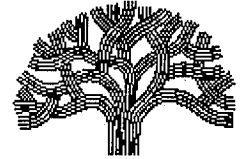


CITY OF OAKLAND



DALZIEL BUILDING • 250 FRANK H. OGAWA PLAZA, SUITE 4314 • OAKLAND, CALIFORNIA
94612-2033

Oakland Public Works Department
Bureau of Engineering & Construction

April 2, 2014

Dear Mr. Flashman, Ms. Nelson & Mr. Jackson,

This is in response to your letter dated March 24, 2014. The City's petition process was intended to gauge community support for expending \$1.48 million in Caldecott Settlement Agreement funds for soundwall studies along the Highway 24 corridor, between Vicente Way and Broadway (eastbound Highway 24) and between Ross Street and Telegraph Avenue (westbound Highway 24). This response addresses each of the points raised in your letter referenced above.

1. **The City rejected the petitions.**

The City did not reject the petitions; rather, they were accepted and the signatures counted. Because the number of signatures did not meet the 2/3 needed, the signatures did not go to the verification process. No signatures have been rejected. If at least 2/3 of eligible property owners had signed the petition, the City would have verified these signatures to ensure they were valid.

2. **"Substantial support" should be redefined.**

The Alameda County Transportation Commission (Alameda CTC)'s process for establishing local support for soundwall construction requires 100% of households with a property line immediately facing the proposed soundwall location plus 75% of other households that are expected to experience a minimum 5 decibel noise reduction. Because this process was to consider studies, the City opted to require a lower standard of signatures, representing just 2/3 of households expected to experience the 5 decibel noise reduction. This is also consistent with the City's process for approving speed humps (please see #5 below for more details). This threshold was defined over a year ago, when the petition process was first laid out. There were no objections raised of this measure at that time.

3. **Since there are no legal requirements for a show of support, the petition process was unnecessary.**

In 2002, Alameda CTC (then the Alameda Congestion Management Agency) adopted a "Freeway Soundwall Policy," which requires the local show of support described in #2, above. Given that studied soundwall locations will be subject to this policy before they can begin competing for construction funding, not meeting the 2/3rds goal presents a challenge to future funding. Again, the City's process was not disputed when it was first announced, nor in the intervening 12+ months. As we communicated at the time and at multiple presentations and in multiple articles since then, the petition process was instituted for the following reasons:

- Since 2011, when the studies were included on the original project list, Caltrans policy has changed such that jurisdictions now have to cover the cost of Caltrans oversight of Noise Barrier Scope Summary Reports (NBSSRs), the subject of the petition process, which increased their cost considerably.
- While the City was originally under the impression that Alameda CTC administers a countywide fund specifically for soundwall construction that could eventually pay for construction of the soundwall segments, we have since learned that this funding can actually be used for *any* improvements on the state highway system. Therefore, these soundwall segments would have to compete against other regional projects, including safety projects and other soundwalls elsewhere in Oakland and throughout Alameda County, many of which have been on the books for decades.

4. Renters should have been permitted to sign the petition.

As noted above, Alameda CTC's soundwall construction policy requires petitions from property owners, not renters.

5. A smaller area should have been surveyed.

The City originally proposed using the set of residential properties that Caltrans's 2009 Pre-NBSSR anticipated would benefit from these soundwall segments, defined as projected to experience a noise reduction of at least 5 decibels, consistent with Alameda CTC's Freeway Soundwall Policy. However, at the January 17, 2013 RCPC Town Hall meeting and in emails leading up to that meeting (see attached email from Stuart Flashman dated January 17, 2013), many members of the public encouraged the City to broaden the surveyed area. Their reasoning was that the pre-NBSSR was not conducted in sufficient detail that levels at specific properties could be accurately predicted (one of the purposes of a full-blown NBSSR), particularly in such a hilly area. Therefore, the final petition of eligible property owners included the original list, as well as all other properties on all these blocks (all four block faces), and those across the street from these newly eligible blocks.

6. Neither the addresses nor ownership information on the petitions was accurate.

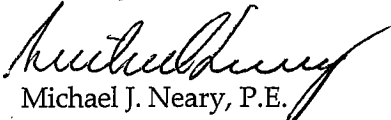
You are correct that some of the information listed on the petition was incorrect. This was a result of errors in the Assessor's Office's database we used (received January 2013), the dynamic nature of home-ownership and challenges translating the structures identified with aerial photographs in the Pre-NBSSR into specific street addresses in a cost-effective manner. When, during the petition period, we were asked what to do about any such inconsistencies, signature-gatherers were advised to hand-write corrections onto the petition and that this information would be verified if needed to determine whether or not the 2/3 threshold had been met. It is not accurate to say that with only one day left in the petition period, Transportation Services staff announced that unshown addresses could be written in. This information was communicated to those who asked many times during the year-long petition process, including in an August 26, 2013 email to Stuart Flashman (see attached email dated August 26, 2013).

7. The petition process created a perception that the City considers soundwalls to be of questionable value.

The petition was not about soundwalls, it was about soundwall *studies*. As outlined in #3, above, the petition process was used to determine support for their studies. Should the project move forward to the construction phase, a higher threshold will be necessary. The City took no position in the merits of soundwalls.

In closing, for all of the reasons discussed in this letter, the City considers the process to be concluded. As a result, the soundwall studies will be removed from the project list, and the \$1.48 million will be made available to projects farther down the project list. Please let me know if you have any further questions.

Sincerely,



Michael J. Neary, P.E.
Assistant Director, Bureau of Engineering and Construction
Public Works Department

Attachments: Email from Stuart Flashman to Victoria Eisen (Thursday, January 17, 2013 9:39 AM)
Email from Victoria Eisen to Stuart Flashman (Monday, August 26, 2013 12:05 PM)

From: Stuart Flashman [stuf flash2@gmail.com]
Sent: Thursday, January 17, 2013 9:39 AM
To: Victoria Eisen
Cc: 'Ronnie Spitzer'; 'Ann Smulka'; 'Andrew Charman'; 'Wlassowsky, Wlad'
Subject: Re: Soundwall petition locations

Importance: High

I can understand the general principle that a nearer house could block enough freeway noise that a house located behind it wouldn't qualify for soundwalls. That would work very well if Rockridge was populated with connected townhouses. However, it isn't; it's made up largely of single family homes, most with a driveway and garage between every house. What that means is that there is only partial blockage of freeway noise. This brings to mind the adage, "If you can see it, you can hear it." Our house, for example (5626 Ocean View Dr.) has clear views of the freeway and BART station platform between the house directly behind ours (on Keith Ave.) and the two adjoining houses. In addition, a sound level meter indicates an additional significant source of freeway noise further to the east, presumably indicating reflected noise through the space between the next two houses. The overall noise level at ground level in our back yard is about 63-65 dBA.

At the level of our backyard deck and back doorway (and first floor rooms), the noise level is about 65-67 dBA. At the level of our second story bedroom windows, the noise level is 67-69 dBA. The situation is certainly similar for many, if not most, of the houses on our block.

I would also point out that Ocean View Drive, unlike most other streets surrounding the freeway in this area, has a significant slope; not only west to east, but also north to south. The homes on the south side of Ocean View Drive between College & McMillan are, on average, about twenty feet higher than those on the north side, which are, in turn, about five to ten feet higher than the houses on Keith. What this means is that the sound blockage by houses nearer the freeway is considerably less than might be expected for a level surface. In particular, most of the front door areas on houses on the south side of Ocean View still have a clear view of the freeway, which means the freeway noise is also uninterrupted.

I understand that you're dealing with approximations, since the pre-NBBSR study was less than full-scale. However, you have dealt out of the process roughly 100 homes on Ocean View Drive, many of which would appear to have the potential to significantly benefit from soundwalls. Please reconsider your decision to exclude all these homes. My personal sound meter measurements indicate that many of these homes would benefit at least as much, if not more, than the two homes at the eastern end of the Ocean View area that you did include.

Stuart Flashman
stuf flash2@gmail.com

From: Victoria Eisen [victoria@eisenletunic.com]
Sent: Monday, August 26, 2013 12:05 PM
To: 'Stu Flashman RCPC'
Cc: 'Wlassowsky, Wlad'; 'Ann Smulka'; 'Ronnie Spitzer'
Subject: Oakland Caldecott: Soundwall petition addenda

Hi Stuart,

I am writing under the assumption that you remain coordinator of signatures for the soundwall study petitions, which are due to the City by March 12, 2014.

Over the past month, I have received emails from owners of presumably eligible properties, whose names are not included in the petition for one of the following two reasons:

- Homeownership changed hands since the petition was finalized (or the Assessor's Office records were not current at that time)
- A property was missed, although both of its contiguous neighbors were included. (In this case, it was a rear parcel that was erroneously assumed to share ownership with the front house.)

This email outlines the process the City will employ to consider these situations:

1. We will use the names and addresses on the original petition, posted March 12, 2013.
2. You may start an addendum page, listing more current property owner names and any missing properties.
3. In March 2014, the City will use the original petition to calculate how close to the required 2/3 of property owners signed.
4. If the number of properties on the addenda page would tip the 2/3 balance one way or another (in other words, if they would make a difference to the decision of whether or not to move forward with a study), then these names/addresses will be confirmed and incorporated into the original petition, as appropriate.

Please let me know if you have any questions. I'd also appreciate an update on signature-gathering efforts as I am frequently asked.

Thanks!

Victoria



Victoria Eisen
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