



# AGENDA REPORT

**TO:** Edward D. Reiskin  
City Administrator

**FROM:** Ryan Russo  
Director, Oakland  
Department of  
Transportation

**SUBJECT:** Maintenance Agreement for LAMMPS  
and Fruitvale Alive Projects

**DATE:** October 18, 2021

City Administrator Approval 

Date: Nov 2, 2021

## RECOMMENDATION

Staff Recommends That the City Council Adopt:

- (1) **A Resolution Authorizing City Administrator To Execute The Maintenance Agreement Between The City And California Department Of Transportation (Caltrans) For The Laurel Access To Mills, Maxwell Park And Seminary (LAMMPS) Project As Part Of The Terms Of The Caltrans Encroachment Permit No. 0416-NMC 1563 Required For Construction Underneath The Macarthur Boulevard Undercrossing (Bridge No. 33-316); AND**
- (2) **A Resolution Authorizing City Administrator To Execute The Maintenance Agreement Between The City And California Department Of Transportation (Caltrans) For The Fruitvale Alive! Gap Closure Project As Part Of The Terms Of A Future Caltrans Encroachment Permit Applied For By The City.**

## EXECUTIVE SUMMARY

The Laurel Access to Mills, Maxwell Park and Seminary (LAMMPS) Streetscape Project, completed in April 2021, improves access and safety for pedestrians and bicyclists by introducing a pedestrian and bicycle path along Macarthur Boulevard from High Street to Richards Road. City staff is now required to complete the Maintenance Agreement related to California Department of Transportation (Caltrans) Encroachment Permit No. 0416-NMC 1563, which gave permission to construct LAMMPS project related improvements in Caltrans Right-Of-Way at the Interstate-580/MacArthur Boulevard undercrossing (Bridge No. 33-316). The maintenance agreement describes the responsibility of the City and Caltrans to maintain the MacArthur Blvd undercrossing. See **Attachment A** for Maintenance Agreement for the LAMMPS Project.

The Fruitvale Alive! Gap Closure Project is currently in the bidding process with bid opening on September 30, 2021. This project will construct raised cycle tracks, improved sidewalks, streetlighting, landscaping, curb ramps, traffic signals, pavement, retaining walls, signage, and

City Council  
November 16, 2021

striping on Fruitvale Avenue from Alameda Avenue to East 12<sup>th</sup> Street. As part of the encroachment permit application for project related improvements in Caltrans jurisdiction, Caltrans is requiring the City to fully execute the maintenance agreement for improvements in Caltrans Right-Of-Way at State Route 880/Fruitvale Avenue undercrossing before issuing the encroachment permit. See **Attachment B** for Maintenance Agreement for the Fruitvale Alive! Gap Closure Project.

Staff recommends that City Council approve the resolutions allowing the City Administrator to enter into the two Maintenance Agreements, which allows the City to access assets the City is responsible for maintaining, repairing and improving with the Caltrans Right-of-way. The Maintenance Agreements spell out the items that the City is responsible for and what Caltrans is responsible for within the right -of-way.

### **BACKGROUND / LEGISLATIVE HISTORY**

The LAMMPS Streetscape Project (Number 1000634) is a community-driven and community-based plan designed to improve access and safety for pedestrians and bicyclists along MacArthur Boulevard between High Street and Seminary Avenue. The Plan seeks to improve pedestrian and bike facilities, traffic flow, lighting, and landscaping along 1.5 miles of MacArthur Boulevard from High Street to Seminary Avenue, traveling under the I-580 freeway.

The LAMMPS Project has installed various multi-purpose improvements from High Street to Richards Road along MacArthur Boulevard, in Council Districts 4 and 6. It achieves the community vision by installing a 1,500-foot multi-use path, upgrading existing traffic signals, installing a new traffic signal at MacArthur Boulevard and Pierson Street, and installing new pedestrian-scale lighting and green infrastructure.

The City received two grants for the construction of the Project. In 2014, Caltrans awarded a \$3,598,000 federal Active Transportation Program (ATP) grant to the City of Oakland for the LAAMPS Project, with the City providing matching Measure B funds for the design phase. City Council accepted and appropriated the grant award on July 15, 2014 Resolution No. 85106 C.M.S. In addition, the City was awarded \$2,500,000.00 from the Alameda County Transportation Commission (ACTC) Capital Improvements Program (CIP) to fund the LAMMPS Project; this was accepted and appropriated by City Council on September 19, 2017 Resolution No. 86984 C.M.S.

On December 14, 2017, City Council awarded a construction contract to Ray's Electric, the lowest responsive and responsible bidder, in an amount not to exceed \$6,476,995.50 Resolution No. 86977 C.M.S.

On January 24, 2019, City Council approved an increase of the construction contract contingency from ten percent (10%) to twenty-five (25%) for a total contract value of \$8,096,250.50 and approved an increase in the professional services contract with BKF Engineers for LAMMPS not to exceed \$65,000.00) Resolution No. 87592 C.M.S.

The Fruitvale Alive! Gap Closure Project was first recommended as part of the Fruitvale Alive! Community Transportation Plan (2005). Oakland Bicycle Master Plans 2007 & 2012 identified

Fruitvale Avenue as a major regional connector. This project will construct bicycle tracks, improved sidewalks, install new pedestrian streetlights, install new landscaping, perform pavement rehabilitation, and install signage and striping.

In 2018, Caltrans awarded a \$5,850,000 state ATP grant to the City of Oakland. The grant award was accepted and appropriated by City Council on September 12, 2018 Resolution No. 87374 C.M.S. The City was then awarded a \$1,634,000 ACTC Grant, which was accepted and appropriated by City Council on November 21, 2019 Resolution No. 87960 C.M.S. Following this, the City was also awarded a \$1,500,000 Affordable Housing & Sustainable Communities (AHSC) Grant for the project, which was accepted and appropriated by City Council Resolution No. 87529 C.M.S.

The Fruitvale Alive! construction project is currently being advertised for bidding. Construction is anticipated to begin in Winter 2022. This work is in Council District 5.

Both projects include work in Caltrans jurisdiction in under freeway areas, and therefore require that the City obtain an encroachment permits from Caltrans. Caltrans encroachment permits in turn, require that the City maintain the improvements. Improvements include the travel way, shoulders, curb, sidewalks, wall surfaces (including eliminating graffiti), drainage installations, lighting installations and traffic service facilities.

## **ANALYSIS AND POLICY ALTERNATIVES**

The proposed maintenance agreements describe the responsibilities of the City and Caltrans to maintain the improvements constructed by LAMMPS and the Fruitvale Alive! Gap Closure projects in Caltrans Right-Of-Way at freeway undercrossings.

The maintenance agreement for LAMMPS is an amendment to an existing freeway maintenance agreement dated November 24, 1964 (See **Attachment C**). The maintenance agreement for Fruitvale Alive! Gap Closure Project is an amendment to an existing freeway maintenance agreement dated October 4, 1949 and an agreement dated December 22, 1958 (See **Attachment D**).

These agreements are reviewed by staff and the City Attorney and are typical for projects constructed within the Caltrans Right-Of-Way. Delaying the signature of the maintenance agreements would delay construction on the Fruitvale Alive! Gap Closure project and would put the funding from the ATP grant in danger of expiring and funds returning to Active Transportation Program.

Per Oakland Charter Section 504 (I), the City Administrator shall represent the City in its intergovernmental relations and to negotiate contracts for joint governmental actions, when directed by the City Council.

## **FISCAL IMPACT**

There is no fiscal impact to signing the maintenance agreement other than the cost of maintaining City improvements underneath the freeway underpasses for these projects. The City is already responsible for maintaining the City roadways in Caltrans ROW. No additional fiscal impact is anticipated from approving these proposed resolutions.

## **PUBLIC OUTREACH / INTEREST**

The development of the LAMMPS plan included community outreach and visioning sessions, traffic analysis, engineering studies/surveys, and landscaping studies, which culminated in a comprehensive plan for street improvements and bicycle/ pedestrian pathways along MacArthur Boulevard from High Street to Seminary Avenue.

The LAMMPS preferred concept plan was developed over the course of four widely-attended community outreach meetings where residents, employees, Mills College administrators and students, business owners, passers-by, and advocates were given the opportunity to voice their concerns and contribute to a vision of a better corridor with improved safety and access.

The project's concept was reviewed and endorsed by the City's Bicycle and Pedestrian Advisory Committee (BPAC) on May 15, 2014. Also, staff met with representatives from Maxwell Park Neighborhood Crime Prevention Council and Mills College.

Furthermore, during the engineering design phase, staff met with Mills College staff, the Maxwell Park Neighborhood Association, and the Laurel District Association to present the revised project design required to obtain Caltrans approval. Overall the new design was well received.

The Fruitvale Alive! Gap Closure Project held two community engagement meetings during the conceptual design phase (May 2015 and May 2016) that provided the public an opportunity to supply feedback selecting from multiple conceptual designs. The community meetings were attended by a wide variety of local business owners, residents, community groups, the local business improvement district, and safety advocates. The project was also presented at the Oakland BPAC meeting in July of 2015 and November of 2020. The public reacted favorably to the cycle track design which added safety for cyclists who commute to Fruitvale BART by foot or bicycle.

## **COORDINATION**

LAMMPS and Fruitvale Alive! Gap Closure Project development, scoping and design were in coordination with the following agencies/groups:

- Caltrans
- Alameda County Transit (AC Transit)
- ACTC

The Office of the City Attorney and Oakland Public Works Department and a budget review were consulted in the preparation of this report and agreement.

### **SUSTAINABLE OPPORTUNITIES**

***Economic:*** Providing for maintenance responsibility for these projects will improve transportation conditions and make the MacArthur Boulevard and Fruitvale Avenue corridors safer, easier to navigate, and more attractive. The project improvements will enhance the efficiency and affordability of the transportation network and increase the potential for economic and housing development in the neighborhood.

***Environmental:*** Providing for maintenance responsibility for these projects will provide a safer route for bicyclists and pedestrians in the MacArthur corridor and therefore reduce the use of automotive mode of transport that causes air pollution. The project will implement the Best Management Practices for the protection of storm water runoff during construction to prevent pollutants from entering the storm drain systems.

***Race and Equity:*** Providing for maintenance responsibility for these projects is intended to provide maximum mobility for those without access to vehicles by improving the bicycle and pedestrian infrastructure, including the Americans with Disabilities Act accessibility.

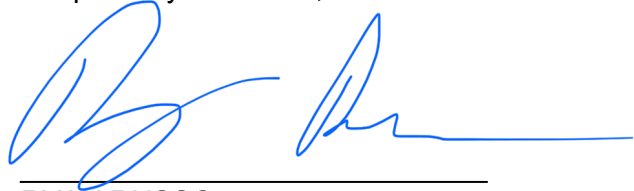
### **ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends That The City Council Adopt A Resolution:

- 1) City Administrator To Execute The Maintenance Agreement Between The City And California Department Of Transportation (Caltrans) For The Laurel Access To Mills, Maxwell Park And Seminary (LAMMPS) Project As Part Of The Terms Of The Caltrans Encroachment Permit No. 0416-NMC 1563 Required For Construction Underneath The Macarthur Boulevard Undercrossing (Bridge No. 33-316); AND
- 2) A Resolution Authorizing City Administrator To Execute The Maintenance Agreement Between The City And California Department Of Transportation (Caltrans) For The Fruitvale Alive! Gap Closure Project As Part Of The Terms Of A Future Caltrans Encroachment Permit Applied For By The City.

For questions regarding this report, please contact Chris Diano, P.E., Civil Engineer.

Respectfully submitted,



RYAN RUSSO  
Director, Department of Transportation

Reviewed by:  
Fred Kelly, Assistant Director  
Department of Transportation

Reviewed by:  
Sarah Fine, Acting Division Manager  
Great Streets Division

Reviewed by:  
Si Lau, P.E., T.E., Supervising Civil Engineer  
Complete Streets Design

Prepared by:  
Chris Diano P.E. Civil Engineer  
Complete Streets Design

*Attachments (4):*

- A: DOT Maintenance Agreement for LAMMPS*
- B: DOT Maintenance Agreement for Fruitvale Alive! Gap Closure Project*
- C: Caltrans Maintenance Agreement Dated November 24, 1964*
- D: Caltrans Maintenance Agreement Dated December 22, 1958 to Amend Agreement from October 4, 1949.*

