

Memorandum

To: CHAIR AND COMMISSIONERS

Date: December 30, 2009

From: BIMLA RHINEHART
Executive Director

**Reference No. 5.2
Action**

Ref: Approval of State Route 84 Local Alternative Transportation Improvement Program in Southern Alameda County

Issue:

Should the Commission approve the State Route 84 Historic Parkway Local Alternative Transportation Improvement Program (LATIP) for southern Alameda County as submitted by the Cities of Fremont, Newark and Union City, the Alameda County Transportation Authority (ACTA), and the Alameda County Congestion Management Agency (ACCMA)?

Recommendation:

Staff recommends that the Commission approve the proposed program of projects in the State Route 84 Historic Parkway LATIP, thereby making the projects eligible for funding from the sale of excess state-owned properties originally purchased for State Route 84 Historic Parkway project.

The local agencies and Caltrans have:

- Determined that the proposed project to be included in the LATIP addresses transportation problems and opportunities in the county that were to be served by the planned facilities as required under Government Code 14528.55.
- Caused the local voter-approved transportation sales tax measure to include the proposed LATIP projects in the measure's expenditure plan.
- Determined that the proposed project show conformity to previous commitments, as documented in a signed 2007 Memorandum of Understanding, among the local jurisdictions and Caltrans.
- Determined the proposed projects' qualitative operational benefits.
- Determined the proposed projects' readiness for implementation. The agencies identified eight projects that can be constructed over the next five to ten years. Projects constructed will depend on revenues from excess land sales, currently estimated to generate between \$50 and \$150 million.
- Developed a prioritized LATIP that was approved by the council of each of the affected cities and the respective boards of ACTA and the ACCMA. Caltrans has prepared a final Project Initiation Document for the overall LATIP program of projects. Caltrans, as a key stakeholder and beneficiary of the proposed improvements, supports the program of projects in the LATIP.

History of the State Route 84 Historic Parkway and the Proposed LATIP Project List

In 1958, State Route 84 from State Route 17 (now I-880) to State Route 238 (Mission Boulevard) was adopted by the California Highway Commission (now the California Transportation Commission). Then

in the 1960's - 70's, project development started on the freeway project and portions of the required right-of-way were acquired. In 1980, the Commission rescinded the Route Adoption of the Route 84 corridor between Route 17 (now I-880) and Route 238 in Fremont and Union City.

The 1986 Alameda County Measure B Expenditure Plan included the Historic Parkway project on Route 84 to provide an improved link between I-880 and Route 238 (Mission Boulevard) in the cities of Fremont, Newark and Union City. The planned improvements included a combination of new roadways along previously reserved rights of way and improvements to existing roadways and intersections in the corridor between the I-880/Decoto Road interchange and the planned intersection at Mission Boulevard (Route 238).

Due to continued local opposition, when the Historic Parkway project EIR/S was completed in 2002 by Caltrans, the Federal Highway Administration did not issue a Record of Decision. Several years later, based upon the consensus reached by the affected parties and Caltrans, as documented in a signed 2007 Memorandum of Understanding, an alternative set of improvements was identified and included as Amendment No. 2 to the 1986 ACTA Sales Tax Expenditure Plan. The amendment sought to replace the Historic Parkway project with a program of projects and actions intended to relieve congestion in southern Alameda County in the same corridors that would have been affected by the Historic Parkway.

The State Route 84 Historic Parkway Technical Advisory Committee (TAC), consisting of representatives from the Cities of Fremont, Newark and Union City, the ACCMA, ACTA and Caltrans was formed to consider proposed projects in the southern Alameda County area that would provide congestion relief. After a series of meetings the TAC developed a prioritized LATIP project list was approved by the TAC on September 29, 2008. Caltrans reaffirmed its approval of the LATIP and endorsed the Project Initiation Document. The Cities of Fremont, Newark and Union City, ACCMA and ACTA approved the prioritized LATIP by resolution during individual Board and City Council meetings. The Metropolitan Transportation Commission also provided its concurrence to the proposed LATIP program of projects.

With the local endorsements obtained, the LATIP was submitted to the Commission for approval. The SR 84 Historic Parkway LATIP Project List consists of land disposition fees and eight projects estimated to cost approximately \$162 million in 2009 dollars. Exhibit 1, the Prioritized LATIP Project List, shows the project listing proposed by the local jurisdictions and provides a brief description of each project. Exhibit 2, Estimated Capital Cost – Proposed LATIP in Priority Order, shows the total funding need, the total project cost and the estimated project duration. Exhibit 3 shows the general location of the LATIP projects.

Legislative History:

Senate Bill 509 (chaptered 2004) and Assembly Bill 1462 (chaptered 2005) amended Government Code Section 14528.5 which provides for the use of revenues from the sale of excess property, originally purchased for improvements on State Route 84 project, since that project was no longer feasible, to fund a LATIP, subject to approval by the Commission. SB 791 (chaptered 2008) amended AB 1462 to create separate LATIP project eligibility criteria for State Route 84. Then in October 2009, AB 1386 (Hayashi) was signed by the Governor and becomes effective January 1, 2010. AB 1386 also amended Government Code 14528.5, added Government Code Sections 14528.56 and amended Section 14528.55 to address administrative changes and programming criteria for the LATIPs respectively for Routes 84 and 238.

AB 1386:

- Broadens the use of revenues from the sales of excess properties to include any highway purpose rather than be restricted to state highway purposes.
- Creates a special account(s) in which to deposit the revenues from excess property sales.
- Authorizes local agencies to advance projects in a Commission-approved LATIP with local funds and be reimbursed when revenues from excess property sales becomes available.
- Requires the Commission to develop and adopt guidelines in consultation with Caltrans and local transportation agencies in Alameda County as part of the State Transportation Improvement Program Guidelines, thereby permitting local agencies to advance projects in the LATIP with later reimbursement coming from the sale of excess properties, providing revenues become available.
- Continues the Commission's existing authority regarding the content and final approval of LATIPs presented by the local agency (ies) and Caltrans.
- Continues the Commission's authority to allocate funds for approved projects in priority order in the LATIP, with the proviso that the funds come from the newly created Special Deposit Fund(s).

Current statute requires that the LATIP must be approved by the Commission prior to July 1, 2010. Additionally, the LATIP must be approved prior to Caltrans selling the excess right-of-way purchased for the original State Route 84 project or the funds will revert to the State Highway Account and will not be exclusively available for Route 84 LATIP projects in Alameda County.

Exhibit 1

PRIORITIZED LATIP PROJECT LIST

State Route 84 Historic Parkway LATIP

Project Prioritization	Facility	Location	Responsible Agency	Improvement Name	Improvement Description
1	-	-	Caltrans	Land Disposition Fees	Soft costs incurred in the sale of excess State-owned land
2	I-880	Fremont	Caltrans Fremont ACTA	I-880/Mission Blvd IC Completion (MB 196)	Mission-Warren Truck Transfer facility, including reconstruction & widening UPRR bridges over Mission Blvd, construction of Kato Rd ramps and construction of a new grade separation at UPRR/Warren Ave
3	SR-84	Fremont	Caltrans	Existing SR-84 Improvements	Relinquish Existing SR-84 between I-880 and SR-238 in accordance with the MOU between ACTA, Caltrans and the Cities of Union City and Fremont dated May 25, 2006
4	Local	Fremont Union City	Fremont Union City ACTA	East West Connector (MB 226)	Improve, widen and construct local street alignment between I-880 and SR-238
5	SR-238	Fremont Union City	Caltrans	SR-238 (Mission Blvd) Improvements in the vicinity of the EWC Project	Improvements to Mission Blvd in the vicinity of the East-West Connector project
6	SR-84	Newark Fremont	Caltrans	SR-84 HOV WB On-Ramp at Newark Blvd	Construct direct HOV lane access ramp from Newark Blvd to westbound SR-84 HOV lane
7	I-880	Fremont Newark Union City	Caltrans	I-880 Auxiliary Lanes, Dixon Landing to Alvarado-Niles	Construct auxiliary lanes, NB and SB, from Dixon Landing to Alvarado-Niles
8	I-880 SR-238 SR-84 SR-92 SR-262	South County	Caltrans	ICM/TOS (Southern Alameda County)	Provide integrated corridor management (ICM) and traffic operations systems (TOS) elements to the South County area, primarily on I-880 south of SR-92.
9	I-680	Fremont	Caltrans	I-680 Northbound HOV/HOT Lane (Santa Clara County line to SR-84)	Construct HOV/HOT lane and auxiliary lanes on northbound I-680 between Santa Clara County line and SR-84

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October 19, 2009

Exhibit 2

ESTIMATED CAPITAL COST - PROPOSED LATIP IN PRIORITY ORDER State Route 84 Historic Parkway LATIP								
Project ID	Facility	Location	Responsible Agency	Improvement Name	Total Funding Need * (2009 dollars)	Notes	Total Project Cost (2009 dollars)	Estimated Project Duration (years)
1	-	-	Caltrans	Land Disposition Fees	\$3,000	Rough Estimate - actual costs of Land Disposition are "off the top"	\$3,000	5
2	I-880	Fremont	Caltrans Fremont ACTA	I-880/Mission Blvd IC Completion (MB 196)	\$42,350		\$240,000	11
3	SR-84	Fremont	Caltrans	Existing SR-84 Improvements	\$9,000	Rough Estimate - actual costs tbd pending City and Caltrans negotiation of the scope/cost required to bring the facility to a state of good repair	\$9,000	3
4	Local	Fremont Union City	Fremont Union City ACTA	East West Connector (MB 226)	\$69,900	Actual funding need may be less if/when other sources of funding are secured during project development	\$170,000	7
5	SR-238	Fremont Union City	Caltrans	SR-238 (Mission Blvd) Improvements in the vicinity of the EWC Project	\$5,000		\$5,000	4
6	SR-84	Newark Fremont	Caltrans	SR-84 HOV WB On-Ramp at Newark Blvd	\$8,000		\$8,000	
7	I-880	Fremont Newark Union City	Caltrans	I-880 Auxiliary Lanes, Dixon Landing to Alvarado-Niles	\$5,000		TBD	3
8	I-880 SR-238 SR-84 SR-92 SR-262	South County	Caltrans	ICM/TOS (Southern Alameda County)	\$10,000		TBD	3
9	I-680	Fremont	Caltrans	I-680 Northbound HOV/HOT Lane (Santa Clara County line to SR-84)	\$10,000		\$200,000	5
TOTAL:					\$162,250		\$635,000	
<small>Notes: * All costs shown in thousands of dollars</small>								

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October 19, 2009

Exhibit 3 General Location of LATIP Projects

