

SUPPLEMENTAL AGENDA REPORT

Resolution: Authorize the Executive Director to Enter into a Cooperative Agreement with Alameda County Transportation Commission and Approve \$2,100,000 of Capital Funds for the Development, Construction and Operation of Thirteen (13) Demonstration Projects in the Seaport Associated with the Freight Intelligent Transportation System Program. **(Maritime)**

MEETING DATE: 2/14/2019

AMOUNT: \$2,100,000
Capital Expenditure
\$5,000,000 (over 5 years)
Operating Expense

PARTIES INVOLVED: Alameda County Transportation Commission
Arthur L. Dao, Executive Director

SUBMITTED BY: John C. Driscoll, Director of Maritime

APPROVED BY: J. Christopher Lytle, Executive Director

ACTION TYPE: Resolution

EXECUTIVE SUMMARY

Port staff requests authorization from the Board of Commissioners to enter into a cooperative agreement (herein referred to as the “Cooperative Agreement”) with Alameda County Transportation Commission and approve a capital project budget in the amount of \$2,100,000 for thirteen (13) demonstration projects associated with the Freight Intelligent Transportation System Program, which is an element of the larger GoPort Program. The Cooperative Agreement outlines the roles and responsibilities of the parties, including but not limited to the Port’s obligation to perform and fund a five-year operations/maintenance commitment.

BACKGROUND

The GoPort Program is a collaborate partnership between the Port of Oakland (“Port”) and Alameda County Transportation Commission (“Alameda CTC”) associated with two capital improvements programs in the Seaport area: (1) the Freight Intelligent Transportation System Program (“FITS Program”) and (2) the 7th Street Grade Separation Project (“7th Street GSP”). This Agenda Report focuses exclusively on the FITS Program.

Overview of Improvements

The FITS Program is comprised of 15 demonstration projects intended to improve traffic flow, vehicle/pedestrian safety and the overall movement of goods in the Port' Maritime area ("Seaport"). The projects are briefly summarized below:

- 1) **Adaptive Signal System** – automated traffic signals;
- 2) **Advanced Traffic Management System** – software that integrates traffic data;
- 3) **Advanced Rail Grade Crossing System** – train detection/monitoring system;
- 4) **Basic Smart Parking System** – software system to streamline vehicle parking;
- 5) **Center to Center ("C2C") Communications** – interagency data sharing;
- 6) **Changeable Message Signs** – electronic signs providing operational info/updates;
- 7) **Video Upgrade to High Definition** – security camera enhancements;
- 8) **Emergency Operations Center ("EOC")/Traffic Management Center ("TMC")** – central command center that monitors traffic and security information;
- 9) **Fiber Upgrades** – improvements to the Port's fiber network;
- 10) **GoPort Application** –software application that provides real-time data to Port stakeholders (traffic conditions, terminal notices, wait times, etc.);
- 11) **Queue Detection** – camera system that tracks queuing outside tenant entrances;
- 12) **Radio Frequency Identification Device ("RFID")** – tracks vehicle activity;
- 13) **Supplementation Vehicle Detection** –system that detects vehicle speeds;
- 14) **Weigh-in-Motion ("WIM") Technology** - provides truck/vehicle weights; and
- 15) **WiFi Communication** – expansion of wireless communication in the Seaport.

These improvements will be installed near or along the main transportation corridors in the Seaport, including 7th Street, Maritime Street and Middle Harbor Road. While most of the improvements are on Port property, some infrastructure (such as portions of the Fiber Upgrades) are on City of Oakland property. Refer to Appendix A for an overview of the FITS Program area and Appendix B for an overview of how the projects will function and interface with different existing Port systems.

Timeline for Funding and Prior Approvals

The Port and Alameda CTC started working together on the GoPort Program in 2015, when external transportation funding opportunities were initially identified. Below is a summary of funding and prior approvals specific to the FITS Program.

- In March 2016, Alameda CTC approved the allocation of \$6.6 million towards preliminary engineering, planning, specification and estimate ("PE/PS&E") work for the FITS Program from the Measure BB Transportation Sales Tax Program (herein referred to as "Measure BB Funds").

- In May 2016, the Port and Alameda CTC entered into a memorandum of understanding for the GoPort Program, which included an outline of roles, responsibilities and obligations for the FITS Program.
- In 2017 and 2018, Alameda CTC and the Port collectively secured \$24 million to fund the FITS Program construction work, which includes:
 - \$9.72 million from the Federal Highway Administration (“FHA”) under the Advanced Transportation and Congestion Management Technologies Deployment (“ATCMTD”) program, which is administered directly by Alameda CTC.
 - \$12.456 million from the California Transportation Commission (“CTC”) under the Trade Corridor Enhancement Program (“TCEP”), which is administered directly by Alameda CTC.
 - \$1.824 million from the U.S. Department of Homeland Security (“DHS”) under the Fiscal Year 2017 Port Security Grant Program (“PSGP17”), which is administered directly by the Port.
- In January 2018, Port staff received Board approval to enter into a cooperating agreement for 2 of the 15 projects - the two security projects (EOC/TMC and RFID) - administered by the Port under the PSGP17 grant, as well as associated capital expenditures. For these 2 projects, Alameda CTC is directly responsible for PE/PS&E, and the Port responsible for construction and ongoing Operations and Maintenance (“O&M”). It is anticipated that this agreement will be formally executed in early February 2019.
- On December 13, 2018, Port staff received Board approval to enter into a Temporary License Agreement (“TLA”) with Alameda CTC and its contractors to construct the remaining 13 projects on Port property. Execution of the TLA is contingent upon the approval of the Cooperative Agreement. The Cooperative Agreement is the subject of this Agenda Report.

ANALYSIS

Port staff is now seeking Board approval to enter into a Cooperative Agreement for the remaining 13 projects (i.e., all the FITS projects except EOC/TMC and RFID) that are being administered by Alameda CTC under the TCEP and ATCMD grants Agreement. Under the proposed terms of the Cooperative Agreement:

- Alameda CTC is responsible for PE/PS&E, excluding Port Staff labor and Port consultant support costs. PE/PS&E began in early 2018 and is scheduled for completion in February 2019.

- Alameda CTC is responsible for construction and for a 12-month period of systems/operations testing of the improvements (“Construction and Systems Testing”), excluding Port Staff labor and Port consultant support costs. Construction and Systems Testing is anticipated to start in Summer 2019 and finish in Summer 2022.
- Port will assume ownership of FITS Program assets and Operations and Maintenance (“O&M”) only after providing its written approval of Construction and Systems Testing. The Port is responsible for O&M for at least five (5) years, which is currently scheduled to commence on or about August 31, 2022 and end on or about August 30, 2027. Furthermore:
 - The Port is responsible for developing/executing any necessary agreements required for O&M (e.g., the City of Oakland); and
 - The Port has the right to make the determination to remove a demonstration project over the course of the five-year O&M term, so long as such elimination/removal does not impact the overall intent of the FITS Program.
- The term is currently scheduled to terminate on August 30, 2027, but is subject to extension depending on the timing of project implementation. The Port’s O&M obligation is limited to a period of five (5) years, after which time the Port may evaluate if it wishes to continue O&M. This is an important point, since the 13 projects are demonstration projects, with (in some cases) no long-term track record of successful application in the intermodal transportation sector.

The FITS Program provides direct benefit to the Port by improving traffic and safety conditions in the Seaport, at a relatively low cost of implementation to the Port (since Measure BB and grant funding has been secured to cover the majority of costs associated with PE/PS&E and Construction and Systems Testing). While the Port has and would continue to expend some resources to support Alameda CTC’s work, and has to fund the O&M, Port staff believe that the benefits of the FITS Program outweigh the cost and risk of assuming these costs and responsibilities.

BUDGET & STAFFING

Total capital cost (during PE/PS&E and Construction and Systems Testing) for the 13 projects is projected to be approximately \$26.6 million, which will be paid by a combination of Measure BB, grant funding and Port cash as detailed below:

- PE/PS&E and Construction and Systems Testing are currently projected to cost Alameda CTC about \$24.5 million. These costs will be covered by Measure BB Funds and ATCMTD and TCEP grants. See Table 2 for more information.
- Staff and Port consultant support costs during PE/PS&E and Construction and Systems Testing incurred by the Port are projected to be approximately \$2.1

million, which will be funded by Port cash. About \$800,000 of this expenditure is anticipated for consultant support and the balance for Port labor. About \$500,000 will be spent during PE/PS&E and \$1.6 million will be spent during Construction and Systems Testing.

This Agenda Reports requests approval of the \$2.1 million of Port capital funds, which are included in the Port’s Five-year Capital Improvement Plan (“CIP”).

The Port estimates an additional \$1,000,000 annually in O&M for the 13 projects, likely starting in FY 2022-23 and continuing over five years, totaling an estimated \$5,000,000. While Port staff is not requesting budgetary approval for O&M costs at this time, it is important to emphasize that O&M costs will increase at the Seaport as a result of this project and likely impact staffing. Port staff will return to the Board for such authorizations as the date for O&M commencement approaches.

Table 2: Costs/Funding for 13 Projects Cooperative Agreement (in \$ thousands)

	Projected Costs			Available Grant or Other Funding			
	Port	Alameda CTC ¹	Total Cost	Measure BB ²	ATCMTD & TCEP	Port Cash	Total Funding
PE/PS&E	\$ 500	\$ 4,500	\$ 5,000	\$ 5,700	-	\$ 500	\$ 6,200
Construction & Syst. Test.	\$ 1,600	\$20,000	\$21,600	-	\$21,500	\$ 1,600	\$23,100
Total Capital Cost	\$ 2,100	\$24,500	\$26,600	\$ 5,700	\$21,500	\$ 2,100	\$29,300
Five-year O&M	\$ 5,000	-	\$ 5,000	-	-	\$ 5,000	\$ 5,000
TOTAL	\$ 7,100	\$24,500	\$31,600	\$5,700	\$21,500	\$ 7,100	\$34,300

MARITIME AVIATION PROJECT LABOR AGREEMENT (MAPLA)

The provisions of the Port of Oakland Maritime and Aviation Project Labor Agreement (“MAPLA”) do not apply to the construction work administered by Alameda CTC, which is a separate government agency. MAPLA does not apply to the Port’s portion of the work as its consultant support efforts are not being performed under publicly bid construction contracts.

STRATEGIC PLAN

The action described herein would help the Port achieve the following goals and objectives in the Port’s Strategic Business Plan (2018-2022).

¹ Includes Alameda CTC staff, consultant and contractor costs for PE/PS&E and Construction and Systems Testing.

² Total Measure BB Funding for the entire FITS program is \$6.6 million, with ATCMTD and TCEP grants totaling approx. \$22.2 million. The numbers provided in this Budget section are less than these amounts as they exclude the two security projects (EOC/TMC and RFID).

<https://www.portofoakland.com/wp-content/uploads/Port-of-Oakland-Strategic-Plan.pdf>

- Goal: Modernize and Maintain Infrastructure
- Goal: Strengthen Safety and Security

LIVING WAGE

Living wage requirements, in accordance with the Port's Rules and Regulations for the Implementation and Enforcement of the Port of Oakland Living Wage Requirements (the "Living Wage Regulations"), do not apply to this agreement because Alameda CTC is a government agency.

SUSTAINABILITY

Port staff have reviewed the Port's 2000 Sustainability Policy and did not complete the Sustainability Opportunities Assessment Form. There are no sustainability opportunities related to this proposed action because it does not involve a development project, purchasing of equipment (other than hardware/software and related IT equipment), or operations that presents sustainability opportunities. Completion of the 13 projects outlined in this Report, however, are intended to improve traffic flow and overall efficiency of Seaport-related transportation; as such, the proposed action contributes to sustainable operations.

ENVIRONMENTAL

CEQA Determination: Entering into the Cooperative Agreement with Alameda CTC related to the FITS Program for the 13 demonstration projects (which includes installing additional fiber optic cable in existing and new conduits, upgrades to the security camera system, vehicle detection equipment, changeable message signs and, other related improvements), was reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA") and applicable existing CEQA documentation. The 2002 Oakland Army Base Area ("OAB") Redevelopment Plan Environmental Impact Report (2002 Redevelopment EIR) evaluated the potential impacts of redevelopment of the 1,800-acre redevelopment area, which included the Port locations for the FITS Program components. The EIR was certified by the lead agency, the City of Oakland, in June 2002. On September 17, 2002, the Board of Port Commissioners, acting on behalf of the Port of Oakland as a responsible agency under CEQA, adopted findings and the mitigation program in the City's EIR (Resolution No. 02317). In 2012, the City of Oakland, in consultation with the Port, issued an Initial Study/Addendum to the Redevelopment EIR to evaluate proposed changes to the redevelopment plan. The Board of Port Commissioners approved the revised redevelopment plan and adopted the revised mitigation program on June 21, 2012 (Resolution No. 12-76). As the Board of Port Commissioners determined on November 29, 2018 for the approval of a Temporary License Agreement with Alameda CTC, the OAB Redevelopment EIR, as addended, includes construction and installation of all supporting infrastructure, including Intelligent Transportation System elements consistent with the those in the FITS Program. The proposed action does not trigger any of the conditions set

forth in Section 15162 of the CEQA Guidelines, and no further CEQA review is thus required.

GENERAL PLAN

Pursuant to Section 727 of the City of Oakland Charter, this project has been determined to conform to the policies for the transportation designation of the Oakland General Plan.

OWNER-CONTROLLED INSURANCE PROGRAM (OCIP)

This project is not subject to the Port's Owner Controlled Insurance Program (OCIP) as it is not the Port's capital improvement construction project, but rather Alameda CTC's project.

OPTIONS

Staff has identified the following options for the Board's consideration:

1. Authorize the Executive Director to execute the Cooperative Agreement with Alameda CTC and approve \$2,100,000 of Port capital funds for 13 demonstration projects in the FITS Program, as outlined in this Agenda Report. This is the recommended option.
2. Authorize the Executive Director to execute the Cooperative Agreement, but under different terms than those proposed herein. If directed, Staff can discuss the implications of changing various terms.
3. Do not authorize the Executive Director to execute the Cooperative Agreement with Alameda CTC nor approve funding for the 13 projects in the FITS Program described herein. Under this option, Alameda CTC will be unable to meet the grant obligations for constructing and implementing the 13 projects. This will likely result in the loss or deferral of funding, and the projects will not proceed.

RECOMMENDATION

Staff recommends that the Board adopt a resolution that:

- Authorizes the Executive Director to enter into a Cooperative Agreement with Alameda County Transportation Commission for the implementation and operation/maintenance of 13 demonstration projects that are part of the Freight Intelligent Transportation System (FITS) Program; and
- Approves \$2,100,000 of Port capital funds to support Alameda CTC's development, construction and operation of the 13 FITS projects.

APPENDIX A

FITS Program Project Area



APPENDIX B

FITS Program Summary Overview

