



# AGENDA REPORT


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

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

**SUBJECT:** MTC Park-n-Ride Lots Under I-880 at  
High St and Fruitvale Ave

**DATE:** September 20, 2021

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City Administrator Approval 

Date: Oct 7, 2021

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## **RECOMMENDATION**

**Staff Recommends That The City Council:**

- (1) Adopt A Resolution Authorizing The City Administrator To Finalize And Execute An Amendment To The Maintenance Agreement With The State Of California, Department Of Transportation For Interstate-880 At High Street And Fruitvale Avenue And Adopting Appropriate California Environmental Quality Act (CEQA) Findings; And**
- (2) Adopt A Resolution Authorizing The City Administrator To Finalize and Execute An Agreement With The Metropolitan Transportation Commission (MTC) For The City To Provide Parking Enforcement Services In Support Of The MTC Managed Commuter Parking-And-Ride Facilities Under Interstate-880 At High Street And At Fruitvale Avenue And Adopting Appropriate California Environmental Quality Act (CEQA) Findings.**

## **EXECUTIVE SUMMARY**

In 2017, the State of California, Department of Transportation (Caltrans) and the Metropolitan Transportation Commission (MTC) signed an agreement that authorized MTC to construct, operate and maintain certain commuter parking facilities, including the “park-and-ride” facilities at the Interstate-880 (I-880)/High Street and Interstate-880/Fruitvale Avenue interchanges (Commuter Parking Facilities), to provide more opportunities for commuters to take transit or share rides in carpools. Supporting connections to transit and shared rides such as carpools is critical to actualizing the City’s goals of reducing greenhouse gas emissions and increasing multimodal travel, particularly in communities near these lots that are disproportionately impacted by vehicle and freeway pollution. Construction of the Commuter Parking Facilities is now complete.

City Council  
October 19, 2021

Caltrans owns the right-of-way in the City of Oakland (City) under I-880. Caltrans is responsible for maintaining freeway undercrossing areas and providing efficient operation of freeway interchanges, including ramp connections to local streets and roads. While Caltrans is responsible for this maintenance, the City's Maintenance Agreement with Caltrans designates the City as the authority to maintain certain City roadway sections under the freeway, including the traveled way, shoulders, curbs, sidewalks, landscaped areas, wall surfaces, drainage installations, lighting installations and traffic service facilities.

Staff is requesting City Council authority to amend the City's Maintenance Agreement with Caltrans to include the improvements made for the Commuter Parking Facilities.

Additionally, MTC will be responsible for operating and maintaining the newly constructed park-and-ride facilities on a pilot basis for a period of three years. MTC desires, and City staff recommends, that the City Council authorize the City Administrator to enter into an agreement with MTC to provide parking enforcement, citation issuance, citation processing, and administrative review services for parking control of the new facilities. The City will leverage its existing Parking Enforcement resources to issue citations and receive the fines and penalties collected, handle motorist inquiries, and adjudicate all citation protests and appeals consistent with City parking fines, applicable law and consistent with MTC Commuter Parking Facility Regulations. The City will retain all revenues from citation fines and fees, which is expected to more than cover the cost of providing the enforcement services for MTC.

Staff is requesting City Council authority to enter into a Parking Enforcement Services Agreement with MTC.

### **BACKGROUND/LEGISLATIVE HISTORY**

Beginning in 1949, Freeway Maintenance Agreements were executed between the City and Caltrans and articulating City responsibilities for these areas, including the southern border of the City to High Street and from High Street to Oak Street.

In 1958, City responsibilities specifically relating to the High Street and Fruitvale Avenue interchanges were further identified resulting in an amendment to the original agreement.

In 1996, City Council adopted a resolution supporting public transit and alternative modes, known as Oakland's Transit First Policy (Resolution No. 73036 CMS). This policy favors transit and alternative modes over private vehicles to reduce congestion and improve air quality, improve safety for people walking and bicycling, decrease parking demand, reduce individual transportation costs, and provide a balanced transportation system that supports many modes, making communities more livable.

In 2008 and 2013, Freeway Maintenance Agreements with Caltrans were executed wherein the City consented to certain adjustments of the local street and road system, and maintenance responsibilities required on completion of the development of I-880 within the jurisdictional limits of the City for areas including the interchanges at High Street and Fruitvale Avenue.

In December 2016, MTC approved \$40 million in funding to deliver a suite of operational, transit and shared mobility improvements to move more people in fewer cars across the San Francisco-Oakland Bay Bridge, the most congested corridor in the region (Resolution MTC Resolution No. 3801 Revised and No. 4202 Revised).

In November 2017, Caltrans and MTC signed a Master Operation and Maintenance Agreement for Commuter Parking/Transit Hub facilities, which authorized MTC to construct, operate and maintain Commuter Parking Facilities, including two locations in the City at the I-880/High Street and I-880/Fruitvale Avenue interchanges.

### **ANALYSIS AND POLICY ALTERNATIVES**

Originally projected to open in Summer 2020, the two Commuter Parking Facilities take advantage of unused air rights at the I-880/High Street and I-880/Fruitvale Avenue interchanges. Combined, the park-and-ride facilities will have approximately 550 vehicle parking spaces. The facilities will include “metered” commuter parking, new transit bus stops, loading areas for carpools/shuttles, bicycle storage, and electric vehicle (EV) chargers. AC Transit will also introduce a pilot Transbay Express Y line to serve both the Commuter Parking Facilities.

The operation of the Commuter Parking Facilities will include several elements focused on innovative applications of technology and emerging best practices, including mobile parking payment, the ability to check parking space vacancy/occupancy information online or via mobile phone app prior to arrival, local municipal parking enforcement, on-site parking lot attendants, and on-site bicycle lockers.

On July 24, 2019 Caltrans approved general rules, prohibited uses and parking regulations for these facilities. On September 25, 2019, MTC adopted Resolution No. 4390 establishing the Commuter Parking Facility Regulations for the parking facilities, including those located at I-880/High Street and I-880/Fruitvale Avenue, in accordance with the California Vehicle Code, and resolved that the violation of the Commuter Parking Facility Regulations shall constitute an offense or conviction punishable as an infraction under the provisions of California Vehicle Code section 42001 or any other appropriate provision of law. Vehicles improperly parked may be removed or towed away at the owner's expense, as provided by Vehicle Code sections 22519 and 22651 or any other applicable provision of law.

### **Amending The City's Maintenance Agreement With Caltrans For Undercrossing**

Caltrans owns the right-of-way in the City under I-880 at High Street and under I-880 at Fruitvale Avenue. Caltrans is responsible to maintain freeway undercrossing, and provide efficient operation of freeway interchanges, including ramp connections to local streets and roads. Those portions of the freeway right of way under-crossings and adjacent areas that are part of the freeway proper remain the responsibility of Caltrans.

Since 1948, a Maintenance Agreement between the City and Caltrans has been in place. That agreement has been amended from time to time to show project specific developments or to

designate City responsibilities for maintaining roadway sections, shoulders, curbs, sidewalks, wall surfaces, drainage installations, lighting installations and traffic service. The proposed amendment to the City's Maintenance Agreement with Caltrans identifies maintenance responsibilities for improvements to separation structures and landscaped areas lying within the modified freeway limits and surrounding area of the Commuter Parking Facilities. The City continues to maintain the roadway sections, including the traveled way, shoulders, curbs, sidewalks, wall surfaces, drainage installations, lighting installations and traffic service facilities that may be required for the benefit or control of traffic using that undercrossing. The City has been and will continue to be responsible for debris removal, cleaning and painting to keep any wall structure free of debris, dirt, and graffiti and the areas between the commuter parking fence areas and the local roads as shown in the exhibits to the resolution. The City is responsible for the maintenance of any plantings or other types of roadside development lying outside of the area reserved for exclusive freeway use.

Staff is recommending that Council authorize the City Administrator to amend its agreement with Caltrans by adopting a resolution that incorporates Exhibit A, showing the improvements at Interstate-800 and High Street, and Exhibit B, showing the improvements at Interstate-800 and Fruitvale Avenue (see **Attachment 1**, Exhibit A and Exhibit B). Beyond these exhibits, there is no policy change as a result of the proposed amendment to the Caltrans maintenance agreement.

There is no practical alternative to this recommendation, as the City is already obligated under its existing agreement with Caltrans to provide maintenance services and this amendment merely documents the new improvements.

### **Proposed Agreement with MTC**

MTC and Caltrans entered into a Master Operation and Maintenance Agreement for Commuter Parking/Transit Hub facilities within the State Highway right of way in November 2017.

The goals of the 2017 Master Operation and Maintenance Agreement for Commuter Parking/Transit Hub facilities between Caltrans and MTC are to:

- move more people in fewer vehicles, leveraging underutilized Caltrans airspaces;
- provide opportunities for commuters to park and to share rides (in transit and carpools);
- maximize parking lot utilization; and
- provide a convenient user experience, whether the user drives, walks or bikes to the facilities.

The Commuter Parking Facilities will have designated curb space for carpool pick-ups and drop-offs and bicycle lockers. The carpool loading zones can accommodate casual carpool, organized carpool, and other ridesharing services. Parking occupancy detection technology, which is used at other parking facilities, most commonly parking garages, will be installed at the commuter parking facilities and users can check parking occupancy online or by smartphones.

Under the November 2017 Master Operation and Maintenance Agreement for Commuter Parking/Transit Hub facilities, MTC and its subcontractor are responsible for operating and

maintaining the Commuter Parking Facilities. MTC requires or will require a third-party contractor to provide on-site staffing, management, and parking operations for the two parking facilities at the High St and Fruitvale interchanges. This work includes providing customer service and maintaining the parking facilities.

MTC desires to hire the City to provide parking enforcement, citation issuance, citation processing, and administrative review services for parking control for Commuter Parking Facilities located at I-880/High Street and 1-880/Fruitvale Avenue.

The City currently issues parking citations utilizing an automated information system that relies on electronic parking payment information to determine whether vehicles have paid a parking fee. The City would provide parking patrol services for MTC with respect to the Commuter Parking Facilities at the I-880/High Street and I-880/Fruitvale Avenue interchanges by expanding its regular patrol coverage area to the above parking lots to enforce all applicable parking laws and regulations by issuing parking citations. MTC would provide the City with information, provided by a mobile payment vendor under contract with MTC, in a format compatible with the City's electronic citation management system, to determine which vehicles have not paid the required parking fee. Under the terms of the proposed agreement, the City would issue, process and adjudicate citations issued. The City would receive the fines and penalties collected, handle motorist inquiries, and adjudicate all citation protests and appeals consistent with City parking fines and according MTC Commuter Parking Facility Regulations and any other applicable law. In providing such parking and enforcement related activities the City would be acting as an "issuing agency" and a "processing agency" as set out in California Vehicle Code Section 40200.

This pilot project is an opportunity for the City to provide parking enforcement services leveraging technologies that allow staff to implement similar permit/automated license plate readers (ALPR) operations elsewhere in the City. Recognizing that a number of the recommendations in the report involve the use of new technologies, including ALPR, and mobile pay-by-plate, staff completed work with the City's Privacy Advisory Commission in an effort to develop allowable uses that protect privacy while supporting the development of smart, data-driven parking programs.

Supporting these facilities through the City's Parking Enforcement Unit and authority would support the City's Transit-First Policy (Resolution No. 73036 CMS), Parking Principles (Resolution No. 84664 CMS), Complete Streets Policy (Resolution No. 84204 CMS), and Equitable Climate Action Plan (Resolution No. 84126 C.M.S.). These park-and-ride facilities will support the City's Transit-First Policy by supporting seamless connections on to transit and shared modes like carpools with safe, convenient, and comfortable parking facilities. By providing a positive and convenient parking option for commuters, supporting these facilities also encourage the use of off-street parking lots, instead of unrestricted on-street parking near transit stations and stops, such as near the new AC Transit Transbay Express Y Line. Lastly, because these facilities promote sustainable modes of transportation like carpooling and transit, supporting these facilities help the City to accomplish goals, such as those presented in the Equitable Climate Action Plan and Complete Streets Policy, to reduce greenhouse gas emissions, increase multimodal travel, and make Oakland more livable.

For these reasons, staff is recommending that City Council authorize the City Administrator to finalize and execute an agreement with MTC (see **Attachment 2**).

Alternatively, City Council may direct staff to withdraw its offer to provide parking enforcement services at the park-n-ride facilities. Doing so would undermine MTC's ability to effectively manage use of the facilities and deprive the City of potential revenue and the opportunity to develop its capacity to provide parking management services both on-street and off-street.

### **FISCAL IMPACT**

With MTC's completion of construction for the Commuter Parking Facilities a, the City resumes prior responsibilities as per the existing maintenance agreements with Caltrans.

The maintenance agreement with Caltrans clarifies and continues existing agreements with Caltrans and is projected to have no fiscal impact. The cost of installation, operation, maintenance, repairs, replacement and energy costs of safety lighting, traffic signals or other necessary electrically operated traffic control devices placed at interchanges of the I-880 Freeway and City streets and roads and at ramp connections and City facilities shall be shared by Caltrans and the City as shown in Exhibit B. Said cost shall be paid by Caltrans and the City shall reimburse Caltrans their agreed upon share.

The City currently provides parking patrol services near the I-880/High Street and I-880/Fruitvale Avenue interchanges. The City will enforce all applicable parking laws and regulations at the Commuter Parking Facilities by expanding its regular patrol coverage area to the above parking lots and by issuing parking citations. As per the proposed Parking Enforcement and Citation Management Services Agreement, Oakland will keep all citation revenue generated from enforcement of parking payment.

The Commuter Parking Facilities are pilot projects, and as such, there is no historical data with which to estimate parking citation revenue. The City will not incur any additional expenses, no additional cash outlays and can leverage the investment that the City has already made into ALPR systems. This pilot project serves as an opportunity to test the City's capacity to provide parking management services, and enforcement in particular, for non-City owned facilities. The enforcement activities are expected to produce a small amount of revenue from citations, which should more than off-set the cost of resources applied to these enforcement activities. For example, if there are few violations, it will take a minimum amount of time for the facilities to be patrolled; if there are many violations, the time spent issuing them will generate additional citation revenue.

### **PUBLIC OUTREACH / INTEREST**

In February 2017, MTC conducted an online survey targeted at residents within 10 miles of each parking lot to understand current commuting behavior and gauge user interest of the Commuter Parking Facilities. Most of the respondents live within 5 miles of at least one of the Commuter Parking Facilities, with 72% of respondents indicating that they would use one of the

Commuter Parking Facilities (note: the survey asked about three lots: I-880/High Street, I-880/Fruitvale Avenue, and I-80/Buchanan Street in Albany). The most convenient and popular lot for respondents is the Fruitvale lot (41% live within 5 miles, 30% would use), followed by the High Street lot (34% live within 5 miles, 25% would use).

MTC will launch a public outreach campaign once the lots are operational. MTC is currently coordinating with Bay Area employers to let them know that the lots are available for shuttle use and will engage an outreach consultant to raise awareness and build usage of the commuter parking lots. MTC plans to engage the casual carpool community, using websites and social media. MTC's public outreach campaign will also encourage carpooling and ridesharing apps and services (such as Waze), which can use the Commuter Parking Facilities for pick-ups/drop-offs.

### **COORDINATION**

The design and construction of the Commuter Parking Facilities was done in coordination and compliance with Caltrans and the City's Planning Department and Department of Public Works permitting processes.

Permitting agencies included Caltrans and the City. The planning and design were conducted in partnership with Caltrans, AC Transit, WestCat and Water Emergency Transit Agency (WETA). MTC has worked with AC Transit to provide new Transbay bus service at the Commuter Parking Facilities.

In planning and designing the Commuter Parking Facilities MTC consulted with coordinated with the City Department of Transportation including Planning and Project Development team and the Bicycle and Pedestrian Facilities program. Further coordination is underway with Department of Transportation staff meeting to discuss how to support bicycle access to the lots (i.e. safety improvements, bike lanes). MTC, in partnership with the City and the Unity Council, is funding a "quick-build" project that will identify bicycle safety projects that could be installed around the Fruitvale lot. Additionally, MTC and Oakland staff plan to identify sites around the lots that could accommodate shared mobility services, such as scooters and bike share.

In 2019, the Privacy Advisory Commission (PAC) approved a proposed use policy and anticipated impact report for vehicle-mounted ALPR for parking management and enforcement purposes. Staff are continuing to work with the PAC to monitor and report on the City's use of ALPR, ensuring compliance with the City's Surveillance Technology Ordinance.

The Department of Transportation consulted with the Oakland Public Works, Real Estate Services Division, the Budget Office and the City Attorney's Office in the development of this legislation. The office of the City Attorney and the Controller's Bureau have reviewed this report and resolutions.

## **SUSTAINABLE OPPORTUNITIES**

***Economic:*** Parking enforcement activities will produce a small amount of revenue from citations and parking tax. Management of the Commuter Parking Facilities may be subject to payroll taxes and business license fees and may provide new jobs in Oakland.

***Environmental:*** The Commuter Parking Facilities will provide opportunities for people to use shared use transportation modes to provide more people commuting in fewer vehicles which will reduce congestion, vehicle miles traveled, and greenhouse gas emissions.

***Race and Equity:*** Availability of parking and the convenience of easy access to pick-up and drop off passengers encourages commuting and ride sharing. The Commuter Parking Facilities will add to the surrounding community additional transportation options into San Francisco including new transit service, casual carpools, bicycle storage and employee shuttles. New AC Transit Transbay service will serve the parking facilities at both the High St. and Fruitvale Ave. interchanges. There is currently no Transbay service in the area. MTC will be conducting outreach efforts to help ensure the parking facilities add value to this historically underserved area.

## **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

MTC filed a Notice of Exemption to the Alameda County clerk on December 21, 2017, which had determined that there is a need to reduce the number of cars on the road and increase person throughput by promoting carpooling, vanpooling, and express bus ridership through commuter parking facilities. The project will potentially also promote the use of carpooling apps and express buses to bring commuters to their destinations via High-Occupancy Vehicle (HOV) lanes, thus moving large numbers of people through congested urban areas.

The recommended Resolutions are exempt from the environmental analysis requirements of CEQA under CEQA Guidelines section 15061 (b)(3) (Common Sense Exemption) because the only potential physical effect on the environment that could foreseeably result from their implementation is a reduction in environmental impacts associated with vehicle traffic including, but not limited to, traffic congestion and greenhouse gas emissions. The project would have no potential to have significant environmental effects. Avoidance and minimization measures have been incorporated into the project to inhibit environmental impacts from occurring as a result of the project. Additionally, some of the recommendations are also exempt under CEQA Guidelines section 15301 (c), which exempts operation, repair, or minor alteration of existing facilities.



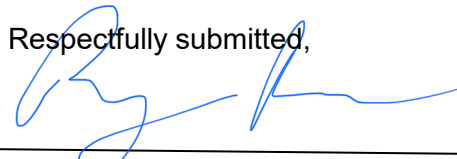
**ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends That The City Council:

- (1) Adopt A Resolution Authorizing The City Administrator To Finalize And Execute An Amendment To The Maintenance Agreement With The State Of California, Department Of Transportation For Interstate-880 At High Street And Fruitvale Avenue And Adopting Appropriate California Environmental Quality Act (CEQA) Findings; And
- (2) Adopt A Resolution Authorizing The City Administrator To Finalize and Execute An Agreement With The Metropolitan Transportation Commission (MTC) For The City To Provide Parking Enforcement Services In Support Of The MTC Managed Commuter Parking-And-Ride Facilities Under Interstate-880 At High Street And At Fruitvale Avenue And Adopting Appropriate California Environmental Quality Act (CEQA) Findings.

For questions regarding this report, please contact Michael Ford, Parking & Mobility Division, at 510-238-7670.

Respectfully submitted,



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RYAN RUSSO  
Director, Department of Transportation

Reviewed by:

Fred Kelley, PTP  
Assistant Director

Prepared by:

Michael P. Ford, Ph.D.  
Parking and Mobility Division  
Manager

Attachments (2):

1. Exhibit A and Exhibit B to Caltrans Maintenance Agreement resolution
2. Draft Parking Enforcement Agreement

