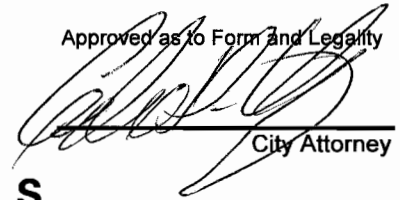


Approved as to Form and Legality

OAKLAND CITY COUNCIL



City Attorney

RESOLUTION No. 84570 C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A MASTER COOPERATIVE AGREEMENT WITH THE ALAMEDA-CONTRA COSTA TRANSIT DISTRICT (AC TRANSIT) FOR THE FINAL DESIGN AND CONSTRUCTION PHASES OF THE DOWNTOWN OAKLAND TO SAN LEANDRO BUS RAPID TRANSIT PROJECT

WHEREAS, Bus Rapid Transit (BRT) is a mode of transit service provision that has some or all of the following characteristics: Dedicated Travel Lanes; Level Boarding Platforms; Off-Board Fare Collection; and Real-Time Arrival Signs; and

WHEREAS, AC Transit desires to design, construct, and operate the East Bay BRT Project, which includes, but is not limited to, dedicated travel lanes, passenger platforms, ticket vending and validation systems, safety/security systems, public address and passenger information systems, landscaping, traffic signals and street lighting, crosswalk treatments, pedestrian warning signals, sidewalk improvements, and signage.

WHEREAS, On April 25, 2012, the AC Transit Board of Directors adopted Resolution No. 12-018 certifying the Final Environmental Impact Report/Statement (FEIR/FEISS) for the East Bay BRT Project, and selection of the Downtown Oakland-San Leandro Alternative (DOSL) as the Locally Preferred Alternative for the BRT Project, and authorizing the filing of a Notice of Determination; and

WHEREAS, On June 8, 2012 the Federal Transit Administration (FTA) issued a Record of Decision (ROD) approving the East Bay BRT Project, and selection of the Downtown Oakland-San Leandro Alternative (DOSL) as the Locally Preferred Alternative for the Project; and

WHEREAS, The DOSL alternative envisions a 9.5 mile long dedicated bus lane corridor with 8.2 miles and 38 stations located within the geographic boundaries of the City of Oakland; and

WHEREAS, In its action on July 17, 2012, the Oakland City Council adopted as its own the CEQA-related findings of AC Transit for the BRT Project; adopted the DOSL as the Locally Preferred Alternative for the BRT Project; and required that the AC Transit append the City Conditions of Approval to the BRT Project (C.M.S. 84016); and

WHEREAS, the City Conditions of Approval (COA) are not final design, construction and operational standards, but rather a list of issues and requirements that must be fully studied and incorporated during the Implementation and Operation & Maintenance phases of the BRT Project in Oakland; and

WHEREAS, On November 27, 2012, the District General Manager issued a letter to the City Public Works Agency Director confirming that the Master Cooperative Agreement between the DISTRICT and the CITY for the BRT Project would clearly and fully incorporate the COA into the project plans and specifications.

WHEREAS, a Master Cooperative Agreement between the AC Transit and the City is necessary to fully delineate all City and District commitments for Final Design and Construction Phases of the BRT Project, including but not limited to, Conformance Standards for the Oakland Conditions of Approval (COA Standards); and

WHEREAS, the COA Standards require that AC Transit submit a draft Business Impact Mitigation Plan and a corresponding draft Parking Impact Mitigation Plan for Oakland City Council review on or before completion of the 65% Design Phase, and to return to Council with an update on or before completion of the 95% Design Phase of the BRT Project; and

WHEREAS, the COA Standards require AC Transit and City staff to consult with impacted business owners, associations, and representation groups, such as Allen Temple Baptist Church, the East Bay Asian Youth Center, Unity Council, Eastside Arts Alliance, and East Bay Asian Local Development Corporation, during the development of the Business Impact Mitigation and Parking Impact Mitigation Plans; and

WHEREAS, the COA Standards include Business Support Mitigations (BSM) activities valued at five million dollars that are entirely AC Transit's responsibility to fund; and

WHEREAS, the Council-approved Business and Parking Impact Mitigation Plans shall be attached to the Master Cooperative Agreement between the City and AC Transit for Final Design and Construction of the BRT Project; and

WHEREAS, the COA Standards require AC Transit to develop a Construction Careers Policy (CCP), consistent with federal funding guidelines, targeting employment and training opportunities to residents of low-income areas and disadvantaged workers, and to integrate said CCP into a Project Labor Agreement (PLA); and

WHEREAS, the AC Transit Board approved CCP and PLA shall be attached to the Master Cooperative Agreement and AC Transit staff shall regularly update the Oakland City Council on its CCP and PLA activities; and

WHEREAS, the COA Standards set out requirements for design and construction of BRT Project elements, including new and relocated BRT stations, pedestrian safety features (lighting, security cameras, etc.), access and functional needs, curb-to-curb repaving, and bike lanes and bike parking; and

WHEREAS, the COA Standards require AC Transit to coordinate the BRT Project with other City streetscape improvement projects underway or planned for the DOSL corridor; and

WHEREAS, the COA Standards require AC Transit to coordinate with and actively work to meet the public access goals of City's International Boulevard Transit Oriented Development Plan under the BRT Project; and

WHEREAS, the AC Transit has substantially completed the Preliminary Engineering Phase of the BRT Project; and

WHEREAS, AC Transit made concerted efforts to incorporate the City Conditions of Approval into draft business and parking impact mitigation plans, construction careers memoranda, and technical drawings, specifications, and reports that it prepared during the Preliminary Engineering Phase of the BRT Project; and

WHEREAS, a Master Cooperative Agreement between the AC Transit and the City is necessary to specify how each will cooperate in reviewing plans, specifications and estimates; the procedures that AC Transit and City will follow in order for AC Transit to obtain City's approval for the design and construction of the BRT Project within the City; and the manner in which the AC Transit will compensate the City for costs of its activities in furtherance of such approval; and therefore be it

RESOLVED, The Oakland City Council authorizes the City Administrator to enter into a Master Cooperative Agreement with the Alameda-Contra Costa Transit District for the Final Design and Construction Phases of the Downtown Oakland to San Leandro Bus Rapid Transit (BRT) Project; and

FURTHER RESOLVED, The Oakland City Council encourages AC Transit to submit the DOSL Project to the Federal Transit Administration for additional funding as needed to finalize design and construct the Project in conformance with the FEIS/ROD and the Oakland Conditions of Approval; and

FURTHER RESOLVED, that the City commits to working with AC Transit in seeking out additional funding for roadway, bicycle and pedestrian access and safety elements and or business and parking impact mitigation activities not included in the baseline BRT Project budget; and

FURTHER RESOLVED, the City will make efforts to actively seek out new, more flexible private and or public funding and supportive services to supplement the BRT Parking and or Business Impact Mitigation Plans and to create a graffiti prevention through public art program for the BRT corridor; and

FURTHER RESOLVED, that the City urges AC Transit to consult with stakeholder representatives with neighborhood expertise from Unity Council, Allen Temple and the East Bay Asian Youth Center (EBAYC) in the development of the Business and Parking Impact Mitigation Plan; and

FURTHER RESOLVED, that the City urges AC Transit to consult with and include stakeholder representatives with neighborhood expertise from of the Building Healthy East Oakland Cultural Strategies Committee in the development of the Request for Qualifications under the BRT Project Public Art Program and on the Community Advisory Committee and the Artist Selection Committee; and

FURTHER RESOLVED, that the City urges AC Transit to set aside in abeyance sufficient dollars to implement a comprehensive Business Impact Mitigation Plan until AC Transit comes back to Council with the full Business and Parking Impact Mitigation Plans and the cost for implementation, at which time funding reallocations will be considered if needed.

JUL 30 2013

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

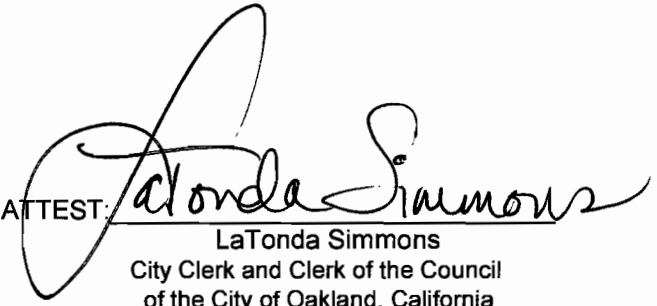
AYES - ~~Brooks~~, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN - 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Brooks - 1

ATTEST: 
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California