



Memorandum

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DATE: May 4, 2020

TO: Planning, Policy and Legislation Committee

FROM: Tess Lengyel, Executive Director
Carolyn Clevenger, Deputy Executive Director of Planning and Policy

SUBJECT: Approve Tri-Valley-San Joaquin Valley Regional Rail Authority Request for a 2014 Measure BB Transportation Expenditure Plan Amendment

Recommendation

It is recommended that the Commission approve the Tri-Valley-San Joaquin Valley Regional Rail Authority (TVSJVRRRA) request (Attachment A) for an amendment to the 2014 Measure BB Transportation Expenditure Plan (TEP) to: 1) acknowledge TVSJVRRRA as a new agency in Alameda County that can be an eligible recipient of Measure BB funds; 2) remove the BART to Livermore project and associated \$400 million Measure BB funding; 3) add Valley Link in Alameda County project with \$400 million in Measure BB funding; and 4) make associated technical amendments. Approval of this item will initiate a 45-day comment period by jurisdictions in Alameda County on the proposed amendment, which would then return to the Committee and Commission for final action. This is an action item and requires 2/3 approval at the Commission meeting per the Implementing Guidelines of the 2014 TEP.

Summary

The 2014 Measure BB TEP included \$400 million for BART to Livermore. Since that time, a significant number of developments have occurred on the project and in the project area, as detailed in the Project Background section of this memo. The TVSJVRRRA was created in 2017 by Assembly Bill 758 for the purposes of planning, developing and delivering cost-effective and responsive transit connectivity between BART and commuter rail service in the Tri-Valley and San Joaquin County that reflects regional consensus and meets the goals and objectives of the San Joaquin Valley and Tri-Valley communities.

In 2017, BART released the Draft Environmental Impact Report for BART to Livermore. In May 2018 the BART Board voted to certify the Final EIR. The Board also passed a motion directing the General Manager to not advance an alternative, effectively passing over to the TVSJVRRRA the ability to plan for a connection to the Dublin/Pleasanton BART Station in July 2018. The TVSJVRRRA then assumed the lead role for the project, now known as Valley Link.

The TVSJRRRA has requested Alameda CTC to amend the TEP to add Valley Link and move the \$400 million from the BART to Livermore TEP project to Valley Link. The TEP amendment process, as detailed later in this memo, requires a 45-day comment period by jurisdictions in Alameda County. This recommended action would authorize the initiation of the 45-day comment period. Staff will then return to PPLC and the Commission after the completion of the comment period for final action on the proposed TEP amendment. Once a final amendment is recommended to the Commission after the comment period, a 2/3 vote by the Commission is needed per the TEP Implementing Guidelines.

The proposed amendment includes the following elements, which are documented in Attachments B and C:

- 1) Acknowledgement of the TVSJRRRA as a new agency in Alameda County that is an eligible recipient of Measure BB funds (Attachment B, Plan Amendment Resolution).
- 2) Removal of the BART to Livermore Project: The amendment would remove reference to the BART to Livermore project, which was a named capital project in the BART Expansion and Maintenance program of the TEP and the associated \$400 million.
- 3) Addition of the Valley Link project: The amendment would add the Valley Link project as a new named capital project under the Commuter Rail Improvements program of the TEP and would include \$400 million in Measure BB funding.
- 4) Technical Adjustments: The amendment would make minor technical adjustments, such as updating maps and tables, to reflect the changes noted above (as shown in Attachment C, TEP Redline Markups).

Project Background

A BART extension to Livermore has been a longstanding project, dating back in concept to the 1960s when the BART system was originally envisioned. Over the years, there have been efforts by many residents, local elected officials, and other stakeholders to extend the BART alignment to Livermore, including planning, funding and project development efforts.

Regional and State Rail Planning

In 2007, the San Francisco Bay Area Regional Rail Plan developed by the Metropolitan Transportation Commission (MTC) identified the BART to Livermore extension as an important inter-regional rail connection. The Regional Rail Plan envisioned that BART should connect to the ACE train service in Livermore in order to provide a reliable and fast transit option for the growing congestion over the Altamont Pass and along the I-580 corridor. The importance of rail service between the Tri-Valley and San Joaquin Valley was reiterated in the 2018 California State Rail Plan, which calls for a Tri-Valley rail hub and increased rail frequencies and connectivity over the Altamont Corridor.

BART to Livermore Project

By the 1980s, the extension of BART further east in the Tri-Valley was already under serious consideration. In the mid-1980s, BART purchased a potential site for a future station near the Isabel Avenue and Interstate 580 interchange and a site in the vicinity of Greenville Road and Interstate 580 for purposes of preserving land for a potential station and yard/maintenance facility. In 1997, the Dublin/Pleasanton line was opened, with a West Dublin station added in 2011.

Numerous local and regional transportation measures have included support for BART to Livermore, starting with the 1986 Alameda County Measure B, which included \$170 million for a "Rail extension to Dublin Canyon". The 2000 TEP included funding of \$8.7 million for "I-580 Corridor/BART to Livermore Studies". Measure BB included \$400 million in the 2014 TEP for "BART to Livermore". The project also received Regional Measure 1 bridge toll funding to advance planning and environmental work. In June 2018, Bay Area voters approved Regional Measure 3, which includes \$100 million for "Tri-Valley Transit Access Improvements."

In 2010, after two years of analysis, BART completed a Program Environmental Impact Report (EIR) that evaluated the feasibility of five potential station sites and 10 different alignments for the BART to Livermore extension. In 2012, the BART Board of Directors directed its staff to advance the conceptual engineering and environmental review of a one-station extension to Isabel Avenue (Proposed Project), as well as to coordinate with the City of Livermore on the land use planning around the future station site.

In 2014, Alameda County voters approved Measure BB to fund the 2014 TEP, which includes \$400 million in dedicated funding for the BART to Livermore extension. Measure BB commits funds to support construction of the extension of BART in the I-580 corridor using the most effective and efficient technology.

On July 31, 2017, BART released the Draft Project EIR evaluating the Proposed Project and alternatives. In May 2018, BART released the Final Project EIR. The BART Board certified the Final Project EIR on May 24, 2018 and directed staff to not advance a specific project.

As major transportation project planning and analysis was underway, cities also advanced land use planning around future rail service. The City of Livermore prepared the Isabel Neighborhood Plan and program-level EIR for development around a new station. The Livermore City Council adopted the Isabel Neighborhood Plan and certified the EIR for the Plan in May 2018.

ACEforward Program

The San Joaquin Regional Rail Commission (SJRRRC) ACEforward program outlined a vision for a phased rail infrastructure and service improvement plan to increase frequency, increase service reliability, and enhance passenger facilities along the existing ACE service corridor from San Jose to Stockton, and to extend ACE service to Modesto and Merced. The (SJRRRC) released a Draft EIR in May of 2017 that was later rescinded; however, the technical

documents developed by the SJRRC for the ACEforward Draft EIR were made available to the TVSJVRRRA for advancement of the Valley Link Project Feasibility Report and Draft EIR.

Creation of TVSJVRRRA

In 2017 Assemblymembers Catharine Baker and Susan Eggman authored AB 758, which created the TVSJVRRRA. The TVSJVRRRA is led by a 15-member governing Board comprised of representatives from the counties of Alameda and San Joaquin; the cities of Dublin, Livermore, Pleasanton, Danville, San Ramon, Tracy, Lathrop, Stockton, and Manteca; Mountain House Community Services District; the Livermore Amador Valley Transit Authority (LAVTA), BART, and the San Joaquin Regional Rail Commission (SJRRC). The goal established for the TVSJVRRRA is to deliver a cost-effective connection from the San Joaquin Valley to the BART system and the ACE system that reflects regional consensus and meet the goals and objectives of the San Joaquin Valley and Tri-Valley communities, consistent with a feasibility report.

AB 758 specifically stated that the TVSJVRRRA would only assume planning, development and delivery of a rail extension should the BART Board fail to adopt a preferred alternative for a BART extension by June 30, 2018. When the BART Board voted to not advance the BART to Livermore project, the TVSJVRRRA assumed responsibility to advance the project per AB 758. The TVSJVRRRA adopted several goals and policies to guide the development of the project.

A key requirement of AB 758 was that the TVSJVRRRA Board approve a Feasibility Report for the project. The [Final Feasibility Report](#) was approved in October 2019. The TVSJVRRRA has continued to work to advance the project, initiating the environmental impact analysis and preliminary design engineering work.

TVSJVRRRA Adopted Project Goals:

The following goals were adopted by the TVSJVRRRA to address identified regional and economic and transportation challenges:

- Improve connectivity within the Bay Area Megaregion: connecting housing, people and jobs.
- Establish rail connectivity between the Bay Area Rapid Transit District's rapid transit system and the Altamont Corridor Express commuter service.
- Pursue project implementation that is fast, cost-effective and responsive to the goals and objectives of the communities it will serve.
- Be a model of sustainability in the design, construction, and operation of the system.
- Support the vision of the California State Rail Plan to connect the Northern California Megaregion to the State rail system.

Valley Link Project Development Policies

The TVSJVRRRA adopted several policies to guide the development framework of the project, including the following sustainability and transit-oriented development policies:

- Sustainability Policy: Identifies implementing strategies to achieve a zero emissions system. The adopted Sustainability Policy includes a commitment to encourage engagement in planning and decision-making for the project to ensure a meaningful level of participation from disadvantaged communities and low-income communities and households. It further directs maximizing benefits to these communities and households in the project planning and design of Valley Link. Four of the proposed stations in San Joaquin County are within disadvantaged community geographic areas and/or designated as low-income communities.
- Transit Oriented Development (TOD) Policy: Support the regional goals of both San Joaquin County and the Bay Area to support the advancement of transit-oriented development (TOD) in Valley Link station areas. The policy mirrors the TOD guidelines outlined in MTC Resolution 3434 TOD guidelines and identifies key policy objectives and strategies to:
 - Develop and implement station area plans that meet or exceed a corridor-level threshold of 2,200 housing units within a half mile radius of stations.
 - Develop station area plans that, at a minimum, define the land use plan for the area, zoning, design standards, parking policies and station access plans.

The intent of these policies is to develop strategies to create vibrant and livable station area communities within the proposed station environs. The advancement of transit-oriented development adjacent to stations aims to further reduce Vehicle Miles Traveled (VMT) and greenhouse gas emissions (GHG) for the project. Station area plans are currently under development at the Isabel, Downtown Tracy and River Islands stations. The Dublin/Pleasanton and Isabel Stations are in established MTC Priority Development Areas (PDA) and an application for a Southfront Station PDA was recently submitted by the City of Livermore to MTC/ABAG as a new PDA.

Valley Link Project Description

Valley Link is a proposed new rail service between Alameda and San Joaquin Counties that will provide passenger rail services between the existing Dublin/Pleasanton BART Station and the City of Stockton. The proposed project includes seven stations on a 42-mile alignment that is expected to run along the existing I-580 corridor (11.5 miles), through the Altamont Pass using the Alameda County-owned former Southern Pacific Railroad corridor (12.5 miles) and on existing UPRR rail corridor (17.5 miles) into San Joaquin County. Design work is currently underway as part of the EIR process and will examine detailed project right-of-way needs and potential impacts in more detail.

Attachment D includes a summary fact sheet and diagram of the proposed project.

The project costs included in the Final Feasibility Report range from a low year of expenditure cost of \$2.4 billion to a high year of expenditure cost of \$3.2 billion. The project is currently in the EIR process, and will begin both the Caltrans project development process and NEPA environmental clearance process in 2020 and 2021 respectively.

To date, a total of \$628 million is identified by the TVSJVRRRA as available for the project: \$400 million in Measure BB funds (per a 2014 TEP amendment), \$188 million in Bridge Toll funds (including \$100 million in Regional Measure 3 funds) and \$40 million in impact fees from the City of Livermore. The project is expected to compete for regional, state and federal funds to close the funding need. Other revenue measures in the Bay Area and San Joaquin County, if passed by voters, could be additional revenue sources for the project.

Other Agency Actions

Given the project traverses two counties, two Metropolitan Planning Organization regions, and affects an interstate system, Express Lanes system, and existing rail system and service providers, the TVSJVRRRA established an Executive Steering Committee (ESC) comprised of MTC, the San Joaquin Council of Governments (SJCOG), SJRRC, BART, Alameda CTC and Caltrans to provide input on the development of the feasibility report and project development. Alameda CTC's executive director participates in these meetings. Several of these agencies have taken actions to support development of the project:

- MTC: In September 2018, MTC allocated \$10.12 million to the TVSJVRRRA for CEQA documentation and preliminary engineering on the Valley Link rail project, from the \$95 million in AB1171 Bridge Tolls committed to Tri-Valley Transit Access Improvements through MTC Resolution Number 3434. In March 2020, MTC approved an additional allocation of \$3 million in AB1171 Bridge Toll funds to the TVSJVRRRA for the environmental phase and updates to the preliminary engineering plans.
- SJCOG: In April 2020, the SJCOG Board approved an amendment to its 2018 Regional Transportation Plan to include the Valley Link project, including identification of \$163.9 million for the project in the plan from future measures and state funds.
- BART: BART has committed staff to directly lead the early development of the project due to its expertise in developing and delivering similar projects, such as the e-BART extension to Antioch.
- Alameda CTC, the SJRRC and Caltrans have provided technical reviews of preliminary design plans and documents. In addition, the TVSJRRRA is in discussion with the City of Tracy regarding donation of a key 200-acre parcel under City of Tracy ownership to the project to be used for an operations and maintenance facility. The property has an estimated value of \$20 million and is currently being appraised.

Project Considerations

The project construction will have significant impacts on the I-580 Express Lanes, with major impacts anticipated during construction. The TVSJVRRRA staff have been working with Alameda CTC, as well as Caltrans, to identify design and construction considerations. Alameda CTC staff have held several workshops with the project design team to evaluate the preliminary design plans and will continue to be engaged through the ESC and technical groups to provide policy and technical feedback during design development to ensure minimal impacts to the I-580 Express Lanes. Alameda CTC will continue to work closely with the TVSJVRRRA as the project design advances, and will also conduct financial analysis to understand potential impacts to toll revenues during construction to ensure revenue losses are addressed.

Proposed Amendments

The amendment that has been requested to be made to the 2014 TEP includes two elements as follows:

- Amend to include the new entity of the TVSJVRRRA
- Amend to include the Valley Link Project for \$400 million

Existing TEP Language to be Amended

The following is the current language in the 2014 TEP (page 18 of 2014 TEP):

BART Extension and System improvements (\$710 M)

The capital projects funded as part of the BART System Modernization and Expansion investments include projects that increase the capacity and utility of the existing system, as well as provide local funding for a proposed BART extension in the eastern part of the county.

BART to Livermore (\$400 M)

This project funds the first phase of a BART Extension within the I-580 Corridor freeway alignment to the vicinity of the I-580/Isabel Avenue interchange using the most effective and efficient technology. Funds for construction for any element of this first phase project shall not be used until full funding commitments are identified and approved, and a project-specific environmental clearance is obtained. The project-specific environmental process will include a detailed alternative assessment of all fundable and feasible alternatives, and be consistent with mandates, policies and guidance of federal, state, and regional agencies that have jurisdiction over the environmental and project development process.

Proposed Changes Throughout the TEP

The 2014 TEP has many references to BART to Livermore or a BART extension and requires changes to several pages in the 2014 TEP. The proposed changes include moving the project from page 18 from the BART section of the TEP to page 20 under the section "Major Transit Corridor and Commuter Rail Improvements", remove references to BART as

the agency leading the rail extension, change references from the BART to Livermore project to Valley Link on pages 2, 3, 14, 18, 19 (map) and add Valley Link to the map on page 21 (see Attachment C).

Specific Changes to Project Description

This following description will be included on page 20 of the 2014 TEP under Major Transit Corridor and Commuter Rail Improvements as shown on Attachment C.

Valley Link Rail in Alameda County (\$400 M)

This project funds the first phase of a Valley Link rail extension from the existing Dublin/Pleasanton BART station within the Tri-Valley and Altamont Pass in Alameda County using the most effective and efficient technology. Funds are for construction for any element of this first phase project in Alameda County and shall not be used until full funding commitments are identified and approved for the initial operating segment that most effectively meets the adopted project goals, and a project-specific environmental clearance is obtained. The project-specific environmental process will include an alternatives assessment of fundable and feasible alternatives, and be consistent with mandates, policies and guidance of federal, state, and regional agencies that have jurisdiction over the environmental and project development process.

Implementing Guidelines Related to this TEP Amendment

Once the 2014 TEP amendments are complete, all the implementing guidelines will be applicable to the project and project sponsor similar to all other TEP projects. Specifically, for this TEP amendment, the following guidelines describe requirements for the amendment as well as the new project sponsor.

4. Amendments Require 2/3 Support: To modify and amend this Plan, an amendment must be adopted by a two-thirds vote of the Alameda CTC Commissioners. All jurisdictions within the county will be given a minimum of 45 days to comment on any proposed Plan amendment.

8. Strict Project Deadlines: To ensure that the projects promised in this plan can be completed in a timely manner, each project will be given a period of seven years from the first year of revenue collection (up to December 31, 2022) to receive environmental clearance approvals and to have a full funding plan for each project. Project sponsors may appeal to the Alameda CTC Commissioners for one-year time extensions.

Note: any new amendment that adds a project must comply with this provision and the start date of the seven years will be from the date of the adopted amendment.

11. Commitments from Fund Recipients: All recipients of funds allocated in this expenditure plan will be required to sign a Master Funding Agreement, which details their roles and responsibilities in spending sales tax funds and includes local hiring requirements. Funding agreements will include performance and accountability measures. All funds will be allocated through open and transparent public processes. In

addition, fund recipients will be required to have an annual audit conducted by an independent CPA to ensure that funds are managed and spent according to the requirements of this Plan.

14. No Expenditures Outside of Alameda County: Under no circumstances may the proceeds of this transportation sales tax be applied to any purpose other than for transportation improvements benefitting Alameda County. Under no circumstances may these funds be appropriated by the State of California or any other governmental agency, as defined in the implementation guidelines.

18. New Agencies: New cities or new entities (such as new transit agencies) that come into existence in Alameda County during the life of the Plan may be considered as eligible recipients of funds through a Plan amendment.

Next Steps

Upon Commission approval to initiate the TEP amendment process, a 45-day comment period for jurisdictions in Alameda County will commence. Staff will return to the Commission to report on the comments received and to recommend final action by the Commission later this year.

Fiscal Impact: There is no fiscal impact for this item associated with the requested action.

Attachments:

- A. Letter from TVSJVRRRA Requesting TEP Amendment
- B. Draft Resolution for 2014 TEP Amendment
- C. Proposed 2014 Measure BB Expenditure Plan Redline Markups and Technical Amendments
- D. Valley Link Project Fact Sheet

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