



AGENDA REPORT


TO: Jestin D. Johnson
City Administrator

FROM: Josh Rowan
Director, Department of
Transportation

SUBJECT: Maintenance Agreements between
the City and Caltrans

DATE: September 30, 2025

City Administrator Approval


Jestin Johnson (Sep 23, 2025 17:15:29 PDT)

Date: 09/23/2025

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator To Negotiate And Execute Maintenance Agreements And Related Amendments Between The City And California Department Of Transportation (Caltrans); And Making California Environmental Quality Act (CEQA) Findings.

EXECUTIVE SUMMARY

The City of Oakland (City) maintains 830 miles of City streets, including numerous street segments that overlap with the California Department of Transportation's (Caltrans) right of way. Where City facilities overlap with Caltrans right of way, the City and Caltrans must negotiate and enter into maintenance agreements that specify the responsibility for maintaining facilities in Caltrans right of way and the shared costs of maintaining these facilities, as needed. Many of these maintenance agreements between the City and Caltrans date back to the 1960s or earlier and require updating to reflect current conditions and standards.

When the City needs to perform construction or maintenance work on local streets within Caltrans's right of way, the City must request a Caltrans encroachment permit before performing that work. Routine maintenance activities such as street sweeping, minor repairs, or vegetation management typically do not require permits but may still be governed by existing maintenance agreements. As a condition of issuing encroachment permits, Caltrans requires the City to execute or amend a maintenance agreement with Caltrans prior to entering Caltrans's right of way.

This item does not approve any specific construction or maintenance work, nor any agreement that would involve the expenditure, acceptance, or appropriation of funds. Future, project-specific actions within Caltrans right-of-way will continue to require Caltrans encroachment permits under the Streets and Highways Code and will undergo separate CEQA determinations as appropriate.

To reduce the administrative burden, minimize delays, and streamline the approval process to negotiate and execute a new maintenance agreement or amend an existing maintenance agreement with Caltrans, staff recommends that the City Council authorize the City Administrator to negotiate and execute maintenance agreements between the City and Caltrans.

BACKGROUND / LEGISLATIVE HISTORY

Most existing maintenance agreements between the City of Oakland and Caltrans were established during the construction of freeways or other Caltrans facilities in Oakland. Over the decades, staff have periodically brought forward new maintenance agreements and/or amendments as requested and required by Caltrans, often in connection with construction projects that modify underlying infrastructure, such as the West Grand Avenue repaving project that added new bike lanes or the soon to be completed 14th Street Safety Project that is adding new bike lanes, intersection protection and bus stop improvements.

Encroachment permits are required for construction projects occurring within Caltrans' right of way. City staff must apply for the encroachment permit to obtain permission to perform work in Caltrans' right of way. Caltrans' conducts an extensive review and provides detailed comments on the proposed work as part of their permit evaluation process. As a condition of approving encroachment permits for capital projects in Caltrans' right of way, Caltrans requires the City to execute or amend maintenance agreements to document ongoing maintenance responsibilities resulting from the construction activities. The City cannot initiate construction without an approved encroachment permit from Caltrans.

In November 2021, the City Council approved Resolution [88897 C.M.S.](#), authorizing the City Administrator to execute amendments to maintenance agreements between the City and Caltrans related to bikeway infrastructure. Approving this new resolution would expand the authority of the City Administrator to negotiate and execute new maintenance agreements and amendments for other types of projects.

Pursuant to Oakland Charter Article V, Section 504(I), when directed by the City Council, the City Administrator may represent the City in intergovernmental relations and negotiate contracts for joint governmental actions, subject to Council approval. This item provides such direction and defines limits to that delegation

ANALYSIS AND POLICY ALTERNATIVES

The City of Oakland currently requires individual City Council review and approval for each Caltrans maintenance agreement and amendment. This process adds several months to each capital project, delivering improvements to local roads within Caltrans' right of way. In contrast, most local jurisdictions in California authorize their city administrator or city manager to negotiate and execute these agreements without council or board approval for each agreement.

The recommended policy action, outlined in the resolution, would continue the City's priority to maintain vibrant, sustainable infrastructure by authorizing the City Administrator to negotiate and execute maintenance agreements and amendments to existing maintenance agreements between the City and Caltrans. If approved, this resolution would result in the reduction of

project timelines for projects requiring a Caltrans encroachment permit by three or more months.

Approval of this resolution aligns with state best practices and improves administrative efficiency, while maintaining appropriate oversight. All maintenance agreements between the City and Caltrans will continue to be reviewed by the Finance Department, Office of the City Attorney, and Department of Transportation prior to approval by the City Administrator's Office. To provide transparency and document the impacts of this resolution, this resolution also directs the City Administrator to provide an annual report to the City Council summarizing all maintenance agreements executed under this authorization.

The authorization is limited to Caltrans pre-approved maintenance agreements, which include the following maintenance agreement types:

- Freeway Maintenance Agreement
- Electrical Maintenance Agreement
- Landscape Maintenance Agreement
- Project Specific Maintenance Agreement

See **Attachment A** for a copy of Chapter 13 of the Caltrans PDPM that lists the types of pre-approved Caltrans maintenance agreements and **Attachment B** for an example template Caltrans uses for maintenance agreements. Depending on the work to be performed and the responsibilities to record, any of these maintenance agreements may be required as a condition for the approval of a Caltrans encroachment permit. All other maintenance agreements outside these standard Caltrans maintenance agreement types and any agreement related to the acceptance or appropriation of funds would continue to require individual City Council approval.

If this resolution is not approved, staff would continue to seek City Council approval of each maintenance agreement. This legislative process lengthens project delivery schedules, which in turn may delay construction, increase construction costs, and risk grant funding expiration.

FISCAL IMPACT

There is no significant fiscal impact to executing the maintenance agreements other than the standard cost of maintaining City streets within Caltrans right of way. The ongoing maintenance costs for the new infrastructure, once completed, will be included in future operations and maintenance budgets to be considered as part of the City's biennial budget process.

This authorization does not cover "delegated maintenance agreements", through which Caltrans or the City delegates responsibility to the other entity and establishes funding transfers to perform such maintenance. City Council approval is required to execute delegated maintenance agreements involving the expenditure, acceptance, or appropriation of funds.

PUBLIC OUTREACH / INTEREST

Each specific construction project is subject to its own separate public outreach. No public outreach other than public noticing requirements for the City Council meeting is required for this item.

COORDINATION

This report and legislation were reviewed by the Finance Department, the Office of the City Attorney, and the Oakland Department of Transportation.

SUSTAINABLE OPPORTUNITIES

Economic: This resolution will ensure that planned improvements and maintenance of Oakland roadways can continue without delay, reducing the likelihood of construction cost escalation, contractor delay claims, and loss of project delivery grant funds.

Environmental: There are no environmental opportunities associated with this resolution.

Race & Equity: There are no racial equity opportunities associated with this resolution.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The delegation/authorization in this action is not a project under CEQA because it comprises organizational or administrative activities that will not result in direct or indirect physical changes in the environment (Guidelines § 15378(b)(5)). Alternatively, it is exempt under the common-sense exemption (Guidelines § 15061(b)(3)) because it can be seen with certainty that authorizing staff to negotiate/execute certain agreements, by itself, has no possibility of a significant environmental effect.

Future project-specific agreements executed under this delegation will undergo separate CEQA review based on the actual scope. Where applicable, categorical or statutory exemptions—such as § 15301(c) (existing highways/streets), § 15302(c), § 15303(d), § 15304(h) (bike lanes), or PRC § 21080.25(b) (pedestrian/bicycle/transit prioritization in right-of-way)—may be used on a case-by-case basis, and a Notice of Exemption will be filed when appropriate.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator To Negotiate And Execute Maintenance Agreements And Related Amendments Between The City And California Department Of Transportation (Caltrans); And Making California Environmental Quality Act (CEQA) Findings.

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

Respectfully submitted,



[Josh Rowan \(Sep 18, 2025 14:37:22 PDT\)](#)

JOSH ROWAN
Director, Department of Transportation

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Jamie Parks, Assistant Director

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Attachments:

Attachment A: Caltrans Project Development Procedures Manual, Chapter 13
Attachment B: Caltrans Maintenance Agreement Example Template