

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

**REVISED**  
2/3/09

Approved as to Form and Legality

2009 FEB -6 PM 3:04  
OAKLAND CITY COUNCIL

  
City Attorney

RESOLUTION No. 81783 C.M.S.

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

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A LETTER OF UNDERSTANDING AND SUBSEQUENT COOPERATIVE AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION ("CALTRANS") TO CLOSE THE RAILROAD CROSSING AT 5TH AVENUE, KNOWN AS THE HANLON LEAD, PROVIDED THAT CERTAIN RAILROAD SAFETY AND COMMUNITY IMPROVEMENTS ARE IMPLEMENTED ON AND AROUND THE FRUITVALE TRACK WITH FUNDING PROVIDED BY CALTRANS, ALL IN CONNECTION WITH CALTRANS 5TH AVENUE SEISMIC RETROFIT PROJECT**

**WHEREAS**, the City of Oakland fully supports the State Department of Transportation ("Caltrans") seismic retrofit project affecting portions of Interstate 880 in Oakland; and

**WHEREAS**, Caltrans' seismic retrofit project will require the permanent closing of an existing railroad crossing at 5<sup>th</sup> Avenue known as the Hanlon Lead; and

**WHEREAS**, as a direct result of the seismic retrofit project, Union Pacific Railroad ("Union Pacific") will be required to reroute trains from the Hanlon Track to the Fruitvale Track; and

**WHEREAS**, the Fruitvale Track is a pre-existing spur track that is in disrepair, and use of the track will require Union Pacific and the City to construct certain improvements as required by the California Public Utilities Commission ("CPUC"), including but not limited to replacing old tracks, providing new signage, signaling devices and related traffic facilities; and

**WHEREAS**, Caltrans has agreed to pay for certain improvements that Union Pacific and/or the City would otherwise pay for, including but not limited to replacing old tracks, improving traffic signals, signs and sidewalks; now, therefore, be it

**RESOLVED**: That the City Administrator is authorized to negotiate and execute, modify, amend or extend a Letter of Understanding and subsequent Cooperative Agreement with Caltrans, consistent with this resolution; and be it

**FURTHER RESOLVED:** That the terms of the Letter of Understanding and subsequent Cooperative Agreement shall include, but not be limited to, the following:

1. Caltrans will provide to the City of Oakland upon executing the Cooperative Agreement, a certain amount of money, not to exceed \$1.35 million dollars for the construction of improvements identified by the City and CPUC as necessary and desirable for the continued operation of trains along the Fruitvale track.
2. The monies provided by Caltrans will be used by the City for upgrades and improvements to the Fruitvale track and areas adjacent to or in the vicinity of the tracks, including but not limited to vehicular roadways and approaches, vehicular and pedestrian crossings, signaling devices, signage, lighting, and certain community improvements, such as sidewalks and approaches thereto;
3. A discussion of an indemnity provision; and be it

**FURTHER RESOLVED:** That the City Administrator is directed to return to City Council with the subsequent Cooperative Agreement with Caltrans, which shall address access issues; and be it

**FURTHER RESOLVED:** That the City Administrator is directed to work with the California Public Utilities Commission and Union Pacific Railroad to address emergency access issues on Glascock Street; and be it

**FURTHER RESOLVED:** That the City Council has independently reviewed and considered this environmental determination, and the City Council finds and determines, based on the information in the staff report accompanying this Resolution, that this action complies with CEQA because this action on the part of the City is exempt from CEQA pursuant to Section 15301 (existing facilities), 15302 (replacement or reconstruction) and 15303 (new construction or conversion of small structures) of the CEQA guidelines; and be it

**FURTHER RESOLVED:** That the City Administrator, or his designee, shall cause to be filed with the County of Alameda a Notice of Exemption and an Environmental Declaration (California Fish and Game Code Section 711.4) for this action; and be it

**FURTHER RESOLVED:** That all agreements shall be approved as to form and legality by the City Attorney and shall be placed on file in the Office of the City Clerk.

FEB 3 2009

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES - ~~BROOKS~~, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER -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