Review Plan

August 2024

1. Project Summary

Project Name: Fruitvale Avenue Railroad Bridge Disposition StudyLocation: Oakland and Alameda, Alameda County, CaliforniaP2 Number: 487199

Decision and Environmental Compliance Document Type: Disposition/NEPA

Congressional Authorization Required: Deauthorization.

Project Purpose(s): Deauthorization/Disposition

Non-Federal Sponsor: N/A

Points of Public Contact for Questions/Comments on Review Plan:

District: San Francisco District **Major Subordinate Command (MSC):** South Pacific Division **Review Management Organization (RMO):** South Pacific Division

Key Review Plan DatesDate of RMO Endorsement of Review PlanPendingDate of MSC Approval of Review PlanPendingDate of IEPR Exclusion ApprovalN/AHas the Review Plan changed since RMO Endorsement?N/ADate of Last Review Plan RevisionN/ADate of Review Plan Web PostingPending

Milestone Schedule and Other Dates¹

	Scheduled	Actual
Decision Meeting Milestone	24 August 2023	24 August 2023
Tentatively Selected Plan / Draft Report Milestone	2 Dec 2024	
Report Approval or Director's Report	17 Oct 2025	

¹ Per Para 7(d) of the August 22, 2016, Interim Disposition Study Guidance, milestones for disposition studies include DMM, TSP/Draft Report, and Division Engineer's Transmittal of Final Report to HQUSACE.

2. References

CECW-P (2019-01) Policy & legal Compliance Review 09 Jan 2019

Decree by the Superior Court in and for the County of Alameda, State of California, 3rd District Court

DPM-CW 2018-05 Improving Efficiency in USACE Civil works (Planning Phase and Planning Activities), 03 May 2018

EC 1105-2-412 - Planning - Assuring Quality of Planning Models, 31 March 2011.

ECB-2024-3, Technical Lead for Engineering and Construction Deliverables, 9 May 2024.

EP 1105-2-61-Feasibility and Post-Authorization Study Procedures, 1 July 2023

ER 5-1-11, USACE Business Process, 21 July 2019

ER 1110-1-8159, Engineering and Design DrChecks SM, 10 May 2011

ER 1110-2-1150, Engineering and Design for Civil Works Projects, 31 August 1999

ER 1110-2-1302, Civil Works Cost Engineering, 30 June 2016

ER 1165-2-217 – Water Resources Policies and Authorities – Civil Works Review Policy, 1 May 2021.

Interim Guidance on the Conduct of Disposition Studies, James C. Dalton, Director of Civil Works, 22 AUG 2016.

MFR, CESPN-PMC, Subject Fruitvale Avenue Railroad Bridge (Fruitvale RR Bridge), Alameda and Oakland, California, Disposition Study, P2# 487119, Decision Milestone Meeting (DMM), .

Office of Management and Budget, Final Information Quality Bulletin for Peer Review, Federal Register Vol. 70, No. 10, January 14, 2005, pp 2664-267

PB 2013-02, Assuring Quality of Planning Models (EC 1105-2-412), 31 March 2013.

RMC-AD-2022-01, Standard Operating Procedures for Agency Technical Reviews, 02 November 2021

SPN Decision Milestone Meeting Read-Ahead, July 2023

3. Review Execution Plan

The general plan for executing all required independent reviews is outlined in the following two tables.

Table 1 lists each study product to be reviewed. The table provides the schedules and costs for the anticipated reviews. Teams also determine whether a site visit will be needed to support each review. The decisions about site visits are documented in the table. As the review plan is updated the team will note each review that has been completed.

Table 2 identifies the specific expertise and role required for the members of each review team. The table identifies the technical disciplines and expertise required for members of review teams. In most cases the team members will be senior professionals in their respective fields. In general, the technical disciplines identified for a District Quality Control (DQC) team will be needed for an Agency Technical Review (ATR) team. Each ATR team member will be certified to conduct ATR by their community of practice. The table is set up to concisely identify common types of expertise that may be applicable to one or more of the reviews needed for a study.

Milestone/Review	Start Date	End Date	Duration (Weeks)	Cost
DMM ³	24 Aug 2023	24 Aug 2023	N/A	N/A
TSP	2 Dec 2024	2 Dec 2024	N/A	N/A
PDT Prep and Review Draft Report	3 Dec 2024	10 Jan 2025	6	N/A
District Quality Control (DQC) Draft Report	13 Jan 2025	21 Feb 2025	6	\$30,000
Concurrent Review	24 Feb 2025	18 Apr 2025	8	N/A
Public Comment under National Environmental Policy Act Draft Report	24 Feb 2025	11 Apr 2025	7	N/A
Agency Technical Review (ATR) Draft Report	24 Feb 2025	18 Apr 2025	8	\$80,000
Policy and Legal Compliance Review Draft Report	24 Feb 2025	16 May 2025	12	N/A
PDT Prep and Review Final Report	19 May 2025	11 Jul 2025	8	N/A
District Quality Control of Final Report	14 Jul 2025	8 Aug 2025	4	\$30,000
Agency Technical Review of Final Report	11 Aug 2025	5 Sep 2025	4	\$15,000
District Engineer's Final Report Transmittal to Division	12 Sep 2025	12 Sep 2025	N/A	N/A
Report Approval	19 Sep 2025	19 Sep 2025	N/A	N/A
Policy and Legal Compliance Review of Final Report ⁴	22 Sep 2025	9 Jan 2026	16	N/A
Release Final Report under National Environmental Policy Act ⁵	13 Feb 2026	13 Feb 2026	N/A	N/A

Table 1: Schedule and Costs of Reviews²

² Site visits are not anticipated for the review teams. The PDT will conduct a site visit.

³ DMM is complete as of date shown.

⁴ Per Para 7(d) of the August 22, 2016, Interim Disposition Study Guidance, milestones for disposition studies include DMM, TSP/Draft Report, and Division Engineer's Transmittal of Final Report to HQUSACE. The P&LCR of the Final Report is included here for reference only.

⁵ See footnote 4.

Discipline / Role	Expertise	DQC	ATR	IEPR
DQC Team Lead	Extensive experience preparing Civil Works decision documents and leading DQC. The lead may serve as a DQC reviewer for a specific discipline (planning, economics, environmental, etc.).	Yes	N/A	N/A
ATR Team Lead	Professional with extensive experience preparing Civil Works decision documents and conducting ATR. Skills to manage a virtual team through an ATR. The lead may serve on the ATR team for a specific discipline (such as planning, economics, or environmental work).	N/A	Yes	N/A
Engineering Technical Lead	Responsible for overall engineering quality of the engineering study products. The Technical Lead shall author the Quality Management Plan with input from the PDT and shall ensure all quality requirements are followed in accordance with Engineering Regulations and SPN BQP's.	N/A	N/A	N/A
Planning	Skilled water resources planner knowledgeable in complex planning investigations and the application of SMART principle to problem solving. Knowledge of disposition study process and requirements.	Yes	Yes	N/A
Economics	Experience with applying theory, methods and tools used in the economic evaluation of water resources projects. Knowledge of disposition study process and requirements.	Yes	Yes	N/A
Environmental Resources	The reviewer should have extensive knowledge of biology in the vicinity of the study area of terrestrial and tidal environments. Knowledge of Federal regulations, California Environmental Quality Act (CEQA), and National Environmental Policy Act (NEPA) is also required. Experience with environmental evaluation and compliance requirements, national environmental laws and statutes, applicable Executive Orders, and other planning requirements. Knowledge of disposition study process and requirements.	Yes	Yes	N/A
Cultural Resources	Experience with cultural resource survey methods, area of potential effects, National Historic Preservation Act Section 106, and state and federal laws pertaining to American Indian Tribes. Knowledge of disposition study process and requirements.	Yes	Yes	N/A
Cost Engineering	Experience using cost estimation software; working knowledge of water resource project construction and demolition, capable of making professional determinations using experience.	Yes	Yes	N/A
Civil/Structural Design	Experience in the civil layout, design, and execution of horizontal and vertical civil works projects including experience with sequencing structural steel construction.	Yes	Yes	N/A
Geotechnical Engineering	Experience in subsurface investigations, rock and soil mechanics analysis, slope stability evaluations, erosion protection design.	Yes	Yes	N/A
Office of Counsel	Experience in all relevant legal matters for disposition, such as negotiation for potential disassembly and transfer, memorandums, etc.	Yes	Yes	N/A
Construction/ Operations	Extensive construction management experience and operations work.	Yes	Yes	N/A
Real Estate	Experience developing Real Estate Plans and experience in real estate fee/easement acquisition and residential/business relocations for Federal and/or Federally Assisted Programs for	Yes	Yes	N/A

Table 2: Review Teams - Disciplines and Expertise

Discipline / Role	Expertise	DQC	ATR	IEPR
	implementation of Civil Works projects. Knowledge of disposition study process and requirements.			

4. Documentation of Reviews

Documentation of PDT Review. PDT Reviews are in addition to the independent DQC Reviews. The PDT Reviews are to ensure consistency and effective coordination across all project disciplines for the work product. For example, the PDT will perform a complete reading of any reports and accompanying appendices prepared by the PDT to ensure the overall coherence and integrity of the report, technical appendices, and for final feasibility reports the recommendations before approval by the District Commander. The PDT will normally include a variety of stakeholders, each with his/her own important project requirements and a different, but interlocking, review responsibility. The PDT Review may also include a plans-in-hand review at the end of development. PDT Reviews will be conducted as directed in the MSC/District QMS processes.

Documentation of DQC. Quality Control will be performed continuously. A specific certification of DQC completion will be prepared at the base conditions (existing and future), draft and final report stages. Documentation of DQC will follow the District Quality Manual and the MSC Quality Management Plan. DrChecks will be used for documentation of DQC comments. An example DQC Certification statement is provided in ER 1165-2-217, Appendix D. Documentation of completed DQC, to include the DQC checklist, will be provided to the MSC, RMO and the ATR Team leader. The ATR team will examine DQC records and comment in the ATR report on the adequacy of the DQC effort.

Documentation of ATR. DrChecks will be used to document all ATR comments, responses, and resolutions. Comments should be limited to those needed to ensure product adequacy. All members of the ATR team will use the four-part comment structure (see ER 1165-2-217, Section 5). If a concern cannot be resolved by the ATR team and PDT, it will be elevated to the vertical team to resolve using the issue resolution process in ER 1165-2-217, Section 5.9. Unresolved concerns will be closed in DrChecks by noting the concern has been elevated. ATR documentation will include an assessment by the ATR team of the effectiveness of DQC. The ATR Lead will prepare a Statement of Technical Review (see ER 1165-2-217, Section 5.11, and Appendix D), for the draft and final reports, certifying that review issues have been resolved or elevated. ATR will be certified when all concerns are resolved or referred to the vertical team and the ATR documentation is complete.

Documentation of Model Review. Planning models require compliance with EC 1105-2-412. Models developed by the Corps of Engineers are certified and models developed by others are approved. Certifications or approvals may be specific to a single study, a regional application or for nationwide application. Completion of a model review is documented in a memorandum from the Director of a Planning Center of Expertise and should accompany reporting packages for study decisions.

5. Supporting Information

Study or Project Background

Study Authority

Disposition Study Authority: Disposition Studies are authorized by Section 216 of the Flood Control Act of 1970 (Review of Completed Projects). A Disposition Study is a specific type of study with the intent to determine whether a water resources development project operated and maintained by the Corps of Engineers should be deauthorized, and if the associated real property and

Government-owned improvements should undergo disposal. Property or improvements required for a project to function as authorized and constructed cannot be determined to be in excess and disposed of until Congress deauthorizes the project. The study's focus is on whether federal interest exists to retain the project for its authorized purpose(s), based on an evaluation and comparison of the benefits, costs, and impacts (positive and negative) of continued operation, maintenance, repair, replacement, and rehabilitation, or the lack thereof, on the one hand and of deauthorization and disposal of the associated real property and government owned improvements on the other (Director of Civil Works Memorandum, 22 August 2016).

Fruitvale Avenue Railroad Bridge (Bridge) Authority: The River and Harbor Act of 23 June 1874 authorized the Tidal Canal connecting San Antonio Creek (now known as Oakland Estuary) and San Leandro Bay (Oakland Inner Harbor). The Tidal Canal project provided for navigation between the Oakland Inner Harbor and San Francisco Bay. Prior to the project, Oakland and Alameda were connected by rail and vehicular swing bridges. By taking title to the land, the United States Army Corps of Engineers (USACE) incurred the obligation to reconnect both rail and vehicular traffic after the Tidal Canal was excavated. The Bridge was constructed to meet this requirement.

Study Area

The Bridge is in Alameda County, California. It spans the Oakland Estuary in the Oakland Inner Harbor, connecting Alameda and Oakland, California. The Oakland Estuary is a navigable waterway connecting San Francisco Bay and San Leandro Bay. The Bridge is located at the eastern end of the channel where the estuary becomes a narrow tidal canal (Figure 1). The Bridge is a single track, open ballast deck, vertical-lift steel structure with a 214-ft long lift span with through trusses centered 18-ft apart.

Figure 1. Location of the Fruitvale Avenue Railroad Bridge connecting Oakland and Alameda. Map shows San Francisco to the west.



Problem Statement

The Bridge is a candidate for disposition because it no longer serves its authorized purpose to convey rail traffic over the Federal Oakland Inner Harbor Tidal Canal. The Bridge stopped servicing rail traffic in 2001 and the tracks on both sides of the Bridge have been removed. The project requires at least \$26 million for seismic retrofit, plus an estimated \$30,000 to repair damage to the Bridge resulting from a barge collision. The annual operations and maintenance cost is approximately \$500,000, which includes employing Alameda County Public Works to raise and lower the deck for vessels accessing the waterway. Alameda County Public Works operates the adjacent County-owned vehicle drawbridge as well as the Corps-owned Railroad Bridge, and a 1975 Operations and Maintenance Memorandum dictates how RR Bridge expenses are split.

Goals and Objectives

Goal: The Decision Milestone validated that the project no longer serves its authorized purpose. This study will evaluate feasible methods for disposal of the project (the real property and Government-owned improvements), compared to the No Action Alternative: continued operation and maintenance of the Bridge, including seismic retrofitting and repair. The goal is to determine if there is a feasible disposal alternative when compared to continued maintenance and operation of the Bridge.

Objectives:

- 1. Reduce or eliminate costs to the federal government associated with the Bridge, including operations and maintenance, major repair and seismic retrofitting, and potential liability costs.
- 2. Eliminate any identified safety hazard the Bridge may pose to the public.

Future Without Project Conditions

The Future Without Project Condition/No Action Alternative (i.e., no deauthorization) will require a Federal investment to retrofit, repair or rebuild the Bridge to safely operate and maintain it. Seismic retrofit of the Bridge is estimated to cost \$26 million. The annual operations and maintenance cost is approximately \$500,000.

The District has discussed transfer of ownership with the Cities of Oakland and Alameda, as well as the County of Alameda and the East Bay Regional Parks District. None of these agencies are willing to assume ownership because of the risk of liability due to seismic issues, coupled with the high cost of seismic retrofitting. It is unlikely that an entity will accept ownership of the Bridge in its current state. This will be evaluated fully in the disposition study.

Types of Measures/Alternatives Being Considered

This study will develop a comprehensive plan to address the disposition study goals and objectives. An array of alternatives will be formulated for the disposition study objectives. Alternatives may include different measures for Bridge demolition, transfer of Bridge structures to another city/entity, compared to the No Action Alternative of leaving the Bridge in place, including repair and retrofitting and continued operations and maintenance, abandonment in place with proper safety measures, or partial demolition. Abandonment in place would have to include addressing seismic safety at the

abutments because a 2011 report gave the bridge an overall condition rating of "Poor", mainly due to the above-water condition of the concrete piers supporting the steel towers.

Estimated Cost/Range of Costs

The cost of seismic retrofit has been estimated at \$26 million. Alternatives to dispose of the Bridge are currently thought to be less than these costs. Cost estimates will be identified during the study.

6. Models to be Used in the Study

EC 1105-2-412 mandates the use of certified or approved models for all planning activities to ensure the models are technically and theoretically sound, compliant with USACE policy, computationally accurate, and based on reasonable assumptions. Planning models are any models and analytical tools used to define water resources management problems and opportunities, to formulate potential alternatives to address the problems and take advantage of the opportunities, to evaluate potential effects of alternatives and to support decision making.

No engineering models have been identified for use in the study. The following planning models may be used to develop the decision document:

Model Name and Version	Brief Model Description and How It Will Be Used in the Study	Certification / Approval
Net Emissions Analysis Tool (NEAT)	NEAT calculates the net emissions for air pollutants and greenhouse gas species and their corresponding social costs over a project lifetime. These calculations are required to quantify net emissions to meet guidance on National Environmental Policy Act Consideration of Greenhouse Gas Emissions and Climate Change.	Certified

Table 3: Planning Models.

Table 4. Engineering Models

Model Name and Varian	Brief Model Description and	Certification
Wodel Name and Version	How It Will Be Used in the Study	/ Approval
MCACES (MII)	Micro-Computer Aided Cost Estimating System (MCACES) is a multi-user software program used by the U.S. Army Corps of Engineers for the preparation of detailed construction cost estimates for military, civil works, and environmental projects. The system includes a project database and supporting databases. The supporting databases include a unit price book, crews, labor rates, equipment ownership, schedule costs, assemblies, and models. All databases work in conjunction with each other to produce a detailed cost estimate. MII will be used to develop feasibility-level develop estimates.	Certified

7. Factors Affecting Level and Scope of Review

All planning products are subject to the conduct and completion of District Quality Control. Most planning products are subject to Agency Technical Review and a smaller sub-set of products may be subject to Independent External Peer Review and/or Safety Assurance Review. Information in this section helps in the scoping of reviews through the considerations of various potential risks.

Objectives of the Reviews

Review objectives will be added to this section after the review scoping documents are completed in coordination with the Review Team Leads for DQC and ATR.

Assessing the Need for IEPR

Mandatory IEPR Triggers

- Has the Chief of Engineers determined the project is controversial? No
- Has the Governor of an affected state requested an IEPR? No
- Is the cost of the project more than \$200 million? No

Discretionary IEPR

• Has the head of another Federal agency requested an IEPR? No

Assessing Other Risk Considerations

The factors affecting the risk informed decisions on the appropriate levels of review are described below. Risk Informed Decision Making (RIDM) should consider if data, use of models, assumptions, and other scientific and engineering information has life safety concerns, is novel, precedent setting, is controversial (addressed in mandatory IEPR triggers), has significant interagency interest, or has significant economic, environmental and social effects to the Nation. This information is provided to assess the level of review and to support the RMO decision on the reviews and the review team(s) expertise.

• Is the study likely to be challenging?

The Bridge is eligible to be listed on the National Register of Historic Places. Consultation with SHPO, historical societies, and other interested parties to determine appropriate mitigation measures will be required as part of the planning process. The DQC, ATR and P&LCR scopes will be written to include review and evaluation of all coordination related to the historic eligibility status.

• Is the project likely to be justified by life safety or is the study or project likely to involve significant life safety issues? Briefly describe the life risk, including the District Chief of Engineering's assessment as to whether there is a significant threat to human life associated with aspects of the study or failure of the project or proposed projects.

The District's Chief of Engineering has assessed the scope of the study. Failure of the existing Federal project (the Bridge in its existing condition) poses a potential life safety

risk to vessel traffic in the waterway, vehicular traffic on the adjacent Bridge, and personnel operating the Bridge in the event of an earthquake, due to its poor seismic stability rating and proximity to the public and adjacent infrastructure. The potential action alternatives include removal of the existing Federal project, which would eliminate this risk, in addition to eliminating O&M and repair costs associated with a project that no longer serves its authorized purpose. Project justification will likely be based on a reduction of O&M costs, including the significant cost of seismic retrofitting and repair of the Bridge compared to disposition alternatives, which would eliminate these costs.

The District Chief of Engineering identified safety concerns related to demolition or removal of the Bridge in a populated area (i.e., vessel traffic in the channel and vehicular traffic on the adjacent bridge). Coordination among multiple jurisdictions and various agencies will be required to ensure the safety of vessel traffic in the waterway and vehicular traffic on the adjacent bridge during construction. While the equipment and methods are not unique, the placement of cranes and construction methods will need to be carefully managed.

- Is the information in the decision document or anticipated project design likely to be based on novel methods, involve innovative materials or techniques, present complex challenges for interpretation, contain precedent-setting methods or models, or present conclusions that are likely to change prevailing practices? If so, how? **No**.
- Does the project design require redundancy, resiliency, and/or robustness, unique construction sequencing, or a reduced or overlapping design/construction schedule? If so, how? No.
- Is the project expected to have more than negligible adverse impacts on scarce or unique tribal, cultural, or historic resources? If so, what are the anticipated impacts? Yes. The project is expected to have an adverse impact to the Fruitvale Avenue Railroad Bridge, which is a historic property recommended as eligible for listing on the National Register of Historic Places (NRHP). The PDT will consult with the State Historic Preservation Office (SHPO), ACHP, Tribes and other interested parties on a MOA to determine appropriate mitigation for the adverse effect.
- Is the project expected to have substantial adverse impacts on fish and wildlife species and their habitat prior to the implementation of mitigation measures? If so, describe the impacts? No. Impacts are likely to be short-term, temporary and negligible.
- Is the project expected to have, before mitigation measures, more than a negligible adverse impact on an endangered or threatened species or their designated critical habitat? If so, what are the anticipated impacts? **No. Impacts are likely to be short-term, temporary and negligible.**
- Is the project expected to have significant interagency interest, or significant economic, environmental and social effects to the Nation. The Bridge is eligible for NHRP and PDT is coordinating with applicable agencies and stakeholders.
- 8. Risk Informed Decisions on Level and Scope of Review

IEPR Decision. The District's Chief of Engineering and Chief of Planning met with the Engineering Technical Lead and the PDT to review the study scope and concurred with the PDTs assessment that the Disposition Study does not meet the mandatory or discretionary triggers for IEPR – see above (Assessing the Need for IEPR).

Safety Assurance Review. Safety Assurance Reviews are managed outside of the USACE and are conducted on design and construction products for hurricane, storm and flood risk management projects, or other projects where existing and potential hazards pose a significant threat to human life. In some cases, significant life safety considerations may be relevant to planning decisions. These cases may warrant the development of relevant charge questions for consideration during reviews such as ATR or IEPR. In addition, if the characteristics of the recommended plan warrant a Safety Assurance Review, a panel will be convened to review the design and construction activities on a regular schedule before construction begins and until construction activities are completed.

Decision on Safety Assurance Review. The District's Chief of Engineering and Chief of Planning reviewed the study scope with the Engineering Technical Lead and the PDT and recommend that Safety Assurance Review is conducted during design and construction of the potential project. In addition, safety assurance charge questions will be included in the feasibility level review scopes for ATR. The scope and requirements will be developed in coordination with the review team leads when they are assigned to the project. Safety Assurance Review is recommended because the project is in a populated area and demolition, or removal of the Bridge could pose a public safety hazard. Coordination among multiple jurisdictions and various agencies will be required to ensure the safety of vessel traffic in the waterway and vehicular traffic on the adjacent Bridge during construction. While the equipment and methods are not unique, the placement of cranes and construction methods will need to be carefully managed.

Targeted ATR. ER1165-2-217 provides a series of questions for the PDT and RMO to evaluate the need for targeted ATR on products other than draft and final decision documents. Based on the responses to the following questions, the District Chief of Engineering and Chief of Planning concur with the Engineering Technical Lead/PDT recommendation that ATR will evaluate the assumptions, data, and models used in the formulation of alternatives as part of the review of the draft and final reports. Questions and responses are provided here:

- Does it include any design (structural, mechanical, hydraulic)? It includes 35% feasibility-level design.
- Does it evaluate alternatives? Yes.
- Does it include a recommendation? Yes.
- Does it have a formal cost estimate? **Yes.**
- Does it have or will it require a NEPA document? Yes.
- Does it impact a structure or feature of a structure whose performance involves potential life safety risks? The study will evaluate alternatives for disposition of a Bridge that is in poor seismic condition. The feasibility-level designs will be further developed in the design phase and SAR will be conducted at that time. In addition, the ATR Teams will review the 35% designs as part of the ATR process and safety assurance charge questions will be included in this.
- What are the consequences of non-performance? Alternatives include methods for disposition/removal of the Bridge. Non-performance may not be applicable here

because the project involves potentially removing an existing Federal project. SAR will be done in design and construction to ensure public life safety throughout construction.

- Does it support a significant investment of public funding? **No.**
- Does it support a budget request? It is a decision document.
- Does it change the operation of the project? Yes. A project to remove the Bridge would eliminate O&M.
- Does it involve excavation, subsurface investigations (drilling or sampling or both), or placement of soil? No, not during feasibility.
- Does it affect any special features, such as cultural resources, historic properties, and survey markers that should be protected or avoided? Yes. It may be eligible for listing on the National Register. The PDT conducted an Interagency Meeting to discuss the existing condition and status of the Bridge, is coordinating with SHPO, and is in the process of conducting a Cultural Resources record's search. ATR will include a Cultural Resources reviewer well-versed in these issues.
- Does it involve activities that trigger regulatory permitting; for example: activities covered by Section 404 of the Clean Water Act or stormwater-related actions requiring a National Pollution Discharge Elimination System permit? Yes, the team will conduct all required analysis and the ATR team will include a reviewer with the required expertise.
- Does it involve activities that could potentially generate hazardous wastes or disposal of materials such as lead based paints or asbestos? The study will evaluate alternatives for disposition of a Bridge constructed in 1950. It is plausible there could be lead paint present in the Bridge materials.
- Does it reference use of or reliance on manufacturers' engineers and specifications for items such as prefabricated buildings or playground equipment? **No.**
- Does it reference reliance on local authorities for inspection/certification of utility systems like wastewater, stormwater, or electrical? **No.**
- Is there currently or is there expected to be any controversy surrounding the federal action associated with the work product? **No.**

9. Policy and Legal Compliance Review

Policy and legal compliance review of draft and final planning decision documents is delegated to the MSC (see Director's Policy Memorandum 2019-01).

(i) Policy Review.

The policy review team is identified through the collaboration of the MSC Chief of Planning and Policy and the HQUSACE Chief of the Office of Water Project Review. The makeup of the Policy Review team will be drawn from Headquarters (HQUSACE), the MSC, the Planning Centers of Expertise, and other review resources as needed.

• The Policy Review Team will be invited to participate in key meetings during the development of decision documents as well as SMART Planning Milestone meetings. These engagements may include In-Progress Reviews, Issue Resolution Conferences or other vertical team meetings plus the milestone events.

- The input from the Policy Review team should be documented in a Memorandum for the Record (MFR) produced for each engagement with the team. The MFR should be distributed to all meeting participants.
- Teams may choose to capture some of the policy review input in a risk register if appropriate. These items should be highlighted at future meetings until the issues are resolved. Any key decisions on how to address risk or other considerations should be documented in an MFR.

(ii) Legal Review.

Representatives from the Office of Counsel will be assigned to participate in reviews. Members may participate from the District, MSC and HQUSACE. The MSC Chief of Planning and Policy will coordinate membership and participation with the office chiefs.

• In some cases, legal review input may be captured in the MFR for the particular meeting or milestone. In other cases, a separate legal memorandum may be used to document the input from the Office of Counsel.

Each participating Office of Counsel will determine how to document legal review input.

10. Public Comment

This Review Plan will be posted on the District's website. Public comments on the scope of reviews, technical disciplines involved, schedules and other considerations may be submitted to the District for consideration. If the comments result in a change to the Review Plan, an updated plan will be posted on the District's website.

11. Documents Distributed Outside the Government

For information distributed for review to non-governmental organizations, the following disclaimer shall be placed on documents:

"This information is distributed solely for the purpose of pre-dissemination review under applicable information quality guidelines. It has not been formally disseminated by USACE. It does not represent and should not be construed to represent any agency determination or policy."

12. District Concurrence / District Quality Control Certification

District Quality Control (DQC) of the Fruitvale Avenue Railroad Bridge Disposition Study Review Plan has been completed. All comments resulting from DQC review have been resolved.

General Findings

Compliance with clearly established policy principles and procedures, utilizing clearly justified and valid assumptions, has been verified. The undersigned recommend certification of the quality control process for this product.

District Concurrence / District Quality Control Certification

District Quality Control (DQC) of the Fruitvale Avenue Railroad Bridge Disposition Study Review Plan has been completed. All comments resulting from DQC review have been resolved.

General Findings

Compliance with clearly established policy principles and procedures, utilizing clearly justified and valid assumptions, has been verified. The undersigned recommend certification of the quality control process for this product.

Certification of District Quality Control Review and Coordination

Certification is hereby given that all quality control activities and coordination appropriate to the level of risk and complexity inherent with the completed product have been completed. All concerns resulting from District Quality Control Review of the project have been fully resolved.

We the undersigned concur in the review plan, dated 16 February 2024, for the Fruitvale Avenue Railroad Bridge Disposition Study.

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Tessa Beach, Ph.D. San Francisco District Planning Chief Date

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Robin Inaba, PE San Francisco District Engineering Chief 3/12/2024

Date

Appendix A - Brief Description of Each Type of Review

This section describes each level of review to be conducted. Based upon the factors discussed in Section 1, this study will undergo the following types of reviews:

District Quality Control. All decision documents and accompanying components will undergo DQC. This internal review covers basic science and engineering work products. It fulfils the project quality requirements of the Project Management Plan. The DQC team will read all reports and appendices. The review must evaluate the correct application of methods, validity of assumptions, adequacy of basic data, correctness of calculations (error-free), completeness of documentation, and compliance with guidance and standards. Districts are required to check all computations and graphics by having the reviewer place a highlight (e.g., place a "red dot") on each annotation and/or number indicating concurrence with the correctness of the information shown.

<u>Agency Technical Review</u>. ATR will be performed by a qualified team from outside the home district that is not involved in the day-to-day production of the project/product. These teams will be comprised of certified USACE personnel. The ATR team lead will be from outside the home MSC.

Safety Assurance Review. Safety Assurance Reviews are managed outside of the USACE and are conducted on design and construction products for hurricane, storm and flood risk management projects, or other projects where existing and potential hazards pose a significant threat to human life. In some cases, significant life safety considerations may be relevant to planning decisions. These cases may warrant the development of relevant charge questions for consideration during reviews such as ATR or IEPR. In addition, if the characteristics of the recommended plan warrant a Safety Assurance Review, a panel will be convened to review the design and construction activities on a regular schedule before construction begins and until construction because the project is in a populated area and demolition may be involved. Coordination among multiple jurisdictions and various agencies will be required to ensure the safety of vessel traffic in the waterway and vehicular traffic on the adjacent bridge during construction. While the equipment and methods are not unique, the placement of cranes and construction methods will need to be carefully managed. Safety Assurance charge questions will be included in the feasibility level review scopes. The scope and requirements will be developed in coordination with the Review Team Leads when they are assigned to the project.

<u>Cost Engineering Review</u>. All decision documents will be coordinated with the Cost Engineering Mandatory Center of Expertise (MCX). The MCX assisted in determining the expertise needed on the ATR and IEPR teams. The MCX will provide the Cost Engineering certification. The RMO is responsible for coordinating with the MCX for the reviews. These reviews occur as part of ATR.

<u>Model Review and Approval/Certification</u>. The use of certified or approved planning models for all planning work is required to ensure the models are technically and theoretically sound, compliant with policy, computationally accurate, and based on reasonable assumptions. Engineering models must comply with standards set by the appropriate Engineering Community of Practice.

<u>Policy and Legal Compliance Review</u>. These reviews culminate in determinations that report recommendations and the supporting analyses and coordination comply with law and policy, and warrant approval or further recommendation to higher authority by the home MSC Commander.

Public Review. The District will post the Review Plan and approval memo on the District's internet site. Public comment on the adequacy of the Review Plans will be accepted and considered. Additional public review will occur when the report and environmental compliance document(s) are released for public and agency comment.