

2.25 First Amendment to the Consultant Agreement with HNTB Corporation for the US 101/Mabury-Berryessa-Oakland Corridor Improvements Project.

Recommendation:

Adopt a resolution authorizing the City Manager or designee to negotiate and execute the First Amendment to the Consultant Agreement between the City and HNTB Corporation for engineering consultant services for the US 101/Mabury-Berryessa-Oakland Corridor Improvements Project, with an increase of the total not-to-exceed amount by \$1,500,000 from \$7,500,000 to \$9,000,000 and an extension of the agreement term to June 30, 2026. CEQA: Statutorily Exempt, File No. PP17-001, CEQA Guidelines Section 15262, Feasibility and Planning Studies. Council Districts 3 and 4. (Transportation)



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: John Ristow

SUBJECT: SEE BELOW

DATE: May 20, 2024

Approved

Date

5/30/24

COUNCIL DISTRICTS: 3, 4

**SUBJECT: FIRST AMENDMENT TO THE CONSULTANT AGREEMENT WITH
HNTB CORPORATION FOR THE US 101/MABURY-BERRYESSA-
OAKLAND CORRIDOR IMPROVEMENTS PROJECT**

RECOMMENDATION

Adopt a resolution authorizing the City Manager or designee to negotiate and execute the first amendment to the consultant agreement between the City and HNTB Corporation for engineering consultant services for the US 101/Mabury-Berryessa-Oakland Corridor Improvements Project, with an increase of the total not-to-exceed amount by \$1,500,000 from \$7,500,000 to \$9,000,000 and an extension of the agreement term to June 30, 2026.

SUMMARY AND OUTCOME

This amendment provides for the development of preliminary engineering, environmental clearance, and other project documentation as required by the California Department of Transportation (Caltrans) to construct a new freeway interchange at the US 101/Berryessa Road overcrossing and modifications to the existing US 101/Oakland Road interchange. The increase of the contract total is necessitated by the expansion of the project footprint, more intensive tribal consultation support, revisions to the project description, new regulatory requirements, and additional effort spent reviewing and responding to public/interagency comments.

BACKGROUND

The US 101/Mabury-Berryessa-Oakland Corridor Improvements Project would improve access to the Berryessa/North San José Bay Area Rapid Transit (BART) Station, the planned Berryessa

Urban Village, and North San José. The City Council adopted the Berryessa BART Urban Village Plan in June 2021, which identifies the project as one of the 20 infrastructure improvements key to achieving the area goals. The project will alleviate traffic congestion at the nearby US 101/Oakland Road and US 101/McKee Road interchanges (collectively, Project Area), and improve local traffic circulation and freeway access. The proposed multimodal improvements will enhance pedestrian and bicycle connectivity across US 101, which is currently a significant barrier for local residents walking or bicycling between neighborhoods and to the BART station.

The project includes:

- A new full interchange across US 101 at Berryessa Road and Hedding Street with modifications to the existing US 101/Oakland Road interchange;
- Multimodal bicycle/pedestrian connectivity improvements, particularly on the Mabury Road and Taylor Street Overcrossings following the City's Better Bike Plan 2025, Berryessa BART Urban Village Plan, and Complete Streets Design Standards and Guidelines; and
- Local road access improvements to US 101 in the Project Area.

In August 2018, Caltrans accepted the findings of the City-submitted Design Information Bulletin 77, which justifies that the then-proposed US 101/Mabury Road interchange meets the design, safety, and operational standards of Caltrans and the Federal Highway Administration. However, Caltrans stipulated that specific operational improvements, such as auxiliary lanes, must be included and studied in the environmental phase. In addition, Caltrans and the City agreed to study the local street network and other interchange improvements.

In tandem, the City examined the US 101 corridor from Mabury Road to Oakland Road and considered an interchange at Berryessa Road and East Hedding Street as a potential alternative. An interchange at US 101 and Berryessa Road and East Hedding Street would include modifications to the existing US 101/Oakland Road interchange and improve the interchange spacing along US 101. The City coordinated with Caltrans to include the Berryessa Road and East Hedding Street alternative in the study and received concurrence from Caltrans in July 2019.

In December 2019, the City issued a request for proposals to evaluate the US 101/Mabury-Berryessa-Oakland Corridor Improvements and allow for new perspectives on the project. The request for proposals solicited engineering consultant services to prepare scoping, environmental studies, project reports, and potentially a final 101/Mabury-Berryessa-Oakland Road Corridor Improvements Project design. In October 2020, the City awarded the project to the HNTB Corporation.

A Project Virtual Scoping Meeting was facilitated by the City, HNTB Corporation, and subconsultant staff on January 19, 2022. This scoping meeting provided information on the proposed 101/Mabury-Berryessa-Oakland Road Corridor Improvements Project and gathered initial public input. Currently, the project is in the Project Approval and Environmental

Document phase, advancing the necessary environmental technical studies. The Project Approval and Environmental Document phase is anticipated to be completed by early 2026.

ANALYSIS

Currently, the Project Development Team, which consists of staff from the City, Caltrans, and HNTB Corporation, is progressing through the Project Approval and Environmental Document phase, which includes submitting a Project Report and Environmental Impact Report to Caltrans for its review. Caltrans' approval of the Project Report and Environmental Impact Report are expected by June 30, 2026. The proposed amendment will extend the term of the agreement with HNTB Corporation to June 30, 2026. The project scope of work includes:

- Environmental studies to obtain National Environmental Policy Act/California Environmental Quality Act clearance;
- Traffic analysis;
- Project Report;
- Preparation of the Environmental Document;
- Preliminary (30% design) contract documents;
- Initial right-of-way analysis; and
- Engineer's estimates.

The increase in the contract amount reflects the expansion of the project footprint, more intensive tribal consultation support, revisions to the project description, new regulatory requirements, and additional effort spent reviewing and responding to public/interagency comments.

Completion of the environmental phase will be used to seek Caltrans' approval to proceed with the final design, right-of-way acquisition, and construction of the preferred alternative. Funding for final design, right-of-way acquisition, and construction is not fully programmed at this time, but is anticipated to be funded by local funds (existing transportation impact fees), 2016 Measure B funds, and potentially state or federal funds, such as Senate Bill 1.

Racial Equity Impact Analysis

Three census tracts within or directly adjacent to the project area are defined by the Metropolitan Transportation Commission as Equity Priority Communities. All three tracts qualified because they exceeded the Metropolitan Transportation Commission's thresholds for people of color (>70%) and low-income (>28%). In addition, all three tracts fell below the Metropolitan Transportation Commission's threshold for the level of English proficiency (>12%). Two tracts exceeded the threshold for rent-burdened households (>14%), and one tract exceeded the threshold for single-parent households (>18%). Several of the Equity Priority Communities also met additional tract-level variables, including the thresholds for seniors over 75 (>8%), disabled (>12%), and zero-vehicle households (>15%).

The demographics of all census tracts within or directly adjacent to the proposed project were compared to those of the City. Based on this comparison, all tracts qualify as having minority communities, low-income communities, or both, and are environmental justice communities protected under former President Clinton’s Executive Order 12898. As such, the project will conduct a community impact assessment which includes an environmental justice community analysis.

The Project Development Team will employ a suite of communication tools for its proposed engagement and outreach to the surrounding community. These tools will build upon the team’s previous outreach for other relevant projects nearby. The approach will include leveraging tools available with the City and Caltrans, including hosting website content and social media posts. Best practices that have been identified include:

- Early engagement of elected officials and community stakeholders to vet preliminary design concepts;
- Leveraging existing communication tools and channels like building upon the Project Development Team’s previous engagement efforts on relevant projects such as the BART Berryessa Station;
- Performing targeted outreach to Equity Priority Communities and environmental justice communities, including multilingual noticing, translation and interpretation services, and coordination with existing/trusted cultural groups that already engage affected communities; and
- Providing project information that is reflective of the dominant languages spoken in the Project Area—Spanish, English, Chinese (Mandarin and Cantonese), Portuguese, and Vietnamese.

The project also is benefitting from the insight and participation of tribal representatives from the Tamien Nation during the environmental study process. Since the involvement of tribal representatives in the project is anticipated to be at a higher level of consultation compared to similar projects in the San José area, the budget has been amended to offer hourly compensation to tribal representatives for their contributions. As a project sub-consultant, the Tamien Nation will have the opportunity to participate in field visits, co-authorship of the Archaeological Studies Report-Ethnographic Section, and meetings to develop mitigation for potential impacts on tribal resources.

Climate Smart San José Analysis

The project fulfills several of the Climate Smart San José goals by improving transportation infrastructure to better accommodate future growth alongside the development of the San José Flea Market site and Berryessa BART Urban Village. The project also facilitates the expansion of mobility alternatives by closing the gaps in the existing bike network and improving safety elements, particularly on Oakland Road and Berryessa Road, which are identified in the City of San José’s Better Bike Plan 2025 as “high stress” facilities that discourage bike ridership. Finally, the project will address the limited pedestrian accessibility and connectivity in the Project Area by bridging discontinuous sidewalks and bringing these facilities into compliance with American with Disabilities Act standards.

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EVALUATION AND FOLLOW-UP

The status of the US 101/Mabury-Berryessa-Oakland Road Corridor Improvements Project will be periodically reported to the Transportation and Environment Committee as part of the Regional Transportation Activities Reports.

COST SUMMARY/IMPLICATIONS

The project will be funded by Route 101/Oakland/Mabury Traffic Impact Fees and 2016 Measure B funds. The \$1.5 million related to the increased contract amount will be expended in 2024-2025, and funds have been programmed as part of the 2025-2029 Proposed Capital Improvement Program. As part of the Santa Clara Valley Transportation Authority's call for projects to prioritize Measure B Highway Program funds, the project was ranked second among 13 submitted projects. Approval of the recommendation will have no significant adverse impact on the General Fund.

TOTAL COST OF CONTRACT/AGREEMENT

Contract/Agreement Amount	\$7,500,000
Recommended Amendment (as included in this memorandum)	Increase amount by \$1,500,000
Total Contract/Agreement Amount	\$9,000,000

COORDINATION

This memorandum and agreement have been coordinated with the City Attorney's Office, the City Manager's Budget Office, and the Planning, Building, and Code Enforcement Department.

PUBLIC OUTREACH

This memorandum will be posted on the City's Council Agenda website for the June 11, 2024 City Council meeting.

COMMISSION RECOMMENDATION AND INPUT

No commission recommendation or input is associated with this action.

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CEQA

Statutorily Exempt, File No. PP17-001, CEQA Guidelines Section 15262, Feasibility and Planning Studies.

PUBLIC SUBSIDY REPORTING

This item does not include a public subsidy as defined in section 53083 or 53083.1 of the California Government Code or the City's Open Government Resolution.

/s/

JOHN RISTOW

Director, Department of Transportation

For questions, please contact Zahir Gulzadah, Division Manager, with the Department of Transportation at zahir.gulzadah@sanjoseca.gov or (408) 975-3257.

Public Comment - Consent Item 2.25 "US 101/Mabury-Berryessa-Oakland" - Council 6/11

Jordan Moldow <[REDACTED]>

Tue 6/11/2024 10:15 AM

To:City Clerk <city.clerk@sanjoseca.gov>;Agendadesk <Agendadesk@sanjoseca.gov>;The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>;District1 <district1@sanjoseca.gov>;District2 <District2@sanjoseca.gov>;District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>;District5 <District5@sanjoseca.gov>;District 6 <district6@sanjoseca.gov>;District7 <District7@sanjoseca.gov>;District8 <district8@sanjoseca.gov>;District9 <district9@sanjoseca.gov>;District 10 <District10@sanjoseca.gov>

[External Email]

I ask that you remove Item 2.25 from Consent and defer it to a future meeting agenda (not on Consent), so that it can receive a staff presentation and a robust discussion. Extra millions of dollars should not be allocated to highway projects without staff presenting to the public/Council about the current progress they've made, the current designs, and presenting about why the extra funding is needed.

The Council should also continually re-evaluate projects like this that are not in line with our climate commitments. Massive highway projects like this increase the convenience of driving, which encourages more driving, and creates more emissions. Highway expansion projects have never alleviated congestion for more than a brief amount of time. And every new square foot of pavement we add, is a larger pavement infrastructure backlog that the city cannot afford.

The only way out of this vicious cycle is to invest in maintaining the roads we already have, and going all-in on building new pedestrian, cycling, and transit infrastructure.

Berryessa/Hedding and Mabury/Taylor already have bicycle facilities that cross US-101. They absolutely should be improved, but this project is unlikely to accomplish that. Crossing a highway interchange, plus riding alongside the increased traffic coming to/from the highway, will likely be less comfortable than present conditions. I'm a somewhat confident rider, and I will not bike across interchanges unless I am desperate and have no other options. I imagine that the average person would choose to drive a car, rather than bike, if they need to cross an interchange.

The sidewalk gaps should be filled. But building an interchange will likewise harm the pedestrian experience.

Highway 101 has divided our city into East vs. West for too long. The only way to bridge that divide is to lessen the impact that Highway 101 has on our residents. The way to do that is to have less car-dependent infrastructure, fewer interchanges, and more local-only crossings (especially bike/ped-only crossings).

Thanks,
Jordan Moldow
District 3

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