

**AMENDMENT NO. \_  
TO  
FREEWAY MAINTENANCE AGREEMENT  
IN THE CITY OF OAKLAND**

This Amendment No. \_ to the Freeway Maintenance Agreement in the City of Oakland is made and entered into by and between STATE of California, acting by and through the Department of Transportation, hereinafter referred to as "STATE", and City of Oakland, hereinafter referred to as "CITY" and collectively referred to as "PARTIES".

**WITNESSETH:**

WHEREAS, a Freeway Maintenance Agreement in the City of Oakland", hereinafter referred to as "AGREEMENT", was executed by CITY on \_\_\_\_\_, and

WHEREAS, AGREEMENT by its terms provides that it may be amended or terminated at any time upon mutual consent of PARTIES; and

WHEREAS, CITY desires to maintain improvements to be constructed under a STATE issued Encroachment Permit No. \_\_\_\_\_ on Route \_\_\_\_\_ at [STREET NAME OVER/UNDERCROSSING] in the City of Oakland; consisting of resurfacing the undercrossing and striping bike lanes, etc); and

WHEREAS, PARTIES hereto now desire that AGREEMENT be amended.

NOW, THEREFORE, PARTIES agree to add "BICYLCLE PATHS, LANES, AND CYCLE TRACKS "article below to AGREEMENT and shall become a part of AGREEMENT for all purposes.

1. BICYCLE PATHS, LANES, AND CYCLE TRACKS constructed as permitted encroachments within STATE's right of way, CITY is solely responsible for all permitted improvements, including but not limited to the delineation, fencing, guard railing, drainage facilities, slope and structural adequacy. CITY will maintain, at CITY expense, a safe facility for bicycle travel along the entire length of the path/lane/cycle track by providing sweeping and debris removal when necessary; and all signing and striping, and pavement markings required for the direction and operation of that non-motorized facility.

TERM OF AGREEMENT AMENDMENT - This Amendment shall become effective on the date as shown below and shall remain in full force and effect until amended or terminated at any time upon mutual consent of PARTIES or until terminated by STATE for cause.

PARTIES are empowered by Streets and Highways Code section 114 and 130 to enter into this Amendment and have delegated to the undersigned the authority to execute this Amendment on behalf of the respective agencies and covenants to have followed all the necessary legal requirements to validly execute this Amendment.

IN WITNESS WHEREOF, PARTIES hereto have set their hands and seals the day and year first above written.

CITY OF OAKLAND

STATE OF CALIFORNIA DEPARTMENT OF  
TRANSPORTATION

\_\_\_\_\_  
By: City Administrator

TOKS OMISHAKIN  
Director of Transportation

By

ATTEST;

\_\_\_\_\_  
CITY Clerk

\_\_\_\_\_  
PARVIZ LASHAI                      Date  
Acting Deputy District Director  
Maintenance District 4

\_\_\_\_\_  
CITY Attorney