

OAKLAND CITY COUNCIL

City Attorney

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AMENDMENTS TO MAINTENANCE AGREEMENTS BETWEEN THE CITY AND CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) RELATING TO BIKEWAY INFRASTRUCTURE IN ORDER TO REDUCE DELAY OF CONSTRUCTION PROJECTS.

WHEREAS, the City is required to apply for an encroachment permit from Caltrans to perform capital improvements in Caltrans Right-of-Way and the permit in turn requires a fully executed maintenance agreement between the City and Caltrans; and

WHEREAS, Caltrans has requested a standard amendment to existing maintenance agreements that include new language regarding the maintenance of bikeway facilities; and

WHEREAS, a standard approach to updating existing maintenance agreements is needed to ensure that capital improvements in the Caltrans Right-of-Way are not delayed; and

WHEREAS, the proposed maintenance agreement amendments provided as **Exhibit A** do not identify any additional or new burden of maintenance than is already detailed in the existing maintenance agreements; and

WHEREAS, a fully executed maintenance agreement amendment will be required as part of the future Caltrans Encroachment Permit to be applied for by the City; now therefore be it

RESOLVED: that the City Administrator is hereby authorized to finalize and execute any proposed maintenance agreement amendment that follows the attached template provided in **Exhibit A**, provided that such amendments shall be approved by the City Attorney's Office and shall be filed with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES – FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO, and PRESIDENT BAS

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
Asha Reed
City Clerk and Clerk of the Council
of the City of Oakland, California

EXHIBIT A

**AMENDMENT NO. _
TO
FREEWAY MAINTENANCE AGREEMENT
IN THE CITY OF OAKLAND**

This Amendment No. _ to the Freeway Maintenance Agreement in the City of Oakland is made and entered into by and between STATE of California, acting by and through the Department of Transportation, hereinafter referred to as "STATE", and City of Oakland, hereinafter referred to as "CITY" and collectively referred to as "PARTIES".

WITNESSETH:

WHEREAS, a Freeway Maintenance Agreement in the City of Oakland", hereinafter referred to as "AGREEMENT", was executed by CITY on _____, and

WHEREAS, AGREEMENT by its terms provides that it may be amended or terminated at any time upon mutual consent of PARTIES; and

WHEREAS, CITY desires to maintain improvements to be constructed under a STATE issued Encroachment Permit No. _____ on Route _____ at [STREET NAME OVER/UNDERCROSSING] in the City of Oakland; consisting of resurfacing the undercrossing and striping bike lanes, etc); and

WHEREAS, PARTIES hereto now desire that AGREEMENT be amended.

NOW, THEREFORE, PARTIES agree to add "BICYLCLE PATHS, LANES, AND CYCLE TRACKS "article below to AGREEMENT and shall become a part of AGREEMENT for all purposes.

1. BICYCLE PATHS, LANES, AND CYCLE TRACKS constructed as permitted encroachments within STATE's right of way, CITY is solely responsible for all permitted improvements, including but not limited to the delineation, fencing, guard railing, drainage facilities, slope and structural adequacy. CITY will maintain, at CITY expense, a safe facility for bicycle travel along the entire length of the path/lane/cycle track by providing sweeping and debris removal when necessary; and all signing and striping, and pavement markings required for the direction and operation of that non-motorized facility.

TERM OF AGREEMENT AMENDMENT - This Amendment shall become effective on the date as shown below and shall remain in full force and effect until amended or terminated at any time upon mutual consent of PARTIES or until terminated by STATE for cause.

PARTIES are empowered by Streets and Highways Code section 114 and 130 to enter into this Amendment and have delegated to the undersigned the authority to execute this Amendment on behalf of the respective agencies and covenants to

EXHIBIT A

have followed all the necessary legal requirements to validly execute this Amendment.

IN WITNESS WHEREOF, PARTIES hereto have set their hands and seals the day and year first above written.

CITY OF OAKLAND

STATE OF CALIFORNIA DEPARTMENT
OF TRANSPORTATION

By: City Administrator

TOKS OMISHAKIN
Director of Transportation

By

ATTEST;

CITY Clerk

PARVIZ LASHAI
Acting Deputy District Director
Maintenance District 4

Date

CITY Attorney