



CITY OF OAKLAND

# AGENDA REPORT

**TO:** Jestin D. Johnson  
City Administrator

**FROM:** Fred Kelley  
Director, Oakland  
Department of  
Transportation

**SUBJECT:** Embarcadero West Improvements  
Professional Services

**DATE:** November 28, 2023

City Administrator Approval

  
Jestin Johnson (Nov 28, 2023 17:26 PST)

Date: Nov 28, 2023

## RECOMMENDATION

**Staff Recommends That City Council Adopt A Resolution Authorizing The City Administrator To Negotiate And Enter Into A Professional Services Agreement, Subject To Fund Availability, With Parsons Transportation Group, Inc. For An Amount Not To Exceed Twenty-Five Million Dollars (\$25,000,000) With An Additional 10% Contingency Over A Seven-Year Period To Provide Engineering Services For The Embarcadero West Rail Safety And Access Improvements; And Adopting Appropriate California Environmental Quality Act Determinations.**

## EXECUTIVE SUMMARY

The Embarcadero West Rail Safety and Access Improvements project (Project) will deliver complex transportation infrastructure elements along the Embarcadero between Oak Street and Adeline/Middle Harbor Road to improve safety, strengthen connectivity, and increase access to Oakland's Downtown, Chinatown, West Oakland, the Port of Oakland (Port) and the historic waterfront in Jack London District. The Project will install rail safety, pedestrian improvements, and "quiet zone" improvements, including a fence along the tracks at designated crossings along the Embarcadero railroad corridor. The Project will also include feasibility studies to analyze grade separated railroad crossing features. Other Project elements include, but are not limited to, geometric improvements, new and existing traffic signals, pavement engineering, green infrastructure, and utility related designs. Access for pedestrians will be enhanced between downtown and the waterfront/Jack London Square by adding a Class I path (for bicyclists and pedestrians) between Martin Luther King Jr. Way and Webster Street. The roadway between Market St and Middle Harbor Road will be upgraded to accommodate overweight trucks and emergency vehicle access.

Approval of the proposed resolution will authorize the City Administrator to enter into a professional services agreement between the City of Oakland (City) and Parsons Transportation Group, Inc. (Parsons) to provide planning and engineering services for the Project. The services include planning and engagement, development of 100% construction-ready design plans, and

engineering support during construction for an amount not-to-exceed twenty-five million dollars (\$25,000,000) with an additional 10% contingency.

## **BACKGROUND / LEGISLATIVE HISTORY**

Oakland is a vital transportation hub in the Bay Area, connecting the Port, a global gateway for the Northern California Megaregion, to the rest of the nation. Embarcadero West from Oak St. to Market St. is a one-mile city street accommodating freight trains, passenger trains, motor vehicles, bicyclists, and pedestrians with no physical separation. Freight and passenger trains run down the middle of the street and through the waterfront in a configuration that dates to the 1870s. Approximately 80 trains a day use this corridor operated by Union Pacific Railroad (UPRR) and Amtrak/Capitol Corridor. This rail corridor is one of the largest bottlenecks for both freight and passenger rail, which experience frequent delays from vehicles inadvertently stuck on the tracks. This shared street condition in which pedestrians, drivers and/or bicyclists can intentionally or unintentionally turn across or occupy the track space is unprecedented in an urban area and not only a major safety concern but impacts operations within the Port and causes major passenger rail delays.

Congruent with the need for large-scale improvements, Embarcadero West has been studied over many years by multiple agencies:

- In June 2011, the City conducted an Oakland Railroad Quiet Zone Study. The study explores the potential of a Quiet Zone and outlines general strategies to pursue a Quiet Zone on the UPRR corridor through the Jack London Square area of the City.
- In 2018, the Alameda County Transportation Commission assessed improvements to the Embarcadero West corridor, as a component of the agency's Rail Safety Enhancement Plan. The plan analyzed existing conditions and engaged Alameda County jurisdictions in identifying high priority rail crossings to improve, and then developed conceptual plans to improve safety and assess potential for quiet zone improvements. Embarcadero West was identified as a high priority segment to be included in the assessment.
- In 2019, as part of the 2019 Oakland Bike Plan, the City proposed a Class 1 bike path on Embarcadero West between Brush Street and Clay Street. See interactive [Existing and Proposed Bikeways](#) map. This Plan included robust community engagement and has been recognized for its approach to equity and engagement.
- The City, as part of the Downtown Oakland Specific Plan (DOSP), proposed a rail safety project on Embarcadero West between Market Street and Oak Street that would install crossing treatments and fencing at each intersection and transform Embarcadero West into a "quiet zone" and an enhanced pedestrian corridor (which would provide a safer connection between Howard Terminal to Jack London District).

In addition to rail-related improvements, the City's overweight truck route has been under review. The Joint Port/City Heavy Container Program began in 1993 to accommodate trucks between 80,000 and 95,000 pounds (City Council Ordinance No. 10702 C.M.S.). The program and overweight permits are administered by the Oakland Police Department (OPD) in

coordination with the Port, and the Oakland Department of Transportation (OakDOT). Per the authorizing legislation, the Chief of Police may designate the roadways for use by certain overweight vehicles. Early in the program, trucks used a roadway between Adeline/Middle Harbor Road and Embarcadero West, crossing the railroad tracks at-grade at Market Street and traveling east along 3<sup>rd</sup> Street. For numerous years thereafter, overweight trucks used the Adeline Bridge to exit the Port and connect with the 3<sup>rd</sup> Street overweight truck route to points east.

In February 2021, the City determined that the Adeline Bridge was rated for a maximum weight of 80,000 pounds and directed all overweight trucks to cease use of the route immediately. At the time, OakDOT, the Port, and OPD were working on re-opening the truck route between Adeline/Middle Harbor Road and Embarcadero West/Market Street that was initially established for use by the Heavy Weight Permit Program. In the meantime, the City and Port determined that overweight trucks could use the 7<sup>th</sup> Street corridor effective Monday, April 5, 2021, during overnight hours.

The City, Port, UPRR, and other relevant stakeholders met in April and May 2021, to discuss reopening the original overweight corridor. UPRR identified several required capital improvements to authorize overweight trucks to cross the UPRR tracks, related to potential impacts to the tracks from overweight trucks.

Recognizing the numerous studies, plans, and engagement efforts, as well as the critical needs associated with this corridor, the Project had been prioritized for design and delivery by the Capital Improvement Program.

Under City Council direction on December 6, 2022, the Embarcadero West Rail Safety and Access Improvements were identified as a priority project, and critical project design and delivery funding was accepted and appropriated, and staff was directed to apply for and receive additional funds as needed ([Resolution No. 89519, C.M.S.](#)). In addition, a reimbursement agreement with UPRR was established to facilitate the design of the project ([Resolution No. 89520, C.M.S.](#)).

## **ANALYSIS AND POLICY ALTERNATIVES**

Adoption of the proposed resolution will allow the City to move forward with implementing the Embarcadero West Rail Safety and Access Improvements, which will advance four Citywide priorities: (1) **housing, economic, and cultural security**; (2) **vibrant, sustainable infrastructure**; (3) **holistic community safety**; and (4) **responsive, trustworthy government**:

1. **Housing, Economic, and Cultural Security:** The Port generates 84,000 jobs in Northern California with an annual operating revenue of \$513.6 million (2020). The Capital Corridor Joint Powers Authority (CCJPA) provides regular intercity passenger rail service between eight northern California counties and 18 stations, serving over 1.7 million passengers in 2019. According to data provided by CCJPA and collected by Amtrak, the Embarcadero West corridor from Oak Street to Market Street accounts for 25% of all vehicle incidents and resulting delays along the 160-mile route from San Jose to Auburn. These delays have economic impacts on goods movement and rail passengers alike. In addition, the Embarcadero West corridor will be redeveloped to

become a more inviting entryway to the Jack London Square waterfront, promoting access and economic activity along Oakland's beautiful waterfront.

2. **Vibrant, Sustainable Infrastructure:** The Embarcadero West corridor has not been substantially improved since it was constructed in the 1870's. This project invests in improved infrastructure that will promote zero emissions active transportation via a bicycle and pedestrian path, improved access to adjacent passenger rail and ferry transit stations, landscaping and urban design elements to enhance vibrancy and sustainability, and improved access to the waterfront, including parks and recreation opportunities, housing, and the vibrant commercial area at Jack London Square to ensure Oaklanders have high-quality, sustainable transportation choices to travel to these major destinations. The improvements transform the corridor into a walk and bike friendly segment that supports the economic vibrancy of West Oakland.
3. **Holistic Community Safety:** The Embarcadero West corridor has a history of collisions and incidents related to non-standard rail infrastructure that will be addressed through this project. The project will also greatly improve pedestrian and bicycle safety with a new multi-modal pathway along the corridor. Finally, the project will ensure that all curb ramps, sidewalks, and rail crossings are accessible for people with disabilities and meet or exceed the Americans with Disabilities Act (ADA) guidelines.
4. **Responsive, Trustworthy Government:** In addition to developing this project over many years of community engagement, the design elements include substantial scope for further community engagement through the design process and construction. There was also significant engagement to the consultant community in advance of the request for proposals as discussed further in the Public Interest/Outreach section below.

The Project includes at-grade improvements along the corridor between Oak Street and Market Street that will install fencing adjacent to the railroad tracks, a multi-use trail in what is presently the eastbound vehicle direction, local-only vehicle access in the westbound direction, ADA accessible infrastructure, gate arms and enhancements at the rail crossings, and lighting, landscaping, and urban design elements throughout the corridor (see **Figure 1: Embarcadero West Before/After Images**). Streets perpendicular to the Embarcadero West improvements will also be enhanced for one block, as all traffic signals and roadway changes to adjacent streets must be coordinated with UPRR to prevent any incidents on the tracks. An overweight truck connection along Embarcadero West between Market Street and Middle Harbor Road will be constructed. The project will include a feasibility study for grade separated crossings over the railroad tracks, which will investigate the reconstruction of the Adeline Bridge corridor and/or the potential for new grade separated crossings. **Figure 2: Map of Improvements** provides an overview of the street segments included in the Project.

**Figure 1. Embarcadero West Before/After Images**



Pending the results of the overcrossing feasibility study, the project includes potential optional tasks to develop 100% designs of the structural overcrossing(s), if desired by the City and subject to funding availability and appropriation.

**Figure 2: Map of Improvements**



In accordance with Oakland Municipal Code (OMC) 2.04.051 and the provisions of the Administrative Instruction 150 for Professional Services Contracts, OakDOT issued a Request for Proposals (RFP) for design and engineering services for the Project on August 4, 2023, seeking a consultant team most suitable for the proposed project. Proposals were due on September 28, 2023, and the City received three (3) proposals.

A panel reflecting the technical expertise necessary to accomplish the scope of work, as well as gender and racial diversity led the interview process. The panel included six (6) professionals including the Director of OakDOT, engineering and planning experts from OakDOT's Major Projects Division, Department of Race & Equity staff, and Port of Oakland project design and delivery technical staff. The staff person from the Department of Race and Equity and one of two Port staff were non-voting members. The panel ranked all proposals based on their submission (40% of total score) and based on a one-hour in-person interview (60% of total

score). In addition to the panelists, an impartial observer from the Department of Workplace and Employment Standards (DWES) was present for the duration of the interviews. The panel scored the proposals based on the following criteria set forth in the RFP, with the maximum possible points for each category noted:

- Approach to deliver and understanding of the project (25 points)
- Technical competence (25 points)
- Project management and communication approach (10 points)
- Capacity and capability (10 points)
- Personnel qualifications (10 points)
- Past record of performance (10 points)
- Quality assurance and quality control program (10 points)
- L/SLBE preference points (12.5 points)

Based on the criteria above, the panel determined that the top ranked firm was Parsons. The resolution authorizes the City Administrator to negotiate a contract with Parsons with a scope not to exceed twenty-five million dollars (\$25,000,000) with an additional 10% contingency.

The Parsons proposal exceeds the City's Local/Small Local Business Enterprise (L/SLBE) program requirements, which, based on an availability analysis conducted by DWES is 34% L/SLBE, with at least 17% SLBE participation. Compliance information has been verified by DWES (**Attachment A**).

The Project is anticipated to begin in early 2024 with critical meetings with stakeholders already scheduled in early March 2024. There are numerous rapidly approaching grant deadlines associated with the multiple grant sources that are funding the Project. Ultimately the Project must be fully constructed by December 2029. Staff are working efficiently to advance this contract and commence engagement and design given the aggressive timeline for a project of this magnitude.

## **FISCAL IMPACT**

The professional services agreement will be funded through previously accepted and appropriated grant funding ([Resolution No. 89519, C.M.S.](#), and [Resolution No. 89518](#), December 6, 2022), including:

- CalSTA Assembly Bill 128 Grant Funds: \$27,500,000 (Project and Grant fund accounts to be determined)

The \$9,616,353 in CalSTA Assembly Bill 128 Grants Funds have already been received by the City (CalSTA Project Supplement No. 2), and an additional \$17,883,647 million is expected to be approved by the Port board on November 30, 2023 and received by the City within approximately one week following the Port board's approval (CalSTA Project Supplement No. 3). Funding is available for this project from fund and project to be determined, with project listings available in the Project Supplemental Agreements. Contract execution is contingent on funds available.

While the grade separation feasibility study is part of the baseline design tasks, the further design of the grade separation optional tasks is not being funded by this contract. Execution of the optional tasks related to the design of the overcrossings are subject to funding availability and appropriation.

## **PUBLIC OUTREACH / INTEREST**

Public engagement on this Project was associated with each of the planning documents in which this Project was considered, including the 2019 Oakland Bike Plan and the DOSP that is in progress. In addition, from 2019-2020, the City conducted extensive engagement in the conceptual development of this Project and others in the vicinity of the Port, as then identified as the TOWN projects, and held public meetings, including four community meetings involving the community around the Project, ten key stakeholder meetings, and multiple presentations to the Bicyclist and Pedestrian Advisory Commission, and to City Council at the Community and Economic Development Committee (July 2, 2019).

Given the magnitude of the upcoming design contract for the Project, and the importance of supporting Oakland's local, small, women and minority-owned businesses, the City worked to thoroughly engage and connect these businesses in new and innovative ways, with a focus on promoting equity.

Staff from OakDOT's Major Projects Division coordinates an interdepartmental contracting working group for OakDOT's capital project delivery divisions, facilitated by the City Administrator's Office, with leadership from DWES, Oakland Public Works Capital Contracts Division (CCD), OakDOT, and the Office of the City Attorney. Through weekly coordination, the City has been working together to improve contracting protocols and engagement of the private sector to meet the City's L/SLBE program goals. For the past several months, the working group has given significant time and attention to ensuring this request for proposals is conducting thorough engagement to reach as many L/SLBE professional services firms as possible, and to facilitate connections between firms to encourage new partnerships.

A few weeks prior to the release of the RFP on July 26, 2023, staff featured the upcoming opportunity during the Doing Business with Oakland "Business Matchmaking Event" with nearly 140 businesses represented. Multiple staff from the project team were present to share information and encourage connections between firms interested in the opportunity.

Also prior to the formal issuance of the RFP, staff provided notice to labor representatives, per the terms and conditions of the current Memorandums of Understanding with the International Federation of Professional & Technical Engineers (IFPTE) Local 21, Service Employees International Union (SEIU) 1021 and International Brotherhood of Electrical Workers (IBEW) 1245.

Formal notifications of solicitation were distributed by several means on August 4, 2023. The first means was the City's iSupplier system, which notified Oakland-certified local and non-local professional service providers (e.g., landscape architects, architects, engineers, contractors, and planning firms); regional trade and business groups, including the Oakland Metropolitan

Chamber of Commerce, Oakland Black Board of Trade & Commerce, Bay Area Business Roundtable, and Construction Bidboard.

In addition to iSupplier, CCD also utilizes CIPList.com, a free, web-enabled site to announce and distribute solicitations. It is used to push out notifications to builders' exchanges such as ARC North America, Builders Exchange of Alameda County, Contra Costa Builders Exchange, Dodge Data & Analytics, East Bay Blueprint, iSqFT, Northern California Electrical Construction Industry, Peninsula Builders Exchange, San Francisco Builders Exchange, and Solano-Napa Builders Exchange. Through CIPList.com, any company or entity may register to be automatically notified of all City solicitations without restrictions.

The legal notice for the RFP was advertised on August 4, 2023. CCD included printed legal notices in the Oakland Post, Oakland Tribune, El Mundo, World Journal, Daily Pacific Building, and the Korea Times publications to ensure the information reaches Local Business Enterprise and Small Local Business Enterprise (LBE/SLBE) in Black, Indigenous, People of Color (BIPOC) communities with potential consultants.

To increase awareness of the opportunity once the RFP was publicly available, staff developed and disseminated e-newsletter language in partnership with City Council offices. The RFP was promoted via the City's Announcements email and on the City's social media channels, including three LinkedIn posts and three Twitter/X posts over the course of the RFP period. All City Council offices received the promotional language to help spread the word to their networks via newsletters or social media. City staff connected with Oakland-based industry groups, such as ethnic chambers of commerce, to ensure they were aware of the opportunity, and posted the opportunity to minority-driven trade publications recommended by Oakland-based contract equity advocates.

OakDOT, CCD, and DWES collaborated to hold a pre-proposal meeting on August 15, 2023, with twenty-nine (29) private sector attendees in attendance in-person and virtually. The purpose of meeting with potential consultants was to discuss with potential consultants how contracts are established with the City, to make the attendees aware of possible upcoming work, to allow for opportunities for consultants to network and partner on upcoming work, and to discuss the current RFP solicitation specifically.

### **COORDINATION**

The Office of the City Attorney, the Budget Bureau, DWES, and CCD have reviewed this report and resolution.

### **PAST PERFORMANCE, EVALUATION AND FOLLOW-UP**

Parsons has participated in helping the City develop several complete street corridor projects. Parsons is currently supporting the City in designing the Broadway Streetscape Improvements, which must be completed on an extremely accelerated timeline to meet grant deadlines. The Broadway Streetscape Improvements also require complex coordination with external agencies such as Caltrans on expedited timelines. Parsons has met these deadlines while staying on-



budget and has exceeded expectations in terms of their ability to navigate complex agreements and deliver high quality products.

### **SUSTAINABLE OPPORTUNITIES**

***Economic:*** This project enhances transportation infrastructure for alternative modes of transportation to and from regional transit connections and will drastically improve the reliability of freight and passenger rail in Northern California. The Project is funded by external funding sources and is not funded by the City's General Fund. The Project will generate business tax, sales tax, and other revenues for the City by those firms who work on the project. Local businesses will be utilized on the Project and will benefit directly.

***Environmental:*** The Project promotes and makes more accessible sustainable transportation options via walking, bicycling, and rail transit in alignment with the City's Equitable Climate Action Plan goals. The project improvements will be made adjacent to and benefit Oakland's frontline communities in Chinatown and West Oakland. As of May 2023, all CCJPA trains use renewable diesel, a more sustainable fuel with fewer air quality impacts than fossil diesel traditionally used for rail. The Project also provides connections to regional ferry transit via the Water Emergency Transportation Authority (WETA). WETA is also working to transition the agency's ferry fleet to electric powered ferries. The Project will implement feasible post-construction stormwater management measures, such as site design measures, source control measure, and stormwater treatment measures, to reduce stormwater pollution following the completion of the project.

***Race & Equity:*** The Embarcadero West Rail Safety and Access Improvements, along with surrounding projects being simultaneously delivered by the City, were developed using a racial equity impact assessment under the guidance of the Department of Race and Equity completed in 2020. Together, the projects will improve safe pedestrian and bicycle connections to the waterfront and regional transit opportunities between West Oakland, Chinatown, and Downtown. The Project will prevent delays on freight and passenger rail and will remove overweight trucks from residential streets, improving air quality in adjacent high priority equity communities. The Project will continue to demonstrate an equity-driven approach to transportation planning and community engagement.

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

The Project is exempt from CEQA on the basis of the following exemptions: Public Resources Code Section 21080.25(b)(1) (Pedestrian and bicycle facilities, including new facilities); Public Resources Code Section 21080.20 (bicycle, pedestrian, and transit facilities); CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan or Zoning); CEQA Guidelines Section 15301(c) (Existing Facilities, Highways and Streets); CEQA Guidelines Section 15302 (Replacement or Reconstruction); CEQA Guidelines Section 15303 (Small Structures), CEQA Guidelines Section 15304(h) (minor alterations to land); and/or CEQA Guidelines Section 15061(b)(3) (No Significant Effect on the Environment). Also, activities proposed by this action – design services - are not “projects” as defined by the California Environmental Quality Act (CEQA), Public Resources Code Section 21065 and CEQA

Guidelines Section 15378(b)(4) and (5), as they involve government fiscal activities, which do not involve any commitment to any specific project which may result in a potentially significant impact on the environment, and it is also an organizational or administrative activity of government that will not result in direct or indirect physical changes to the environment. Thus, the activity is not subject to CEQA pursuant to CEQA Guidelines Section 15060(c)(3).

In addition, the Project was analyzed in previous environmental review documents under CEQA including: the West Oakland Specific Plan Environmental Impact Report (“EIR”) (2014); the Land Use and Transportation Element of the General Plan EIR (1998); the Oakland Master Bicycle Plan EIR (2007) and the updated Let’s Bike Oakland Bicycle Plan Addendum (2019); and the Oakland Waterfront Ballpark District at Howard Terminal EIR (2022). Under Public Resources Code section 21166 and CEQA Guidelines Sections 15162, 15163 and 15164, no new significant information or possibility for impacts exist that were not already studied by the aforementioned documents.

Each of the aforementioned reasons provides a separate and independent basis for CEQA compliance.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator To Negotiate And Enter Into A Professional Services Agreement, Subject To Fund Availability, With Parsons Transportation Group, Inc. For An Amount Not To-Exceed Twenty-Five Million Dollars (\$25,000,000) With An Additional 10% Contingency Over A Seven-Year Period To Provide Engineering Services For The Embarcadero West Rail Safety And Access Improvements; And Adopting Appropriate California Environmental Quality Act Determinations.

For questions regarding this report, please contact Nicole Ferrara, Transportation Manager, Major Projects Division at (510) 238-4720.

Respectfully submitted,

Megan Wier (for Fred Kelley)

Megan Wier (for Fred Kelley) (Nov 28, 2023 11:34 PST)

Fred Kelley  
Director, Department of Transportation

Reviewed by:

Jamie Parks  
Assistant Director

Prepared by:

Nicole Ferrara, Transportation Manager  
Major Projects Division

Attachments (1):

*A: Contract Compliance Analysis Memo*