

DATE: October 6, 2009

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Adoption of State Route 238 Local Alternative Transportation Improvement Program (LATIP) Project List

RECOMMENDATION

That Council adopts the attached resolution adopting the State Route 238 Local Alternative Transportation Improvement Program (LATIP) Project List (see Exhibits A, B, and C). This approval is contingent upon approval of similar resolutions by the City of San Leandro, Alameda County, the Alameda County Congestion Management Agency (ACCMA) Board of Directors, and the Alameda County Transportation Authority (ACTA) Board of Directors.

BACKGROUND

State legislation passed in 2004 and 2005 provided for the use of revenues to be collected from the sale of the surplus right-of-way that is no longer needed for the Hayward Bypass. The revenues were to be used to fund a LATIP, subject to the approval by the California Transportation Commission (CTC).

In fall 2005, the ACTA Board and Hayward City Council adopted Amendment No. 1 to the Alameda County Transportation Expenditure Plan dated August 1986 ("Expenditure Plan") to delete the State Route 238 Hayward Bypass project from the Expenditure Plan and fund four alternative projects: the Route 238 Corridor Improvement Project, the I-580/Redwood Road Interchange Project in Castro Valley, the Central Alameda County Freeway System Operational Analysis and the Castro Valley Local Traffic Circulation Improvements Project.

Senate Bill 509, signed into law in September 2004, and Assembly Bill 1462, signed into law in October 2005 collectively amended Government Code Section 14528.5, providing for the use of revenues from the sale of excess property originally purchased for improvements on the State Route 238 Hayward Bypass, which is no longer feasible, to fund a local alternative transportation improvement program, subject to approval by the CTC.

DISCUSSION

Assembly Bill 1386, recently approved by the California Legislature, amends Government Code Sections 14528.5 through 14528.6 to address several administrative changes including the ability for an agency to advance a project prior to the availability of sufficient funds from the actual sale of excess properties and setting up separate procedures for administering these funds. The bill also

incorporates procedures related to the agreement reached to address housing issues associated with the sale of the State Route 238 Hayward Bypass properties. This agreement is addressed in more detail in a separate Council agenda item this evening. Finally, Assembly Bill 1386 also authorizes relinquishment actions associated with the City's Route 238 Corridor Improvement Project, which receives off-the-top project funding under the State Route 238 LATIP.

Current statute requires that the LATIP must be approved by the CTC prior to July 2010. Additionally, it must be approved prior to Caltrans selling the excess right-of-way purchased for the original State Route 238 Hayward Bypass project or the funds will revert to the State Highway Account and will not be exclusively available for LATIP projects in Alameda County.

A Policy Advisory Committee (PAC) consisting of representatives from the cities of San Leandro and Hayward, Alameda County, the ACCMA, ACTA, and Caltrans have developed and approved the attached LATIP Project list (see Exhibits A, B, and C). Council Member Henson represents the City on the PAC and serves as Vice-Chair.

The purpose of the LATIP Project list is to identify and prioritize a list of congestion relief transportation projects in the same corridors that would have benefited from the original State Route 238 Hayward Bypass project and that can be constructed in the next five to ten years. Local agency resolutions of support for the LATIP are required to demonstrate to the CTC that local consensus has been reached on the priority of alternative projects.

The local agencies have previously supported the development of the State Route 238 Hayward Bypass LATIP. In the summer of 2007, the cities of San Leandro and Hayward, Alameda County, the ACCMA, and ACTA adopted resolutions in support of the Financially Unconstrained LATIP Project list. The difference between the Financially Unconstrained LATIP Project list resolution approved in 2007 and the LATIP Project list resolution currently being adopted is that the projects are in priority order.

Caltrans' consensus and support will be documented separately through the approval of a LATIP Project Initiation Document (PID). The PID includes documentation that supports the State Route 238 Hayward Bypass LATIP Project list and Programming Principles that were developed in conjunction with CTC staff, which provides guidance on the programming of funds from the sale of the excess right-of-way. These principles include:

- Continued authority for the LATIP Board to propose a reprioritization of the LATIP, if needed, which must be approved by the CTC after each change.
- Provisions for "Reimbursement Allocations" allowing for eligible expenses to be incurred prior to allocation (subject to legislative action) similar to the STIP process.
- Provisions for establishing interest-bearing accounts.

FISCAL AND ECONOMIC IMPACT

Because the purpose of the LATIP is to enable revenues generated from the sale of surplus right-of-way from the Hayward Bypass to be used for other projects, there will be no direct impact to the City's General Fund. However, the sale of these properties will result in future property tax revenue increases and other development associated revenues. There will also be the elimination over time of the Caltrans rental revenue to the Route 238 Trust Fund in the Capital Improvement Program, which presently generates approximately \$287,000, annually.

PUBLIC CONTACT

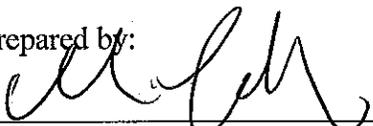
Opportunities for public comment were provided at the Central County Freeway Policy Advisory Committee (PAC) meetings. The most recent PAC meetings were held on March 3 and June 20, 2008.

The financially unconstrained LATIP was presented to Council during the July 17 work session and approved by Council on July 24, 2007. Opportunities for public comment were provided, at that time.

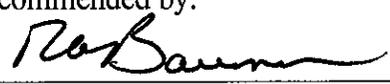
NEXT STEPS

Once local approvals are obtained, Caltrans, ACTA, and the ACCMA will submit the prioritized LATIP Project list to the CTC for approval in the fall of 2009, accompanied by the local resolutions and the approved Caltrans PID. This submission will also include a request to rescind the State Route 238 Hayward Bypass route. Following other administrative and judicial actions (discussed in Settlement Agreement Report) associated with establishing the LATIP procedures, Caltrans will begin the process of disposing of the surplus property. The process by which disposal occurs remains to be determined. Staff will provide future updates as this process proceeds.

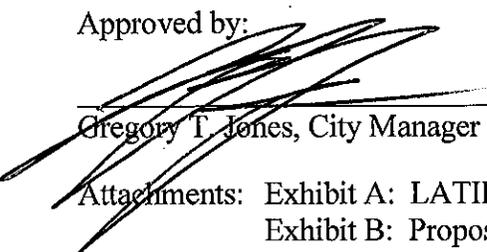
Prepared by:


Morad Fakhrai, Deputy Dir. of Public Works

Recommended by:


Robert A. Bauman, Director of Public Works

Approved by:


Gregory T. Jones, City Manager

Attachments: Exhibit A: LATIP in Priority Order
Exhibit B: Proposed LATIP in Priority Order
Exhibit C: Proposed LATIP in Priority Order June 17, 2008
Draft Resolution

**DUE TO THE COLOR AND LENGTH OF
EXHIBITS A, B, AND C, THEY HAVE
BEEN INCLUDED AS SEPARATE LINKS**

DRAFT

MSF
7/17/09

HAYWARD CITY COUNCIL

RESOLUTION NO. 09-

Introduced by Council Member _____

A RESOLUTION APPROVING THE STATE ROUTE 238
HAYWARD BYPASS LOCAL ALTERNATIVE
TRANSPORTATION IMPROVEMENT PROGRAM (LATIP)

WHEREAS, Senate Bill 509, signed into law in September 2004, and Assembly Bill 1462, signed into law in October 2005, collectively amended Government Code Section 14528.5, which provides for the use of revenues from the sale of excess property, originally purchased for the State Route 238 Hayward Bypass (“Bypass”) project, which project is no longer feasible, in order to fund a local alternative transportation improvement program, subject to approval by the California Transportation Commission (“CTC”); and

WHEREAS, Assembly Bill 1386, adopted in September 2009 by the California Legislature, would amend Government Code Sections 14528.5 and 14528.6 to address administrative changes including but not limited to adding a definition of “excess properties” and allowing greater latitude to the approved LATIP in the application of proceeds from the sale of excess properties, and defining an administrative process by which LATIP projects may move forward prior to the actual sale of excess properties; and

WHEREAS, in December 2005 the Alameda County Transportation Authority (“ACTA”) adopted Amendment No. 1 to the Alameda County Transportation Expenditure Plan dated August 1986 (“Expenditure Plan”) to delete the Bypass project from the Expenditure Plan and to fund four alternative projects; and

WHEREAS, a prioritized list of state highway projects that will provide congestion relief in the same corridors that would have benefited from the Route 238 Hayward Bypass project has been created in conjunction with said Amendment No. 1; and

WHEREAS, this prioritized project list is intended to form the State Route 238 Hayward Bypass Local Alternative Transportation Improvement Program (“LATIP”); and

WHEREAS, the final prioritized LATIP must be approved by the CTC by the time the excess right-of-way is sold or the funds from the sale of the right-of-way will revert to the State Highway Account and will not be exclusively available for projects in central Alameda County; and

WHEREAS, in order for the LATIP to be approved by the CTC, local area support for the LATIP must be demonstrated by the Cities of San Leandro and Hayward, Alameda County, the Alameda County Congestion Management Agency (“ACCMA”), and ACTA; and

WHEREAS, this local support is desired to be demonstrated by October 2009 for the final prioritized LATIP; and

WHEREAS, the Central County Freeway Study Policy Advisory Committee approved the prioritized LATIP on June 28, 2008;

NOW, THEREFORE be it resolved, that the City of Hayward approves the LATIP attached hereto as Attachment A; and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be transmitted to ACCMA.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2009

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

Table 1

PROPOSED LATIP IN PRIORITY ORDER - Revised June 17, 2008
Central Alameda County Freeway Study

ID	Facility	Location	Responsible Agency	Improvement Name	Location	Total Funding Needed (2007 dollars)	Notes
1	-		Caltrans	Land Disposition Fees	-	TBD	Actual amount unknown, \$10 million used in calculations.
2	-	Hayward	Hayward	238/Foothill-Mission	-	\$30,000,000	Total funding needed reflects difference between project cost and committed funding. Also subject to pending legislative change.
3	I-580	Castro Valley	ACTA	I-580/Redwood Road Interchange	Redwood Rd.	\$3,000,000	Total funding needed is a contingencies allowance for potential unforeseen construction items.
4	I-880 I-238 I-580		TBD	Locations to be determined	Sound Walls	\$10,000,000	
I and J	I-880 I-238 I-580		Caltrans/ACCMA	ICM	Adaptive Ramp Metering Integrated Corridor Management (ICM) Program	\$32,500,000	
D	I-880	Hayward	Caltrans/ACCMA	I-880 Auxiliary Lanes, Paseo Grande to Winton Avenue	West A Street interchange to Winton Interchange	\$32,500,000	
F	I-880	Hayward	Caltrans/ACCMA	I-880 Auxiliary Lanes, Whipple Road to Industrial Parkway West	Whipple Road to Industrial Parkway West	\$19,500,000	
-	I-880	County and San Leandro	Caltrans/ACCMA	HOV Project Development (Projects A, B, and C)		\$10,000,000	Funds to Prepare PSR.
R	Hwy 92	Hayward	Hayward	I-880/Route 92 Reliever - Clawitz/Whitesell Interchange	SR 92/Clawitz Interchange Area	\$52,000,000	Of the four interchange projects, R, E, K, and L, Project R, a Measure B project, will be implemented first provided it is sufficiently ready to proceed at the time funding becomes available.
E	I-880	Hayward	Hayward/ACCMA	I-880 /Industrial Parkway West Interchange	Industrial Parkway West Interchange	\$41,000,000	
K	I-880	San Leandro	San Leandro	I-880 /Davis Street Interchange	Davis St.	\$11,100,000	Total funding needed was reduced to reflect the construction cost for structure reconstruction to be borne by the southbound HOV Project (I-Bond).
L	I-880	San Leandro	San Leandro/ACCMA	I-880 /Marina Boulevard Interchange	Marina Blvd.	\$24,400,000	Total funding needed was reduced to reflect the construction cost for structure reconstruction to be borne by the southbound HOV Project (I-Bond).
G	I-880	Union City	TBD	I-880 /Whipple Road Interchange	Whipple Road	\$13,500,000	
M	I-880	Hayward	TBD	I-880/West A Street Interchange	W. A. St.	\$27,000,000	
N	I-880	Hayward	TBD	I-880/West Winton Avenue Interchange	Winton Ave.	\$25,000,000	
O	SR 92	Hayward	TBD	Route 92/Industrial Boulevard Interchange	Industrial Blvd.	\$6,000,000	
P	I-580	County	TBD	I-580/Strobridge Off-Ramp Modification	I-580/Strobridge Avenue/Castro Valley Boulevard	\$21,000,000	
C	I-880	County and San Leandro	Caltrans/ACCMA Caltrans/ACCMA	Extend Northbound I-880 High Occupancy Vehicle (HOV) Lanes	C.1 - North of Washington C.2 - South of Washington (Southern limit is north of Hacienda)	Total 155,500,000 C.1 64,000,000 C.2 91,500,000	Costs represent extension to north of Davis. An additional \$52,000,000 in 2007 dollars is required to go to Hegenberger.
A and B	I-238 I-880	San Leandro San Leandro	Caltrans/ACCMA Caltrans/ACCMA	NB I-238 connector to NB I-880 Washington Interchange	I-238 Interchange Improvements (NB I-238 connector to NB I-880) Washington/I-880 Interchange	\$31,000,000 \$31,000,000	If Projects A and B are constructed concurrently, the total cost will be \$46,200,000. This figure was used in bottom line sum.
TOTAL COST OF ALL PROJECTS:						\$670,200,000	

Attachment A

OR

Attachment 3, Exhibit A
 ACTA BOARD Agenda Item# CC1D
 September 17, 2009