



**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION APPROVING BUILDING PERMIT  
REQUESTED BY BNSF RAILWAY LLC FOR WORK AT  
333 MARITIME STREET, JIT, OAKLAND, AND  
FINDING THAT THE PROPOSED ACTION IS EXEMPT  
UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY  
ACT.**

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**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated Item No. 2.14 - the Summary Approval for Permit Application (Port Permit No. PDP-50-2024) dated November 27, 2024, - and related agenda materials ("Agenda Sheet"), has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; and

**WHEREAS**, that in acting upon this matter, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Sheet and in testimony received;

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

**Section 1.** The Board hereby finds and determines that the Work (defined below) to be performed under this building permit is categorically exempt from the California Environmental Quality Act ("CEQA") under Section 15301 of the CEQA Guidelines because the proposed action consists of activities that involve negligible or no expansion of an existing use.

**Section 2.** In reliance upon the representations and certifications set forth upon and submitted with an application by the Applicant (defined below) for a building permit to perform the Work at the Premises (defined below), and provided that the Applicant complies with all of the terms and conditions set forth in Applicant's agreement(s) with the Port and all other documents regulating use of the Premises, the Board hereby approves the building permit for the following Work:

A. Applicant: **BNSF Railway LLC.**

B. Premises: 333 Maritime Street, JIT, Oakland, California.

C. Estimated Cost: \$100,000.00.

D. Work: Improvements to the Joint Intermodal Terminal (JIT), including installation of two gate arms and two kiosks on the inbound lanes, and two gate arms on the outbound lanes.

E. Sustainability: The Work will follow current California Green Building Code as well as the construction debris recycling requirements. All materials removed from the Premises will be reused or recycled to the extent feasible.

**Section 3.** Neither this resolution nor the Board's approval of the Work: (i) is a waiver by the Board of any Port right or remedy with respect to Applicant under any agreement between the Port and the Applicant or with respect to any obligation of Applicant; or (ii) releases Applicant from any obligation with respect to the Work or with respect to any agreement between the Port and Applicant.

**Section 4.** This resolution is not evidence of and does not create or constitute: (i) a contract, or the grant of any right (other than to perform the Work subject to the provisions of this resolution), entitlement or property interest; or (ii) any obligation or liability on the part of the Board or any officer or employee of the Port.

**Section 5.** This resolution shall be effective immediately upon adoption by the Board.