

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

10/24/2024
Item No.: 2.2
CT/pcm



RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AN AMENDMENT TO THE LETTER OF AGREEMENT WITH THE SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT TO EXTEND THE TERM THROUGH DECEMBER 31, 2029, FOR THE PORT TO PROVIDE BART AS-NEEDED BUS SERVICE AND FINDING THAT THE PROPOSED ACTION IS EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, the Board of Port Commissioners ("Board"), has reviewed and evaluated the Agenda Report Item 2.2, dated October 24, 2024 ("Agenda Report") and related materials, has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; now, therefore, be it

RESOLVED, that the Board finds and determines that the proposed action 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; and be it

FURTHER RESOLVED, that the Board hereby approves the terms and conditions of an amendment to the letter of agreement with the San Francisco Bay Area Rapid Transit District ("BART") to provide as-needed bus service between the Coliseum BART station and the San Francisco Bay Oakland International Airport, at the hourly rates set forth below, through December 31, 2029, subject to cancellation by either party with 30-day notice, as more fully described and set forth in the Agenda Report; and be it

FURTHER RESOLVED, that the hourly rates for the bus bridge transit service shall be as follows:

BART Bus Bridge Rates¹

Service Scenario	Regular Day	Holiday
	<u>Hourly Rates</u>	<u>Hourly Rates</u>
<u>One-Bus Operation</u>		
Fee per First Hour	\$ 185	\$ 267
Fee per Add'l Hour	\$ 131	\$ 194
<u>Two-Bus Operation</u>		
Fee per First Hour	\$ 272	\$ 425
Fee per Add'l Hour	\$ 223	\$ 326; and be it

¹ Rates are calculated by Aviation staff and include costs for Port and contractor labor, overhead, maintenance and fuel. Rates shall be adjusted on January 1st of each year during the Extension Term. The rate adjustment shall be based on Consumer Price Index (CPI) as published by US Bureau of Labor Statistics for the San Francisco Bay Area for the previous 12-month period.

FURTHER RESOLVED, that the Board hereby authorizes the Executive Director to execute such amendment, subject to review and approval as to form and legality by the Port Attorney, and make any additions, modifications, or corrections necessary to implement the proposed action or to correct errors, subject to the limitations set forth herein, provided that any addition, modification, or correction does not materially differ from the terms and conditions set forth herein and in the Agenda Report, and are approved as to form and legality by the Port Attorney; and be it

FURTHER RESOLVED, that this resolution is not evidence of and does not create or constitute (a) a contract(s), or the grant of any right, entitlement or property interest, or (b) any obligation or liability on the part of the Board or any officer or employee of the Port. This resolution approves and authorizes the execution of an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and approved as to form and legality by the Port Attorney, and is delivered to the other contracting party, there shall be no valid or effective agreement; and be it

FURTHER RESOLVED, that in acting upon the matters contained herein, 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 Report and in related materials and in testimony received; and be it

FURTHER RESOLVED, this resolution shall be effective immediately upon adoption by the Board.

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