



U.S. Department  
of Transportation  
**Federal Transit  
Administration**

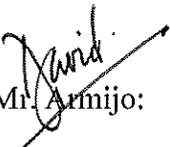
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JUN 8 2012

Mr. David J. Armijo  
General Manager  
Alameda Contra Costa Transit District  
1600 Franklin Street  
Oakland, CA 94612

RE: Environmental Record of Decision for  
the East Bay Bus Rapid Transit Project

Dear Mr.  Armijo:

The Federal Transit Administration (FTA) has completed its review of the public and interagency comments on the Final Environmental Impact Statement (FEIS) for the East Bay Bus Rapid Transit Project. In compliance with the National Environmental Policy Act (NEPA), the FTA has issued the enclosed Record of Decision (ROD) for the Project. As stated in the ROD, the Project must incorporate all the mitigations of adverse effects presented in the FEIS and the ROD. These mitigation actions include, but are not limited to all commitments to further consultation on specific issues.

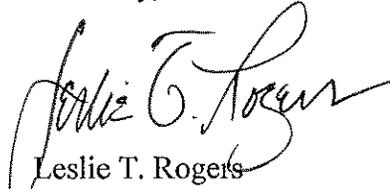
If the Alameda Contra Costa Transit District (AC Transit) contemplates any change to the Project, AC Transit must notify the FTA immediately and refrain from taking any action related to the proposed change until the FTA has determined what, if any, additional environmental analysis is necessary, and that analysis has been completed and approved by the FTA. For example, if AC Transit wishes to make a change to the mitigation measures in the FEIS, the ROD, or a change to the Project that would cause new or changed environmental or community impacts not presented in the FEIS, then AC Transit must notify the FTA in writing of the desire to make a change.

Any such change will be reviewed in accordance with FTA environmental procedures (23 C.F.R. 771.130) on supplemental documentation. The FTA will determine the appropriate level of environmental review for this or any other proposed change (i.e., a written re-evaluation of the FEIS, an environmental assessment of the change, or a supplemental environmental impact statement), and the NEPA process for this supplemental environmental review will conclude with a separate NEPA determination, or, if necessary, with an amendment to this ROD.

Please make the ROD and supporting documentation available to affected government agencies and the public. Availability of the ROD should be published in local newspapers and should be posted on the Project website. The ROD also should be provided directly to affected government agencies, including the State Inter-governmental Review contact established under Executive Order 12372.

We look forward to continuing to work with you to bring this important Project to fruition. Should you have any questions on the ROD, please contact Lucinda Eagle, Community Planner at (415) 744-0140.

Sincerely,



Leslie T. Rogers  
Regional Administrator

**Record of Decision**  
**on the**  
**East Bay Bus Rapid Transit Project**  
**in**  
**Alameda County, California**  
**by the**  
**Federal Transit Administration**

**Decision**

The Federal Transit Administration (FTA) has determined that the requirements of the National Environmental Policy Act of 1969 (NEPA) and related Federal environmental statutes, regulations, and executive orders have been satisfied for the East Bay Bus Rapid Transit Project (the Project) located in Alameda County.

This environmental Record of Decision (ROD) applies to the fixed guideway transit alternative consisting of dedicated bus travel lanes with level station boarding, traveling approximately 9.52 miles in length throughout most of Oakland and in north San Leandro in the San Francisco Bay Area of California, referred to as the Downtown Oakland to San Leandro (DOSL) Alternative, and evaluated in the *East Bay Bus Rapid Transit Project Final Environmental Impact Statement/Final Environmental Impact Report*, dated January 2012 (FEIS/FEIR). The FEIS/FEIR includes a longer 14.38-mile alternative with more limited improvements from downtown Berkeley to the Berkeley-Oakland border connecting the cities of Berkeley, Oakland and San Leandro. This alternative was described as the Project (defined as the Locally Preferred Alternative (LPA) in the FEIS/FEIR). The decision to consider the shorter DOSL alternative was made upon consideration of funding, community acceptance, and BRT operational issues from downtown Berkeley to San Leandro BART. The DOSL was adopted as the new LPA on April 25, 2012, by the AC Transit Board of Directors. The Project sponsor, the Alameda Contra Costa Transit District (AC Transit), seeks financial assistance from FTA for the Project. If FTA provides financial assistance for the final design or construction of the Project, FTA will require that AC Transit design and build it as presented in the FEIS/FEIR and in this ROD. Any proposed change by AC Transit must be evaluated in accordance with 23 CFR § 771.130 and must be approved by FTA in writing before the agency requesting the change can proceed.

## **Background**

The Project begins in downtown Berkeley, proceeds along the south side of the University of California, Berkeley campus to Telegraph Avenue, then along Telegraph Avenue to downtown Oakland, then along International Boulevard to San Leandro. In San Leandro, the alignment runs along East 14th Street to Davis Street, then San Leandro Boulevard to San Leandro BART, on the west edge of downtown, serving the city's planned Transit Oriented Development area. With the DOSL Alternative, the BRT alignment begins at 20th Street in downtown Oakland, as there would not be dedicated BRT lanes north of this point. South of this point, the BRT runs in center-running or side-running BRT lanes. In order to preserve the reliability of buses operating in the dedicated bus lanes in south Oakland, the bus route will be split at 20th Street. One bus route will operate between downtown Berkeley and downtown Oakland. The other will operate as the DOSL Alternative between downtown Oakland and San Leandro BART. There are a total of 32 stations proposed along the DOSL Alternative, including 27 stations in Oakland: 18 in the roadway median and 9 as curb extensions or sidewalk plazas between Downtown Oakland and the San Leandro city limit, and five stations in San Leandro. Other than in the line segment on 12th Street proceeding around Lake Merritt, no stations are more than 0.45 miles apart; 90 percent of stations are less than 0.4 miles apart (which equates to approximately five blocks between stations). On average, stations are 0.3 miles apart (which equates to approximately four blocks between stations).

As the Project sponsor and potential recipient of FTA financial assistance for the Project, AC Transit served as a co-lead agency with FTA in conducting the environmental review process.

## **Planning for the Project**

Planning for the East Bay Corridor has been ongoing for almost two decades, and a broad range of solutions for serving transportation needs in this corridor has been examined. Additionally, an extensive public process has been conducted to ensure that input from the expansive group of corridor stakeholders has been used to develop and refine alternatives, leading up to selection of the LPA for implementation. Planning and project development efforts have been conducted in accordance with federal requirements, to support eligibility for needed federal funds, and have also been conducted in compliance with the California Environmental Quality Act (CEQA).

The LPA identified through the MIS process provided the basis of the Build Alternatives brought into the Draft EIS/EIR scoping phase. FTA published the Notice of Intent (NOI) to prepare an EIS for this Project in the *Federal Register* on January 23, 2004, and the EIS scoping process was concluded on March 16, 2004. FTA and AC Transit proceeded with the NEPA review of this proposed action. The *East Bay Bus Rapid Transit Project /Draft Environmental Impact Statement/Draft Environmental Impact Report (DEIS/DEIR)* was completed in May 2007 and evaluated four transit improvement alternatives with various alignments. The Notice of Availability (NOA) of the DEIS was published in the *Federal Register* on May 4, 2007 and was circulated to the public for comment over a 45-day review period that concluded on June 18, 2007. More than 200 agencies, individuals, and organizations provided review comments on the draft document, resulting in more than 1,000 individual comments. These comments, along with further technical review and refinement, were used by corridor cities and AC Transit in the selection of an LPA.

As part of the LPA process, each of the respective cities in the corridor conducted public outreach to develop support for and refine the LPA. In the fall of 2009, a series of public meetings was held in Berkeley and San Leandro to determine public support for the BRT project in those communities and to seek city council support for the LPA. A similar series of meetings was held in Oakland in early 2010. Subsequently, in spring 2010, each city took action to recommend to AC Transit its preferred configuration for the LPA. Based on the actions of the three cities in the corridor, the project would have dedicated bus travel lanes throughout most of Oakland and in north San Leandro, but not in Berkeley.

The AC Transit Board of Directors gave consideration to the recommendations of each city and selected an LPA on June 23, 2010. The LPA under consideration in the FEIS/FEIR, as adopted by AC Transit, included limited BRT improvements from downtown Berkeley to the Berkeley-Oakland border. Consistent with Berkeley City Council direction, no dedicated lanes for BRT buses are part of the project improvements. The AC Transit Board of Directors at its June 23, 2010 meeting provided direction on an additional alternative for study. This decision was made upon consideration of funding, community acceptance, and BRT operational issues associated with a major capital improvements project in the corridor from downtown Berkeley to San Leandro BART. The DOSL Alternative was recommended for study in the Final EIS/EIR as a lower cost alternative that would have fewer environmental effects and lower capital costs to implement compared to the LPA.

Given that more than three years have passed since circulation of the DEIS/DEIR re-evaluation of the DEIS was prepared in accordance with 23 CFR 771.129 (a). The purpose of the re-evaluation was to determine whether or not a supplement to the DEIS or a new EIS would be needed. That re-evaluation determined that all of the changes to the project definition made between the Draft and the current analysis documented in the Final had been made in response to public and agency concerns. These changes reduce project impacts, and as a result, reduce public controversy.

No major changes have occurred in the project corridor since the DEIS/DEIR, and no new significant impacts not already disclosed were identified in the current analysis. Changes in impacts for one area, transportation, are attributed to: 1) a new analysis year (2025 in the Draft v 2015 and 2035 in the Final) and: 2) an increase in the number of study area intersections based on public and agency requests. The current analysis is fully documented in the FEIS and shows no new impacts. Because there are no new impacts, FTA determined there was no need to circulate a supplemental DEIS on November 28, 2011.

The FTA approved distribution of the FEIS/FEIR on January 23, 2012, and the NOA of the FEIS was published on February 3, 2012 in the *Federal Register*. The review period for the FEIS/FEIR concluded on March 5, 2012.

### **Alternatives Considered**

FTA and AC Transit considered a broad range of alternatives in various studies prior to the initiation of the NEPA process and continuing through the Draft and Final EIS. The planning and project development process involved analyzing the alternatives to determine which alternatives would be studied in the DEIS/DEIR and carried through the FEIS/FEIR. These analyses typically result in alternatives being eliminated from further consideration during the

project development phases. Alternatives can be eliminated from further consideration during the planning process, before the NEPA process is initiated, or after the NEPA process is initiated (e.g., during NEPA scoping or early coordination activities, as part of the planning process). This alternatives analyses process results in the Locally Preferred Alternative (LPA) being selected.

Planning activities began with a Major Investment Study (MIS) process conducted from 1999 to 2002. Alternatives development and refinement of the LPA continued as part of the public scoping activities and background technical studies conducted during preparation of the environmental document. In accordance with FTA guidance, the MIS evaluated and screened a range of transit modes and general alignment alternatives in terms of their cost, benefits, and impacts. The MIS identified three vehicle/transit mode alternatives that could best meet the service objectives established for the project while satisfying the needs of the corridor travel market—Light Rail Transit (LRT), BRT, and Enhanced Bus. BRT, using self-propelled, low- or zero-emission buses with low floors, was identified as the preferred transit mode for the corridor. BRT was adopted with the understanding that LRT would be considered the long-term goal in the corridor and that design and construction of BRT should not preclude conversion to LRT in the future. The installation of BRT elements does not preclude eventual installation of LRT, and certain elements of the BRT system could be used in an eventual upgrade. No timeline or program for such a conversion has been established.

The MIS also considered two primary alignment alternatives, as well as alignment variations to serve specific activity centers. The alignment studied in the DEIS/DEIR) was identified as the LPA alignment on the basis of several evaluation factors, principally ridership, engineering feasibility, and impacts including additional right-of-way requirements. Alternatives evaluated in the May 2007 DEIS/DEIR included:

- No-Build Alternative
- Build Alternative 1 – Separate BRT and Local Service to Bay Fair BART
- Build Alternative 2 – Separate BRT and Local Service to San Leandro BART
- Build Alternative 3 – Combined BRT and Local Service to Bay Fair BART
- Build Alternative 4 – Combined BRT and Local Service to San Leandro BART

After considering all alternatives evaluated in the Draft EIS/EIR, AC Transit determined that improvements would be needed in the corridor to meet the study purpose and need. Of the Build Alternatives studied in the DEIS/DEIR, BRT service from Berkeley to the San Leandro BART station (most closely resembling Draft EIS/EIR Alternative 4), in a combination of mixed-flow and dedicated BRT lanes, was selected as the LPA.

To refine the LPA following review of the DEIS/EIR, the cities of Berkeley, Oakland and San Leandro conducted public outreach to develop support for and refine the LPA for inclusion in the FEIS/FEIR. In spring 2010, each city took action to recommend to AC Transit its preferred configuration. Based on the actions of the cities of Oakland and San Leandro, the project would have dedicated bus travel lanes throughout most of Oakland and in north San Leandro, with level station boarding. The Berkeley City Council voted unanimously to support a new alternative with a mix of transit and non-transit elements, called “Alternative B.” Alternative B would involve no dedicated bus lanes on Telegraph Avenue and Shattuck Avenue, with extension of the project beyond University Avenue and Shattuck Avenue. It also called for the conversion of

several streets from one-way to two-way operations, requiring installation of up to 10 new traffic signals. The city also recommended that AC Transit evaluate curb extension stations with platforms level with the bus floor and bus queue jump lanes to bypass auto traffic at congested intersections.

The AC Transit Board of Directors gave consideration to the recommendations of each city and made their LPA decision for the project on June 23, 2010. The LPA adopted by the AC Transit Board is consistent with the recommended alternatives of each city, with the exception of the City of Berkeley. Berkeley's proposed alternative, which would require the conversion of one-way streets to two-way operations was considered detrimental to ridership and efficient transit operations. Instead, AC Transit adopted as part of the project's LPA a limited improvements alternative in Berkeley, which includes the minimum features required to allow consistent, although less optimal, service with the rest of the corridor. The LPA under consideration in the FEIS/FEIR, as adopted by AC Transit, includes limited BRT improvements from Downtown Berkeley to the Berkeley-Oakland border, with more significant improvements such as dedicated BRT lanes and station amenities from Oakland to San Leandro.

The AC Transit Board of Directors at its June 23, 2010 meeting also recommended an additional alternative for study. This decision was made upon consideration of funding, community acceptance, and BRT operational issues associated with a major capital improvements project in the corridor from Downtown Berkeley to San Leandro BART. The Downtown Oakland to San Leandro (DOSL) Alternative was recommended for study in the Final EIS/EIR as a lower cost alternative that could have fewer environmental effects and more reliable operational performance than the LPA. The DOSL Alternative follows the same alignment from Downtown Oakland to San Leandro BART, and has the same features as the LPA in this portion of the LPA's alignment, including the same changes to the project definition that were adopted in 2010 and 2011. The DOSL Alternative is approximately 9.52 miles in length and includes 32 stations.

In the latter months of 2010 and during the first half of 2011, consistent with the direction of corridor cities and its Board, AC Transit refined the project definition. Conceptual designs were developed which reflected the proposed changes in BRT features that emerged following public review of the DEIS/DEIR. Travel demand forecasts, including projected future ridership on the project in 2015 and 2035 were generated, and preliminary analysis of traffic, parking and other environmental effects of the project were completed. Extensive coordination with the California Department of Transportation (Caltrans) on project features and impacts in the segment of the project within state rights-of-way was undertaken: this included State Route 185 along International Boulevard and E. 14th Street, from 42nd Avenue in East Oakland to Davis Street in Downtown San Leandro, and State Route 61 along Davis Street from E. 14th Street to San Leandro Boulevard in San Leandro. The revised project definition and its environmental consequences were initially detailed in a preliminary environmental document.

In response to preliminary findings for the revised project and additional community input, AC Transit determined to make additional refinements to the project, largely to reduce traffic and parking impacts. Improvements to traffic operations at several major intersections and along several roadway segments were proposed and reviewed with city traffic staff and Caltrans. AC Transit also made a commitment to procure BRT buses that can load and unload passengers on both sides of the vehicle (dual-side door buses). This allows the construction of a single center

platform—rather than two separate platforms—at each BRT stop in median running BRT alignments. The center median station configuration has less displacement of curbside parking along the BRT alignment. The Final EIS includes design features in the project definition and proposes mitigation measures that have received extensive review by stakeholders and the public from 2007 through 2011. On April 25, 2012, the AC Transit Board of Directors approved the selection of the DOSL Alternative as the LPA.

### **Alternative Alignment Segments Considered and Eliminated**

The following alternatives were considered but rejected from further analysis in the FEIS/FEIR:

- *Build Alternative 1 – Separate BRT and Local Service to Bay Fair BART*
- *Build Alternative 2 – Separate BRT and Local Service to San Leandro BART*
- *Build Alternative 3 – Combined BRT and Local Service to Bay Fair BART*
- *Build Alternative 4 – Combined BRT and Local Service to San Leandro BART*

*Build Alternatives 1 through 4* were previously considered in the DIS/DEIR. Following the circulation of the DEIS/DEIR in 2007, each of the three cities in the corridor provided their input on the LPA in a public process held during spring 2010. As a result of decisions by the cities of San Leandro and Berkeley, the southern terminus of the proposed corridor was identified as the San Leandro BART station, and dedicated BRT lanes were deleted from segments of Telegraph Avenue in Berkeley. In June 2010, the AC Transit Board of Directors formally adopted the LPA, which included changes that arose from the LPA process. In contrast to the LPA, *Build Alternatives 1 through 4* would involve the implementation of dedicated BRT lanes along Telegraph Avenue within the City of Berkeley. The allocation of lanes previously used exclusively by vehicles, for exclusive BRT use would have the following consequences:

- Removal of through travel lanes along Telegraph Avenue would reduce the capacity of intersections along this segment to accommodate existing and projected traffic volumes; and
- The reduction in capacity would increase vehicular delay along this segment. These delays in turn would contribute to the diversion of traffic from the route alignment to parallel streets.

Although *Build Alternatives 1 through 4* referenced above would be consistent with the objectives of the project (specifically “increase transit ridership by providing a viable and competitive transit alternative to the private automobile”), each of the alternatives would result in additional traffic-related impacts when compared to the LPA. For this reason, *Build Alternatives 1-4* were not advanced for review as project alternatives.

The Berkeley City Council voted to support a new alternative with a mix of transit and non-transit elements referred to as “*Alternative B*.” *Alternative B* would not include dedicated bus lanes on Telegraph Avenue and Shattuck Avenue, with extension of the project beyond University Avenue and Shattuck Avenue. *Alternative B* would also require conversion of Bancroft Way, Durant Avenue and southbound Shattuck Avenue, between University Avenue and Center Street, from one-way to two-way operations. This would require the installation of up to 10 new traffic signals. Further, the City recommended that AC Transit evaluate whether it would be “technically or financially feasible” to construct curb extension stations with platforms level

with the bus floor and bus queue jump lanes to bypass auto traffic at congested intersections. *Alternative B* was not advanced because it would be detrimental to transit riders and efficient transit operations. Conversion to two-way operations with an accompanying reduction in travel lanes could slow down bus operation and expose transit vehicles to more conflicts with other motor vehicles. The transit elements proposed by Berkeley for Telegraph Avenue would not improve performance sufficiently to offset the slower speeds in the Southside and Downtown areas.

### **Description of the Project (DOSL Alternative in detail)**

The project as described in the FEIS/FEIR is the subject of this ROD. Final Design of the East Bay Bus Rapid Transit Project is scheduled to begin in 2012. Construction is estimated for 2014 with revenue operations commencing in 2016. The Project would operate with transit priority at all signalized intersections, new passenger stations, and a combination of mixed-flow and dedicated travel lanes throughout the alignment. The project would also feature pedestrian amenities, landscape treatments, barrier-free, self-service proof of payment fare collection, real-time bus arrival information, and low-floor, dual-sided door buses.

The project would ultimately extend approximately 9.52 miles from Downtown Oakland to the San Leandro BART Station. In downtown Oakland, at 20th Street, both eastbound and westbound BRT operate in mixed-flow lanes between Telegraph and Broadway Avenues. At Broadway, the alignment shifts south. Southbound and northbound BRT would operate in mixed-flow lanes between 20th and 11th/12th Streets, with the exception of a northbound dedicated center-running lane that provides a left-turn movement onto 20th Street for buses only. 11th and 12th Streets will operate as a one way pair with the eastbound movement on 11th Street and the westbound movement on 12th Street. Each leg has a side-running dedicated BRT lane from Broadway Avenue to Oak Street. Past Oak Street, the dedicated BRT lanes transition to mixed flow lanes through the Lake Merritt area to 2nd Avenue. There would be a “bus only” left-turn lane provided along westbound 12th Street for northbound BRT vehicles at the intersection with 14th Street. The next segment of the route would begin at 1st Avenue, where the southbound BRT would continue along East 12th Street and the northbound movement along International Boulevard through 14th Avenue. Both would be accommodated in a combination of dedicated and shared side-running BRT lanes.

With the next segment, the southbound alignment continues on East 12th street, then BRT turns east, operating in a shared BRT lane along 14th Avenue and for one block south of the intersection of 14<sup>th</sup> Avenue/International Boulevard. At 15th Avenue, both northbound and southbound BRT operate in center-running dedicated BRT lanes. The route continues on International Boulevard from 42nd Avenue to Durant Avenue on the San Leandro border. In San Leandro, the alignment continues along Durant to Georgia Way in center-running dedicated lanes. Beginning at Georgia Way, BRT will operate in mixed-flow lanes together with vehicular traffic. This configuration will continue to Davis Street, where the alignment will shift west along Davis and south again on San Leandro Boulevard, terminating at the San Leandro BART station.

There are thirty-two stations are at the following locations:

- 20th Street at Telegraph/Broadway Avenue (Uptown station)
- Broadway Avenue at 14th Street (14th Street station)

- 11th/12th at Broadway Avenue (City Center station)
- 11th/12th at Harrison Street (Harrison station)
- 11th/12th at Madison Street (Madison station)
- International Boulevard/East 12th Street at 2nd Avenue (2nd Avenue station)
- International Boulevard/East 12th Street at 5th Avenue (5th Avenue station)
- International Boulevard/East 12th Street at 10th Avenue (10th Avenue station)
- International Boulevard and 14th Avenue (14th Avenue station)
- International Boulevard at 20th Avenue (20th Avenue station)
- International Boulevard at Miller Avenue (23rd Avenue station)
- International Boulevard at 28th Avenue (28th Avenue station)
- International Boulevard at 31st Avenue (31st Avenue station)
- International Boulevard at 34th Avenue (Fruitvale station)
- International Boulevard at 39th Avenue (39th Avenue station)
- International Boulevard at High Street (High Street station)
- International Boulevard at 48th Avenue (48th Avenue station)
- International Boulevard at 54th Avenue (54th Avenue station)
- International Boulevard at 58th Avenue (Seminary station)
- International Boulevard at 66th Avenue (66th Avenue station)
- International Boulevard at 72nd Avenue (72nd Avenue station)
- International Boulevard at 77th Avenue (77th Avenue station)
- International Boulevard at 82nd Avenue (82nd Avenue station)
- International Boulevard at 87th Avenue (87th Avenue station)
- International Boulevard at 94th Avenue (94th Avenue station)
- International Boulevard at 98th Avenue (98th Avenue station)
- International Boulevard at 104th Avenue (104th Avenue station)
- East 14th Street at Durant Avenue (Durant station)
- East 14th Street at Georgia Way/Euclid Avenue (Georgia Way station)
- East 14th Street at Haas/Lorraine (Begier station)
- Davis Street at Hays Street (Downtown San Leandro station)
- San Leandro BART (San Leandro BART station)

#### Other Projects Relevant to the Project Definition

The stakeholder cities of Oakland and San Leandro and Caltrans have indicated their desire to identify in the FEIS/EIR improvements they propose be undertaken separate from, but contingent upon, implementation of the East Bay BRT Project. These projects are not needed to implement the BRT project, nor do they represent mitigation by AC Transit for any impact of the BRT project. Rather, they are desired improvements that will be developed and paid for by the sponsoring agencies. The costs of implementing these other related projects are included in the total cost of the East Bay BRT project, however, they are not part of the Small Starts project for

which AC Transit is requesting a Section 5309 grant from the FTA.

*Additional Roadway Repaving.* Although curb-to-curb improvements to the roadway, including repaving, are proposed in the areas of BRT stations as part of the federally funded Small Starts project elements, repaving of mixed-flow lanes between stations (and adjacent to the BRT transitway) is not a Small Starts element. However, repaving of these roadway segments, where in poor or substandard condition, is proposed as a related project when BRT construction is underway, assuming funding is made available by the affected city or other sources. The work could be performed by the same contractor doing BRT transitway paving but would not be part of the BRT Small Starts project definition. In total, up to 28.8 lane-miles of additional re-paving is proposed as a related project during BRT construction.

*Bulbouts and Extra Streetscape Features at Pedestrian Crossings.* Improved, restriped crosswalks and pedestrian crossing protection to access BRT stations are elements of the federally funded Small Starts project. Corridor cities have proposed, however, to include curb bulbouts at intersections and streetscape treatments (e.g., highly distinguished pathways) at selected other locations that are not within the limits of the Small Starts project. In conjunction with the LPA, 204 bulbouts or similar streetscape features will be installed to improve the pedestrian environment as other related projects assuming additional funding is made available. If the DOSL is implemented, 174 bulbouts or similar streetscape features will be installed as other related projects assuming funding is made available.

*Pedestrian “Safe Crossing” Refuge Islands.* As part of a complete streets design for BRT arterials, cities have proposed adding raised (i.e., curb separated) islands between the traffic and BRT lanes where the roadway cross-section permits. Similar to bulbouts and streetscape, at a number of locations these enhancements are in addition to the basic crosswalk improvements that will be made by AC Transit to construct the federally funded Small Starts project. The additional improvements will be made by AC Transit at the same time BRT improvements are being constructed, assuming funding is made available. Refuge islands are anticipated at up to 60 major crosswalk locations.

*Additional Sidewalk and Streetscape Improvements.* Median landscaping adjacent to the transitway is part of the federally funded Small Starts BRT project, as it helps to delineate the exclusive lanes. Through station areas, generally located at signalized intersections, all curb and sidewalk improvements, including ADA ramps, will be made by AC Transit to facilitate pedestrian movement to and from crosswalks serving BRT stations. Outside of station areas, and separate from elements included in the Small Starts project, additional landscaping and sidewalk improvements are proposed by cities to be made in conjunction with BRT construction. The proposed design of the LPA project, for instance, will increase pervious (i.e., potentially landscaped) areas by approximately 1.5 acres total. Existing curb ramps, for instance, are proposed to be brought up to ADA standard wherever practicable. In fact, where major improvements are proposed, along state routes (e.g., Route 185 from 42nd Avenue in Oakland to Davis Street in San Leandro and along Davis Street/Route 61 in San Leandro) it is required that ramps be brought up to ADA standard. These improvements outside the transitway and station areas are not integral to the BRT project and therefore not part of the federally funded Small Start project definition but will be implemented assuming funding is made available. Up to approximately 6,200 linear feet of such improvements are anticipated.

*Utility Upgrades.* Utility relocations and/or replacements are expected when existing utilities are in conflict with BRT improvements, such as at passenger stations where access would be difficult. These improvements are part of the federally funded Small Starts BRT project. However, when improvements extend beyond the limits of the transitway and stations or include upgrading the size and/or capacity of utilities, associated costs will be funded outside of the Small Starts project. Any potential upgrades to utilities outside the scope of the BRT project will be identified as design of the project proceeds.

### **Basis for Decision**

FTA has determined that the Project meets the Purpose and Need of the proposed action as discussed below.

*Improve transit service and better accommodate high existing bus ridership.* The project would provide improved service to current riders, including low-income and transit-dependent populations, by offering higher frequency, faster, and more reliable service, along with improved security, cleanliness, and comfort.

*Increase transit ridership by providing a viable and competitive transit alternative to the private automobile.* The project would attract new riders by offering improved transit service and facilities, transit travel times competitive with auto travel, and a rail-like experience proven to attract riders from autos.

*Improve and maintain efficiency of transit service delivery and lower AC Transit's operating costs per rider.* The project would improve fleet speeds and service efficiencies by reducing delays from running in mixed-flow traffic and slow boarding and alighting of passengers. The investment in bus-only lanes, stations, and multi-door boarding means that the improvement in travel time and reliability will be sustained without service degradation due to increased traffic congestion and delays with increased boardings.

*Support local and regional planning goals to organize development along transit corridors and around transit stations.* Providing BRT infrastructure of dedicated transit lanes and highly visible transit stations offers a sense of permanence that can help cities attract investment in transit-oriented development.

*High Frequency, High Capacity Bus Service.* By providing five minute headways throughout the day and ten minute headways in the evening, increased frequency will improve service capacity and reduce passenger wait times.

*Faster, More Reliable Service.* By using dedicated transit lanes and transit signal priority, buses will be able to avoid competition with other vehicles and obtain faster and more reliable travel times. More widely spaced station stops, pre-paid ticketing, and low-floor boarding would decrease the time spent on stops and starts and on the boarding process. Transit stations would facilitate ease of entry and exit by minimizing the distance between the platform and the vehicle.

*Increased Operational Efficiency.* Improving transit reliability and increasing bus speeds will reduce per rider costs, while reducing stops and starts will decrease transit vehicle wear and tear and reduce maintenance and fuel costs.

*Improved Safety, Security, Convenience, and Comfort.* BRT stations will offer fare machines, real-time arrival information, shelters, benches, security features, boarding platforms, and other amenities. Buses would be aesthetically pleasing, low-floor, level boarding, multi-door, low-emissions buses.

### **Measures to Mitigate the Adverse Effects of the Project**

Measures to mitigate the effects of the Project were considered during the Project's development in coordination with the interested agencies. All reasonable means to avoid and minimize the adverse effects of the Project have been adopted. The mitigation commitments are briefly described in the *Mitigation Monitoring and Reporting Program* to ensure fulfillment of all environmental and related commitments in the FEIS/FEIR (see Attachment A). Any change in such mitigation from the description in the FEIS/FEIR will require a review in accordance with 23 CFR § 771.130 and must be approved by FTA in writing.

### **Public Involvement and Outreach**

Early and continuing consultation and coordination with the general public and appropriate public agencies is an essential part of the environmental process. Public participation and agency consultation for the East Bay Bus Rapid Transit (BRT) Project have been accomplished through a variety of formal and informal means for more than a decade from the major investment study (MIS) for this project, conducted from 1999 to 2002 and continued during preparation of the DEIS/DEIR and FEIS/FEIR. Public outreach has included formal meetings with members of the general public, focus groups, business groups, city officials, and resource agency staff; informal consultations with individuals and groups; Caltrans's project development team meetings; and circulation of draft documents and flyers.

A particular focus of the public participation process was to inform low income and ethnic minority communities about the project and obtain comment on issues of concern. The East Bay BRT project is aligned through neighborhoods with higher than average concentrations (compared to the AC Transit service area and Alameda County as a whole) of low income, mobility dependent, and minority populations. These populations could substantially benefit from proposed project improvements; however, they could also be affected by long-term project impacts on traffic and parking and short-term construction impacts.

Another focus of outreach was businesses in the corridor. Small businesses especially are subject to the effects of parking displacements and access disruption from construction. Meetings were held with business associations and merchant groups along the corridor. Meetings were announced through direct-mail flyers, telephone calls to community organizations, newspaper advertisements and announcements posted in AC Transit buses. A Policy Steering Committee (PSC) and Technical Advisory Committee (TAC) advised the project team on strategic directions and technical issues in project development and environmental review.

The AC Transit Board of Directors adopted the LPA, calling for BRT along an alignment using Telegraph Avenue and International Boulevard/East 14th Street, on August 2, 2001. The LPA was carried forward into the DEIS/EIR for further evaluation. The focus of the outreach activities since the DEIS/EIR has been on refinements to the LPA and the local city processes for selection of the LPA. After the DEIS/EIR was released in May 2007, several of the committees convened

during that process were put on hold. Select committees were reconvened as the focus shifted to the selection of the LPA and preparation of the Final EIS/EIR. The Technical Advisory Committee (TAC) and the Policy Steering Committee (PSC) reconvened meetings and continued to meet on a monthly basis. In addition, sub-TACs consisting of city and AC Transit staff were held to identify local concerns and work toward their resolution.

Outreach in each of the corridor cities also took place as part of the LPA process. Each of the respective cities conducted public outreach to develop support for and finalize the LPA. In the fall of 2009 a series of public meetings were held in Berkeley and San Leandro to determine public support for the BRT project in those communities and to seek city council support for the LPA. A similar series of meetings were held in Oakland in the spring of 2010. These public meetings were followed by the official action by each city in adopting the LPA. The AC Transit Board of Directors gave consideration to the recommendations of each city and made their LPA decision on June 23, 2010.

Responses to public comments received during the circulation period were incorporated into the Final EIS/EIR. A Statement of Overriding Considerations and a Mitigation Monitoring Program was prepared and the AC Transit Board certified the Final EIR on April 25, 2012.

In complying with Section 6002 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), FTA and AC Transit identified other Federal and non-Federal agencies that may have had an interest in the project. SAFETEA-LU increases the transparency of the environmental process and provides opportunities for participation. The California Department of Transportation is a participating agency, and was integrally involved in the development of the Project and also given the opportunity to comment on preliminary copies of both the DEIS/DEIR and FEIS/FEIR.

## Determinations and Findings

### Section 106 of the National Historic Preservation Act

All historic properties listed in or eligible for listing in the National Register of Historic Places (NRHP) and known archaeological resources would not be affected by the Project. As a result, the FTA determined that the Project would not have an adverse effect on cultural resources within the study area. Mitigation measures for treatment of undiscovered archaeological resources and paleontological monitoring are included in the Mitigation Monitoring Program will be implemented during the project as necessary.

### Air Quality Conformity

The Project was included in the regional emissions analysis completed by the Metropolitan Transportation Commission (MTC) for the conforming Transportation 2035 Plan. This analysis found that the plan and, therefore, the individual projects contained in the plan, are conforming projects and will have air quality impacts consistent with those identified in the SIP for achieving the NAAQS. The Federal Highway Administration (FHWA) determined the Transportation 2035 Plan to conform to the SIP in May, 2009. The proposed project also is included in the federal 2009 Transportation Improvement Program (TIP). The “open-to-the-public-year” is consistent with (within the same regional emission analysis period as) the construction completion date identified in the federal TIP and Transportation 2035 Plan. The federal TIP gives priority to

eligible transportation control measures identified in the SIP and provides sufficient funds to provide for their implementation. FHWA and FTA determined the TIP to conform to the SIP on November 17, 2008. The LPA is consistent with regional conformity guidelines.

The Project is not considered a Project of Air Quality Concern as defined in USEPA's Transportation Conformity Guidance. The Project would not increase the percentage of diesel vehicles on the roadway, does not involve a bus or rail terminal that significantly increases diesel vehicles, and is not identified in the SIP as a possible PM<sub>2.5</sub> or PM<sub>10</sub> violation site. The MTC has confirmed that the LPA is not considered a POAQC.

#### Section 4(f) Findings

The project would not result in the direct, constructive or temporary use of any 4(f) resources as identified in the study area for either construction of or operation of the Project. The FTA has determined in consultation with AC Transit that Section 4(f) analysis was not applicable to the East Bay BRT Project because the adopted design for the project will not use any Section 4(f) properties; therefore, a full Section 4(f) evaluation was not included in the FEIS/FEIR.

#### Endangered Species Act

There are currently no sensitive species or habitat located directly within the project area. Due to lack of suitable habitat, none of the sensitive species listed by the California Natural Diversity Database are anticipated to occur in the study area. Because of the lack of suitable habitat, no formal consultation with the United States Fish and Wildlife Service was required. Therefore, no adverse effects pursuant to the Endangered Species Act would occur.

#### Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act

No local surface water bodies are located in the immediate vicinity of the corridor. The project will comply with Title III and Title IV of the Clean Water Act and NPDES standards during and following construction. The Project would include preparation of a Storm Water Pollution Prevention Plan (SWPPP) that includes the identification and implementation of applicable Best Management Practices (BMPs) to control erosion and to ensure that dirt, construction materials, pollutants or other human-associated materials are not discharged from the project area into surface waters or into areas that would eventually drain to storm drains.

#### Executive Order 11988: Floodplain Management

The Project alignment traverses several floodplain zones, including Merritt Channel, 14<sup>th</sup> Avenue, Sausal, Peralta, Arroyo Viejo, Elmhurst and San Leandro creeks. No structures would be placed within any of these floodplains, so there would be no impacts that would result from the implementation of the proposed project. The Project will increase impervious surfaces primarily at station locations or where hardscaped project elements will reduce or replace existing landscaped areas; however, the Project will result in a net decrease in impervious surfaces of 1.29 acres. No adverse effects to Executive Order 11988 (Flood Plain Management) would occur.

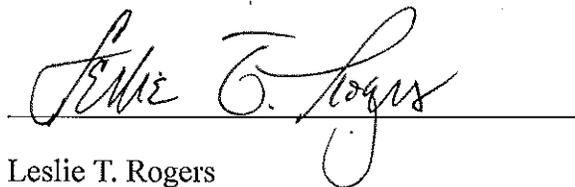
#### Executive Order 12898: Environmental Justice

The study area for the East Bay BRT Project traverses several communities within Alameda County. These include the Cities of Berkeley, Oakland, and San Leandro. The ethnic composition for the project corridor at 76 percent is greater than that of Alameda County. The

city of Oakland has a higher percentage of minority population at 69 percent, and the Cities of Berkeley and San Leandro each have minority populations representing less than 50 percent. The percentage of low income households in the corridor (22 percent) is twice as high as Alameda County (11 percent), or 50 percent more than the entire county. Thus, the project's adverse effects on human health and the environment will be predominately borne by a minority and/or low income population. However, the Project includes a number of measures to avoid, minimize or mitigate these adverse effects, as set forth in the FEIS/FEIR and Attachment A to this ROD. Accordingly, FTA has concluded, in accordance with Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, that the environmental justice community would not be subject to disproportionately high and adverse human health or environmental effects as a result of the Project.

**Environmental Finding required by Federal Transit Law [49 U.S.C. 5324(b)]**

The environmental record for the Project consists of all technical analyses, the DEIS, FEIS, and this ROD, which includes the mitigation monitoring and reporting program (Attachment A). This environmental record for the Project includes: the environmental impacts of the Project; the adverse environmental effects that cannot be avoided; alternatives to the Project; and irreversible and irretrievable impacts on the environment. FTA has reviewed the public and agency comments on the DEIS, SDEIS and FEIS and the transcripts of the hearings submitted under 49 U.S.C. § 5323(b). Attachment B to this ROD includes and responds to public and agency comments received on the FEIS since the circulation of the FEIS. There were no comments relating to new environmental issues that had not been previously addressed and resolved in Volume II-C of the FEIS. FTA finds that an adequate opportunity to present views was given to all parties having a significant economic, social, or environmental interest in the project. FTA finds that the preservation and enhancement of the environment and the interest of the community in which the Project is located were considered. FTA finds that, with the execution of the mitigation monitoring program in Attachment A, all reasonable steps are being taken to minimize the adverse environmental effects of the Project, and where adverse environmental effects remain, no feasible and prudent alternative to such effects exists.



Leslie T. Rogers  
Regional Administrator  
Federal Transit Administration, Region IX

JUN 8 2012

Date

**Attachments:**

Attachment A: Board of Directors Resolution and Mitigation Monitoring Program

Attachment B: Comments on the FEIS and Responses

Attachment C: Relevant Correspondence

**Attachment A**

**Attachment B**

**Attachment C**