

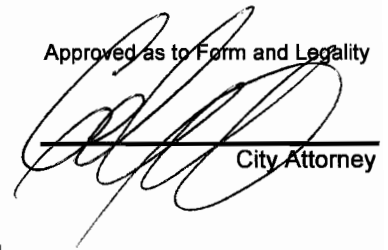
FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2012 JUN 14 PM 4:21

# OAKLAND CITY COUNCIL

RESOLUTION No. 83953 C.M.S.

Introduced by Councilmember \_\_\_\_\_

  
City Attorney

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO ACCEPT AND APPROPRIATE TWO HUNDRED AND SEVENTY SIX THOUSAND, ONE HUNDRED AND SIXTY NINE DOLLARS (\$276,169.00) IN TRANSPORTATION FUNDS FROM THE STATE OF CALIFORNIA SECTION 130 GRADE CROSSING IMPROVEMENT PROGRAM FOR THE RAILROAD CROSSING AT FRUITVALE AVENUE**

**WHEREAS**, Title 23, Section 130 of the United States Code (USC) provides state and local agencies for the funding of projects that eliminate hazards at railway-highway crossing; and

**WHEREAS**, the State of California Department of Transportation (Department) administers and appropriates the Section 130 projects and funds at the State level through the Department Section 130 Program; and

**WHEREAS**, the City with the California Public Utilities Commission (CPUC) and Union Pacific Railroad (UPRR) met and determined an eligible project for Section 130 funding at Fruitvale Avenue rail road crossing; and

**WHEREAS**, the City with CPUC and UPRR jointly applied for Department Section 130 funding and were granted the City portion in the amount of \$276,169.00 for the project at Fruitvale Avenue crossing; and

**WHEREAS**, UPRR was also fully granted appropriate funds for the project at Fruitvale Avenue rail; and

**WHEREAS**, the project will improve pedestrian and traffic safety in and around the UPRR tracks within the vicinity of Fruitvale Avenue rail road crossing; and

**WHEREAS**, the City now desires to accept and appropriate the \$276,169.00 in Section 130 funds to the Fund (2140), Transportation Capital Projects Organization (30264), and to establish a new project number ; and

**WHEREAS**, the Public Works Agency has requested a waiver of the 1.5% public art fee for this project because TFCA guidelines restrict funding uses to traffic congestion improvements and prohibit the use of grant funds for public art; now, therefore, be it

**RESOLVED:** That the City Council hereby authorizes acceptance and appropriation of the

Section 130 funds in the amount of \$276,169.00 for the aforementioned improvements; and be it

**FURTHER RESOLVED:** That the grant funds deposited and appropriated to the Grants Fund 2140, Transportation Capital Projects Organization (30264), and a new project number will be established; and be it

**FURTHER RESOLVED:** That for this project the 1.5% public art fee is waived because the State Section 130 grant guidelines prohibit the use of grant funds for public art; and be it

**FURTHER RESOLVED:** That the City Administrator, or designee, is authorized, on behalf of the City of Oakland, to execute and submit all documents, payment requests, and related actions, as well as to appropriate any additional grant funds received for the completion of this project.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 3 2012, 20    

**PASSED BY THE FOLLOWING VOTE:**

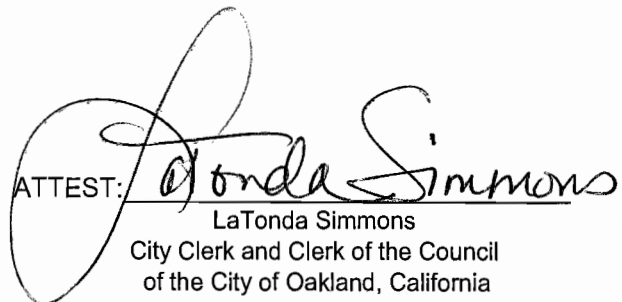
AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, ~~KERNIGHAN~~, NADEL, SCHAAF AND PRESIDENT REID - 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Kernighan - 1

ATTEST:   
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California