



AGENDA REPORT


TO: Jestin D. Johnson
City Administrator

FROM: Fred Kelley
Director, Oakland
Department of
Transportation

SUBJECT: GoPort Program - 7th Street Grade
Separation East Project

DATE: June 29, 2023

City Administrator Approval


Jestin Johnson (Jun 29, 2023 23:31 PDT)

Date: Jun 29, 2023

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution:

- 1. Authorizing The City Administrator To Award A Professional Services Contract To Mott MacDonald Group, Inc. Utilizing A Cooperative Agreement In The Amount Not To Exceed Three Million Dollars (\$3,000,000) To Provide Technical Support And Inspection Services To The City Of Oakland For The Construction Of The 7th Street Grade Separation East Project; And,**
- 2. Adopting National Environmental Policy Act and California Environmental Quality Act Findings.**

EXECUTIVE SUMMARY

The Alameda County Transportation Commission (ACTC), as implementing agency, has been working with the Port of Oakland (Port) and the City of Oakland (City) to develop and implement a suite of freight transportation projects known as the Global Opportunities at the Port of Oakland Program (GoPort Program), which includes the 7th Street Grade Separation East Project (Project) that is designed to realign and rebuild a grade-separated underpass structure for vehicular, cyclist and pedestrian traffic on 7th Street to cross under the Union Pacific Railroad (UPRR) tracks, to improve Port access and traffic safety while preserving rail operation. This is in District 3.

The current underpass structure has outlived its useful life and its current geometric configuration has a direct impact on the ability of trucks to move in and out of the Port in the most safe and efficient manner. As one of three gateways of ingress/egress from the Port, the Project is designed to meet current geometric and seismic standards by increasing both vertical and horizontal clearances for trucks traversing under the UPRR tracks. The new alignment of 7th Street will also upgrade the roadway to accommodate a shared pedestrian/bicycle pathway that meets current American with Disabilities Act (ADA) and geometric design standards.

The ACTC awarded the construction contract, and the contractor plans to commence construction in July 2023.

Consistent with City Council Resolution No. 89674 C.M.S., <https://oakland.legistar.com/View.ashx?M=F&ID=11915618&GUID=4803B2E9-F054-47F5-AA77-7BE>, the City is obligated to provide near full-time oversight inspections and engineering support throughout the anticipated +42-month construction duration.

Approval of the proposed resolution will authorize the City Administrator to enter into a professional services agreement with Mott MacDonald Group, Inc. to provide inspection and engineering services throughout the construction of the Project, which costs are to be reimbursed by ACTC.

BACKGROUND / LEGISLATIVE HISTORY

The GoPort Program, a suite of freight transportation projects, including the Project, has been under design development for many years. ACTC is entering the construction phase and anticipates achieving the following milestones for this portion of the overall GoPort Program (\$264 million):

Completed plans – January 3, 2023

Construction bid opening – March 14, 2023

Award construction contract – May 25, 2023

Commence Construction – July 25, 2023

Complete construction – December 31, 2026

End Construction (Project Closeout and Acceptance) – March 31, 2027

On April 18, 2023, City Council adopted Resolution No. 89674

C.M.S. <https://oakland.legistar.com/View.ashx?M=F&ID=11915618&GUID=4803B2E9-F054-47F5-AA77-0286432817BE> authorizing the City Administrator to, among other actions associated with the Project, (1) negotiate and execute an amended Reimbursement Agreement between the City and ACTC; (2) negotiate and execute a Cooperative Agreement between the City, ACTC, and the Port; and to (3) negotiate and execute an amended construction Memorandum of Understanding between the City, ACTC, and the Port.

The City currently has ownership, operations, maintenance, and repair responsibilities along existing 7th Street between Maritime Street and I-880, including the grade-separated underpass structures and a pump station. This underpass accommodates cyclists, pedestrians, and vehicular traffic on 7th Street to cross under UPRR's tracks. The Project will realign 7th Street by increasing both vertical and horizontal clearances to meet current geometric and seismic standards. Upon completion of construction by ACTC, the City will accept ownership of certain portions of the Project infrastructure and commence associated operations, maintenance, and repair responsibilities. It is important that the City maintain ongoing oversight of all Project activities throughout the +42 months of construction to ultimately accept ownership and related responsibilities of these new infrastructure improvements.

The following related agreements were established in accordance with Resolution No. 89674 C.M.S.:

- By an Indenture dated December 23, 1930, Southern Pacific Transportation Company, the successor-in-interest of which is UPRR, granted an easement to the City for the construction, use, and maintenance of a grade-separated underpass structure for vehicular traffic on 7th Street to cross under the railroad tracks at what today is milepost 4.50 on the UPRR Niles Subdivision (DOT Crossing No. 972497a).
- Port and City are parties to a Memorandum of Understanding (MOU) dated July 1, 1983, wherein the City agrees to provide the Port certain general services, including, but not limited to general services of the City's Police, Fire, and Public Works departments, and the Port agrees to reimburse to the City the cost thereof, as most recently amended/supplemented by the Eighteenth Supplemental Agreement (General Services), dated June 5, 2014 (the original MOU together with all exhibits, attachments, and supplements are collectively referred to as the "General Services Agreement").
- On November 27, 2018, the Oakland City Council adopted Resolution No. 87415 C.M.S., which authorized the City Administrator to negotiate and execute an agreement with ACTC for the reimbursement of City costs incurred in the review and approval of design plans and documents for the GoPort Program projects.
- On August 26, 2019, and amended June 1, 2021, ACTC and the City entered into Agreement No. A19-0028 (Reimbursement Agreement) to compensate the City for its reimbursable design oversight services for the Project.
- In January 2020, ACTC, the Port and the City executed a MOU (A20-0005) (Construction MOU) to define the respective roles, responsibilities, and authorities of the Port, the City, and ACTC specifically for the design and permitting phases of the Project.
- On December 2, 2022, ACTC and UPRR executed a Construction and Maintenance Agreement (C&M Agreement). The C&M Agreement defines roles and responsibilities of UPRR and ACTC for ownership, operations, maintenance, and repairs. Under the C&M Agreement, UPRR allows ACTC to assign all ACTC ownership, operations, maintenance, and repair responsibilities to "others" (the City and the Port).
- On April 18, 2023, the Oakland City Council adopted Resolution No. Resolution No. 89674 C.M.S. authorizing the City Administrator to (1) negotiate and execute an amended Reimbursement Agreement between the City and ACTC; (2) negotiate and execute a Cooperative Agreement between the City, ACTC, and the Port; and to (3) negotiate and execute an amended construction Memorandum of Understanding between the City, ACTC, and the Port.

ANALYSIS AND POLICY ALTERNATIVES

The professional services agreement proposed herein provides inspection and engineering support services to perform the City's obligations identified in the above noted agreements. The costs of this agreement are reimbursed by ACTC.

Entering into the proposed professional services agreement would advance the Citywide priorities of **holistic community safety, vibrant, sustainable infrastructure, and responsive, trustworthy government** by enabling the City to meet its oversight function the Project, which will replace aging infrastructure, remove nonstandard geometric conditions, and improve pedestrian and cyclist access and safety at the waterfront.

ACTC, as the implementing agency, is responsible for constructing the Project in conformance with the approved plans and specifications. The previously approved agreements establish the roles, responsibilities, response times, approvals, etc. of ACTC, the City and the Port throughout the +42 months of construction. Specifically, City personnel, with support from Mott MacDonald Group, Inc., are required to respond thoroughly and expeditiously to the ACTC construction management team – including to provide near full-time construction observations, approve shop drawings, approve submittals, perform construction plan interpretations, respond to requests for information, review and approve all design revisions, and ultimately accept ownership of the as-constructed infrastructure. Time is of the essence, and ACTC is funding the required expeditious City and consultant support through the above noted reimbursement agreement (including paying permit fees). Mott MacDonald Group Inc. is concurrently supporting the Port's personnel with similar inspection and engineering support services associated with the Port's infrastructure being constructed as part of this Project. The City and Port's use of the same Mott MacDonald Group Inc. support personnel is intended to efficiently respond to the high volume of coordination issues anticipated between the parties.

Using a cooperative agreement approach, allowed under Oakland Municipal Code (OMC) Section 2.04.080, the City is utilizing the Port's competitively procured contract with Mott MacDonald Group, Inc. to ensure the same expert support personnel are being used to support the City and the Port on this Project. ACTC strongly supports this approach as it will minimize construction delays because the City and the Port will be utilizing the same expert support personnel. This will be especially important where the City and Port have overlapping and integrated infrastructure assets.

Staff at OakDOT worked closely with OPW Capital Contracts Division, the Office of the City Attorney, and the Department of Workplace and Employment Standards to ensure compliance with all City policies and procedures and for their review of contract scope and language. Mott MacDonald Group, Inc. has submitted for review their scope of work and capacity to complete the work in accordance with the ACTC, City and Port construction MOU.

No waivers are requested or required as Mott MacDonald Group, Inc. was awarded a competitive contract for these services through the Port of Oakland, and the City Administrator is authorized to award a cooperative agreement as allowed under OMC 2.04.080. While the City's Local and Small Local Business Enterprise (L/SLBE) program does not apply to

cooperative agreements, Mott MacDonald Group, Inc. has committed to utilizing Oakland-certified small and local business enterprise firms to perform 70% of the required services, including two qualified small Oakland business enterprises, one of which Mott MacDonald Group, Inc. has not had the opportunity to work with previously.

Not moving forward at this time would jeopardize the City's ability to deliver construction observations and support services during construction, as described in the ACTC, City and Port construction MOU.

FISCAL IMPACT

The Mott MacDonald Group, Inc. support services contract is fully funded by ACTC through the amended City and ACTC Reimbursement Agreement (City Council Resolution No. 89674 C.M.S.).

PUBLIC OUTREACH / INTEREST

ACTC has conducted extensive community engagement throughout the design development process. ACTC most recently updated the Project's Public Information Plan on May 12, 2023, and this plan defines the community engagement process that will be utilized throughout construction of the Project.

COORDINATION

The City of Oakland Department of Transportation coordinated closely with Department of Workplace and Employment Standards, Oakland Public Works Capital Contracts Division, the Office of the City Attorney, the Budget Bureau, and the City Administrator's Office to develop this contracting approach and ensure that it would be as inclusive as possible.

SUSTAINABLE OPPORTUNITIES

Economic: The proposed resolution will ensure that planned improvements on West Oakland roadways can continue without delay.

The Project will improve a key bicycle and pedestrian connection from the Bay Trail to West Oakland, which is expected to contribute to local economic activity. Specifically, the new route will provide an accessible path from the Bay Trail to commercial areas along 7th Street and to Downtown Oakland. The Project will also improve transportation conditions and make the 7th Street corridor operate more efficiently, with improved lighting, and wider and safer lanes dominated by trucks, making it a more attractive corridor.

Environmental: The Project will improve storm water conveyance to the Bay by installing a new storm water retention basin. The storm water retention basin captures

particulates in a controlled grass area prior to the storm water being released into the Bay. Additionally, the Project will provide a safer and more comfortable multiuse trail for pedestrians and bicyclists, which may encourage an overall shift in mode of transportation away from single-occupancy vehicles to more energy-efficient options such as walking and biking, while also increasing access to the waterfront. The Project will also help to improve efficiency in the transportation and movement of goods in and out of the Port. In total, these enhancements will contribute to the goal of reducing greenhouse gas emissions and help advance the City's 2030 Equity and Climate Action Plan.

Race & Equity: The GoPort Program benefits West Oakland residents and businesses by improving trucking ingress and egress to/from the Port, thereby minimizing traffic congestion, and improving air quality. The Project is located adjacent to high and highest priority areas as identified in the Department of Transportation's Racial Equity Team Geographic Equity Tool (<https://oakgis.maps.arcgis.com/apps/MapSeries/index.html?appid=fd47784582294d7b87cfb3e1b047ea8>) and the Metropolitan Transportation Commission (MTC) Equity Priorities Community map https://mtc.ca.gov/sites/default/files/Equity_Priority_Communities.pdf (). The Project will advance affordable, accessible, and equitable mobility for West Oakland residents to access the waterfront and the Bay Trail. The multiuse trail creates a new recreational space and provides new opportunities for physical activity, relaxation, and non-auto travel.

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) AND CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS

The California Department of Transportation (Caltrans) as the lead agency, working collaboratively with ACTC, obtained the approvals and clearance for the Project under the National Environmental Policy Act (NEPA). Specifically, Caltrans issued a NEPA Categorical Exclusion on October 25, 2018. The Project was included in the 2002 Oakland Army Base Redevelopment Environmental Impact Report (OAB EIR) and its addenda, as certified by the City in July 2002 and adopted by the Port as a responsible agency under CEQA in September 2002. The 2012 Addendum to the OAB EIR, which included updates to the Project, was approved by the City and the Port in June 2012. In November 2019, pursuant to Section 15164 of the CEQA Guidelines, the Port evaluated the Project and documented in an addendum that the Project would not result in any new significant impacts beyond those identified in the OAB EIR, nor would it result in a substantial increase in the severity of any previously identified significant impacts. The determination also required that the Project would include implementation of all applicable mitigation measures and Standard Conditions of Approvals from the OAB Standard Conditions of Approval and Mitigation Monitoring and Reporting Program. It was determined that none of the conditions in Section 15162 and 15163 of the CEQA Guidelines would result from the Project.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt A Resolution:

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2. Adopting National Environmental Policy Act and California Environmental Quality Act Findings.

For questions regarding this report, please contact Fred Kelley, Director, (510) 292-8868.

Respectfully submitted,

Fred Kelley

Fred Kelley (Jun 29, 2023 13:51 PDT)

FRED KELLEY

Director, Oakland Department of Transportation

Prepared by:

Fred Kelley, Director

Oakland Department of Transportation