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March 9, 2021

INDUSTRY NOTES

The release of the Draft Environmental Impact Report (DEIR) for the A's

Howard Terminal project confirms the obvious and what everyone already knows — that the current Coliseum site remains the ideal and most logical location for a new ballpark. This is especially true since the Coliseum site already has an approved Environmental Impact Report. This week's edition of *Notes* focuses on coverage of the report's Transportation and Circulation chapter (4.15) which outlines the project's significant and unavoidable impacts to the West Oakland community as well as the numerous and costly mitigation strategies required to make this project feasible.

The DEIR indicates that the industrial nature of the project site, coupled with a notable lack of sidewalks, bikeways and public transportation will require implementation of robust infrastructure upgrades in order to provide safe public access to Howard Terminal. Perhaps the most noteworthy public safety issue is the Union Pacific Railroad (UPRR), which runs directly in front of the site, making crossing the tracks to get into the ballpark an inevitability. Thus far, the A's proposal contains only piecemeal mitigation measures to provide safe railroad crossing and stadium entry and fails to deliver a comprehensive transportation management plan. The DEIR reveals the A's plan for a gondola as a mitigation strategy, though due to the additional permits and land acquisitions required, a full analysis is not included. As NEWBALLPARK.org points out, "that's a bit of a cop out for something that was pitched as a sort of magic bullet. The reality is that it's not, and the measures the A's are proposing amount to chipping away at the last mile problem at HT."

While the DEIR reveals the magnitude of transportation and infrastructure upgrades required for the project, the Oakland community still lacks full transparency on the breakdown of public subsidies required for the myriad upgrades and a clear picture of how the project is compatible with a busy industrial site and working waterfront. As we move through the 45-day public comment period, our coalition continues to advocate for further opportunities for public discussion with all project stakeholders.

Subscribe below for more media excerpts, industry highlights and other critical information about the status of the coalition and the ballpark proposal. If you'd like to get in touch, please email us at info@eastoaklandstadiumalliance.com. Thanks for listening.

Sincerely,

East Oakland Stadium Alliance

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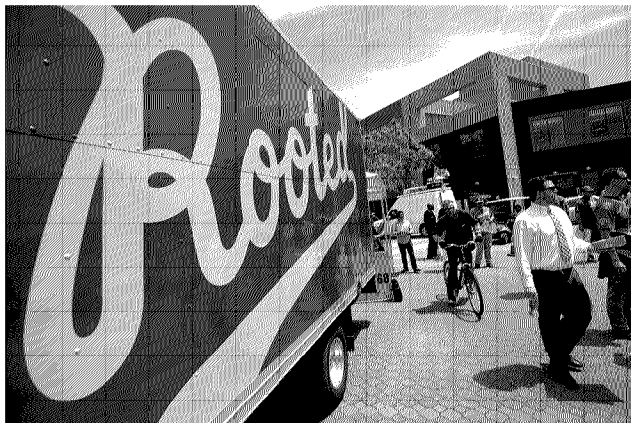
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MEDIA EXCERPTS

Gondolas, trains and automobiles: A look at Howard Terminal's transit challenges



Alex Coffey & Steve Berman, March 5, 2021 | The Athletic

The city of Oakland released its draft environmental impact report for the A's Howard Terminal project last Friday, a behemoth of a document that is upwards of a few thousand pages long.

As we enter a 45-day public comment period, which will address potential weaknesses in the document before a city council vote, it's worth taking a hard look at the transportation section. As it stands now, there is no easy way to access this proposed ballpark. The closest BART station is 12th Street, which is a 0.8-mile walk away. There is far less parking available at the Howard Terminal site than the Coliseum site, and every access point to Howard Terminal crosses over Union Pacific Railroad tracks, which could be hazardous to fans. But if the A's are anything, they're creative, and some solutions have already been proposed (yes, we will get to the gondolas). With the help of Ethan Elkind, director of the Climate Program at UC Berkeley, let's take a look at some of these transportation obstacles, and the feasibility of their proposed solutions.

The walk from BART

We took BART to the 12th St. Oakland City Center station on Saturday and walked to the Howard Terminal site, just to get a lay of the land. On the surface, the layout seems like it'd be similar to what Giants fans experience when they take BART to downtown San Francisco and walk, since Oracle Park is about one mile from the Montgomery St. station. There are some noticeable differences, however.

"The problem is just that kind of last mile, and it's not a very pleasant walk from 12th Street down to the waterfront right now," Elkind said. "It kind of reminds me of what the Giants have a little bit. Similar deal, take BART to Embarcadero, and then it's a little over a mile. And you see people taking rideshare to get to (Oracle Park), people walk, some people are taking scooters. So I would imagine there's going to be a fair amount of that. And it seems like in the EIR, they're talking about expanded bikeways. But they're also talking about potentially bus-only lanes, which I think would be very effective. Because if it's convenient and fast, people will be happy to take it."

As you walk west on Broadway from the aforementioned BART station, the first several blocks are pretty uneventful. It's relatively clean (cleaner than most sidewalks in downtown San Francisco, at least), but there aren't many restaurants or bars currently open. That would likely change post-pandemic. As you approach the I-880 overpass, the harsh realities of California urban life are visible in the form of a homeless encampment. Up ahead are a handful of popular restaurants on the way to Jack London Square, an area with several established businesses and some room for growth if a stadium gets built a few blocks away.

But you have to walk through a railroad crossing on Embarcadero West to get to the Square, just as you would if you walked to the stadium via Martin Luther King Jr. Way. And a walk along Embarcadero West is nothing like a walk along San Francisco's Embarcadero. In fact, it's hardly walkable at all. None of this should be surprising — we're talking about an industrial neighborhood. But for this project to work as intended, with a large portion of fans taking public transportation, walking, or biking to the ballpark, many alterations will be required to the surface streets including new traffic signals, converting certain lanes currently designed for cars and trucks into bike lanes, and widened (or newly created) sidewalks.

Those changes would come with complications, of course, due to the current flow of truck traffic from Howard Terminal and Schnitzer Steel, one of the Port of Oakland businesses fighting the A's proposed project.

If the ballpark ends up getting built, there are other ways to get to the stadium from BART. Buses will be an option, and you could even walk from West Oakland BART or the station at Lake Merritt, since both are just over a mile away from Howard Terminal.

The wrong side of the tracks?

The Union Pacific Railroad (UPRR) runs right in front of the proposed Howard Terminal site, making crossing the railroad tracks to get into the ballpark an inevitability. So how will fans do that safely?

UPRR hasn't been friendly with this project from the start. In a Jan. 11, 2019

letter to the Oakland Planning and Building Department, UPRR officials said that the location of the ballpark raised "significant issues related to railroad safety, public access, and community needs" and proposed fencing off the rail line and installing overhead crossings, though UPRR would not assume any cost for these measures. Per this letter, the railroad is active seven days a week.

The EIR reported that a week-long observation in 2019 between 11:00 a.m. and 11:00 p.m., when "ballpark activities will likely occur," saw an average of six freight trains and 36 passenger trains pass through. Elkind said it was "definitely an issue for pedestrians and bikers alike." In 2017, two members of the Oakland band Tower of Power were hit by a train while walking in Jack London Square.

During the public comment period, the city is posting feedback from respondents. One commenter, David Johnston, shared those concerns.

"There is no way this facility should be built without an overpass over the Union Pacific tracks on First Street at Market Street," he wrote. "I have spent a considerable amount of time in this area and between the trucks going into the scrap yard and the slow moving trains, the traffic in this area will be grid locked without an overpass on Market Street. Bicycles are at particular hazard due to the railroad tracks. When a freight train stops for an extended time, pedestrians do the craziest things and crawl under or climb over the train cars, not having any idea when it might start moving again. Train traffic, and in particular passenger train traffic, in this area will be increasing over the years making the situation on First Street even worse."

"Ideally, you would dig an underpass under the tracks for pedestrians," Elkind said. "I think if you did a pedestrian tunnel underneath, that could be a lot cheaper, but it's still going to be potentially in the millions to do it. There could be some disruption to the tracks too, because it's one thing to tunnel it out, but you've got to first secure the tracks over the gap so the train services can continue while the trenching happens, but that would probably be the easiest most doable option. Trying to do an overpass involves taking up a lot of real estate on the surface, to have the ramp put in, if there's a staircase up and then you have Americans with Disability Act issues, so then maybe you get an elevator. It just gets more and more complicated and you have to take more land on the surface to get the overpass in. So, the trenching would make more sense."

But what happens if UPRR won't work with the A's?

"It could be that the A's would put up some of the funds, but the city might have some financing tools too," Elkind said. "The city's providing a lot of infrastructure support, through tax increment type financing, so kind of borrowing to pay for infrastructure upgrades. So, maybe the rail crossing could be part of that. I don't think it's a deal-breaker if something can't be worked

out (with UPRR), because already they have a number of retail establishments, restaurants right at the train track. So, there's already a fair amount of interaction with those tracks, which is not great.

"I think it'll heighten the danger when there's a lot more people down there. I don't think it kind of ends the possibility of pedestrian bike access to the ballpark, but it really would add a lot of potential risks to public health and safety if there's not a good safe compromise worked out. The problem is it's going to require dollars, infrastructure investment, if you really want to do it right, to get pedestrians safely over those tracks. Someone has to pay for that. And if there's any disruption to the train, that's a real problem, too from UPRR's perspective.

"My guess is the A's will need sign-off from the railroad, but that shouldn't be hard to get. Worst case, given the public safety issue, the city could use eminent domain. But the railroad has an interest in pedestrian safety, too, so they should be amenable."

The Howard Terminal site

The Howard Terminal site is in an industrial area of Oakland — it's not much of a different situation than the China Basin area before the Giants built what is now called Oracle Park. If the project moves forward, the immediate surrounding area will obviously change, but in the meantime, neither Embarcadero West nor the streets that feed into the Howard Terminal site from the east have much in the way of ... well, anything.

And at the moment, a trip inside the actual site itself (the entrance was open, and there were no visible signs prohibiting anyone from going in) reveals nothing other than asphalt, semi-trailer trucks and cargo ship containers. The amount of work it would take to clear out everything, make sure toxic materials don't pose an issue and build up the location to counteract future sea rise seems like it would be immense. But we'll save that for when we tackle the environmental portion of the EIR and the project itself in a future piece.

Another commenter, William Kramer, wrote to the city in support of the project: "I support the proposed A's ballpark on the Estuary. The positive impact it will have on jobs, the community, and environment is a once in a generation opportunity."

Going, going, gondola

Finally, the topic that everyone's been waiting for: gondolas! The idea might sound ludicrous, but it should be noted that the Los Angeles Dodgers have looked at a similar system to run between Dodger Stadium and Union Station, which is currently under environmental review. Per the EIR, the A's and the city hope to have the proposed gondola run between 12th street and the ballpark along Washington Street. It would cross over the skyway between Washington and 6th Streets, I-880 and the UPRR railroad tracks. Approval for this project

would be needed from the city, the Port and Caltrans.

While this part of the EIR has received more attention, Elkind doesn't see it as an option that will transport the majority of fans into Howard Terminal (maybe 3,000-5,000 people per hour). He sees the project more as an asset to the community than to the ballpark experience itself.

But is it feasible? Elkind says that the technology is there, but the A's might face other challenges.

"It's definitely tried and true technology," he said. "There's a second question, kind of specific to California, which is how hard is it to permit one of these things to actually get it built, and that is the more difficult question because with any kind of big infrastructure like this, you get a lot of opposition. You know, people don't want to hear the gondola cables right over their property, and maybe are worried if it'll be ugly, will block the views. Others worry about impacts to pedestrian congregations at pickup and drop-off areas.

"And then there's the other question of whether this will actually be functional, and I think it would be. Again, not as a way to bring fans into the ballpark, because you can't bring in a lot of fans at once, but I think it would be a fun way to travel. I think it would get a fair amount of uptake, it'd be a pretty neat way to get around. And especially if it's not too expensive, and it's pretty quick. And it sounds like it would be quick because you're out of traffic. You don't have to worry about the freeway crossing and all that. So yeah, I think it would be utilized. I don't know if necessarily it would make sense to plow public dollars into it. But I think if private enterprise wants to build it, there's absolutely no downside, I think it could add a lot of value."

As Elkind notes, getting outside financial help is a big "if" here, and there are a few others, too. Though a gondola would attract some curiosity as the A's attempt to draw more fans to their proposed new stadium, there's the question of whether surrounding businesses would (or could) help fund a gondola system.

"The EIR doesn't indicate either way where the financing would come from, in terms of public vs. private sources," Elkind said. "But it does describe how some of the right-of-way is publicly controlled and therefore requires city/county and state (over the freeway) approval, plus potentially acquisition of some privately held parcels for some of the towers and other ground infrastructure. But that could all potentially be sited on public land as well (like street medians).

"Bottom line: the A's are anticipating a lot of permits and approvals needed for the project, which injects uncertainty into their plans to actually build it."

How the pending appeal could affect all of this

Last week we reported that the A's are facing an appeal from Port of Oakland stakeholders that has the potential to derail the Howard Terminal project if ruled against the A's. Given that the city released the draft EIR last week, it's worth noting that the appeal itself won't affect the existence of the EIR — it'll only affect streamlining. If the appeal goes against the A's, it could add five to seven years to this project, which, based on team president Dave Kaval's recent comments, would signal an end to the project itself.

The East Oakland Stadium Alliance, which is composed of local businesses, community leaders, labor unions and fans, released a statement saying that the group would conduct a full analysis of the EIR and reiterated its opposition.

"We anticipate that the Howard Terminal Draft EIR will once again confirm the obvious and what everyone already knows — that the current Coliseum site remains the ideal and most logical location for a new ballpark that will make A's fans proud to call home," said Mike Jacob, Vice President and General Counsel of the Pacific Merchant Shipping Association. "This is especially true since the Coliseum site already has an approved Environmental Impact Report."

Elkind doesn't believe the court of appeals will rule against the A's, but it's impossible to say with any certainty how this will unfold. His description of the streamlining process only undermines what's at stake in this ruling.

"If you're ever curious about why developers are complaining about CEQA compliance, with what they have to pay for to put together ... you can imagine how easy it would be for a project opponent to find a weakness somewhere in those 2,000 pages that they can take to court," Elkind said. "I will say just at the outset that fast-tracking has been really successful within other contexts. Apple was able to build their headquarters in Cupertino, very quickly, (Golden 1 Center) in downtown Sacramento was built quickly. It made a big difference. In the old days, it literally could have taken decades for the environmental review process to work its way through and now that's down to essentially less than a year. And that certainty has really helped the economics of projects, because time is money, and when you're pushing out a project and not knowing how things are going to end up ... that's a major risk for investors.

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Howard Terminal EIR: Significant and Unavoidable

NEWBALLPARK.ORG

Marine Layer, March 6, 2021 | NewBallpark.org

Here's a tip for reading the 2,000+ pages of the Howard Terminal Draft EIR: Do a search for the term significant and read every paragraph that contains that word. It should give you most of the answers you need and reduce the amount of background info you would have to weed through.

Should you make that search, you would find that significant comes up 44 times in the Transportation and Circulation chapter (4.15) alone. That's just one chapter, though as I intimated previously, it's perhaps the most important one.

Normally when a big project like this is released, there's also a big splashy presentation of a potential solution to help mitigate whatever negative impacts are found. For Howard Terminal, that reveal was a gondola similar to what you might find in a ski resort. Though a gondola actually exists at the Oakland Zoo, its purpose compared to what's being considered for the A's is markedly different. At the Zoo, the gondola is way to move visitors quickly around the zoo grounds without disturbing the habitat beneath them. For Howard Terminal the gondola would fly over the decidedly urban jungle of city streets and a busy freeway, a habitat that openly invites visitor participation. Over at The Athletic, Steve Berman and Alex Coffey briefly examine the gondola with UC Berkeley's Ethan Elkind. In the EIR, the gondola is on the CEQA procedural back burner (Chapter 5: Project Variants) because it would require its own land acquisitions and thus make it worthy of its own separate project analysis. That's a bit of a cop out for something that was pitched as a sort of magic bullet. The reality is that it's not, and the measures the A's are proposing amount to chipping away at the last mile problem at HT.

Without a magic bullet, what's a key solution? Quad gates. QUAD GATES??? For now, yes. Absent a vehicular bridge that would take Market Street car traffic – including emergency vehicles – over the heavily used UPRR line, the A's propose to install automated quad gates, a beefed up version of what you typically see at a railroad crossing. The chief advantage of quad gates is that it should minimize opportunities for cars to try to get around the gates, which should in turn minimize chances for cars to get stuck on the tracks. Also in the proposal is fencing along the Embarcadero, much like the fencing available outside the existing Jack London Square Amtrak station. Quad gates at railroad crossings are one of the mitigation steps (image from CAHSR)

In studying these mitigation steps, the EIR looks at traffic counts and interactions along the Embarcadero. While a handful of accidents are documented, it's remains surprising how the A's chose to focus their mitigation measures. You see, mitigation usually involves building infrastructure (very expensive) to avoid those interactions or creating barriers (not as expensive or effective) to prevent them, often both in tandem as needed. The A's are choosing to go heavily with the latter by effectively creating a 1/2-mile bubble around Howard Terminal to exclude vehicular (and some pedestrian/bicycle) traffic. Cars in the area during events would be mostly limited to players and team officials, residents, and office workers of the new development. Gameday

event traffic would be prevented from entering this bubble, especially A's fans hunting for nearby parking or TNCs like Uber and Lyft. This is all done in an effort to appease Union Pacific and satisfy Federal Railroad Administration requirements.

A similar strategy was employed by the City of San Jose when the Diridon ballpark EIR was written with one major difference, the presence of an expanded transit hub that would include Caltrain, VTA light rail, and eventually, BART. Of course, that's now water under the bridge and Google, not the A's, is taking the arrows for the current project there.

Will the strategy withstand scrutiny? It might, but it will have to get more concrete if it's going to pass muster. The 45-day comment period, which started when the Draft EIR was released, opened the window to what will assuredly be a lengthy negotiation between stakeholders. Speaking of some of those stakeholders:

So far the private interests at the Port and the A's are negotiating by lawsuits against the state acting as proxy battles instead of trying to hammer out working agreements. Perhaps if UPRR, Schnitzer Steel, and the trucking companies see their lawsuits going nowhere fast they will more quickly come to the table, which is an outcome that the A's would love. However, I suspect that the piecemeal mitigation measures are not going to be satisfactory for the Port interests, and that will come out in the comments and lawsuits to follow.

What will they be fighting over? Some of the conclusions in the report declare that impacts are significant and unavoidable. They mostly center around the rail crossing on the Embarcadero. There is a plan for a pedestrian/bicycle bridge at Jefferson or MLK that would connect the ballpark and development to the transportation hub. Beyond that, all crossings in the immediate area will be done at grade. As we've discussed previously, that invites danger.

Are these issues showstoppers? As usual, it depends on who you ask.

In the next installment, we'll cover the transportation hub, its projected efficacy, and the methodology of this EIR.

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