



June 15, 2025

**Honorable Mayor Lee and Members of the City Council, Administrator Johnson,
and Director Rowan:**

**Re: Proposed Changes to Expedite OakDOT Construction and Contracting in
Connection with Tentative Americans with Disabilities Act Settlement
Agreement**

We write on behalf of the Oakland Bicyclist and Pedestrian Advisory Commission (BPAC),¹ which, during its June 12, 2025, meeting voted unanimously to recommend that the City Council approve certain changes to expedite Oakland Department of Transportation (OakDOT) hiring and contracting in connection with the Oakland's tentative Americans with Disabilities Act (ADA) settlement agreement.

At the May 5, 2025, BPAC Policy and Legislative Advisory Committee meeting, OakDOT staff presented proposed changes intended to increase OakDOT's capacity to comply with the conditions of the tentative settlement agreement in the lawsuit, *Curran v. City of Oakland*, filed on May 15, 2023.² OakDOT staff described the need for such streamlining measures to ensure the department is better able to meet the aggressive compliance timeframes in the tentative settlement agreement. We understand these changes would fall into four categories, with each category to be approved by a separate resolution:

- **First Resolution:** Revise the sidewalk repair assistance policy to remove the \$50,000 funding cap designed to incentivize property owners to comply with notice to repair letters. If the City Council removes the \$50,000 cap, then OakDOT would be able to provide financial support up to an annually budgeted amount above that cap.
- **Second Resolution:** The City Council would delegate contracting pre-authorization to OakDOT to allow OakDOT to enter into paving contracts above the current \$250,000 limit without needing to seek City Council approval, up to \$7.5 million each year, during the term of the consent decree. OakDOT anticipates that providing this pre-authorization to enter into these

¹ www.oaklandca.gov/BPAC.

² <https://dralegal.org/case/curran-v-oakland/> (summarizing contents of the complaint, which alleges that Oakland's ADA "violations severely impact the ability to access sidewalks, crosswalks, and curb ramps for [p]laintiffs" and that "the lawsuit seeks an order to ensure that Oakland's sidewalks, curb ramps, and pedestrian rights of way comply with laws and standards . . .")



contracts would prevent the delays that often result from needing to go to City Council for this approval, which approval can take over one month to obtain.

- **Third Resolution:** For paving contracts during the term of the consent decree, the City Council would grant OakDOT an exemption from the current requirement that OakDOT seek a waiver from City Council if it wishes to consider contracting with contractors who do not qualify as small or local business enterprises. According to OakDOT staff, there are currently no small enterprises bidding on paving contracts, and only one local enterprise. In situations where there is a bidding pool of one, the sole bidder may bid in the absence of competition, which may lead to increased contracting costs. OakDOT believes that waiving the small and local business enterprise requirement may increase bidding competition and lower project costs.
- **Fourth Resolution:** The City Council would authorize OakDOT to implement a variety of measures designed to improve employee hiring and increase retention. Such measures would include allowing OakDOT to provide targeted retention incentives to employees, establish new employment pipelines with local schools, and be given the option to retain and hire from lists of qualified applicants that have previously applied for OakDOT jobs.

Regarding the third resolution that would relax the requirement for OakDOT to seek a waiver from City Council in the event it receives few to no qualified bids from small and local businesses: BPAC understands the benefits and importance of contracting with small and local businesses, as doing so both increases future contracting capacity and sustains critical local businesses. We appreciate that the inability to contract with small and local businesses due to the relative absence of such qualified or responsive bidders may add more cost and procedural delays to countless critical projects. However, even if the City Council determines that temporarily relaxing these small and local business contracting requirements is necessary to ensure Oakland meets the timelines in the tentative settlement, we would urge the City Council to at minimum require that OakDOT always first earnestly attempt to attain a qualified small or local business enterprise before it invokes a waiver of this requirement. As local economic conditions continue to improve, we hope and expect that such waivers will become unnecessary.

Regarding the other resolutions, over the years, BPAC commissioners have repeatedly raised Oakland's contracting delays and complex hiring procedures as reasons Oakland has been limited and delayed in its ability to expeditiously construct life-saving and community-improving projects. These delays and chronic staffing shortages have historically added significantly to project costs and have hampered the ability of OakDOT to effectively use its limited resources, including to design new projects and seek new grants. Likewise, at past BPAC meetings, Commissioners have recommended that OakDOT seek many of the changes it is



now proposing as a means of complying with the timelines of the tentative settlement agreement.

BPAC therefore wishes to voice its support for OakDOT's proposal to seek the means to speed up its construction timelines and improve its ability to hire and retain talented staff. Such improvements promise to significantly reduce delays and costs related to work that may be completed under the tentative settlement agreement. If some or all of these temporary changes produce their anticipated benefits, we would further urge the City Council to consider making these changes permanent and authorizing them for all OakDOT hiring and contracting.

BPAC truly appreciates the efforts of the City Council and OakDOT to ensure Oakland's streets are safer and more accessible to all of its residents. We recommend that the City Council adopt the above-referenced resolutions, with the qualifications we have outlined in this letter.

Respectfully,

David Ralston, Chair, Oakland Bicyclist and Pedestrian Advisory Commission
Nicholas Whipps, Vice-Chair, Oakland Bicyclist and Pedestrian Advisory Commission