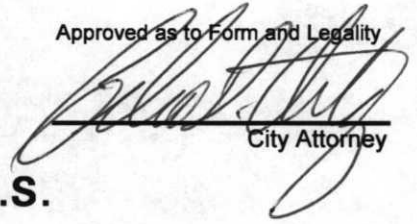


**OAKLAND CITY COUNCIL**



City Attorney

2014 JUL 10 PM 12:36

RESOLUTION No. 85134 C.M.S.

Introduced by Councilmember \_\_\_\_\_

**APPROVE A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR HIS DESIGNEE, THE DIRECTOR OF PUBLIC WORKS OR THE ASSISTANT DIRECTOR OF PUBLIC WORKS, BUREAU OF ENGINEERING AND CONSTRUCTION, TO NEGOTIATE AND EXECUTE AGREEMENTS WITH UNION PACIFIC RAILROAD (UPRR) FOR CROSSING IMPROVEMENTS AND MAINTENANCE, IN ACCORDANCE WITH CALIFORNIA PUBLIC UTILITY COMMISSION (CPUC) REGULATIONS AT:**

- **BROADWAY AND EMBARCADERO WEST INTERSECTION (NO. 001D-6.70)**
- **FRUITVALE AVENUE SOUTH OF SAN LEANDRO BOULEVARD (NO. 001D-9.80)**
- **23<sup>RD</sup> AND 29<sup>TH</sup> AVENUES, NEAR GLASCOCK STREET (NOS. 0010-10.39-C AND 0010-10.40-C)**

**WHEREAS**, the City of Oakland has received grants and funding to design and construct railroad crossing safety improvements at three street crossings of railroad tracks, in coordination with UPRR; and

**WHEREAS**, the locations are: 1) No. 001D-6.70 (Broadway and Embarcadero West intersection), 2) No. 001D-9.80 (Fruitvale Avenue south of San Leandro Boulevard), and 3) Nos. 0010-10.39-C (29<sup>th</sup> Avenue) and 0010-10.40-C (23<sup>rd</sup> Avenue), near Glascock Street ; and

**WHEREAS**, the City has previously awarded construction contracts to Ray's Electric Inc. to construct said safety improvements as the crossings, under Resolutions No. 83952, 83953 and 84783; and

**WHEREAS**, no City/Railroad agreements for construction of the improvements or ongoing maintenance are currently in place at these locations; and

**WHEREAS**, UPRR has required that the City execute crossing agreements, prior to issuing the City's contractor permits to construct said railroad crossing safety improvements, now, therefore, be it

**RESOLVED**, the City Administrator or his designee, the Director of Public Works, or the Assistant Director of Public Works, Bureau of Engineering and Construction, be authorized and directed to negotiate and execute railroad crossing agreements with UPRR, subject to review and approval by the Office of the City Attorney, and be it

**FURTHER RESOLVED**, that an original copy of agreements be kept on file with the City Clerk, once executed.

JUL 29 2014

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

*Reid*

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, GALLO, GIBSON-MCELHANEY, KALB, KAPLAN, ~~WILLIAMS~~, SCHAAF and PRESIDENT KERNIGHAN *8*

NOES - *0*

ABSENT - *0*

ABSTENTION - *0*

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

85134 C.M.S.