



AGENDA REPORT

TO: Edward D. Reiskin
City Administrator

FROM: Ryan Russo
Director, Oakland
Department of Transportation

SUBJECT: BART-CITY Fund Pass-Through
Agreement

DATE: May 10, 2021

City Administrator Approval 

Date: Jun 2, 2021

RECOMMENDATION

Staff Recommends That The City Council Adopts A Resolution:

- 1) **Authorizing The City Administrator To Enter Into Fund Pass-Through Agreements With The San Francisco Bay Area Rapid Transit District (BART) And The City Of Oakland, And**
- 2) **Accepting and Appropriating Capital Funds Of Up To Two Million Three Hundred Fifty-Nine Thousand And Twenty-Six Dollars (\$2,359,026) For The East Bay Greenway Segment II Project (\$1,750,669) And The Coliseum Transit Village Area Improvements Project (\$608,357), and**
- 3) **Allocating Three Hundred Thirty-Nine Thousand Seven Hundred Fifty-Six Dollars (\$339,756) In Measure BB And Measure KK Infrastructure Bond Funds As The Required City Local Match; and**
- 4) **Adopting Appropriate California Environmental Quality Act (CEQA) Findings.**

EXECUTIVE SUMMARY

Adoption of the proposed resolution will allow the City Administrator or Designee to negotiate and enter into pass-through agreements with BART, which are required for the City of Oakland to accept up to \$2,359,026 in Federal Transit Administration and other BART funding to fund the design, construction and project management of two existing projects, East Bay Greenway Segment II and the Coliseum Transit Village Area Improvements. Pass-through agreements between BART and the City of Oakland are required in order for the Department of Transportation to deliver the above-named projects since the funds in question were originally awarded to BART.

This resolution will also commit Measure B/BB and Measure KK local match in the amount of \$339,756 as required under the federally executed agreements CA-04-0043 and CA-04-0126. Funding will allow the City to implement priority projects identified by the Oakland Department of Transportation Capital Improvement Program (CIP) and serve as local match for the Affordable Housing and Sustainable Communities (AHSC) Grant Program Cycle 3.

City Council
June 15, 2021

BACKGROUND / LEGISLATIVE HISTORY

The approval of the 2005 Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFETEA-LU) brought earmarked funding, secured by the Association of Bay Area Governments (ABAG), for the construction of a BART to Bay Trail Connector. Due to ABAG's inability to accept this type of funding, funds were transferred to BART, which became the fund recipient. In 2006, the City of Oakland initiated coordination with ABAG, BART and the Alameda County Public Works Agency (ACPWA) to determine the scope of a BART to Bay Trail Connector project and agreed to construct a trail from Coliseum BART to the Martin Luther King Jr. Regional Shoreline. However, costs for this project scope were estimated at over \$6,000,000, not including right-of-way challenges with the Caltrans Bridge at 66th Avenue.

In 2008 and 2009, BART applied for and was awarded \$11,844,118 in Section 5309 Bus and Bus Facilities Project Grant Funding ("Section 5309 Funds") for various projects in the Coliseum BART service area. In the executed agreement, \$1,359,026 of the Section 5309 Funds was for the design and construction of bicycle and pedestrian lanes, paths, and facilities at Bay Trail locations within Oakland, California; and it required a twenty percent (20%) local match. Even with this funding, improvements around the Coliseum area were stalled due to insufficient funding, issues with determining the crossing over the Union Pacific Railroad and deciding how to connect the trail to the BART station.

Ownership for Section 5309 Funds have shifted over the past 12 years. First, the agency in charge was ABAG as the original recipient of FTA funding. Then, grant responsibilities shifted to the ACPWA, which intended to use Section 5309 Funds to break the project into phases and administer Phase I of the Coliseum BART to Bay Trail Project. While splitting the projects into phases was addressing budget deficits, new challenges came about in 2011, when it was found that potential trail alignments were located on City of Oakland-owned property, and the APWA approached the City to take over leading the project. After the funds were awarded, ACPWA transferred the development responsibilities of the projects to the City of Oakland. Since 2012, the City of Oakland has continued coordination to move projects forward and seek additional funding to construct these projects. The City tried to secure more funding applying for the Transportation Development Act (TDA) Article 3 in fiscal years 2014-15 and 2015-16, the Affordable Housing and Sustainable Communities (AHSC) Program and Active Transportation Program (ATP) in fiscal year 2016-17. These efforts were unsuccessful except TDA for FY 2015-16.

The lack of sufficient funds to cover local match and full project costs, in addition to staff resources, led the City to consider a different scope to fulfill the FTA grant requirement of designing and constructing bicycle and pedestrian facilities within Oakland's Bay Trail locations. In FY 2017-18, the City proposed to design and construct a second segment of the East Bay Greenway, which was successfully awarded \$3,100,000 in AHSC funding, and to keep the pedestrian improvements as proposed for the Coliseum Transit Village Area Improvements, formerly known as the Intermodal Coliseum Safety Improvements. Additionally, there is \$1,000,000 in funds recommended for the East Bay Greenway Segment II through the 2021 Metropolitan Transportation Commission's Safe and Seamless Mobility Quick Strike One-Time

Grant Program. This additional \$1M is referred to as “Other BART funds” as they will also be passed through BART, but the exact fund type has not yet been finalized.

Fund pass-through agreements between the City and BART are required for the City to receive FTA and other BART funds for project implementation and to move forward with critical improvements for people walking and biking in the Coliseum BART area. The execution of these pass-through agreements will enable the City to accept all additional funding, closing a significant funding gap and avoiding further delays on both projects.

ANALYSIS AND POLICY ALTERNATIVES

Adoption of this resolution will allow the City to enter into pass-through agreements with BART to accept and appropriate FTA and other BART funds for Coliseum area improvements. This funding is proposed to fund the following two projects:

(1) East Bay Greenway Segment II

- **Project Description:** This project will construct the second segment of the East Bay Greenway, a 16-mile linear park and multi-use trail envisioned and sponsored by ACTC. To date, only one segment – along San Leandro Street between 75th and 85th Avenue – has been completed. Implementation of Segment II will include a protected multi-use pathway on San Leandro Street from Seminary Avenue to 69th Avenue, including street trees, railing, and crossing improvements, along with bike lanes between 69th and 75th avenues to connect the second segment with the completed first segment. Per the City’s Geographic Equity Tool and other external indices, this project is located in a highest priority neighborhood, Priority Development Area, Transit Priority Area, and Community of Concern.
- **Funding Needs:** Segment II is partially funded through an Affordable Housing and Sustainable Communities program grant. FTA and other BART funding, along with local match funds, are required to complete the project.

(2) Coliseum Transit Village Area Improvements Project

- **Project Description:** This project will construct pedestrian improvements that facilitate safe access to and from Coliseum BART. Improvements include pedestrian lights, curb ramps, sidewalk, landscape, pavement repair and incidental utility adjustments on 71st Ave (from Snell St. to Hawley St.) and on Hawley St. (from 71st Ave to 72nd Ave.).
- **Funding Needs:** FTA funding, along with 20% local match, is required to complete the project.

If the City Council does not approve this resolution, then the City risks being able to deliver the projects named above. Completing these projects without FTA funding would require the City to use local fund sources.

FISCAL IMPACT

Upon award of the grants, funds will be appropriated as follows:

- East Bay Greenway Segment II – federal grant and other BART funds – \$1,750,669 (Project 1005013, Fund 2999, Organization 92242)
 - East Bay Greenway Segment II – required local match – \$187,667
 - Funds taken from a combination of Measure KK Project 1003348, Funds 5332/5335 and Measure BB, Project 1001512, Funds 2211/2218
- Coliseum Transit Village Area Improvements – federal grant – \$608,357 (Project number to be determined, Fund 2999, Organization 92242)
 - Coliseum Transit Village Area Improvements – required local match – \$152,089
 - Funds taken from a combination of Measure KK Project 1003348, Funds 5332/5335 and Measure BB, Project 1001512, Funds 2211/2218

The totals of grant funding and local funding by project are shown below:

Project Name	Total Project Cost	FTA & BART Funding	Required Local Match	Other State & Local Funding
East Bay Greenway Segment II	\$5,740,000	\$1,750,669	\$187,667	\$3,801,664
Coliseum Transit Village Area Improvements	\$868,443	\$608,357	\$152,089	\$107,997
Total	\$6,608,443	\$2,359,026	\$339,756	\$3,909,661

Using grant funds to augment funding from the City’s Capital Improvement Program extends the City’s ability to finance needed improvements. Implementation of these projects will have a net positive fiscal impact on the City of Oakland by funding infrastructure upgrades and enabling the completion of these projects.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (“CEQA”) REVIEW AND FILING OF NOTICE OF DETERMINATION (NOD) AND NOTICE OF EXEMPTION (NOE)

The proposed projects are exempt from the CEQA pursuant to Public Resources Code Section 21080.20.5 (restriping of streets for bicycle lanes).

The Projects are also exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (Projects Consistent with a Community Plan, General Plan or Zoning), 15301(c) (Existing Facilities, Highways and Streets), 15302 (Replacement or Reconstruction), 15303 (Small Structures), 15304(h) (minor alterations to land), and/or 15061(b)(3) (No Significant Effect on the Environment); each of the aforementioned provides a separate and independent basis for CEQA compliance.

The City Administrator or designee will file a Notice of Determination/Notice of Exemption with the clerk of the County of Alameda on both projects named in this resolution. CEQA clearance for both projects is expected to be determined and confirmed with the Planning and Building Department at the time of construction contract award.

PUBLIC OUTREACH / INTEREST

The East Bay Greenway Segment II has been identified as a community priority in the 2019 East Oakland Neighborhoods Initiative (EONI), the East Oakland Mobility Action Plan (EOMAP), the 2015 Coliseum City Specific Plan, and numerous citywide bike plans. The extensive community outreach of the EONI planning effort revealed that "improved walkways and bikeways" was a high priority for potential improvements in East Oakland. "Lack of natural ecological infrastructure" was also a concern among survey participants regarding existing conditions in the community. This project directly addresses these concerns and priorities through its multi-modal improvements and the planting of approximately 75 new street trees on San Leandro Street. Additionally, the East Oakland Community-Based Transportation Plan (2007) identified the East Bay Greenway between Fruitvale Avenue and the San Leandro border as a priority project. This project also supports some of the transportation and land use actions identified in Oakland's Equitable Climate Action Plan.

The Coliseum Transit Village Area project was identified as a need in the 2015 Coliseum Area Specific Plan, which called for enhanced sidewalks, controlled crosswalks and pedestrian-scale street lighting to facilitate safe access to and from BART. Additional outreach will occur during the planning and design phase of this project to ensure improvements meet the needs of community stakeholders.

COORDINATION

Planning and development of these two projects have been coordinated with key stakeholders, including ABAG, ACPWA, Metropolitan Transportation Commission (MTC), Caltrans, East Bay Regional Parks District, BART and ACTC. The Office of the City Attorney and the Budget Bureau were also consulted in preparation of this report.

Implementation of the East Bay Greenway is a collaborative effort, led by ACTC, between the cities of Oakland, San Leandro, and Hayward, Alameda County, BART, the East Bay Regional Parkd District, and Caltrans. In parallel to the City's planning efforts, ACTC has been leading its own effort to secure funding for the East Bay Greenway. The City will continue to collaborate with partner agencies and stakeholders to realize the full East Bay Greenway.

SUSTAINABLE OPPORTUNITIES

Economic: Acceptance of this pass-through grant will bring the City \$2,359,026 in outside funding for much-needed bicycle and pedestrian improvements near the Coliseum entertainment venue and Martin Luther King Junior Regional Shoreline Park. Additionally, providing safer access to BART and AMTRAK will increase access to jobs and economic opportunities in Downtown Oakland, San Francisco and the South Bay.

Environmental: The proposed projects, by providing safer and more comfortable routes for pedestrians, bicyclists, and transit access, will encourage an overall shift in mode of transportation away from single occupancy vehicles to more energy-efficient forms of transportation – walking, biking, and transit. Walking and biking are energy efficient forms of transportation that create zero emissions, contributing to the City’s efforts to reduce air pollution and address climate change as well as improving the quality of life for community members and commuters to the Coliseum area.

Race & Equity: The proposed projects are located in high and highest priority areas as identified in the Department of Transportation’s Racial Equity Team Geographic Equity Tool and MTC’s Communities of Concern map. The East Bay Greenway Segment II and the Coliseum Transit Village Area Improvements will contribute to the local revitalization of the Coliseum area by advancing affordable, accessible, and equitable mobility, for this highest priority neighborhood that was disproportionately impacted by COVID-19, while providing access to a high-quality, regional transit hub and spaces for recreation and improving safety for the who rely on biking, walking, and transit; it will also directly benefit low-income and disabled residents at two affordable housing developments to be completed in 2021.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopts A Resolution:

- 1) Authorizing The City Administrator To Enter Into Fund Pass-Through Agreements With The San Francisco Bay Area Rapid Transit District (BART) And The City Of Oakland, And
- 2) Accepting and Appropriating Capital Funds Of Up To Two Million Three Hundred Fifty-Nine Thousand Six Hundred And Twenty-Six Dollars (\$2,359,026) For The East Bay Greenway Segment II Project (\$1,750,669) And The Coliseum Transit Village Area Improvements Project (\$608,357), and
- 3) Allocating Three Hundred Thirty-Nine Thousand Seven Hundred Fifty-Six Dollars (\$339,756) In Measure BB And Measure KK Infrastructure Bond Funds As The Required City Local Match; and
- 4) Adopting Appropriate California Environmental Quality Act (CEQA) Findings.

For questions regarding this report, please contact Julieth Ortiz, Transportation Planner, at jortiz@oaklandca.gov.

Respectfully submitted, _____

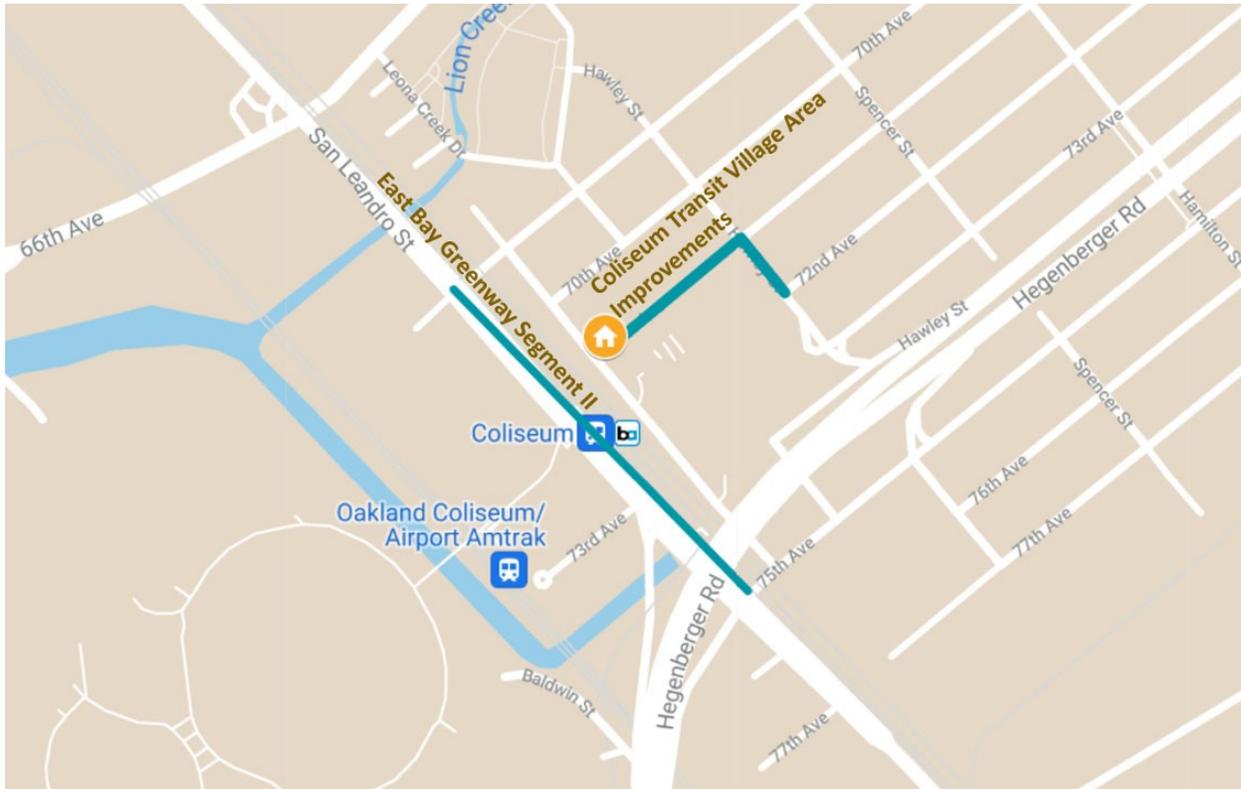


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Note: Both projects are connected and benefit community residents of two affordable housing sites (Coliseum Place & Coliseum Connection)