



CITY OF OAKLAND

AGENDA REPORT


TO: Jestin D. Johnson
City Administrator

FROM: Megan Wier
Acting Director, Oakland
Department of
Transportation

SUBJECT: Oakland Alameda Access Project:
Freeway Agreement, Façade
Improvements, and Other Agreements

DATE: March 25, 2024

City Administrator Approval


Jestin Johnson (Apr 11, 2024 14:28 PDT)

Date: Apr 11, 2024

RECOMMENDATION

Staff Recommends That The City Council Adopt The Following Pieces Of Legislation:

- 1. A Resolution Authorizing The City Administrator To Execute A Superseding Freeway Agreement With The California Department Of Transportation For State Highway Route 880 (I-880) Consistent With The Improvements Delivered By The Alameda County Transportation Commission and California Department Of Transportation's Oakland Alameda Access Project; And**
- 2. A Resolution Authorizing The City Administrator Execute A Memorandum of Understanding With The Alameda County Transportation Commission To Document A Donation Of Funds To The Oakland Façade Improvement Program; And Accept And Appropriate Donated Funds Documented In The Memorandum of Understanding With The Alameda County Transportation Commission In An Amount Not To Exceed One Hundred Thousand Dollars (\$100,000) To Fund Façade Improvements In The Oakland Waterfront Warehouse District; And**
- 3. A Resolution Authorizing The City Administrator To Take All Steps Necessary To Negotiate And Enter Into Agreements To Provide Adequate City Coordination And Oversight Of The Implementation Of The Oakland Alameda Access Project In The City Right Of Way, Coordinate Overlapping City Transportation Infrastructure Improvements With Alameda County Transportation Commission, And Accept And Appropriate Any Negotiated Funds Necessary To Facilitate The Successful Delivery Of The Oakland Alameda Access Project In City Right Of Way.**

EXECUTIVE SUMMARY

The Alameda County Transportation Commission (ACTC) and the California Department of Transportation (Caltrans) are implementing the Oakland Alameda Access Project (OAAP) in collaboration with the City of Oakland (City) and City of Alameda and other local stakeholders. OAAP improvements include construction of a horseshoe connector between Posey Tube and State Highway Route 880 (Interstate 880 or I-880), I-880 northbound, modifications and widening of freeway ramps, construction of 1.5-miles new and protected bike lanes, intersection improvements including over 1-mile of new sidewalks and crosswalks, opening up the Webster Tube westside walkway to pedestrians and various aesthetic improvements on new retaining walls.

Staff recommends that the City Council adopt three proposed resolutions to: (1) advance the implementation of ACTC's OAAP and the steps necessary to ensure adequate City oversight over construction in the City's rights of way; and (2) successfully coordinate the design and delivery of the City's Broadway Streetscape Improvements and off-site transportation improvements from the entitled Lake Merritt Bay Area Rapid Transit (BART) Transit-Oriented Development that will implement recommendations from the Lake Merritt BART Station Access Study that overlaps with the OAAP limits. The projects together will deliver major City transportation infrastructure improvements to safety, accessibility, and mobility in Oakland's Chinatown, Jack London District, and Downtown neighborhoods.

BACKGROUND / LEGISLATIVE HISTORY

The OAAP is a construction project proposed by Caltrans and ACTC to simplify I-880 freeway access between Posey Tube and local streets to reduce conflicts between regional and local traffic on local streets, provide better connectivity and accessibility between the cities of Oakland and Alameda via the Webster and Posey Tubes for all modes, and improve safety on local streets in Chinatown, the Jack London District, and Downtown Oakland. The proposed project diverts regionally bound traffic away from local streets, reducing vehicle traffic and associated emissions and noise impacts to the surrounding neighborhoods. The OAAP improvements are recommended in the [Oakland Downtown Transportation & Parking Plan](#) (2016), [Let's Bike Oakland Plan](#) (2019), and [Final Draft Downtown Oakland Specific Plan](#) (2024). See **Attachment A** for a map of the project area and proposed improvements and **Attachment B** for the project fact sheet in English. The fact sheet translated in other languages is available at this webpage: <https://www.alamedactc.org/programs-projects/highway-improvement/oakland-alameda-access-project>

Proposed OAAP improvements will:

- improve multimodal safety and reduce conflicts between regional and local traffic, particularly pedestrian safety within Oakland Chinatown;
- enhance bicycle and pedestrian accessibility and connectivity;
- encourage mode shifts away from the private vehicle by increasing access to more sustainable multimodal options.

- reduce carbon emissions by reducing freeway-bound regional traffic and congestion on local roadways and in the project's surrounding neighborhoods of Chinatown; Downtown, and the Jack London District in Oakland; and
- improve mobility and accessibility between I-880, the Posey and Webster Tubes (State Route 260), the City's downtown neighborhoods and the city of Alameda, some of which are within the City's highest priority and medium priority communities, which include areas with a higher concentration of low-income households, households with limited English proficiency, people with disabilities, seniors, Black, Indigenous and People of Color communities, and historically underserved communities.

The OAAP's improvements will result in access changes to I-880 in the City including a change in ramp terminus for the Northbound I-880 Jackson Street on-ramp with the construction of a horseshoe connector between Posey Tube and Jackson Street, a widening of the Northbound I-880 Oak Street off-ramp, and removal of Northbound I-880 Broadway off-ramp. An existing freeway agreement between the City and Caltrans needs to be updated to reflect these access changes.

ANALYSIS AND POLICY ALTERNATIVES

Adoption of the proposed resolutions will allow the City to move forward to coordinate with ACTC and other partnering agencies and organizations on the successful delivery of the OAAP and overlapping transportation infrastructure improvements which will deliver a number of safety enhancements improvements on local streets in Oakland thereby advancing three Citywide priorities: **vibrant, sustainable infrastructure; holistic community safety; and responsive, trustworthy government:**

1. **Vibrant, Sustainable Infrastructure:** The OAAP and overlapping projects, collectively, invest in improved transportation infrastructure that will promote zero emissions and active transportation via transit, bicycle and pedestrian connectivity and accessibility improvements between the cities of Oakland and Alameda via the Webster and Posey Tubes, and improve safety on local streets in Chinatown, the Jack London District, and Downtown Oakland. These collective improvements will increase the likelihood that Oaklanders and residents of Alameda experience high-quality, sustainable transportation choices to travel to major destinations.
2. **Holistic Community Safety:** Various Oakland streets that encompass the OAAP and overlapping projects area have a history of severe and fatal crashes, most notably in the Chinatown neighborhood, that will be addressed through these projects. The OAAP and overlapping projects will also improve transit access, pedestrian and bicycle safety with intersection improvements and two new protected bike facilities on 6th Street between Oak Street and Washington Street and on Oak Street between 3rd Street and 9th Street. Finally, the projects will ensure that all curb ramps and sidewalks within the project area comply with Americans with Disabilities Act (ADA) guidelines.
3. **Responsive, Trustworthy Government:** In addition to developing the OAAP over many years of community engagement, the ACTC project team continues to engage the cities

of Oakland and Alameda, Jack London Improvement District, Oakland Heritage Alliance and Bike East Bay in the project design reviews for the OAAP. The ACTC project team conducted a community outreach meeting in September 2023 to share the project status, review details of the proposed improvements and discuss preliminary traffic detouring, traffic handling and community outreach during the construction phase. Caltrans and ACTC plan to conduct additional community outreach during the construction phase of the project. There was also significant outreach to the consultant community in advance of the request for proposals as discussed further in the Public Interest/Outreach section below. Caltrans and ACTC will conduct outreach to the construction contractor community ahead of issuing this project for bids for construction. Similarly, the City team working on the Broadway Streetscape Improvements project continues to engage community members who live along and who frequent the Broadway corridor, interested community-based organizations, regional agencies, and the consultant community; and will continue to do so through construction.

Adoption of the three proposed resolutions, as described below, will allow the City, in partnership with ACTC, to deliver these transportation infrastructure improvements efficiently, while also minimizing construction impacts and associated economic impacts on the surrounding community, the City, and larger region.

The first resolution is a Superseding Freeway Agreement. The original Freeway Agreement between Caltrans and the City was executed on February 26, 1980, covering the portion of I-880 between Oak Street to Martin Luther King Jr. Way. Additionally, State Route 260 (SR 260) was previously understood to be a conventional highway but is confirmed and needs to be recorded as a freeway. Caltrans has requested that the City execute a superseding Freeway Agreement, describing the changes in access to and from I-880 consistent with the completion of the OAAP (**Attachment C** – Caltrans Request Letter and Draft Superseding Freeway Agreement [text and Exhibit A]). The Superseding Freeway Agreement will replace the portion of the current agreement on I-880 from Oak Street to Martin Luther King Jr. Way dated February 26, 1980. This agreement will also serve as the original freeway agreement for the portion of SR 260 within the limits of the City. The execution of this superseding Freeway Agreement between Caltrans and the City is required by Caltrans before the OAAP can satisfy requirements for a construction contract advertisement. ACTC anticipates advertising for a construction contract in October 2024.

The second resolution is for a Memorandum of Agreement (MOU) to implement ACTC historic impact mitigation. In 2021, OAAP's final Environmental Impact Report (EIR) identified a mitigation measure (MM-CUL-3) for adverse impacts to resources that are eligible for listing in the National Register of Historic Places (NRHP) – the Posey Tube and the Oakland Portal building. The requirements for fulfilling the mitigation measure are documented in a Section 106 Memorandum of Agreement between Caltrans and the State Historic Preservation Officer for the OAAP (**Attachment D**) and require ACTC to make a donation of \$100,000 to the City's Façade Improvement Program and Caltrans District 4 to ensure that the ACTC executes a MOU between ACTC and the City to document the donation to the Oakland Façade Improvement Program.

As part of the MOU between the ACTC and the City, the City will be responsible for ensuring that the distribution of funds to eligible entities and for any follow-up actions regarding the completion of improvements consistent with the City's Façade Improvement Program, that the funds will be limited for use within the Oakland Waterfront Warehouse District, and that the project activities meet Secretary of the Interior's Standards as interpreted by the City and City's Landmarks Preservation Advisory Board where funds are used on contributing features of the Oakland Waterfront Warehouse District.

ACTC shall donate the funds and execute the MOU prior to the termination of the MOA, within five years following the date of execution by the signatory parties (July 22, 2021) on July 22, 2026. The OAAP is anticipated to initiate construction in Spring 2025.

The third resolution is to allow for the transfer of funds to document agreements made between the City, ACTC and other partnering agencies and organizations as necessary to facilitate the successful delivery of the OAAP and overlapping City transportation infrastructure improvements, and to authorize the City Administrator to take all steps necessary to negotiate and enter into agreements to coordinate implementation of the OAAP in the right of way and overlapping City transportation infrastructure improvements. The City's Department of Transportation, ACTC, and Caltrans are actively coordinating the review of the OAAP design and delivery.

The three agencies are coordinating on the review of the OAAP with City's Broadway Streetscape Improvements project where they intersect at a critical junction in the heart of downtown Oakland on Broadway between 5th Street and 6th Street. The Broadway and 5th Street intersection includes multiple freeway ramps to and from Caltrans' facilities, including the I-880 and the Webster Tube (SR 260) with access to Alameda. Broadway is the City's "main street" with the greatest density of bus transit services and economic activity taking place along this corridor. Both projects are on a similar construction timeline that is currently expected to begin in Spring 2025.

The three agencies are also coordinating on the review of the OAAP design and delivery with the entitled Lake Merritt BART Transit-Oriented Development that will implement recommendations from the Lake Merritt BART Station Access Study where the projects meet at the in the intersection of 8th Street and Oak Street in Chinatown. These improvements are central to the larger suite of pedestrian safety and accessibility improvements on the segment of 8th Street between Fallon Street and Madison Street that will serve people traveling to and from BART and Alameda-Contra Costa (AC) Transit services, other community services and destinations, and benefit seniors and persons with disabilities through the Lake Merritt BART Transit Oriented Development which is anticipated to start construction of affordable housing for seniors in Summer 2024.

The City intends to negotiate with the ACTC and other partnering agencies and organizations including, but not limited to, Caltrans, BART and developers of the Lake Merritt BART Transit Oriented Development as necessary regarding the funding needed to facilitate the design and delivery of these projects and City staff anticipate subsequently executing follow-on agreements such as a funding agreement outlining the terms for funds shared between the City and ACTC

and other partnering agencies and organizations as necessary to coordinate on the design and delivery of the overlapping City transportation infrastructure improvements.

In addition, once the improvements are complete, the City and Caltrans will need to update the Maintenance Agreement. A Maintenance Agreement executed on August 23, 1991, between Caltrans and the City, documents the City's responsibilities to perform particular maintenance functions on the State highways within the City. According to the existing Maintenance Agreement, the City does not currently hold any maintenance responsibilities for SR 260. An amendment to the existing Maintenance Agreement for the access changes to I-880 and SR 260 is needed and requires City Council authorization to execute the superseding Freeway Agreement. City responsibilities for maintenance may include but are not limited to performing graffiti abatement on new retaining walls, litter control and landscaping adjacent to local roads, and repairs to local roads that provide access to and from I-880 and SR 260, and are subject to future negotiation between the City, ACTC, and Caltrans.

In addition to the Maintenance Agreement, following the executed Superseding Freeway Agreement, reimbursement agreement, asset transfer agreement, and a construction management agreement will be required.

More information on City and partnering agency and organization projects is available at the webpages, below:

- ACTC Oakland Alameda Access Project: <https://www.alamedactc.org/programs-projects/highway-improvement/oakland-alameda-access-project>
- City of Oakland Broadway Streetscape Improvements project: <https://www.oaklandca.gov/projects/broadway-streetscape-improvements>
- Lake Merritt BART Transit-Oriented Development: <https://www.bart.gov/about/business/tod/lakemerritt>

FISCAL IMPACT

Authorizing the City Administrator to execute a Superseding Freeway Agreement will not have any direct cost to the City. The Freeway Maintenance Agreement following the superseding Freeway Agreement will have a fiscal impact. Fiscal impact from the Freeway Maintenance Agreement is unknown at this time. Responsibilities to perform particular maintenance functions on the State highways within the City and associated costs will be negotiated and agreed on between the City and Caltrans following authorization granted by the City Council to execute the superseding Freeway Agreement.

Authorizing the City Administrator to enter into an MOU with ACTC to document a donation of \$100,000 to the City's Façade Improvement Program and accepting and appropriating the funds into the City's Façade Improvement Project for use with the Oakland Waterfront Warehouse District. Funding will be accepted and appropriated in the Miscellaneous Grants Fund (2999), Economic Development Organization (85411), Business Creation Attraction, Retention, & Expansion Program (SC11), Project To Be Determined.

Authorizing the City Administrator to take all steps necessary to negotiate and enter into agreements with ACTC or any other partnering agency or organization as necessary to provide adequate City coordination and oversight of the implementation of the OAAP and overlapping City transportation infrastructure improvements with the OAAP in the City's right of way, and granting funds and/or accepting and appropriating any negotiated funds necessary to facilitate the successful delivery of the OAAP and overlapping City project improvements with the OAAP described in this agenda report imposes no obligation on the City's General Purpose Fund. Funds already appropriated to deliver the Broadway Streetscape Improvement Project may be used to fund the implementation of that project if it provides an opportunity for cost savings and efficiency. The City may also negotiate the receipt of funds from ACTC for oversight activities such as construction inspection to ensure infrastructure assets that the City will be required to maintain meet the City's standards.

PUBLIC OUTREACH / INTEREST

Since 2015, the ACTC and Caltrans-led project team has conducted extensive community engagement. The team held over 250 meetings with diverse stakeholder groups from the cities of Alameda and Oakland, as well as Chinatown organizations, Jack London Improvement District, bike advocacy groups, and numerous public agencies.

The draft environmental document for the OAAP) was available for public review and comment between September 29, 2020, and November 30, 2020. This opportunity was shared with the public through notifications in four languages, via newspapers, advertisements, and social media. A total of 241 people attended the live virtual public hearing. The website was viewed nearly 10,000 times and the draft EIR for the project received over 630 individual comments from 113 commenters. Comments specific to the cultural resource impacts were received from the Oakland Heritage Alliance, Jack London Improvement District, the South of Nimitz Improvement Council (SONIC), and a local business owner. Concerns were expressed over the proposed impacts on the Posey Tube, over potential harm that the project could cause to the character of the Oakland Waterfront Warehouse District and the sufficiency of the proposed mitigation measures presented in the draft EIR. Several commenters requested that funding be provided for the Façade Improvement Program, as a mitigation measure. Extensive coordination occurred between the State Historic Preservation Office (SHPO), various Native Indian Tribes, Caltrans, ACTC, City, Jack London Improvement District, Oakland Heritage Alliance, and SONIC to come to an agreement on mitigation measures to address adverse impacts to Posey Tube and Oakland Waterfront Warehouse District. Furthermore, in public comment on the draft EIR, commenters called for a contribution to the Oakland Façade and Tenant Improvement Program to support restoration and preservation to cultural and historic resources and promote the vitality of the Waterfront Warehouse District using the City's formula for loss of historic resources. As a result, a one-time monetary contribution in the amount of \$100,000 is to be made prior to the initiation of construction to the City's Façade Improvement Program for use within the Oakland Waterfront Warehouse District under the project's Section 106 MOA (**Attachment D**) and Built Environment Treatment Plan (BETP) (**Attachment E**). The final EIR was approved on August 16, 2021, and the final project report was approved on February 2, 2022.

In addition to developing this project over many years of community engagement, the ACTC project team continues to engage the cities of Oakland and Alameda, Jack London Improvement District, Oakland Heritage Alliance, and Bike East Bay through the project's design process. The ACTC project team conducted a community outreach meeting in September 2023 to share project status and discuss details of the proposed improvements and discuss preliminary traffic detouring, traffic handling and community outreach during the construction phase. Caltrans and ACTC plan to conduct additional community outreach during the construction phase of the project.

Furthermore, there was also significant outreach to the consultant community in advance of the request for proposals and Caltrans and ACTC will conduct outreach to the construction contractor community ahead of putting this project to bids for construction.

COORDINATION

The Oakland Department of Transportation continues to coordinate the review of the OAAP design and implementation with the ACTC and Caltrans. Additionally, the Office of the City Attorney, the Budget Bureau, and the Department of Economic and Workforce Development have reviewed this report and resolution.

SUSTAINABLE OPPORTUNITIES

Economic: This project will improve transportation operations, reduce transportation delay, and improve safety for all roadway users, which enhances access to jobs. Easier, more efficient travel between the cities of Oakland and Alameda will also improve access to businesses in Chinatown, Jack London District, and Downtown Oakland. Construction of the project is expected to have a negative impact on businesses in the Oakland Waterfront Warehouse District due to disruption in normal business activities, however, dedicated Façade Improvement Program funding from the proposed mitigation measure supports business owners in the Oakland Waterfront Warehouse District and will partially mitigate these impacts.

Environmental: The project will provide safer, more attractive local streets for walking, biking, and riding the bus, which may encourage fewer single occupancy vehicle trips. Additionally, reducing congestion approaching the I-880 freeway on- and off-ramps minimizes pollutant exposure to residents of Chinatown, Jack London District, and Downtown Oakland.

Race & Equity: Between 2016 and 2018, there have been 98 collisions at the local street intersections within the project area, including twenty collisions involving people walking. In 2018, the Oakland Equity Indicators Report found troubling disparities in pedestrian deaths in Oakland. There are about two severe or fatal traffic crashes each week, with crashes disproportionately impacting Black, Indigenous and people of color and high priority communities. The OAAP area is located within the City's high and medium priority communities. Safety improvements that prioritize people walking and biking help address collision disparities and reduce barriers to accessing active transportation.

Jestin D. Johnson, City Administrator

Subject: Oakland Alameda Access Project: Freeway Agreement, Façade Improvements, and Other Agreements

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CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The OAAP planning, environmental and design phases are led by ACTC and construction will be led by Caltrans. Caltrans is the lead agency for CEQA and National Environmental Policy Act (NEPA). ACTC and Caltrans prepared an EIR in compliance with CEQA and an Environmental Assessment (EA) and Final Individual Section 4(f) Evaluation with Finding of No Significant Impact under NPEA. ACTC and Caltrans engaged the City, various stakeholders, and community in the review of draft EIR and EA through numerous meetings, stakeholder focus meetings and a formal public meeting held in November 2020.

The OAAP received final EIR and EA approval from Caltrans on August 20, 2021.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council The Following Pieces of Legislation:

1. A Resolution Authorizing The City Administrator To Execute A Superseding Freeway Agreement With The California Department Of Transportation for State Highway Route 880 (I-880) Consistent With The Improvements Delivered By The Alameda County Transportation Commission and California Department Of Transportation's Oakland Alameda Access Project
2. A Resolution Authorizing The City Administrator To Execute A Memorandum of Understanding With the Alameda County Transportation Commission To Document A Donation Of Funds To The Oakland Façade Improvement Program; And Accept And Appropriate Donated Funds Documented In The Memorandum of Understanding With The Alameda County Transportation Commission In An Amount Not To Exceed One Hundred Thousand Dollars (\$100,000) To Fund Façade Improvements In The Oakland Waterfront Warehouse District; And
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Jestin D. Johnson, City Administrator

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For questions regarding this report, please contact Audrey Harris, Senior Transportation Planner, Major Projects Division at aharris2@oaklandca.gov.

Respectfully submitted,

Jamie Parks

Jamie Parks (Apr 10, 2024 15:41 PDT)

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Attachments (5):

- A: Project Area Map and Proposed Improvements
- B: Project Fact Sheet
- C: Caltrans Request Letter and Draft Superseding Freeway Agreement [text and Exhibit A]
- D: Oakland Alameda Access Project Historic Resources Section 106 Memorandum of Understanding
- E: OAAP Built Environment Treatment Plan (BETP)