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OAKLAND
2014 MAY 29 AM 9:38

AGENDA REPORT

TO: FRED GLOVER BLACKWELL
CITY ADMINISTRATOR

FROM: JOE DEVRIES

SUBJECT: Caltrans Letter of Understanding
Annual Report

DATE: June 10, 2014

City Administrator
Approval

Date

5/27/14

COUNCIL DISTRICT: City Wide

RECOMMENDATION

Staff recommends that the Committee accept this annual progress report on Caltrans maintenance activities in the City Of Oakland.

OUTCOME

This is an informational report with no direct fiscal impact or outcome.

BACKGROUND/LEGISLATIVE HISTORY

Attached are two letters from Bijan Sartipi, District Director of the California Department of Transportation (Caltrans) that serve as Caltrans' Annual Progress Reports for fiscal years 2011-12 and 2012-13. (*Attachments A & B*)

On December 21, 2005, as a result of a public nuisance action filed by the City of Oakland (City), The California Department of Transportation signed a ten-year monitoring and maintenance commitment with the City. As required under this Letter of Understanding (LOU):

- Caltrans and the City of Oakland established a joint Working Group to meet monthly to discuss, coordinate, prioritize and strategize Caltrans cleanup activities in Oakland
- Caltrans submits monthly maintenance records of their work in Oakland
- The City and Caltrans submit semi-annual progress reports for two years and then annual reports on abatement activities in Oakland to the City Council
- Caltrans provided a comprehensive listing of all Caltrans properties in Oakland so that the information can be integrated into the City's computerized mapping system
- Lessees of Caltrans properties are being held accountable to the LOU

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From July through December of 2005, City and Caltrans representatives held informal monthly meetings to discuss projects of mutual interest. In January 2006, after the LOU was signed, this informal group became the Working Group established by the LOU. The Working Group has met monthly to foster communication and coordinate abatement of blight such as illegal dumping, litter, graffiti, overgrown vegetation, homeless encampments and other fire and health safety hazards in the City.

ANALYSIS

The majority of complaints regarding Caltrans property that the City receives are handled through the Public Works Call Center. The staff in the center automatically forward any Caltrans related complaint directly to the Caltrans Maintenance Supervisor and copy the Caltrans Working Group Coordinator for the City for tracking purposes. 172 service requests were received in calendar year 2012 and 501 complaints in calendar year 2013 which were forwarded to Caltrans through the Call Center. The majority of these requests are handled and processed without further discussion. However, service requests of a more complex nature, that may require a multi-agency response, or where there are jurisdictional questions are often discussed at the Working Group. The Caltrans Working Group monthly meetings are attended by representatives of Caltrans, the City's Public Works Department, Oakland Police Department, Building Services, Department of Human Services, and Oakland Fire Department and are an opportunity to discuss complex issues that require a greater level of effort to resolve than the standard call center request. Examples of these types of problems are highlighted below. As a result of the LOU and Working Group, joint inspections, cleanups and resolution of various sites have been performed more quickly and on a more regular basis.

In addition to City and Caltrans representatives who attend the monthly meetings, numerous outside agencies are sent agendas and some attend the monthly meetings. This past year, attendees have included representatives from the Bay Area Rapid Transit District (BART) and Alameda County, as well as representatives from State Assembly Member Rob Bonta's Office and State Senator Nancy Skinner's Office. These State Officials began to participate to better understand the relationship between Caltrans and the City because of complaints they had received about Caltrans properties in Oakland. Representatives bring their lists of Caltrans issues to the table or issues are forwarded to the Working Group from various City agencies, OPW's Call Center, and the attendees themselves, and are included in the agendas and discussed at the meetings. Between meetings, attendees follow up and resolve agenda items such as homeless encampments, ownership clarification, fire prevention, signage, illegal dumping and graffiti.

The following table highlights the accomplishments described in the attached Annual Progress Report from Caltrans for July 2011 through June 2012 and July 2012 through June 2013, as well as those of previous years.

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Task	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13
Rights-of-way swept (miles)	1,934	4,079	3,993	2,082	2,032	3,017	4,196
Overgrown vegetation removed (acres)	155.75	110.45	76.75	107.9	74.16	92.25	230
Graffiti removed (square feet)	126,757	153,045	241,647	230,174	278,702	361,061	339,985
Fences repaired (linear feet)	5,811	3,167	3,712	2,210	2,343	3,105	3,233
Homeless encampments removed	446	723	812	336	443	572	687
Adopt-a-Highway (litter bags collected)	1,957	2,080	2,534	1,822	817	626	866

As noted in *Attachments A & B*, Caltrans has calculated the cost of these programs in Oakland for July 2011 through June 2012 to be \$848,798.99 and from July 2012 through June 2013 to be \$1,552,888 showing a substantial increase in activity in Fiscal Year 2012-13.

The graffiti numbers reflect an increase in graffiti, in particular the graffiti in the active construction zone along the I-880 between the 16th Avenue and 23rd Avenue overcrossings. Due to the nature of the construction design, a “safe” area was created in between the travel lanes and the red brick walls making it easy for people to enter the area and paint graffiti. Caltrans will be taking steps to remedy this by installing mesh fencing both at the entry points to the freeway and along the top of the newly constructed wall to further inhibit access. They will also paint out all the existing graffiti and, due to the large amounts of graffiti on the traffic signs; Caltrans will be replacing all the damaged signage in the area at the completion of the project.

Another area of significant increase from 2012 to 2013 is in vegetation management where Caltrans more than doubled the total number of acres of overgrowth removed. This is evident in the Highway 13 and 24 corridors and in the late summer of 2013 Caltrans and City Staff met several times specifically regarding vegetation management plans in regard to the Caldecott

Tunnel Fourth Bore Project. During those meetings staff determined there were areas that had fallen into neglect and a renewed vegetation removal plan was developed.

At the request of the Public Works Committee, the chart below depicts calls for service received through the Public Works Call Center for Caltrans, BART, and Union Pacific Railroad grouped by type of concern for both 2012 and 2013.

2012	BART	Caltrans	UPRR
Damaged Structures	0	12	7
Graffiti	19	36	3
Homeless Encampment	0	9	1
Illegal Dumping/Litter	8	49	9
Multiple Issues	0	5	1
Other	2	10	3
Other: Safety Concern	0	0	1
Potholes	0	14	0
Street Lights/Signs	3	27	3
Vegetation/Landscaping	1	10	1
Total Calls 2012:	33	172	29

2013	BART	Caltrans	UPRR
Damaged/Missing Structures		23	3
Graffiti	27	174	4
Homeless Encampment	0	76	3
Illegal Dumping/Litter	7	93	24
Multiple Issues	0	15	5
Other	3	29	1
Other: Safety Concern	3	4	0
Potholes	0	20	1
Street Lights/Signs	4	33	3
Vegetation/Landscaping	0	34	0
Total Calls 2013	44	501	44

The chart shows a radical increase in the number of calls for service for Homeless Encampments (from 9 in 2012 to 76 in 2013) as well as a substantial increase in calls regarding graffiti. The total number of calls for Caltrans related issues rose dramatically. This may be due to an increase in the use of SeeClickFix as a convenient reporting mechanism and the fact that, through public outreach, the city has encouraged residents to use the call center even when the issue is not the responsibility of Public Works to address.

Inter-Agency Coordination

Homeless Encampments

Homeless encampments throughout the City have increased and City and Caltrans team members have worked together to better coordinate removal efforts over the past year. A prime example of this coordinated effort being the encampment under I-880 at Webster Street. City Public Works crews and OPD made a commitment to meet Caltrans crews for their scheduled clean-ups to prevent the encampment dwellers from simply moving all of their belongings onto City streets and to prevent them from returning to the Caltrans property via threat of enforcement action. Because the California Highway Patrol has very few officers assigned to enforce the no trespassing laws on state property, Caltrans has signed "No Trespassing" warrants with OPD to allow the police to take enforcement action on Caltrans property in their place. The City and Caltrans have coordinated efforts in a similar manner at 23rd Street and Martin Luther King Jr. Way, and 36th Street and Martin Luther King Jr. Way. This model appears to work when OPD conducts intermittent enforcement activity in between scheduled clean-ups. This is the most effective way to ensure encampments do not return and expand. When these encampment "hot spots" are routinely monitored by law enforcement, they do not re-establish themselves and the monitoring becomes easier. Where encampments have been allowed to remain for extended periods, the initial effort at removing them is difficult because the population assumes they will be allowed to return without any negative consequence. Unfortunately, without regular patrolling of State owned property the problems associated with homeless encampments will continue. Also, the enforcement aspect of the removal of encampments has limitations based on officer availability and a lack of prioritization of trespassing infractions by the courts. The California Highway Patrol (CHP) Officers have indicated that they have cited several individuals multiple times for trespassing and had bench warrants issued for those individuals failing to appear in court. However, if they arrest the individuals they are turned away at the jail, creating a situation where the repeat offenders know there are no real consequences to returning to the same area. This problem warrants further exploration including policy changes at the City level or requesting assistance from the Alameda County District Attorney or Superior Court of California.

Vegetation Management

In the spring of 2013, Public Works and Caltrans Maintenance staff partnered to coordinate vegetation management efforts along some portions of Interstate 580. This included scheduling Caltrans and Public Works crews to conduct weed removal operations together in select

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locations and also involved discussions about different weed abatement products and strategies in an effort to improve coordination and effectiveness.

Wildfire Prevention

In the summer of 2013, concerns were raised by members of the Caldecott Fourth Bore Tunnel Project Advisory Committee about overall vegetation management, and the impact the landscaping plan would have on fire danger in the entire Highway 13/24 area where Caltrans is the single largest property owner. Specifically, the concern was that Caltrans would be adding several hundred new trees as part of their replacement plan, while not mitigating the large fuel load already present in the area. An ad hoc committee was convened with members of the working group, Caltrans' Caldecott Tunnel Project Manager, Landscape Designer, and several members of the Citizen's Advisory Committee and the Wildfire Prevention District. At that meeting and through subsequent efforts, the Oakland Fire Department is working closely with Caltrans Maintenance staff to remove large amounts of vegetation (referenced above) including several hundred nonnative Eucalyptus trees in an effort to dramatically reduce fire danger.

Land Use

State law prevents any local jurisdiction from regulating what activity Caltrans conducts on its own property, but the LOU allows the City to regulate what Caltrans' lessees do. Caltrans sends a leasing agent to the Working Group meetings on a regular basis to discuss the leasing of property owned by Caltrans in Oakland to ensure that they abide by the City's planning and building codes. As a standard, Caltrans would like to lease as much of their unused property as possible to third parties because the tenant is then responsible for ongoing maintenance and the property then generates revenue. As long as the use fits with the neighborhood and is permitted under Oakland's land use laws, the City supports that policy. However, a better verification system needs to be developed to ensure all lessees abide by this agreement.

In the summer of 2012, a company leased the vacant lot at the intersection of 8th and Pine Streets in West Oakland from Caltrans for the purposes of storing dirt. They came to the City's permit counter and were told they needed no permits to store dirt because they represented themselves as a Caltrans contractor. In the ensuing months the City received multiple complaints from the neighborhood due to heavy truck traffic on Wood Street and large quantities of dirt blowing into the residential area that is across the street from the storage site. The company that originally moved the soil there paid none of the penalties or fees to the City and stopped paying rent to Caltrans which initiated eviction proceedings. Litigation between Caltrans and their tenant caused significant delays in the mitigation of this problem. Currently, Caltrans has spent considerable resources to mitigate the problem and has performed soil testing on the dirt so that it can be moved to an appropriate location. However, as of the writing of this report, the dirt remains.

Two other instances of Caltrans lessees developed in the summer and fall of 2013 where a tenant either failed to obtain the correct permits from the City or made a false representation as to the

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location of their activity in obtaining permits to operate paid parking lots on Caltrans property. In both instances, City Zoning Enforcement staff initiated enforcement proceedings and the use was eventually abandoned. These two instances along with the problem at 8th and Pine indicate a need to better coordinate between Caltrans Land Use Staff and City Staff to prevent unauthorized uses in the future.

Other Interagency Collaboration

Union Pacific Railroad

Similar to Caltrans' LOU, Union Pacific Railroad (UPRR) has a Memorandum of Understanding with the City which requires them to maintain their property in Oakland. Formal meetings with UPRR are held at least twice a year to discuss engineering and track removal projects, as well as maintenance. Daily maintenance concerns are relayed to UPRR from City agencies and the Public Works Call Center, and followed up as necessary. The chart above indicates that there are very few calls for service regarding UPRR right-of-way areas on an annual basis. Because UPRR covers a very large area and the number of complaints from Oakland is small, the response time is sometimes lengthy and UPRR staff are working in partnership with the City to see how that time can be reduced.

This collaboration has resulted in Union Pacific adding additional fencing to protect their right-of-ways from illegal dumping in the past year and a greater level of communication between the two entities. In 2012 it also led to the resurfacing of Embarcadero West in Jack London Square in coordination with Union Pacific Railroad replacing the asphalt blocks under their tracks. The City entered into a short term agreement with Union Pacific Railroad whereby the Railroad paid \$200,000 toward the asphalt replacement costs in exchange for the City assisting with asphalt removal, traffic controls, and waiving of permit costs. The end result was the resurfacing of most of Embarcadero West from Clay Street to Webster Street.

Union Pacific Railroad representatives have also been supportive of the City entering into a similar collaboration with other railroad companies and in looking at long range plans to remove old, unused tracks that impact neighborhoods and industrial area of West Oakland.

BART

BART regularly sends a representative to the Caltrans Working Group meetings to address any concerns raised about their property within the City. As the chart above indicates, there are very few requests from the call center on an annual basis and they are primarily about graffiti on BART Structures. However, in some areas BART shares responsibility with Caltrans and/or Union Pacific Railroad and is faced with illegal dumping or homeless encampments. On a recent site visit with BART staff, they were open to partnering with Caltrans to install appropriate fencing to discourage access to areas that are prone to homeless and illegal dumping. By coordinating efforts between agencies, the net result will be more impactful and positive for the community.

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COORDINATION

City of Oakland agencies: Oakland Public Works, Oakland Police Department, Building Services, Department of Human Services, and Oakland Fire Department. The City Attorney's Office and Budget Office were consulted in the preparation of this report.

Outside agencies: BART and Alameda County

SUSTAINABLE OPPORTUNITIES


Economic: The involvement of Caltrans staff in litter and debris removal and beautification will improve the physical appearance of Oakland and will help stimulate economic growth, retain business, and promote civic pride.

Environmental: Removal of dumped materials and litter will reduce the amount of debris that enters the storm drain system, polluting our creeks and waterways.

Social Equity: Enhancement of communication and coordination between the City and Caltrans will improve the appearance of Oakland and enhance the overall living conditions and safety of all Oakland residents.

For questions regarding this report, please contact Joe DeVries, Assistant to the City Administrator, at (510) 238-3083.

Respectfully submitted,



JOE DEVRIES
Assistant to the City Administrator

Reviewed by:
Susan Kattchee, Environmental Services Manager

Prepared by:
Joe DeVries, Assistant to the City Administrator

Attachments -

- A. Caltrans Progress Report, July 2011- June 2012
- B. Caltrans Progress Report July 2012-June 2013

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DEPARTMENT OF TRANSPORTATION

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P. O. BOX 23660
OAKLAND, CA 94623-0660
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TTY 711
www.dot.ca.gov



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Be energy efficient!*

Attachment A

November 8, 2012

The Honorable Larry Reid
City Council President
City Hall-One Frank Ogawa Plaza
Oakland, CA 94612

Dear Mr. Reid,

Enclosed is the annual progress report as agreed upon by the Department of Transportation (Caltrans) and the City of Oakland in the January 2006 Letter of Understanding (LOU). The report addresses maintenance activities performed by Caltrans within the City of Oakland from July 1, 2011 to June 30, 2012.

This annual progress report summarizes the State's maintenance activities including the production of work and cost expenditures. The maintenance activities include sweeping of state right of way, adopt a highway litter removal, graffiti removal, overgrown vegetation, homeless encampment removal fence repair and illegal dumping removal.

If you need any further information, please contact Nader Eshghipour, Deputy District Director of Maintenance at (510) 286-5893.

Sincerely,

A handwritten signature in black ink, appearing to read "Bijan Sartipi".

BIJAN SARTIPI
District Director

Listed in the table below is a breakdown of maintenance activities from July 1, 2011 to June 30, 2012:

Activity	Production	Cost
Right of Way Swept	3,017 Miles Swept	\$ 273,256.70
Overgrown Vegetation./ Fire Break	92.25 Acres Pruned	\$ 297,840.72
Homeless Removal	572 Sites Cleared	\$ 96,451.03
Fencing Repaired	3105 Linear Feet	\$ 64,655.56
Graffiti Removal	361,061 Sq. Ft. Cleaned	\$ 91,207.12
Adopt-A-Hwy	626 Litter Bags	\$ 12,802.40
Illegal Dumping	82 Cubic Yards	\$ 12,585.46
		Total \$848,798.99

DEPARTMENT OF TRANSPORTATION

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Attachment B

November 20, 2013

The Honorable Patricia Kernighan
City Council President
City Hall-One Frank Ogawa Plaza
Oakland, CA 94612

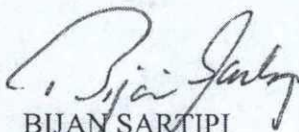
Dear Ms.Kernighan,

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If you need any further information, please contact Nader Eshghipour, Deputy District Director of Maintenance at (510) 286-5893.

Sincerely,


BIJAN SARTIPI
District Director

Listed in the table below is a breakdown of maintenance activities from July 1, 2012 to June 30, 2013:

Activity	Production	Cost
Right of Way Swept	4,196 Miles Swept	\$ 441,989.00
Overgrown Vegetation Removal, Fire Break & Manual Weed Control.	230 Acres	\$ 662,689.00
Homeless Encampment Removal	687 Sites Cleared	\$ 164,382.00
Fencing Repaired	3,233 Linear Feet	\$ 113,141.00
Graffiti Removal	339,985 Sq. Ft. Cleaned	\$ 151,160.00
Adopt-A-Hwy	866 Litter Bags	\$ 10,285.00
Illegal Dumping	52 Cubic Yards	\$ 9,242.00
		Total: \$1,552,888.00