



Special Meeting: East Bay Bus Rapid Transit Policy Steering Committee

MINUTES

Friday, May 17, 2013
3:00 pm

2nd Floor Board Room
1600 Franklin Street
Oakland, CA 94612

PSC Members:

AC Transit Board:

Director Elsa Ortiz, Chair
President Greg Harper
Director Mark Williams

Alameda County (Ex Officio):

Supervisor Nate Miley

Metropolitan Transportation Commission/Caltrans:

District Director Bijan Sartipi

City of Oakland:

Councilmember Noel Gallo
Councilmember Rebecca Kaplan

City of San Leandro:

Vice Mayor Michael Gregory
Councilmember Pauline Cutter

The East Bay Bus Rapid Transit Policy Steering Committee held a special meeting on Friday, May 17, 2013. The meeting was called to order at 3:03 p.m. with Chair Ortiz Presiding.

1. Roll Call

Committee Members Present:

President Elsa Ortiz
Director Greg Harper
Vice Mayor Michael Gregory
Councilmember Pauline Cutter
Councilmember Noel Gallo
Councilmember Rebecca Kaplan

Committee Members Absent:

Supervisor Nate Miley
Caltrans District Director Bijan Sartipi
Director Mark Williams

AC Transit Staff Present:

District Secretary Linda Nemeroff
Director of BRT David Wilkins
General Counsel David Wolf

2. Public Comment

There was no public comment offered.

3. Introduction of new Committee member

Chair Ortiz welcomed Councilmember Noel Gallo as the City of Oakland's newly appointed representative to the Committee.

4. Chair's Report & Pertinent Actions of the AC Transit Board Presented by Elsa Ortiz

Chair Ortiz reported on the following actions which had taken place since the last committee meeting:

- Completion of the draft Preliminary Engineering Report for review by the cities of Oakland and San Leandro as well as Caltrans;
- Parking and business impact mitigations;
- Plan for a public art component of the project;
- Plan for a BRT Community Outreach Center; and
- Upcoming work on the final design phase of the project.

5. Approval of the minutes from February 15, 2013.

MOTION: KAPLAN/GREGORY to approve the minutes as presented (5-0-1-3).

Ayes: Members Kaplan, Gregory, Harper, Cutter, Ortiz - 5
Noes: None - 0
Abstain: Member Gallo - 1
Absent: Members Miley, Sartipi, Williams - 3

Consideration Items: (Presented by AC Transit Staff)

6. PSC Quarterly Status Report/BRT Project Report

[A PowerPoint Presentation for Items 5.1 through 5.7 is incorporated into file by reference. A project-wide map for the BRT line was distributed at the meeting for the Committee's information.]

6.1. Project Status

Director of BRT David Wilkins provided an overview of the project status, noting that the Preliminary Engineering report package had been submitted to agency partners for review. The package includes the Business Impact Mitigation Plan, the Off Street Parking Lot Site Selection Memorandum and the Baseline Cost Estimate. He also said that final design activities were expected to be completed in the spring of 2014 and that early construction activities, including utility relocations and the development of the parking lot and traffic improvement requirements, would begin in early 2014.

6.2 Project Budget

Mr. Wilkins provided a summary of the project budget and Preliminary Engineering Baseline Cost Estimates as of May 2013.

Councilmember Kaplan requested copies of the Business Impact Mitigation Plan, the Off Street Parking Lot Site Selection Memorandum and the Baseline Cost Estimate referenced in the budget. Staff to provide copies of the documents to the Committee.

Councilmember Kaplan asked why the budget for the Right-of-Way/Real Estate line item had been reduced by \$6 million and who had authorized it, noting that this was the one element that could derail the entire project. Mr. Wilkins advised that the initial cost estimate for real estate was developed before appraisal information was available and

was based on a larger number of lots, which, as a result of the Preliminary Engineering process, were now better defined.

Councilmember Kaplan stated that parking mitigation was the greatest focus of public concern and remained an unresolved issue. She expressed further concern that the reduction in the budget for parking mitigations was done without the approval of the AC Transit Board or any public input. Mr. Wilkins advised that the budget was not final and wouldn't be until the policy making bodies had an opportunity to weigh in. She added that the change in the budget was a problem considering the promises that were made and the need for the project to be done as promised.

President Harper commented that the real issue was at what point any of the numbers have meaning. He also said that contingency in construction projects is supposed to go down as the project progresses and more information is available about the cost.

Councilmember Cutter commented that if there wasn't going to be enough money to do the things that helped sell the project to the community, then the station design should be looked at again and adjustments made so the promises to the communities are kept.

Mr. Wilkins reported on staff's efforts concerning parking mitigations, which included:

- An evaluation of parking displacement in the Elmhurst, Fruitvale and the San Antonio District and identification of lots;
- Identification of candidate lots to mitigate the loss of on street parking along the corridor;
- Recent work done over the last few months to refine the roadway alignment and station locations; and
- Continued work in developing the requirements to address parking loss based on new information.

He added that the initial figure for parking mitigation did not include recent information on the roadway alignment, the station locations, or the design work done over the past couple of months. He added that one of the biggest reasons for the reduction in cost was because the appraisals were 5 or 6 times less than originally estimated. He also said that candidate sites were being reappraised to obtain current information and that the cost could change again based on the revised parking analysis that staff is currently working on.

Councilmember Cutter requested maps identifying where the parking sites are located.

6.3 Construction Contract Packages

Mr. Wilkins advised that three design and construction packages were in development and outlined them for the committee.

6.4. Parking and Business Impact Mitigation

Mr. Wilkins reported that letters of interest were sent to property owners of candidate parking and traffic mitigation sites in Fruitvale and Elmhurst. He added that mitigation measures had been developed for parking and business impacts to selected merchants in San Antonio and that the Business Impact Mitigation Plan developed by the District was

under review by city staff. The Off-Street Parking Site Selection Memo is under review by city staff.

Chair Ortiz commented that she wanted to make sure staff was working with Oakland City staff on all of the issues.

6.5. Community Outreach

Mr. Wilkins reported that there would be a kick off meeting for the final design phase at the CalTrans Auditorium on May 31, 2013.

Councilmember Kaplan questioned why there would be a kick-off for the final design before the preliminary design was approved. Mr. Wilkins reported that some of the final design tasks had started and that it was a symbolic measure to mark the transition. He said that having the event doesn't mean that preliminary engineering is approved, but marked a transition from one phase to another and would also serve as an informational update.

Mr. Wilkins also reported that follow-up meetings with city councilmembers would be scheduled in early June and another contract and transit careers opportunity workshop was scheduled for July. An overview of new informational materials was also provided.

Councilmember Gallo said that he did not support a final design kick-off event, adding that if changes were made to the project that which were different from what was told to the public, staff should go back to the community and inform them of what changed. President Harper suggested that instead of having a kick-off event, staff have a community input meeting instead.

Chair Ortiz asked if the fact sheet would be available in multiple languages to which Mr. Wilkins advised that multilingual information would be produced.

6.6. Third-Party Agreements

Mr. Wilkins provided an overview of third party agreements with Caltrans, Oakland, and San Leandro.

6.7. Consideration Items:

- Community Outreach Center

Mr. Wilkins provided any overview of the concept for a community outreach center.

President Harper commented that it was handy to have the outreach center/project office in place throughout the construction period.

Councilmember Kaplan liked the concept and suggested that the center have a permanent presence in the corridor to sell passes and provide ridership information. She also asked if the location, budget, etc. would come back to the committee, cities, etc. for review. Mr. Wilkins advised that staff would look at all of the recommendations and was exploring the possibility that the center evolve into a customer service center.

Councilmember Cutter asked how the center would be funded. Mr. Wilkins advised that, initially, project funds would be used for the lease and operation. In the long term, he speculated that ongoing costs after the project concluded would come from the District's operating budget.

Councilmember Cutter also said that the location needed to be situated in a safe area. Councilmember Gallo concurred, noting that in order for the project to be successful, people would need to feel comfortable along the whole corridor. Mr. Wilkins reported that the BRT would have stations with platforms equipped with security cameras, special lighting, improved lighting at intersections and crosswalks, real time arrival signage, 5-minute headways, and were proposed to have armed security (both vehicular and foot patrols). He added that these elements should help improve the level of security that individual business owners would normally see along the corridor and provide for a more secure transit experience. Councilmember Gallo suggested that these features be highlighted for customers.

- Artistic Enhancement Program

Mr. Wilkins advised that a public art component was a federal requirement for the project and that Requests For Qualifications (RFQ) would be issued for the selection of a lead artist and to establish a pool of qualified artists. He added that the RFQs were in development and solicited feedback from committee members on the art program.

Director Ortiz asked if it was a federal requirement to solicit artists nationwide to which Mr. Wilkins advised that it was.

Councilmember Kaplan noted that she didn't see this item included in the budget and wanted to know how much money had been set aside for art. Mr. Wilkins advised that the art program was a part of the detailed budget and that 5% of eligible construction dollars had been set aside for art (approximately \$1.5 million).

Councilmember Kaplan was interested in the kind of art that could be displayed and where. Mr. Wilkins called upon the public art consultant, Helene Freid, to address the question. Ms. Freid reported that four design elements had been identified for the stations which included the upper windscreen, lower windscreen, custom railing and canopy (roof panels). She added that the artists will create original works of art that will be integrated within the design of the stations.

Councilmember Kaplan suggested murals on the walls in the area of the BRT, lighting-based art forms, and artwork that help identify neighborhoods. Ms. Freid advised that the funding could only be used for art that was integrated within the design of the station, not surrounding areas. She added that due to the Americans with Disabilities Act requirements and other considerations, the opportunities for art were very limited. She went on further to say the art had to be durable with low, or almost no maintenance.

President Harper was disappointed that there wasn't more flexibility in how the funds for artwork were spent, noting that it would nice to have an iconic sculpture to mark

the BRT at the border of San Leandro and Oakland. He also suggested that a joint committee of the cities handle the art component.

Ms. Fried advised that staff had spent the last four months working with Oakland and San Leandro, noting that Oakland has a public art ordinance, an advisory committee and a dedicated public art staff. She also said that the existing plan was shaped by the Public Art Advisory Committee which was also presented to the San Leandro City Council. She went on further to say that the plan was very much shaped by the affected stakeholders.

Councilmember Kaplan inquired about naming rights for the project. She said that the fact this issue had not been addressed could impact the public art if not properly coordinated. Mr. Wilkins advised that staff was currently exploring the station sponsorship issue and did not have enough information to bring back to the committee. Councilmember Kaplan also questioned the federal law regarding public art, noting her understanding that the art could go on *elements* of the project. Ms. Freid clarified that MAP-21 requires any artistic enhancement to be integrated within the design, and does not include murals or other art at a nearby site.

7. Schedule Date and Time of Next Meeting

The next meeting is scheduled for Friday, September 20th, 2013, at 3:00 p.m.

8. Future Agenda Items

Councilmember Cutter requested a more in-depth review of the project budget.

Councilmember Kaplan requested an update on the parking mitigation plan and a follow-up report on the public art component and whether art can be on the community outreach center.

9. Adjournment

There being no further business to come before the committee, the meeting adjourned at 4:10 p.m.

Respectfully submitted,



Linda A. Nemeroff
District Secretary