



## Programs and Projects Committee Meeting Agenda Monday, November 8, 2021, 10:00 a.m.

Pursuant to AB 361 and the findings made by the Commission governing its meetings and the meetings of its Committees in light of the current statewide State of Emergency, the Commission and its Committees will not be convening at Alameda CTC’s Commission Room but will instead convene remote meetings.

Members of the public wishing to submit a public comment may do so by emailing the Clerk of the Commission at [vlee@alamedactc.org](mailto:vlee@alamedactc.org). Public comments received by 5:00 p.m. the day before the scheduled meeting will be distributed to Commissioners or Committee members before the meeting and posted on Alameda CTC’s website; comments submitted after that time will be distributed to Commissioners or Committee members and posted as soon as possible. Submitted comments will be read aloud to the Commission or Committee and those listening telephonically or electronically; if the comments are more than three minutes in length the comments will be summarized. Members of the public may also make comments during the meeting by using Zoom’s “Raise Hand” feature on their phone, tablet or other device during the relevant agenda item, and waiting to be recognized by the Chair. If calling into the meeting from a telephone, you can use “Star (\*) 9” to raise/ lower your hand. Comments will generally be limited to three minutes in length, or as specified by the Chair.

Committee Chair:	Carol Dutra-Vernaci, City of Union City	Executive Director:	Tess Lengyel
Vice Chair:	Rebecca Saltzman, BART	Staff Liaison:	<a href="#">Gary Huisingh</a>
Members:	Jen Cavanaugh, David Haubert, Lily Mei, Nate Miley, Sheng Thao, Richard Valle, Bob Woerner	Clerk of the Commission:	<a href="#">Vanessa Lee</a>
Ex-Officio:	Pauline Russo Cutter, John Bauters		

### Location Information:

Virtual Meeting Information: <https://us06web.zoom.us/j/87379747713?pwd=bUZTTitjVG1pU2VaL29BelVuZG00QT09>  
**Webinar ID:** 873 7974 7713  
**Password:** 258726

For Public Access  
Dial-in Information: **(669) 900-6833**  
**Webinar ID:** 873 7974 7713  
**Password:** 258726

To request accommodation or assistance to participate in this meeting, please contact Vanessa Lee, the Clerk of the Commission, at least 48 hours prior to the meeting date at: [vlee@alamedactc.org](mailto:vlee@alamedactc.org)

### 1. Call to Order

### 2. Roll Call

### 3. Public Comment

### 4. Consent Calendar

Page/Action

- 4.1. [Approve October 11, 2021 PPC Meeting Minutes](#) 1 A

### 5. Regular Matters

- 5.1. [Approve the Bay Area Express Lanes Network Executive Steering Committee Memorandum of Understanding](#) 5 A
- 5.2. [Approve Amendment No. 6 to Agreement A17-0070 with Electronic Transaction Consultants, LLC for Operations and Maintenance of the I-580 Express Lanes](#) 13 A
- 5.3. [GoPort – Freight Intelligent Transportation System Project: Approve Actions to Facilitate Construction Completion and Project Status Update](#) 17 A
- 5.4. [Approve actions to facilitate advancement of the East Bay Greenway \(from Lake Merritt BART to South Hayward BART\) Project](#) 29 A

### 6. Committee Member Reports

### 7. Staff Reports

### 8. Adjournment

Next Meeting: Monday, January 10, 2022

#### Notes:

- All items on the agenda are subject to action and/or change by the Commission.
- To comment on an item not on the agenda (3-minute limit), submit a speaker card to the clerk.
- Call 510.208.7450 (Voice) or 1.800.855.7100 (TTY) five days in advance to request a sign-language interpreter.
- If information is needed in another language, contact 510.208.7400. Hard copies available only by request.
- Call 510.208.7400 48 hours in advance to request accommodation or assistance at this meeting.
- Meeting agendas and staff reports are available on the [website calendar](#).
- Alameda CTC is located near 12th St. Oakland City Center BART station and AC Transit bus lines. [Directions and parking information](#) are available online.



**Commission Chair**  
Mayor Pauline Russo Cutter  
City of San Leandro

**Commission Vice Chair**  
Councilmember John Bauters  
City of Emeryville

**AC Transit**  
Board President Elsa Ortiz

**Alameda County**  
Supervisor David Haubert, District 1  
Supervisor Richard Valle, District 2  
Supervisor Wilma Chan, District 3  
Supervisor Nate Miley, District 4  
Supervisor Keith Carson, District 5

**BART**  
Vice President Rebecca Saltzman

**City of Alameda**  
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**City of Albany**  
Councilmember Rochelle Nason

**City of Berkeley**  
Councilmember Lori Droste

**City of Dublin**  
Mayor Melissa Hernandez

**City of Fremont**  
Mayor Lily Mei

**City of Hayward**  
Mayor Barbara Halliday

**City of Livermore**  
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**City of Oakland**  
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Rebecca Kaplan  
Councilmember Sheng Thao

**City of Piedmont**  
Councilmember Jen Cavanaugh

**City of Pleasanton**  
Mayor Karla Brown

**City of Union City**  
Mayor Carol Dutra-Vernaci

**Executive Director**  
Tess Lengyel

## Alameda CTC Schedule of Upcoming Meetings December 2021

### Commission and Committee Meetings

Time	Description	Date
2:00 p.m.	Alameda CTC Commission Meeting	December 2, 2021
2:00 p.m.	Alameda CTC Special Commission Meeting	December 13, 2021

Pursuant to AB 361 and the findings made by the Commission governing its meetings and the meetings of its Committees in light of the current statewide State of Emergency, the Commission and its Committees will not be convening at Alameda CTC's Commission Room but will instead convene remote meetings.

Meeting materials, directions and parking information are all available on the [Alameda CTC website](http://www.alamedactc.org). Meetings subject to change.

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**1. Call to Order**

**2. Roll Call**

A roll call was conducted. All members were present with the exception of Commissioners Haubert, Mei, Thao, and Valle.

**Subsequent to the roll call:**

Commissioner Thao arrived during item 5.1.

**3. Public Comment**

There were no public comments.

**4. Consent Calendar**

**4.1. Approve September 13, 2021 PPC Meeting Minutes**

*Commissioner Cutter moved to approve the consent calendar. Commissioner Woerner seconded the motion. The motion passed with the following roll call vote:*

*Yes: Bauters, Cavanaugh, Cutter, Dutra-Vernaci, Miley, Woerner, Saltzman*

*No: None*

*Abstain: None*

*Absent: Haubert, Mei, Thao, Valle*

**5. Regular Matters**

**5.1. Approve Alameda County 2022 State Transportation Improvement Program (STIP)**

Tess Lengyel introduced Vivek Bhat to present this item. Mr. Bhat recommended the Commission approve the following actions related to the 2022 State Transportation Improvement Program (STIP):

1. Approve Resolution 21-015 (Attachment A) regarding the approval of \$22.035 million of 2022 STIP funds for Alameda County, which includes \$15.87 million of new 2022 STIP funding for three projects: Alameda CTC's Oakland Alameda Access (\$11.87 million), City of Fremont's I-880 Decoto Road Interchange Modernization (\$3.0 million) and BART's Downtown Berkeley Station Elevator Modernization (\$1.0 million).
2. Staff recommendation also includes a provision that if the BART and City of Fremont projects do not meet the STIP readiness requirements, the 2022 STIP funds recommended for these projects will be reprogrammed to the Oakland Alameda Access project.

*Commissioner Saltzman moved to approve the item. Commissioner Thao seconded the motion. The motion passed with the following roll call vote:*

Yes: Bauters, Cavanaugh, Cutter, Dutra-Vernaci, Miley, Woerner, Saltzman, Thao  
No: None  
Abstain: None  
Absent: Haubert, Mei, Valle

**5.2. East Bay Greenway (from Lake Merritt BART to South Hayward BART) Project Update**

Tess Lengyel introduced Jhay Delos Reyes to present this item, noting that the Eastbay Greenway project has been a high priority for the Commission since 2008. Mr. Delos Reyes summarized the project history and noted that the project environmental document proposed two alternatives; the Rail-to-Trail alternative, which assumes that the Union Pacific Railroad (UPRR) Oakland Subdivision would no longer have active rail service; and the Rail-with-Trail alternative that assumes the minimum possible encroachment into UPRR right-of-way while still constructing a continuous facility alongside the rail. Mr. Delos Reyes stated that staff is investigating a new alternative consisting of potential on-street opportunities from Fruitvale BART to South Hayward BART to address early implementation and he outlined the three time-horizons for the new vision of EBGW.

Commissioner Bauters asked what the on-street treatments are. Mr. Delos Reyes walked the Committee through the treatments.

Commissioner Bauters asked whether designs for protected intersections have been implemented and coordinated with local jurisdictions. Ms. Lengyel stated that Alameda CTC is working on design standards to ensure as much consistency as possible.

Commissioner Woerner requested a more formal report on whether local jurisdictions have adopted the design standards. Ms. Lengyel responded that Alameda CTC is working to develop design standard recommendations as part of the county-wide network planning that is underway.

**5.3. Approve FY2021-22 Transportation Fund for Clean Air Funding for Oakland Projects**

Tess Lengyel introduced Jacki Taylor to present this item. Ms. Taylor recommended that the Commission approve the programming of \$505,000 of Transportation Fund for Clean Air (TFCA) County Program Manager funds from the City of Oakland's share of the FY 2021-22 TFCA Fund Estimate to the following two projects:

1. \$350,000 for East Bay Greenway, Phase 2, and
2. \$155,000 for 14th Street Complete Streets Improvements.

*Commissioner Woerner moved to approve the item. Commissioner Cavanaugh seconded the motion. The motion passed with the following roll call vote:*

Yes: *Bauters, Cavanaugh, Cutter, Dutra-Vernaci, Miley, Woerner, Saltzman, Thao*  
No: *None*  
Abstain: *None*  
Absent: *Haubert, Mei, Valle*

**6. Committee Member Reports**

There were no member reports.

**7. Staff Reports**

Tess Lengyel shared that Phase 2 of the Gilman Phase 2 Roundabouts Project has been advertised and the bids are due in November. She also noted that Alameda CTC will advertise the I-680 Gap Closure Project project and go before the California Transportation Commission for a final funding allocation request this year.

**8. Adjournment**

The next meeting is Monday, November 8, 2021 at 10:00 a.m.

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**DATE:** November 1, 2021

**TO:** Programs and Projects Committee

**FROM:** Liz Rutman, Director of Express Lanes Implementation and Operations

**SUBJECT:** Approve the Bay Area Express Lanes Network Executive Steering Committee Memorandum of Understanding

## Recommendation

It is recommended that the Commission approve and authorize the Executive Director to execute the Bay Area Express Lanes Network Executive Steering Committee Memorandum of Understanding.

## Summary

The Alameda CTC operates and maintains both the I-580 Express Lanes and the I-680 Sunol Express Lane, the latter on behalf of the Sunol Smart Carpool Lane Joint Powers Authority (Sunol JPA). The Bay Area Express Lanes Strategic Plan, dated April 2, 2021 and adopted by the Metropolitan Transportation Commission on April 28, 2021, recommends the formalization of the function of an Executive Steering Committee (ESC) for the purpose of developing consistent policies for recommendation to policy boards and other coordination efforts. Staff and legal counsels from the Metropolitan Transportation Commission (MTC), Caltrans, and several Bay Area county transportation authorities, including Alameda CTC, have worked cooperatively to develop a Memorandum of Understanding (MOU) that defines the purpose of the ESC, membership in the ESC, and governance and administration of the ESC. In addition, the MOU affirms that recommendations made by the ESC are non-binding and participation in the ESC does not constitute any type of partnership or joint venture among member agencies.

## Background

The Bay Area Express Lanes Network ("Network") is conceived as a robust regional network of dedicated managed lanes that allows operators to better manage travel demand by primarily serving people in eligible carpools and buses, providing reliable travel times to lower-occupancy vehicles by allowing paid access, and thereby generating revenue for maintenance, operations, capital investments, and programs. The development of the Network has been a cooperative effort among Bay Area Express Lanes operators; several

Bay Area county transportation authorities ("CTAs"); the California Department of Transportation; and the California Highway Patrol; and with input from supporting subcommittees and other stakeholders with a vested interest in the success of the Network such as transit operators and those advancing equity, carpooling, and vanpooling. The Express Lanes Network Executive Steering Committee has existed for over five years as an informal venue for discussing express lane project development and tolling policies and practices.

As the Network is built out, not only will more express lanes connect along corridors, but corridors will also begin to connect to each other. This can create complex interactions between multiple operators with different goals and/or policies, which may affect the user experience. Consistency of public-facing operating policies is critical to the smooth functioning of a connected Network as well as the traffic safety and highway operational efficiency.

The Memorandum of Understanding (MOU) formalizes an ESC to provide the following activities that support the goals of Network as identified in the Bay Area Express Lanes Strategic Plan:

- Develop recommendations for consistent operating policies and practices among Member Agencies, particularly concerning aspects of the Network that are user-facing;
- Serve as a resource for consistency in tolling practices, project development, and operations for Member Agencies and other stakeholders;
- Other activities, to be determined by the ESC, e.g., examining new tolling technologies or interfacing with other organizations.

The ESC will strive for unanimous consent on matters of consistency in operations and will otherwise endeavor to achieve recommendations by consensus. When presenting actions on express lane operating policies to their decision-making bodies, Member Agencies commit to identifying the recommendations made by the ESC.

Staff recommends that the Commission approve and authorized the Executive Director to execute the Bay Area Express Lanes Network Executive Steering Committee Memorandum of Understanding

**Fiscal Impact:** There is no fiscal impact associated with this action.

**Attachment:**

- A. Bay Area Express Lanes Network Executive Committee Memorandum of Understanding

BAY AREA EXPRESS LANES NETWORK EXECUTIVE STEERING COMMITTEE

MEMORANDUM OF UNDERSTANDING

This Bay Area Express Lanes Network Executive Steering Committee Memorandum of Understanding (“MOU”), is entered into as of \_\_\_\_\_, 20\_\_.

Article I – Purpose and Mission

The Bay Area Express Lanes Network (“Network”) is conceived as a robust regional network of dedicated managed lanes that allows operators to better manage travel demand by primarily serving people in eligible carpools and buses, providing reliable travel times to lower-occupancy vehicles by allowing paid access, and thereby generating revenue for maintenance, operations, capital investments, and programs. The Network leverages the investments made in the region’s highways and High-Occupancy Vehicle (“HOV”) lanes by making use of existing capacity to move more people, closing gaps in or expanding the managed lanes system, and improving operations to provide priority to carpools and buses, thereby expanding their use.

This purpose is further described in six strategic goals identified in the Bay Area Express Lanes Network Strategic Plan, dated April 2, 2021:

1. Manage congestion and bring reliability to the traveling public;
2. Increase person throughput by creating a seamless network that incentivizes the use of transit, vanpools, and carpools;
3. Minimize greenhouse gas emissions;
4. Focus on equity to improve transportation access and affordability, especially for Equity Priority Communities (also referred to as Communities of Concern);
5. Deliver the Network in a timely manner; and
6. Be responsible in the use of public funds.

The development of the Network has been a cooperative effort among Bay Area Express Lanes operators; several Bay Area county transportation authorities (“CTAs”); the California Department of Transportation; and the California Highway Patrol; and with input from supporting subcommittees and other stakeholders with a vested interest in the success of the Network such as transit operators and those advancing equity, carpooling, and vanpooling. As the Network is built out, not only will more express lanes connect along corridors, but corridors will also begin to connect to each other. This can create complex interactions between multiple operators with different goals and/or policies, which may affect the user experience. Consistency of public-facing operating policies is critical to the smooth functioning of a connected Network as well as the traffic safety and highway operational efficiency.

This Memorandum of Understanding (MOU) formalizes an Executive Steering Committee (“ESC”) and its cooperative effort to:

1. Support the goals of the Network, described above, by following a formalized process to develop recommendations on matters of consistency in public-facing operational policies across the

Network, which would serve as a resource for Member Agencies and their decision-making bodies that may consider actions on these policies; and

2. Promote the goals of the Network through other activities as may be determined by the ESC.

## Article II Membership

ESC membership conveys upon all Member Agencies the ability to offer and document recommendations on matters of consistency in operations across the Network, as described in Section IV.B. ESC membership includes the following groups of Member Agencies: Express Lanes Operators with authority granted in statute or by action of the California Transportation Commission to operate an express lane in the nine-county Bay Area; CTAs that are not operators; and other agencies.

### Express Lanes Operators (“Operators”)

- Alameda County Transportation Commission (“Alameda CTC”)
- Bay Area Infrastructure Financing Authority (“BAIFA”)
- San Mateo County Express Lanes Joint Powers Authority (“SMCEL-JPA”)
- Santa Clara Valley Transportation Authority (“VTA”)
- Sunol Smart Carpool Lane Joint Powers Authority (“Sunol JPA”)

### Non-Operator County Transportation Authorities (“Non-Operator CTAs”)

- Contra Costa Transportation Authority (“CCTA”)
- San Francisco County Transportation Authority (“SFCTA”)
- Solano Transportation Authority (“STA”)

### Other Agencies

- Bay Area Toll Authority (“BATA”)
- California Department of Transportation (“Caltrans”), Ex Officio Member
- California Highway Patrol (“CHP”)

ESC membership is voluntary, and the ESC shall not and cannot require compliance with any actions that are inconsistent with policies, procedures, and board actions of any Member Agency.

The ESC may conduct business anticipated under this MOU once it is signed by all of the above-listed Operators.

If other entities wish to gain membership to the ESC, such entities may petition the ESC. Admittance will be decided by majority vote of Operators and Non-Operator CTAs.

Member Agencies may withdraw from the ESC by providing written notice to the ESC Chair 30 days prior to the effective date of the withdrawal. If all Member Agencies withdraw excepting one Member Agency, the MOU shall be terminated.

### Article III – Governance

#### A. Composition

The ESC shall be composed of the Chief Executive or appointed designee of each Member Agency with the authority to represent the interests of the respective Member Agency<sup>1</sup>.

#### B. Responsibilities

The ESC shall provide overall management to the extent necessary to accomplish the Purpose of this MOU, as described above, including, but not limited to, the following activities:

- Developing recommendations for consistent operating policies and practices among Member Agencies, particularly concerning aspects of the Network that are user-facing, as described in Section IV.B;
- Serving as a resource for consistency in tolling practices, project development, and operations for Member Agencies and other stakeholders;
- Other activities, to be determined by the ESC, e.g., examining new tolling technologies or interfacing with other organizations.

#### C. Amendment and Termination

This MOU may be amended or terminated by unanimous written agreement of the Member Agencies.

### Article IV – Conduct of Business

#### A. Meetings

Member Agencies shall meet every six months or more frequently as may be necessary to carry out the mission and activities defined above.

#### B. Consistent Operating Policies

The ESC shall make recommendations on various operating policies and the importance of their consistency regionwide. These recommendations are intended to demonstrate the deliberative process taken to reach them. The ESC will strive for unanimous consent on matters of consistency in operations and will otherwise endeavor to achieve recommendations by consensus. For the purposes of this MOU, consensus means that a process to develop recommendations was undertaken with the aim of positive or indifferent acceptance by all, minimizing opposing opinions to the extent possible by considering modifications proposed by dissenters. The action of making a recommendation shall require a quorum be present, here defined as a simple majority of all Member Agencies.

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<sup>1</sup> In the case of SMCEL-JPA, the Executive Council, made up of the Executive Directors of the San Mateo County Transportation Authority (SMCTA) and the City/County Association of Governments of San Mateo County (C/CAG), may represent the Member Agency; however, the Executive Council, regardless of number of attendees present at the ESC meetings to represent the Member Agency, will be afforded only one position for each recommendation made by the ESC.

Recommendations shall be recorded in ESC meeting minutes documenting the position of each Member Agency sorted by grouping defined in Article II and including a summary supporting statement for the recommended operating policy. At the request of any Member Agency, a summary dissenting statement may be included. Member Agencies not present on the date an action is taken may supplement the minutes with their position within a timeframe to be specified by the Chair.

The ESC may develop summary memoranda to document additional detail of recommendations.

When presenting actions on express lane operating policies to their decision-making bodies, Member Agencies commit to identifying the recommendations made by the ESC.

#### C. ESC Administration

Other business the ESC may conduct shall be considered ESC Administration. The ESC shall adopt by consensus methods to take actions on matters related to ESC Administration including:

##### 1. Selection of Officers

The ESC will select a Chair and Vice-Chair of the Committee for a term of two years with the intention that positions rotate amongst Member Agencies. The sitting Vice-Chair will be the Chair pro tempore and, to the extent practicable, become the Chair at the end of the two-year term. At least one of the Chair and Vice-Chair positions shall be held by an Operator at any time.

Duties of the Chair include:

- Coordinating meetings, including the creation and distribution of meeting agendas;
- Taking ESC meeting minutes; and
- Drafting summary memoranda as described in Article IV.B. above.

Duties of the Vice-Chair include:

- Performing the duties of the Chair in the event of a vacancy or absence of the Chair; and
- Other support as coordinated between the Chair and Vice-Chair.

##### 2. Other Business

Activities concerning topics other than consistency in operations may be beneficial to be undertaken by the ESC, particularly when such activities would promote the goals of the Network and/or benefit from unified regional support, such as:

- Examining new tolling technologies; or
- Interfacing with other organizations.

#### E. No Liability

This agreement is solely intended to guide the obligations, intentions, and policies of the Member Agencies. Nothing in the provision of this MOU is intended to create or imply duties or obligations to, or create or imply rights extending to or for the benefit of third parties not parties to this MOU, and/or affect the legal liability of any party to this MOU by imposing any standard of care with respect to the operation of Member Agencies' express lane facilities.

#### F. No Partnership

Alameda CTC/BAIFA/BATA/Caltrans/CHP/CCTA/SFCTA/SMCELJPA/VTA/STA/Sunol JPA  
Memorandum of Understanding  
Bay Area Express Lanes Network Executive Steering Committee

Neither this MOU nor the exercise of any activity described hereunder shall evidence or establish, or be construed as evidencing or establishing, any partnership, joint venture, or other similar legally binding relationship amongst the Member Agencies.

Alameda CTC/BAIFA/BATA/Caltrans/CHP/CCTA/SFCTA/SMCELJPA/VTA/STA/Sunol JPA  
 Memorandum of Understanding  
 Bay Area Express Lanes Network Executive Steering Committee

IN WITNESS WHEREOF, the parties have executed this MOU as of the last date written opposite their respective names below. This agreement may be executed in counterparts by the respective Member Agencies.

Member Agency	Signature	Date
Alameda County Transportation Commission (“Alameda CTC”)		
Bay Area Infrastructure Finance Authority (“BAIFA”)		
Bay Area Toll Authority (“BATA”)		
California Department of Transportation (“Caltrans”)		
California Highway Patrol (“CHP”)		
Contra Costa Transportation Authority (“CCTA”)		
San Francisco County Transportation Authority (“SFCTA”)		
San Mateo County Express Lanes Joint Powers Authority (“SMCELJPA”)		
Santa Clara Valley Transportation Authority (“VTA”)		
Solano Transportation Authority (“STA”)		
Sunol Smart Carpool Lane Joint Powers Authority (“Sunol JPA”)		





**DATE:** November 1, 2021

**TO:** Programs and Projects Committee

**FROM:** Liz Rutman, Director of Express Lanes Implementation and Operations

**SUBJECT:** Approve Amendment No. 6 to Agreement A17-0070 with Electronic Transaction Consultants, LLC for Operations and Maintenance of the I-580 Express Lanes

## Recommendation

It is recommended that the Commission approve and authorize the Executive Director to execute Amendment No. 6 to Agreement A17-0070 with Electronic Transaction Consultants, LLC (ETC) for an additional amount of \$5,000,000 for a total not-to-exceed amount of \$12,500,000, and a two-year time extension to December 31, 2023 for continued Toll System Integration and Operations & Maintenance services for the I-580 Express Lanes.

## Summary

Alameda CTC is the owner and operator of the Interstate 580 (I-580) Express Lanes, located in the Tri-Valley corridor through the Cities of Dublin, Pleasanton, and Livermore, which opened to traffic in February 2016. An All Electronic Toll (AET) collection method has been employed to collect tolls.

ETC was selected through competitive processes in 2009 and 2013 as the toll system integrator (TSI) for the I-580 Express Lanes. Agreement A17-0070 was approved in May 2017 to ensure on-going Operations and Maintenance (O&M) services for the express lanes for a term of three years, amended for an additional year of in May 2020, and amended for an additional six months in June 2021. The contract includes fixed monthly fees for normal maintenance activities and on-call services for larger-scale maintenance and unforeseen updates. The additional budget of \$5 million will allow for uninterrupted maintenance for the next two years while maintaining an on-call budget to handle limited updates. A summary of all contract actions related to Agreement No. A17-0070 is provided in Table A.

## Background

Alameda CTC is the owner and operator of the Interstate 580 (I-580) Express Lanes, located in the Tri-Valley corridor through the cities of Dublin, Pleasanton, and Livermore, which opened to traffic in February 2016. The I-580 Express Lanes extend from Hacienda Drive to Greenville Road in the eastbound direction and from Greenville Road to the I-680 Interchange in the westbound direction. An All Electronic Toll (AET) collection method has been employed to collect tolls. Toll rates are calculated based on real-time traffic conditions (speed and volume) in express and general-purpose lanes, and can change as frequently as every three minutes. California Highway Patrol (CHP) officers provide enforcement services, and the California Department of Transportation (Caltrans) provides roadway maintenance services through reimbursable service agreements.

ETC was selected through competitive processes in 2009 and 2013 as the TSI for the I-580 Express Lanes. Once a new toll system has begun revenue services and completed all operational testing, ongoing operations and maintenance (O&M) is necessary to ensure transaction and toll collection is being performed accurately, toll pricing and other messages are being displayed accurately, and all operations are in accordance with the agency's business rules. A TSI typically provides on-going O&M services for the life of the toll system because of the proprietary nature of the software coding involved in most aspects of the system. Agreement A17-0070 was approved in May 2017 to ensure on-going O&M services for the express lanes and currently expires December 31, 2021.

The requested budget includes O&M services for an additional two years and provides for minor updates and unforeseen expenditures, such as updates needed to accommodate changes in regional or state-wide tolling policies and force majeure events such as impacts from an extended power outage or equipment struck by a vehicle. Updates to the toll system after several years of service are commonplace and these costs were included in the I-580 Toll Revenue Expenditure Plan adopted by the Commission in 2018.

The total increase to the contract amount is \$5,000,000, resulting in a not-to-exceed total amount of \$12,500,000. A summary of all contract actions related to Agreement No. A17-0070 is provided in Table A.

<b>Table A: Summary of Agreement No. A17-0070</b>			
<b>Contract Status</b>	<b>Work Description</b>	<b>Value</b>	<b>Total Contract Not-to-Exceed Value</b>
Original Professional Services Agreement with ETC (A17-0070) <i>Approved May 2017</i>	Toll System Operations and Maintenance Services for the I-580 Express Lanes. Term of agreement was 3 years: First year plus two optional.	\$7,500,000	\$7,500,000
Amendment No. 1 (Administrative Amendment) <i>Executed June 1, 2018</i>	Exercise option to extend Agreement for additional year of O&M Services	N/A	\$7,500,000
Amendment No. 2 (Administrative Amendment) <i>Executed June 30, 2019</i>	Exercise option to extend Agreement for additional year of O&M Services	N/A	\$7,500,000
Amendment No. 3 (Administrative Amendment) <i>Executed May 1, 2020</i>	One-year administrative amendment to continue O&M Services	N/A	\$7,500,000
Amendment No. 4 (Administrative Amendment) <i>Executed June 22, 2020</i>	Modification of indemnification and insurance requirement provisions	N/A	\$7,500,000
Amendment No. 5 <i>Approved June 2021</i>	6-month time extension to continue O&M Services	N/A	\$7,500,000
<i>Proposed</i> Amendment No. 6 <i>December 2021 – (This Agenda Item)</i>	Provide additional budget and 2-year time extension to continue Integration and O&M Services	\$5,000,000	12,500,000
<b>Total Amended Contract Not-to-Exceed Amount</b>			<b>\$12,500,000</b>

**Levine Act Statement:** The ETC team did not report a conflict in accordance with the Levine Act.

**Fiscal Impact:** There is no fiscal impact. The associated expenditures for FY 2021-2022 were included in the adopted I-580 Express Lanes operations budget and future expenditures will be included in the future operations budgets adopted for subsequent fiscal years.

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**DATE:** November 1, 2021

**TO:** Programs and Projects Committee

**FROM:** Gary Huisingh, Deputy Executive Director of Projects  
Kanda Raj, Project Manager (Consultant)  
Angelina Leong, Deputy Project Manager

**SUBJECT:** GoPort – Freight Intelligent Transportation System Project: Approve Actions to Facilitate Construction Completion and Project Status Update

## Recommendation

It is recommended that the Commission receive a project status update and approve the following actions related to the Freight Intelligent Transportation System (FITS) component of the Global Opportunities at the Port of Oakland (GoPort) program:

1. Approve reallocation of \$4.306 million 2014 Measure BB Countywide Freight Corridor funds (TEP-27; CIP ID 00155) from the Plans Specifications and Estimates (PS&E) phase to be utilized for the closeout of the construction phase;
2. Authorize the Executive Director to execute Contract Amendment No. 3 to Professional Services Agreement No. A19-0007 with VSCE, Inc. for an additional contract amount of \$0.5 million for a total not-to-exceed amount of \$3.925 million to provide construction management services; and
3. Authorize the Commission Engineer to execute additional Contract Change Orders within the construction phase allocation budget for Construction Services Agreement No. A20-0006 with Aldridge Electric, Inc. to provide construction services.

## Summary

The Alameda County Transportation Commission (Alameda CTC) is the project sponsor and implementing agency for the Global Opportunities at the Port of Oakland (GoPort) Project which includes a program of projects to improve truck and rail access to the Port of Oakland (Port), one of the nation's most vital seaports. The GoPort Program consists of three primary project components: FITS, 7th Street Grade Separation East (7SGSE), and 7th Street Grade Separation West (7SGSW).

The FITS Project consists of the deployment of fifteen (15) advanced and innovative demonstration technologies that seek to improve the efficiency, safety, operations, circulation and reliability of truck and rail access throughout the Port and surrounding arterial streets.

The FITS Project construction is being delivered as three contract packages. In October 2019 and April 2020, the Port and Alameda CTC awarded these three construction packages. Construction of the first package, the Joint Traffic Management Center /Emergency Operation Center (TMC/EOC) was completed in July 2020. Construction of the second and third construction packages, the Port of Oakland-FITS package and the System Integration/GoPort Application/Smart Parking System is underway and is expected to be complete in spring 2022. The Port of Oakland-FITS package is installing field devices and the System Integration/GoPort Application/Smart Parking System package will integrate all project elements for efficient traffic and incident management from the TMC/EOC, which will facilitate the dissemination of real-time travel and ship/shipment information to the truckers and other road users to make informed decisions.

Due to Coronavirus (COVID-19) impacts, the project has experienced related delays resulting from labor and construction material shortages. In addition, changed operational hours at the Port due to increased cargo demand and the discovery of several manmade buried objects in and out of the Port Terminals have resulted in schedule delays and cost increases.

The initial construction phase cost estimate was \$29.135 million with a construction capital cost of \$24 million (\$3.33 million to be implemented by the Port and \$20.67 million to be implemented by Alameda CTC), wholly funded by State and Federal funds secured by the Alameda CTC and the Port, and a construction support cost of \$5.135 million, funded by a combination of Local, State and Federal funds.

The revised construction phase cost is estimated at \$33.441 million with construction capital, construction support efforts, and contingency needs of \$27.45 million, \$5.546 million, and \$0.445 million, respectively. Staff has reviewed the project budget, assessed these impacts and determined that there is a total need of \$4.306 million to complete the FITS Project construction. Staff recommends reallocation of \$4.306 million TEP-27 funds from the PS&E phase to be utilized for the closeout of the construction phase.

Approval of the requested actions are necessary for the FITS contractors and consultants to complete construction, allowing physical construction to be completed by April 2022 with a System GoLive date in May 2022.

## **Background**

Over the past decade, significant state, local and private-sector investments have been made as part of the redevelopment of the Oakland Army Base to modernize and expand rail facilities, warehousing, and transloading facilities to support the on-going productivity and efficiency of the Port as one of the top ten busiest container ports in the nation. The Port handles 99 percent of regional containerized goods in Northern California. In

addition, the Port is a major export port in the United States, supporting the economic vitality of the region.

As a critical global gateway providing access to the Pacific Rim, the Port has significant infrastructure deficiencies that, if not addressed, will limit the economic competitiveness of the Port. The Port's roadway network is greatly strained by arrivals of increasingly large ocean cargo carriers. Significant truck traffic congestion and idling lead to shipping delays, increased emissions, and unsafe truck maneuvers. In addition, the Port lacks integrated traffic management capabilities to respond to incidents or implement operational strategies.

Alameda CTC is the project sponsor and implementing agency for the GoPort Program, an approximately \$716 million program which includes three project components: FITS, 7SGSE, and 7SGSW. This program of major capital projects will substantially improve the safety, efficiency and reliability of truck and rail access to the Port, one of the nation's most vital seaports. The Program is expected to improve the competitiveness of the Port while generating benefits that extend beyond the Port area, such as reduced regional congestion and emissions and substantial job creation. It will also provide critical bicycle and pedestrian connectivity to the Bay Trail system. This item focuses exclusively on the FITS Project.

The FITS Project is the first component of the GoPort program of projects to begin construction. Implementing the advanced technology aspects of the FITS Project will effectively manage traffic throughout the seaport (in and near the Port) area and will be integral to managing traffic during construction of the 7SGSE and 7SGSW components. The FITS Project will reduce congestion, queuing and truck idling by providing real time travel and Port operational information to trucks and other vehicles entering the Port and reducing conflicts at the signals and rail crossings. Real time data also enables users to find available heavy-duty truck parking at designated spots rather than idling and queueing on the streets, search for alternative routes to enter/exit the Port and avoid delays due to at-grade crossings or traffic incidents.

Alameda CTC is the FITS Project sponsor and in cooperation with the Port, is implementing the strategy as described below to effectively and efficiently deliver the FITS Project in compliance with State and Federal funding requirements.

Alameda CTC leveraged Measure BB funds to secure \$9.72 million in federal funding from the Federal Highway Administration (FHWA) under the Fiscal Year (FY) 2017 Advanced Transportation and Congestion Management Technologies Deployment (ATCMTD) Program and \$12.456 million in state funding from the California Transportation Commission (CTC) under the 2018 Trade Corridor Enhancement Program (TCEP) established under Senate Bill 1 (SB 1) for construction phase expenditures. Additionally, the Port was awarded \$1.824 million from the U.S. Department of Homeland Security – Federal Emergency Management Agency (FEMA) under the FY 2017 Port Security Grant Program (PSGP).

## **Project Status**

### ***Package No. 1 Joint TMC/EOC***

The existing EOC at the Port will be reconfigured/modified with upgrades to space, communications, and other amenities necessary to efficiently manage traffic and incidents. Work includes interior building demolition, installing conduit, electrical panels, electrical power conductors, electrical transformers, electrical equipment, data cables and communications switches equipment, video wall displays, operator consoles, conferencing tables, video and audio-conferencing systems.

The Port awarded the contract in October 2019. The work is 100% complete and was accepted in July 2020.

### ***Package No. 2: Port FITS (Field Installations)***

Advanced Traffic Management System Platform, Signal Upgrades, Closed Circuit Television, Changeable Message Signs, Queue Detection, Communication Improvements, Center-to-center Communication, Supplemental Vehicle Detection, Train Detection Equipment, and Weigh-in-Motion are being implemented as part of Package 2. These Project elements will be installed along West Grand Avenue, Maritime Street, 7th Street, Middle Harbor Road, Adeline Street, and Embarcadero West. These improvements are intended to improve truck traffic flows, increase the efficiency of goods movement operations, and enhance the safety and incident response capabilities throughout the seaport.

Alameda CTC awarded the contract in October 2019 and work commenced in January 2020 with an estimated completion by December 2020. The construction, however incorporated the installation of Radio Frequency Identification Devices (RFID) that was initially planned to be implemented by a Port administrated project, via the approval of a construction change order (CCO) for approximately \$2.2 million. Inclusion of various CCOs including for this RFID installation has increased the construction duration and depleted previously approved project contingencies.

To date the Project has made progress by completing substantial portion of the underground work, such as signal and other pole foundations, conduit, fiber and vault installations, etc. The remaining 15% of construction work is anticipated to be completed in April 2022.

### ***Package No. 3: System Integration/GoPort Application/Smart Parking System***

Integration of real-time data gathered from the field device network installed by Package No. 2 and developing a software platform for efficient traffic management and incident responses along the Port arterial roadway network from the TMC/EOC are being implemented as part of Package 3. The Project will develop web applications that will provide users with real-time operation and traffic information at the Port complex to make informed decisions. In addition, the Project will improve parking system to reduce truck idling along the Port arterial streets.



Alameda CTC awarded the contract in April 2020 with the anticipation of work completion by July 2021 following the completion of field installations by Package 2. However, due to delays experienced in field installations, the system GoLive is now anticipated in May 2022.

To date the consultants have completed the detailed design of their system for integration/web application/and smart parking elements and are currently procuring software and hardware, required for project implementation. Their work has been closely coordinated with the construction of field elements and security protocols/requirements at the Port. The work is 50% complete and is anticipated to be fully completed in May 2022 with the System GoLive. A 90-day system testing period is expected to follow GoLive prior to entering in to a 9-month extended burn-in period. The Port is expected to perform the Operation and Maintenance (O&M) phase of the Project, following the final system acceptance by all parties.

**Cost Increases/Added Efforts**

During the on-going construction of the Port of Oakland – FITS project (Construction Package No. 2), the project has been encountering numerous unforeseen field conditions and operational challenges, including COVID-19 related and changed Port terminal hour operations that have caused delays to the project’s schedule and resulted in Aldridge Electric, Inc., the contractor, incurring compensable costs beyond those known and/or assumed during their bid preparation. The Port, like several other ports throughout the country and globe, has been experiencing increased demand for shipment that resulted in prolonged operational hours. Therefore, it became necessary for the Project to accommodate the Port’s changed operational hours that includes shifting construction activities from daytime to nighttime hours resulting in increased construction costs.

VSCE, Inc. has been retained to perform construction management services, including closeout, and is anticipated to incur additional management costs due to the extended construction schedule including nightwork.

<b>Table A: FITS Construction Budget Summary</b>		
<b>Description</b>	<b>External Funds (X\$1000)</b>	<b>Measure BB Funds (X\$1000)</b>
Current Construction Phase Budget	\$24,000	\$5,135
<b>Revised Construction Phase Budget (subject to approval)</b>	<b>\$24,000</b>	<b>\$9,441</b>
Increased Amount	\$0	\$4,306
<b>Recommendation #1: Approve reallocation of \$4.306 million 2014 Measure BB Countywide Freight Corridor funds (TEP-27; CIP ID 00155) from</b>	<b>\$0</b>	<b>\$4,306</b>

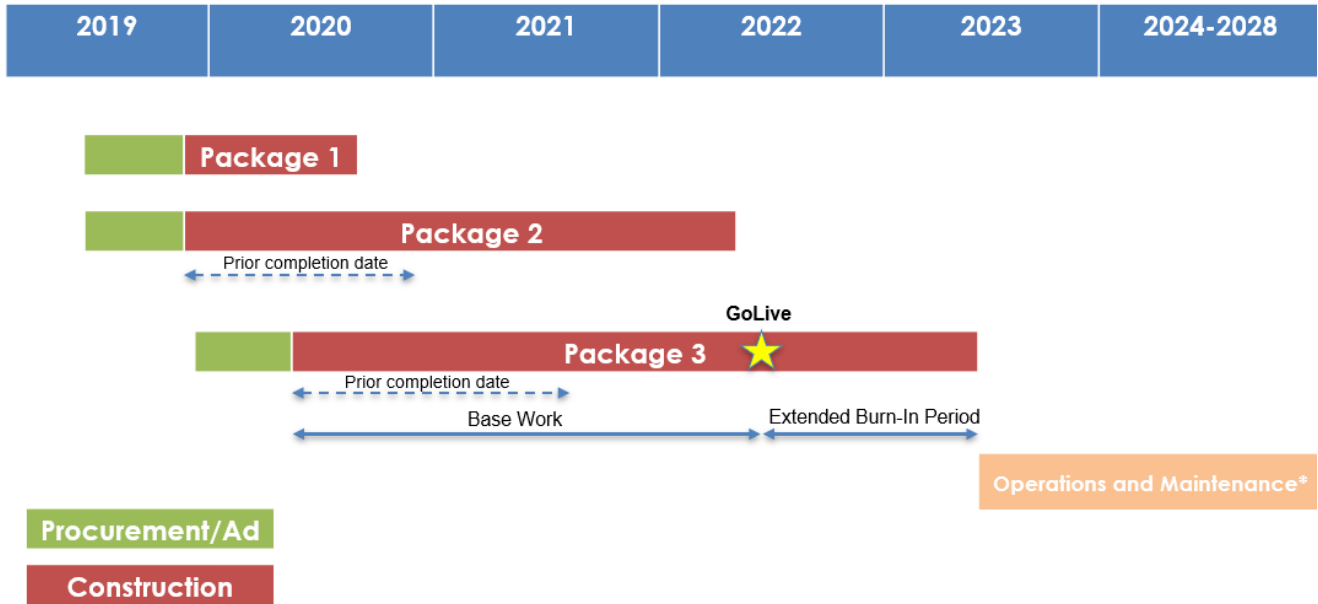
the PS&E phase to be utilized for the closeout of the construction phase		
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Key reasons for Project delays/cost increases are summarized below:

- COVID-19:  
 COVID-19 caused a 4-month delay in commencing some critical construction activities. The COVID-19 crisis also inflicted material procurement delays that were not initially envisioned. The delays created inefficiencies in the sequencing of construction activities.
- Operational Challenges:  
 The Port is the fourth busiest port in the Western United States and ranked as the top ten busiest ports in the country. The Port is responsible for 99% of the goods movement in and out of Northern California Region and is a critical source of economic vitality for the region. As mentioned above, the Port, like several other ports in the country and throughout the globe, has been experiencing increased demands for shipment and prolonged operational hours. Therefore, it became necessary for the Project to accommodate the Port's changed operational hours that requires shifting construction activities from daytime to nighttime hours. This involves significant coordination and requires flexibility in construction sequencing. The flexibility of construction sequencing coupled with limited access to work areas induced construction delays.
- Unforeseen Conditions:  
 The Port complex has been in existence for many years and not all past changes/modifications have been documented. Discoveries of unknown manmade objects have created delays throughout FITS field installations/construction activities.

Staff has reviewed and assessed these impacts and determined a total need of \$4.306 million to complete the FITS Project construction and related support services, and recommends reallocation of \$4.306 million TEP-27 funds from the PS&E phase to be utilized for the closeout of the construction phase. Contingencies are included in the request to address continued accommodation of Port's operational hours and unforeseen conditions.

Figure 1: FITS Project Construction Phase Schedule



\* Funding by Port

As shown in Figure 1, system GoLive will occur in spring 2022 with all components of the FITS Project are anticipated to be completed by May 2023, which includes a one-year extended burn-in period (90-day testing period and 9-month monitoring) to ensure all technology elements are functioning as intended. The recommended action would authorize VSCE, Inc. to continue to provide construction management services through FITS Project completion. The amendment will be funded with Measure BB funds. Table B summarizes the contract actions related to Agreement No. A19-0007 with VSCE, Inc.

**Table B: Summary of Agreement No. A19-0007 with VSCE, Inc.**

<b>Contract Status</b>	<b>Work Description</b>	<b>Value</b>	<b>Total Contract Not-to-Exceed Value</b>
Original Professional Services Agreement with VSCE, Inc. (A19-0007) <i>Approved July 2018</i>	Construction management services for various construction projects	\$2,425,000	\$2,425,000
Amendment No. 1 <i>Commission Approval N/A</i>	Modify indemnification and insurance provisions in Contract	\$0	\$2,425,000
<i>Amendment No. 2 Approved November 2020</i>	Provide DSDC and support through FITS program completion and a 2 ½- year time extension to December 31, 2022	\$1,000,000	\$3,425,000
<i>Proposed Amendment No. 3 November 2021 (This Agenda Item)</i>	Additional construction management services for FITS Project	\$500,000	\$3,925,000
<b>Total Amended Contract Not-to-Exceed Amount</b>			<b>\$3,925,000</b>

Based on the above staff report, the recommendation is as follows:

1. Approve reallocation of \$4.306 million 2014 Measure BB Countywide Freight Corridor funds (TEP-27; CIP ID 00155) from the PS&E phase to be utilized for the closeout of the construction phase;
2. Authorize the Executive Director to execute Contract Amendment No. 3 to Professional Services Agreement No. A19-0007 with VSCE, Inc. for an additional contract amount of \$0.5 million for a total not-to-exceed amount of \$3.925 million to provide construction management services; and
3. Authorize the Commission Engineer to execute additional Contract Change Orders within the construction phase allocation budget for Construction Services Agreement No. A20-0006 with Aldridge Electric, Inc. to provide construction services.

**Levine Act Statement:** Aldridge Electric, Inc. and VSCE, Inc. have not reported any conflict in accordance with the Levine Act.

**Fiscal Impact:** The actions will authorize the allocation and encumbrance of previously allocated \$4.306 million in Measure BB funds, from the PS&E phase to the construction phase for subsequent expenditure. This amount is included in the project funding plan, and upon approval, budget will be amended in the Alameda CTC's FY 2021/22 Capital Program Budget through the Mid-Year Budget Update.

**Attachment:**

- A. Freight Intelligent Transportation System Project Fact Sheet

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# GoPort Freight Intelligent 5.3A Transportation System Project

OCTOBER 2021

## PROJECT OVERVIEW

The Alameda County Transportation Commission (Alameda CTC), in partnership with the City of Oakland and the Port of Oakland (Port), proposes to implement the Global Opportunities at the Port of Oakland (GoPort) Program, a package of landside transportation improvements within and near the Port. The Freight Intelligent Transportation System (FITS) project is a suite of demonstration information technology projects along West Grand Avenue, Maritime Street, 7th Street, Middle Harbor Road, Adeline Street, and Embarcadero West, that are intended to improve truck traffic flows, increase the efficiency of goods movement operations, and enhance the safety and incident response capabilities throughout the seaport.

The purpose of this project is aimed at traffic management and operations of arterial roadways in the Port environment and disseminating traveler information and data to users and stakeholders.

## PROJECT NEED

- Support regional economic development and Port growth potential.
- Provide common platform to receive critical information on Port conditions, queue lengths, and incident alerts.
- Develop an ITS communication network that serves future needs
- Reduce truck idling that causes negative impacts to neighboring communities

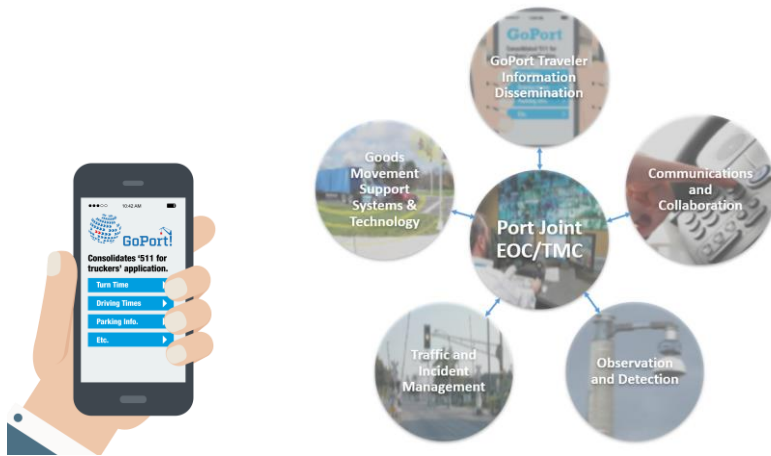


## PROJECT BENEFITS

- Improves safety, efficiency and reliability of truck and rail access to the Oakland Port Complex
- Provides real-time traveler information to users
- Improves traffic and incident management within the Port, its terminals and access routes
- Reduces congestion, truck idling and related emissions
- Improves Port competitiveness



Congestion, bottlenecks, and trucks queuing at the Port of Oakland.



GoPort mobile application.

Freight ITS operations overview.

## STATUS

**Implementing Agency:** Alameda CTC

**Current Phase:** Construction

- California Environmental Quality Act (CEQA) clearance through the 2002 Oakland Army Base Environmental Impact Report (EIR) and the 2012 addendum.
- National Environmental Policy Act (NEPA) clearance through a Categorical Exclusion (CE) was completed on August 31, 2018.
- State and federal construction funds fully authorized in June 2019.
- Field construction and system integration completions are anticipated in spring 2022.

## PARTNERS AND STAKEHOLDERS

City of Oakland, Port of Oakland, Federal Highway Administration, California Transportation Commission, California Department of Transportation, U.S. Department of Homeland Security and the Metropolitan Transportation Commission

### COST ESTIMATE BY PHASE (\$ X 1,000)

PE/Environmental	\$2,500
Final Design (PS&E)	\$3,860
Construction	\$29,135
<b>Total Expenditures</b>	<b>\$35,495</b>

### FUNDING SOURCES (\$ X 1,000)

Measure BB	\$11,474
Federal (ATCMTD) <sup>1</sup>	\$9,720
Federal (DEMO Earmark Repurposing) <sup>2</sup>	\$21
Federal (PSGP) <sup>3</sup>	\$1,824
State (SB 1 TCEP) <sup>4</sup>	\$12,456
<b>Total Revenues</b>	<b>\$35,495</b>

<sup>1</sup> Advanced Transportation and Congestion Management Technologies Deployment (ATCMTD).

<sup>2</sup> DEMO Earmark Repurposing.

<sup>3</sup> Port Security Grant Program (PSGP).

<sup>4</sup> Senate Bill 1 Trade Corridor Enhancement Program (TCEP).

### SCHEDULE BY PHASE

	Begin	End
PE/Environmental	Fall 2016	Summer 2018
Final Design	Fall 2018	Early 2019
Right-of-Way	Fall 2018	Early 2019
Construction	Fall 2019	Spring 2022 <sup>5</sup>

<sup>5</sup> Reflects estimated GoLive.

Note: Information on this fact sheet is subject to periodic updates.





**DATE:** November 1, 2021

**TO:** Programs and Projects Committee

**FROM:** Gary Huisingh, Deputy Executive Director of Projects  
Jhay Delos Reyes, Principal Transportation Engineer

**SUBJECT:** Approve actions to facilitate advancement of the East Bay Greenway (from Lake Merritt BART to South Hayward BART) Project

## Recommendation

It is recommended that the Commission approve the following actions related to the East Bay Greenway (EBGW) (from Lake Merritt BART to South Hayward BART) Project (Project):

1. Allocate \$1.35 million of previously programmed 2014 Measure BB Gap Closure on Three Major Trails funds (TEP-42) for the Preliminary Engineering / Environmental (PE/ENV) Phase;
2. Authorize the Executive Director to execute Amendment No. 7 to the Professional Services Agreement A15-0030 with HNTB Corporation for an additional amount of \$750,000 for a not-to-exceed amount of \$4,948,570.
3. Allocate \$10.65 million of previously programmed 2014 Measure BB TEP-42 funds to the Plans, Specifications and Estimates (PS&E) Phase;
4. Release a Request for Proposals (RFP) for professional services for the PS&E Phase; and
5. Authorize the Executive Director or designee to negotiate with the top ranked firm.

## Summary

The Alameda County Transportation Commission (Alameda CTC) is the project sponsor and implementing agency for the East Bay Greenway (EBGW) project (from Lake Merritt BART to South Hayward BART), a 16-mile bicycle and pedestrian facility in the Cities of Oakland, San Leandro and Hayward as well as the unincorporated communities of Ashland and Cherryland. The Project connects seven BART stations as well as downtown areas, schools, and other major destinations.

The Project achieved environmental clearance as part of the PE/Env Phase. The Initial Study/Mitigated Negative Declaration (IS/MND) under the California Environmental Quality Act (CEQA) in was adopted in March 2018 and the project obtained a

Categorical Exclusion (CE) under the National Environmental Policy Act (NEPA) in November 2018. The environmental documents cleared the two alternatives below:

- **Rail-to-Trail** alternative assumes that the Union Pacific Railroad (UPRR) Oakland Subdivision would no longer have active rail service and the full 80-100-foot-wide right-of-way is available for the Project.
- **Rail-with-Trail** alternative assumes the minimum possible encroachment into UPRR right-of-way while still constructing a continuous facility alongside the rail. This concept requires encroachment into UPRR right-of-way for approximately six miles.

Staff presented a re-envisioning of EBGW to the Commission in October 2021 which included a near-term concept implemented as Phase 1 for the Project. Due to significant costs associated with UPRR right-of-way and likely hazardous material cleanup, staff recommended a new alternative be designed and environmentally cleared to deliver a continuous, high-quality bicycle facility along existing roadways/on-street from Lake Merritt BART to South Hayward BART and prepare the Project to begin the PS&E Phase. The Commission was supportive of this approach at the October 2021 meeting.

The recommended action would increase HNTB Corporation's contract not-to-exceed amount as shown in Table A of this report for additional PE/Env services related to the environmental clearance of a new alternative for the Project. Additionally staff is requesting funds programmed to EBGW from the 2020 Comprehensive Investment Plan be allocated to the PE/Env and PS&E Phases and allow staff to work on and release an RFP for professional services for the PS&E Phase.

## **Background**

EBGW is envisioned as a 37-mile-long project connecting the northern cities of Alameda County to the southern cities. Passage of Measure BB in 2014 included funding for EBGW as one of the three major trails identified in the Transportation Expenditure Plan. Alameda CTC-led work on this Project began in 2015 and concluded in 2018 with Alameda CTC adoption of the CEQA IS/MND and certification by Caltrans for the NEPA Categorical Exemption, collectively described as the 2018 environmental documents. Alameda CTC also advanced efforts to appraise UPRR land under the Rail-to-Trail alternative in 2019.

The Project adopted in the 2018 environmental documents proposed to improve bicycle and pedestrian network connectivity between Downtown Oakland and South Hayward in Alameda County through Class IV and Class I facilities. The project included improving access to regional transit, schools, downtown areas, and major activity centers by creating a regional trail transportation facility to support bicyclists and pedestrians of all ages and abilities predominantly utilizing UPRR's Oakland Subdivision.

During project development through the PE/Env phase, several key risks were identified related to costs for land acquisition, timing of negotiations, removal of likely hazardous material, and ownership. The Rail-with-Trail alternative was developed as a solution to address many of these key risks, however six miles of the alignment in key areas connecting BART stations were still proposed in UPRR right-of-way. Many of these risks are still present today with the most recent estimated costs for UPRR right-of-way exceeding the costs of construction for either of the two alternatives.

Recognizing the challenges to deliver either of the alternatives in the 2018 environmental documents, staff began looking into possibilities of pursuing a high-quality bicycle facility for all ages and abilities connecting the seven BART stations that does not encroach onto UPRR right-of-way and could take advantage by Senate Bill 288 (SB 288) for CEQA. Legislation under SB 288 streamlines environmental clearance primarily for transit and active transportation projects that do not require additional right-of-way or increase roadway capacity. In October 2021, staff presented a re-envisioning of EBGW to the Commission which outlined a phased approach to deliver the Project with three timelines described below:

Near-Term (3-5 years), EBGW Phase 1 – Advance a continuous, high quality on-street bicycle facility from Lake Merritt BART to South Hayward BART:

- *Lake Merritt BART to Fruitvale BART*, this segment already proposed a Class IV facility predominantly along E. 10<sup>th</sup> and 12<sup>th</sup> streets and would remain unchanged from the 2018 environmental document.
- *Fruitvale BART to San Leandro BART*, develop a high-quality facility along San Leandro St. and San Leandro Blvd. in Oakland and San Leandro, respectively. This would connect with the Oakland project going into construction from Seminary Ave. to Coliseum BART and the existing Class I trail from Coliseum BART to 85<sup>th</sup> Ave.
- *San Leandro BART to South Hayward BART*, develop a high-quality facility along San Leandro Blvd., East 14<sup>th</sup> St. and Mission Blvd. consistent with the May 2021 approval by the Commission for the East 14<sup>th</sup> St./Mission Blvd. Project including access roads to the BART stations along this segment. Through this segment, the two project corridors are less than ½ mile apart. There are local projects that construct Class IV cycle-tracks along Mission Blvd. in Ashland, Cherryland and northern Hayward.

Mid-Term (8-10 years) – Bus Rapid Transit Extension:

This will build upon the near-term project in San Leandro and evaluate a potential extension of the existing TEMPO Bus Rapid Transit line to Bay Fair BART.

Long-Term (10+ years), EBGW Phase 2 – Advance the alternatives described in the 2018 environmental document:

Staff will continue discussions with UPRR to deliver the ultimate vision for EBGW for either a Rail-to-Trail or Rail-with-Trail alternative.

Through opportunities provided by SB 288, incorporating synergies with the E14th St./Mission Blvd. Project, utilizing already completed work for the Lake Merritt BART to Fruitvale BART segment from the 2018 environmental document and connecting with constructed portions, Alameda CTC can advance EBGW Phase 1 in an expedited timeline by developing an alignment outside of the UPRR Corridor. This results in a significantly lower overall project cost, and a better-defined schedule that is not dependent on UPRR negotiations regarding right-of-way. Design of the entire facility could be complete in 2024 with construction starting soon after, pending the ability to fund construction for the on-street alignment. PE/Env work would be completed by HNTB Corporation since they are already under contract to perform this work.

HNTB Corporation was selected by Alameda CTC to provide PE/Env services for the Project under a competitive selection process in 2015. Additional tasks to support the delivery of the Project have recently been identified that were not previously scoped.

The proposed amendment will provide additional financial resources for increased efforts in the following areas that were not previously identified:

1. Develop a new on-street alternative from Lake Merritt BART to South Hayward BART including all supporting activities;
2. Develop environmental documents for CEQA and NEPA for the on-street alternative from Lake Merritt BART to South Hayward BART including all supporting activities

Staff has negotiated the contract amendment amount with HNTB Corporation based on the level of effort anticipated to be required to conduct the additional work scope. The proposed amendment is for a value of \$750,000 for a contract total not-to-exceed amount of \$4,948,570. Table A below summarizes the contract actions related to Agreement No. A15-0030.

<b><u>Table A: Summary of Agreement No. A15-0030</u></b>			
<b>Contract Status</b>	<b>Work Description</b>	<b>Value</b>	<b>Total Contract Not-to-Exceed Value</b>
Original Professional Services Agreement with HNTB Corporation  A15-0030 <i>October 2015</i>	PE/Env services for EBGW (Lake Merritt BART to South Hayward BART)	\$4,198,570	\$ 4,198,570
Amendment No. 1 <i>November 2017</i>	Update Contract Agreement Terms	\$0	\$ 4,198,570
Amendment No. 2 <i>January 2019</i>	Time Extension from 12/31/2018 to 12/31/2019	\$ 0	\$ 4,198,570
Amendment No. 3 <i>February 2020</i>	Time Extension from 12/31/2019 to 12/31/2020	\$ 0	\$ 4,198,570
Amendment No. 4 <i>June 2020</i>	Update Contract Agreement Terms	\$0	\$ 4,198,570
Amendment No. 5 <i>December 2020</i>	Time Extension from 12/31/2020 to 9/30/2021	\$ 0	\$ 4,198,570

Amendment No. 6 <i>September 2021</i>	Time Extension from 9/30/2021 to 11/30/2020	\$ 0	\$ 4,198,570
<b>Amendment No. 7</b> <b>November 2021</b>  <i>(This Agenda Item)</i>	<b>Provide additional budget to complete project</b>	<b>\$750,000</b>	<b>\$4,948,570</b>
<b>Total Amended Contract Not-to-Exceed Amount</b>			<b>\$ 4,948,570</b>

Staff will be returning to the Commission in the future for matters related to environmental certification using SB 288 for the new on-street alternative. Once outreach and SB 288 certification of the preferred alternative are completed, staff will proceed to work on and release an RFP for the PS&E Phase for the entire on-street alternative. The PS&E phase will prioritize design of the on-street alignment into smaller segments in order to provide flexibility to meet an aggressive delivery schedule while recognizing the need to secure funds for construction or being nimble to meet construction opportunities that materialize with partner agencies. Construction opportunities with partner agencies could be related to successful grant application submitted by the partner agencies or stakeholder groups, upcoming roadway rehabilitation or maintenance projects or developer led projects on the Project alignment with transportation mitigation measures. Regardless of the outcome of any funding grant application pursued or coordinated agency effort, this approach would put the construction plans of the on-street alignment into a shovel-ready position for when construction funding becomes available.

Funds for this action were previously programmed in the 2020 CIP approved on June, 17 2019. Approval at that time identified \$12 Million from Measure BB TEP-42 for the PS&E Phase. Staff is requesting the allocation be divided into \$1.35M for the PE/Env Phase and \$10.65M for the PS&E Phase to facilitate the advancement the near-term EBGW Phase 1.

**Levine Act Statement:** The HNTB Team did not report a conflict in accordance with the Levine Act.

**Fiscal Impact:** The action will authorize the encumbrance of \$12 million Measure BB funds to the Project to be used for subsequent expenditure. The funding will be included in the Alameda CTC's FY 2021-22 budget.

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