MEMORANDUM OF AGREEMENT
BETWEEN THE CALIFORNIA DEPARTMENT OF TRANSPORTATION AND THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER REGARDING THE OAKLAND ALAMEDA ACCESS PROJECT IN OAKLAND AND ALAMEDA, CALIFORNIA

WHEREAS, pursuant to §23 U.S.C. the Federal Highway Administration (FHWA), has assigned and California Department of Transportation (Caltrans) (including all subordinate divisions defined below) has assumed FHWA responsibility for environmental review, consultation, and coordination under the provisions of the *Memorandum of Understanding (MOU) between the Federal Highway Administration and the California Department of Transportation Concerning the State of California's Participation in the Project Delivery Program Pursuant to 23 U.S.C. 327*, which became effective on December 23, 2016, and applies to this undertaking; and

WHEREAS, pursuant to the January 2014 *First Amended Programmatic Agreement among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-Aid Highway Program in California* (Section 106 PA), Caltrans is deemed to be a federal agency for all highway-aid projects it has assumed, and in that capacity Caltrans has assigned the role of "agency official" to the Caltrans Division of Environmental Analysis (DEA) Chief for the purpose of compliance with 36 CFR § 800. The responsibility for oversight, day-to-day responsibilities, and coordination of the Section 106 process are further delegated to the DEA Cultural Studies Office (CSO) Chief; and

WHEREAS, Caltrans and Alameda County Transportation Commission (Alameda CTC) proposes to implement the federally funded Oakland Alameda Access Project (Undertaking) in the Cities of Oakland and Alameda, in Alameda County, California. The project will alter traffic flow and improve safety for pedestrians, cyclists, and roadway users, as described in Attachment A; and

WHEREAS, the Undertaking's Area of Potential Effects (APE) in Attachment B includes all areas where work is proposed and the known or reasonably anticipated boundaries of any built environment or archaeological resources which may experience direct or indirect effects as a result of the Undertaking; and

WHEREAS, Caltrans has determined that the Undertaking will have an adverse effect on two historic properties: the George A. Posey Tube, a property determined to be eligible for inclusion in the National Register of Historic Places (National Register) under Criterion A for its association as the first subaqueous automobile tunnel in the West and for its important association with the development of the automobile as the primary method of transportation in California, and Criterion C of the National Register for its innovative engineering and Art Deco style of its Oakland and Alameda Portal buildings and Approaches; and the Oakland Waterfront Warehouse District, which is listed on the National Register under Criterion A for its association with Oakland's industrial history, and Criterion C because of its cohesive early twentieth-century utilitarian industrial architecture, and therefore both are historic properties as defined at 36 CFR § 800.16(1)(1); and

WHEREAS, Caltrans has thoroughly considered alternatives to the Undertaking and has determined, in consultation with the California State Historic Preservation Officer (SHPO), that the statutory and regulatory requirements on the design of the Undertaking preclude the possibility of avoiding adverse effects to the George A. Posey Tube and the Oakland Waterfront Warehouse District during the Undertaking's implementation, and has further determined that the execution and implementation of this Memorandum of Agreement (MOA) will take into account the adverse effects of the Undertaking; and

WHEREAS, Caltrans has consulted with the SHPO pursuant to Stipulations X.C, and XI of the Section 106 PA, and where the Section 106 PA so directs, in accordance with 36 CFR § 800, the regulation that implements Section 106 of the National Historic Preservation Act (NHPA) of the 1966 (16 U.S.C. 470f), as amended, regarding the Undertaking's effects on historic properties and will file a copy of this MOA with the Advisory Council on Historic Preservation (ACHP) in accordance with Stipulation X.C.3.b of the Section 106 PA; and

WHEREAS, Caltrans has consulted with the Oakland Cultural Heritage Survey; City of Oakland Landmarks Preservation Advisory Board; City of Oakland Planning and Building Department; Oakland Heritage Alliance; Jack London Improvement District; City of Alameda Community Development Department; City of Alameda Historical Advisory Board; Alameda Architectural Preservation Society; Art Deco Society of California; Alameda County Historical Society; the California Preservation Foundation, and the South of the Nimitz Improvement Council (SoNic), regarding the Undertaking and its effects on historic properties and have invited them to participate in the development and implementation of Stipulation II of this MOA; and

WHEREAS, Caltrans has consulted with representatives from the Trina Marine Ruano Family; Ohlone Indian Tribe; Ohlone/Costanoan-Northern Valley Yokuts-Bay Miwok; Muwekma Ohlone Indian Tribe of the SF Bay Area; Indian Canyon Mutsun Band of Costanoan; Ohlone/Costanoan; and Amah Mutsun Tribal Band of Mission San Juan Bautista; The Confederated Villages of Lisjan; and the Rumsen Am:a Tur:ataj Ohlone Tribe regarding the effects of the Undertaking and none of the groups or individuals requested to be a consulting party; Caltrans will continue to consult with them and will afford them, should they so desire, further opportunity to more directly and actively participate in the implementation of the Undertaking itself and this MOA; and

WHEREAS, the Costanoan Rumsen-Carmel Tribe has participated in the consultation and are participating as concurring parties; and

WHEREAS, Caltrans District 4, Alameda CTC, City of Oakland (including the City of Oakland Landmarks Preservation Advisory Board), and Jack London Improvement District have participated in the consultation, have a responsibility to fulfill the terms of this MOA, and are participating as invited signatories; and

WHEREAS, Oakland Heritage Alliance, and SoNic have participated in the consultation and are participating as concurring parties; and

NOW, THEREFORE, Caltrans and the SHPO agree that if the Undertaking proceeds, the Undertaking shall be implemented in accordance with the following stipulations in order to take

into account the effect of the Undertaking on historic properties, and further agrees that these stipulations shall govern the Undertaking and all of its parts until this MOA expires or is terminated.

STIPULATIONS

Caltrans shall ensure that the following stipulations are carried out:

I. AREA OF POTENTIAL EFFECTS

A. The Undertaking's APE was established in accordance with Stipulation VIII.A of the Section 106 PA and is depicted in Attachment B of this MOA. The APE was delineated to include all areas where work is proposed, including the known or reasonably anticipated boundaries of archaeological and cultural properties and any locations where construction activities will take place.
B. If Caltrans determines that additional APE revisions are necessary, Caltrans shall inform the parties of the MOA of the revisions and consult no more than fifteen (15) days to reach agreement on the proposed revisions. If Caltrans, the SHPO, and other appropriate signatories cannot reach such an agreement, then the parties to this MOA shall resolve the dispute in accordance with VI.C below. If all parties reach mutual agreement on the proposed revisions, Caltrans will submit a new APE map reflecting the revisions, consistent with Stipulation VIII.A and Attachment 3 of the Section 106 PA, no later than thirty (30) days following such agreement. Any further investigation or document necessitated by the revised APE will follow the procedures for the identification and evaluation of potential historic properties as specified in Stipulation VIII of the Section 106 PA and in accordance with 36 §CFR 800.4(a)(2-4) and 88.4(b). The amendment of the APE will not require amendment to the MOA. The revised APE and supporting documentation shall be incorporated into Attachment B to this MOA.

II. TREATMENT OF HISTORIC PROPERTIES

Caltrans shall ensure that inadvertent effects are avoided and adverse effects of the Undertaking on the George A. Posey Tube and the Oakland Waterfront Warehouse District are resolved through the following measures.

A. Built Environment Treatment Plan

Caltrans District 4 will ensure that the protocols outlined in the Built Environment Treatment Plan (BETP) (Attachment C), will be adhered to until this MOA is terminated.

1. The BETP discusses the implementation of an Environmentally Sensitive Area (ESA) for the protection of the Eastern Pylon Base and where possible the Western Pylon Base at the Oakland Approach. Following the completion of construction in the area of the pylon bases, the pylon bases will be cleaned and stabilized.
2. The BETP addresses the process by which the Undertaking's activities at the George A. Posey Tube Oakland Approach can conform with the Sectary of the Interior's Standards for the Rehabilitation of Historic Properties; identifies the approval process

for the Undertaking's Plans, Specifications, and Estimates (PS&E) Package, prior to and during project construction; and establishes the review process for the aesthetic design of the features of the George A. Posey Tube Oakland Approach.

3. The BETP includes a process of review of the project PS&E packet at 65% and 95% completion by consulting parties, which include signatories to this MOA.
   a. Caltrans will first submit each PS&E packet to the consulting parties for a 30-day review and comment period.
   b. Following the 30-day comment period, Caltrans will submit the PS&E packet with any comments to SHPO for a subsequent 30-day review and comment period.
   c. Caltrans will follow the process outlined in the BETP in response to comments or a lack of comments.

B. Historic American Engineering Record Documentation

Caltrans District 4 shall ensure that Alameda CTC shall record and document the George A. Posey Tube to the standards of the Historic American Engineering Record (HAER). This recordation and documentation will be conducted as follows:

1. Prior to the commencement of construction activities for the Undertaking, Alameda CTC will contact the regional Historic American Building Survey/Historic American Engineering Record/Historic American Landscape Survey (HABS/HAER/HALS) coordinator at the National Park Service (NPS) Interior Regions 8, 9, 10, and 12 Regional Office to request that NPS stipulate the level of and procedures for completing the documentation. Within ten (10) calendar days of receiving the NPS stipulation letter, the Alameda CTC will send a copy of the letter to all parties to this MOA for their information. If no response is received within ninety (90) calendar days of submittal to NPS, Caltrans shall confer with SHPO on how to move forward with HAER documentation.
2. Alameda CTC will ensure that all recordation documentation activities are performed or directly supervised by professionals who meet the standards in VI.A.3.
3. Upon receipt of the NPS written acceptance letter, Alameda CTC will make archival, digital, and bound library-quality copies of the documentation and provide them to the Caltrans Transportation Library, Sacramento; the California Office of Historic Preservation; and the Caltrans Cultural Studies Office. Additional copies will be offered to the City of Oakland Cultural Heritage Survey, Oakland Heritage Alliance, Jack London Improvement District, City of Alameda Historical Advisory Board, Alameda Architectural Preservation Society, Art Deco Society of California, Alameda County Historical Society, California Preservation Foundation, and SoNic.
4. Caltrans will notify SHPO that the documentation is completed, and all copies are distributed as outlined in II.B.3. Completion of the documentation will be included in the annual report outlined in VI.F. All surveys shall be completed prior to the commencement of the project's construction activities.

C. National Register Nomination for the George A. Posey Tube

Caltrans District 4 shall ensure that Alameda CTC shall nominate the George A. Posey Tube to the National Register of Historic Places. Recordation of the historic property and

completion of the nomination will occur following conclusion of project activities at the George A. Posey Tube.

1. Alameda CTC will submit the nomination to Caltrans District 4 for review and approval pursuant to Stipulation II.I of this MOA.
2. Upon approval Caltrans will submit the National Register Nomination form to the California Office of Historic Preservation per Office of Historic Preservation (OHP) guidelines for review and approval. Those portions of the nomination which are inadequate or are not prepared in accordance with the guidelines published in Bulletin 16A will be returned to the applicant for further work accompanied by a Request for Information or Return letter explaining what must be addressed in order to move the nomination forward.
3. Alameda CTC will complete any revisions that the OHP requires. Caltrans will review and approve the revisions pursuant to II.I prior to resubmitting the nomination to OHP.
4. Once OHP determines the nomination is ready for hearing, OHP will notify all applicants, property owners, and appropriate governmental jurisdictions of the time and place of the State Historical Resources Commission (SHRC) meeting. If approved by the SHRC, the nomination will be sent to the SHPO for certification and forwarded to the Keeper of the National Register (Keeper) in Washington, D.C.. The final determination is made approximately forty-five (45) days after receipt by the Keeper.
5. If, as a result of a decision by the OHP, the SHRC, or the Keeper, the nomination process cannot be completed, Caltrans will have fulfilled its obligation under Stipulation II.C of this MOA.
6. Upon listing in the National Register of Historic Places, Caltrans District 4 shall offer copies of the nomination to the organizations in II.B.3.

D. Façade Improvement Plan

1. Alameda CTC will make a donation of $100,000 to the City of Oakland's Façade Improvement Program.
2. Caltrans District 4 will ensure that Alameda CTC execute a Memorandum of Understanding (MOU) agreement between Alameda CTC and the City of Oakland. The MOU will document the donation to the Oakland Façade Improvement Program, and will be conditioned as follows:
    a. The City of Oakland will be responsible for ensuring distribution of funds to eligible entities and for any follow up actions regarding completion of improvements consistent with the City's Façade Improvement Program.
    b. The funds will be limited for use within the Oakland Waterfront Warehouse Historic District.
    c. Where funds are used on contributing features of the Oakland Waterfront Warehouse District, the City of Oakland will ensure that the project activities meet Secretary of the Interior's Standards as interpreted by the City of Oakland and City of Oakland Landmarks Preservation Advisory Board.
3. The Alameda CTC shall provide the donation and execute the MOU prior to the termination of this MOA.

E. Interpretive Panels

Alameda CTC will fund the installation of up to two (2) interpretative panels within project limits in Oakland, documenting the history of the George A. Posey Tube and the importance of its engineering achievements.

1. The panels will be developed in accordance with the existing Jack London Improvement District's signage program, to ensure conformity of signage with the specifications of the program.
2. Alameda CTC will provide contextual information and funding to Jack London Improvement District, which will design, fabricate, install, and maintain signage. The contextual information will be based on data presented in the HAER outlined in II.B.
3. The panel design and content will be reviewed and approved by Caltrans PQS staff pursuant to II.I. Prior to final approval by Caltrans PQS Staff, the Office of Historic Preservation will be afforded a thirty (30) day review and comment period on the draft panel.
4. The Alameda CTC shall ensure the installation of the interpretive panels prior to the termination of this MOA.

F. Science, Technology, Engineering, Arts, and Mathematics (STEAM) Program

Caltrans District 4 will ensure that Alameda CTC creates two (2) STEAM aligned teacher's packets.

1. One teacher's packet will discuss the history of the Oakland Waterfront Warehouse Historic District and will be completed to align with Grade 11 curriculum for social science or history; and one teacher's packet will discuss the engineering significance of the George A. Posey Tube and will be completed in alignment with Grades 7 and 8 curricula for physical science.
2. The teacher's packets will be reviewed and approved by Caltrans PQS staff pursuant to II.I.
3. The teacher's packets will be made available electronically by Alameda CTC on the Alameda CTC project website and the Caltrans Cultural Studies Office Mitigation website, and they will be offered for placement on other websites, such as those for the Oakland Unified School District, the Alameda Unified School District, and libraries in the Cities of Oakland and Alameda.
4. The Alameda CTC shall ensure the creation of two STEAM aligned teacher's packets prior to the termination of this MOA

G. Public Presentation

Caltrans District 4 and Alameda CTC will work with the California Preservation Foundation (CPF) to develop a one-hour webinar and virtual tour of the George A. Posey Tube, which the CPF will host.

1. Caltrans District 4 will provide access to the George A. Posey Tube for CPF to video record a virtual tour. The virtual tour video will be produced to include captions.

2. Caltrans and Alameda CTC's consultant will work with CPF staff to develop the content and present the video recording virtual tour and webinar.
3. The webinar will be delivered prior to the termination of this MOA.

H. Tour of the George A. Posey Tube

1. Caltrans District 4 shall provide access to the George A. Posey Tube and Portal Buildings for up to three (3) walking tours per calendar year for attendance by the public prior to completion of project construction.
   a. Tours will be limited to ten (10) people.
   b. The tours will be free of charge.
   c. The Oakland Portal building is not Americans with Disabilities (ADA) accessible and in-person tours will not be available to individuals needing special accommodation. A virtual tour of the building will be available, as per II.H.
2. Notification of the tours will be via the websites, list serves and/or other methods of communication available to the consulting parties of this MOA, prior to the commencement of construction. Notification material will clearly state the tour is not ADA accessible.
3. Alameda CTC will coordinate with consulting parties to determine appropriate tour dates for up to three (3) walking tours within a calendar year.
4. Alameda CTC will be responsible for the registration of tour attendees, all communication between the consulting parties and tour attendees. Alameda CTC will provide documentation of tour attendance to Caltrans District 4 and ensure that attendees are aware of the time, location, access, and safety needs of the tours.
5. Alameda CTC will provide any safety equipment deemed necessary by Caltrans to attendees at the commencement of the tour.
6. Alameda CTC will not be responsible for any safety liability of attendees and attendees will sign waivers for any liability.
7. Caltrans District 4 will be responsible for providing access to the George A. Posey Tube and Alameda and/or Oakland Portal Building.

I. Review Requirements

1. For all measures as applicable in Stipulation II, Alameda CTC will submit draft documentations to Caltrans District 4, for review and comment. Caltrans District 4 will have thirty (30) calendar days to provide comment on the documents. If Caltrans District 4 does not respond within thirty (30) calendar days Alameda CTC will consider the submitted document as final. Caltrans may request an additional fifteen (15) calendar day extension if needed.
2. Alameda CTC will take all comments into account in revising the documents and submit a final version to Caltrans District 4 for approval. Caltrans District 4 has thirty (30) calendar days to approve or schedule a meeting to discuss comments on the documents. If a comment resolution meeting is required, Caltrans will have fifteen (15) calendar days from the date of the meeting to provide any further comments.

III. NATIVE AMERICAN CONSULTATION

Caltrans has consulted with the representatives from the Costanoan Rumsen-Carmel Tribe; Trina Marine Ruano Family; Ohlone Indian Tribe; Ohlone/Costanoan-Northern Valley Yokuts-Bay Miwok; Muwekma Ohlone Indian Tribe of the SF Bay Area; Indian Canyon Mutsun Band of Costanoan; Ohlone/Costanoan; Confederated Villages of Lisjan; Rumsen Am:a Tur:ataj Ohlone; and Amah Mutsun Tribal Band of Mission San Juan Bautista regarding the proposed Undertaking and its effects on historic properties, will continue to consult with them, and will afford them, should they so desire, the opportunity to participate in the implementation of this MOA and the Undertaking. If other tribes or Native American groups who attach religious or cultural significance to historic properties that may be affected by this Undertaking are identified, Caltrans will invite them to participate as consulting parties as the Section 106 process moves forward.

IV. TREATMENT OF HUMAN REMAINS

As legally mandated, human remains and related items discovered during implementation of the terms of this Agreement and the Undertaking will be treated in accordance with the requirements of Health and Safety Code Section 7050.5(b). If pursuant to Health and Safety Code § 7050.5(c), the coroner determines that the human remains are or may be those of a Native American, then the discovery shall be treated in accordance with the provisions of Public Resources Code § 5097.98 (a)(d).
Caltrans, as the landowner of a portion of the APE, shall ensure, to the extent possible, that the views of the Most Likely Descendent(s), as determined by the Native American Heritage Commission (NAHC), is taken into consideration when decisions are made about the disposition of Native American human remains and associated objects.

V. DISCOVERIES AND UNANTICIPATED EFFECTS

If Caltrans determines, during implementation of the terms of this MOA or after construction of the Undertaking has commenced, that the Undertaking will affect a previously unidentified property that may be eligible for listing in the National Register or affect a known historic property in an unanticipated manner, Caltrans will address the discovery or unanticipated effect in accordance with 36 CFR Section 800.13(c) and will assume any discovered property to be eligible for inclusion in the National Register.

VI. ADMINSTRATIVE PROVISIONS

A. Standards

1. **Definitions.** The definitions provided at 36 CFR § 800.16 are applicable throughout this MOA.
2. Parties to this agreement are defined as follows:
   a. Signatory parties have the sole authority to execute, amend, or terminate the MOA.
   b. Invited Signatories have the authority to amend or terminate the MOA.
   c. Concurring parties, signing the MOA do so to acknowledge their agreement or concurrence with the MOA, but have no legal authority under the MOA to terminate or amend this MOA. Concurring with the terms of this MOA does not constitute their agreement with the Undertaking.

3. **Professional Qualifications.** Caltrans will ensure that only individuals meeting the *Secretary of the Interior's Professional Qualification Standards* (48 FR 44738-39) as defined in Attachment 1 of the Section 106 PA, in the relevant field of study carry out or review appropriateness and quality of the actions and products required by Stipulations I, II, III, IV, and V in this MOA. However, nothing in this stipulation may be interpreted to preclude Caltrans or any agent or contractor thereof from using persons who do not meet the PQS as long as they are directly supervised by professionals who meet the standards.
4. **Documentation Standards.** Written documentation of activities prescribed by Stipulations I, II, III, IV, and V of this MOA shall conform to *Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation* (48 FR 44716-44740) as well as to applicable standards and guidelines established by the SHPO.
5. **Curation and Curation Standards.** If legal owner(s) of materials resulting from the activities presented by this MOA choose to curate those materials, Caltrans shall ensure that, to the extent permitted under § 5097.98 and § 5097.991 of the California Public Resources Code and the Native American Graves Protection and Repatriation Act (NAGPRA) [25 USC 3001-3013] and its implementing regulations (43 CFR Part 10), the materials and records resulting from the activities prescribed by this MOA are curated in accordance with 36 CFR Part 79. Caltrans shall ensure that the views of the consulting parties are taken into consideration prior to decisions being made about the final disposition of archaeological materials resulting from activities prescribed by this MOA.

B. Confidentiality

The MOA parties acknowledge that the historic properties covered by this MOA are subject to the provisions of § 304 of the NHPA and § 6254.10 of the California Government Code (Public Records Act), relating to the disclosure of archaeological site information and, having so acknowledged, will ensure that all actions and documentation prescribed by this MOA are consistent with said sections.

C. Resolving Objections

1. Should any party to this MOA object at any time in writing to the manner in which the terms of this MOA are implemented, to any action carried out or proposed with respect to implementation of the MOA (other than the Undertaking itself), or to any documentation prepared in accordance with and subject to the terms of this MOA, Caltrans shall immediately notify the other MOA parties of the objection, request their comments on the objection within fifteen (15) days following receipt of Caltrans' notification, and proceed to consult with the objecting party for no more than thirty (30) days to resolve the objection. Caltrans will honor the request of the other parties to participate in the consultation and will take any comments provided by those parties into account.
2. If the objection is resolved during the 30-day consultation period, Caltrans may proceed with the disputed action in accordance with the terms of such resolution.
3. If at the end of the 30-day consultation period, Caltrans determines that the objection cannot be resolved through such consultation, then Caltrans shall forward all

documentation relevant to the objection to the ACHP, including Caltrans' proposed response to the objection, with the expectation that the ACHP will, within thirty (30) days after receipt of such documentation:

a. Advise Caltrans that the ACHP concurs in Caltrans' proposed response to the objection, whereupon Caltrans will respond to the objection accordingly. The objection shall thereby be resolved; or
b. Provide Caltrans with recommendations, which Caltrans will take into account in reaching a final decision regarding its response to the objection. The objection shall thereby be resolved; or
c. Notify Caltrans that the objection will be referred for comment pursuant to 36 CFR § 800.7(c) and proceed to refer the objection and comment. Caltrans shall take the resulting comments into account in accordance with 36 CFR § 800.7(c)(4) and Section 110(1) of the NHPA. The objection shall thereby be resolved.

4. Should the ACHP not exercise one of the above options within 30 days after receipt of all pertinent documentation, Caltrans may proceed to implement its proposed response. The objection shall thereby be resolved.
5. Caltrans shall take into account any of the ACHP's recommendations or comments provided in accordance with this stipulation with reference only to the subject of the objection. Caltrans' responsibility to carry out all actions under this MOA that are not the subjects of the objection shall remain unchanged.
6. At any time during implementation of the measures stipulated in this MOA, should a member of the public raise an objection in writing pertaining to such implementation to any signatory party to this MOA, that signatory party shall immediately notify Caltrans. Caltrans shall immediately notify the other signatory parties in writing of the objection. Any signatory party may choose to comment in writing on the objection to Caltrans. Caltrans shall establish a reasonable time frame for this comment period. Caltrans shall consider the objection, and in reaching its decision, Caltrans will take all comments from the other signatory parties into account. Within fifteen (15) days following closure of the comment period, Caltrans will render a decision regarding the objection and respond to the objecting party. Caltrans will promptly notify the other signatory parties of its decision in writing, including a copy of the response to the objecting party. Caltrans' decision regarding resolution of the objection will be final. Following issuance of its final decision, Caltrans may authorize the action subject to dispute hereunder to proceed in accordance with the terms of that decision.
7. Caltrans shall provide all parties to this MOA, and the ACHP, if the ACHP has commented, and any parties that have objected pursuant to this stipulation, with a copy of its final written decision regarding any objection addressed pursuant to this stipulation.
8. Caltrans may authorize any action subject to objection under this stipulation to proceed after the objection has been resolved in accordance with the terms of this stipulation.

D. Amendments

1. Any signatory party to this MOA may propose that this MOA be amended, whereupon all signatory parties shall consult for no more than thirty (30) days to consider such amendment. The amendment will be effective on the date a copy signed by all of the original signatories is filed with the ACHP. If the signatories cannot agree to

appropriate terms to amend the MOA, any signatory may terminate the agreement in accordance with VI.E.

2. Attachments to this MOA may be amended through consultation as prescribed in I.B, as appropriate, without amending the MOA proper.

E. Termination

1. If this MOA is not amended as provided for in Section D of this stipulation, or if either signatory proposes termination of this MOA for other reasons, the signatory party proposing termination shall, in writing, notify the other MOA parties, explain the reasons for proposing termination, and consult with the other parties for at least thirty (30) days to seek alternatives to termination. Such consultation shall not be required if Caltrans proposes termination because the Undertaking no longer meets the definition set forth in 36 CFR § 800.16(y).
2. Should such consultation result in an agreement on an alternative to termination, the signatory parties shall proceed in accordance with the terms of that agreement.
3. Should such consultation fail, the signatory party proposing termination may terminate this MOA by promptly notifying the other MOA parties in writing. Termination hereunder shall render this MOA without further force or effect.
4. If this MOA is terminated hereunder, and if Caltrans determines that the Undertaking will nonetheless proceed, then Caltrans shall comply with the requirements of 36 CFR 800.3-800.6, or request the comments of the ACHP pursuant to 36 CFR Part 800.

F. Annual Reporting

1. Alameda CTC shall prepare an Annual Report documenting actions carried out pursuant to this MOA. The reporting period shall commence one year from the date of execution. The Annual Report shall be distributed to all consulting parties to this MOA.
2. The Annual Report shall address the following: any scheduling changes proposed, historic property surveys and results, status of treatment and mitigation activities, ongoing and completed public programming, any uses that are affecting or may affect the ability of the federal lead agency to continue to meet the terms of this MOA, any disputes and objections received, and how they were resolved, and any additional parties who have become signatories or concurring parties to this MOA in the past year.
3. Alameda CTC in coordination with Caltrans District 4, shall coordinate a meeting of the signatories and consulting parties to this MOA, to be scheduled within ninety (90) calendar days of distribution of the Annual Report, or another mutually agreed upon date, to discuss activities carried out pursuant to this MOA during the preceding year and activities scheduled for the upcoming year. This meeting, should it be deemed unnecessary, may be cancelled by mutual consent of the signatory parties.

G. Duration

1. Unless terminated pursuant to Section E of this Stipulation, or unless it is superseded by an amended MOA, this MOA will be in effect following execution by the signatory parties until Caltrans, in consultation with the other signatory parties, determines that

all of its stipulations have been satisfactorily fulfilled. This MOA will terminate and have no further force or effect on the day that Caltrans notifies the other MOA signatories in writing of its determination that all stipulations of this MOA have been satisfactorily fulfilled.

2. The terms of this MOA shall be satisfactorily fulfilled within five (5) years following the date of execution by the signatory parties. If Caltrans determines that this requirement cannot be met, the MOA parties will consult to reconsider its terms. Reconsideration may include continuation of the MOA as originally executed, amendment of the MOA, or termination. In the event of termination, Caltrans will comply with Section E of this Stipulation if it determines that the Undertaking will proceed notwithstanding termination of this MOA.
3. If the Undertaking has not been implemented within five (5) years following execution of this MOA, this MOA shall automatically terminate and have no further force or effect. In such event, Caltrans shall notify the other signatory parties in writing and, if it chooses to continue with the Undertaking, shall reinitiate review of the Undertaking in accordance with 36 CFR Part 800.

H. Effective Date

This MOA will take effect on the date that it has been executed by Caltrans and the SHPO.

EXECUTION of this MOA by Caltrans and the SHPO, its filing with the ACHP in accordance with 36 CFR §800.6(b)(1)(iv), and subsequent implementation of its terms, shall evidence, pursuant to 36CFR§800.6(c), that this MOA is an agreement with the ACHP for purposes of Section 110(l) of the NHPA, and shall further evidence that Caltrans has afforded the ACHP an opportunity to comment on the Undertaking and its effects on historic properties, and that Caltrans has taken into account the effects of the Undertaking on historic properties.

MEMORANDUM OF AGREEMENT
BETWEEN THE CALIFORNIA DEPARTMENT OF TRANSPORTATION AND
THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER
REGARDING THE OAKLAND ALAMEDA ACCESS PROJECT
IN OAKLAND AND ALAMEDA, CALIFORNIA

SIGNATORY:

CALIFORNIA DEPARTMENT OF TRANSPORTATION

By Philip J. Stolarski 7/22/21 Date
Philip J. Stolarski, Division Chief
California Division of Environmental Analysis

MEMORANDUM OF AGREEMENT
BETWEEN THE CALIFORNIA DEPARTMENT OF TRANSPORTATION AND
THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER
REGARDING THE OAKLAND ALAMEDA ACCESS PROJECT
IN OAKLAND AND ALAMEDA, CALIFORNIA

SIGNATORY:

CALIFORNIA OFFICE OF HISTORIC PRESERVATION

By _____ Date 7/22/21
Julianne Polanco
State Historic Preservation Officer

MEMORANDUM OF AGREEMENT
BETWEEN THE CALIFORNIA DEPARTMENT OF TRANSPORTATION AND
THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER
REGARDING THE OAKLAND ALAMEDA ACCESS PROJECT
IN OAKLAND AND ALAMEDA, CALIFORNIA

INVITED SIGNATORIES:

CALIFORNIA DEPARTMENT OF TRANSPORTATION DISTRICT 4

_____ Date 7/27/2021
Dina El-Tawansy, District Director
District 4

ALAMEDA COUNTY TRANSPORTATION COMMISSION

_____ Date 7/29/2021
Tess Lengyel, Executive Director
Alameda County Transportation Commission

CITY OF OAKLAND

_____ Date 4/4/2022
Edward D. Reiskin, City Administrator
City of Oakland

JACK LONDON IMPROVEMENT DISTRICT

_____ Date 8/9/2021

MEMORANDUM OF AGREEMENT
BETWEEN THE CALIFORNIA DEPARTMENT OF TRANSPORTATION AND
THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER
REGARDING THE OAKLAND ALAMEDA ACCESS PROJECT
IN OAKLAND AND ALAMEDA, CALIFORNIA

CONCURRING PARTIES:

OAKLAND HERITAGE ALLIANCE

_____ Date 8/6/21
Mary Harper, President

SOUTH OF THE NIMITZ IMPROVEMENT COUNCIL

_____ Date 6 Aug 2021
GARY KNECHT, PRES.

COSTANOAN RUMSEN-CARMEL TRIBE

_____ Date 8/3/21
Tony Cerda, Chairperson

Oakland-Alameda Access Memorandum of Agreement

Attachment A
Project Description

DESCRIPTION OF UNDERTAKING

The proposed project is located in the cities of Oakland and Alameda in Alameda County, California. The project proposes to improve access along I-880 and in and around the Tubes, downtown Oakland, and the City of Alameda. Within the approximately 1-mile-long project, I-880 (PM ALA 30.47 to PM 31.61) and SR-260 (PM ALA R0.78 to R1.90) are major transportation corridors. Also, the I-880 freeway viaduct is a physical barrier, limiting bicycle and pedestrian connectivity between downtown Oakland and Chinatown to the north and the Jack London District and Oakland Estuary to the south. Existing local street patterns across I-880 are intertwined with on- and off-ramps and the Tubes connecting Oakland and Alameda affecting the cross-freeway circulation of motorists, bicyclists, and pedestrians.

The purpose of the project is to:

- Improve multimodal safety and reduce conflicts between regional and local traffic;
- Enhance bicycle and pedestrian accessibility and connectivity within the project study area;
- Improve mobility and accessibility between I-880, SR-260 (Tubes), City of Oakland neighborhoods, and the City of Alameda; and
- Reduce freeway-bound regional traffic and congestion on local roadways and in area neighborhoods.

Access between the freeway and the roadway networks between I-880 and the Tubes is limited and indirect, and access to/from the cities of Oakland and Alameda is circuitous. Existing access to I-880 from Alameda and the Jack London District requires loops through several local streets and intersections, routing vehicles through the downtown Oakland Chinatown neighborhood, which has the following operational impacts on local streets:

- Streets in and around the downtown Oakland Chinatown area have a high volume of pedestrian activity and experience substantial vehicle-pedestrian conflicts, and the I-880 viaduct limits bicycle and pedestrian connectivity between downtown Oakland and the Jack London District.
- SB I-880 traffic heading to Alameda must exit at the Broadway/Alameda off-ramp, then travel south along 5th Street for more than a mile — through nine signalized and unsignalized intersections — before reaching the Webster Tube at 5th Street/Broadway.
- WB I-980 traffic heading to Alameda must exit at the Jackson Street off-ramp and circle back through Chinatown through seven signalized and unsignalized intersections to reach the Webster Tube.
- NB I-880 traffic heading to Alameda must exit at the Broadway off-ramp and form a queue on Broadway between 5th and 6th streets, which backs up onto the ramp. Alternatively, drivers may loop through Chinatown to access the Webster Tube.

2.1 No-Build (No-Action) Alternative

Under the No-Build Alternative, there would be no improvements to bicycle or pedestrian connectivity or safety. Freeway traffic to/from the cities of Oakland and Alameda would continue

to use city streets through Oakland and Chinatown, which are areas with a high volume of pedestrian activity. Vehicle-pedestrian or -bicycle conflicts from traffic traveling through city streets would continue. The I-880 viaduct would continue to impede connectivity between downtown Oakland and the Jack London District, and access would not be improved for bicycles and pedestrians traveling between Oakland and Alameda.

2.2 Build Alternative

The Build Alternative proposes to remove and modify the existing freeway ramps and to modify the Posey Tube exit in Oakland. The Build Alternative would improve access to NB and SB I-880 from the Posey Tube via a right-turn-only lane from the Posey Tube to 5th Street and a new horseshoe connector at Jackson Street below the I-880 viaduct that would connect to the existing NB I-880/Jackson Street on-ramp. The proposed project would also reconstruct and shift the existing WB I-980/Jackson Street off-ramp to the south.

The Webster Tube entrance at 5th Street and Broadway would be shifted to the east to create more space for trucks to make the turn from Broadway into the Webster Tube. A bulb-out would be constructed to extend the sidewalk, reducing the crossing distance and allowing improved visibility of pedestrians on the southeast corner.

The proposed project would remove the NB I-880/Broadway off-ramp and widen the NB I-880/ Oak Street off-ramp to 6th Street, which would become the main NB I-880 off-ramp to downtown Oakland and to Alameda. 6th Street would become a one-way through street from Oak Street to Harrison Street and a two-way street from Harrison Street to Broadway.

The proposed project would add a Class IV two-way cycle track on 6th Street between Oak and Washington streets and on Oak Street between 3rd and 9th streets. It would implement bicycle and pedestrian improvements at the Tubes' approaches in Oakland and Alameda, and it would open the Webster Tube westside walkway. This would improve connectivity to existing and future planned bicycle paths in the City of Oakland and implement various "complete streets" improvements to create additional opportunities for non-motorized vehicles and pedestrians to cross under I-880 between downtown Oakland and the Jack London District. See **Illustrations 1-4**, for proposed elements of the Build Alternative.

Additional detail on the Build Alternative improvements include the following:

1. Construction of a new horseshoe connector under I-880 at Jackson Street. Vehicles exiting the Posey Tube would have direct access to NB I-880 via the proposed horseshoe connector. Vehicles heading to NB and SB I-880 would use the right-turn-only lane at the Posey Tube exit to turn onto eastbound 5th Street. Access to a new horseshoe connector would be provided from the left side of 5th Street and would loop below the I-880 viaduct to connect to the existing NB I-880/Jackson Street on-ramp. Traffic heading to SB I-880 would continue eastbound on 5th Street to the SB I-880/Oak Street on-ramp. **Illustration 2** shows the new horseshoe connector under I-880 at Jackson Street.

   Construction of the new right-turn-only lane onto 5th Street would require new retaining walls along the right side of the Posey Tube exit replacing the historic Posey Tube wall. The horseshoe connector would provide a direct route between the Posey Tube and NB I-880/ EB I-980 and SB I-880, substantially improving connectivity and minimizing the need for

freeway-bound vehicles to travel through Chinatown to access the ramps. This configuration would also reduce intersection and bicycle-pedestrian conflicts.

Posey Tube traffic heading to Chinatown and downtown Oakland would remain in the left lane and continue onto Harrison Street or turn left onto 6th Street to reach downtown via Broadway. A new left-turn pocket to accommodate the turn onto 6th Street would be constructed requiring removal of a section of the historic Posey Tube western approach wall.

2. Reconstruction of the existing WB I-980/Jackson Street off-ramp. To provide space for unimpeded movement from the Posey Tube to the new horseshoe connector, the WB I-980/Jackson Street off-ramp would be realigned to the south. **Illustration 2** shows the relocated Jackson Street off-ramp. The realigned off-ramp would touch down at-grade on 5th Street at the Alice Street intersection. Off-ramp and 5th Street traffic would continue to be separated by a landscaped median past the condominium building at 428 Alice Street. 5th Street would be converted to a two-way street to accommodate condominium residents allowing vehicles to turn left or right onto 5th Street.

3. Removal of the existing NB I-880/Broadway off-ramp viaduct structure including the bridge deck and supporting columns. Removing the NB I-880/Broadway off-ramp structure would provide the space for complete streets improvements on 6th Street. It would also restore an element of the City of Oakland's street grid system by providing a continuous 6th Street between Oak Street and Broadway. **Illustration 2** shows where the existing NB I-880/Broadway off-ramp would be removed. This would provide for a more efficient street network, and it would allow traffic to be more evenly distributed on Oakland city streets. Also, it would improve traffic operations at the Broadway/6th Street and Broadway/5th Street intersections by eliminating the stream of traffic exiting the Broadway off-ramp and heading to the Webster Tube entrance. Instead, this traffic would use 6th Street and turn left at Webster Street to access the Webster Tube.

4. Widening of the NB I-880/Oak Street off-ramp. The existing Oak Street off-ramp would be widened from a one- to a two-lane exit by restriping the NB I-880 mainline and reconfiguring the ramp terminus. **Illustration 3** shows the proposed widening at the NB I-880/Oak Street off-ramp and restriping on NB I-880. At the Oak Street intersection, the ramp would be further widened from one left-turn-only pocket lane, one through and left-turn lane, and one through and right-turn lane to provide one left-turn-only (SB) pocket lane, one through westbound (WB) lane, one through (WB) and right-turn (NB) lane, and one right-turn-only (NB) lane. Two new retaining walls would be constructed along the widened ramp's new edge of the shoulder. In advance of the Oak Street exit, NB I-880 would be restriped from four to five lanes, including a standard 1,400-foot-long auxiliary lane to accommodate the additional traffic resulting from the Broadway off-ramp removal.

5. Modification of 5th Street/Broadway access to the Webster Tube. The 5th Street/Broadway entrance to the Webster Tube would be moved slightly east (refer to **Illustration 2**). Also, the 5th Street crosswalk on the east side of Broadway would be shifted east and considerably shortened, and the signal phasing would be modified to include a pedestrian-led signal phase for eastbound pedestrian traffic. This would improve safety by giving pedestrians priority over

turning traffic. Also, this would improve truck access to the Webster Tube and minimize conflicts with other vehicular traffic.

6. Construction of a new through 6th Street connecting Oak Street to Broadway. Improvements to 6th Street would be accomplished by turning the street into a one-way street in the westbound direction from Oak Street to Harrison Street and a two-way street from Harrison Street to Broadway (refer to **Illustration 2**). The lanes would be a minimum of 11 feet wide. There would be a minimum of two through lanes with additional turn pockets at intersections in the westbound direction. There would be one lane in the eastbound direction from Harrison Street to Broadway.

   A new sidewalk would be constructed along the south side between Broadway and Oak Street. Segments of the existing sidewalk along the north side between Oak Street and Broadway would be reconstructed to a minimum of 10 feet wide between Harrison and Alice streets to provide continuity for pedestrians. A continuous Class IV two-way cycle track would also be provided between Oak and Washington streets. Parking spaces would be provided along portions of this roadway.

7. Construction of a two-way bicycle/pedestrian walkway from Webster Street in Alameda to 6th Street in Oakland through the Posey Tube and from 4th Street in Oakland through the Webster Tube to Mariner Square Loop in Alameda. The walkway would begin at Webster Street and Constitution Way in Alameda, would continue through the Posey Tube on the existing eastside walkway, and would exit the Tube via a new ramp with a hairpin turn at 5th Street. **Illustration 4** shows the proposed bicycle and pedestrian improvements. The walkway in Alameda connecting to the Posey Tube would be realigned and widened. The walkway in Oakland would wrap around the back of the Portal building on 4th Street and continue onto Harrison Street. It would continue onto a Class I two-way bicycle/pedestrian path under I-880 just west of Harrison Street and connect to the Class IV two-way cycle track on 6th Street between Oak and Washington streets. The new bicycle and pedestrian ramp exit from the Posey Tube would require removal of the existing historic Posey Tube staircase to provide street level Americans with Disabilities Act (ADA)-compliant access from the Tube.

   The proposed project would improve access between Oakland and Alameda by opening the Webster Tube maintenance walkway to bicycle and pedestrian travel. The walkway would connect to the proposed path under I-880 at 4th Street (near the Posey Tube Portal building).It would continue onto 4th Street to Webster Street, and it would turn north through the existing parking lot on the west side of the Webster Tube entrance before making a hairpin turn to connect to the westside walkway inside the Tube.

   On the Alameda side, the walkway would connect to existing bicycle and pedestrian facilities at Mariner Square Loop and Willie Stargell Avenue. The existing sidewalk within Neptune Park would be widened to match the proposed sidewalk to the north. Improvements inside the Tube would include widening the existing walkway, upgrading the existing railings, and relocating call boxes and fire extinguishers.

8. Modification of 5th, 7th, Madison, Jackson, Harrison, Webster, Oak, and Franklin streets. The street modifications (refer to **Illustration 2**) would include replacing the dual right turns at the

7th Street/Harrison Street intersection with a single right-turn-only lane and removing the free right turn (where the island allows cars to turn right without stopping) at the 7th Street/ Jackson Street intersection. These would no longer be needed because Alameda traffic bound for NB/SB I-880 would be better served by the right turns from the Posey Tube to 5th Street. With the removal of the free right turns, vehicles would observe the traffic signal before turning right. With the curb extension proposed at this location, the pedestrian crossing distance would be shortened, which would decrease vehicle-pedestrian conflicts. In addition, a Pedestrian Hybrid Beacon (PHB) would be installed on 7th Street across the street from the Chinese Garden Park. There would also be restrictive right-turn movements to reduce bicycle and vehicle conflicts at the 5th/Broadway, 6th/Webster, 6th/Harrison, 6th/Jackson, 6th/Madison, 5th/Jackson, 8th/Oak, and 7th/Oak intersections.

A continuous sidewalk would be installed along the perimeter of Chinese Garden Park. Additional improvements, including landscaping modifications, could occur adjacent to the southern boundary of the park and would be coordinated through the City of Oakland.

Jackson Street between 5th and 6th streets would be converted from two- to one-way travel lanes in the northbound direction, and it would provide an emergency-only access lane.

2.2.1 Retaining Walls and Excavation

The proposed improvements would construct several new retaining walls along the NB I-880 Jackson Street on-ramp, WB I-980 Jackson Street off-ramp, NB I-880 Oak Street off-ramp, and new horseshoe connector. Retaining wall construction would minimize the need for right-of-way (ROW) acquisition. Table 1 lists the retaining walls needed for the proposed project including their locations and approximate dimensions. Table 2 lists the excavation depths of other proposed project features.

Table 1. Retaining Wall Locations and Dimensions (Oakland)

Wall Number	Location	Approx. Length (feet)	Height (feet)	Anticipated Excavation Depth (feet)
1	Supporting Harrison Street as Posey Tube right lane runs onto 5th Street	215	8-12	36
2	Supporting existing fill in front of the existing abutment at Harrison Street	65	8-30	13
3	Supporting the I-880 mainline	410	24-32	28
4	Supporting the Jackson Street abutment	145	17	2
4A	Supporting the Jackson Street abutment	60	10	20
4B	Supporting the Jackson Street abutment	60	14	20
5	Supporting cut slope south of 6th Street and parallel to existing NB I-880 Broadway off-ramp	510	4-22	44
6	Supporting Posey Tube bicycle/pedestrian switchback on the approach's east side	105	10	32
7	Supporting along the NB I-880 Oak Street off-ramp to accommodate an additional left-turn pocket	215	4-10	6

8R	Supporting reconstruction of the WB I-980 Jackson Street off-ramp (north wall)	230	24	32
8L	Supporting reconstruction of the WB I-980 Jackson Street off-ramp (south wall)	225	22	6
9	Supporting additional left-turn pocket for traffic from the Posey Tube at Harrison Street and 6th Street intersection	95	8	12
10	Supporting NB I-880 Oak Street off-ramp widening	399	12	4

Table 2. Excavation Depths

Feature	Description	Excavation Depth (feet)
OAKLAND		
Bike Path	Assumed pavement depth = 0.5' PCC, 0.5' CL 2 aggregate base (AB)	1
Roadway	Assumed pavement depth =0.75' hot mix asphalt (HMA) (type A), 0.75' class 2 AB, 1' class 2 aggregate subbase (AS)	2.5
WB I-980 Jackson Street Off-ramp	New bents (columns) and an abutment	50
ALAMEDA		
Bike Path	Assumed pavement depth = 0.5' PCC, 0.5' class 2 AB	1
Roadway	Assumed pavement depth =0.75' HMA (type A), 0.75' class 2 AB, 1' class 2 AS	2.5
Overhead Sign Foundation	Truss single-post Type V with assumed span length = 32'	20

2.2.2 Property Acquisitions

The proposed project would require the transfer of ROW from the following public entities: City of Oakland and City of Alameda. It would also require a permanent maintenance easement from Laney College to maintain a retaining wall for the Oak Street off-ramp. The Build Alternative would not require any residential or business displacement.

2.2.3 Utilities

Existing Pacific Gas and Electric (PG&E) overhead distribution electric lines along 5th and Harrison streets would be relocated as part of the Build Alternative. Some of these overhead lines would be placed underground. Utility relocations may require trenching to a depth of approximately 6 feet. Positive location (potholing) would be performed to verify the location of mapped utilities. Table 3 lists proposed utility work for the Build Alternative.

Table 3. Proposed Utilities, Operational Elements and Drainage Systems

Location	Type of Work	Utility/Service System	Size
Harrison Street from 4th to 5th streets	Relocate existing overhead utilities underground.	*PG&E:* Electric *AT&T:* Telecom	Overhead lines (both)
	Relocation fire hydrant	*EBMUD*	6"water line
5th Street from Harrison to Jackson streets	Protect existing underground utilities in place. Possible permanent relocation.	*EBMUD:* Water *City of Oakland:* Sewer and storm drain *PG&E:* Gas *AT&T:* Fiber optic	4", 6" water lines 8" sewer lines 21", 24" storm drain 2" gas lines
5th Street from Webster to Harrison streets	Protect existing underground utilities in place. Possible temporary relocation.	*EBMUD:* Water *City of Oakland:* Sewer and storm drain *PG&E:* Gas	4", 6" water lines 8" sewer lines 24" storm drain 1-1/4" gas lines
Posey Tube Walkway	Protect existing underground utilities in place. Possible permanent relocation.	*EBMUD:* Water *City of Oakland:* Sewer and storm drain *PG&E:* Gas *AT&T:* Fiber optic	10" water lines 8" sewer lines 24" storm drain 1-1/4", 2" gas lines
	Install new lines.	*Caltrans:* Street lighting and drainage	New – TBD
6th Street from Oak Street to Broadway	Install new lines.	*EBMUD:* Water *City of Oakland:* Sewer and storm drain *PG&E:* Gas	New – TBD Existing lines will be relocated if it is determined they are in conflict.
	Protect in place.	*PG&E:* 115kV Electric	Unknown size
Jackson Street Horseshoe	Install new lines.	*Caltrans:* Street lighting and storm drains	New – TBD
Intersections • 3rd/Oak • 5th/Broadway • 5th/Jackson • 5th/Oak • 6th/Harrison • 6th/Broadway • 7th/Harrison • 7th/Jackson • 7th/Oak • 8th/Oak • 9th/Oak	Modify traffic and bicycle signals.	*City of Oakland:* Traffic signals and lighting	N/A
Intersections • 6th/Jackson • 6th/Webster • 6th/Franklin • 6th/Oak • 7th/Alice	Install new traffic signals. Install a Pedestrian Hybrid Beacon (PHB) signal at 7th/Alice.	*City of Oakland:* Traffic signals and lighting	N/A

2.2.4 Context Sensitive Solutions

Aesthetic features are planned for the proposed project that would serve as contextual elements to help retain the community's unique character, and they may help generate public acceptance. These elements would include textured retaining walls and paving, balustrades, highway plantings, and complete streets improvements. Examples of complete streets features proposed for this project include ADA-compliant sidewalks, safe pedestrian crosswalks, bike lanes, curb extensions, and landscaping to increase safety and enhance the environment for those who walk and bicycle.

2.2.5 Construction Schedule

Construction activities would last approximately 36 months. There would be two major stages with several phases in each. The first stage would construct the Jackson Street horseshoe and associated improvements on the southside of I-880 as well as widen the walkway in the Webster Tube. The second stage would widen the NB I-880/Oak Street off-ramp, remove the Broadway NB I-880 off-ramp, and construct 6th Street improvements with associated elements on the northside of I-880.

Construction equipment would be staged in areas underneath I-880 that are owned by Caltrans and currently leased as parking lots. Construction activities would primarily be during the day; however, nighttime work would be needed to minimize traffic impacts, especially in the Webster Tube. Caltrans would continue to coordinate with the cities of Oakland and Alameda to develop and implement a Transportation Management Plan (TMP) and other measures to minimize construction impacts on the human and natural environment. As part of the TMP, a shuttle may be needed to transport bicyclists and pedestrians between Oakland and Alameda during construction.

The proposed project contains a number of standardized project measures which are employed on most, if not all, Caltrans projects. They were not developed in response to any specific environmental impacts resulting from the proposed project.

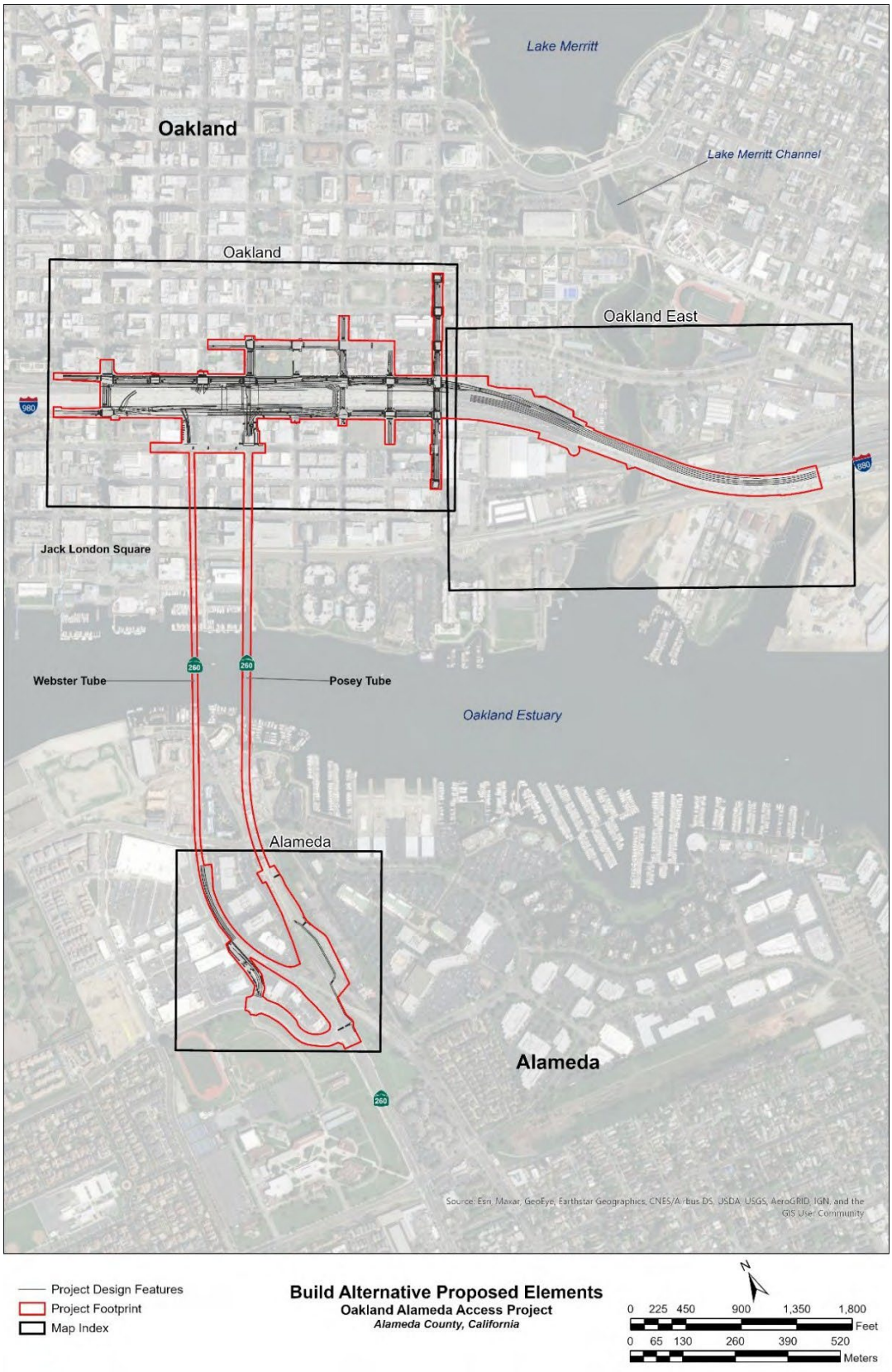


Illustration 1. Build Alternative Proposed Elements, Project Overview.

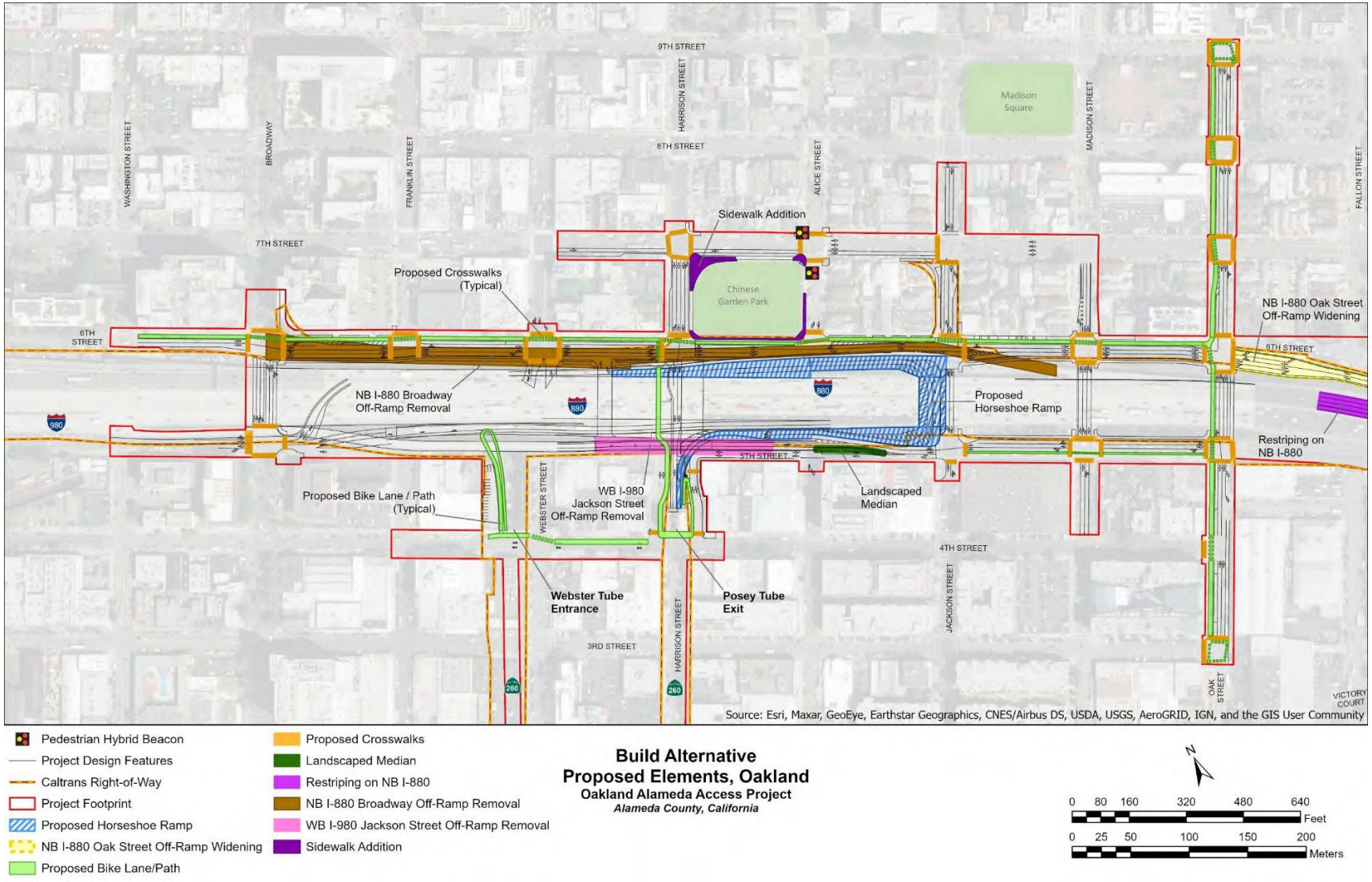


Illustration 2. Build Alternative Proposed Elements, Oakland.

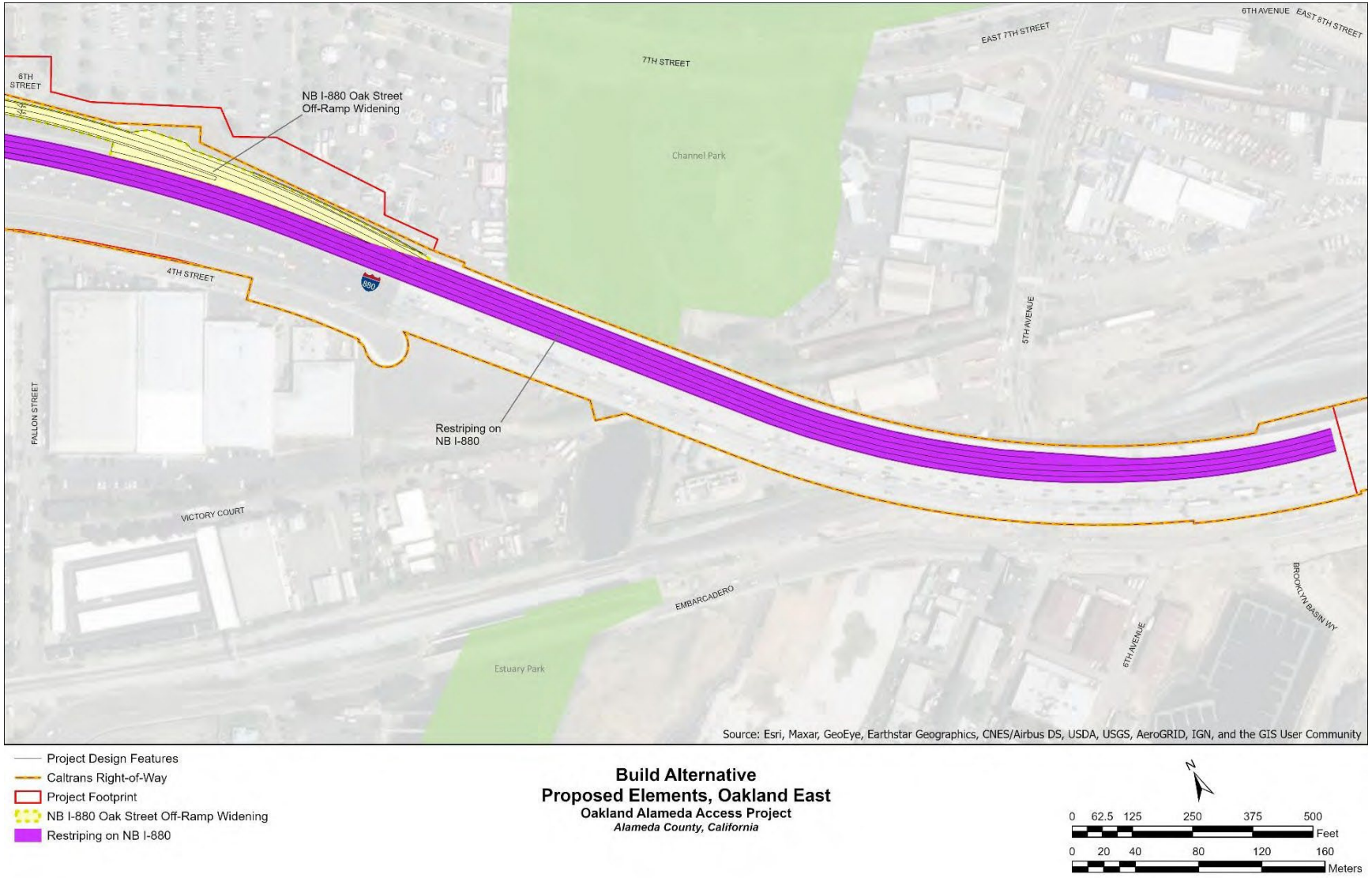


Illustration 3. Build Alternative Proposed Elements, Oakland East.

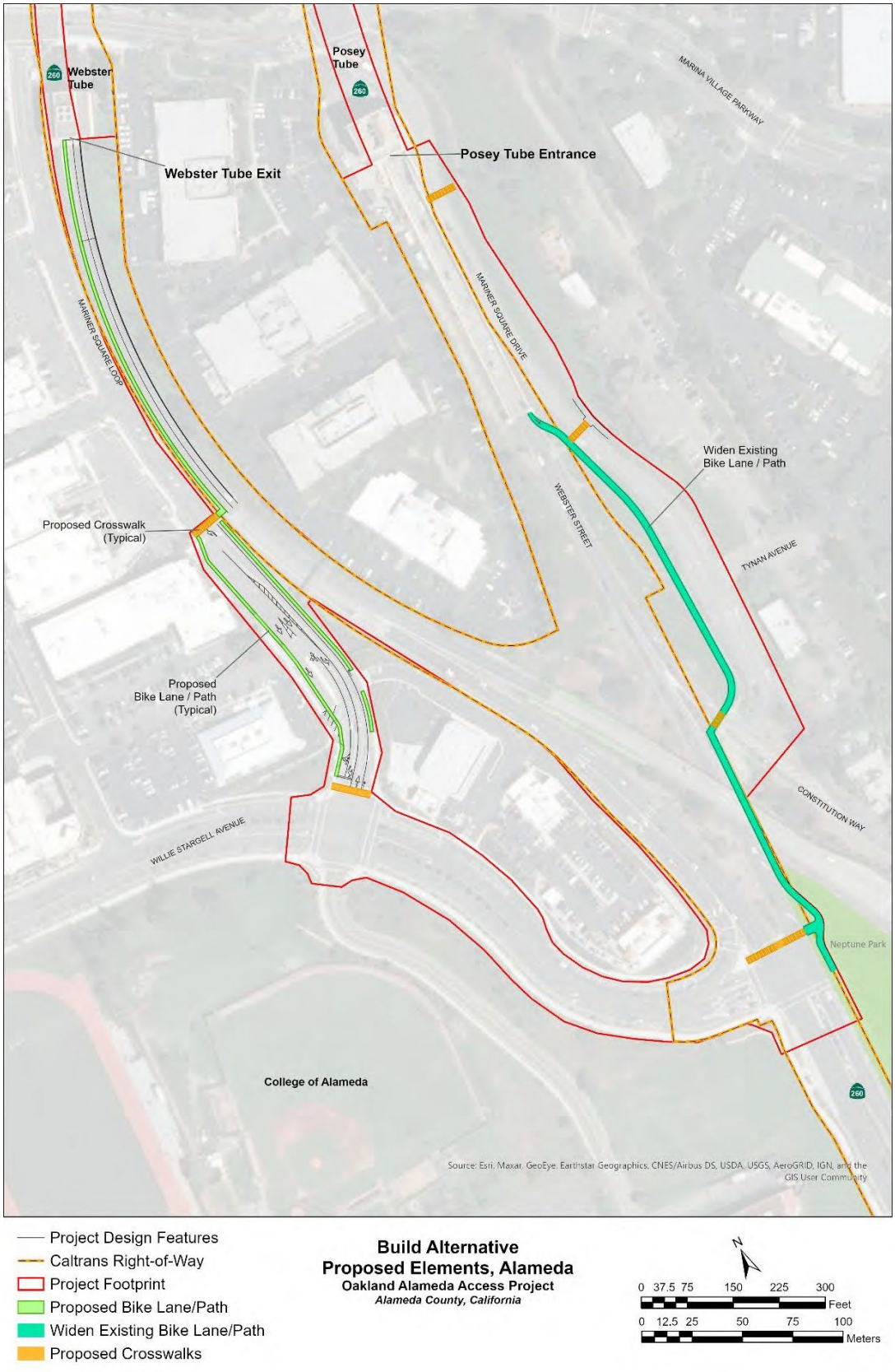


Illustration 4. Build Alternative Elements, Alameda.

Oakland-Alameda Access Memorandum of Agreement

Attachment B
Area of Potential Effects Map

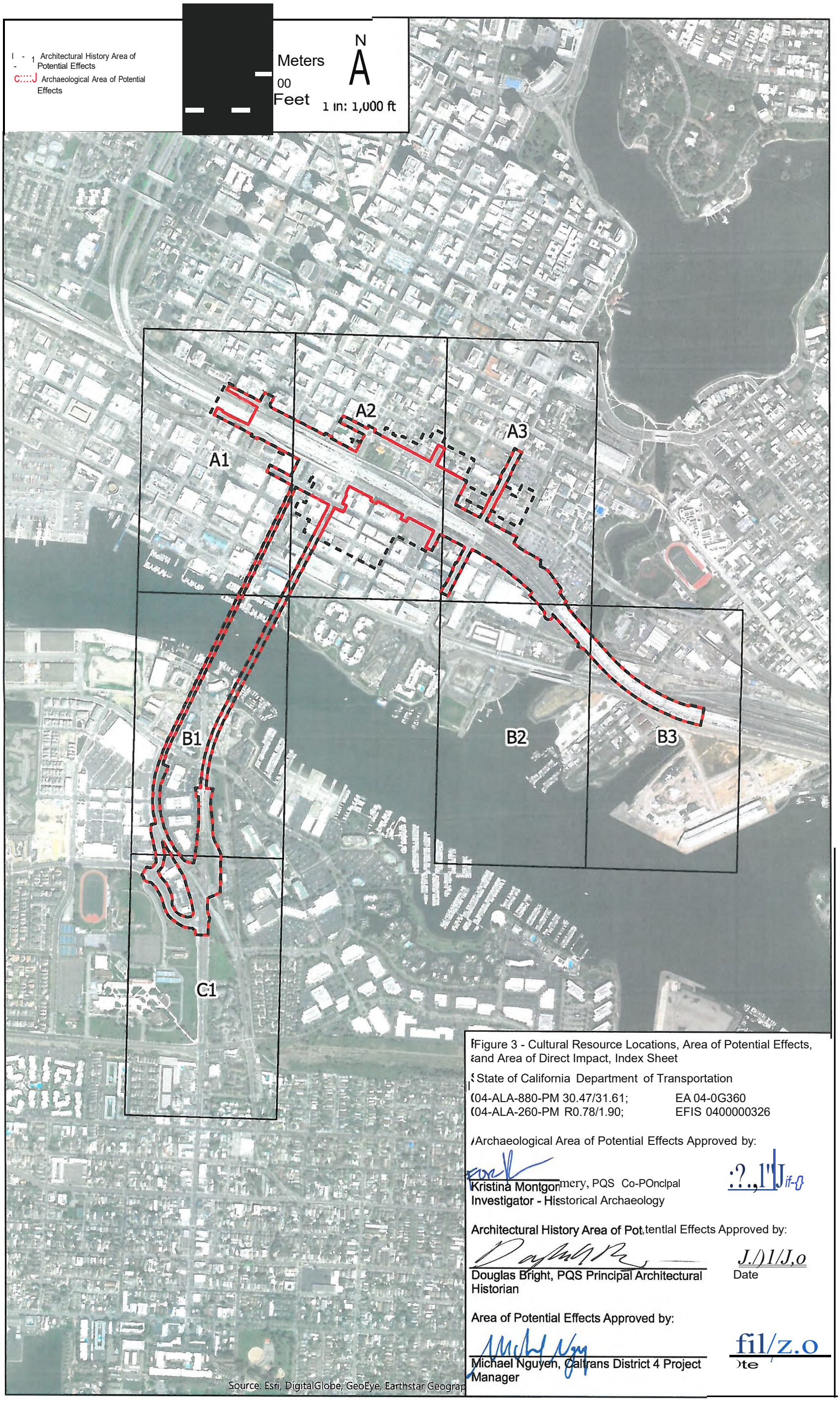


Figure 3 - Cultural Resource Locations, Area of Potential Effects, and Area of Direct Impact, Index Sheet

State of California Department of Transportation

(04-ALA-880-PM 30.47/31.61; EA 04-0G360
(04-ALA-260-PM R0.78/1.90; EFIS 0400000326

Archaeological Area of Potential Effects Approved by:

Kristina Montgomery, PQS Co-POnclpal Investigator - Hisstorical Archaeology

Date

Architectural History Area of Pot,tentlal Effects Approved by:

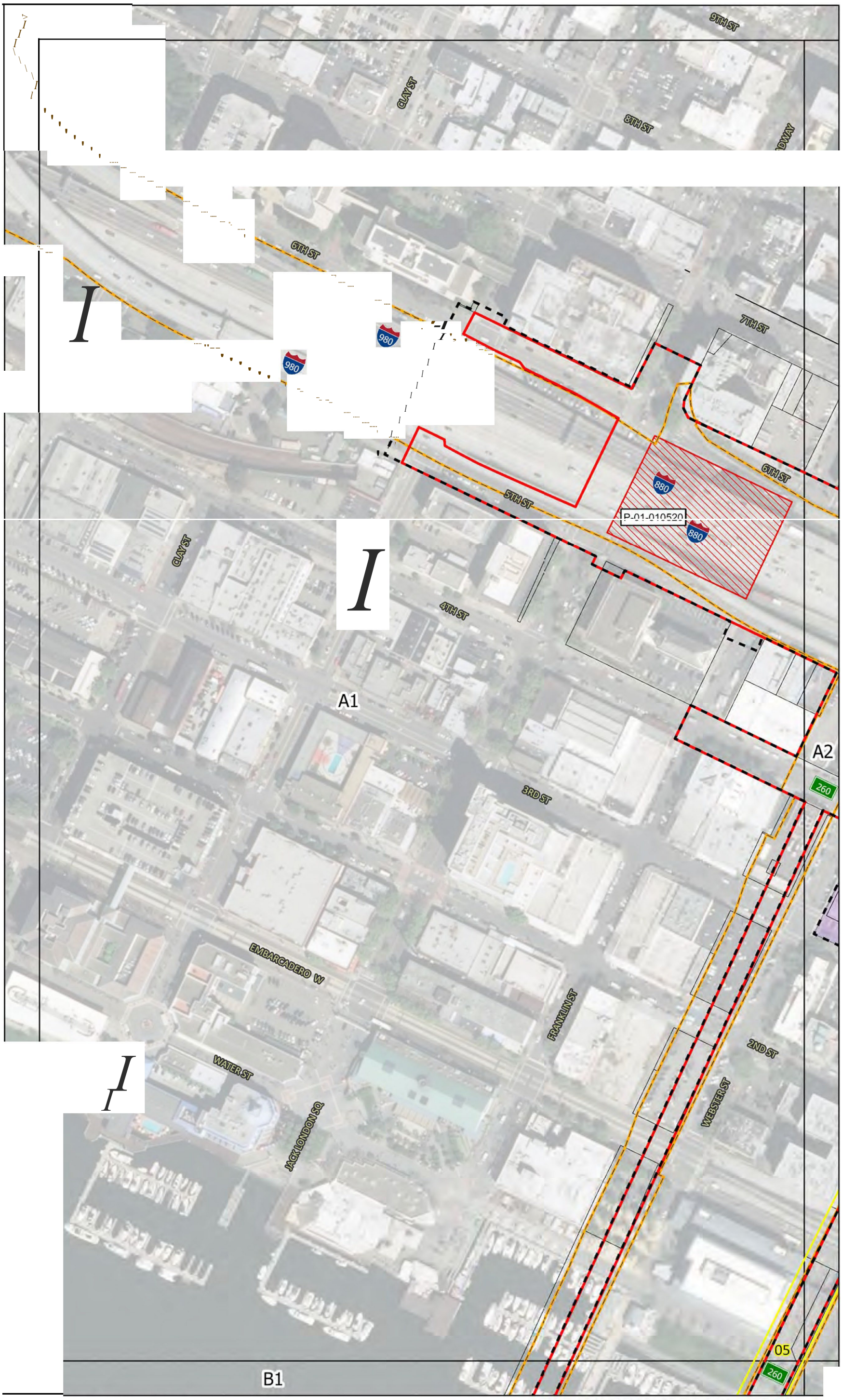
Douglas Bright, PQS Principal Architectural Historian

Date

Area of Potential Effects Approved by:

Michael Nguyen, Caltrans District 4 Project Manager

Date



State of California, Department of Transportation
Cultural Resource Locations, Area of Potential Effects, MapA1, Sheet 1 of 7.

EA 04-0G360
E-FIS 0400000326

04-ALA-880-PM 30.47/31.61;
04-ALA-260-PM R0.78/1.90

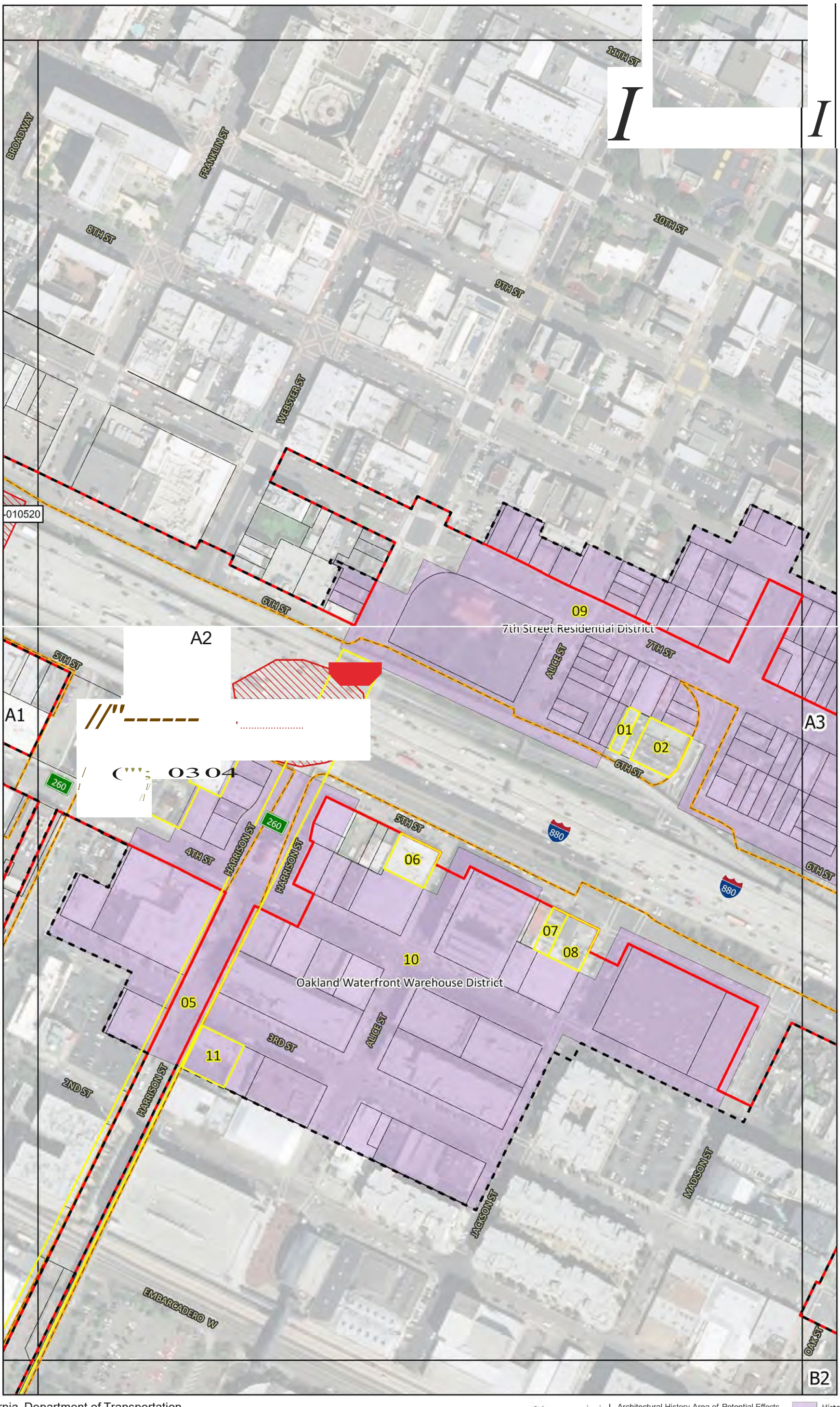
0 Feet 500

0 Meters 100

N

1:2,400

Architectural History Area of Potential Effects
Archaeological Area of Potential Effects
Archaeological Resource
Parcel
Historic District
Map Reference Number
Caltrans Right-of-Way



State of California, Department of Transportation
Cultural Resource Locations, Area of Potential Effects, Map A2, Sheet 2 of 7.

EA 04-0G360
E-FIS 0400000326

04-ALA-880-PM 30.47/31.61;
04-ALA-260-PM R0.78/1.90

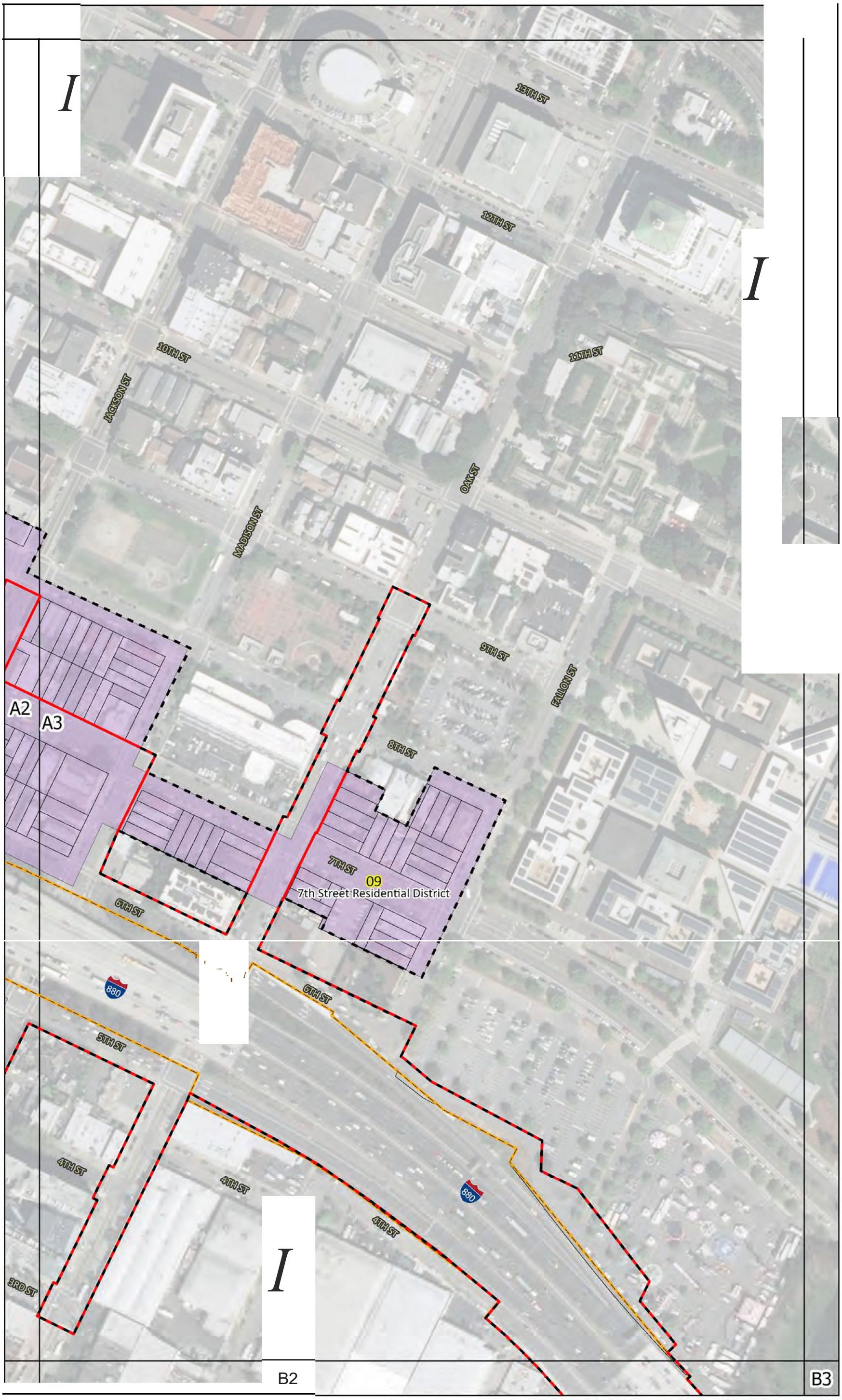
0 Feet 500

0 Meters 100

N

1:2,400

Architectural History Area of Potential Effects
Archaeological Area of Potential Effects
Archaeological Resource
Parcel
Historic District
Map Reference Number
Caltrans Right-of-Way



State of California, Department of Transportation
Cultural Resource Locations, Area of Potential Effects, Map A3, Sheet 3 of 7.

EA 04-0G360
E-FIS 0400000326

04-ALA-880-PM 30.47/31.61;
04-ALA-260-PM R0.78/1.90

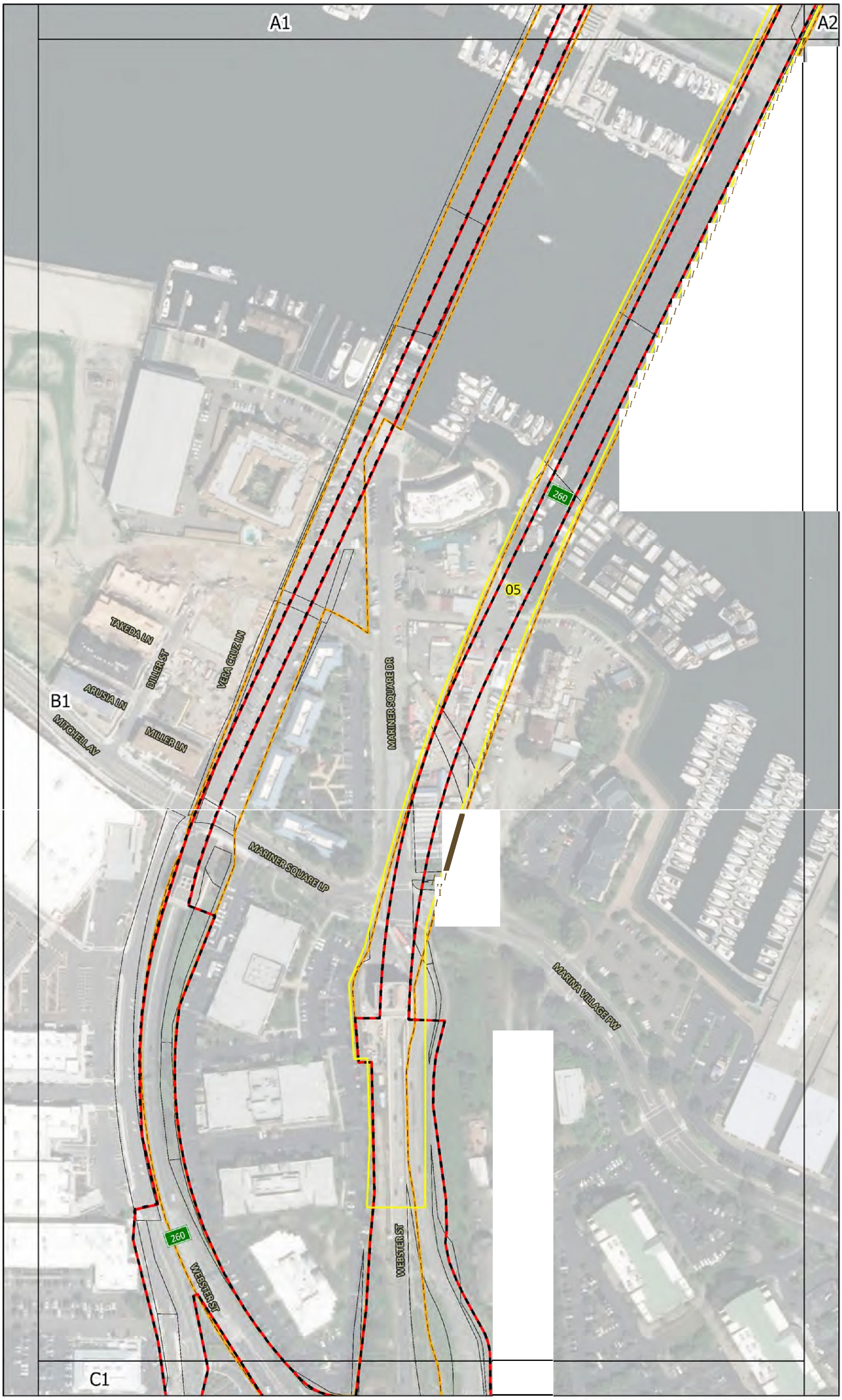
0 Feet 500

0 Meters 100

N

1:2,400

Architectural History Area of Potential Effects
Archaeological Area of Potential Effects
Archaeological Resource
Parcel
Historic District
Map Reference Number
Caltrans Right-of-Way



State of California, Department of Transportation
Cultural Resource Locations, Area of Potential Effects, Map B1, Sheet 4 of 7.

EA 04-0G360
E-FIS 0400000326

04-ALA-880-PM 30.47/31.61;
04-ALA-260-PM R0.78/1.90

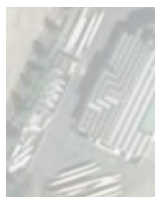
0 Feet 500
0 Meters 100
1:2,400

N

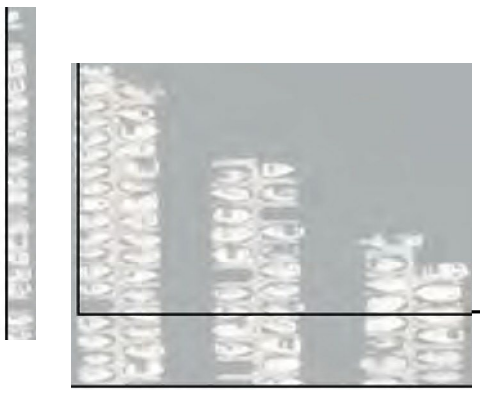
Architectural History Area of Potential Effects
Archaeological Area of Potential Effects
Archaeological Resource
Parcel
Historic District
Map Reference Number
Caltrans Right-of-Way

A2 | A3

I



Bz



State of California, Department of Transportation
Cultural Resource Locations, Area of Potential Effects, Map B2, Sheet 5 of 7.

EA 04-0G360 04-ALA-880-PM 30.47/31.61;
E-FIS 0400000326 04-ALA-260-PM R0.78/1.90

0 Feet 500

0 Meters 100

N

A

1:2,400

: : I Architectural Historv Area of Potential Effects

C:J Archaeological Area of Potential Effects

Archaeological Resource

D Parcel

D Historic District

L Map Reference Number

Caltrans Right-of-Way

State of California. Department of Transportation
Cultural Resource Locations, Area of Potential Effects, Map B3, Sheet 6 of 7.

EA 04-0G360
E-FIS 0400000326

04-ALA-880-PM 30.47/31.61;
04-ALA-260-PM R0.78/1.90

0 Feet 500

0 Meters 100

N

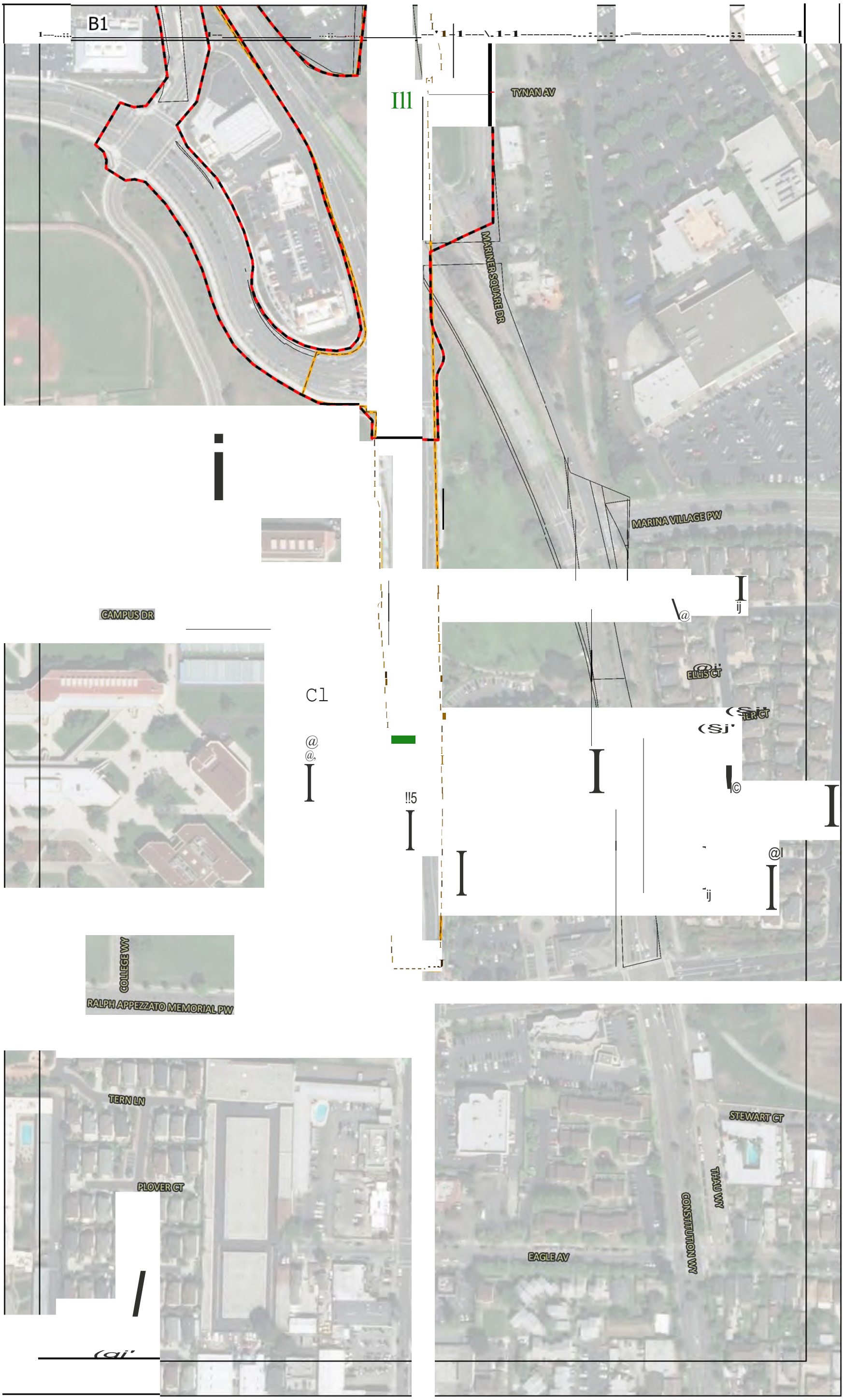
1:2,400

: : I Architectural Historv Area of Potential Effects
Historic District

c:J Archaeological Area of Potential Effects
L Map Reference Number

Archaeological Resource
- Caltrans Right-of-Way

D Parcel



State of California, Department of Transportation
Cultural Resource Locations, Area of Potential Effects, Map C1, Sheet 7 of 7.

EA 04-0G360
E-FIS 0400000326

04-ALA-880-PM 30.47/31.61;
04-ALA-260-PM R0.78/1.90

0 Feet 500

0 Meters 100

N

1:2,400

Architectural History Area of Potential Effects
Archaeological Area of Potential Effects
Archaeological Resource
Parcel
Historic District
Map Reference Number
Caltrans Right-of-Way

Oakland-Alameda Access Memorandum of Agreement

Attachment C
Built Environmental Treatment Plan

BUILT ENVIRONMENT TREATMENT PLAN

for the

Oakland Alameda Access Project
Oakland and Alameda, Alameda County, California

04-ALA-880 PM 30.47 to 31.61;
04-ALA-260 PM R0.78 to R1.90

E-FIS 0400000326

The environmental review, consultation, and any other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by California Department of Transportation (Caltrans) pursuant to 23 U.S.C. 327 and the Memorandum of Understanding dated December 23, 2016, and executed by Federal Highway Administration (FHWA) and Caltrans.

Reviewed For Approval By:

Helen Blackmore, PQS Principal Architectural Historian
Office of Cultural Resources Studies
California Department of Transportation, District 4

Approved By:

Helen Blackmore, Branch Chief, Architectural History
Office of Cultural Resources Studies
California Department of Transportation, District 4

Prepared by:

Christopher McMorris, Principal / Architectural Historian
Toni Webb, Architectural Historian
JRP Historical Consulting, LLC
Davis, CA

June 2021

TABLE OF CONTENTS

1. INTRODUCTION 1
2. DESCRIPTION OF UNDERTAKING 1
3. REGULATORY FRAMEWORK 2
4. Roles and Responsibilities and Qualifications 3
4.1 Qualifications of Staff Implementing BETP 3
5. HISTORIC PROPERTY DESCRIPTION 4
6. DESCRIPTION OF TREATMENT PROGRAM 5
6.1 Secretary of the Interior's Standards for Rehabilitation 5
6.1.1 Oakland Approach Walls and Staircase Replacement 7
6.1.2 Eastern Wall End Treatment 7
6.1.3 Date Stamps 7
6.1.4 Pylon Base Stabilization 7
6.2 Environmentally Sensitive Area 8
7. MEASURES TO MINIMIZE ADVERSE EFFECTS 8
7.1 Measures During Plans, Specifications, and Estimates Phase 8
7.1.1 Design Review Process 8
7.1.2 Pre-construction Meeting and Notification Regarding Construction Commencement 10
7.2 Measures During Construction. 10
7.2.1 Field Checks and Continued Section 106 Compliance Assistance 10
7.2.2 Review Project Changes 10
7.3 Summary Tables of Tasks 11

APPENDIX

Appendix 1: Preliminary Plans at the Posey Tube Oakland Approach

1. INTRODUCTION

The Alameda County Transportation Commission (Alameda CTC), in coordination with the California Department of Transportation (Caltrans), proposes the Oakland Alameda Access Project (Undertaking), which will consist of improvements along Interstate 880 (I-880) and State Route 260 (SR 260) and local roadways and intersections in the cities of Oakland and Alameda). The Undertaking includes removal and modification of the existing freeway ramps and modification of the George A. Posey Tube (Posey Tube) exit in Oakland, as well as the construction of Class IV two-way cycle tracks.

Caltrans determined that the Undertaking will have an adverse effect on the Posey Tube, a resource that is individually eligible for listing in the National Register of Historic Places (NRHP). The Oakland Portal building, a key contributor to the Posey Tube, is also listed in the NRHP as a contributor to the Oakland Waterfront Warehouse District. The analysis of these effects to the Posey Tube can be found in the *Finding of Effect for Oakland-Alameda Access Project, Oakland and Alameda, Alameda County, California* (FOE).[1] The State Historic Preservation Officer (SHPO) concurred with Caltrans' finding of adverse effect for this Undertaking on February 8, 2021 (reference FHWA_2020_0507_002 and CATRA_2020_05-07_002).

This Built Environment Treatment Plan (BETP) for the Posey Tube has been prepared as stipulated in Section II.A of the Memorandum of Agreement (MOA) between the California Department of Transportation and the SHPO regarding the Oakland Alameda Access Project. The BETP assists with project compliance under Section 106 of the National Historic Preservation Act (NHPA) of 1966 and the January 2014 *First Amended Programmatic Agreement among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act* (Section 106 PA). This plan establishes the tasks and procedures for the application of the Secretary of the Interior's Standards (SOIS) for the Treatment of Historic Properties in order to minimize and mitigate adverse effects to the Posey Tube and identifies the responsible parties and timeframes for each task.

2. DESCRIPTION OF UNDERTAKING

The Alameda CTC in coordination with Caltrans proposes to improve access along I-880 and SR-260 and local roadways and intersections in the cities of Oakland and Alameda as part of the Undertaking. Within the approximately 1-mile-long project area, I-880 (PM ALA 30.47 to PM 31.61) and SR-260 (PM ALA R0.78 to R1.90) are major transportation corridors. Moreover, the I-880 freeway viaduct is a physical barrier, limiting bicycle and pedestrian connectivity between downtown Oakland and Chinatown to the north and the Jack London Improvement District and Oakland Estuary to the south. Existing local street patterns across I-880 are intertwined with freeway entrance and exit ramps and the Posey and Webster Tubes through downtown Oakland and to and from the City of Alameda, affecting the cross-freeway circulation of motorists, bicyclists, and pedestrians. The purpose of this undertaking is to: 1) improve mobility and accessibility for travelers between I-880, SR-260 (Tubes), City of Oakland downtown

[1] JRP Historical Consulting, LLC, *Finding of Effect for Oakland-Alameda Access Project, Oakland and Alameda, Alameda County, California*, October 2020.

neighborhoods, and the City of Alameda; 2) reduce freeway-bound regional traffic and congestion on local roadways and in area neighborhoods; 3) reduce conflicts between regional and local traffic; and 4) improve bicycle and pedestrian connectivity within the project study area.

The Undertaking proposes to remove and modify the existing freeway ramps and to modify the Posey Tube exit in Oakland. In addition, the project would construct Class IV two-way cycle tracks within the project study area. This would improve connectivity to existing and future planned bicycle paths in Oakland and implement various "complete streets" improvements to create additional opportunities for non-motorized vehicles and pedestrians across I-880 between downtown Oakland and the Jack London Improvement District. The project would also implement bicycle and pedestrian improvements at the Posey Tube and Webster Tube approaches in Alameda and Oakland and would also open the Webster Tube westside walkway to bicycles and pedestrians. For a more detailed project description, refer to the *Finding of Effect for Oakland-Alameda Access Project, Oakland and Alameda, Alameda County, California* (October 2020).

Project components that would result in an adverse effect to the Posey Tube consist of:

- Construction of a right-turn-only lane from the Posey Tube to 5th Street in Oakland, which will modify the Posey Tube in Oakland by the demolition of approximately 175 feet of the Oakland Approach's eastern wall and staircase for a new turn lane onto 5th Street. The approach's extant straight eastern wall will be replaced by a new curved wall that will extent onto 5th Street.
- Construction of the bicycle/pedestrian ramp and walkway around the Portal building, which will consist of an Americans with Disabilities Act (ADA) compliant ramp at the Posey Tube's Oakland Approach. The ramp would replace the staircase attached to the eastern wall of the Oakland Approach. The walkway would replace the existing concrete sidewalk and curb on the west (4th Street) side of the Oakland Portal building.
- Construction of the left-turn-only lane from the Posey Tube exit to 6th Street will modify the Posey Tube by the demolition of approximately 95 feet of the Oakland Approach's western wall, likely including the western pylon base, although possible relocation of the western pylon base to the west to accommodate the left turn only lane will be considered. The approach's existing straight wall will be replaced by a wall that would extend to 6th Street.

Preliminary designs for project elements related to the Posey Tube are included as Appendix 1 to this document.

3. REGULATORY FRAMEWORK

The purpose of this BETP is to assist the project proponent, the Alameda CTC, and the lead federal agency, Caltrans (as assigned by the Federal Highway Administration [FHWA]) to comply with Section 106, its implementing regulations in Title 36 Code of Federal Regulations Part 800 (36 CFR 800), and the Section 106 PA.

A Historical Resources Evaluation Report (HRER) was produced to identify historic properties within the project's Area of Potential Effects (APE), and a FOE report was prepared to determine the effects of the project on identified historic properties. The SHPO concurred with the findings of the HRER and FOE on June 8, 2020 and February 8, 2021, respectively, including identification of the Posey Tube as a historic property under Section 106 and that the project would cause an adverse effect on the Posey Tube. During the Section 106 process, Caltrans and Alameda CTC

have and continue to afford the Stakeholder Working Group (SWG) and the City of Oakland's Landmark Preservation Advisory Board (LPAB), herein referred to as consulting parties, the opportunity to comment on the Undertaking and its effect on historic properties.

SHPO and Caltrans have executed the MOA to which this BETP is attached for purposes of resolving the Undertaking's adverse effect, as per 36 CFR 800.6 and Stipulation XI of the Section 106 PA.

4. ROLES AND RESPONSIBILITIES AND QUALIFICATIONS

Caltrans will oversee implementation of this BETP and have the primary responsibility to ensure compliance with the terms of MOA and this BETP. Tasks and actions of the parties responsible for implementing this BETP are presented in Section 7. The Alameda CTC Project Manager will have oversight and management of the Plans, Specifications, and Estimates (PS&E) phase of the project, and Alameda CTC will select the Project Engineer who will prepare the PS&E. Caltrans will provide construction oversight and will select the Contractor which will build the project during the construction phase of the project. The Caltrans Resident Engineer will have oversight and management of the project's construction. During both phases of the project, both the Alameda CTC and the Contractor will have a Consultant Architectural Historian on the team to help guide implementation of the BETP and coordination with the Caltrans Professional Qualified Staff (PQS) Principal Architectural Historian. A list of responsible parties and their general role is shown in Table 1.

4.1 Qualifications of Staff Implementing BETP

Pursuant to Stipulation V.A.3 of the MOA, all aspects of the BETP will be conducted by, or under the direct supervision of, persons who meet or exceed the SOIS Standards (48 CFR 44738-9) as appropriate.

Table 1. BETP Responsible Parties

Title	General Role
Alameda CTC Project Manager	Oversight and management of PS&E phase
Alameda CTC Project Engineer	Prepare PS&E
Caltrans Resident Engineer	Oversight and management of construction phase
Caltrans Project Manager	Selection of contractor(s)
Caltrans PQS Principal Architectural Historian	• Guide implementation of BETP • Review and approve incorporation of SOIS in PS&E • Coordinate with consulting parties regarding project designs for the Posey Tube Oakland Approach

Title	General Role
Consultant Architectural Historian	• Assists with implementation of BETP • Review PS&E packages as they pertain SOIS and the Posey Tube • Coordinate with Caltrans PQS Principal Architectural Historian
Contractor	Conduct construction work as outlined in the 100% PS&E

5. HISTORIC PROPERTY DESCRIPTION

Caltrans determined the Posey Tube individually eligible for the NRHP in 1993 and SHPO concurred with that determination in 1998. The Oakland Portal building, a key contributing element to the larger historic property, is listed in the NRHP as a contributor to the Oakland Waterfront Warehouse District. As the first subaqueous automobile tunnel in the West, the George A. Posey Tube is significant at the state level under NRHP Criterion A for its important association with the development of the automobile as the primary method of transportation in California. This historic property is also significant at the national level under NRHP Criterion C for its innovative engineering, in particular its construction method for the tunnel which used precast concrete, reinforced concrete tubes that were wholly completed offsite, and installed into an excavated trench on the estuary floor. The Posey Tube's modified transverse ventilation system, which used only two portals for fresh and exhaust air was also groundbreaking at the time. Both engineering innovations significantly reduced design and construction costs. Furthermore, under NRHP Criterion C, the property is significant at the state level for the Art Deco design of both the Oakland and Alameda Portal buildings. The period of significance for the Posey Tube extends between 1928, the year the structure was completed and opened to automobile traffic, to 1947 when the California Division of Highways (predecessor to Caltrans) acquired the facility. The Posey Tube's contributing features generally include Oakland and Alameda Approaches and Portal buildings (both interior and exterior features) and the subaqueous tube itself. Character-defining features include, but are not limited to, the integrity of and relation between the contributing elements (listed above); the size and massing of the Portal buildings and Approaches; the exterior and interior features of the Portal buildings; and the Art Deco characteristics of the Portal buildings and Approaches. The historic property boundary encompasses all contributing elements and extends along 6th and 4th streets and the ancillary streets to the unnamed east and west of the Oakland Portal building in Oakland, the east and west sides of the tube, and Marina Village Parkway, Marina Square Drive, Constitution Way, and the adjacent paved access road along to the west of the Alameda Portal building and Approach in Alameda.

Since it was determined eligible, the Posey Tube has been altered by repairs to concrete in the tube (including sidewalks), replacement of original guardrails within the tube, and replacement and/or restoration of lighting and signage. In addition, the Alameda and Oakland Portal buildings and Approaches were rehabilitated in the early 2000s. The rehabilitation consisted of, but was not limited to, the stripping and recoating of handrails, wrought-iron grilles, repainting of window frames, re-casting of missing architectural details (medallions, friezes, pilaster capitals), replacement of exterior cementitious coating, removal of all concrete spalls, restoration of

handrails on landings and at stairs to tube entrances, and restoration of metal-clad doors and steel window frames in buildings to original condition and color. In the 2010s the cobra light standards at the approaches were replaced with historically accurate light standards. Caltrans determined that these modifications had no adverse effect on the historic property, thus the Posey Tube and the Oakland Portal building, retain sufficient integrity to convey their significance as outlined above.

6. DESCRIPTION OF TREATMENT PROGRAM

Caltrans will ensure that the treatments prescribed herein are implemented for the Posey Tube. The treatments for design aesthetics of the new curved wall, an associated date stamp, and other project elements at the Oakland Approach for the Posey Tube will comply with the SOIS, as much as possible. As presented in the FOE, the project will have an adverse effect on the Posey Tube. The removal of contributing elements of the Posey Tube at the Oakland Approach does not comply with the SOIS, but application of the SOIS to the treatments to these project elements is being done to help minimize the effect the project has on the historic property. The treatment of rehabilitation is appropriate for this project, as it permits contemporary use of a historic property.

6.1 Secretary of the Interior's Standards for Rehabilitation

This section presents the SOIS for Rehabilitation and describes how they apply to the project design and/or construction for the curved wall of the Posey Tube.[2] The following presents applicable SOIS, followed by recommendations for how the project may meet the standard so to minimize the adverse effect on the historic property:

1) *A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.*
2) *The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.*
3) *Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.*
4) *Changes to a property that have acquired historic significance in their own right will be retained and preserved.*
5) *Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.*
6) *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.*

[2] United States Department of the Interior, SOIS, *The Secretary of the Interior's Standards for the Treatment of Historic Properties* (Washington, D.C.: 1995, revised 2017).

7) *Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.*

8) *Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.*

9) *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.*

10) *New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

As discussed, the project will have an adverse effect on the Posey Tube. Several of these standards are useful to inform the design of the project components at the Posey Tube, Standard 9 is most applicable as it guides the design of the project's new features as they relate to the remaining historic components at the Posey Tube's Oakland Approach.

The alterations to the Posey Tube include the replacement of 175 feet of the existing eastern balustrade wall and staircase on the northbound lanes of the Oakland Approach. In its place an ADA-compliant ramp will be constructed, and a curved wall will link the Oakland Approach to I-880. Additionally, approximately 95 feet of the existing western balustrade wall, likely including the western truncated pylon base, will be replaced with a 95-foot wall. The western wall will be replaced on a slightly altered alignment to allow for the construction of the left-turn lane on to 6th Street and to accommodate a left turn lane from eastbound Sixth Street onto northbound Harrison Street. The western of the two pylons bases that once demarcated the end of the Oakland Approach, which have since been truncated, is likely to be removed to allow for construction of the left-turn lane onto 6th Street. Additional data collection during the design phase will determine the need to remove the western pylon base, including assessment of other project components that could be affected by preservation of the western pylon base. The eastern pylon base will be preserved in place and stabilized as part of this project.

Shifting the western pylon base toward the west will be considered as part of the assessment. Design adjustments to be considered in the assessment shall include, but not necessarily be limited to, narrowing the 14 foot sidewalk on the north side of Sixth Street and/or narrowing the Sixth Street bike lane, traffic lanes and/or bike lane buffer west of Harrison Street.

In general, the new components of the Posey Tube should be built in materials compatible to the original concrete design and should remove and/or alter as little distinctive materials as possible to maximize the retainment and preservation of the Posey Tube's historic character. If feasible, additional design modifications may be possible to further improve the project's conformance with the SOIS and reduce the project's impact to the Posey Tube. The following is a list of generalized suggestions for the SOIS that are applicable to the design of the changes to the Posey Tube.

6.1.1 Oakland Approach Walls and Staircase Replacement

Aesthetic design of the curved wall should not exactly replicate the historic features of the original wall. The new walls and ramp should be designed in a manner consistent with the Posey Tube's Art Deco aesthetic but should be distinguishable from the Posey Tubes original features. Such distinctions can be modest. New finishes should be appropriate to the historical color schemes that match existing components. New components, such as the ramp, path, and wall railing, will be designed to meet current accessibility and safety requirements but should be designed in a way that is consistent with SOIS as feasible. These project elements will be included in the review process discussed in Section 7.1.

6.1.2 Eastern Wall End Treatment

Consideration will be given to the location of the cut and the end treatment for the eastern wall segment that is to be retained. For example, the wall will be cut at a point that minimally disturbs the design and the end treatment, and where possible will meet the SOIS. Given that the wall will split traffic lanes, it will also have to conform to Caltrans safety standards.

6.1.3 Date Stamps

Project design will include date stamps designed into the new components of the Posey Tube Oakland Approach. Recommended locations include on the curved wall near exit of Posey Tube and at the ramp entrance/exit on Harrison Street, for example. Date stamps will be permanent impressions stamped into, or cast into, the concrete structure and will be of size and font that is easily readable to pedestrians, cyclists, and automobiles as they travel within or near the Posey Tube. Dates will reflect the year of the project's completion.

6.1.4 Pylon Base Stabilization

The pylons at the Posey Tube Oakland Approach were truncated when the I-880 elevated structure was built above. The western pylon base will likely be removed as part of this project. In an effort to minimize the adverse effect to the Posey Tube, the eastern pylon base will be preserved in place, including its metal plaque. The project will remove the graffiti from the structure and apply an anti-graffiti finish, and graffiti will be removed from the plaque. In conformance with the SOIS, chemical and/or physical treatments associated with this activity will be undertaken using the gentlest means possible to avoid causing damage to any historic material.

The Consultant Architectural Historian will work with the Alameda CTC Project Engineer to ensure that the preservation work on the Posey Tube Oakland Approach eastern pylon base is described and illustrated sufficiently in the PS&E. The Caltrans PQS Principal Architectural Historian will review the PS&E, including an assessment of how this preservation action is described/depicted.

For completion of the stabilization of the eastern pylon base, a contractor(s) will be selected who has demonstrated experience completing restoration of concrete and/or metal. Caltrans PQS will review and approve the qualifications of individuals and firms considered to carry out the stabilization of the eastern pylon base.

If the Posey Tube Oakland Approach west pylon base is not demolished, the structure will be protected and preserved similar to the east pylon base, as discussed herein.

6.2 Environmentally Sensitive Area

During construction, the eastern pylon base on the Oakland Approach will be protected through the establishment of an Environmentally Sensitive Area (ESA). The ESA is indicated on the Preliminary Plan in Appendix 1. Access to the pylon base will only be granted for the completion of the stabilization work described in Section 6.1.4.

The ESA will be included in the PS&E packages and demarked in the field through the installation of ESA fencing comprised of orange nylon-mesh fencing, and/or plywood or a similar exclusionary material. Prior to any demolition or construction activities, fencing will be placed entirely around the eastern pylon base and will be constructed in a manner as to deter access and construction activities adjacent to the eastern pylon base. The fencing will remain in place for the duration of project construction.

While it is the responsibility of the Contractor to install and maintain the ESA, once it is installed, the Caltrans Resident Engineer and Consultant Architectural Historian will conduct field checks as described in Section 7.2 to monitor the condition of the fencing and pylon base. Should any damage be identified during a field check, the Contractor will cease work in the proximity of the eastern pylon base and immediately inform Caltrans PQS Architectural Historian, Caltrans Resident Engineer, and Alameda CTC, and Caltrans will inform the Caltrans Cultural Studies Office and SHPO. Actions to repair the damage will be undertaken in consultation with the Caltrans PQS Principal Architectural History, Consultant Architectural Historian, Caltrans Resident Engineer, and contractor hired to stabilize the pylon base per Section 6.1.4. Actions to repair any damage will be completed by the pylon base stabilization Contractor(s), all work will conform to the SOIS for rehabilitation outlined in Section 6.1.

7. MEASURES TO MINIMIZE ADVERSE EFFECTS

This section provides processes and timelines on built environment treatments for the Posey Tube, as well as specific requirements for implementation. In accordance with procedures established in the MOA for ongoing consultation, changes to the project will continue to be coordinated with the SHPO and concurring parties throughout the design, pre-construction, construction, and post-construction phases of the project.

All reports resulting from the implementation of this BETP will be consistent with the MOA and will meet the professional standards of the SOIS (36 CFR Part 68) as published in the July 12, 1995 Federal Register (Vol. 60, No. 133), revised 2017, and will be prepared by persons who meet or exceed the *Secretary of the Interior's Professional Qualification Standards*, as stipulated in Section VI.A.3 of the MOA.

7.1 Measures During Plans, Specifications, and Estimates Phase

The treatment measures discussed in this subsection will be completed during the PS&E phase of the project. Table 2 in Section 7.3 provides a summary of the responsible parties and tasks during this phase.

7.1.1 Design Review Process

There will be a review process of the plans of the new curved wall and other project elements at the Posey Tube Oakland Approach that corresponds with the 65% and 95% design documents for

those features of the project. Refer to the plans in Appendix 1 of the BETP (30% preliminary designs), which show the location and plan view of the new wall and other project elements. The Alameda CTC Project Engineer will consult with the Consulting Architectural Historian during preparation of the 65% design regarding compliance with the SOIS and provide the Caltrans PQS Principal Architectural Historian the opportunity to also review and comment on such plans for compliance with the SOIS. The Consultant Architectural Historian will notify and coordinate with the Caltrans PQS Principal Architectural Historian regarding project changes at the Posey Tube Oakland Approach that are not compliant with the SOIS. If such changes occur, additional historic resources compliance documentation may be necessary under Section 106.

Upon completion of the 65% design plans, the Alameda CTC Project Manager and the Caltrans PQS Principal Architectural Historian will seek the input of consulting parties on the aesthetic design of the curved wall and other project elements at the Posey Tube Oakland Approach. The 65% design plans for these project elements will be provided to the consulting parties, and they will have 30 days to review the drawings followed by a comments resolution meeting, if needed. If the consulting parties have not responded within 30 days, the Alameda CTC Project Manager will proceed with the design with the assumption that the consulting parties have no comments and are in agreement with the 65% design. Thereafter, the Alameda CTC Project Manager and the Caltrans PQS Principal Architectural Historian will make an informational presentation regarding the 65% design for project elements at the Posey Tube Oakland Approach to the LPAB, at one of its board meetings, to elicit comments on the design. While the Alameda CTC Project Engineer, Caltrans PQS Principal Architectural Historian, and Consulting Architectural Historian, will take notes on input received from the consulting parties, written comments from the consulting parties will be encouraged.

The Alameda CTC Project Engineer will work with the Consulting Architectural Historian and the Caltrans PQS Principal Architectural Historian to incorporate input received from the consulting parties, ensuring that the aesthetic design of the project elements at the Posey Tube Oakland Approach complies with the SOIS as much as possible and taking into account the project's safety requirements and the undertaking's purpose and need. When project designs for the Posey Tube reach 95% completion, a similar design review process will occur as was undertaken at 65% completion. Caltrans will notify consulting parties with a written summary of the 95% design progress for the Posey Tube project elements, along with project drawings for the design. Consulting parties will have 30 days to review the written description and 95% drawings followed by a comments resolution meeting, if needed. If the consulting parties have not responded within 30 days, the Alameda CTC Project Manager will proceed with the design with the assumption that the consulting parties have no comments and are in agreement with the 95% design. Thereafter, the Alameda CTC Project Manager and the Caltrans PQS Principal Architectural Historian will make an informational presentation regarding the 95% design of the Posey Tube project components to the LPAB, at one of its public hearings, to elicit comments on the design. Again, notes will be taken regarding the consulting parties' input, but written comments will be encouraged.

If changes are made to project designs in response to consulting parties' input at 95% design, the revised material and a written summary of comments received will be distributed to the consulting parties for an additional 30-day review before finalizing. Project designs at 100% level of completion will be provided to Caltrans PQS for review and approval.

7.1.2 Pre-construction Meeting and Notification Regarding Construction Commencement

A meeting will be held with all responsible parties prior to all project construction activities at the Posey Tube to discuss the requirements of this BETP. The importance of compliance with the SOIS will be reviewed with construction personnel and it will be stressed that the requirements of the SOIS will be field reviewed during construction by an Architectural Historian as part of the project's Worker Environmental Awareness Training (WEAT). Additionally, personnel will be informed of historic preservation laws and regulations that protect historic properties from inadvertent damage or destruction. The protocols to be adhered to in case of an unanticipated effect (Stipulation V of the MOA) will be discussed as part of the pre-construction meeting. Contact information of responsible parties will be shared with relevant supervisory personnel.

The Caltrans Resident Engineer will notify the Caltrans PQS Principal Architectural Historian in writing at least three weeks before the commencement of any construction activity at the Posey Tube.

7.2 Measures During Construction

The treatment measures discussed in this subsection will be completed during the Construction phase of the project. Table 3 in Section 7.3 provides a summary of the responsible parties and tasks during this phase.

7.2.1 Field Checks and Continued Section 106 Compliance Assistance

For the duration of project construction activities at the Posey Tube Oakland Approach, the Consultant Architectural Historian will conduct field checks monthly, or more frequently as needed, to ensure that the project components at the Posey Tube Oakland Approach are being constructed in conformance with the PS&E, as it relates to SOIS and ESA, and provide continued Section 106 compliance assistance for this aspect of the project. In additional to periodic field checks during construction, field checks will be conducted when the aesthetic elements and finishes are being applied. The Consultant Architectural Historian will also assist the Caltrans Resident Engineer with continued Section 106 compliance via email, telephone, and tele/video conference meetings.

7.2.2 Review Project Changes

To ensure continued compliance with this BETP, the Caltrans Resident Engineer and Contractor will consult with the Consultant Architectural Historian regarding project changes related to the Posey Tube curved wall and other components of the project at the Posey Tube Oakland Approach during construction. The Contractor will provide such changes to the Caltrans Resident Engineer and Caltrans PQS Principal Architectural Historian for review and approval.

7.3 Summary Tables of Tasks

The following are summary tables of tasks and the responsible parties for the PS&E and Construction phases of the project, as they relate to project work at the Posey Tube Oakland Approach.

Table 2. BETP Responsible Parties and Tasks During PS&E Phase

Responsible Parties (Primary responsible party is denoted with an Asterix*)	**Task**
Consultant Architectural Historian* Alameda CTC Project Engineer	Consultant Architectural Historian will work with Alameda County Transportation Commission (Alameda CTC) Project Engineer to ensure Secretary of the Interior's Standards for the Treatment of Historic Properties (SOIS) are clearly described and illustrated in the 65% Plans Specifications & Estimates (PS&E) and will comment on the 65% PS&E for compliance with the Built Environment Treatment Plan (BETP).
Consultant Architectural Historian* Alameda CTC Project Engineer	Consultant Architectural Historian will work with Alameda CTC Project Engineer to ensure that preservation actions on the eastern Posey Tube Oakland Approach pylon base and plaque are clearly described and illustrated in the 65% PS&E.
Consulting Architectural Historian* Caltrans PQS Principal Architectural Historian Alameda CTC Project Manager Alameda CTC Project Engineer	On behalf of the Alameda CTC Project Manager and the Alameda CTC Project Engineer, Consulting Architectural Historian will provide Caltrans Professional Qualified Staff (PQS) Principal Architectural Historian an opportunity to review and comment on 65% PS&E.
Alameda CTC Project Manager* Caltrans PQS Principal Architectural Historian	The Alameda CTC Project Manager and the Caltrans PQS Principal Architectural Historian will provide the 65% design plans for project elements at the Oakland Approach of the Posey Tube to the consulting parties, and they will have 30 days to review the drawings. If the consulting parties have not responded within 30 days, the Alameda CTC Project Manager will proceed with the design with the assumption that the consulting parties have no comments and are in agreement with the 65% design.
Alameda CTC Project Manager* Caltrans PQS Principal Architectural Historian Alameda CTC Project Engineer	The Alameda CTC Project Manager, Caltrans PQS Principal Architectural Historian, and Alameda CTC Project Engineer will hold a Stakeholder Working Group (SWG) meeting, if needed, to discuss 65% design for the replacement wall and other project elements for the Posey Tube Oakland Approach.

Responsible Parties (Primary responsible party is denoted with an Asterix*)	**Task**
Alameda CTC Project Manager* Caltrans PQS Principal Architectural Historian Alameda CTC Project Engineer	The Alameda CTC Project Manager, Caltrans PQS Principal Architectural Historian, and Alameda CTC Project Engineer will make an informational presentation regarding the 65% designs to the City of Oakland's Landmark Preservation Advisory Board (LPAB) for its comments on design for the replacement wall and other project elements for the Posey Tube Oakland Approach.
Consultant Architectural Historian* Alameda CTC Project Engineer	Consultant Architectural Historian will work with Alameda CTC Project Engineer to ensure that measures in the BETP are clearly described and illustrated in the 95% PS&E and will comment on BETP compliance of designs for Posey Tube Oakland Approach.
Consultant Architectural Historian* Alameda CTC Project Engineer	Consultant Architectural Historian will work with Alameda CTC Project Engineer to ensure that preservation actions on the eastern Posey Tube Oakland Approach pylon base and plaque are clearly described and illustrated in the 95% PS&E.
Consulting Architectural Historian* Caltrans PQS Principal Architectural Historian Alameda CTC Project Manager Alameda CTC Project Engineer	On behalf of the Alameda CTC Project Manager and the Alameda CTC Project Engineer, Consulting Architectural Historian will provide Caltrans PQS Principal Architectural Historian an opportunity to review and comment on 95% PS&E.
Alameda CTC Project Manager* Caltrans PQS Principal Architectural Historian	The Alameda CTC Project Manager and the Caltrans PQS Principal Architectural Historian will provide the 95% design plans for project elements at the Oakland Approach of the Posey Tube to the consulting parties, and they will have 30 days to review the drawings. If the consulting parties have not responded within 30 days, the Alameda CTC Project Manager will proceed with the design with the assumption that the consulting parties have no comments and are in agreement with the 95% design.
Alameda CTC Project Manager * Caltrans PQS Principal Architectural Historian Alameda CTC Project Engineer	The Alameda CTC Project Manager, Caltrans PQS Principal Architectural Historian, and Alameda CTC Project Engineer will hold a SWG meeting, if needed, to discuss 95% designs regarding the design of the replacement wall and other project elements for the Posey Tube Oakland Approach.

Responsible Parties (Primary responsible party is denoted with an Asterix*)	**Task**
Alameda CTC Project Manager * Caltrans PQS Principal Architectural Historian Alameda CTC Project Engineer	The Alameda CTC Project Manager, Caltrans PQS Principal Architectural Historian, and Alameda CTC Project Engineer will make an informational presentation regarding the 95% PS&E to LPAB for its comments on designs regarding replacement wall and other project elements for the Posey Tube Oakland Approach.
Consultant Architectural Historian* Caltrans PQS Principal Architectural Historian	Consultant Architectural Historian will consult with Caltrans PQS Principal Architectural Historian in the event unforeseen changes to the PS&E that have the potential to affect the Posey Tube.
Alameda CTC Project Engineer* Caltrans PQS Principal Architectural Historian	The Alameda CTC Project Engineer will provide Caltrans PQS Principal Architectural Historian the 100% PS&E package for review and approval.
Alameda CTC Project Engineer* Caltrans PQS Principal Architectural Historian Consultant Architectural Historian	Alameda CTC Project Engineer will confirm that the responsible parties have completed review of the PS&E package.
Caltrans Project Manager* Alameda CTC Project Manager Caltrans PQS Principal Architectural Historian	Caltrans PQS will review and approve the qualifications of individuals and firms considered to carry out the stabilization of the eastern pylon base.
Caltrans Resident Engineer* Consultant Architectural Historian Caltrans PQS Principal Architectural Historian	The Caltrans Resident Engineer will notify Consultant Architectural Historian and Caltrans PQS Principal Architectural Historian at least three weeks in advance of project construction commencing.
Consultant Architectural Historian* Caltrans PQS Principal Architectural Historian Caltrans Resident Engineer	Consultant Architectural Historian, with assistance from the Caltrans PQS Principal Architectural Historian, will ensure that the BETP requirements are discussed at the pre-construction meeting and Worker Environmental Awareness Training (WEAT).

Table 3. BETP Responsible Parties and Tasks During Construction Phase

Responsible Parties (Primary responsible party is denoted with an Asterix*)	**Task**
Contractor* Caltrans PQS Principal Architectural Historian Consulting Architectural Historian	Install and maintain Environmentally Sensitive Area (ESA) fencing around eastern pylon base of the Posey Tube Oakland Approach. Orange nylon-mesh fencing, plywood, or a similar exclusionary material will be placed in a manner as to deter access and construction activities adjacent to the pylon base. The fencing will remain in place for the duration of project construction.
Consultant Architectural Historian* Caltrans Resident Engineer Contractor	Consultant Architectural Historian will consult with Caltrans Resident Engineer and Contractor to confirm the PS&E specifications are being followed per the BETP.
Consultant Architectural Historian* Caltrans Resident Engineer Contractor	Consultant Architectural Historian will conduct field checks of Posey Tube Oakland Approach and ESA during construction to ensure compliance with the BETP.
Contractor* Consultant Architectural Historian Caltrans PQS Principal Architectural Historian Caltrans Resident Engineer	Contractor or Consulting Architectural Historian will notify Caltrans Resident Engineer and Caltrans PQS Architectural Historian if there is any damage to the eastern pylon base from project construction. Caltrans PQS Principal Architectural Historian will notify Caltrans Cultural Studies office and the State Historic Preservation Officer (SHPO) of said damage.
Consultant Architectural Historian* Caltrans PQS Principal Architectural Historian Caltrans Resident Engineer Contractor	Consultant Architectural Historian will examine proposed project activities not represented in the PS&E package to ensure they conform with the BETP. Consultant Architectural Historian will consult with Caltrans PQS Principal Architectural Historian regarding any activities that are not included in the BETP.
Caltrans PQS Principal Architectural Historian* Caltrans Resident Engineer Consultant Architectural Historian	Caltrans PQS Principal Architectural Historian will review and approve any project changes to the Posey Tube Oakland Approach to ensure compliance with the BETP.
Caltrans Resident Engineer* Consultant Architectural Historian Contractor Caltrans PQS Principal Architectural Historian	Caltrans Resident Engineer will inform Consultant Architectural Historian when project is complete, and the Consultant Architectural Historian will inform the Caltrans PQS Principal Architectural Historian of the same.

Responsible Parties (Primary responsible party is denoted with an Asterix*)	**Task**
Consultant Architectural Historian* Caltrans PQS Principal Architectural Historian	Consultant Architectural Historian will conduct a post-project review of the Posey Tube Oakland Approach to ensure that the BETP was followed and will report to the Caltrans PQS Principal Architectural Historian regarding the results of this review.

Table 4. BETP Responsible Parties Contact Information

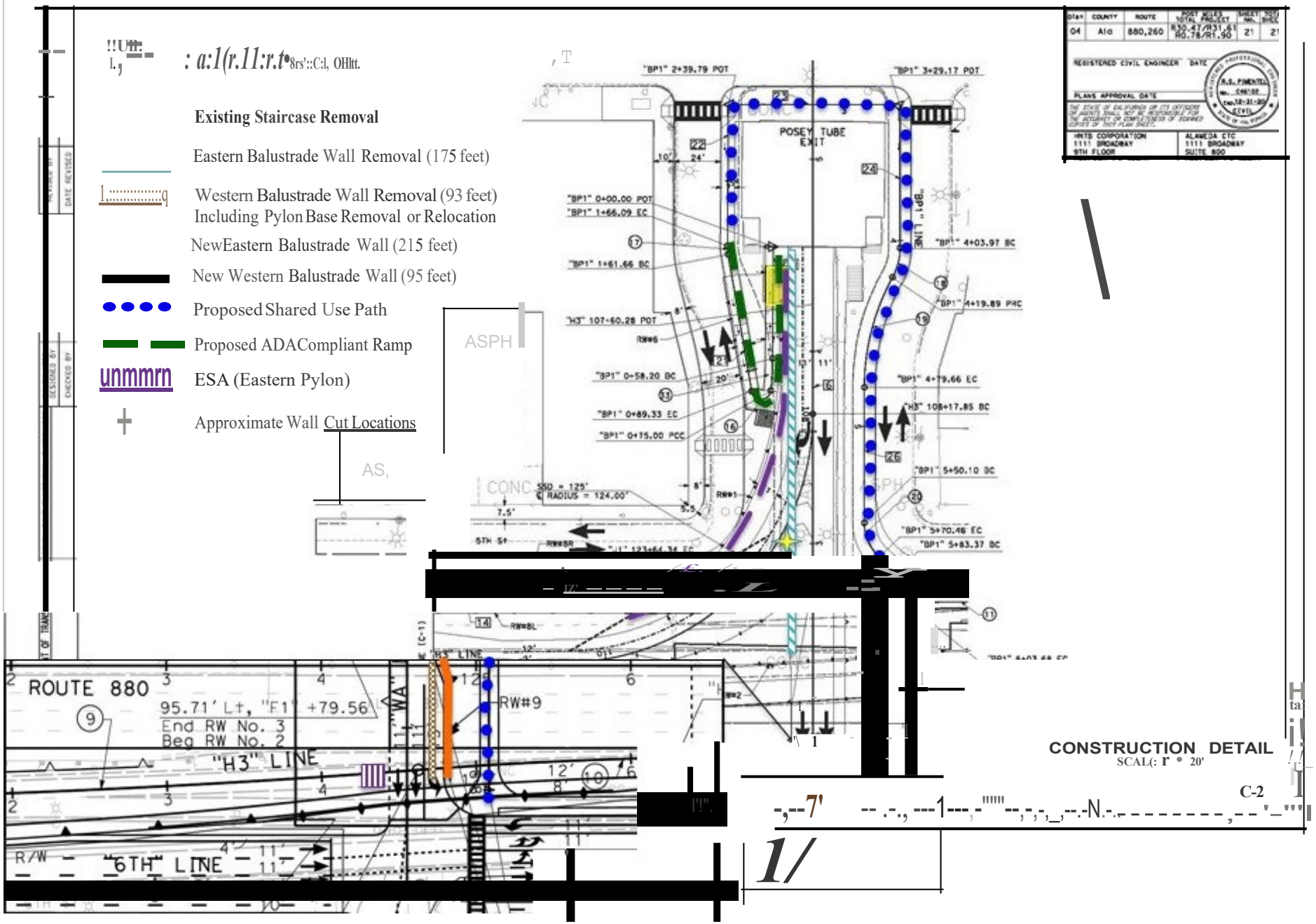
Title	Name/Affiliation	Phone Number
Alameda CTC Project Manager	Gary Sidhu	(510) 208-7414 gsidhu@alamedactc.org
Alameda CTC Project Engineer	TBD	
Caltrans Project Manager	Michael Thanh Nguyen	(510) 715-9216 michael.t.nguyen@dot.ca.gov
Caltrans Resident Engineer	TBD	
Contractor Representative	TBD	
Caltrans PQS Principal Architectural Historian	Helen Blackmore	(510) 504-2182 helen.blackmore@dot.ca.gov
Consultant Architectural Historian	TBD	

Appendix 1

Preliminary Plans – 30% Design Plans

Intentionally Left Blank

Preliminary Plans



Preliminar Plans