



**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION (1) APPROVING CAPITAL BUDGET IN THE AMOUNT OF \$2,100,000 AND (2) AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE ALAMEDA COUNTY TRANSPORTATION COMMISSION FOR THE DEVELOPMENT, CONSTRUCTION AND OPERATION OF THIRTEEN (13) DEMONSTRATION PROJECTS IN THE SEAPORT ASSOCIATED WITH THE FREIGHT INTELLIGENT TRANSPORTATION SYSTEM PROGRAM.**

**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 3.1 dated February 14, 2019 ("Agenda Report") and related agenda materials, has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; and

**WHEREAS**, the Port and the Alameda County Transportation Commission ("Alameda CTC") are currently working together to design, implement and construct the Freight Intelligent Transportation System Program ("**FITS Program**"), which consists of fifteen (15) demonstration projects intended to improve traffic flow, vehicle safety and goods movement, enhance traveler information and experience on the roadway, and reduce congestion; and

**WHEREAS**, the Port and Alameda CTC have negotiated the terms of and wish to enter into a Cooperative Agreement with Alameda CTC for thirteen of the **FITS Program** projects that outlines the roles and responsibilities of the parties (Cooperative Agreement"); 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 Report, and in related agenda materials and in testimony received;

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

**SECTION 1.** Based upon the information contained in the Agenda Report and testimony received, the Board hereby finds and determines that:

A. It is in the best interest of the Port to authorize and approve project budget in the amount of \$2,100,000 for the **Development, Construction and Operation of Thirteen (13) Demonstration Projects in the Seaport Associated with the Freight Intelligent Transportation System Program ("FITS Demonstration Projects")**.

B. The proposed actions were reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA"), and the Port CEQA Guidelines. 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.

**SECTION 2.** The Board hereby:

A. Approves project budget in the amount of \$2,100,000 for the **FITS Demonstration Projects**.

B. Authorizes the Executive Director to enter into a Cooperative Agreement with Alameda CTC for the **FITS Demonstration Projects** providing that Alameda CTC is responsible for preliminary engineering, plans, specifications, project estimating, construction and systems/operations testing of the **FITS Demonstration Projects**, excluding Port staff labor and Port consultant support costs and the Port is responsible for operations and maintenance of the **FITS Demonstration Projects** for at least five (5) years following the Port's approval of construction and systems testing, and as further provided in the Agenda Report.

**SECTION 3.** This resolution is not evidence of and does not create or constitute (a) a contract, 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 Board. This resolution approves and authorizes the execution of a contract in accordance with

the terms of this resolution. Unless and until a separate written contract is duly executed on behalf of the Board as authorized by this resolution, is signed as approved as to form and legality by the Port Attorney, and is delivered to other contracting party, there shall be no valid or effective contract.

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