




AGENDA REPORT

TO: Edward D. Reiskin
City Administrator

FROM: Ryan Russo
Director, DOT

SUBJECT: Utility Agreements, Notice to Owners,
and California Environmental Quality
Act Findings for Leimert Bridge
Seismic Retrofit Project

DATE: April 1, 2021

City Administrator Approval 

Date: Apr 7, 2021

RECOMMENDATION

Staff Recommends That the City Council Adopt A Resolution:

(1) Authorizing The City Administrator, Or Designee, To Execute the Following Agreements for The Completion of The Leimert Boulevard Bridge Seismic Retrofit Project:

(A) A Utility Agreement (UA), and A Notice To Owner (NTO), With Pacific Gas & Electric Company (PG&E),

(B) A Utility Agreement (UA), and A Notice To Owner (NTO), With East Bay Municipal Utility District (EBMUD),

(2) Adopting Appropriate California Environmental Quality Act (“CEQA”) Findings; And

(3) Accepting And Appropriating Funds From Pacific Gas & Electric Company (PG&E) And East Bay Municipal Utility District (EBMUD) As Reimbursement Of The City’s Project Costs Per The UAs To Be Negotiated with PG&E and EBMUD In The Approximate Amount of \$400,000.00; Without Return To Council.

EXECUTIVE SUMMARY

The Leimert Bridge is located on Leimert Boulevard over Sausal Creek between Park Boulevard and Clemand Road. After the Loma Prieta Earthquake, the California Department of Transportation (Caltrans) developed a list of structurally deficient bridges requiring seismic retrofitting and providing funding assistance for the work. Leimert Boulevard Bridge was selected as one of the bridges for seismic retrofitting.

Adoption of the proposed resolution will allow the City Administrator, or Designee, to execute Utility Agreements (UAs) and Notice To Owners (NTOs) with Pacific Gas & Electric Company (PG&E) and East Bay Municipal Utility District (EBMUD), adopt appropriate California

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Environmental Quality Act (“CEQA”) findings and accept and appropriate funds from PG&E and EBMUD as reimbursement of the city’s project costs per the UAs to be negotiated with PG&E and EBMUD in the approximate amount of \$400,000.00; without return to council.

The work is in Council District 4.

BACKGROUND / LEGISLATIVE HISTORY

The California State Legislature enacted the Local Bridge Seismic Safety Retrofit Program as part of the statewide Seismic Safety Retrofit program after the October 1989 Loma Prieta Earthquake; and the purpose of the program is to provide funding assistance to local agencies for remedying structural seismic design deficiencies of public bridges on local streets and roads in California. The Leimert Boulevard Bridge was identified by the California Department of Transportation (Caltrans) for need of seismic retrofit.

The City accepted Federal Highway Administration (FHWA) grant funds under the Highway Bridge Program (HBP) for the seismic retrofit design of the Leimert Bridge in 2015, Resolution No. 85917 C.M.S., and the State of California Transportation Commission (CTC) adopted new 1B Local Bridge Seismic Retrofit Account Guidelines on October 9, 2019. CTC’s new Guidelines require that Caltrans and the local agency responsible for the delivery of the local seismic retrofit project execute a project delivery agreement for all projects that did not advance to the construction phase by December 31, 2019.

City of Oakland and Caltrans signed a project delivery agreement (PDA) in August 2020, which requires to advance to construction this year, Resolution No. 88243 C.M.S.; and the PDA between Caltrans and the City of Oakland superseded existing baseline agreements and set forth for the Leimert Boulevard Bridge Seismic Retrofit Project scope, cost, and delivery schedule.

ANALYSIS AND POLICY ALTERNATIVES

The City coordinated design of the retrofit work with East Bay Municipal Utility District (EBMUD) and PG&E since both utility companies’ lines are hung and supported by the bridge members. The hanging water and gas lines must be either removed or relocated so that the bridge members are retrofitted. The supports for the water line will be replaced by the City contractor. The existing gas line will be abandoned by PG&E, removed by the city contractor, and then replaced by PG&E using scaffolding installed during this bridge seismic retrofit project.

The purpose of the UAs with PG&E and EBMUD is to provide the contractual terms and conditions and the permission to access the respective utility company’s electric, gas and water utility lines and duct pipes.

The UAs will also address the cost reimbursement and liability on the city’s contractor, PG&E, and EBMUD when constructing this work. Issuing NTOs will notify and direct the utility companies to remove and/or relocate their lines.

Executing UAs, and NTOs, with PG&E and EBMUD will help expedite the process to advance to construction, secure the Right of Way (ROW) certificate, and secure federal and state funds for construction of this project.

The seismic retrofit design work for the Leimert Boulevard Seismic Retrofit Project is currently underway, and environmental clearance for the project has been obtained. The project is currently in the right-of-way phase, which involves securing temporary construction easements or rights of entry to parcels adjacent to the project and coordinating with utility companies, which includes securing utility agreements with PG&E and EBMUD. Upon completion of the design and right-of-way phases, the project will advance to the construction phase.

Adoption of the proposed Resolution will allow this project to advance to construction, secure the Right of way certificate, and secure federal and state funds this year. If the proposed Resolution is not adopted, the City will risk losing federal and state funds and jeopardize this critical seismic project.

FISCAL IMPACT

The estimated construction cost to retrofit the bridge is \$5,441,250. \$4,817,139 of the total will be federal share and the remaining of \$624,111 will be state match funds.

To qualify to receive \$5,441,250, the city needs to obtain an authorization from Caltrans to proceed with construction. Entering into agreements with PG&E and EBMUD will help to acquire the RW certificate and thereafter the city can request to advance to construction. After the construction request for authorization (RFA) is obtained, the city will receive a total of \$5,441,250 from federal and state funds to retrofit this bridge.

PUBLIC OUTREACH / INTEREST

Staff performed extensive outreach with stakeholders, Landmarks Preservation Authority, Friends of Sausal Creek, and Oakland Heritage Alliance, and performed multiple public meetings. Staff will continue to do outreach to the neighboring community, including the Oakmore Homes Association. The retrofit of the project will require full and partial closure of the bridge depending on the stage of construction, thus requiring significant coordination with the community. The City has been publishing information on the project on the City of Oakland web site and will continue to do so.

COORDINATION

Oakland Public Works Bureau of Design and Construction, the Department of Parks, Recreation and Youth Development, and the Department of Building and Planning, were consulted on this project. The Office of City Attorney and Budget Bureau have also participated in the review of this report.

Coordination with the Department of Building and Planning and other State, Federal and local Agencies have been done and permits have been obtained.

SUSTAINABLE OPPORTUNITIES

Economic: This project will provide a safe structure and allow traffic to continue to use the bridge following an earthquake, which is critical to rapid recovery. The retrofit of the bridge will also reduce maintenance costs.

Environmental: The contractor will be required to make every effort to reuse clean fill materials and use recyclable concrete product. Best Management Practices for the protection of storm water runoff during construction will be required.

Race and Equity: The race and equity is not a factor in this report. The project scope is to ensure that the bridge meets current seismic safety standards since it was determined to be structurally deficient.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt A Resolution:

(1) Authorizing The City Administrator Or Designee To Execute the following agreements for the completion of the Leimert Boulevard Bridge Seismic Retrofit project:

(A) A Utility Agreement (UA), And Notice To Owner (NTO), With Pacific Gas & Electric Company (PG&E),

(B) A Utility Agreement (UA), And Notice To Owner (NTO), With East Bay Municipal Utility District (EBMUD);

(2) Adopt Appropriate California Environmental Quality Act (CEQA) Findings; and

(3) Accept And Appropriate Funds From Pacific Gas & Electric Company (PG&E) And East Bay Municipal Utility District (EBMUD) As Reimbursement Per The UAs To Be Negotiated With PG&E and EBMUD in the estimated amount of \$400,000.00, Without Returning To Council.

For questions regarding this report, please contact Amit Salwan, P.E., Department of Transportation, Structures and Emergency Response, at (510) 238-7481.

Respectfully submitted,

RYAN RUSSO
Director, Department of Transportation

Reviewed by:
Wladimir Wlassowsky, P.E., Assistant Director,
Department of Transportation

Reviewed by:
Mohamed Alaoui, Division Manager,
Department of Transportation

Reviewed by:
Amit Salwan, Supervising Civil Engineer,
Department of Transportation

Prepared by:
Mustafa Humran, Assistant Engineer,
Department of Transportation

Attachments:

- Attachment A: 14fw_UtilityAgreement City of Oakland – Draft PG&E
- Attachment B: EX 14-D; Notice to Owner 2a & 2b – PG&E
- Attachment C: 14fw_UtilityAgreement City of Oakland – Draft EBMUD
- Attachment D: EX 14-D; Notice to Owner – EBMUD
- Attachment E: Project Delivery Agreement