



TRANSPORTATION and INFRASTRUCTURE COMMISSION AGENDA

Thursday, September 15th, 2022, 7:00 pm

Mission: Advises Council on transportation and public works infrastructure policies, facilities, and services

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH ZOOM VIDEOCONFERENCE AND TELECONFERENCE.

Pursuant to Government Code Section 54953(e) and the state declared emergency, this meeting of the City of Berkeley Transportation and Infrastructure Commission will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of attendees. Therefore, no physical meeting location will be available.

To access the meeting remotely from a PC, Mac, iPad, iPhone, or Android device, please use this URL to join: <https://us02web.zoom.us/j/86830105242>

Webinar ID: **868 3010 5242**

If you do not wish for your name to appear on the screen, then use the drop-down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen. To join by phone: *Dial 1-669-900-9128 and enter Meeting ID: 860 4009 5447.* If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair. Note: Your phone number will appear on the videoconference screen.

A. PRELIMINARY BUSINESS

1. Call to order (staff)
2. Roll call
3. Public comment on items not on the agenda
4. Approval of [Minutes from Special Meeting on 7/27/2022](#)
5. Update on administration and staff

B. DISCUSSION/ACTION ITEMS

* Written material included in packet

** Written material to be delivered at meeting

The public may speak at the beginning of any item.

1. AC Transit Quick Build Durant Transit Lane Project Presentation*

Action: Receive presentation and provide comments

Staff: Beth Thomas, Principal Planner

2. Nominations for TIC Chair

Action required

3. Confirm meeting schedule

Action required

4. Work Plan

Discussion and possible action

C. COMMUNICATIONS*

1. James McGrath. Letter to Alameda County Transportation Authority with subject "Grant Application from the City of Berkeley". Received via email by Public Works Deputy Director Farid Javandel, 9/11/2022.


D. ADJOURNMENT 9:30 pm

Agenda Posted: September 11th, 2022

The next meeting of the Transportation and Infrastructure Commission is scheduled for Thursday, October 20th, 2022 at 7:00 pm.

A complete agenda packet is available for public review at the Main Branch Library and at the Transportation Division front desk.

ADA Disclaimer

 *This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.*

SB 343 Disclaimer

Any writings or documents provided to a majority of the commission regarding any item on this agenda will be made available for public inspection at the Public Works Transportation Division offices located at 1947 Center Street, 4th Floor.

Communications Disclaimer

*Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your*

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communication. Please contact the secretary to the relevant board, commission or committee for further information.

Commission Secretary: Farid Javandel, Deputy Director of Public Works
1947 Center St., 4th Floor, Berkeley, CA, 94704
Telephone (510) 981-7061 / Fax: (510) 981-7060 / TDD: (510) 981-6903
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**TRANSPORTATION and INFRASTRUCTURE COMMISSION
SPECIAL MEETING
DRAFT MINUTES**

Wednesday, July 27th, 2022, 7:00 pm

A. PRELIMINARY BUSINESS

1. Call to order

Meeting called to order by Commission Secretary Farid Javandel at 7:02 pm

2. Roll call

Commissioners Present: Barnali Ghosh, Sam Greenberg, Liza Lutzker,
Ray Yep

Commissioners Absent: Karen Parolek

Staff Present: Farid Javandel, Beth Thomas, Roger Miller,
Nelson Lam, Alisha Gard

3. Designate a TIC member to chair the meeting

Action: It was Moved / Seconded (Yep / Greenberg) to designate Barnali Ghosh as chair for the special meeting.

Ayes: Ghosh, Greenberg, Lutzker, Yep

Noes: None

Abstain: None

Absent: Parolek

Motion carried 4-0-0-1

4. Public comment on items not on the agenda

Speakers: Susan Schwartz, Jim McGrath, Kelly Hammargren

B. DISCUSSION/ACTION ITEMS

1. Review the Complete Streets checklist for a One Bay Area Grant round three (OBAG3) grant application

Nelson Lam, Supervising Civil Engineer for City of Berkeley Parks, Recreation, & Waterfront, provided a presentation on a grant application for water transportation and a pier project at the Berkeley Marina. The Metropolitan Transportation Commission has identified this location as a “mobility hub” and Equity Priority Community. The preferred concept plan calls for transportation enhancements to connect the Berkeley marina with the surrounding area. Proposed landside improvements include: a ferry terminal to support electric ferry vessels; dual-purpose pier with recreation and ferry access; integrated breakwater with recreation deck; recreation pier; AC Transit bus stop; restroom plaza; ride-share / shuttle parking; Bay Trail extension; a multipurpose pathway; a pier plaza with bike share and bike lockers; a parking lot for 250 cars. Nelson Lam predicts that more marina projects are on the way.

Public comment: 3 No action.

C. ADJOURNMENT

Action: It was Moved / Seconded (Lutzker / Yep) to adjourn the meeting at 8:20 pm.

Motion carried 4-0-0-1

Transportation and Infrastructure Commission
Special Meeting Agenda
Wednesday, July 27th, 2022

Commission Secretary: Farid Javandel, Deputy Director of Public Works
1947 Center St., 4th Floor, Berkeley, CA, 94704
Telephone (510) 981-7061 / Fax: (510) 981-7060 / TDD: (510) 981-6903
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Public Works Department
Transportation Division

September 9, 2022

TO: Transportation Commission

FROM: Farid Javandel, Transportation Manager
Beth Thomas, Principal Planner
Dianne Yee, Associate Planner

SUBJECT: AC Transit Quick-Build Durant Transit Lane Project

The Quick-Build Durant Transit Lane Project is part of an AC Transit-wide effort to improve transit services to complement the numerous corridor improvement projects being undertaken as part of the AC Transit Major Corridors Study (2016) and the Quick-build Framework (2020).

The project will deliver a red transit-only lane on Durant Avenue from Ellsworth Street to College Avenue. It would also construct new bus bulbs at the bus stops within this project area, which would speed up transit operations by no longer necessitating buses pulling out of and back into the transit lane. Traffic signal modification at the intersection of Durant and College Avenues would provide a new queue-jump movement for right turning buses. The project includes implementing diagonal parking on the north side of Durant Avenue between Telegraph Avenue and Bowditch Street.

The City Street Rehabilitation Plan includes repaving Durant Avenue from Shattuck Avenue to Fulton Street. Staff are looking into including a red transit lane as part of that work. Additionally, staff are looking into applying a slurry seal and red transit lane on Durant Avenue from Fulton Street to Ellsworth Street. These potential improvements aim to extend AC Transit's Durant Transit Lane from Shattuck Avenue to the start of AC Transit's project at Ellsworth Street.

Purpose and Next Steps

The purpose of the project is to improve transit operations along Durant Avenue consistent with the City's Transit-First Policy. Durant Avenue is frequently congested due to delivery drivers double-parking. Installing a transit-only lane and angled parking would reduce roadway conflicts and improve transit performance. The project advances the Berkeley Strategic Plan goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

AC Transit worked with the City of Berkeley in developing the project scope, including project elements, outreach/notification, and approval processes. AC Transit plans to conduct public outreach/notification in the second half of calendar year 2022 to solicit input from various stakeholders. AC Transit will continue to work with the City of Berkeley in developing the project design and on implementation.

Project Schedule:

- July - October 2022: Project Evaluation/Analysis, Preliminary Engineering, Public Outreach, Mitigation Assessment & Environmental Documentation
- November 2022 - March 2023: Detailed Design
- April - December 2023: Construction

Jim McGrath
2301 Russell Street
Berkeley, CA 94705
July 31, 2022

Alameda County Transportation Authority
1111 Broadway, Suite 800
Oakland, CA 94607

ATTENTION: Grant reviewing staff

Subject: Grant Application from the City of Berkeley

I write to ask ACTA to turn down the grant proposal from the City of Berkeley to fund design and environmental studies for a proposed ferry terminal in Berkeley Marina. There are many reasons to deny this grant application; the project has not yet been approved by the City of Berkeley, and any grant application for a particular design would be both premature, contrary to the provisions of CEQA that require the whole of a project to be studied, and in all likelihood wasteful. I will lay out the flaws in this application below.

NOTICE FOR THE MEETING OF THE TRANSPORTATION AND INFRASTRUCTURE COMMISSION SPECIAL MEETING OF JULY 27, 2022 WAS MISLEADING AND FAILED TO MEET THE REQUIREMENTS OF THE BROWN ACT

The Brown Act establishes noticing requirements that require notice to be in sufficient detail so that interested parties can attend. The standard for this is neatly summarized in this comment from the Attorney General:

the purpose of the brief general description is to inform interested members of the public about the subject matter under consideration so that they can determine whether to monitor or participate in the meeting of the body.

The entirety of the notice provided for the subject meeting was “Review the Complete Streets checklist for a One Bay Area Grant round three (OBAG3) grant application.” Nothing in the notice revealed that the subject grant was not for complete streets—lord knows Berkeley needs help with its streets—but for the design of accessways, and environmental studies for a proposed ferry terminal. Whether this notice was inadvertent or intentional is irrelevant, the notice is incomplete and misleading and utterly fails the requirements of the Brown Act. The fact that this meeting was a special meeting of a new Commission that had not previously met, and did not have a full membership, makes it look even more like an intentional effort to mislead interested parties. The fact that the City sought support from a transportation commission rather than the Parks, Recreation, and Waterfront Commission, which is charged with advising the Council about the marina, is even more suspect.

STUDIES FOR THE FERRY ARE INCOMPLETE AND CANNOT BE RELIED UPON FOR A FINAL DESIGN

While Nelson Lam presented a ferry design as a preferred concept that was ready for design, that is simply not the case. The current city plans for the marina do not include any designations for a ferry, and the current schedule for revising the marina plan do not anticipate completion of the planning process until 2024. While some may favor the design proposed for a grant, that design includes substantial dredging, fill, and adverse impacts to recreation which require study in an EIR. There are sites within the existing marina that might eliminate all or most of the dredging and fill, and those must be considered. Information on the feasibility of the alternatives has not been presented to the public. While cost estimates for a ferry terminal in the park have been completed, those costs are well in excess of \$115 million. The Berkeley Marina is currently operating at a structural deficit of over one million a year and has over \$100 million in infrastructure needs. No funding source for either the existing infrastructure needs, or the city share of a new terminal, has been identified. While Regional Measure 3 provides both operating subsidies and \$300 million in capital for new facilities, most of this money has already been committed to other projects. The current business plan—which is being revised—budgets only \$30 million for the Berkeley terminal. No drafts of any changes to the Water Emergency Transportation Authority (WETA) business plan have been released for public review.

For initial planning purposes, and at the request of WETA, Berkeley and WETA engaged in a truncated feasibility study for a new terminal separately from updated the master plan, termed the Berkeley Marina Area Specific Plan (BMASP) Project. While that may be appropriate for initial planning purposes, such piecemealing of efforts is not allowable under the California Environmental Act for preparation of EIR's. Such EIR's must address the whole of a project, not only the ferry terminal, and not the pieces that are proposed for separate funding here.

The preparation and eventual certification of an acceptable plan for the marina must navigate the requirements of multiple agencies and the changing environment. Oversight agencies like BCDC and the Corps of Engineers carefully scrutinize proposals for new fill, and require a robust consideration of alternatives. With the warming climate and bay, Berkeley now has a large group of swimmers and others who recreate along the Bay Trail routes that might be designed with a grant. Some have suggested that Shorebird Park be the site for a soft shoreline approach to sea level rise resiliency, with an enhance beach for recreational purposes part of the design. No final decisions have been made on any of these concepts, but any one of them can change the location, or the potential for construction, for elements that the city is seeking funds to pursue a final design.

THE GRANT PROPOSAL FAILS TO MEET ACTA'S GUIDELINES

The filing date for grant applications was June 30, 2022. Since this grant application was not brought through any public process until the end of July, it is impossible to know if Berkeley actually made that deadline. But it seems clear that the application fails to meet the guidelines that you established. From page 7 of the Guidelines:

The project has a well-defined funding plan, budget and schedule; implementation of the project or project phase(s) is feasible; governing body approval and community support are demonstrated; and the sponsor demonstrates coordination among internal and external agencies, as applicable

CONCLUSION

I spent 16 years on Berkeley's Waterfront Commission, Parks and Waterfront Commission, and Public Works Commission, sharing my understanding of governance and engineering to help the city begin to address the problems with their infrastructure. The key to the successes that we have had was open communication in a public process that engaged and won the support of those who need the infrastructure. It is quite frustrating to see the wasted effort displayed here in an application for a grant that doesn't meet the clear standards in the guidelines. I think that bringing the idea of a grant before the appropriate commission, along with the ACTA guidelines, would have informed decisionmakers that such a grant was premature. I do believe we all have something better to do with our time.

Very truly yours,

Jim McGrath

Copies: Farid Javandel, Scott Ferris, Berkeley City Council