

**CITY OF OAKLAND**  
**AGENDA REPORT**

OFFICE OF THE CITY CLERK  
2006 SEP 26 10:27

TO: Office of the City Administrator  
ATTN: Deborah Edgerly  
FROM: Public Works Agency  
DATE: September 26, 2006

RE: **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**

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**SUMMARY**

A resolution has been prepared for the City Council that endorses Amendment No. 2 to the 1986 Measure B Alameda County Transportation Expenditure Plan. This amendment makes three key changes. First, it replaces the Route 84 Realignment project with the I-880 to Route 238 East-West Connector Project (also known as "Option 2) in the Essential Transportation Project List in the Expenditure Plan. Second, it replaces the Route 238 (Mission Boulevard) Widening Project in Hayward, Fremont and Union City with three individual spot improvement projects, one in each jurisdiction. Third, it reprograms the Measure B funds earmarked for the original Route 84 and Route 238 Projects to the replacement projects. Final approval of Amendment No. 2 to the 1986 Expenditure Plan will be contingent on the approval of the same amendment by the Metropolitan Transportation Commission (MTC).

Any amendment to the 1986 Measure B Expenditure Plan requires approval by the Alameda County Board of Supervisors as well as a majority of the 14 cities representing a majority of the population in the incorporated area of Alameda County. The full text of the Proposed Expenditure Plan Amendment No. 2 is attached. Staff from Alameda County Transportation Authority (ACTA) will be present at the September 26, 2006 Public Works Committee meeting to present this item. This amendment does not directly affect the City of Oakland and thus does not address the Mayor and Council goals.

**FISCAL IMPACT**

There is no fiscal impact to Oakland associated with approving this amendment. The ACTA board, which administers the Measure B program, determined that use of the Measure B ½ cent sales tax for transportation reserved for the Route 238 and Route 84 projects would be restricted to projects that address traffic congestion in the Route 238 and Route 84 Corridors.

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**BACKGROUND**

In 1986, Alameda County voters approved Measure B -- an Expenditure Plan for Alameda County's ½ cent sales tax for transportation (Expenditure Plan). This Plan included an Essential Transportation Project List that included the Route 238 Hayward Bypass, the Route 238 (Mission Boulevard) Improvements, and the Route 84 Realignment Project, as one integrated project. In actuality, these projects have been funded and delivered as separate projects. Amendment No. 1 to the Expenditure Plan that the Board adopted last year, and Oakland endorsed, deleted the Hayward Bypass Project and added replacement projects, but left the Mission Boulevard Improvements Project and the Route 84 Realignment Project together as one project.

Amendment No. 2 to the Expenditure Plan proposes to update the Expenditure Plan language to reflect the individual Mission Boulevard Spot Improvement Projects, as well as to delete the Route 84 Historic Parkway Project and add the (Option 2) I-880 to Route 238 East-West Connector Project in Union City and Fremont. ACTA, Caltrans, and the cities of Union City and Fremont each agreed on the I-880 to Route 238 East-West Connector as a replacement for the Route 84 Historic Parkway. The 1986 Expenditure Plan must be amended to allow for the replacement.

**KEY ISSUES AND IMPACTS**

The enabling statutes for the 1986 Measure B Expenditure Plan require a Plan amendment whenever a project is added, deleted or revised in a substantive manner. The statutes also require approval of the amendment by the Metropolitan Transportation Commission, the County Board of Supervisors, and a majority of the 14 City Councils representing a majority of the population in the incorporated areas of Alameda County. Without an amendment to add the substitute projects to the 1986 Expenditure Plan, Measure B funds reserved for Route 238 and Route 84 Historic Parkway Corridor cannot be used for the alternative improvements. ACTA's goal is to secure approval of the Plan amendment by all required jurisdictions and stakeholders by December 2006.

Measure B funds committed to projects in Central and South Alameda County cannot be re-programmed to other areas; therefore, projects in Oakland are not eligible to use funds programmed for the subject projects.

The Route 84 Realignment Project in Fremont and Union City has been embroiled in controversy throughout its lengthy history. After years of work on environmental studies, in 2002 Caltrans approved a Final Environmental Impact Statement/Environmental Impact Report (FEIR/S). Subsequently, the Federal Highway Administration (FHWA) declined to certify the document due to continued local opposition to the Historic Parkway Alternative, which was identified as the preferred alternative project. Since that time, ACTA worked with Fremont, Union City, and Caltrans to develop the Option 2 alternative project (I-880 to Route 238 East-West Connector) acceptable to all three parties. Since Option 2 varies significantly from the project included in

the 1986 Expenditure Plan, the Authority will need to amend the 1986 Expenditure Plan to reflect the replacement of the Historic Parkway with the I-880 to Route 238 East-West Connector.

## **PROJECT DESCRIPTION**

ACTA Plan Amendment No. 2 includes the following specific changes to the 1986 Expenditure Plan:

### **Removal of:**

- *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;*

### **Addition of:**

- *Route 238 (Mission Boulevard) Improvements Project – Hayward Segment to the Essential Transportation Project List in the Expenditure Plan;*
- *Route 238 (Mission Boulevard) Improvements Project – Union City Segment to the Essential Transportation Project List in the Expenditure Plan;*
- *Route 238 (Mission Boulevard) Improvements Project – Fremont Segment to the Essential Transportation Project List in the Expenditure Plan; and*
- *I-880 to Route 238 East-West Connector Project to the Essential Transportation Project List in the Expenditure Plan.*

Pages 3-8 of the attached Expenditure Plan Amendment No. 2 describe each of these changes in detail.

## **SUSTAINABLE OPPORTUNITIES**

This section does not apply.

## **DISABILITY AND SENIOR CITIZEN ACCESS**

This section does not apply.

## **RECOMMENDATION AND RATIONALE**

Staff recommends Council approve the Measure B 1986 Expenditure Plan Amendment No. 2 to: 1) Replace the Route 84 Realignment Project in Fremont and Union City with the I-880 to Route 238 East-West Connector Project; 2) Replace the Route 238 (Mission Boulevard) Widening

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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 the Route 84 Realignment

Projects to the replacement projects in these three cities. This amendment will mitigate the loss of a key transportation route in the South County with a program of replacement projects that provide congestion relief in the same corridor.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff requests that the City Council approve the resolution.

Respectfully submitted,



**RAUL GODINEZ II, P.E.**

Director, Public Works Agency

Reviewed by:

Michael J. Neary, P.E.

Assistant Director, Public Works Agency

Design & Construction Services Department

Wladimir Wlassowsky, Manager

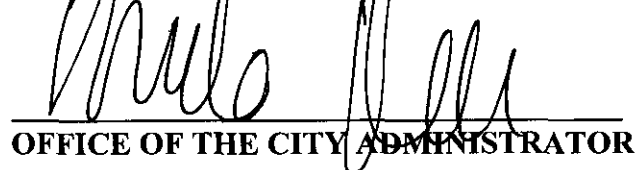
Transportation Services Division

Prepared by:

Shanna O'Hare

Senior Transportation Planner

APPROVED AND FORWARDED TO  
THE PUBLIC WORKS COMMITTEE:

  
**OFFICE OF THE CITY ADMINISTRATOR**

## **Expenditure Plan Amendment (Amendment No. 2)**

**to Replace the Route 238 and Route 84 Project**

**with the**

**Route 238 (Mission Boulevard) Spot Improvements Project – Hayward Segment,  
the Route 238 (Mission Boulevard) Spot Improvements Project – Union City Segment,  
the Route 238 (Mission Boulevard) Spot Improvements Project – Fremont Segment,**

**and**

**the Option 2 East-West Connector Project between I-880 and Mission Boulevard (Route  
238) in Fremont and Union City**

### **INTRODUCTION AND BACKGROUND**

In 1986, Alameda County voters authorized a half-cent transportation sales tax to finance improvements to the County's overburdened transportation infrastructure. This tax expired in 2002. A detailed Expenditure Plan guides the use of those funds. The 1986 Expenditure Plan authorized the expenditure of local transportation funds to extend BART to Dublin/Pleasanton, open 22 miles of carpool lanes on I-880, and maintain and expand bus service throughout the county. In addition, the 1986 Plan funds special transportation services for seniors and people with disabilities. The Plan also provided congestion relief throughout Alameda County by adding lanes to I-880 overpasses, improving the I-580/I-680 interchange in Dublin and Pleasanton which included widening sections of I-580, reconstructing the Route 13/Highway 24 interchange, extending Route 84 in Livermore to remove highway traffic from the downtown area, improving access to the Oakland International Airport, and upgrading surface streets and arterial roadways. Most of the 10 major projects authorized by the 1986 Expenditure Plan have been completed or are under construction, and those that are still in the design and environmental review stage are scheduled to begin construction in the next few years.

Specifically, the 1986 Expenditure Plan included Measure B funds for the widening of Route 238 (Mission Boulevard) between Industrial Parkway and existing Route 84, and the construction of a new Route 84 along a previously adopted alignment where rights of way had been acquired to intersect with I-880. The alternative that followed that previously-adopted alignment became known as the Historic Parkway. In the Expenditure Plan, Caltrans was named as the project sponsor. The Route 238 widening from Industrial Parkway to the south and the new Route 84 were intended to complement another project included in the 1986 Expenditure Plan to improve the existing Route 238 on a new expressway alignment to bypass downtown Hayward, from Industrial Parkway north to I-580 in Hayward. This project was commonly referred to as the Route 238 Hayward Bypass Project. After decades of controversy while the Bypass project was being developed, Amendment No. 1 to the 1986 Expenditure Plan replaced the Hayward Bypass Project with alternative improvements.

Since the passage of Measure B, the widening of Route 238 (Mission Boulevard) between Industrial Parkway and existing Route 84 has been partially implemented in three segments: one in Hayward, another in Union City and the third in Fremont. The resultant widening is not continuous along Route 238 (Mission Boulevard), but provides congestion relief through widening along certain stretches and at key intersections.

Like the Hayward Bypass Project, the Route 84 Historic Parkway Project has been on the books for decades and embroiled in controversy during its lengthy history. Caltrans first identified the need for the project back in 1958. Rights of way were acquired and/or zoned for the Historic Parkway during the 1960's and 70's and the approval of the Expenditure Plan in 1986 made funding available to develop the project. Six alternatives were analyzed as part of the environmental studies and the Historic Parkway was identified as the preferred alternative. A Final Environmental Impact Report/Study (EIR/S) was completed and approved by Caltrans in 2002. The Federal Highway Administration would not certify the EIR/S due to continuing local opposition, thereby effectively suspending the Historic Parkway Project until consensus could be reached.

Since 2002, the Alameda County Transportation Authority has worked with the Cities of Union City and Fremont and Caltrans to establish consensus on an alternative set of improvements to act as an east-west connection between I-880 and Route 238 to replace the Historic Parkway. In May of 2006, the Alameda County Transportation Authority Board voted to approve and include the alternative set of improvements in the 1986 Measure B Expenditure Plan, replacing the Route 84 Historic Parkway Project.

The proposed replacement for the Route 84 Historic Parkway Project is the I-880 to Route 238 East-West Connector Project, which includes the following major features:

- A combination of new roadways along preserved rights of way and improvements to existing roadways and intersections along Decoto Road, Fremont Boulevard, Paseo Padre Parkway, Alvarado-Niles Road and Route 238 (Mission Boulevard);
- New roadways designed in accordance with local roadway standards of the corresponding municipality;
- Widening along existing roadways consistent with the corresponding municipality's adopted plans;
- A minimum of two through lanes in each direction on new roadways; and
- Mitigation for impacts identified and approved in the environmental studies phase.

## PROPOSED AMENDMENT NO. 2 TO THE 1986 EXPENDITURE PLAN

Thus, pursuant to the enabling legislation of Measure B, under Public Utility Code Sections 131304 and 131050, which allows for the Authority to add, delete a project, or to make changes of major significance, Amendment No. 2 to the 1986 Alameda County Transportation Expenditure Plan has been approved to reflect the following:

1. **Delete the Route 238 and Route 84 Project currently included in the Expenditure Plan's Essential Transportation Project List** as shown below:

*Project:*                    *Route 238 and Route 84*  
*Cost:*                        *\$77 million* ~~\_\_\_\_\_~~ *Sales tax contribution:* ~~*\$67 million*~~  
*Sponsor:*                   *Caltrans*

*Description:*            *Route 238 (Mission Boulevard) will be built as a six lane roadway from Industrial Parkway to Route 84 near Decoto Road. Route 84 will then be built along a previously adopted alignment where rights of way have been acquired to intersect with 880.*

*Note: Although the new Route 84 will likely intersect Route 238 somewhere north of Peralta Avenue, the six lane conventional road is intended to extend to Peralta Avenue. The remaining \$10 million to complete the Route will come from other sources; i.e., local assessment districts, thus providing leveraging for the sales tax funds. The project is contingent upon receipt of the \$10 million. If it is not forthcoming, the project will not be built. (2)*

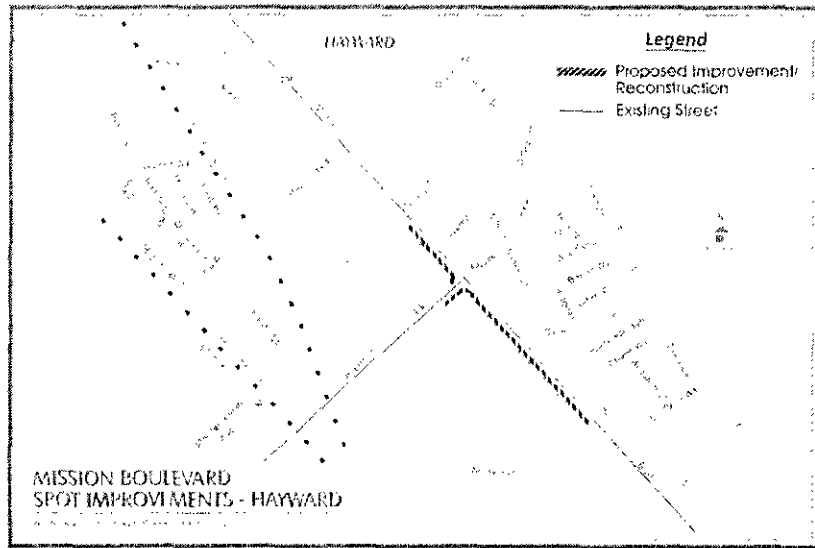
*Note (2)*                      *Cost break out is as follows:*

<i>A) Rte. 238 through Union City</i>	
<del><i>Widening existing Mission Blvd. to 6 lanes</i></del>	<del><i>15M</i></del>
<i>B) Rte 84 4 lane freeway</i>	<i>55M</i>
<i>C) Engineering/Design</i>	<i>7M</i>
<i>Total</i>	<i>77M</i>

2. **Add the Route 238 (Mission Boulevard) Improvements Project – Hayward Segment** as follows:

**Project:** *Route 238 (Mission Boulevard) Improvements Project – Hayward Segment*  
**Cost:** *\$ 6.7 million*      *ACTA Measure B Sales tax contribution: \$6.4 million*  
**Sponsor:** *Alameda County Transportation Authority and the City of Hayward*

**Description:**



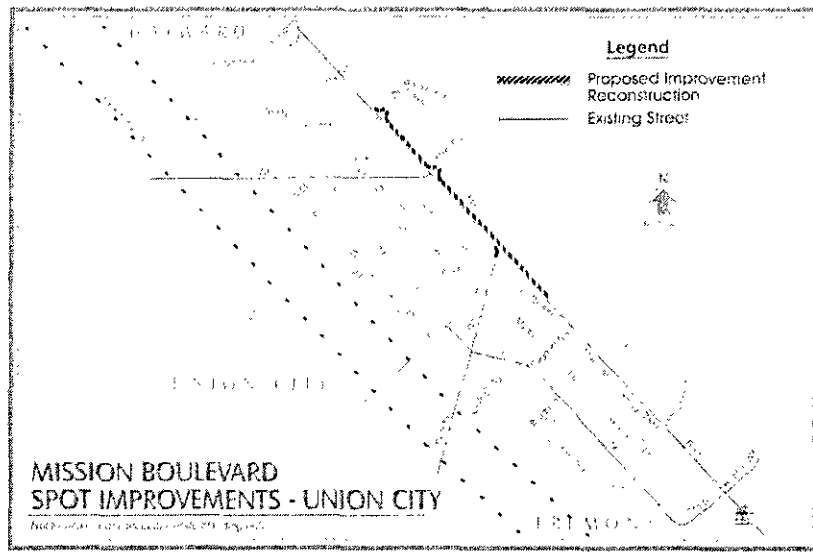
*The Hayward Segment of the Route 238 (Mission Boulevard) Improvements includes widening Route 238 (Mission Boulevard) and Industrial Parkway along the approaches to the intersection between the two roads and other intersection improvements.*



3. **Add the Route 238 (Mission Boulevard) Improvements Project – Union City Segment** as follows:

**Project:** *Route 238 (Mission Boulevard) Improvements Project – Union City Segment*  
**Cost:** *\$8.5 million*                      *ACTA Measure B Sales tax contribution: \$7.0 million*  
**Sponsor:** *Alameda County Transportation Authority and the City of Union City*

**Description:**

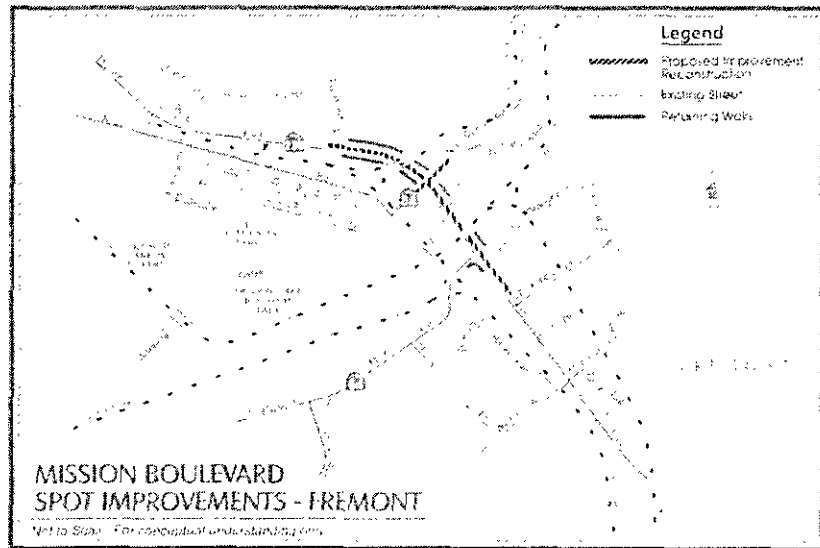


*The Union City Segment of the Route 238 (Mission Boulevard) Improvements includes widening Route 238 (Mission Boulevard) from north of Whipple Road to south of Decoto Road and improving the intersections at Mission Boulevard/Whipple Road and Mission Boulevard/Decoto Road.*

4. **Add the Route 238 (Mission Boulevard) Improvements Project – Fremont Segment** as follows:

**Project:** *Route 238 (Mission Boulevard) Improvements Project – Fremont Segment*  
**Cost:** *\$47.0 million*      *ACTA Measure B Sales tax contribution: \$45.0 million*  
**Sponsor:** *Alameda County Transportation Authority and the City of Fremont*

**Description:**

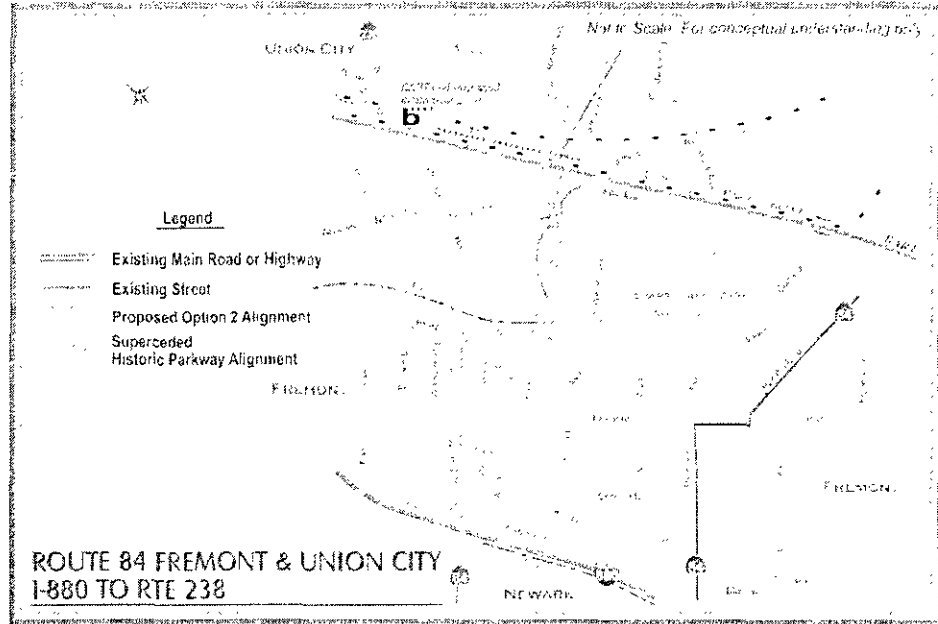


*The Fremont Segment of the Route 238 (Mission Boulevard) Improvements includes widening Route 238 (Mission Boulevard) from north of Henderson Court to south of Orchard Drive, replacing two railroad crossings and the crossing over Alameda Creek, and replacing a drainage pump station. The project also includes intersection improvements at Mission Boulevard and Route 84 (i.e. Niles Canyon Road to the east and Mowry Avenue to the west) and Orchard Drive.*

5. Add the Option 2 East-West Connector Project as follows:

**Project:** I-880 to Route 238 East-West Connector  
**Cost:** \$107.0 million ACTA Measure B Sales tax contribution: \$88.0 million  
**Sponsor:** Alameda County Transportation Authority, Union City and Fremont

**Description:**



*Construct an improved east-west connection between I-880 and Route 238 (Mission) comprised of a combination of new roadways along preserved rights of way and improvements to existing roadways and intersections along Decoto Road, Fremont Boulevard, Paseo Padre Parkway, Alvarado-Niles Road and Route 238 (Mission Boulevard).*

6. **Modify Implementing Guidelines** (as adopted pursuant to Amendment No. 1) to provide the following:
- a. The goal of the Amendments to the Expenditure Plan is to complete the projects described in ~~the each~~ Amendment in a timely manner. All added projects will be given five years from the date of the final approval of ~~this~~ the applicable Expenditure Plan Amendment to obtain environmental clearance, approval from all agencies having jurisdiction over the proposed improvements, support from the community, and full commitment of funds from all sources required to develop and construct the project. Projects that cannot meet this requirement may appeal to the Authority for extension(s) of one year duration.
  - b. Should ~~an added~~ a project added by an Amendment become infeasible or unfundable in whole or part, due to circumstances unforeseen at the time of the Amendment, funding may be applied to other projects in the ~~original~~ Expenditure Plan by the Authority.
  - c. Should one or any combination of the projects added by an Amendment be implemented in a manner that fulfills the purpose of the project and requires less than the amount of Measure B funding identified in the Amendment, any remaining Measure B funds may be applied to other projects in the Expenditure Plan by the Authority.
  - e d. Under no circumstance may Measure B funds in ~~the an~~ Amendment be applied to any purpose other than direct transportation improvements in Alameda County. The funds may not be used for any projects or studies other than those specified in the ~~Amendment and the original~~ Expenditure Plan (as amended), without an additional specific amendment to the Expenditure Plan.
  - d e. Project costs in excess of the amount of Measure B funding identified in ~~the an~~ Amendment will be the responsibility of the Project Sponsor. Measure B funding for the added projects are capped at the amounts identified in the Amendment, unless authorized by the Authority Board and subject to future annual Strategic Plan Updates.

*Justin Tan*  
Oakland City Attorney's Office  
CLERK

OAKLAND CITY COUNCIL

RESOLUTION No. \_\_\_\_\_

2006 SEP 13 PM 12:27  
C.M.S.

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, \_\_\_\_\_, 2006

**PASSED BY THE FOLLOWING VOTE:**

**AYES – BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND  
PRESIDENT DE LA FUENTE**

**NOES –**

**ABSENT –**

**ABSTENTION –**

**ATTEST:** \_\_\_\_\_  
**LATONDA SIMMONS**  
City Clerk and Clerk of the Council  
Of the City of Oakland, California