



AGENDA REPORT

TO: Jestin D. Johnson
City Administrator

FROM: Josh Rowan
Director, Oakland
Department of
Transportation

SUBJECT: UPRR Crossing Agreements for
Fruitvale Alive! Gap Closure Project

DATE: May 22, 2025

City Administrator Approval


Jestin Johnson (Jul 1, 2025 15:43 PDT)

Date: July 1, 2025

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator To Negotiate And Execute Agreements With Union Pacific Railroad (UPRR) With Associated Construction Costs Due To UPRR In The Amount Of One Million, Five Hundred Ninety-Nine Thousand, Nine Hundred Ninety-Eight Dollars (\$1,599,998) To Facilitate Completion Of The Fruitvale Alive! Gap Closure Project, Project No. 1000724, In Accordance With California Public Utility Commission (CPUC) Regulations, For The Construction And Maintenance Of Improvements At The Following Existing At-Grade Crossings:

- **Fruitvale Avenue And East 10th Street (No. 749707C)**
- **Fruitvale Avenue And East 9th Street (No. 7496263G)**
- **Fruitvale Avenue And Elmwood Avenue (No. 749625V)**

EXECUTIVE SUMMARY

Adoption of the proposed resolution will allow the City Administrator to negotiate and execute agreements with UPRR for the subject crossing locations at mutually acceptable terms. The agreements are required for the construction of improvements at and around at-grade railroad crossings that are part of the Fruitvale Alive! Gap Closure (FAGC) project, project no. 1000724. The City Council awarded the construction contract for the FAGC project in December 2021 ([88947 C.M.S.](#)). This project implements pedestrian, bicycle, transit, and vehicular traffic safety improvements on Fruitvale Avenue between Alameda Avenue and East 12th Street.

The UPRR Agreements will delineate roles and responsibilities for UPRR and the City and outline their respective responsibilities in the construction and maintenance of improvements at and around at-grade railroad crossings as required by the CPUC. The agreement will grant temporary rights to the City to complete improvements for the FAGC project within UPRR's right-of-way. Final execution of the agreements is subject to review by the City Attorney's Office.

City Council
July 15, 2025

BACKGROUND / LEGISLATIVE HISTORY

In September 2018, the City Council authorized the acceptance of \$5.85M in Active Transportation Program (ATP) grant funds to design and construct the FAGC project ([87374 C.M.S.](#)).

In April 2020, the City engaged CPUC regarding modifications needed for active UPRR crossings as part of the FAGC project scope. This initiated a Diagnostic Meeting between the City, UPRR, and CPUC, which took place in May 2020 to determine the scope of the crossing improvements, and kicked off years of coordination between the City, UPRR, and CPUC, culminating in the proposed draft agreement that is the subject of this report. Additional crossing improvement work at and around railroad tracks to be performed by UPRR was also identified as part of the effort.

The CPUC has exclusive jurisdiction over all at-grade railroad crossings within the State of California. Improvements at existing railroad crossings require CPUC approval and authorization through the General Order (GO) 88-B process. The CPUC is in support of the proposed project improvements to be performed by the City contractor, as well as the crossing gate and signal improvements by UPRR.

In December 2021, the City Council authorized the award of the construction contract for the FAGC project to Redgwick Construction ([88947 C.M.S.](#)). Notice to Proceed (NTP) was provided to Redgwick Construction on October 31, 2022. Construction on the project outside of UPRR's right-of-way is currently ongoing. This agreement is necessary to complete the full scope of the FAGC project and allow for future maintenance to be performed by UPRR and reimbursed by the City.

ANALYSIS AND POLICY ALTERNATIVES

The FAGC project implements pedestrian, bicycle, transit, and vehicular traffic safety improvements on Fruitvale Avenue between Alameda Avenue and East 12th Street. Through coordination with CPUC and UPRR, the project team identified three railroad crossings within the project boundaries which require improvements of varying magnitude.

The Fruitvale Avenue and East 10th St. railroad crossing will consist of three vehicle travel lanes, one northbound and two southbound, as well as one bicycle lane and a pedestrian sidewalk in each direction. On a daily basis, 24 trains utilize this crossing at a maximum design speed of 79 mph. The crossing has two flashing light warning assemblies with two automatic gate arms.

The crossings at the Fruitvale Avenue/East 9th Street and Fruitvale Avenue/Elmwood Ave. intersections consist of three and two vehicle travel lanes, respectively, and a pedestrian sidewalk on one side of the street will be constructed at each crossing. On a daily basis, only two trains use these crossings, typically late at night, at a maximum speed of 10 mph. These crossings each have two flashing light warning assemblies with automatic gate arms.

The UPRR Agreement will delineate each agency's roles and responsibilities for the construction and maintenance of improvements at and around the subject crossings. Per coordination with UPRR, the agreement will include the following key topics:

- UPRR grants permission and authority to the City and/or its contractors to install street and signal improvements within the UPRR right-of-way
- City shall require its contractors performing work in the UPRR right-of-way to enter into a Right of Entry agreement with UPRR
- UPRR will be performing additional crossing improvement work at and around railroad tracks to complement the FAGC Project
- UPRR to install relays and other materials to interconnect and coordinate the operation of railroad grade crossings with the operations of the neighboring traffic signals.
- City to pay UPRR an administrative fee of \$1,025 upon execution of each UPRR agreement.
- City to reimburse 100% of UPRR's actual labor and materials costs associated with the construction of improvements by UPRR. UPRR estimates such costs to be \$817,129 for the Fruitvale Avenue/East 10th Street crossing, \$30,000 for the Fruitvale Avenue/East 9th Street Crossing, and \$592,869 for the Fruitvale Avenue/Elmwood Avenue crossing. These figures are estimates only, and UPRR will invoice the City for the actual cost of work performed.
- City to pay UPRR a one-time fee of \$160,000 associated with ongoing maintenance and upkeep of the signal interconnect facilities and grade-crossing safety devices at the three subject crossings

The intent of the nearly five-year-long coordination and permit approval process with UPRR is to integrate railroad crossing safety improvements into the FAGC project, enhancing pedestrian, bicycle, and vehicle safety at the three subject crossings. If the City is not able to enter into the C&M agreements with UPRR and implement the coordinated improvements, road users will not experience the full safety benefits of the project's complete design and associated safety improvements.

While the scope of the FAGC project is largely complete, without the UPRR permit, the City will be unable to complete the full scope of the project as currently designed. This could endanger the state and county funding sources, which fund the majority of project costs. To avoid losing these funds, a redesign and/or rescoping effort might be required, requiring further unbudgeted staff and consultant time to complete. Currently, unbudgeted local matching funds would be needed to replace the lost outside funding sources.

By allowing for the full implementation of the FAGC project that provides critical pedestrian, bicycle, transit, and vehicular traffic safety improvements along an important corridor linking Alameda, Jingle town and Fruitvale, and upgrading railroad crossing safety devices, the proposed Resolution will help advance the following Citywide priorities: holistic community safety and vibrant, sustainable infrastructure.

FISCAL IMPACT

Adoption of this proposed Resolution will allow the City Administrator to negotiate and enter into agreements with UPRR. Initial costs associated with each permit application are \$1,025. Costs for crossing improvement work to be performed by UPRR at and around the railroad tracks are

estimated to be \$817,129 for the Fruitvale Avenue/East 10th Street crossing, \$30,000 for the Fruitvale Avenue/East 9th Street crossing, and \$592,869 for the Fruitvale Avenue/Elmwood Avenue crossing. Additionally, there will be a one-time cost of \$160,000 payable to UPRR associated with ongoing annual maintenance and upkeep of the signal interconnect facilities and grade-crossing safety devices at these crossings. The expenses named above (\$1,599,998) will be covered through available funding in Project 1000724, summarized below.

Fund	Amount
Transportation Impact Fee (2420)	\$1,099,790.50
Measure BB Bicycle/Pedestrian (2219)	\$500,207.50
Total	\$1,599,998.00

PUBLIC OUTREACH / INTEREST

There was no public outreach specific to the UPRR agreement that is the subject of this report. The normal process for public notification to residents and businesses has already taken place as it relates to the scope of the entire FAGC project.

COORDINATION

Significant coordination has occurred to date among CPUC, UPRR, and the City, dating back to April 2020. Additionally, OakDOT consulted and coordinated with the City Attorney's Office and Budget Office in the writing of this report and content.

SUSTAINABLE OPPORTUNITIES

Economic: Execution of the agreement with UPRR will improve roadway user safety at the subject crossings, facilitating bicycle and pedestrian access, and improving economic activity in the Fruitvale Commercial District. This agreement will allow for the completion of the Fruitvale Alive! Gap Closure project, improving connectivity between Alameda and the core of the Fruitvale Commercial District, contributing to the Fruitvale District's growth.

Environmental: Execution of the UPRR agreement will have potential environmental benefits, in that it supports the safety of people walking and biking in the area, more sustainable transportation modes relative to traveling by private automobile.

Race & Equity: Execution of the UPRR Agreement will improve roadway user safety in the Fruitvale Commercial District, a vibrant business community serving residents of the Fruitvale, which is a High Priority Equity neighborhood of Oakland (utilizing OakDOT's Geographic Equity Toolbox: <https://www.oaklandca.gov/resources/oakdot-geographic-equity-toolbox>) – an area of the city with a higher proportion of communities of color, including the highest concentration of Latino residents in the city, and low-income residents. Fruitvale Avenue is also on Oakland's High Injury Network – the approximately 6% of streets where over 60% of severe and fatal traffic injuries are concentrated. The High Injury Network is also disproportionately

concentrated in low-income communities and communities of color, and these improvements would help improve safety along this corridor.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator To Negotiate And Execute Agreements With Union Pacific Railroad (UPRR) To Facilitate Completion Of The Fruitvale Alive! Gap Closure Project, Project No. 1000724, In Accordance With California Public Utility Commission (CPUC) Regulations, For The Construction And Maintenance Of Improvements At The Following Existing At-Grade Crossings:

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- Fruitvale Avenue And Elmwood Ave (No. 749625V)

For questions regarding this report, please contact Chase Fowler, Civil Engineer, at cfowler@oaklandca.gov.

Respectfully submitted,



Jamie Parks (Jun 24, 2025 15:08 PDT)

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City Council
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