

APPROVED AS TO FORM AND LEGALITY

  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

INTRODUCED BY COUNCILMEMBER

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**RESOLUTION: (1) AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND ENTER INTO A COOPERATIVE AGREEMENT WITH ALAMEDA COUNTY TRANSPORTATION COMMISSION TO IMPLEMENT A RAILROAD CROSSING SAFETY IMPROVEMENT AT UNION PACIFIC RAILROAD CROSSING ON HIGH STREET UNDER THE FEDERAL RAILWAY-HIGHWAY CROSSINGS SECTION 130 PROGRAM, AND (2) ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA") FINDINGS**

**WHEREAS**, the railroad crossings at High Street, in the City of Oakland, (City) was investigated by California Public Utilities Commission (CPUC) in 2017; and

**WHEREAS**, CPUC request that the City implement various safety improvement for pedestrians, bicycles and vehicular traffic; and

**WHEREAS**, Alameda County Transportation Commission (ACTC) proposed to implement the crossing safety improvements on behalf of the City under its Railroad Safety Enhancement Program (RSEP); and

**WHEREAS**, ACTC proposed to fund the crossing improvements using Section 130 Federal Railway-Highway Safety Funds in coordination with California Public Utility Commission (CPUC), Union Pacific Railroad (UPRR), California Department of Transportation (Caltrans) and the City; and

**WHEREAS**, This project and action is exempt from the California Environmental Quality Act (CEQA) pursuant to the following CEQA Guidelines Sections: Section 15162 and 15163 (no further environmental review required); Section 15060(c)(2) (no direct or reasonably foreseeable indirect physical change in the environment); Section 15061(b)(3) (no significant effect on the environment); Section 15183 (projects consistent with a community plan, general plan, or zoning), Section 15301 (existing facilities), Section 15302 (replacement or reconstruction), and Section 15309 (inspections), each of which provides a separate and independent basis for CEQA clearance and when viewed collectively provide an overall basis for CEQA clearance; and

**WHEREAS,** A cooperative agreement has been drafted by ACTC for City’s review and approval; and now, therefore, be it

**RESOLVED:** That the City Council hereby authorizes the City Administrator to negotiate and enter into a cooperative agreement with Alameda County Transportation Commission to implement a railroad crossings safety improvement at Union Pacific Railroad Crossing on High Street under the Federal Railway-Highway Crossings Section 130 Program, and be it

**FURTHER RESOLVED:** That the Council finds that this project and action is exempt from the California Environmental Quality Act (CEQA) pursuant to the following CEQA Guidelines Sections: Section 15162 and 15163 (nofurther environmental review required); Section 15060(c)(2) (no direct or reasonably foreseeable indirect physical change in the environment); Section 15061(b)(3) (no significant effect on the environment); Section 15183 (projects consistent with a community plan, general plan, or zoning),Section 15301 (existing facilities), Section 15302 (replacement or reconstruction), and Section 15309 (inspections), each of which provides a separate and independent basis for CEQA clearanceand when viewed collectively provide an overall basis for CEQA clearance; and be it

**FURTHER RESOLVED:** That the City Administrator or his designee shall file a Notice of Determination/Notice of Exemption with the Clerk of the County of Alameda for the project that is named in this resolution; and be it

**FURTHER RESOLVED:** That the City Administrator, or designee, is hereby authorized to execute any amendments or modifications of the contract consistent with the intent and purpose of this project and this resolution except to any increases in budget amount or compensation; and be it

**FURTHER RESOLVED:** That the contract shall be reviewed and approved by the City Attorney for form and legality prior to execution and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND  
PRESIDENT FORTUNATO BAS

NOES –  
ABSENT –  
ABSTENTION –

ATTEST: \_\_\_\_\_  
ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California