



# AGENDA REPORT

**TO:** Edward D. Reiskin  
City Administrator

**FROM:** Ryan Russo  
Director, Oakland  
Department of  
Transportation

**SUBJECT:** Maintenance Agreement with The  
California Transportation Department  
for Oak Knoll Development Project  
and East 12<sup>th</sup> Street Bikeway Project

**DATE:** June 21, 2022

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City Administrator Approval

Date: Jul 7, 2022

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## RECOMMENDATION

**Staff Recommends That the City Council Adopt A Resolution:**

**1) Authorizing The City Administrator To Execute:**

**(A) A Project Specific Maintenance Agreement Between The City And California Department Of Transportation (Caltrans) For The Oak Knoll Development Project And East 12<sup>th</sup> Street Bikeway Project As Part Of The Terms Of A Future Caltrans Encroachment Permit Applied For By The City Required For Construction On Caltrans Right Of Way; And**

**(B) An Amendment To The Maintenance Agreement Dated August 23 1991 With The California Transportation Department For The Oak Knoll Development Project And East 12<sup>th</sup> Street Bikeway Project As Part Of The Terms Of A Future Caltrans Encroachment Permit Applied For By The City Required For Construction On Caltrans Right Of Way; And**

**2) Adopting Appropriate California Environmental Findings**

## EXECUTIVE SUMMARY

The Oak Knoll Development Project will install new traffic and pedestrian signal systems, signage, and sidewalk improvements at the State Route (SR) 580 interchange, at the Keller Avenue overcrossing and the Kuhnle Avenue undercrossing. The East 12<sup>th</sup> Street Bike Way Project will construct bike lane facilities and sidewalk modification on State Route (SR) 77 at the East 12<sup>th</sup> Street overcrossing (see **Attachment A** and **Attachment B** for Location Maps). Some of the new facilities lie within a portion of the Interstate 580 (I-580) and SR 77 right of way owned and operated by the State of California, Department of Transportation (Caltrans), and therefore require permission (permits) and maintenance agreements to spell out roles and responsibilities for the new infrastructure. The purpose of the projects is to improve safety for drivers, pedestrians, and cyclists.

City Council  
July 19, 2022

Staff recommends that City Council approve the Resolution authorizing the City Administrator or Designee, the Director of the Department of Transportation, to execute (1) a project specific maintenance agreement and (2) an amendment to the August 23, 1991, Maintenance Agreement with the California Transportation Department. See **Attachment C**, DRAFT Project Specific Maintenance Agreement, and **Attachment D**, Amendment to the Maintenance Agreement Dated August 23, 1991

## **BACKGROUND / LEGISLATIVE HISTORY**

The Oak Knoll Development Project is a Master Planned community on the former Oak Knoll Naval Medical Center (PLN15378), approximately 191 acres consisting of 918 residences, 72,000 sq ft of neighborhood commercial, 14,000 sq ft of civic/commercial use, open space, creek restorations, and trails. The Project has proceeded from planning to environmental studies and public hearings to Planning Commission approval on October 18, 2017, and City Council approval on November 1, 2017 (Resolution No. 86963 C.M.S.).

As mitigations and conditions of approval, the Project includes the installation of several new traffic signals to manage projected traffic and ensure roadway safety. Five traffic signals will be installed on streets adjacent to the Interstate 580 freeway on and off ramps within Caltrans right of way and therefore subject to review, approval and issuance of permits from Caltrans.

The East 12th Street Bikeway project will create a continuous bikeway across six miles of East Oakland and provide a critical connection to Fruitvale BART from the neighborhoods immediately to the east. This project limits are between 35th Ave and 54th Avenue. The project is composed of a buffered bicycle lane from 35<sup>th</sup> Avenue to 40<sup>th</sup> Avenue. A bike lane and protected contra-flow bike lane from 40<sup>th</sup> Avenue to High Street (*this section crosses over State Route 77, 42<sup>nd</sup> Avenue, on a concrete overcrossing that is Caltrans' structure*). A contra-flow bike lane and buffered bike lane from High Street to 44<sup>th</sup> Avenue; a bike boulevard from 44<sup>th</sup> Avenue to 54<sup>th</sup> Avenue and on 54<sup>th</sup> Avenue from East 12<sup>th</sup> Street to International Blvd. Abandoned railroad tracks between 46th Avenue to 47th Avenue will be removed, and sidewalk will be built in this location. Five (5) traffic circles and Americans with Disabilities Act (ADA)-compliant curb ramps along East 12th Street will be included in the project to calm vehicular traffic and provide better access for persons with limited mobility.

The City Council approved the grant application and matching funds for the East 12<sup>th</sup> Street Bikeway Project of September 19, 2017 (Resolution 86894 CMS). Since then, project design and community outreach has taken place, and prior to advertising the project for bids, the City needs to obtain a permit from Caltrans to build the portion of the bikeway and sidewalk improvements on the 42<sup>nd</sup> Avenue overcrossing bridge structure.

As a condition of issuing permits for construction of improvements in Caltrans right of way, Caltrans is requiring the City to enter into an agreement to maintain these facilities. The Project Specific Maintenance Agreement spells out the City and Caltrans roles and responsibilities. The amendment to the Caltrans 1991 maintenance agreement includes the provision for reimbursement for City's cost to maintain the traffic signals at the on and off-ramps.

## **ANALYSIS AND POLICY ALTERNATIVES**

Approval of the proposed resolution would support the Citywide priorities of 1) **holistic community safety**, 2) **vibrant, sustainable infrastructure**, and 3) **responsive, trustworthy government**. The Oak Knoll project includes new traffic signals adjacent to the ongoing Oak Knoll development project, which will improve safety and mobility for all roadway users; the East 12<sup>th</sup> Street bikeway project will construct bike facilities and sidewalk modification in an area that lacks good pedestrian and bicycle access. Further, the execution of a maintenance agreement with Caltrans will spell out roles and responsibilities for these new infrastructure assets.

As a part of the Oak Knoll Development Project, the City required the installation of five traffic signals to mitigate traffic impacts of the project. These signals are within Caltrans right of way and require review and approval from Caltrans for their construction, operation and maintenance. Construction of the signals cannot proceed absent City approval to finalize and Project Specific Maintenance Agreement and an amendment to the larger, citywide August 23, 1991 Maintenance Agreement. Caltrans has indicated it would reimburse the City for its costs to maintain and operate these traffic signals, minimizing the potential cost impact to the City. Pursuant to Oakland Charter Article V, Section 504 (I), the City Administrator, when directed by the Council, may represent the City in intergovernmental relations and negotiate contracts for joint governmental actions, subject to Council approval.

Staff recommends approval of the proposed resolution. Delaying the execution of the agreement will delay the beginning of construction of the traffic signals at the Oak Knoll site, because Caltrans will not approve an encroachment permit until a maintenance agreement with Oakland is executed. Further, Caltrans will not permit construction of pedestrian and bicycle improvements on East 12<sup>th</sup> Street at the 42<sup>nd</sup> Avenue overcrossing bridge structure until the City acknowledges responsibility for ongoing maintenance by executing an agreement.

## **FISCAL IMPACT**

There is no significant fiscal impact to the proposed Resolution. The execution of a maintenance agreement with Caltrans merely acknowledges that the City will maintain improvements that it constructs. Caltrans has indicated that they will be reimbursing the City for maintenance costs incurred for the traffic signals in state right of way within the terms of the amended 1991 maintenance agreement. The ongoing maintenance costs for the new infrastructure, once completed, will be included in future operations and maintenance budgets to be considered as part of the City's biennial budget process.

## **COORDINATION**

OakDOT staff have been in constant contact with the Planning Bureau with respect to the Oak Knoll project and respective conditions of approval, including the traffic signals. The Office of the City Attorney has reviewed the draft Project Specific Maintenance Agreement, as well as reviewed this report and attached Resolution. The Budget Bureau has also reviewed this report.

## **SUSTAINABLE OPPORTUNITIES**

***Economic:*** The execution of the maintenance agreements facilitates the completion of the Oak Knoll project, which provides much needed housing and commercial development and builds a stronger tax base. The City benefits from the construction of the Oak Knoll public improvements such as traffic signals without outlay of its own funds.

***Environmental:*** The construction of new transportation infrastructure, especially the pedestrian and bicycle improvements on East 12<sup>th</sup> Street will calm traffic, making walking and biking safer and a more attractive mode of transportation as an alternative to driving.

***Race and Equity:*** Providing for maintenance responsibility for these projects is intended to provide maximum mobility for those without access to vehicles by improving the bicycle and pedestrian infrastructure, including the Americans with Disabilities Act accessibility.

## **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

The City Council certified the Oak Knoll Development Project Supplemental Environmental Impact Report (SEIR) and approved the project on November 7, 2017 by Resolution 86963 CMS.

The East 12<sup>th</sup> Street Bikeway Project is exempt under CEQA (Section 15301, Class 1: Existing Facilities). A Notice of Determination/Notice of Exemption will be filed with Alameda County prior to advertising the project for construction bids.

## **ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends That the City Council Adopt a Resolution:

### **1) Authorizing The City Administrator To Execute:**

**(A) A Project Specific Maintenance Agreement Between The City And California Department Of Transportation (Caltrans) For The Oak Knoll Development Project And East 12<sup>th</sup> Street Bikeway Project As Part Of The Terms Of A Future Caltrans Encroachment Permit Applied For By The City Required For Construction On Caltrans Right Of Way; And**

**(B) An Amendment To The Maintenance Agreement Dated August 23 1991 With The California Transportation Department For The Oak Knoll Development Project And East 12<sup>th</sup> Street Bikeway Project As Part Of The Terms Of A Future Caltrans Encroachment Permit Applied For By The City Required For Construction On Caltrans Right Of Way; And**

**2) Adopting Appropriate California Environmental Findings**

For questions regarding this report, please contact Wladimir Wlassowsky, P.E., Interim City Engineer, OakDOT.

Respectfully submitted,



RYAN RUSSO  
Director, Department of Transportation

Reviewed by:  
Fred Kelly, Assistant Director  
Department of Transportation

Prepared by:  
Wladimir Wlassowsky, P.E.  
Interim City Engineer  
Department of Transportation

*Attachments (4):*

- Attachment A -Location Map-Oak Knoll Development*
- Attachment B-Location Map-East 12<sup>th</sup> Street Bikeway*
- Attachment C: DRAFT Project Specific Maintenance Agreement*
- Attachment D: Amendment to the Maintenance Agreement Dated August 23, 1991*