

# LIVERMORE AMADOR VALLEY TRANSIT AUTHORITY

## Altamont Regional Rail Working Group

**DATE:** May 4, 2016  
**PLACE:** Diana Lauterback Room LAVTA Offices  
1362 Rutan Court, Suite 100, Livermore, CA  
**TIME:** 1:30pm – 4:30pm

### **Advisory Group Members:**

Alameda County – Supervisor Scott Haggerty, Chair  
San Joaquin County – Supervisor Moses Zapien, Vice Chair  
City of Dublin – Mayor David Haubert  
City of Livermore – Mayor John Marchand  
City of Pleasanton – Mayor Jerry Thorne  
City of Tracy – Councilmember Veronica Vargas  
ACE – Board Member Vince Hernandez (Manteca)  
BART – Board Member John McPartland  
LAVTA – Board Member Steven Spedowski (Livermore)

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## **AGENDA**

- 1. Call to Order**
- 2. Public Comment**
  - Members of the audience may address the Advisory Group on any matter within the general subject matter jurisdiction of the Tri-Valley Regional Rail Advisory Group.
  - Speaker cards are available at the entrance to the meeting room and should be submitted to the Executive Director of the Livermore Amador Valley Transit Authority.
  - Public comments should not exceed three (3) minutes.
- 3. Minutes**
- 4. Executive Director's Report**
- 5. Standing Updates:**
  - a. ACE Forward
  - b. BART to Isabel EIR Update
- 6. Review of Inaugural Meeting Results**
- 7. Brief Snapshot: Regional Projects of Interest**
  - a. BayFair Connection
  - b. I-580 Goods Movement Enhancements
  - c. High Speed Rail
  - d. LAVTA System Improvements
- 8. Case Study: Metro Gold Line Foothill Extension Construction Authority**

**9. Barriers and Obstacles for BART to ACE**

- a. Environmental Issues
- b. Technical Issues
- c. Financial Issues
- d. Political Issues

**10. AB 2762 (Baker)**

**11. Working Group Action Items**

- a. Add to the Working Group the East Bay Leadership Council, San Joaquin Partnership and Innovation Tri-Valley Leadership Group
- b. Direct staff to work with BART on the concept of a JPA for the BART to ACE project

**12. Next Step(s): Altamont Regional Rail Working Group Work Program and Timeline**

**13. Adjournment**

Please refrain from wearing scented products (perfume, cologne, after-shave, etc.) to these meetings, as there may be people in attendance susceptible to environmental illnesses.

*I hereby certify that this agenda was posted 72 hours in advance of the noted meeting.*

*/s/ Jennifer Suda*

*4/29/16*

*LAVTA, Administrative Assistant*

*Date*

*On request, the Livermore Amador Valley Transit Authority will provide written agenda materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services, to enable individuals with disabilities to participate in public meetings. A written request, including name of the person, mailing address, phone number and brief description of the requested materials and preferred alternative format or auxiliary aid or service should be sent at least seven (7) days before the meeting. Requests should be sent to:*

*Executive Director  
Livermore Amador Valley Transit Authority  
1362 Rutan Court, Suite 100  
Livermore, CA 94551  
Fax: 925.443.1375  
Email: [frontdesk@lavta.org](mailto:frontdesk@lavta.org)*

**AGENDA**

**ITEM 3**



# LIVERMORE AMADOR VALLEY TRANSIT AUTHORITY

## Altamont Regional Rail Working Group

**DATE:** February 10, 2016  
**PLACE:** Diana Lauterback Room LAVTA Offices  
1362 Rutan Court, Suite 100, Livermore, CA  
**TIME:** 1:30pm – 4:30pm

### **Working Group Members:**

Alameda County – Supervisor Scott Haggerty (Chair)  
San Joaquin County – Supervisor Moses Zapien (Vice Chair)  
City of Dublin – Mayor David Haubert  
City of Livermore – Mayor John Marchand  
City of Pleasanton – Mayor Jerry Thorne  
City of Tracy – Councilmember Veronica Vargas  
ACE – Board Member Vince Hernandez (Manteca)  
BART – Board Member John McPartland  
LAVTA – Board Member Steven Spedowfski (Livermore)

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## MINUTES

### 1. Welcome, Roll Call of Members and Introductions

LAVTA's Executive Director Michael Tree called the meeting to order at 1:30pm. Supervisor Zapien attended the meeting by telephone. He was unable to participate in discussions, due to the Brown Act.

#### Members Present

Supervisor Scott Haggerty (Chair), Alameda County  
Supervisor Moses Zapien (Vice Chair), San Joaquin County  
Councilmember Don Biddle, City of Dublin (alternate for David Haubert)  
Mayor John Marchand, City of Livermore  
Mayor Jerry Thorne, City of Pleasanton  
Councilmember Veronica Vargas, City of Tracy  
Board Member Vince Hernandez (Manteca), ACE  
Board Member John McPartland, BART  
Board Member Steven Spedowfski (Livermore), LAVTA

#### Members Absent

Mayor David Haubert, City of Dublin

After the welcome, roll call and introductions, Agenda Item 5 was moved up on the agenda for the convenience of the group in managing the balance of the meeting.

## **5. Advisory Group Organizational Framework**

The Altamont Regional Rail Working Group attendees voted and appointed Supervisor Scott Haggerty as Chair.

Approved: Marchand/Spedowski

Aye: Marchand, Spedowski, Biddle, Haggerty, Thorne, Vargas, Hernandez, McPartland

No: None

Abstain: None

Absent: Haubert

The Working Group also voted and appointed Supervisor Moses Zapien as Vice Chair.

Approved: Marchand/Vargas

Aye: Marchand, Spedowski, Biddle, Haggerty, Thorne, Vargas, Hernandez, McPartland

No: None

Abstain: None

Absent: Haubert

After a brief discussion, the Tri-Valley Regional Rail Advisory Group name was changed to “Altamont Regional Rail Working Group”.

Supervisor Haggerty stated how happy he was to have his colleagues at the table to discuss how to expedite the BART to Livermore extension and ultimately connect to ACE at the Altamont. Supervisor Haggerty recognized the staff of Congressman Denham, Assemblywoman Baker, Senator Glazer, and Congressman Swalwell.

## **2. Public Comment**

Robert Allen

Mr. Allen provided the Working Group with a petition that was circulated years ago in the City of Livermore. 8,400 voters signed the petition. At the time the City of Livermore was proposing a more expensive version of BART to Livermore that would have a station at Junction School. Residents wanted BART operate on the freeway. The City Council realized that keeping BART on the freeway was what the people desired and took action to keep BART on the freeway.

Dale Kaye

Dale Kaye of Innovation Tri-Valley addressed the Working Group to congratulate them, because an interregional collaboration is imperative to getting anything big and extraordinary accomplished and executed. Innovation Tri-Valley Leadership Group is a stake holder in the bay area council’s megaregion report and it is clear from working on that report how imperative it is to have this interregional collaboration. Dale Kaye offered support from the business community, if needed.

## **3. Background and History of Regional Rail Planning Efforts to Present Day**

Michael Tree introduced Daniel Iacofano of MIG who has been hired as a facilitator to work with the group in setting their goals and objectives over the next several meetings. Daniel presented to the Working Group a PowerPoint presentation regarding the background and history of regional rail planning efforts to present day. The presentation covered rail history and plans in the region and mega-region, the BART to ACE Project,

ACE Forward, Isabel Neighborhood Plan, and additional initiatives. The initial goals of the Working Group were identified in the presentation as providing input into regional rail projects, and working towards a more efficient, cost effective and timely BART to ACE connection

Councilmember Vargas wanted to know why BART is only going to Isabel and when do we insert the next few miles to study the connection to ACE at Greenville? BART Director McPartland responded by saying that Measure BB only allowed for funds to go towards BART to Isabel, which is the first phase of getting to ACE. From this point forward we need to identify additional funding sources to complete the first phase and beyond. Director McPartland explained that what's great about this Working Group is we can start the funding dialog today. Supervisor Haggerty added that when the electrification was done at Caltrans, as part of that there was \$600 million set aside for East Bay Rail and a lot of time people forget that. Additionally, Supervisor Haggerty mentioned, there is Cap N' Trade that we should have at least a \$200 million call on, as well as \$200 million in RM3. Supervisor Haggerty finished his comment by stating that the project is delayed and each year of that delay is costing taxpayers \$30 million.

BART Director McPartland said that BART first phase will not go to downtown Livermore and that it is very controversial. The preferred alignment that BART has on record is to go downtown and the reason this has not changed is the Engineers that are working on the Environmental Impact Report (EIR) to Isabel would be the only staff he has available and it would take a year to change that dialog. Also, the reason we are considering every viable alternative is due to law.

Mayor Marchand added that if an alternative is not politically or financially feasible then the alternative does not need to be considered. BART going downtown was \$4 billion dollars and 82% of the public was against it. That was Livermore's contention as to why BART didn't need to study the alignment downtown. It was both economically and politically infeasible.

Supervisor Haggerty requested that an upcoming agenda topic is to see how much environmental work/over analyzing has been done, how much has been spent thus far, and how much would you normally spend with this type of work. How much time should normally be spent on the EIR process? Compare the EIR work of different projects.

Councilman Steven Spedowski commented that when we are researching how much has been spent on studies, it would be helpful to know what we spent so far getting BART to Isabel versus BART to Greenville connecting to ACE. All members agree that cost savings should be something looked at. Councilmember Vargas added that usually it is a cost savings if we add the extra few miles of rail (BART/ACE) today versus at a later date.

In regard to the length of the schedule for the project, Director McPartland commented that the dates on the schedule have been continually bumped and he is concerned about the delays. Supervisor Haggerty commented that things in the schedule can be done concurrently, which can speed up construction.

Mayor Marchand commented that the City of Livermore is working on the Neighborhood Plan for the BART station at Isabel. There has been a lot of community engagement that

takes time. He heard that since the City was three months behind on the schedule it was going to push the schedule out several years and the City can't understand why it would add years. That's something we would like greater definition on.

Supervisor Haggerty wants another agenda item to be the "understanding of the schedule" and how to minimize it. Supervisor Haggerty also added that a presentation from the City of Livermore regarding the Station Planning would be a benefit.

Director McPartland's primary concern is looking at Greenville. The idea of trying to save money by virtue of continuing the EIR beyond Phase I to Phase II has positives associated with it. However, Director McPartland's caution and concern is that it might delay the construction and finalization of the project. If it is going to delay the Isabel project if even a little bit Director McPartland will accept that, but will scrutinize it.

Councilmember Vargas asked about cost and time savings associated with looking at environmental work of Phase I and Phase II concurrently. Staff commented that they would bring back information.

Supervisor Haggerty would like the following to become future agenda items: BayFair Connector, I-580 Corridor Goods Movement Enhancements, High Speed Rail, and LAVTA System Redesign.

#### **4. Regional Rail Advisory Group Vision and Goals**

Goals:

- Want a connection to ACE
- Deliver BART to ACE project that is streamlined and more cost effective
- Create an Authority to facilitate

Mayor Marchand brought up creating a JPA to drive this process more efficiently and accelerate it to completion. Supervisor Haggerty said that as we move towards a JPA it's important to understand and work with the political climate. LAVTA Board Member Spedowfski would like to have short-term goals to kick-start the process and show that we are action oriented. Director McPartland said that every member of the Working Group represents a vested interest and gives us the ability to collectively work together in a single direction for a single goal. Director McPartland thinks that a JPA is premature and thinks it should be a next step once the vision for the group is clear. Supervisor Haggerty added that he doesn't disagree in theory, but thus far hasn't seen any action to streamline and create a more cost effective BART to ACE project.

Councilmember Vargas would like BART to be at Greenville and that this needs to be a seamless transition. Director Hernandez commented that there is a lot of fact finding that needs to occur. He understands the emotion on the topic due to the years that have been spent on the project without apparent progression. Director Hernandez continued by stating that when you run an EIR you have the expectation that the EIR will lead you to shovels in the ground. What agencies are causing the consternation? As a group we need to set an agenda of the issues that need to be addressed and the financing issues of the project.

Mayor Jerry Thorne expressed frustration on the duration of EIRs for this project. He wants to better understand what has been looked at through the years and what were the results. Why are we looking at BART to downtown Livermore still? Makes no sense. We need to find a path to get this finished. To connect with ACE. It's ridiculous.

Scott asked that Working Group be visionary and bold, and directed staff to prioritize the goals for the next meetings and see what can be accomplished.

## **6. Summary and Next Steps**

LAVTA staff to prioritize goals and near future action items for the next meeting. Meetings will be held bi-monthly. Supervisor Haggerty suggested that one meeting will be held on the other side of the Altamont, and that maybe Tracy can be the host.

## **7. Adjournment**

Meeting adjourned 3:10pm.



**AGENDA**

**ITEM 4**



STAFF REPORT

Altamont Regional Rail Working Group

SUBJECT: Executive Director's Report

FROM: Executive Director

DATE: May 4, 2016

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*Background and Next Steps*

At the inaugural Altamont Regional Rail Working Group (“Working Group”) meeting in February, the Working Group received background and history of regional rail planning efforts to present day. In addition to covering rail history and plans in the region and the evolving mega-region, the BART to ACE project was discussed, as well as ACE Forward and additional initiatives. Most discussion amongst the Working Group focused on how to deliver the BART to ACE project quicker and more efficiently. The Working Group concluded the meeting by discussing initial thoughts on vision and goals and directed staff to begin prioritizing and creating next steps for future meetings.

Staff’s recommendation for the next two meetings is to present multiple case studies by experts that will provide information on the traditional delivery model for rail projects, as well as alternative models that incorporate streamlining of environmental work and other cost and time saving tactics. As the case studies are presented the Working Group will gain critical insight and knowledge that will allow them to have constructive dialogue and solid recommendations on the BART to ACE project.

The first case study, on your May 4<sup>th</sup> agenda, will be presented by Mr. Habib Balian, CEO of the Metro Gold Line Foothill Extension Construction Authority. Mr. Balian will present the traditional project delivery method for passenger rail construction and then discuss how the Foothill Extension Construction Authority used strategic, cost saving tactics to streamline the project for a faster, more cost effective project delivery.

The second and third case studies are planned for the following Working Group meeting in July. For these case studies a representative from Santa Clara Valley Transportation Authority (VTA) will discuss their BART extension project, and a representative from ACE will discuss how their small, nimble staff approaches its rail planning.

Finally, in September the Working Group will hear from BART staff on the BART to ACE project, looking in more detail at the project's timeline, opportunities considered to streamline the project, and current and projected costs.

*May 4<sup>th</sup> Agenda*

Included on the May 4<sup>th</sup> agenda is a brief standing update from ACE and BART on their current rail planning efforts, as well as a brief review of the inaugural meeting and a few snapshots of regional projects that were of interest to the Working Group in the first meeting. These two agenda items will be presented by Mr. Daniel Iacofano of MIG.

Following the presentation by Mr. Iacofano, Mr. Habib Balian, CEO of the Metro Gold Line Foothill Extension Construction Authority will provide the abovementioned information. He will be followed by a brief discussion on barriers and obstacle for BART to ACE that will be led by Mr. Iacofano, a brief discussion on AB2762 (Baker) and Working Group action items.

Towards the conclusion of the meeting, staff is anticipating a brief discussion by the Working Group on next steps and would appreciate thoughts and direction on the proposed strategy of the Working Group, both short and long-term.

**AGENDA**

**ITEM 8**





## Foothill Gold Line

### Habib F. Balian *Chief Executive Officer*



Habib F. Balian serves as the Chief Executive Officer of the Foothill Gold Line Construction Authority, overseeing planning, funding and construction of the light rail line from Los Angeles to Montclair. Previous to his appointment as CEO, Habib served as the Chief Administrative Officer.

During his 16-year tenure with the Authority, he has overseen construction of the nearly 14-mile Los Angeles to Pasadena segment (a design-build program that came in on time and under budget); and is currently overseeing the planning, design and construction for the Pasadena to Azusa segment (completed on-time & on-budget and put into service March 2016). Habib is also overseeing the necessary planning studies and advanced engineering to ready the segment from Glendora to Montclair for future construction.

In both his current and former capacity, Habib has led the agency's successful communications strategy, promoting the project with elected officials and government agencies at all levels – which played an important role in improving relationships and securing funding for the Pasadena to Azusa project.

Before joining the Construction Authority, Habib was chief of staff for LA Metro - overseeing management of the Office of the CEO. His direct reporting departments were Management Audit Services, Planning and Environmental Reviews and Readiness of transit projects, Board Research Services, Government Relations, and Labor Relations.

Habib also spent seven years with the Board of Supervisors advising on transportation issues.

Habib holds a Bachelor of Arts degree in international relations from the University of Southern California. He is married and has two sons.

**AGENDA**

**ITEM 10**



STAFF REPORT

Altamont Regional Rail Working Group

SUBJECT: AB 2762 (Baker)  
FROM: Executive Director  
DATE: May 4, 2016

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Assemblywoman Baker has introduced Assembly Bill 2762 (attached), for purposes of establishing the Altamont Pass Regional Rail Authority. The Authority would be responsible for planning and delivering a cost effective and responsive interregional rail connection between the Bay Area Rapid Transit District's rapid transit system and the Altamont Corridor Express in the Tri-Valley, within the City of Livermore, that meets the goals and objectives of the community.

The bill would require the authority's governing board to be comprised of 12 representatives and would authorize the authority to appoint an executive who may appoint staff or retain consultants. Representatives identified in the bill includes all of the members of the Altamont Regional Rail Working Group as well as three private sector representatives: Innovation Tri-Valley Leadership Group, San Joaquin Partnership and East Bay Leadership Council. The bill would provide specified authorizations and duties to the authority.

Assemblywoman Baker has advised that there will be hearings over the summer either at the Capitol or in the Tri-Valley and at this time, it is possible that the bill may not follow the regular process.

Attachments:

1. AB 2762

AMENDED IN ASSEMBLY APRIL 5, 2016  
 AMENDED IN ASSEMBLY MARCH 15, 2016  
 CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL****No. 2762**


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**Introduced by Assembly Member Baker**

February 19, 2016

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~~An act to amend Section 30814 of the Streets and Highways Code, relating to transportation. An act to add Chapter 8 (commencing with Section 132651) to Division 12.7 of the Public Utilities Code, relating to transportation.~~

## LEGISLATIVE COUNSEL'S DIGEST

AB 2762, as amended, Baker. ~~Toll bridges: pedestrians and bicycles.~~  
*Transportation: Altamont Pass Regional Rail Authority.*

*Existing law provides for the creation of statewide and local transportation agencies, which may be established as joint powers authorities or established expressly by statute. Existing law establishes the Bay Area Rapid Transit District, which is authorized to acquire, construct, own, operate, control, or use rights-of-way, rail lines, bus lines, stations, platforms, switches, yards, terminals, parking lots, and any and all other facilities necessary or convenient for rapid transit service.*

*This bill would establish the Altamont Pass Regional Rail Authority for purposes of planning and delivering a cost effective and responsive interregional rail connection between the Bay Area Rapid Transit District's rapid transit system and the Altamont Corridor Express in the Tri-Valley, within the City of Livermore, that meets the goals and objectives of the community. The bill would require the authority's*



*governing board to be composed of 12 representatives and would authorize the authority to appoint an executive who may appoint staff or retain consultants. The bill would provide specified authorizations and duties to the authority.*

*This bill would require all unencumbered moneys dedicated for the completion of the connection to be transferred to the authority. The bill would require the Bay Area Rapid Transit District to assume ownership of all physical improvements, and to assume operational control, maintenance responsibilities, and related financial obligations for the connection, upon its completion. The bill would require the Department of Transportation to expedite reviews and requests related to the connection. The bill would require the authority to provide a project update report to the public, to be posted on the authority’s Internet Web site, on the development and implementation of the connection.*

*By imposing new duties on local governmental entities, this bill would create a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

~~Existing law, until January 1, 2021, prohibits a toll from being imposed on the passage of a pedestrian or bicycle over any bridge that is part of the state highway system, as specified.~~

~~This bill would extend that prohibition until January 1, 2022.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) Commute patterns throughout northern California, and in  
4 particular through the Altamont Pass corridor, traverse the  
5 boundaries of traditional metropolitan planning agencies. The  
6 Altamont Pass corridor, located in the center of northern  
7 California’s megaregion, is the gateway to the Tri—Valley—a

1 vital node in the bay area's economic ecosystem and a key bay  
2 area transportation route. Strategic and planned interregional  
3 mobility is essential to sustained economic vitality.

4 (b) Connecting the Bay Area Rapid Transit District's rapid  
5 transit system and the Altamont Corridor Express in Livermore,  
6 as recommended by the Metropolitan Transportation Commission's  
7 regional rail plan, would increase interregional mobility, providing  
8 much-needed highway capacity for expanded goods movement to  
9 the bay area's five seaports. It would also relieve pressure on  
10 Interstate 580 and other transportation systems, given the  
11 exponential population growth in the central valley.

12 (c) The Bay Area Rapid Transit District has stated its priority  
13 is to operate and maintain its existing core commuter rail system;  
14 expansion is not a priority for the Bay Area Rapid Transit District.  
15 Recent rail expansions in other parts of the state have been  
16 successfully implemented by single purpose agencies such as the  
17 Metro Gold Line Foothill Extension Construction Authority and  
18 the Santa Clara Valley Transportation Authority.

19 (d) The Altamont Pass Regional Rail Authority is needed to  
20 connect the Bay Area Rapid Transit District's rapid transit system  
21 and the Altamont Corridor Express in Tri-Valley and would be  
22 responsive to local needs and issues by including local stakeholders  
23 in land use and transit planning decisions.

24 (e) Consistent with the Bay Area Regional Rail Plan adopted  
25 by the Metropolitan Transportation Commission (Resolution 3826),  
26 the heavy rail connection between the Bay Area Rapid Transit  
27 District's rapid transit system and the Altamont Corridor Express  
28 is a matter of state interest, and all planning, analysis, alternatives,  
29 and mitigations for projects undertaken by the Altamont Pass  
30 Regional Rail Authority should be consistent with that state  
31 interest.

32 SEC. 2. It is the intent of the Legislature to establish the  
33 Altamont Pass Regional Rail Authority to plan and deliver a cost  
34 effective and responsive rail extension that connects the Bay Area  
35 Rapid Transit District's rapid transit system and the Altamont  
36 Corridor Express in the Tri-Valley, within the City of Livermore,  
37 to address regional economic and transportation challenges.

38 SEC. 3. Chapter 8 (commencing with Section 132651) is added  
39 to Division 12.7 of the Public Utilities Code, to read:

1

2       *CHAPTER 8. ALTAMONT PASS REGIONAL RAIL AUTHORITY*

3

4       132651. *As used in this chapter, the following terms have the*  
5 *following meanings:*6       (a) *“Authority” means the Altamont Pass Regional Rail*  
7 *Authority created under this chapter.*8       (b) *“Bay Area Rapid Transit” means the Bay Area Rapid Transit*  
9 *District’s rapid transit system.*10       (c) *“Board” means the governing board of the authority.*11       (d) *“Connection” means an interregional rail connection*  
12 *between Bay Area Rapid Transit and the Altamont Corridor*  
13 *Express in the Tri-Valley, within the City of Livermore.*14       (e) *“Phase 1 Project” means the first phase of the connection,*  
15 *which will extend Bay Area Rapid Transit along Interstate 580 to*  
16 *a new station in the vicinity of the Isabel Avenue interchange in*  
17 *the City of Livermore.*18       132652. *The authority is hereby established for purposes of*  
19 *planning and delivering a cost-effective and responsive connection*  
20 *that meets the goals and objectives of the community.*21       132653. *By December 1, 2017, the board shall publish a*  
22 *detailed management, finance, and implementation plan relating*  
23 *to the connection.*24       132655. *The governing board of the authority shall be*  
25 *composed of one representative from each of the following entities*  
26 *to be appointed by the governing board, mayor, or supervisor of*  
27 *each entity:*28       (a) *The Altamont Corridor Express.*29       (b) *The Bay Area Rapid Transit District.*30       (c) *The City of Dublin.*31       (d) *The City of Livermore.*32       (e) *The City of Pleasanton.*33       (f) *The City of Tracy.*34       (g) *The County of Alameda.*35       (h) *The County of San Joaquin.*36       (i) *The East Bay Leadership Council.*37       (j) *Innovation Tri-Valley.*38       (k) *The Livermore Amador Valley Transit Authority.*39       (l) *San Joaquin Partnership.*



1       132660. (a) *The board may appoint an executive director to*  
2 *serve at the pleasure of the board.*

3       (b) *The executive director is exempt from all civil service laws*  
4 *and shall be paid a salary established by the board.*

5       (c) *The executive director may appoint staff or retain consultants*  
6 *as necessary to carry out the duties of the authority.*

7       (d) *All contracts approved and awarded by the executive*  
8 *director shall be awarded in accordance with state and federal*  
9 *laws relating to procurement. Awards shall be based on price or*  
10 *competitive negotiation, or on both of those things.*

11       132665. *The Livermore Amador Valley Transit Authority shall*  
12 *enter into a memorandum of understanding with the San Joaquin*  
13 *Regional Rail Commission to comanage the rail-specific elements*  
14 *necessary to support the authority. For an initial one-year period,*  
15 *the Livermore Amador Valley Transit Authority's administrative*  
16 *staff shall, if that authority has appointed a member to the board*  
17 *in accordance with Section 132655, provide all necessary*  
18 *administrative support to the board to perform its duties and*  
19 *responsibilities and may perform for the board any and all*  
20 *activities that they are authorized to perform for the Livermore*  
21 *Amador Valley Transit Authority. At the conclusion of the initial*  
22 *period, the board may, through procedures that it determines,*  
23 *select the Livermore Amador Valley Transit Authority, San Joaquin*  
24 *Regional Rail Commission, or another existing public rail transit*  
25 *agency for one three-year term immediately following the initial*  
26 *period, and thereafter for five-year terms, to provide all necessary*  
27 *administrative support staff to the board to perform its duties and*  
28 *responsibilities.*

29       132670. *The Bay Area Rapid Transit District shall identify and*  
30 *expeditiously enter into an agreement with the authority to hold*  
31 *in trust for the authority all real and personal property and any*  
32 *other assets accumulated in the planning, environmental review,*  
33 *design, right-of-way acquisition, permitting, and construction of*  
34 *the connection, including, but not limited to, rights-of-way,*  
35 *documents, interim work products, studies, third-party agreements,*  
36 *contracts, and design documents, as necessary for completion of*  
37 *the connection.*

38       132675. *All unencumbered moneys dedicated for the completion*  
39 *of the Phase 1 Project or the connection shall be transferred to*  
40 *the authority for the completion of the connection.*

1     132680. *The authority shall not be responsible for any core*  
2 *system upgrades that preexist its establishment. This includes both*  
3 *existing core system deficiencies necessary to support planned*  
4 *service frequency upgrades and any core system upgrades needed*  
5 *to support prior system expansions, including, but not limited to,*  
6 *the Silicon Valley rapid transit corridor.*

7     132685. *Upon the completion of the connection or any phase*  
8 *of the connection, the Bay Area Rapid Transit District shall assume*  
9 *ownership of all physical improvements constructed for that phase*  
10 *or the connection, and shall assume operational control,*  
11 *maintenance responsibilities, and related financial obligations of*  
12 *the phase or connection.*

13     132690. (a) *The authority has all of the powers necessary for*  
14 *planning, acquiring, leasing, developing, jointly developing,*  
15 *owning, controlling, using, jointly using, disposing of, designing,*  
16 *procuring, and building the Phase 1 Project and connection,*  
17 *including, but not limited to, all of the following:*

18     (1) *Acceptance of grants, fees, allocations, and transfers of*  
19 *moneys from federal, state, and local agencies, including, but not*  
20 *limited to, moneys from local measures, as well as private entities.*

21     (2) *Acquiring, through purchase or through eminent domain*  
22 *proceedings, any property necessary for, incidental to, or*  
23 *convenient for, the exercise of the powers of the authority.*

24     (3) *Incurring indebtedness, secured by pledges of revenue*  
25 *available for the Phase 1 Project or connection completion.*

26     (4) *Contracting with public and private entities for the planning,*  
27 *design, and construction of the connection. These contracts may*  
28 *be assigned separately or may be combined to include any or all*  
29 *tasks necessary for completion of the Phase 1 Project or*  
30 *connection.*

31     (5) *Entering into cooperative or joint development agreements*  
32 *with local governments or private entities. These agreements may*  
33 *be entered into for purposes of sharing costs, selling or leasing*  
34 *land, air, or development rights, providing for the transferring of*  
35 *passengers, making pooling arrangements, or for any other*  
36 *purpose that is necessary for, incidental to, or convenient for the*  
37 *full exercise of the powers granted to the authority. For purposes*  
38 *of this paragraph, “joint development” includes, but is not limited*  
39 *to, an agreement with any person, firm, corporation, association,*  
40 *or organization for the operation of facilities or development of*

1 projects adjacent to, or physically or functionally related to, the  
2 Phase 1 Project or connection.

3 (6) Relocation of utilities, as necessary for completion of the  
4 connection.

5 (7) Conducting all necessary environmental reviews, including,  
6 but not limited to, completing environmental impact reports.

7 (b) The duties of the authority include, but are not limited to,  
8 both of the following:

9 (1) Conducting the financial studies and the planning and  
10 engineering necessary for completion of the Phase 1 Project and  
11 connection. Although this duty rests solely on the authority, the  
12 authority may exercise any of the powers described in subdivision  
13 (a) to fulfill this duty.

14 (2) Adoption of an administrative code, not later than December  
15 1, 2017, for administration of the authority in accordance with  
16 any applicable laws, including, but not limited to, the Ralph M.  
17 Brown Act (Chapter 9 (commencing with Section 54950) of Part  
18 1 of Division 2 of Title 5 of the Government Code), the provisions  
19 of this chapter, laws generally applicable to local agency  
20 procurement and contracts, laws relating to contracting goals for  
21 minority and women business participation, and the Political  
22 Reform Act of 1974 (Title 9 (commencing with Section 81000) of  
23 the Government Code).

24 132694. The authority shall enter into a memorandum of  
25 understanding with the Bay Area Rapid Transit District that shall  
26 address the ability of the Bay Area Rapid Transit District to review  
27 any significant changes in the scope of the design or construction,  
28 or both design and construction, of the Phase 1 Project and  
29 connection.

30 132695. The Department of Transportation shall expedite  
31 reviews and requests related to the Phase 1 Project or connection  
32 and shall provide responses within 60 days.

33 132697. On or before December 1, 2017, and annually  
34 thereafter, the authority shall provide a project update report to  
35 the public, to be posted on the authority's Internet Web site, on  
36 the development and implementation of the Phase 1 Project and  
37 connection. The report, at a minimum, shall include a project  
38 summary, as well as details by phase, with all information  
39 necessary to clearly describe the status of the phase, including,  
40 but not limited to, all of the following:



- 1 (a) *A summary describing the overall progress of the phase.*
- 2 (b) *The baseline budget for all phase costs, by segment or*
- 3 *contract.*
- 4 (c) *The current and projected budget, by segment or contract,*
- 5 *for all phase costs.*
- 6 (d) *Expenditures to date, by segment or contract, for all phase*
- 7 *costs.*
- 8 (e) *A summary of milestones achieved during the prior year and*
- 9 *milestones expected to be reached in the coming year.*
- 10 (f) *Any issues identified during the prior year and actions taken*
- 11 *to address those issues.*
- 12 (g) *A thorough discussion of risks to the project and steps taken*
- 13 *to mitigate those risks.*
- 14 *132699. The authority shall be dissolved upon both the*
- 15 *completion of the connection and the assumption by Bay Area*
- 16 *Rapid Transit District of operational control of the connection as*
- 17 *provided in Section 132685.*
- 18 *SEC. 4. If the Commission on State Mandates determines that*
- 19 *this act contains costs mandated by the state, reimbursement to*
- 20 *local agencies and school districts for those costs shall be made*
- 21 *pursuant to Part 7 (commencing with Section 17500) of Division*
- 22 *4 of Title 2 of the Government Code.*
- 23 ~~SECTION 1. Section 30814 of the Streets and Highways Code~~
- 24 ~~is amended to read:~~
- 25 ~~30814. (a) No toll shall be imposed on the passage of a~~
- 26 ~~pedestrian or bicycle over any bridge that is part of the state~~
- 27 ~~highway system, on which the travel of pedestrians and bicycles~~
- 28 ~~is otherwise authorized, and on which tolls are imposed on the~~
- 29 ~~passage of motor vehicles, including any bridge constructed~~
- 30 ~~pursuant to a franchise granted under this article.~~
- 31 ~~(b) This section shall remain in effect only until January 1, 2022,~~
- 32 ~~and as of that date is repealed, unless a later enacted statute, that~~
- 33 ~~is enacted before January 1, 2022, deletes or extends that date.~~

**AGENDA**

**ITEM 11**





STAFF REPORT

Altamont Regional Rail Working Group

SUBJECT: Working Group Action Items

FROM: Executive Director

DATE: May 4, 2016

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**Action Requested**

- A. Add to the Working Group the Easy Bay Leadership Council, San Joaquin Partnership and Innovation Tri-Valley Leadership Group.
- B. Direct staff to work with BART on the concept of a Joint Powers Authority for the BART to ACE Project.

**Background**

Important to the planning and construction of BART to ACE in the most expeditious, efficient manner will be continued mega-region support on the project. As contained within AB 2762 (Baker), staff recommends the addition of three influential and relevant groups to the Altamont Regional Rail Working Group: Easy Bay Leadership Council, San Joaquin Partnership and Innovation Tri-Valley Leadership Group.

Additionally, as AB 2762 is discussed and hearings conducted staff believes it important to have open communication with BART representatives on the concept of creating an Authority. Staff recommends authorization from the Working Group to have these discussions.