

APPROVED AS TO FORM AND LEGALITY

  
Farran Hussein (Sep 22, 2025 12:12:17 PDT)  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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**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**

**WHEREAS**, the City is required to apply for an encroachment permit from the California Department of Transportation (Caltrans) to perform capital improvements in Caltrans right-of-way; and

**WHEREAS**, Caltrans requires encroachment permits for work in State highway right-of-way, and under Streets and Highways Code §§ 660 et seq. and § 671.5, an application is complete only after all statutory requirements (including CEQA) are met; and, as a condition of such permits, Caltrans may require execution or amendment of maintenance agreements allocating maintenance responsibilities; and

**WHEREAS**, Caltrans requires a fully executed maintenance agreement or amendment to an existing maintenance agreement between the City and Caltrans prior to issuing any encroachment permit; and

**WHEREAS**, the City is currently a party to several Caltrans maintenance agreements and routinely amends these agreements in advance of capital improvement projects on local streets in Caltrans right of way, including, for example, freeway under-crossings and over-crossings; and

**WHEREAS**, the types of Caltrans maintenance agreements covered by this authorization include the Freeway Maintenance Agreement, Electrical Maintenance Agreement, Landscape Maintenance Agreement, and Project Specific Maintenance Agreement; and

**WHEREAS**, the Caltrans maintenance agreements covered by this authorization do not include the expenditure, acceptance or appropriation of funds; and

**WHEREAS,** delays in executing these routine maintenance agreements and amendments to existing maintenance agreements can significantly impact the City's ability to proceed with capital improvement projects and may result in contractor delay claims and construction cost escalation; and

**WHEREAS,** authorizing the City Administrator to negotiate and execute these agreements will streamline the project delivery process while ensuring proper oversight through City Attorney review and approval; and

**WHEREAS,** the City Administrator's Office solicits input and review from the Department of Transportation, Finance Department and Office of the City Attorney prior to executing any agreements with Caltrans; and

**WHEREAS,** pursuant to Oakland Charter Article V, Section 504 (1), the City Administrator, when directed by the Council, may represent the City in intergovernmental relations and negotiate contracts for joint governmental actions, subject to Council approval; and

**WHEREAS,** this action consists of organizational/administrative activities and does not approve any specific construction or maintenance project; therefore, it is not a project under CEQA (§ 15378(b)(5)), and, alternatively, is exempt under the common-sense exemption (§ 15061(b)(3)); and; now, therefore, be it

**RESOLVED:** That the City Administrator be hereby authorized to negotiate and execute new and amended Freeway Maintenance Agreements, Electrical Maintenance Agreements, Landscape Maintenance Agreements, and Project Specific Maintenance Agreements, with the California Department of Transportation (Caltrans); and be it

**FURTHER RESOLVED:** That the City Council finds and determines that this action consists of organizational/administrative activities and does not approve any specific construction or maintenance project; therefore, it is not a project under CEQA (§ 15378(b)(5)), and, alternatively, is exempt under the common-sense exemption (§ 15061(b)(3)); and be it

**FURTHER RESOLVED:** That all maintenance agreements executed under this authorization will be approved for form and legality by the Office of the City Attorney and shall be filed with the Office of the City Clerk within thirty (30) days of execution; and be it

**FURTHER RESOLVED:** That the City Administrator is hereby directed to provide an annual report to the City Council summarizing all maintenance agreements executed under this authorization; and be it

**FURTHER RESOLVED:** That the City Administrator is hereby authorized to take any and all actions necessary to implement this resolution.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG AND  
PRESIDENT JENKINS

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_

ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California