

RESOLUTION NO. XXXX-24

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY AUTHORIZING THE CITY MANAGER TO EXECUTE THE CROSSING AGREEMENT WITH UNION PACIFIC RAILROAD COMPANY, IN THE AMOUNT OF \$406,647, TO REPLACE THE CONCRETE PANELS AT THE DECOTO ROAD OAKLAND SUBDIVISION RAILROAD CROSSING AS PART OF THE AT-GRADE PEDESTRIAN CROSSING AT BART PROJECT, CITY PROJECT NO. 14-14

WHEREAS, the City of Union City intends to construct a new at-grade crossing on the Oakland Subdivision to facilitate pedestrian and bicycle access between the BART Station and City's Intermodal Station District and the neighborhoods east of the Oakland Subdivision (the "At-Grade Pedestrian Crossing Project"); and

WHEREAS, in order to move forward with the At-Grade Pedestrian Crossing Project, the City is being required by the California Public Utility Commission ("CPUC") to make various railroad improvements throughout the City, including permanently closing the I Street at-grade railroad crossing between 11th and 12th Street on the Oakland Subdivision tracks (the "I Street Railroad Crossing"); and

WHEREAS, on July 9, 2019, the City Council adopted Resolution No. 5503-19 authorizing the City Manager to execute the "Public At-Grade Pedestrian Crossing Agreement, BART Pedestrian Crossing, DOT 859611R, Mile Post 27.08 – Oakland Subdivision, City of Union City, Alameda County, California, (Public At-Grade Crossing Permit), UP Real Estate Folder No: 3055-45" ("Original Agreement"); and

WHEREAS, on September 10, 2024, the City Council adopted Resolution No. 6361-24, authorizing the City Manager to enter into a Supplemental Agreement which amended the City's Original Agreement with Union Pacific Railroad ("UP"); and

WHEREAS, on October 8, 2024, the City Council held a Public Hearing and adopted Resolution No. 6370-24 approving the closure and vacation of the I Street railroad crossing as part of the At-Grade Pedestrian Crossing at BART Project, City Project No. 14-14; and

WHEREAS, at the same meeting, the Public Hearing presentation provided an update of the project history and the proposed project improvements by UP including the replacement and extension of the concrete panels along the Oakland Subdivision railroad tracks at the Decoto Road at-grade crossing (See Exhibit A); and

WHEREAS, to expedite the completion of the required improvements as well as minimize the inconvenience to pedestrians and vehicular traffic, various components of the at-grade railroad crossing improvements will be phased; and

WHEREAS, Phase I is the largest and most significant of the entire project and consists of constructing the at-grade pedestrian crossing at the east entrance to the BART Station. The project will be advertised for bid in the last months of 2024/early 2025 and has a construction period of approximately 8-10 months; and

WHEREAS, Phase II A will consist of replacing existing concrete panels at the Decoto Road Oakland Subdivision railroad crossing with new, longer concrete panels that will be constructed by UP crews; and

WHEREAS, by extracting **Phase II A** from other Phase II improvements, the City will be better able to coordinate the timing of the project with UP to minimize impact to school-related traffic, such as by doing this work during spring break 2025 or summer 2025; and

WHEREAS, Phase II A would require the complete closure of Decoto Road and include an associated traffic detour for a period of 1 to 2 weeks; and

WHEREAS, by allowing UP to complete this task ahead of the rest of the Phase II project, the City's contractors will be able to plan and execute the project work according to their schedule without interruption; and

WHEREAS, the Crossing Agreement will include the cost for UP crews to replace the concrete panel crossing as well as for implementation of the detour plan; and

WHEREAS, to expedite the **Phase II A** work, the City will pay the cost for work covered under this Agreement separately and ahead of the rest of the Phase II improvements; and

WHEREAS, Phase II B will consist of installing other miscellaneous improvements at the Decoto Road Oakland Substation railroad tracks, as required per the Public Utilities Commission of the State of California's General Order No. 75-D, Regulations Governing Standards for Warning Devices for At-Grade Highway-Rail Crossings in the State of California ("CPUC Governing Standard"). These improvements include those listed in CPUC Governing Standard No. 9, such as updated pedestrian walkways, median refuge island, queue-cutter signals for advanced railroad pre-emption, striping, signage, and replacing existing railroad safety gates, lights, and flashing lights. They also include the installation of new pedestrian safety gates per CPUC Governing Standard No. 8; and

WHEREAS, the design of **Phase II B** is still under review by UP and will go to bid along with **Phase II C** as a single project once approved, which is anticipated in early 2025; and

WHEREAS, Phase II C will consist of the permanent closure of the I Street railroad crossing between 11th and 12th Streets, as required by UP and the CPUC; and

WHEREAS, Phase II C design has been completed and this work will be included in the **Phase II B** bid package to help delay the closure as much as possible; and

WHEREAS, the closure of the I Street railroad crossing is required prior to the opening of the new pedestrian crossing at BART, as well as the completion of all Phase II components; and

WHEREAS, Phase III will consist of constructing safety improvements at the Smith Street railroad crossing and the Whipple Road railroad crossing (Niles Subdivision), as required per Exhibit G of the Original Agreement; and

WHEREAS, Phase III work, per the consent of UP, will be undertaken in the future as separate projects following the completion of **Phase I** and all **Phase II** projects; and

WHEREAS, there is about \$7.17 million budgeted for the construction phase and includes Measure BB Bike & Pedestrian funds (Fund 2546), Public Improvement funds (Fund 4160), Safe Routes to BART Grant funds (Fund 4100) and Dumbarton Corridor Grant – Regional Measure 3 (RM3) Grant funds (Fund 4160); and

WHEREAS, the UP cost for replacing and extending the concrete panels at the Decoto Road Oakland Subdivision railroad crossing and associated traffic control is \$406,647, which will be paid with Public Improvement funds (Account Number 4160-35-30-310-3150-091414-54111).

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Union City hereby authorizes the City Manager to execute the Crossing Agreement with Union Pacific Railroad Company, in the amount of \$406,647, to replace the concrete panels at the Decoto Road Oakland Subdivision railroad crossing, as part of the At-Grade Pedestrian Crossing at BART Project, City Project No. 14-14.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Union City at a special meeting held on the 19th day of November 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

CAROL DUTRA-VERNACI
Mayor

ATTESTED:

APPROVED AS TO FORM:

THAI NAM N. PHAM
City Clerk

KRISTOPHER J. KOKOTAYLO
City Attorney

Attachments:

1. Exhibit A – October 8, 2024, City Council Presentation