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MEMORANDUM

TO: HONORABLE MAYOR &
CITY COUNCIL

FROM: Joe DeVries
Director, Interdepartmental
Operations

SUBJECT: Caltrans 2020 Annual Report

DATE: September 14, 2020

City Administrator
Approval

Date: September 14, 2020

INFORMATION

EXECUTIVE SUMMARY

Attached is a letter from Tony Tavares, District Director of the California Department of Transportation (Caltrans) that serves as Caltrans' Annual Progress Report for Fiscal Years (FY) 2018 and 2019 (*Attachment A*). The attachment provides the list of relevant maintenance activities and the associated dollar amounts. This memorandum provides further analysis of the work performed and collaboration during this period.

BACKGROUND / LEGISLATIVE HISTORY

On January 11, 2006, because of a public nuisance action filed by the City of Oakland (City), Caltrans 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; and
- Lessees of Caltrans properties are being held accountable to the LOU sufficiently.

The Working Group met monthly from 2006-2016 to foster communication and coordinate efforts around maintenance issues such as illegal dumping, litter, graffiti, overgrown vegetation, homeless encampments, and other fire and health safety hazards in the City.

The LOU officially expired in January of 2016, but the work continued with less frequent meetings of the Working Group, creation of a separate Land Use Working Group that meets as needed, and careful tracking of service requests electronically through Oak311.

The addition of the Land Use Working Group allowed for better 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 has been beneficial to both agencies and the community in that City staff who are familiar with community concerns help Caltrans identify appropriate tenants whose use will fit into the City's Specific Plans and Zoning Code. Also, Caltrans staff take appropriate action when the City identifies tenants that are not maintaining their property.

2019 Highlights

Below are four key areas of consideration for the 2019 reporting period: 1) Maintenance Challenges and Collaboration, 2) Homeless Encampment Management, 3) Land Use Partnerships, and 4) Vegetation Management.

Maintenance Challenges and Collaborations

For ongoing maintenance of right-of-way spaces in Oakland, Caltrans deploys a variety of crews from their Telegraph and Seminary Avenue yards, and from their San Lorenzo maintenance facilities. The maintenance work that requires higher skill levels is typically performed by full time Caltrans staff while other efforts are completed through partnerships with other agencies or outside contractors.

In 2019 Caltrans maintenance leaders identified challenges in performing maintenance operations in the Bay Area due to significant staffing shortages. The pay scale for their employees is the same throughout the state so when employees in the Bay Area get the opportunity to transfer to a more affordable region, they do so quickly because of the high cost of living here. At one point in 2019 the local team had a 39% vacancy rate. Because of these challenges, Caltrans utilizes an outside contractor to perform graffiti abatement for the region and has contracts with local providers to perform less skilled work such as litter abatement.

One of those partnerships is with the City of Oakland and the California Department of Corrections (CDCR). This project, known as Golden State Works, is a transitional employment program for recent parolees to assist them in their transition back to Oakland. Center for Employment Opportunities (CEO) facilitates the project and the Human Services Department oversees the contract. The program deploys crews who conduct litter abatement along freeways throughout the East Bay. When the grant acceptance for this program came to the City Council in 2019, questions were raised about the level of service Oakland was receiving from these contracts. The way the contracts are structured, the crews can be deployed far beyond Oakland. Staff met with Caltrans and reviewed six months of data from the crews and made a recommendation to Caltrans that they reprioritize Oakland freeways since the workers all originate out of Oakland. Caltrans agreed to do so and those crews now focus more of their attention on Oakland hot spots.

Homeless Encampment Management

Caltrans faces similar challenges as the City in managing a growing homeless population statewide. Because Caltrans is solely a transportation agency, their budget does not include funding for homeless outreach services or other interventions that would better manage encampments such as health and hygiene services. Prior to the COVID-19 Pandemic, Caltrans procedures were similar to the more traditional methods used to address encampments: they would post a 72-hour notice of removal, and then return to remove encampments entirely with assistance from the California Highway Patrol (CHP). After Caltrans leaves, the encampments quickly re-establish themselves and CHP would not return to conduct any follow-up enforcement until the next cleaning two to four weeks later.

Due to the growth of encampments statewide, labor shortages, and labor union concerns about the dangerous conditions at many of those encampments such as biohazards, Caltrans began shifting their encampment efforts to third party contractors in 2019. This transition caused a disruption in service and the reliable clean-up schedule from past years was no longer met. In the summer of 2019, significant debris accumulated at many encampments. By November, with a contract in place, more regular cleanings began to occur, but this was quickly disrupted in March 2020 due to the COVID-19 Pandemic. Similar to Oakland crews focusing on garbage removal and not closures or deep cleanings, currently Caltrans' contractor only removes garbage from the periphery of encampments on a limited schedule. Abiding by State orders, Caltrans is only scheduling more elaborate operations if there is a significant health and safety risk and with direction to work with the local jurisdiction and its providers to locate shelter and perform outreach.

The City supports Caltrans providing more outreach efforts at encampments, but does not have the resources to provide this service without support. This is an ongoing conversation City and Caltrans staff are engaged in currently to find an effective solution.

It should also be noted that in 2019, Caltrans also settled a class action lawsuit brought by unsheltered Oakland and Berkeley residents regarding Caltrans' noticing and property storage procedures. This settlement requires Caltrans to provide more consistent noticing prior to a closure operation.

Land Use Partnerships

The intent of a separate Land Use component to the collaboration with Caltrans of seeing underutilized or poorly maintained parcels develop into positive uses has seen significant gains in the past year as outlined below:

Emery-Go-Round

There is a vacant Caltrans parcel on Mandela Parkway at the Emeryville border that has long been a blight with illegal dumping, overgrown weeds, and graffiti. In 2017 City staff met with officials from the Emeryville Emery-go-round about locating their bus yard, administrative offices, and break room for staff on this parcel. The investment would require that Caltrans offer a long-term lease which requires California Transportation Commission approvals which Caltrans local staff were able to acquire.

Also, the plan needs to be compatible with the community, avoiding increasing traffic on 34th street through a residential neighborhood. Staff introduced Emery-go-round officials to the City Council team to discuss details and concerns and a design was created that keeps busses out of the neighborhood and adds landscaping, lighting, and security to the parcel. Also, the Emery-go-round team met with the West Oakland Business Alert Group about future shuttle service down Mandela Parkway to the West Oakland BART Station. As of this writing, the lease has been signed and the construction is slated to begin in late 2020. Assuming this transformation from a blighted lot to a well-maintained use is successful, the hope is that it will attract additional responsible tenants to occupy adjacent parcels in the years to come.

Emergency Shelter

In 2018, the local Caltrans leadership agreed to lease a parcel at very low cost to Oakland to open the Northgate Community Cabins. This successful effort helped encourage Assembly Member Bonta to sponsor Assembly Bill (AB) 3139 which passed and was signed into law in the fall of 2018. AB 3139 requires that Caltrans offer any adequate available lease space to the City for additional emergency shelter for a dollar a month.

The passage of AB 3139 led to the City opening its largest Community Cabin Site to date on a Caltrans parcel on Mandela Parkway in the summer of 2019. This site houses up to 78 people at a time and provides the same case management services that are available at other cabin locations. At the same time, on the Beach Street side of the property, the City opened its second Safe RV Parking site. This location provides space for up to 18 RVs.

In late 2019, the City constructed its seventh Community Cabin site on Oak Street at 5th street on Caltrans property through a shared use agreement with BART and the Metropolitan Transportation Commission that use the remainder of the parcel for employee parking.

Parking Inventory

Discussions are underway for Caltrans to provide the remaining under-freeway parcels in Jack London Square to the City's Department of Transportation to be incorporated into the City's overall parking inventory. Two of these parcels had long been leased by an under-performing parking operator that was not maintaining the area. If the current discussions that got underway in 2019 are successful, these parcels will be transformed into well maintained parking areas and provide relief in the Chinatown and Jack London areas.

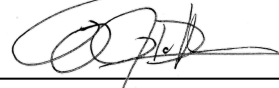
Vegetation Management

The Oakland Fire Department's Vegetation Management Unit has utilized the Caltrans Working Group to develop a close relationship with Caltrans staff and ensure that vegetation is cleared in a timely manner along Highway 13 and Highway 580. In 2019 that relationship continued and Caltrans investments in the effort tops \$1.5 million. Keeping these roadways clear of vegetation has been critical in preventing wildfires. Due to the relationship, Caltrans crews are deployed earlier in the year to address problem spots quickly.

Conclusion

The relationship between City and Caltrans staff has been well maintained by the creation of the Working Group but resources for both agencies are stretched thin which can lead to challenges meeting maintenance goals. The local leadership at Caltrans is very open to innovative ideas, even if they sometimes struggle with a statewide bureaucracy that may not always understand local needs. The biggest challenge that will need to be addressed in the coming years is that of unsheltered Oaklanders living on both City Streets and Caltrans Rights-of-way.

Respectfully submitted,



Joe DeVries, Director, Interdepartmental
Operations, Office of the City Administrator

For questions, please contact Joe DeVries, Director of Interdepartmental Operations, at (510) 238-3083.

Attachments:

Caltrans Oakland Annual Report FY2018-19