

*Patrick Tan*  
Oakland City Attorney's Office  
CITY CLERK

OAKLAND CITY COUNCIL  
RESOLUTION No. 80166 C.M.S. 2006 SEP 13 PM 12:27

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

**RESOLUTION ENDORSING AMENDMENT NO. 2 TO THE 1986 MEASURE B ALAMEDA COUNTY TRANSPORTATION EXPENDITURE PLAN TO: 1) REPLACE THE ROUTE 84 REALIGNMENT PROJECT WITH THE I-880 TO ROUTE 238 EAST-WEST CONNECTOR PROJECT; 2) REPLACE THE ROUTE 238 (MISSION BOULEVARD) WIDENING PROJECT IN FREMONT, UNION CITY, AND HAYWARD WITH THREE SEPARATE PROJECTS, ONE IN EACH JURISDICTION; AND 3) REPROGRAM FUNDS EARMARKED FOR THE ROUTE 238 AND ROUTE 84 REALIGNMENT (HISTORIC PARKWAY) PROJECTS IN HAYWARD, FREMONT, AND UNION CITY TO THE REPLACEMENT PROJECTS IN THESE THREE CITIES**

**WHEREAS**, in 1986, the voters of Alameda County approved Measure B, a ½ cent sales tax to pay for transportation projects as described in the Alameda County Transportation Expenditure Plan (Expenditure Plan), dated August 1986, and to be administered by the Alameda County Transportation Authority (ACTA); and

**WHEREAS**, the Measure B projects and programs in the Expenditure in North County and East County have been delivered and ACTA is currently working towards completing the delivery of the remaining projects in South County; and

**WHEREAS**, the Route 238 and Route 84 project, sponsored by the California Department of Transportation (Caltrans), was one of the ten capital projects in the Expenditure Plan; and

**WHEREAS**, Amendment No. 1 to the Expenditure Plan, approved, in 2005, deleted the Route 238 Hayward Bypass portion of the Route 238 and Route 84 project specified in the Expenditure Plan; and

**WHEREAS**, Caltrans and ACTA delivered the Route 238 (Mission Boulevard) Improvements in three segments, one each in Hayward, Union City and Fremont, as part of the Route 238 and Route 84 project specified in the Expenditure Plan; and

**WHEREAS**, Caltrans and ACTA developed the Route 84 Realignment Project in Fremont and Union City as a limited access expressway along a previously adopted alignment referred to as the "Historic Parkway" as part of the Route 238 and Route 84 project specified in the Expenditures Plan; and

**WHEREAS**, Caltrans approved a Final Environmental Impact Report/Statement (Final EIR/S) for the Historic Parkway in 2002 which the Federal Highway Administration (FHWA) declined to approve due to continuing local opposition to the project; and

**WHEREAS**, the ACTA Board approved a Memorandum of Understanding (MOU) between ACTA, Caltrans, Union City and Fremont on May 25, 2006, subsequent to the approval of the MOU by Union City and Fremont, which establishes agreement on a process to move forward with a replacement project for the Historic Parkway; and

**WHEREAS**, ACTA, along with Caltrans and the cities of Hayward, Fremont and Union City propose amending the 1986 Measure B Expenditure Plan to make the following changes:

1. Delete the Route 238 and Route 84 Project as amended by Amendment No. 1 to the 1986 Expenditure Plan from the Essential Transportation Project List in the Expenditure Plan;
2. Add the Route 238 (Mission Boulevard) Improvements Project – Hayward Segment to the Essential Transportation Project List in the Expenditure Plan;
3. Add the Route 238 (Mission Boulevard) Improvements Project – Union City Segment to the Essential Transportation Project List in the Expenditure Plan;
4. Add the Route 238 (Mission Boulevard) Improvements Project –Fremont Segment to the Essential Transportation Project List in the Expenditure Plan; and
5. Add the I-880 to Route 238 East-West Connector Project to the Essential Transportation Project List in the Expenditure Plan; and

**WHEREAS**, the ACTA Board approved the final language for Amendment No. 2 to the Expenditure Plan on June 22, 2006 which: 1) adds the I-880 to Route 238 East-West Connector Project to the Essential Transportation Project List in the Expenditure Plan; 2) deletes the Route 238 and Route 84 Historic Parkway projects in Hayward, Fremont and Union City; and 3) replaces the Route 238 and 84 projects with three spot improvement projects in the cities of Hayward, Fremont and Union City; and

**WHEREAS**, ACTA's Board determined that Measure B funds committed to Central and South County projects must remain in this area of the county and are, therefore, not available to Oakland or other parts of the county; and

**WHEREAS**, the Metropolitan Transportation Commission (MTC), the Alameda County Board of Supervisors, and a majority of the 14 cities representing a majority of the population in the incorporated areas of Alameda County must approve any amendment to the 1986 Expenditure Plan; and

**WHEREAS**, Amendment No. 2 to the Expenditure Plan was transmitted to the MTC for review and approval and action by the MTC is expected to occur in September 2006; and

**WHEREAS**, the Alameda County Board of Supervisors and the cities of Albany, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Pleasanton, San Leandro and Union City have endorsed Plan Amendment No. 2, and the cities of Alameda, Berkeley and Piedmont are scheduled to do so soon; **NOW, THEREFORE, BE IT**

**RESOLVED:** That the City of Oakland City Council hereby approves Amendment No. 2 to the Expenditure Plan as defined in the September 26, 2006 Public Works Committee agenda report.

IN COUNCIL, OAKLAND, CALIFORNIA, OCT - 3 2006, 2006

**PASSED BY THE FOLLOWING VOTE:**

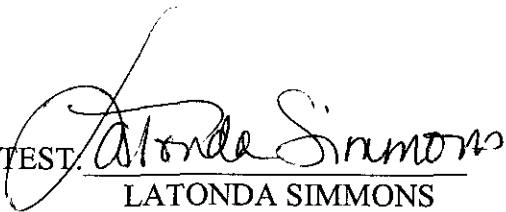
AYES – BROOKS, ~~BRUNNER~~, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND  
~~PRESIDENT DE LA FUENTE~~ - 6

NOES – 0

ABSENT – Brunner - 1

ABSTENTION – 0

Excused - De La Fuente - 1

ATTEST.   
LATONDA SIMMONS  
City Clerk and Clerk of the Council  
Of the City of Oakland, California