

Subject	Caldecott Tunnel Fourth Bore: Status of Settlement Discussions with City of Oakland
Summary of Issues	<p>Last Fall the City of Oakland threatened to file a CEQA lawsuit relative to the environmental document for the Caldecott Fourth Bore. With the concurrence of the Executive Steering Committee (ESC) for the Project, Caltrans and the City executed a tolling agreement that extends Oakland’s right to sue. Negotiations have continued over the past six months and it is now anticipated that the City Council will consider approval of a Settlement Agreement at it June 17th meeting.</p> <p>In February, the Authority concurred in forwarding a joint CCTA/ACCMA letter to the Mayor of Oakland (Attached) approving an advance of \$2 million in Measure J funds for Oakland’s enhancement projects. In return Alameda CMA has included \$2 million in STIP funding for the tunnel construction in the 2008 STIP. The February letter indicated that the Authority might be able provide an additional \$2 million in a swap, but that such an offer would be subject to Authority approval. At this juncture it appears that such an additional commitment from the Authority would be instrumental in cementing the Settlement Agreement.</p>
Recommendations	<p>Staff recommends that the Authority agree to an additional \$2 million advance for City of Oakland projects, subject to clear guarantee from the Alameda CMA that it intends to program \$2 million in Alameda County STIP Share funds in the 2010 STIP for Contra Costa project(s).</p>
Financial Implications	<p>Depending on the actual timing of reimbursement for the City of Oakland projects, the Authority could expend its funds several years before the STIP payback to Contra Costa occurs. But overall, the impact to Contra Costa would be neutral, because the advance would be balanced by future STIP programming.</p>
Options	<ol style="list-style-type: none"> 1. Not approve the requested “advance” of Measure J funds to Oakland. 2. Propose other terms and conditions.
Attachments	<ol style="list-style-type: none"> A. February 29, 2008 Letter to Mayor Ron Dellums
Changes from Committee	

Background

Historically, the Alameda CMA has included up to \$8 million in its Countywide Transportation Plan to provide certain Route 24 corridor enhancements beyond the mitigation addressed in the Caltrans environmental document. As negotiations proceeded on a Settlement Agreement, one of Oakland’s primary concerns has been the degree of certainty associated with the timing of that funding, because it would be subject to future STIP programming by the Alameda CMA, and most likely not available until the “out years” of the STIP. This concern was recognized early in the negotiations and partially addressed in a February 29th letter to Oakland Mayor Ron Dellums. The letter committed \$2 million in Measure J funds to be available, on a reimbursement basis, to fund certain enhancements which are to be

listed in the draft Settlement Agreement. The letter also provided, that if necessary the Executive Director would request Authority approval of an additional \$2 million advance, contingent upon future STIP programming commitments by Alameda CMA.

In turn the Alameda CMA approved the programming of \$2 million in Alameda Share STIP funds in the 2008 STIP for construction of the Fourth Bore and adopted Resolution 08-006 on April 24 agreeing to program the remaining \$6 million in the 2010 and 2012 STIPs. The Authority's action to advance the additional \$2 million would be contingent upon the Alameda CMA amending its Resolution to commit to program \$2 million to a Contra Costa project in its 2010 STIP. The Alameda CMA staff have tentatively scheduled this action for the July ACCMA meeting.