



CITY OF OAKLAND

AGENDA REPORT

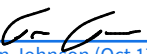
TO: Jestin D. Johnson
City Administrator

FROM: Josh Rowan
Director, Oakland Department
of Transportation

SUBJECT: Establish the Right of Way Repair
Fund

DATE: October 13, 2025

City Administrator Approval


[Jestin Johnson \(Oct 17, 2025 08:52:05 PDT\)](#)

Date: 10/17/2025

RECOMMENDATION

Staff Recommends That City Council Adopt A Resolution Confirming Establishment Of The Right Of Way Repair Fund (Fund 2425), Authorizing The Ongoing Appropriation Of Fund Revenues Generated Through The City Of Oakland's Notice To Repair Program For Private Sidewalk Repair Projects, And Transferring All Fund 2415 Balance In Project 1001011 To Fund 2425 Project 1001011 For Private Sidewalk Repair Projects.

EXECUTIVE SUMMARY

The approval of this proposed resolution would confirm the establishment of Fund 2425, a new fund used for the ongoing appropriation of fund revenues generated through the City of Oakland's Notice To Repair (NTR) program for private sidewalk repair projects. This authority includes the appropriation of all fund balance in Project 1001011 (Private Sidewalk Repair) in Fund 2415 to Fund 2425 for the same purpose. Fund 2425 would primarily be used as a cost-recovery fund to facilitate the repair of City sidewalks, but could also be used for reimbursable repair of other assets in the public Right-of-Way.

BACKGROUND / LEGISLATIVE HISTORY

The City of Oakland's sidewalks are a significant infrastructure asset that impacts the quality of life for those who live and work in Oakland. Sidewalk damage can present accessibility challenges for Oaklanders who use wheelchairs, strollers, or other mobility devices, which can lead to injuries resulting in claims and lawsuits.

State law and Oakland Municipal Code hold adjacent property owners responsible for maintaining and repairing sidewalks (California Streets and Highways Code §5610; Oakland Municipal Code Chapter 12.22). [Oakland Municipal Code 12.04.020-060](#) provides a process for the abatement of dangerous conditions on private property owners' behalf through voluntary and mandatory reimbursement agreements and for the City to invoice owners for the cost of abatement to complete reimbursement (Notice to Repair Program). Resolution No. [81165](#)

[C.M.S.](#) established a cost-recovery project for the enforcement of repairs of sidewalk damage adjacent to private properties.

Given these legal requirements and the need to maintain sidewalks in a state of good repair to prevent potential claims and lawsuits, this proposed resolution would establish a distinct fund to track revenues and expenditures related to sidewalk repairs. The resolution would also enable ongoing appropriation of revenues to fully enable a self-sustaining and cost-recovery fund for private sidewalk enforcement.

There is legislative precedent for creating similar funds and establishing appropriations, including Resolution No. [78741 C.M.S.](#), which in 2004 authorized the Department of Economic and Workforce Development to appropriate all revenues generated through the implementation of the Oakland Workforce Investment Board's Business Services Plan in order to enter into a contract for professional services with Ultimate Staffing not to exceed \$350,000 from July 1, 2004 through June 30, 2005 to provide business services on behalf of the Oakland Workforce Investment Board.

ANALYSIS AND POLICY ALTERNATIVES

Creation of a dedicated fund for the Notice to Repair program will allow the City to more closely monitor revenues and expenditures within the sidewalk repair program. Creation of the new fund is especially important given the projected increase in spending on sidewalk repair. Since this approach will create a new designated fund for sidewalks, the City will be better able to distinguish sidewalk revenues and expenditures from general development services revenues and expenditures. Staff will monitor revenues and expenditures on an ongoing basis to ensure they are being tracked properly. If the City does not approve the new fund, then it will be more difficult to monitor revenues and expenditures on sidewalk repair. The dedicated fund will also support the City priority of Vibrant and Sustainable Infrastructure by keeping sidewalks in a state of good repair and ensuring visitors and residents can safely use sidewalks.

FISCAL IMPACT

This item would confirm the establishment of Fund 2425 to serve as the revolving fund for private sidewalk enforcement and other cost-recovery repairs in the public right-of-way. It would transfer all fund balances in Fund 2415, Project 1001011 (Private Sidewalk Repair), to Fund 2425, Project 1001011, for the same purpose. The item would also grant the City Administrator authority to accept and appropriate program revenues generated through the Notice to Repair Program (O.M.C. 12.04.020) to Fund 2425. Revenues generated from private sidewalk repair will be used to support similar projects as those through which the revenues were generated.

Establishing the new fund would have no net fiscal impact, as the NTR program already exists and is cost-recovery, but it will allow for more efficient program administration and monitoring.

PUBLIC OUTREACH / INTEREST

In 2019, OakDOT staff gave presentations to the Mayor's Commission on Persons with Disabilities and the Bicyclist and Pedestrian Advisory Commission regarding updates to the City's Municipal Code related to sidewalk maintenance ([13549 C.M.S.](#)). Each year, staff prepare and publish an annual report with updates on the Sidewalks Program, including information on how many NTRs were issued.

COORDINATION

The Office of the City Attorney and the Budget Bureau were consulted in the preparation of this report.

SUSTAINABLE OPPORTUNITIES

Economic:

Making walking safer and more reliable through the NTR program would protect the City from potential claims and lawsuits that may incur significant financial costs to the City.

Environmental:

Walking is an energy efficient, zero emission form of transportation. Accessible pedestrian infrastructure and increased active transportation supports the City's goal to reduce greenhouse gas emissions and supports climate equity. Increased transit use can also reduce emissions and improve air quality when substituted for drive-alone vehicle trips.

Race & Equity:

This proposal would advance transportation equity by formalizing the City's efforts to repair sidewalks, particularly in Priority Neighborhoods identified by OakDOT's [Geographic Equity Toolbox](#). High Priority neighborhoods have greater shares of people with disabilities who are more likely to face accessibility challenges when using wheelchairs and other mobility devices on sidewalks and streets. Improving the efficiency of the City's NTR program would, in turn, improve OakDOT's ability to prioritize sidewalk maintenance in High Priority Neighborhoods.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The proposed actions are categorically exempt under CEQA Guidelines Sections 15301, 15302, and 15304, as these projects consist of: (Class 1) the operation, repair, and minor alternation to existing public facilities, (Class 2) replacement or reconstruction of existing structures and facilities, and (Class 4) minor alternations to land, including landscaping and the creation of new facilities within the right of way. The proposed Resolution authorizes the City Administrator to file a Notice of Exemption for the relevant projects listed in this report.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That City Council Adopt A Resolution Confirming Establishment Of The Right Of Way Repair Fund (Fund 2425), Authorizing The Ongoing Appropriation Of Fund Revenues Generated Through The City Of Oakland's Notice To Repair Program For Private Sidewalk Repair Projects, And Transferring All Fund 2415 Balance In Project 1001011 To Fund 2425 Project 1001011 For Private Sidewalk Repair Projects.

For questions regarding this report, please contact Jamie Parks, Assistant Director at jparks@oaklandca.gov.

Respectfully submitted,


Josh Rowan (Oct 14, 2025 13:31:35 PDT)

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