agenda Item 7.1: Opposition to Measure BB TEP Amendment

Dear Chair Cutter and Commissioners:

This office represents Transportation Solutions Defense and Education Fund (TRANSDEF), which is opposed to a request by the Tri-Valley-San Joaquin Valley Regional Rail Authority (TVSJVRRA) for a 2014 Measure BB Transportation Expenditure Plan (TEP) Amendment. TRANSDEF requests that Alameda CTC postpone further action on this TEP Amendment, for reasons expressed in its separate letter and for the reasons that follow.

TEP Amendments are apparently very rare in Alameda County. Since Measure B's passage in 1986, TRANSDEF is aware of just two amendments to TEPs in this county, in 2005 and 2006. The Valley Link TEP Amendment apparently would be the third and by far the largest ($400 million). Because of its great financial significance (the largest capital project in Measure BB), the Commission must not allow the amendment process to be marred by procedural flaws.

I. TEP Amendment in Proposed Alameda CTC Resolution 20-007 Violates Public Utilities Code § 180207 and 2014 Measure BB Implementing Guideline No. 4.

First, this $400 million TEP Amendment cannot be completed at the September 24, 2020 Alameda CTC meeting because this TEP Amendment process is in violation of Public Utilities Code § 180207. This TEP Amendment process also is in violation of 2014 Measure BB Implementing Guideline No. 4, which states in part, "All jurisdictions within the county will be given a minimum of 45 days to comment on any proposed Plan amendment." See also Measure BB ordinance, Section 3(e): "All jurisdictions within the county will be given a minimum of 45 days to comment on any proposed Transportation Expenditure Plan amendment."

Public Utilities Code § 180207(b) states, "The authority shall notify the board of supervisors and the city council of each city in the county and provide them with a copy of the proposed amendments." TRANSDEF believes that proposed Alameda CTC Resolution No. 20-007 (pages 87-90 of agenda packet) cannot be finally adopted at the September 24, 2020 Alameda CTC meeting because the "proposed amendments" in proposed Resolution No. 20-007 are substantially different than the "copy of the proposed amendments" that Alameda CTC approved at its May 28, 2020 meeting. The language about the initial operating segment, "defined as from the Dublin/Pleasanton BART station to the proposed Mountain House station," is completely

new in this September 2020 version of the "proposed amendments." That clause did not exist in the "proposed amendments" adopted by Alameda CTC on May 28, 2020 just before the purported 45-day comment period. That clause also is not found in the "Valley Link: TEP Amendment" presentation at the September 14, 2020 Alameda CTC Planning, Policy and Legislation Committee meeting at page/slide no. 39. If Alameda CTC wishes to propose a TEP Amendment containing the new material, then another 45-day comment period is necessary under P.U.C. § 180207 and 2014 Measure BB Implementing Guideline No. 4.

Before and during the 45-day comment period (May 29 to July 13, 2020), Valley Link was touted as a project that extended to North Lathrop in Phase 1 and to Stockton in Phase 2 and with Greenville Road as a station and Southfront a possible future infill station. However, at some unknown date in September 2020 some unknown person or entity substantially altered the Valley Link project to have an initial operating segment terminating most likely at Mountain House station (or possibly Greenville Road) and with Southfront station most likely replacing Greenville Road station if the initial operating segment were to terminate at Mountain House station. An implication is that San Joaquin County is unwilling and/or unable to support and/or fund its portion of the project. Another implication is that San Joaquin County expects Alameda County and MTC (including MTC/BATA's diversion of toll bridge seismic retrofit dollars) to fund almost all of this initial operating segment to Mountain House station. The proposed TEP Amendment and the project substantially differ from what was proposed during the May 29 to July 13, 2020 45-day comment period. Therefore, another 45-day comment period is necessary.

Moreover, after a diligent search of city council agenda packets for various Alameda County cities for council meetings during the purported 45-day comment period, TRANSDEF finds no evidence that Alameda CTC actually notified "the city council of each city in the county and provide[d] them with a copy of the proposed amendments." TRANSDEF emphasizes that "<u>city council</u>" is distinct from the city government or administration. TRANSDEF requests that Alameda CTC staff and commissioners prove that each <u>city council</u> was notified and provided with a copy of the proposed amendments. TRANSDEF requests that Alameda CTC place in the record for the amendment process proof that each city council was notified and a copy of the proposed amendments that were provided to them, in faithful accordance with P.U.C. § 180207.

II. $400 Million TEP Amendment Should Be Postponed Because TEP Amendment Procedures in the Alameda CTC Administrative Code Are Inconsistent with the 2010 Joint Powers Agreement.

Second, the $400 million TEP Amendment should be postponed because the Alameda CTC Administrative Code contains TEP amendment procedures that are inconsistent with the TEP amendment procedures in the 2010 Alameda CTC joint powers agreement.

The 2010 Alameda CTC Joint Powers Agreement states in Section 12, "VOTE REQUIRED. A majority of the voting power of those present and voting shall be required for all actions of the ACTC; except that a <u>two-thirds vote of the total voting power</u> shall be required to amend the Alameda County 2000 Transportation Expenditure Plan." (Emphasis added.). The voting power is set forth in Section 10(b) of the JPA.

The 2014 Measure BB TEP Implementing Guideline No. 4 states in part, "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 …"

The Measure BB ordinance, Section 3(e) states, "To improve, construct, maintain, and operate certain transportation projects and facilities contained in the 2014 Transportation Expenditure Plan, which Plan is incorporated here by this reference as though fully set forth herein, and as that Plan may be amended from time to time pursuant to applicable law and as provided in the 2014 Transportation Expenditure Plan. Any amendment must be adopted by a two-thirds vote of the Alameda CTC Governing Body." (Emphasis added.)

The 2020 Alameda CTC Administrative Code (as revised May 28, 2020) states in Section 3.17: "3.17 "Authorized Vote" means the total number of weighted votes represented by all Commission Members, pursuant to the provisions of the JPA. Weighted voting applies only to actions by the Commission, and is not used for Committee votes."

Section 4.2.7 of the 2020 Alameda CTC Administrative Code (as revised May 28, 2020) states: "4.2.7 As required by the 2000 Transportation Expenditure Plan and the 2014 Transportation Expenditure Plan, two-thirds of the Authorized Vote of the Commission Members (and/or Alternates eligible to vote) present at the time of the vote is required to approve an amendment to the 2000 Transportation Expenditure Plan or the 2014 Transportation Expenditure Plan." (Emphasis added.)

TRANSDEF contends that the 2010 JPA, ratified by the County Board of Supervisors and the City Councils of all fourteen cities in the county, controls. Although the JPA has not been amended to account for passage of 2014 Measure BB, the JPA expressly requires a two-thirds vote of the total voting power in order to approve a TEP amendment. TRANSDEF asserts that the phrase "total voting power" is an unambiguous reference to Board Membership, as articulated in JPA Section 10(b).

Because of that, TRANSDEF contends that the "two-thirds of the Authorized Vote … present at the time of the vote" language in Section 4.2.7 of the Alameda CTC Administrative Code, as revised May 28, 2020, is invalid. It conflicts with "two-thirds vote of the total voting power" in Section 12 of the JPA, and attempts to impermissibly rewrite the JPA.

TRANSDEF requests that the $400 million TEP Amendment be postponed until after your Commission amends the Alameda CTC Administrative Code to conform to the JPA. For future reference, we note that, as there are 27 total weighted votes, a TEP amendment would require a minimum of 18 weighted votes for approval.

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III. TEP Amendment Should Be Postponed Because Project Sponsor TVSJVRRA Lacks Legal Authority Under Public Utilities Code §§ 132651, et seq. (AB 758) to Construct the Project As Currently Proposed.

Third, the $400 million TEP Amendment should be postponed because the project sponsor Tri-Valley San Joaquin Valley Regional Rail Authority (TVSJVRRA) does not have the legal authority to construct the Valley Link project as it currently is proposed.

Assembly Bill 758 created TVSJVRRA in 2017. AB 758 is codified at Public Utilities Code §§ 132651, et seq. Section 132652 is effectively the charter or legal mission statement for TVSJVRRA. It states in part, "The authority is hereby established for purposes of planning, developing, and delivering cost-effective and responsive transit connectivity, between BART's rapid transit system and the Altamont Corridor Express commuter rail service <u>in the Tri-Valley region of California</u> …" (Emphasis added.)

Proposed Alameda CTC Resolution No. 20-007 admits in its fourth "Whereas" clause, "The goal of TVSJVRRA is to deliver a cost-effective connection from the San Joaquin Valley to the BART system and the ACE system <u>in the Tri-Valley</u> …" (Emphasis added.)

The "Tri-Valley" clearly is defined by the Legislature in the TVSJVRRA enabling act to exclude any portion of San Joaquin County. Section 132651(e) states, " 'Tri-Valley' means the Cities of Danville, Dublin, Livermore, Pleasanton, and San Ramon."

For nearly 20 years, BART and Tri-Valley cities have promoted a connection between East Dublin/Pleasanton BART station and ACE, most often at Greenville Road in eastern Livermore, by some form of rail or by express buses. Senate Bill 916 (2003), implemented through voter-approved 2004 Regional Measure 2, says that MTC/Bay Area Toll Authority "shall … fund … rail or High-Occupancy Vehicle lane direct connector to BART and other improvements on I-580 in Alameda County for use by express buses."

In September 2020, well after the 45-day comment period on the $400 million TEP Amendment, TVSJVRRA began pushing a "Southfront" station in Livermore as a replacement for a Greenville Road station and called for an initial operating segment ending at Mountain House station. However, a "Southfront" station would lack connectivity with ACE, leaving the only planned connection between Valley Link and ACE at the future North Lathrop station. Because the North Lathrop station is not <u>in</u> the "Tri-Valley," the proposed project would <u>not</u> only fail to achieve the goal identified in the fourth "Whereas" clause, but also it would not comply with P.U.C. § 132652.

If your Commission were to adopt the TEP "proposed amendments" as in proposed Resolution No. 20-007, then project sponsor TVSJVRRA would be operating in violation of P.U.C. § 132652. TVSJVRRA appears to be engaging in *ultra vires* actions. A reasonable Alameda CTC Commissioner, exercising due care, would not aid and abet such illegal activity.

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IV. TEP Amendment Should Be Postponed Because the "Altamont Pass" Proposed Amendment Would Not "Benefit" Alameda County.

Fourth, expenditure of $400 million to construct a new rail line through Altamont Pass would not "benefit" Alameda County.

The "Introduction" to the 2014 Measure BB TEP promised voters in large print on page 1, "This Plan benefits people who live in Alameda County." Page 35 promised voters, "Under no circumstances may the proceeds of this transportation sales tax be applied to any purpose other than for transportation improvements benefitting Alameda County."

TEP Implementing Guideline No. 14, under the "RESTRICTIONS ON FUNDS" category, states in part, "Under no circumstances may the proceeds of this transportation sales tax be applied to any purpose other than for transportation improvements benefitting Alameda County."

TEP Implementing Guideline No. 19 states in part, "Fiduciary Duty: By augmenting and extending the transportation sales tax, Alameda CTC is given the fiduciary duty of administering the proceeds of this tax for the <u>benefit of the residents and businesses of Alameda County</u>." (Emphasis added.)

MTC admits that the Altamont Pass component of the Valley Link project is "interregional" for the purported benefit of the "megaregion." That component of the project does not benefit Alameda County. No rail station is planned within Alameda County east of Greenville Road (aside from the Grant Line Road infill station proposed for an environmentally sensitive site within the Altamont Habitat Management Unit, which also raises 2000 County Measure D compliance issues). Very few people reside in Alameda County between Greenville Road and the proposed Mountain House station. Almost no Alameda County residents would access the Valley Link system through Mountain House station. Very few Alameda County residents likely would be "reverse commuters" from Alameda County into San Joaquin County. In short, the Altamont Pass Valley Link segment provides effectively no benefit to Alameda County.

Given that, TRANSDEF believes it is improper for Alameda CTC to proceed with funding an interregional project using Alameda County's funds, until there is a full funding package, in which Alameda County will play its proportional part. Until such a funding package is agreed upon, TRANSDEF contends that adopting a TEP amendment to fund a project that includes anything east of Greenville Road would be in violation of TEP Implementing Guideline No. 19.

V. TEP Amendment Should Be Postponed Until Geographic Equity is Protected by a Renegotiation of the Local Street and Road Formula.

Fifth, Alameda CTC incessantly advances a myth that Valley Link is a local "Tri-Valley" project and therefore the Measure BB Local Street and Road funding formula, the Capital Improvement Program, and other "geographic equity" matters do not require revisiting. Numerous Alameda CTC Commissioners (including but not limited to Berkeley Mayor Jesse Arreguin) attest that their communities would benefit from Valley Link (implying that Valley Link is something other

than a Tri-Valley project), yet they refuse to revise the Measure BB funding formulas to reflect these ostensible benefits.

Page 22 of the 2014 TEP concerning the $1.55 billion Local Streets funding states, "The formula will be revisited within the first five years of the plan to ensure overall geographic equity in the Plan." TEP Implementing Guideline No. 12 states in part that the Alameda CTC Capital Improvement Program "will be updated every two years and will provide for geographic equity in overall funding allocations." TRANSDEF is not aware of any actions taken to fulfill these commitments. TRANSDEF believes that "geographic equity" needs to be resolved now, during the TEP Amendment process.

VI. TEP Amendment Should Be Postponed Because the *Hayward Area Planning Association* Precedent in Defense of Voter-Adopted Alameda County TEP Provisions Should Be Carefully Considered.

Sixth, the First Appellate District has a history of striking down this agency's projects that violate a voter-adopted Transportation Expenditure Plan. In 1999, the Court ruled that Alameda County Transportation Authority (Alameda CTC's predecessor agency) violated the 1986 Measure B TEP in attempting to alter the alignment of the proposed Hayward Bypass freeway through a process inconsistent with the law.

> If the tax revenues generated by Measure B may now be taken and applied to an entirely new highway alignment for which no tax was authorized, the many protections the Act provides--full disclosure of the expenditure plan, strict limitations on the use of voter-generated tax revenues, and voter involvement in expenditure plan amendments--are thus evaded, affording no protection whatsoever to taxpayers. *Hayward Area Planning Assn. (HAPA) v. Alameda County Transportation Authority* (1999) 72 Cal.App.4th 95, 106.

Although Alameda CTC is organized today under a different statute and has different governance, *HAPA* has strong precedential value. It is interesting to note that, despite *HAPA,* the current Amendment process has not sought voter involvement.

Voters approved Measure BB with the understanding that BART would be extended to Isabel Avenue in western Livermore. Voter surveys as Measure BB was developed and promoted showed that BART improvements were among the features of the Measure BB TEP that were most appealing to voters. See attachments to this letter, including a Yes on BB campaign mailer ("BETTER BART," "Expand BART," "Measure BB … Expands BART"), an Alameda CTC "Consider the Future of BART" handcard distributed at BART stations during the Measure BB campaign period ("In November 2014, Measure BB will be on the ballot to: Expand BART throughout Alameda County"), and BART's "bartable this month" September 2014 passenger newsletter (distributed at BART stations) that touts "Measure BB on November ballot … Measure BB will provide more than $860 million towards projects to modernize and expand the BART system." Alameda CTC staff insisted that BART place this promotion of Measure BB in this passenger newsletter.

Note that the Yes on BB campaign was managed out of Zack Wasserman's (Alameda CTC's general counsel) law office, in the same office building as Alameda CTC headquarters. The proposed TEP Amendment upsets voter expectations by "revising" (not merely "amending") the TEP, deleting the largest single capital project in the TEP, "BART to Isabel Avenue" and replacing it with an ambiguous "rail project through Altamont Pass."

If Alameda CTC adopts the Valley Link TEP amendment, the tax revenues generated by Measure BB would be taken and applied to an entirely new project for which no tax was authorized by voters. TRANSDEF has outlined in a separate letter the further steps needed to protect the taxpayers.

VII. TEP Amendment Should Be Postponed Until 2000 County Measure D Compliance Issues Are Addressed.

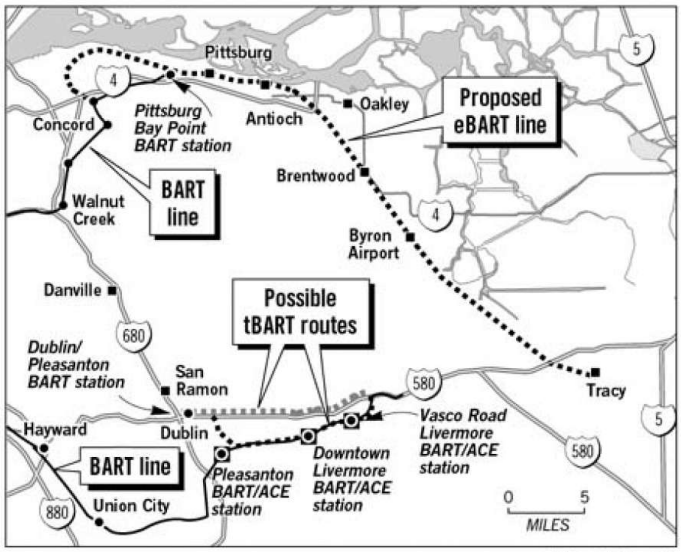
Seventh, TRANSDEF requests that the $400 million TEP Amendment be postponed until any 2000 County Measure D compliance issues are addressed. The Greenville Road and Grant Line Road stations, in particular, could directly or have related effects that would violate 2000 County Measure D.

VIII. TEP Amendment Should Be Postponed Until "tBART via SP Radum Line" and "eBART to Tracy" Alternatives From 2001 Are Considered Using Existing Rails as Much as Possible.

Eighth, TRANSDEF requests that the $400 million TEP Amendment be postponed until the 2002 and 2004 "tBART" reports[1] are given full consideration. These reports evaluated multiple DMU (tBART) and Rapid Bus Alternatives for the Tri-Valley (including the San Ramon Valley).

There is good reason why Southern Pacific Railroad finally abandoned its original transcontinental line through Altamont Pass and sold it to Alameda County by the mid-1980s – the Carquinez Strait route that opened in the late 1870s is almost entirely near sea level and avoids hills. For this reason, BART in 2001 proposed to reach Tracy via an "eBART" line by way of Brentwood and Antioch instead of via the Altamont Pass, Livermore and Dublin/Pleasanton. See the graphic from the April 5, 2001 *San Francisco Chronicle* below.

[1] Available at the following web addresses, respectively: Phase 1: https://transdef.org/media/BART-I-580-Phase-1-Final-Report.pdf Phase 2: https://transdef.org/media/BART-I-580-Phase-2-Final-Report.pdf



Chronicle Graphic

https://www.sfgate.com/bayarea/article/Tri-Valley-BART-Line-Proposed-BART-Plan-Calls-2934911.php#item-95844-tbla-1

TRANSDEF's sister organization, the Train Riders Association of California, submitted a project alternative in response to the Valley Link Notice of Preparation (see attachment) that is nearly an exact copy of one of the tBART alternatives: A DMU that would have used [what are now] the ACE tracks to connect to the former Southern Pacific Radum right-of-way [now the Iron Horse Trail] which runs below the Dublin/Pleasanton BART station.

TVSJVRRA documents, including the 2019 Valley Link Feasibility Report, curiously ignore the existence of the BART tBART and eBART studies from circa 2001. It appears their alternatives analysis has not been conducted in good faith. As the Supreme Court held in *Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116, project alternatives should be fully explored prior to the commitment of funds and other indicia of project approval. "Approval" should not be defined so early that the burden of environmental review impedes the exploration of potentially meritorious projects, nor so late that environmental review loses its power to influence key public decisions about those projects. *Save Tara*, 45 Cal.4th at 128. "[B]efore conducting CEQA review, agencies must not "take any action" that significantly furthers a project "in a manner that forecloses alternatives or mitigation measures that would ordinarily be part of CEQA review of that public project." *Save Tara*, 45 Cal.4th at 138.

Alameda CTC should postpone approval of the $400 million TEP Amendment unless and until these alternatives (including but not limited to DMU route alternatives and express bus alternatives, including lifecycle costs per rider) are considered in the Valley Link EIR (which has yet to be released, let alone approved).

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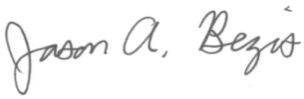
IX. TEP Amendment Should Be Postponed Until After New Commissioners Are Seated after November 2020: "Lame Duck" Commissioners (Especially in Tri-Valley) Should Not Make Decision.

Finally, this $400 million TEP Amendment should be postponed because four of the five Alameda CTC commissioners who represent the Tri-Valley are "lame duck" members. Supervisor Haggerty, Livermore Mayor Marchand, Pleasanton Mayor Thorne, and Dublin Mayor Haubert all are retiring from their positions by the end of 2020. Voting is already underway on their replacements. In the same way that many people believe the current U.S. Supreme Court vacancy should be filled after the January inauguration, this major TEP Amendment should be decided after the new Alameda CTC Commissioners are seated.

TRANSDEF suggests that Alameda CTC Commissioners carefully and deliberately consider these concerns. A reasonable Commissioner, exercising due care, would not act rashly. Your Commission should postpone further action on this $400 million TEP Amendment.

Sincerely,



JASON A. BEZIS

Attachments
VOTE YES! BB campaign mailer
Alameda CTC BART station handcard "Measure BB … Consider the Future of BART"
BART "bartable this month" newsletter, September 2014, page 2
TRAC's Letter in response to Valley Link Notice of Preparation

VOTE YES! BB

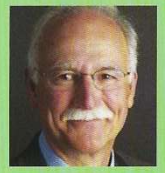
BETTER BART | BETTER BUS | BETTER ROADS

"We need Measure BB to protect seniors, young people and the disabled— those who depend on transit. Vote YES on BB."

— **Wilma Chan,** *Alameda Co. Supervisor*

"We have to fight for our seniors and students. Measure BB will get them where they need to go. Let's all vote YES on BB."

— **Barbara Halliday,** *Mayor of Hayward*



"Measure BB will increase our transportation options and create 150,000 good jobs. Vote YES on BB."

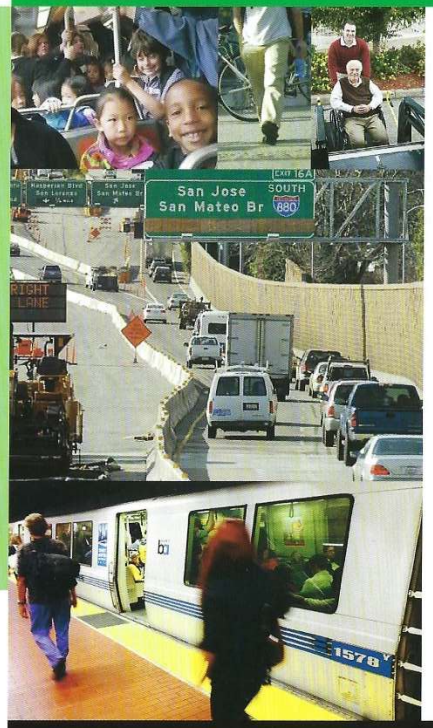
— **Richard Valle,** *Alameda Co. Supervisor*

MEASURE BB is also endorsed by: The League of Women Voters, The Sierra Club, The League of Conservation Voters, The California Alliance for Jobs, United Seniors of Oakland and Alameda County, The Alameda County Taxpayers Association, and many more. See the full list at: **www.YesonBB.org**

LEAGUE OF WOMEN VOTERS · SIERRA CLUB · USOAC United Seniors of Alameda County · CALIFORNIA ALLIANCE FOR JOBS · ALAMEDA COUNTY TAXPAYERS ASSOCIATION

Keep transit affordable for seniors, youth and people with disabilities.

Expand BART and other transit services.



MEASURE BB

- Keeps senior, student, and disabled transit affordable.
- Expands BART.
- Improves air quality.
- Fills potholes.
- Reduces local traffic.

For more information call **(510) 210-5280** or visit: **www.YESonBB.org**

VOTE YES! BB

BETTER BART | BETTER BUS | BETTER ROADS

Yes on Measure BB
1111 Broadway, 24th Floor
Oakland, CA 94607

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Paid for by Better Transportation for Alameda County, 1111 Broadway, 24th Floor, Oakland, CA 94607. FPPC ID # 1362240

Measure BB: a Transportation Plan for Our Future!

Measure BB will help seniors and people with disabilities get where they need to go affordably and independently by improving the reliability of BART, local bus systems and other transit.

Measure BB will expand BART service and modernize BART stations across Alameda County.

Measure BB will fill potholes, repair local streets and roads and reduce traffic congestion.

Measure BB will improve bike and pedestrian pathways, making them safe and accessible for local residents.

Measure BB will create 150,000 high quality jobs.

Measure BB will provide the youth transit pass program, helping kids get to school affordably and reducing costs for working families.

What is Measure BB and who will benefit from it?

Measure BB is a detailed plan defining the next generation of transportation in the County of Alameda. It authorizes the extension and augmentation of an existing sales tax measure to provide $7.8 billion in transportation projects over the coming years to directly benefit the people of Alameda County.

Why do we NEED Measure BB?

Measure BB will fund critical BART and transit extension and repair projects, keep transit affordable for seniors, youth and people with disabilities, fix local streets and roads, reduce traffic and provide infrastructure for transportation alternatives like biking and walking.

How does Measure BB affect the economy?

Measure BB will create $20 billion in total economic activity and create 150,000 new jobs. Well-functioning transportation systems are critical to economic competitiveness at the national and regional level.

We've studied Measure BB and we approve!

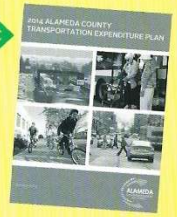
ALAMEDA COUNTY TAXPAYERS ASSOCIATION

LEAGUE OF WOMEN VOTERS®

USOAC UNITED SENIORS OF ALAMEDA COUNTY

Accountability Measures:

1. **MEASURE BB** funds can only be spent on local transportation improvements according to a specific detailed plan. Visit: ***www.alamedactc.org***



2. **ALL FUNDS** raised by Measure BB must be spent to improve transportation for local Alameda County residents.

3. **MEASURE BB** requires an independent watchdog committee audit all expenditures and report their findings to the public.

For more information call **(510) 210-5280** or visit: **www.YESonBB.org**

Alameda CTC BART station handcard p. 1

Measure BB
on the November 2014 Ballot

Consider the Future of BART

- Improve and expand BART throughout Alameda County
- Modernize and improve access to all BART stations

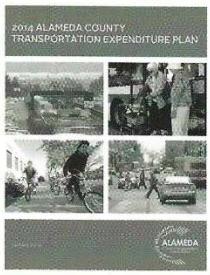
ALAMEDA
County Transportation Commission

learn more →

In November 2014, Measure BB will be on the ballot to:

- Expand BART throughout Alameda County
- Increase BART capacity and accessibility
- Upgrade technology to keep the system moving
- Keep transportation affordable for students, seniors and people with disabilities
- Improve access to jobs and schools

This detailed plan includes **taxpayer safeguards:**



- ✓ Independent Audits
- ✓ Compliance Reports
- ✓ Independent Watchdog Committee Review and Annual Reports to the Public
- ✓ All funds spent locally to benefit Alameda County

The Choice Is Yours

Learn more at
www.AlamedaCTC.org

bartable calendar

AURORA THEATRE COMPANY PRESENTS "RAPTURE, BLISTER, BURN"
Through Sept. 28
Aurora Theatre Company, 2081 Addison St., Berkeley
auroratheatre.org
> BART: Downtown Berkeley, walk 1 block
See the Bay Area premiere of Becky Shaw's new comedy about three generations of women grappling with feminism's foibles. A finalist for the 2013 Pulitzer Prize.

CAL SHAKES PRESENTS "A MIDSUMMER NIGHT'S DREAM"
Sept. 3 to 28
Bruns Amphitheatre, Orinda
calshakes.org
> BART: Orinda + Free Shuttle
Shana Cooper returns to direct another of Shakespeare's iconic works. $41-$72.

SOLANO STROLL
Sept. 14, 10am to 6pm
Solano Avenue
solanoavenueassn.org
> BART: North Berkeley + Free Shuttle; or El Cerrito Plaza, walk 15 minutes
Check out the East Bay's largest street festival, now celebrating its 40th year. Featuring more than 500 vendors, including entertainers, food booths, artisans, non-profits and government agencies. Be on the lookout for the BARTmobile during the parade!

SUNDAY STREETS, EXCELSIOR
Sept. 28, 11am to 4pm
Mission Street, San Francisco
sundaystreetssf.com
> BART: Balboa Park or Glen Park, walk 15 minutes
Bring your bike, roller blades, skateboards or walking shoes for a day of fun along Mission Street. Route includes Mission Street between Theresa/Valalon and Geneva Avenue.

EXCELSIOR FESTIVAL
Sept. 28, 11am to 4pm
Ocean and San Juan Avenues, San Francisco
excelsiorfestival.org
> BART: Balboa Park, walk 15 minutes
A free, family-friendly art and music festival featuring live music, multi-cultural food and an array of entertainment for all ages.

KAISER CENTER 2014 ROOF GARDEN CONCERTS
Sept. 5 and 12, noon to 1pm
Kaiser Center Roof Garden, 300 Lakeside Dr., Oakland
kaisercenterroofgarden.com
> BART: 19th St/Oakland
Free, and open to the public. Take any elevator located in the Kaiser garage to "RG" level to access the Roof Garden.

Let's be social!

@SFBARTable
fb.com/bartable

Follow us on Facebook and Twitter to win free event tickets and discover fun things to do around the Bay Area — all bartable!

BARTable This Month is the official passenger publication of the San Francisco Bay Area Rapid Transit District and is produced monthly. To contact us, write **BARTable This Month, 300 Lakeside Drive, Oakland, CA 94612** or email **bartable@bart.gov**.

Measure BB on November ballot

Funds would support transit in Alameda County

Transportation ballot Measure BB will go before Alameda County voters this November. Measure BB will extend the existing ½ cent transportation sales tax, which was approved by 81.5 percent of voters in 2000, and generate almost $8 billion for transportation improvements throughout Alameda County.

Measure BB was developed by the Alameda County Transportation Commission and outlines a 30-year plan that will generate $20 billion in economic activity for the Bay Area and nearly 150,000 jobs.

Measure BB will provide more than $860 million towards projects to modernize and expand the BART system.

It will also repair streets and reduce traffic, increase bus service, and expand safe walking and biking paths.

Visit AlamedaCTC.org/2014Plan to learn more about the projects that will be funded by Measure BB, as well as its accountability and performance measures.

Start Friday nights off right at UN Plaza

Start your weekend off at the Friday Night Market at the UN Plaza in San Francisco. With more than 45 vendors, food trucks and live music, there is something for everyone.

The Friday Night Market takes place from 4 to 9pm every Friday in September and October at UN Plaza, steps away from Civic Center BART.

For details, visit its Facebook page at fb.com/FridayNightMarketSF.

Follow us on Twitter @SFBARTable for a chance to win a $20 gift certificate to the market.

Be the A's BART Rider of the Game!

This is your last chance in 2014 to be the A's BART Rider of the Game! For this month's contest, send us a photo of you in your best game gear.

There are three ways to enter:

1) Tweet a photo of yourself to @SFBARTable and use the hashtag #BARTableRider

2) Email a photo of yourself to bartable@bart.gov with the subject "BART Rider of the Game"

3) Mail us a photo to A's BART RIDER OF THE GAME" Attn: BART Marketing Department, 300 Lakeside Dr., Oakland, CA 94612".

Enter by Sept. 10, 2014 to win tickets to the Sept. 17 game. For more information, visit bart.gov/fan.

TRAC
Train Riders Association of California

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William F. McGeehan III
Contra Contra County

October 15, 2018

By Email to:
info@valleylinkrail.com

Tri-Valley - San Joaquin Valley Regional Rail Authority
Attn: Valley Link Rail Project
1362 Rutan Court, Suite 100
Livermore, CA 94551

Re: Scoping comments in response to Valley Link NOP

Dear Sirs:

These comments are being submitted jointly by the Train Riders Association of California, TRAC, and the Transportation Solutions Defense and Education Fund, TRANSDEF.

Areas to Study--Policy Consistency
Evaluate whether the Proposed Project is consistent with the language of AB 758. This is especially important, because this law was tailor-made to support a project in this corridor. We have concerns as to whether a $1.8 billion project can ever qualify as “cost-effective.” For this reason, we propose a Build Alternative that is unquestionably cost-effective.

In the absence of even a preliminary agreement or MOU with the SJRRC, it cannot be stated that the Proposed Project will connect to ACE. Because this connection is fundamental to AB 758, environmental review should not commence until an agreement is in place for there to be a BART to ACE connection. This is currently a fatal flaw in the scoping process: the project can't have a stable description until these issues are at least preliminarily resolved.

Areas to Study--ROW Suitability
The quality of the ROW needs to assessed before environmental review commences. As part of the original Transcontinental Railroad, the ROW was not engineered for modern speeds. Without modern speeds, a rail line will not provide enough of a travel time advantage to draw significant ridership. A determination needs to be made that the ROW

can provide adequate speeds before there is a full-blown EIR of a $1.8 billion project. If the many curves in the ROW can't be straightened adequately, that huge expenditure would not be worth pursuing, as it would produce only minor benefits. The EIR funds would be wasted.

Areas to Study--Growth Inducement

Providing new transportation infrastructure is the classic trigger for growth inducement. The key measures to be evaluated are growth in households, VMT growth and growth in GHG emissions. We suggest that one threshold of significance should be "Does the Proposed Project impede the State's attainment of SB 32's GHG 2030 targets?" If growth inducement is found to be significant, we propose the following mitigation: to reduce the growth in VMT and GHGs resulting from the induced growth, require cities to adopt enforceable walkable community plans, as a condition for receiving a station. These plans would break with the standard pattern of suburban subdivisions, and instead be shaped for access to the train by walking, cycling, or taking a community shuttle. Because work trips only make up about 25% of all trips, the walkable pattern is needed to reduce the other 75% of trips.

Alternative to Study--Cost-Effective Alternative

The ACE tracks already run within 3 miles of the Dublin-Pleasanton BART station. That station location had historically been connected to what is now the ACE mainline by a rail spur, which had been preserved in public ownership initially for that specific purpose. The spur is now in use as a segment of the Iron Horse Trail. It would be far more cost-effective to replace that segment of the trail, and put the tracks back on the spur, than to spend a billion dollars reengineering the freeway to put the tracks there.

It has been said that local residents would oppose this alternative. Objectors to reclaiming the trail for rail use should be offered the opportunity to raise the billion dollars needed for the highway project, to avoid the inconvenience of a train running 3 miles through their community. This opposition is purely a local issue--as long as BART is connected to ACE, there is no benefit to the region of spending an extra $1.7 billion. In addition, the opportunity costs of spending that money on the Proposed Project result in the inability to fund all kinds of transit projects that offer widespread benefits.

Sincerely,

/s/ DAVID SCHONBRUNN

David Schonbrunn,
Vice-President for Policy