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2015 SEP 17 PM 12:49

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Joe DeVries
Assistant to the City
Administrator

SUBJECT: Caltrans Annual Progress Report

DATE: September 4, 2015

City Administrator Approval

Date:

8
9/17/15

RECOMMENDATION

Staff recommends that the City Council:

Accept this Annual Progress Report on Caltrans Maintenance Activities in the City Of Oakland.

EXECUTIVE SUMMARY

Attached is a letter from Bijan Sartipi, District Director of the California Department of Transportation (Caltrans) that serve as Caltrans' Annual Progress Report for fiscal year FY2013-14. (**Attachment A**) This report provides further analysis of the work performed and challenges faced in FY2013-14.

BACKGROUND / LEGISLATIVE HISTORY

On January 11, 2006, as a result of a public nuisance action filed by the City of Oakland (City), The California Department of Transportation signed a ten-year monitoring and maintenance commitment with the City. As required under this Letter of Understanding (LOU):

- Caltrans and the City of Oakland established a joint Working Group to meet monthly to discuss, coordinate, prioritize, and strategize Caltrans cleanup activities in Oakland
- Caltrans submits monthly maintenance records of their work in Oakland
- The City and Caltrans submit semi-annual progress reports for two years and then annual reports on abatement activities in Oakland to the City Council
- Caltrans provided a comprehensive listing of all Caltrans properties in Oakland so that the information can be integrated into the City's computerized mapping system
- Lessees of Caltrans properties are being held accountable to the LOU sufficiently

From July through December of 2005, City and Caltrans representatives held informal monthly meetings to discuss projects of mutual interest. In January 2006, after the LOU was signed, this informal group became the Working Group established by the LOU. The Working Group has met monthly to foster communication and coordinate abatement of blight such as illegal

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Public Works Committee
September 29, 2015

dumping, litter, graffiti, overgrown vegetation, homeless encampments, and other fire and health safety hazards in the City.

ANALYSIS AND POLICY ALTERNATIVES

The majority of complaints regarding Caltrans property that the City receives are handled through the Public Works Call Center and automatically forwarded directly to the Caltrans Maintenance Supervisor. A copy is also sent to the Caltrans Working Group Coordinator for tracking purposes. **668 service requests** were received in calendar year 2014, the majority of which are forwarded and processed without further discussion. Service Requests of a more complex nature that may require a multi-agency response or where there are jurisdictional questions are often discussed at the Working Group. The Caltrans Working Group monthly meetings are attended by representatives from Caltrans, Oakland Public Works, Oakland Police Department, Human Services Department, and the Oakland Fire Department. The meetings are an opportunity to discuss complex issues that require a greater level of effort to resolve than the standard call center request. As a result of the LOU and Working Group, joint inspections, cleanups, and resolution of a variety of issues have been performed more quickly and effectively.

In addition to City and Caltrans representatives who attend the monthly meetings, several outside agencies are sent agendas and attend the monthly meetings. During FY 2013-14 attendees included representatives from the Bay Area Rapid Transit District (BART), State Assembly Member Rob Bonta’s Office, and Alameda County. Issues are forwarded to the Working Group from various City agencies, OPW’s Call Center, and the attendees themselves, and are included in the agendas and discussed at the meetings. Between meetings, attendees resolve agenda items such as homeless encampments, ownership clarification, fire prevention, signage, illegal dumping and graffiti through coordinated efforts.

The table below highlights the accomplishments described in the attached Annual Progress Report from Caltrans for July 2013 through June 2014, as well as those of previous years dating back to the beginning of the agreement.

Task	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
Rights-of-way swept (miles)	1,934	4,079	3,993	2,082	2,032	3,017	4,196	3,942
Overgrown vegetation removed (acres)	155.75	110.45	76.75	107.9	74.16	92.25	230	76
Graffiti removed (square feet)	126,757	153,045	241,647	230,174	278,702	361,061	339,985	563,558
Fences repaired (linear feet)	5,811	3,167	3,712	2,210	2,343	3,105	3,233	5,134

Homeless camps removed	446	723	812	336	443	572	687	1030
Adopt-a-Highway (litter bags collected)	1,957	2,080	2,534	1,822	817	626	866	1536
Cubic yards of illegal dumping removed*								992

* This is a new category added this reporting year.

As noted in **Attachment A**, Caltrans has calculated the cost of these programs in Oakland for FY2013-14 to be \$1,703,157, an increase of \$150,269 over FY2012-13 spending which totaled \$1,552,888.

One area where Caltrans' efforts *decreased* was in vegetation management, but this is due to a spike in FY2012-13 when Caltrans more than doubled the total number of acres of overgrowth removed. This spike was part of an enhanced collaboration with OFD staff in the Highway 13 and 24 corridors. Once that effort was completed, the maintenance effort reflects a return to more typical acres covered.

Ongoing Challenges

Homeless Encampments

Homeless encampments throughout the City have increased and City and Caltrans team members have worked together to better coordinate removal efforts over the past three years. Oakland Public Works crews and OPD meet Caltrans crews at various times for their scheduled clean-ups to prevent the encampment dwellers from simply moving all of their belongings onto City streets and to prevent them from returning to the Caltrans property via threat of enforcement action. Because the California Highway Patrol has very few officers assigned to enforce the no trespassing laws on state property, Caltrans has signed "No Trespassing" warrants with OPD to allow the police to take enforcement action on Caltrans property in their place.

This model has limited success in targeted areas when OPD conducts follow-up enforcement activity in the days immediately following the scheduled clean-ups. However, in the past year, many encampments have become so large that Caltrans and the City have not been effective at removing them. Where encampments have been allowed to remain for extended periods, the initial effort at removing them is much more difficult because the population has amassed a larger amount of material such as make-shift shelters, shopping carts, scrap metal, and buckets of waste. Also, the enforcement efforts have limitations based on officer availability and a lack of prioritization of trespassing infractions by the courts. The California Highway Patrol (CHP) Officers have indicated that they have cited several individuals multiple times for trespassing

and had bench warrants issued for those individuals failing to appear in court. However, the individuals know there are no real consequences to returning to the same area.

Land Use

State law prevents any local jurisdiction from regulating what activity Caltrans conducts on its own property, but the LOU allows the City to regulate what Caltrans' lessees do. As a standard, Caltrans would like to lease as much of their unused property as possible to third parties because the tenant is then responsible for ongoing maintenance and the property then generates revenue. As long as the use fits with the neighborhood and is permitted under Oakland's land use laws, the City supports that policy. Caltrans sends a leasing agent to the Working Group meetings on an occasional basis to discuss the leasing of property owned by Caltrans in Oakland, but there have still been some past conflicts where lots were leased for uses that violated the City's Zoning. A better collaboration needs to be developed to ensure the Caltrans lots are being used for the highest, best use for the neighborhood.

Other Interagency Collaboration

Union Pacific Railroad

Similar to Caltrans' LOU, Union Pacific Railroad (UPRR) has a Memorandum of Understanding with the City which requires them to maintain their property in Oakland. Formal meetings with UPRR are held at least twice a year to discuss engineering and track removal projects, as well as maintenance. Daily maintenance concerns are relayed to UPRR from City agencies and the Public Works Call Center, and followed up as necessary.

This collaboration has resulted in UPRR adding additional fencing to protect their right-of-ways from illegal dumping in the past year and a greater level of communication between the two entities. Recently, UPRR and the City worked together to redesign the Fruitvale Avenue crossing to improve safety and will be seeking grant funding to do similar redesigns at other crossings that UPRR and the Public Utilities Commission consider to be priorities.

Union Pacific Railroad representatives have indicated an interest in removing the old, unused tracks that run along 18th Street in West Oakland and have met on site with City staff to scope the project. It is anticipated that this effort will get underway in the next year.

UPRR has also been supportive of the City entering into a similar collaboration with other railroad companies and in looking at long range plans to remove old, unused tracks that impact neighborhoods and industrial areas of West Oakland. For example, in the summer of 2014 City staff was able to conduct a site visit of the intersection of Mandela Parkway and 26th Street where Burlington Northern San Francisco (BNSF) Railroad's crossing was damaged and a safety hazard. BNSF's response was to remove the old track completely from the intersection and restore the asphalt at no cost to the City. In exchange, the City waived permit fees, provided traffic control, and conducted the restriping. This type of assistance by the City is an effective way to use railroad resources to restore City streets and the reduced bureaucratic hurdles encourage the railroads to initiate these projects.

BART

BART sends a representative to the Caltrans Working Group meetings to address concerns raised about their property within the City. There are very few requests from the call center on an annual basis regarding BART and they are primarily due to graffiti on BART Structures. However, in some areas BART shares responsibility with Caltrans and/or Union Pacific Railroad and is faced with illegal dumping or homeless encampments. On some occasions, the City will coordinate with BART regarding homeless encampments and it has been proven by coordinating efforts between agencies, the net result is more impactful and positive for the community.

Renewal of the Letter of Understanding

The current LOU with Caltrans was for a ten year period and will need to be renewed in January of 2016. Staff encourages the renewal and recommends that new components be added to the LOU as follows:

1. A provision calling for a distinct coordination between Caltrans' Airspace Leasing and Surplus Property Staff and City Planning, Zoning, and Economic Development Staff to better plan the use of Caltrans property within the City. This would be beneficial to both agencies and the community in that City staff who are familiar with community concerns can help Caltrans identify appropriate tenants whose use will fit into the City's Specific Plans and Zoning Code.
2. A provision whereby Caltrans Construction Project managers alert and involve City Staff at the beginning stages of planning new freeway improvements and repair projects so that the two agencies can collaborate well in advance of the final design of projects to see that they take into account factors on surface streets and under the freeway that will be impacted by the project.
3. A provision allowing for a master agreement for public art and adopt-a-spot projects on Caltrans property to streamline the process and allow the City to take a greater role in the approval process. Caltrans' Public Art Staff have already indicated to the City that they will not approve any new murals on Caltrans property without a master agreement that holds the City responsible for the ongoing maintenance and a similar agreement regarding other community driven projects could be beneficial. This will encourage more neighborhood involvement and stewardship in areas where Caltrans maintenance staff cannot provide the level of service the community desires and there is a willingness of local community groups to take on more responsibility.

FISCAL IMPACT

This item is for informational purposes only and does not have a direct fiscal impact or cost.

PUBLIC OUTREACH / INTEREST

No outreach was deemed necessary for the proposed policy action beyond the standard City Council agenda noticing procedures.

COORDINATION

City of Oakland Departments that participate in the Caltrans Working Group include: Oakland Public Works, Oakland Police Department, Building Bureau, Human Services Department, and Oakland Fire Department. The City Attorney's Office and Budget Office were consulted in the preparation of this report.

SUSTAINABLE OPPORTUNITIES

Economic: The involvement of Caltrans staff in litter and debris removal and beautification will improve the physical appearance of Oakland and will help stimulate economic growth, retain business, and promote civic pride.

Environmental: Removal of dumped materials and litter will reduce the amount of debris that enters the storm drain system, polluting our creeks and waterways.

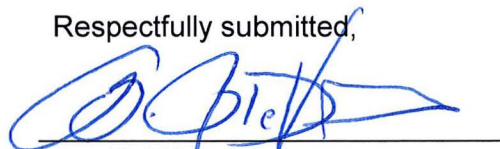
Social Equity: Enhancement of communication and coordination between the City and Caltrans will improve the appearance of Oakland and enhance the overall living conditions and safety of all Oakland residents.

ACTION REQUESTED OF THE CITY COUNCIL

Staff requests that the Council accept this annual progress report on Caltrans maintenance activities in the City Of Oakland.

For questions regarding this report, please contact Joe DeVries, Assistant to the City Administrator, at 238-3083.

Respectfully submitted,



Joe DeVries
Assistant to the City Administrator

Attachments (1):

A: Caltrans Progress Report, July 2013- June 2014

DEPARTMENT OF TRANSPORTATION

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*Serious drought.
Help save water!*

November 24, 2014

The Honorable Patricia Kernighan
City Council President
City Hall-One Frank Ogawa Plaza
Oakland, CA 94612

Dear Ms. Kernighan,

Enclosed is the annual progress report as agreed upon by the Department of Transportation (Caltrans) and the City of Oakland in the January 2006 Letter of Understanding (LOU). The report addresses maintenance activities performed by Caltrans within the City of Oakland from July 1, 2013 to June 30, 2014.

This annual progress report summarizes the State's maintenance activities including the production of work and cost expenditures. The maintenance activities include sweeping of state right of way, adopt a highway litter removal, graffiti removal, overgrown vegetation pruning, mowing, homeless encampment removal, fence repair and illegal dumping removal.

If you need any further information, please contact Nader Eshghipour, Deputy District Director of Maintenance at (510) 286-5893.

Sincerely,


BIJAN SARTIPI
District Director

Listed in the table below is a breakdown of maintenance activities from July 1, 2013 to June 30, 2014:

Activity	Production	Cost
Right of Way Swept	3,942 Miles Swept	\$458,460.20
Overgrown Vegetation	65 Acres Pruned	\$593,109.93
Mowing / Fire Break	11 Acres Mowed	\$16,361.28
Homeless Removal	1030 Sites Cleared	\$ 253,489.77
Fencing Repaired	5,134 Linear Feet	\$ 136, 033.79
Graffiti Removal	563, 558 Sq. Ft. Cleaned	\$ 152,374.13
Adopt-A-Hwy	1536 Litter Bags	\$ 20,095.50
Illegal Dumping	992 Cubic Yards	\$ 73,233.16
		Total \$ 1,703,157.76

*"Provide a safe, sustainable, integrated and efficient transportation system
to enhance California's economy and livability"*