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OAKLAND
2017 MAY 11 PM 3:17

Approved as to Form and Legality

OAKLAND CITY COUNCIL

City Attorney

RESOLUTION No. 86757 C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE, THE DIRECTOR OF TRANSPORTATION OR ASSISTANT DIRECTOR OF TRANSPORTATION, TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH UNION PACIFIC RAILROAD COMPANY (UPRR), IN ACCORDANCE WITH CALIFORNIA PUBLIC UTILITY COMMISSION (CPUC) REGULATIONS, FOR THE CONSTRUCTION, MAINTENANCE AND OPERATIONS OF A SIGNAL INTERCONNECT FACILITY AT THE EXISTING 5TH AVENUE AT-GRADE CROSSING

WHEREAS, the City of Oakland requires Brooklyn Basin (formerly named Oakland Army Base), a private development project, to provide mitigation measures including the installation of a new traffic signal at the intersection of Embarcadero and 5th Avenue; and

WHEREAS, the close proximity of the new traffic signal at Embarcadero and 5th Avenue to the railroad tracks require Brooklyn Basin to also construct a signal interconnect to the existing at-grade railroad crossing; and

WHEREAS, the installation of the signal interconnect in UPRR right-of-way requires UPRR approval in accordance with CPUC regulations and execution of an Agreement with UPRR; and

WHEREAS, no City or railroad agreements for construction of any improvements or ongoing maintenance are currently in place at this location; and

WHEREAS, UPRR has required that the City execute the Agreement, prior to issuing the City's contractor permits to construct said signal interconnect improvements; and

WHEREAS, UPRR has required that the City pay an administrative fee of \$1,000 to UPRR upon execution of the Agreement; and

WHEREAS, UPRR has required that the City reimburse \$377,378 to UPRR for all actual labor and material costs for the construction, maintenance and operations of a signal interconnect facility at the at-grade railroad crossing on 5th Avenue; and

WHEREAS, Brooklyn Basin, as permittee to the City, shall pay to UPRR all said charges by UPRR under the Agreement, as a project requirement; now, therefore, be it

RESOLVED, the City Administrator or designee, the Director of Transportation or Assistant Director of Transportation, be authorized and directed to negotiate and enter into an Agreement with UPRR, subject to review and approval by the Office of the City Attorney, and be it

FURTHER RESOLVED, that an original copy of agreements be kept on file with the City Clerk, once executed.

IN COUNCIL, OAKLAND, CALIFORNIA, JUN 06 2017

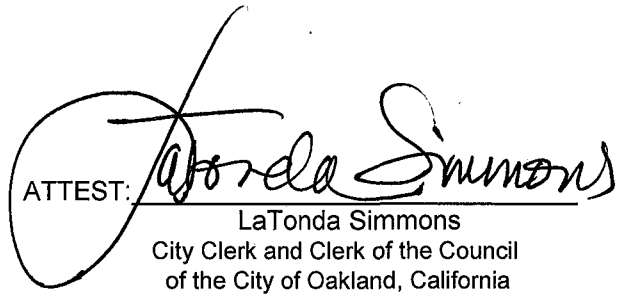
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GIBSON-MCELHANEY, GUILLEN, KALB, KAPLAN, and PRESIDENT REID — 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST: 
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California