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AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Michele Byrd
Director, Housing and
Community Development

SUBJECT: BRT Community Engagement Update

DATE: April 09, 2019

City Administrator Approval

Date:

3/28/19

RECOMMENDATION

Staff Recommends That The City Council Receive Updates From The Alameda - Contra Costa County (AC) Transit District And From Housing And Community Development Department Staff On AC Transit East Bay Bus Rapid Transit (BRT) Project Community Engagement Programs.

EXECUTIVE SUMMARY

This report provides the Oakland City Council with the following BRT Project informational updates: 1) A report from AC Transit on Public Outreach and Project Labor Agreement / Construction Careers programs; 2) Progress reports from the Housing and Community Development Department (HCD) on the BRT Business Sustainability Program And Business Technical Assistance and Business Assistance Fund elements.

A separate concurrent agenda report provides the Oakland City Council with the following AC Transit East Bay Bus Rapid Transit Project information updates: 1) A progress report from AC Transit on the BRT Project Infrastructure and Station Platform Construction Project (Bid Package #3) and 2) Updates from the Oakland Department of Transportation (DOT) on supplemental projects.

BACKGROUND / LEGISLATIVE HISTORY

Project Description

The \$216 million East Bay BRT Project will ultimately extend approximately 9.52 miles from Downtown Oakland to the San Leandro Bay Area Rapid Transit (BART) Station and is designed to provide superior public transit through one of Oakland's busiest corridors. The BRT service will feature 7-minute headways, light-rail-like bus stations with ADA compliant passenger amenities, Traffic Signal Priority (TSP) for advancing buses through signalized intersections, passenger safety features, diesel-electric hybrid, dual sided 5-door buses, dedicated bus lanes, and improved pedestrian, bicycle, and passenger facilities along the entire corridor.

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The BRT route runs from the northern transfer station at Broadway and 20th Street in Oakland to the City of San Leandro (BART) Station. In Oakland, project features include 18 sidewalk stations (9 pairs) located on Broadway, East 11th Street and East 12th Streets, in addition to 20 center median stations serving the dedicated bus transit way from International Boulevard & 14th Avenue to the San Leandro border.

The BRT passes through diverse neighborhoods with equally diverse characteristics and business climates including the Downtown, Chinatown, Eastlake, San Antonio, Fruitvale, Havenscourt-Lockwood, Hegenberger, and Elmhurst areas of Oakland.

Legislative History

In 1998, AC Transit completed numerous studies that had been in the works for years to develop the current BRT project. The City of Oakland participated on a technical and policy level on each of these studies. The 1998 "Major Investment Study" examined multiple modes on multiple corridors. After that study, in 2001, the Policy Steering Committee chose the Bus Rapid Transit on the Telegraph Avenue/International Boulevard corridor from Downtown Berkeley to San Leandro as the preferred project. Following this choice, AC Transit worked on preliminary design and environmental analysis of the preferred project, and released the Draft Environmental Impact Statement Report (DEIS/R) in May, of 2007. In July, of 2007, the City of Oakland formally submitted comments that addressed route alignment, traffic, parking, economic impact, construction, roadway maintenance and operational impacts, and other areas.

Locally Preferred Alternative (LPA)

In April, of 2010, the City of Oakland selected a "Locally Preferred Alternative" (LPA) for analysis in the Final Environmental Impact Statement/Report (FEIS/R) (Resolution No. 82690 C.M.S.); this Locally Preferred Alternative (LPA) incorporated bicycle, pedestrian and vehicular improvements in addition to the proposed Bus Rapid Transit Project.

As noted above, the original project was envisioned to run from San Leandro to Downtown Berkeley. However, the City of Berkeley did not approve an LPA and the BRT project components in the FEIS/R thus terminated at the Berkeley border. In January, of 2012, AC Transit released the FEIS/R on the East Bay Bus Rapid Transit Project. The FEIS/R included a new alternative, the Downtown Oakland to San Leandro (DOSL) line that terminated the alignment in downtown Oakland. On April 24, 2012, AC Transit certified the FEIS/R and chose the DOSL as the LPA.

The project requires that the local jurisdictions also certify the final alternative and on July 17, 2012, the City of Oakland formally endorsed the DOSL (Resolution No. 84106 C.M.S.). As a part of that action the Oakland City Council also passed Oakland's Conditions of Approval, formalizing the terms of construction and final project that had been negotiated with AC Transit.

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Business Impact Mitigation

On September 30, 2014, the BRT Policy Steering Committee passed a motion recommending that the AC Transit Board approve the Parking and Business Impact Mitigation Plans for Phase I construction (Advanced Utility Relocations; Fruitvale Bypass and Off-Street Parking Lot), and authorize the General Manager to allocate up to \$2.5 million in BRT Project funds to the development and implementation of the Oakland Business Sustainability Program.

On November 18, 2014, the City Council unanimously adopted Resolution No. 85283 approving the BRT Project Business Impact Mitigation Plan for Advanced Utility Relocations (Bid Package #1) and the Parking and BRT Business Impact Mitigation Plans for Fruitvale Bypass and Off-Street Parking Lot Construction in the Fruitvale and Elmhurst Areas of Oakland (Bid Package #2).

In addition, on November 18, 2014, the Oakland City Council unanimously adopted Resolution No. 85284 to accept and appropriate up to \$2.5 million from AC Transit for the development and implementation of the City's BRT - Business Technical Assistance Program. (By mutual agreement of agency executives, the capped amount was reduced to \$2.0 million after AC Transit created and funded a separate \$500,000 BRT – Technical Assistance Program to address the direct permanent impacts of BRT construction.)

Related to the above-mentioned November 18, 2014 legislative actions was the City's creation of a \$2,000,000 Business Assistance Fund (BAF), which included \$1,000,000 in General Purpose Funds (Resolution No. 85085 C.M.S.) and \$1,000,000 in CDBG funds (Resolution No. 85286 C.M.S.). The BAF was intended to support businesses deemed eligible by the City for direct monetary assistance due to adverse permanent impacts from BRT infrastructure. The Oakland City Council explicitly directed that these funds not be dispensed until guidelines were in place. On July 19, 2016, the Oakland City Council approved the BAF Eligibility Criteria and Disbursement Guidelines by way of Resolution No. 86321 C.M.S.

On June 7, 2016, the Oakland City Council adopted Resolution No.86223 approving AC Transit's Construction Impact Mitigation Plan for the BRT Project Phase II: Infrastructure and Station Platform Construction Program (Bid Package #3) dated January 13, 2016, as Appended to include: BRT Corridor – Beneficial Use and Interim Operations Plan, AC Transit Business Technical Assistance Program Description, and BRT Neighborhood Traffic Management Program Description, all dated March 10, 2016.

Table 1 below lists BRT - Business Impact Mitigation Fund allocations approved by the AC Transit Board and or City Council through June 7, 2016.

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Table 1: Approved BRT - Business Impact Mitigation Fund Items

Category and Item	Budget (millions)	Funder and Source
A. BRT - Construction Impact Mitigations Allowances		
1. Site Specific Mitigations - Impacts from Roadway Alignment, Geometry, Stations	\$8.82	ACT - BRT Project
2. Business Support Initiatives	\$2.17	ACT - BRT Project
B. BRT--Oakland Business Sustainability Program		
1. Baseline Business Technical Assistance Program	\$0.50	ACT - BRT Project
2. Supplemental Business Technical Assistance Program	\$2.00	ACT - ACTC
3. Business Assistance Fund	\$2.00	City - GPF / CDBG
Total (millions):	\$15.49	

ACTC: Alameda County Transportation Commission
 GPF: General Purpose Fund
 CDBG: Community Development Block Grant

Work with Oakland Business Development Corporation/Main Street Launch

After the adoption of Resolution No. 85285 C.M.S. on November 18, 2014, which included a waiver of the competitive RFP/Q selection process, City staff entered into a contract with the Oakland Business Development Corporation (OBDC), now doing business as "Main Street Launch," with an appropriation of \$500,000 in CDBG funds.

The Scope of Work in the OBDC/Main Street Launch "start-up phase" contract included ramping up to provide technical assistance for businesses along the entire BRT route in Oakland, with the assumption of getting additional funding for ongoing business technical assistance services before, during and for one year after BRT construction. OBDC/Main Street Launch hired a team with language capacity in Cantonese, Mandarin, Spanish, and Vietnamese. The team verified the existence of 929 businesses, performed 288 detailed business needs assessments, began developing a multi-layered GIS map of the BRT Corridor, and laid the ground-work for creating a Corridor-wide business directory.

On May 10, 2016, staff presented to the Community and Economic Development (CED) Committee a recommendation to enter into another contract with Main Street Launch to continue to provide technical assistance for businesses into the operations phase of the BRT. The CED Committee rejected staff's recommendation based upon concerns from community advocates and business owners regarding Main Street Launch's approach to business technical assistance. In response, staff issued a formally advertised RFP on June 24, 2016, to procure the services of a lead BRT Business Technical Assistance consultant, with a timeline to return to the City Council in September for consideration of a recommendation.

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Recommended Business Technical Assistance Consultants:

1) Anewamerica Community Corporation and 2) Mason Tillman Associates; Ltd.

On October 11, 2016, staff presented to the Community and Economic Development (CED) Committee a recommendation to enter into contracts with Anewamerica Community Corporation and Mason Tillman Associates; Ltd. to provide technical assistance for businesses along the BRT route. The CED Committee approved staff's recommendation and contracts for \$965,000 each were awarded to both Anewamerica Community Corporation and Mason Tillman Associates, Ltd. The contracts for both organizations expired on September 30, 2018 and have been extended until December 31, 2019, effective October 1, 2018. AC Transit expects BRT construction to be completed by December 2019.

AC TRANSIT BRT COMMUNITY ENGAGEMENT

Public Outreach

The mission of AC Transit's BRT Community Outreach Team is to proactively provide relevant, timely, and honest information about the project to help minimize disruptions and impacts during construction, while building and maintaining trustworthy and effective relationships with the community. It achieves this mission by sharing information about the BRT project and relevant construction activity with community stakeholders and helping to resolve any issues before they turn into significant concerns.

The Team operates out of a community information center located in the Fruitvale neighborhood. The office is open Monday through Friday between the hours of 9:00 AM to 5:00 PM. For the past three years, AC Transit has assigned a dedicated External Affairs Representative from AC Transit's Department of Legislative Affairs & Community Relations who spends 100% of his time working with the outreach team and serves as the outreach team manager.

The BRT project's outreach efforts are implemented by three Community Construction Relations Managers (CCRMs). CCRMs are on the project corridor every weekday conducting in-person visits with targeted audiences, including residents, merchants, property owners, community-based organizations, and civic institutions (e.g., educational centers, places of worship, libraries, community/recreational centers, senior facilities, government buildings, and cultural facilities). Their work is supported by an Outreach & Public Relations (PR) Specialist who provides multi-lingual project and construction updates to the community via the BRT website, social media, and digital communications channels. Team members also regularly attend community events, meetings, and festivals to share BRT project updates.

Project Labor Agreement / Construction Careers Policy

The BRT project's Project Labor Agreement (PLA) and Construction Careers Policy (CCP) establish hiring strategies focused on areas of high unemployment and on individuals with barriers to employment. The BRT's Targeted Hiring Program encourages contractors to reach the following goals:

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- 50% of all hours worked on the project to be performed by Oakland and San Leandro residents;
- 20% of all hours worked on the project to be performed by apprentices;
- 25% of all apprentice hours to be performed by individuals with barriers to employment (e.g., homeless individuals, veterans, and the formerly incarcerated).

The project's local hire utilization percentage is currently at thirty-four percent (34%). The District monitors the contractor and its subcontractor's routinely-submitted good faith efforts to hire residents. The region has seen a massive growth in construction projects, limiting the supply of local workers. As a result, contractors on this project have begun including off-site local hire credit requests, which are now being incorporated into the current percentage. The BRT Outreach team also has team members that are focused on conducting targeted outreach associated with BRT construction careers. Outreach team members regularly attend community events and job fairs in the community. A PLA Advisory Committee and a CCP Committee oversee and provide feedback to AC Transit on the contractor's efforts to meet the targeted hiring goals. Each committee consists of representatives from the Building Trades Council of Alameda County, Northern California Coalition of Black Trade Unionists, Revive Oakland, AC Transit and its contractor, O.C. Jones.

A final component of the PLA / CCP is the Workforce Development Fund, which allocates \$0.10 of every hour worked to local construction training and employment organizations. Recipients of these funds include the Cypress Mandela Training Center in East Oakland, the West Oakland Job Resource Center, and the Rising Sun Center for Opportunity. Approximately \$27,000 has been granted to support these local, community-based Alternative Referral Sources.

CITY OF OAKLAND BRT - BUSINESS SUSTAINABILITY PROGRAM (BSP)

The City BRT - Business Sustainability Program consists of two core Elements:

1. **Business Technical Assistance (TA) Element:** The intent of the Business TA element is to provide street-level services to businesses along the BRT route in Oakland before, during and after BRT construction. Services include business advising, marketing, website, visual design, and financing. In the process of providing these essential services, the Business TA consultant identifies and works with businesses to examine the indirect effects of the BRT infrastructure on corridor communities including, but not limited to, concerns related to location of BRT stations, dedicated bus lanes, left-turn rules, changes to street parking, and customer patterns. The TA Business consultant is responsible for determining a businesses eligibility for the Business Assistance Fund (BAF) and assisting the business in developing plans and preparing for the grant application.
2. **Business Assistance Fund (BAF):** The Oakland City Council appropriated \$2,000,000 (which includes \$1 mil of CDBG funds) for direct business assistance in the form of grants to mitigate adverse permanent impacts due to BRT construction. Eligible businesses that meet the Oakland City Council approved guidelines, receive a grant of up to \$100,000. The BAF is integrated with the Business TA element to provide a seamless set of advisory and financial services through its TA consultants and City of

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Oakland staff for businesses in need of sustainability support. Based upon the approved BAF Guidelines, City staff has developed a process for the efficient disbursement of BAF grant funds, which is originated by the Business TA consultant.

Technical Assistance (TA) Provided to Oakland Businesses

Table 2: Technical Assistance Stats January 2017 to January 2019

Status	Total # of businesses
Total BRT Businesses	1,151
TA Provided	618
Initial Outreach	800
Check In/Revisit	735
Declined TA	333
Out of Business	36
BAF Services	70

Main Street Launch Needs Assessment Survey

A Needs Assessment survey conducted by Main Street Launch in February, of 2015, indicated that the majority of BRT businesses were micro-businesses with less than \$100,000 in revenue and household incomes of less than \$60,000 making them particularly vulnerable to the slightest decrease in revenue or cash regardless of the cause. At the same time, 66% of the respondents reported being in business for more than 5 years which may indicate that the business is a meaningful contributor to their livelihood, otherwise they would have already closed.

These business vulnerabilities and owner characteristics are summarized below:

Business Vulnerabilities:

- 85% rent their space
- 35% report that they do not use a computer
- 87% have less than 5 employees
- 65% have less than \$100,000 in revenue
- 66% have been in business for more than 5 years and 43% more than 10 years

Owner Characteristics:

- 37% are women owned businesses
- 84% are minority owned businesses
- 67% report household incomes of less than \$60,000

TA PROVIDERS

TA providers have attempted to contact the 1,151 businesses on the BRT route to provide resources to help improve the business, mitigate construction impacts, and often avoid closure of the business.

1. Anewamerica Community Corporation:

- A public benefit corporation
- Assigned Zones:
- Zone 3 and 4: 12th Street and International between 1st Avenue and 14th Avenue
- Zone 5: East 12th Street between 13th and 14th Avenues and International Boulevard between 13th and 23rd Avenues
- Zone 6: International and 23rd Avenue to 32nd Avenue
- Zone 7: International from 32nd Avenue and 41st Avenue
- Zone 8: 41st Avenue to 52nd Avenue
- Council Districts: 2 and 5

2. Mason Tillman Associates; Ltd.:

- A for-profit consulting firm
- Assigned Zones:
- Zone 1: 20th Street and Broadway to 11th Street includes Northern Layover
- Zone 2: 11th and 12th Streets between Broadway and Lake Merritt Boulevard
- Zone 9: 52nd Avenue to 62nd Avenue
- Zone 10: 62nd Avenue to 71st Avenue
- Zone 11: 71st Avenue to 82nd Avenue
- Zone 12: 82nd Avenue to 94th Avenue
- Zone 13: 94th Avenue to Durant Avenue (San Leandro Border)
- Council Districts: 2, 3, and 7

Table 3. BRT sub-districts were assigned as follows:

Sub-Districts	Verified Organizations	Assigned Consultant
Downtown	214	MTA
Chinatown	46	MTA
Eastlake	200	ANA
San Antonio	85	ANA
Fruitvale	288	ANA
Havenscourt/Lockwood	102	MTA
Hegenberger	82	MTA
Elmhurst	134	MTA
Total Businesses	1,151	

Despite the clearly defined geographical boundaries of assignment for each consultant, staff works with both groups to facilitate partnerships and collaboration of resources and services when it is in the best interests of the business.

Business Assistance Fund Awards

The BRT BSP Program issued the first two BAF grants in May, of 2018, to the following businesses:

1. **V&A Appliance** was approved for a \$100,000 grant to buy a new property based on the BAF's relocation guidelines. The TA consultant helped the business obtain a \$260,000.00 pre-qualified bank loan and utilize \$150,000 from the business owner's savings. The business owner placed an offer for an Oakland business property on the BRT Route valued at \$500,000 and closed escrow in May 2018.
2. **Romero Glass Studios** received a \$90,000 grant to purchase two glass transport and mobile delivery trucks, new glass design software and hardware. The business changed its business plan to include deliveries, installations, and reduce labor hours.

In total, \$4.5 million has been made available to date, to assist businesses directly and indirectly along the BRT corridor. The City and AC Transit have worked closely to coordinate the use of these funds in the most effective manner. Part of this work includes agreements pertaining to how complaints are submitted, tracked and resolved, and an ongoing review of how these processes integrates with TA services and BAF funding.

ANALYSIS AND POLICY ALTERNATIVES

This is an informational report on the ongoing BRT Project with no modified or new policy proposals.

FISCAL IMPACT

This is an informational report on the ongoing BRT Project with no new fiscal impact.

PUBLIC OUTREACH / INTEREST

For more than four years, staff has consulted with numerous organizations and individuals who have informed the development of the Business Sustainability Program (BSP) for the BRT, including the following: the BRT Community Outreach Work Group, which was comprised of the East Bay Asian Local Development Corporation (EBALDC), the Unity Council, the Downtown Oakland/Lake Merritt Community Benefit District, the East Bay Asian Youth Center (EBAYC), Oakland Citizens Committee for Urban Renewal (OCCUR), Allen Temple Baptist Church, Transform, and the City of San Leandro.

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In December, of 2015, staff convened a BRT/BSP Technical Advisory Committee (TAC) to develop eligibility criteria recommendations for the use of a \$2,000,000 BAS-fund appropriated by the Oakland City Council in 201. These funds were approved for the purpose of providing financial support for businesses facing adverse permanent impacts as a result of BRT infrastructure that are not covered by AC Transit's FEIS/ROD requirements. Members of the TAC represent the Oakland Chinatown Chamber of Commerce, the Lake Merritt/Uptown Business Association, the Eastlake Merchants, the San Antonio District merchants, the Fruitvale Business Improvement District, the Havenscourt/Lockwood District, the Hegenberger District, and Allen Temple Baptist Church in the Elmhurst District.

COORDINATION

The BRT Project is a joint effort among the following entities:

- AC Transit (lead Agency)
- City of Oakland
 - Oakland Department of Economic and Workforce Development
 - Oakland Department of Housing and Community Development Oakland
 - Oakland Department of Information Technology
 - Oakland Department of Public Works
 - Oakland Department of Transportation
- City of San Leandro
- Caltrans
-

The Office of the City Attorney reviewed and signed off on this report.

SUSTAINABLE OPPORTUNITIES

Economic:

The AC Transit BRT Project is investing almost \$183,000,000 in improving bus transit and providing other related and significant benefits to the people living, walking, and working on or near the Broadway, East 12 Street, and International Boulevard corridors between downtown Oakland and the San Leandro border. During the construction period, the project will create approximately three hundred construction jobs, and four hundred additional local jobs in retail, services, and manufacturing during the construction period. BRT lines with permanent stations, like the one proposed for Oakland, have been successful in other cities, including Los Angeles' (Orange Line), Boston (Silver Line), and Cleveland (RTA HealthLine).

Environmental:

AC Transit is purchasing 27 / 60-foot, articulated, low-floor, diesel-electric hybrid motor coaches with doors on both the right (three doors) and the left (two doors) sides to enable boarding from side or center platforms. Buses will include interior bike racks, capable of storing a minimum of three bicycles. Extensive roadway improvements under the BRT Project include repaving

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streets, extending or constructing bicycle lanes, will help to meet the public access goals of the City's International Boulevard Transit-Oriented Development Plan (2011).

Social Equity:

The BRT Project will significantly improve transit line service in the most heavily utilized transit corridor in Oakland. Increased transit ridership depends on the reliability of BRT service, the quality of the station areas and access to those stations, as well as the increased frequency of buses and speed of travel on the line. The frequency of BRT buses will increase to (seven minutes between buses). In addition, the BRT Project will result in permanent, lighted and secure bus stations that allow pre-paid, level floor boarding, and other modern transit technology upgrades that will provide safe accessibility from both sides of the street.

The City's Conditions of Approval for the BRT Project require that the project pave City streets, construct curb ramps and other disability access features, construct lighted and safe pedestrian improvements and bicycle lanes, add new street lights at stations and crossings, and maintain new facilities along the project corridor.

CEQA

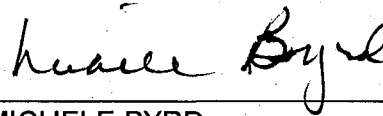
In its action on July 17, 2012, the Oakland City Council adopted as its own the CEQA-related findings of AC Transit for the BRT Project; adopted the DOSL as the Locally Preferred Alternative for the BRT Project; and required that AC Transit append the City Conditions of Approval to the BRT Project (C.M.S. 84016). AC Transit is responsible for amending and recertifying the Final Environmental Impact Study and the Federal Record of Decision for the BRT Project as necessary to incorporate the Oakland Conditions of Approval and other changes to the base plans, specifications and costs.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That the City Council Receive an Informational Report on the BRT Community Engagement Update.

For questions regarding this report, please contact Susana Villarreal, BRT Program Coordinator, at (510) 238-7794.

Respectfully submitted,



MICHELE BYRD
Director, Housing and Community Development
Department

Reviewed by:
Christine Calabrese, BRT Program Manager
Oakland Department of Transportation

Prepared by:
Susana Villarreal, BRT Program Coordinator
Housing and Community Development
Department