

## OAKLAND CITY COUNCIL

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

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**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 10<sup>TH</sup> STREET (NO. 749707C)**
- **FRUITVALE AVENUE AND EAST 9<sup>TH</sup> STREET (NO. 7496263G)**
- **FRUITVALE AVENUE AND ELMWOOD AVENUE (NO. 749625V)**

**WHEREAS**, the City of Oakland has received grants and funding to design and construct the Fruitvale Alive! Gap Closure Project, under Resolution No.'s [87374](#), [87960](#), and [88016](#); and

**WHEREAS**, the City has previously awarded a construction contract to Redgwick Construction to construct various pedestrian, bicycle, transit and vehicular traffic safety improvements as part of the Fruitvale Alive! Gap Closure project, project no. 1000724, under Resolution No. [88947](#); and

**WHEREAS**, construction of improvements in the Fruitvale Alive! Gap Closure project at the Fruitvale Avenue/E 10<sup>th</sup> Street (No. 749707C) railroad crossing, Fruitvale Avenue/E 9<sup>th</sup> Street (No. 7496263G) railroad crossing, and Fruitvale Avenue/Elmwood Avenue (No. 749625V) railroad crossing require additional rights be granted in the UPRR right-of-way; and

**WHEREAS**, CPUC authorization is required for improvements at existing railroad crossing; and

**WHEREAS**, the installation of improvements in existing railroad crossing requires a UPRR permit in accordance with CPUC regulations, and execution of agreements with UPRR; and

**WHEREAS,** UPRR has required the City to execute construction and maintenance agreements prior to issuing the City's contractor permits to construct said railroad crossing safety improvements; and

**WHEREAS,** UPRR has required the City to pay an administrative fee of \$1,025 to UPRR upon execution of each agreement; and

**WHEREAS,** UPRR has required the City to reimburse an estimated amount of \$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 for all actual labor and material costs incurred by UPRR for construction of additional capital improvements by UPRR at the subject crossings; and

**WHEREAS,** UPRR has required the City to pay a one-time fee of \$160,000 associated with on-going maintenance and upkeep of the signal interconnect facilities and grade-crossing safety devices at the three subject crossings; now, therefore, be it

**RESOLVED:** That the City Administrator, be authorized to negotiate and execute railroad crossing agreements with UPRR, subject to review and approval by the Office of the City Attorney; and be it

**FURTHER RESOLVED:** That the funding to support the financial commitments in these agreements is available in Project 1000724, Fund 2420 (Transportation Impact Fee) and Fund 2219 (Measure BB Bicycle/Pedestrian); and be it

**FURTHER RESOLVED:** That an original copy of agreements be kept on file with the City Clerk, once executed.

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