

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER [IF APPLICABLE]

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO
EXECUTE THE COOPERATIVE AGREEMENT WITH THE ALAMEDA
COUNTY TRANSPORTATION COMMISSION AND THE PORT OF
OAKLAND FOR THE 7TH STREET GRADE SEPARATION EAST
PROJECT**

WHEREAS, By instrument dated December 19, 1930, Southern Pacific Transportation Company, the successor-in-interest of which is Union Pacific Railroad (UPRR), granted an easement to the City of Oakland for the construction, use, and maintenance of a grade-separated underpass structure for vehicular traffic on 7th Street to cross under UPRR's tracks at what today is milepost 4.50 on the Union Pacific Railroad's Niles Subdivision (DOT Crossing No. 972497a); and

WHEREAS, the Alameda County Transportation Commission is the lead agency for designing and constructing a realigned roadway and underpass for the 7th Street Grade Separation East Project (Project); and

WHEREAS, working through the Alameda County Transportation Commission, the project obtained Caltrans approvals under the National Environmental Protection Act, (NEPA) and the California Environmental Quality Act, (CEQA) as a Categorical Exclusion, dated October 25, 2018; and

WHEREAS, In January 2020, The Alameda County Transportation Commission, the Port of Oakland and the City of Oakland executed a Memorandum of Understanding (A20-0005) to define their respective roles, responsibilities, and authorities for design and permitting phase of the Project; and

WHEREAS, the Alameda County Transportation Commission and Union Pacific Railroad will soon execute a Relocation Public Highway Underpass Agreement, which defines roles and responsibilities of Union Pacific Railroad and the Alameda County Transportation Commission for ownership, operations, repairs and maintenance of the Project; and

WHEREAS, the City of Oakland currently has responsibilities to maintain the existing a grade-separated underpass structures and a pump station for vehicular traffic on 7th Street to cross under Union Pacific Railroad's tracks; and

WHEREAS, upon completion and acceptance of construction of the Project, Union Pacific Railroad will retain certain ownership of the project improvements that are within the railroad operating right of way and Alameda County Transportation Commission will assign ownership of specific portions of the improvements to the City of Oakland and to the Port of Oakland; and

WHEREAS, the Cooperative Agreement defines the operations, repairs and maintenance responsibilities that will be assigned from Alameda County Transportation Commission to the City of Oakland and to the Port of Oakland; and

RESOLVED: that the City Administrator is hereby authorized to execute a Cooperative Agreement (attached as Exhibit A) that defines and memorializes the roles and responsibilities of the City of Oakland and the Port of Oakland for ownership, operations, repairs and maintenance of certain assets associated with the 7th Street Grade Separation East Project; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO, AND PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____
ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California

Exhibit A: Three-Way Cooperative Agreement