

DEPARTMENT OF TRANSPORTATION

DISTRICT 4

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2019 JUN 13 PM 4:20



Making Conservation
a California Way of Life.

May 10, 2019

Mr. Ryan Russo
Director, Department of Transportation
City of Oakland
250 Frank H. Ogawa Plaza, Suite 4344
Oakland, CA 94612-2033

Dear Mr. Russo:

Thank you for your letter of March 8, 2019, in which you express concern on behalf of the City of Oakland (City) regarding the MacArthur Maze (Maze) Vertical Clearance Project. In this letter you requested that the California Department of Transportation (Caltrans) extend the comment period on its draft environmental document to May 31, 2019. You also requested additional communication between our two agencies.

We are committed to working with the City as a partner and stakeholder as we move through our project development process. The meeting between our two agencies on April 5, 2019 helped us to better understand the City's questions and concerns regarding the project. In addition to meeting with the City, we met with the City of Emeryville and various community groups over the last two weeks. After hearing the concerns, Caltrans has decided to pause the environmental process. This decision was announced at our two open house meetings held on:

- Wednesday, April 10, 2019, at the Emeryville Center of Community Life.
- Thursday, April 11, at the Caltrans District 4 Auditorium.

Instead of requesting comments on the project's environmental document, we are now requesting that our partners, stakeholders, and the community provide us with their questions and concerns regarding the project. As we are pausing the environmental process, there is no longer a comment period, and therefore no extension will need to be granted. Caltrans is reviewing the comments and questions we have received and will determine what additional analyses may be needed.

Mr. Ryan Russo
5/10/19
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Caltrans looks forward to working with the City and hopes to further our partnership as we work to develop California's integrated transportation system in Oakland. Please feel free to contact me, or our Project Manager Ron Kiaaina by phone at (510) 286-4193 or by e-mail sent to Ron.Kiaaina@dot.ca.gov.

Sincerely,



TONY TAVARES
District Director

Cc: Michael Hursh, General Manager, AC Transit
Christine Daniel, City Manager, City of Emeryville



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Oakland Department of Transportation

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March 8, 2019

Tony Tavares
Director, Caltrans District 4
111 Grand Avenue
Oakland, CA 94612

RE: MacArthur Maze Vertical Clearance Project

Dear Director Tavares,

On behalf of the City of Oakland, I write to express our grave concern regarding the MacArthur Maze Vertical Clearance Project. While we understand the importance of the project for goods movement, we are dismayed that we weren't engaged in meaningful conversations about this project and its impact much earlier. The City of Oakland formally requests an extension of the comment period through May 31, 2019 to allow for more analysis and enhanced communication about the project and its impacts.

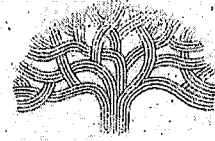
The project proposes four alternatives, all of which would require intermittent rerouting of freeway traffic through the maze onto Oakland's local streets for numerous years. This major impact on Oakland's streets should have been elevated to me directly to discuss rerouting plans and mitigations to ensure that Oakland's communities in and around this area (identified as Communities of Concern) are not further impacted. We are dismayed that we were engaged at one general meeting where no information about traffic routing plans and details were available. Please consider our request to delay this project until we have had the opportunity to have meaningful engagement with substantial information and planning to ensure that Oaklanders are provided with a safe transportation system during this prolonged construction project.

Sincerely,


Ryan Russo
Director, Department of Transportation

cc: Michael Hursh, General Manager, AC Transit
Christine Daniel, City Manager, City of Emeryville
Mayor Libby Schaaf
Lynette Gibson-McElhane, City Councilmember, District 3
Sabrina Landreth, Oakland City Administrator
William Gilchrist, Director of Planning and Building Department, City of Oakland

CITY OF OAKLAND



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Planning and Building Department
Office of the Director

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April 24, 2019

VIA EMAIL (MacArthurMaze@dot.ca.gov, tony.tavares@dot.ca.gov)

Tony Tavares
Director, Caltrans District 4
111 Grand Avenue
Oakland, CA 94612

RE: MacArthur Maze Vertical Clearance Project

Dear Director Tavares,

We have conducted a review of the **MacArthur Maze Vertical Clearance Project Initial Study with Proposed Negative Declaration/Environmental Assessment**, dated January 2019. We understand that the environmental review process and project overall have been paused while Caltrans determines the additional information and analysis needed to thoroughly assess the project need and impacts during construction. We sincerely appreciate this decision, as based upon our review of the report and all available project documentation we do not believe that there has been adequate analysis of the project impacts in the Initial Study to support the proposed Negative Declaration, and we believe that the environmental document is deficient. In addition, the City of Oakland was not adequately consulted in the development of the Initial Study, although our transportation facilities and communities will be affected by the project.

The City of Oakland is concerned that the information has not fully and quantitatively addressed in sufficient detail regarding why the project is being proposed, how the existing environment could be affected by the project, the potential impacts of each of alternative, and the proposed avoidance, minimization, and/or mitigation measures. As Caltrans continues to evaluate this project, the City of Oakland has identified areas requiring additional analysis, information and/or clarification as outlined herein:

Purpose and Need

The Purpose and Need for the proposed project does not provide information to address the following items:

- What are the project limits for reconstruction?
- What is the overall footprint of the study area?
- What are the number of trucks (daily, annually) that are currently diverted due to the height limitations within the MacArthur Maze?
- What alternative routes do these trucks use and what are the potential impacts of these diverted trucks?
- What would be the benefits if these trucks were no longer diverted from the MacArthur Maze?
- Have agencies (Port of Oakland, etc.) or operators (trucking companies, etc.) raised concerns about height restrictions? What agency/concerns were the impetus for this project?

Alternatives

Please consider whether there are additional alternatives that may meet the project purpose and needs (once further refined) and whether the alternatives presented are in fact necessary:

- Are there additional alternatives that meet the purpose and need that can result in lesser or no impacts? For instance, we believe that Detour No. 5 may meet the needs of oversized vehicles traveling Westbound on I-80 to Southbound I-880 without the disruptive construction period. Similarly, Detour No. 6 may meet the needs of vehicles traveling from Eastbound I-80 to Eastbound I-80.
- Is the vertical clearance project necessary to connect Westbound I-80 traffic with Eastbound I-580 since trucks are prohibited on I-580 after Grand Avenue?

Construction Impacts

The IS/EA summarizes details of construction at a high level, but information about the construction effort was not provided in sufficient detail to screen out the potential impacts during construction. The report should provide the following information:

- How would construction staging and falsework affect the Bay Bridge Trail?
- What are the specific staging plans for each design alternative? If staging area details have yet to be determined, how was the report able to conclude there would not be any construction-related impacts, particularly for Alternative C, where the staging area would extend beyond Caltrans ROW?
- What is the detailed construction schedule for each alternative, including partial and full lane closures (location and duration), hours of operation, number of workers by stage, over-size (heavy) equipment, off-site parking, and transportation needs?
- What are the impacts on adjacent land uses, including but not limited to the approved Mandela Hotel (on empty lot next to Target), the City's Tuff Shed site at 3401 Mandela Parkway, and the approved Emery Go-Round Yard located adjacent to Mandela under the I-580 ramps?

Transportation

- What would be the detour route for each design alternative? Indicate the specific streets that would be used to detour the freeway traffic noting the volume of trucks and cars anticipated to use these detour routes and the associated time of day and night. Indicate the duration that the detour routes will be used. Based on this, the impacts during construction to traffic, air quality and noise need to be analyzed.
- How would detour routes be enforced such that regional/freeway traffic does not divert onto local residential streets, resulting in traffic safety, noise and air quality impacts?
- A summary of how bus service would be affected: what would bus routes be during construction, would additional bus service be needed to maintain schedules, what information would be provided to passengers, would any bus stops be closed during full closures on the MacArthur Maze? Would priority bus lanes be installed during construction to mitigate transit impacts?
- Overall, a Traffic Management Plan should have been developed with the City of Oakland, other impacted cities and transit agencies, and community stakeholders to identify and mitigate potential impacts. In particular, streets proposed as potential detour routes, including, but not limited to, San Pablo Avenue, Grand Avenue, and Mandela Parkway are high injury corridors where severe and fatal traffic injuries concentrate in the City of Oakland. The proposed project may significantly exacerbate traffic safety along these corridors and should explore opportunities to mitigate any potential impacts.

Noise

A Construction Noise Assessment for the proposed project was approved April 11, 2018 to ensure that construction activities would not result in a significant impact to nearby residents. To verify and ensure that adequate limits of the off-site impacts have been properly assessed related to the potential increases of truck traffic for both construction trucks and rerouted trucks/cars related to detours and road closure for stationary noise impact, a review of the assessment is requested to confirm these assumptions.

Also, if construction noise levels are expected to exceed the contract specification criteria or the construction noise levels exceedance of the ambient (baseline) noise level, and there are sensitive receptors near the project site, this level of detail should be included in the environmental document along with the associated mitigation or avoidance measures.

Visual/Aesthetics

Please provide the Visual Impact Assessment for further review.

For Alternative C along with other alternatives, it would be appropriate to review the checklist to determine the considerations for the level of analysis considered and documented to ensure compatibility and consistency including lighting.

Air Quality and Cultural Resources

Although the project is exempt under the Clean Air Act conformity rule under 40 CFR 93.126, Table 2- widening narrow pavements or reconstructing bridges (no additional travel lanes) and an air quality study is not required, the document and technical review fails to provide full scope of off-site access and traffic detours that will impact the local communities related to air quality and greenhouse gas emissions. The request for clarify the purpose and need should also be related to definition related to air quality. Therefore, an assumption without technical substantiation is requested to ensure minimal air quality impacts for Clean Air Act criteria pollutants and has not been linked with any special mobile source air toxic (MSAT) concerns.

Physical Environment

Please provide copies of all Technical Studies listed in Appendix E, including but not limited to:

- Water Quality and Storm Water Runoff
- Geology/Soils/Seismic/Topography
- Natural Environment
- Hazardous Materials
- Air Quality
- Noise/Vibration
- Traffic Impact Study. The traffic impact study should document the proposed benefits of the project from a traffic analysis perspective and demonstrate the proposed project would not result in any significant transportation-related impacts. The analysis should include a review of the crash history for the study area, including a crash analysis and collision diagrams for MacArthur Maze and the proposed detour routes, and associated mitigation or avoidance measures. Should the analysis determine that physical and/or operational elements (such as speed limit, drainage, lane widths, shoulder conditions, lighting, sun glare, sight distances, etc.) are contributing to the crashes or contributing to unsafe conditions then these elements should be addressed as part of the final design.

Funding

If there is any federal funding proposed to be used for this project, were there any other associated reports/analyses that were completed? For example, was there any review associated with Environmental Justice issues?

Biological Section

Mention of clearing and grubbing outside of the breeding season (February 1 – September 30) which indicates presence or suitable habitat so reviewing the technical studies would be important to ensure the footprint and resource study area assumptions. A similar review should be conducted for the wetlands and potential jurisdictional areas. Bats siting's along with presence and location will be important to review to ensure proper mitigation and buffers for the species.

Section 4(f)

The Bay Bridge Trail (trail) is the segment of the San Francisco Bay Trail system located within the proposed project footprint. It extends from the trailhead on Shellmound Street in Emeryville, to the East Span of the San Francisco-Oakland Bay Bridge. The trail is open 24 hours a day, 7 days a week. Under alternatives A, B and D, the trail may require a temporary detour and/or overhead protection during construction. Alternative C may require overhead protection and a temporary detour of the trail during construction, and a minor trail realignment after project construction is complete. For all alternatives the trail is anticipated to be returned to its existing condition after construction is complete.

The segment of the San Francisco Bay Trail known as the Bay Bridge Trail is considered a transportation trail, as it is owned and maintained by Caltrans. Impacts to this trail are exempt from 4(f) as they meet the criteria set forth in 23 CFR 774.13 (F)(4) which states that trails, paths, bikeways, and sidewalks that are part of the local transportation system and which function primarily for transportation meet the requirements for a 4(f) exception. All properties discussed above either have no use per section 4(f) or are exempt from 4(f). Therefore, the provisions of Section 4(f) do not apply.

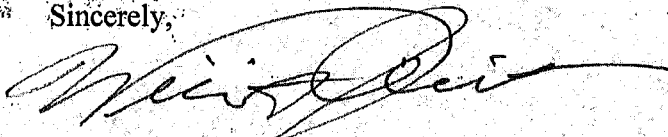
Other

Comment Period. The comment period was extended to 11:59 PM on April 24th, 2019. However, based on the materials that have not been made publicly available, such as supportive documentation for the Purpose and Need, Traffic Report, Natural Environment Study, Water Quality Technical Report, Visual Impact Study, Hazardous Materials Report, Air Quality/Noise/Vibration Study, or details pertaining to Construction effort, staging, schedule, and detour routes, we believe the comment period should be extended once these materials have been provided to allow adequate time for detailed review.

Conclusion

The **MacArthur Maze Vertical Clearance Project Initial Study with Proposed Negative Declaration/Environmental Assessment**, dated January 2019, does not fully or adequately assess potential impacts. The City of Oakland has provided numerous areas required for additional study in order to evaluate the potential environmental impacts of the proposed project. Should this project move forward, the City of Oakland can provide a more comprehensive review of the environmental documents once the data and analysis requested above is provided.

Sincerely,



William Gilchrist
Director of Planning and Building Department

Director of Planning and Building Department

cc: Mayor Libby Schaaf, City of Oakland
Lynette Gibson-McElhaney, City Councilmember, District 3
Sabrina Landreth, Oakland City Administrator
Ryan Russo, Director, Department of Transportation, City of Oakland
Edward Manasse, Interim Deputy Director, Bureau of Planning, City of Oakland
Nicole Ferrara, Policy & Intergovernmental Affairs Advisor, Department of
Transportation, City of Oakland
Michael Hursh, General Manager, AC Transit
Christine Daniel, City Manager, City of Emeryville