

CITY OF OAKLAND MAY 22 2007 3:29

AGENDA REPORT

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Public Works Agency
DATE: May 22, 2007

RE: **Resolution Authorizing The City Administrator, Or Her Designee, To Accept And Appropriate Grant Funds In An Amount Up To Five Hundred Fifty-Four Thousand Dollars (\$554,000.00) From Federal Surface Transportation Program (STP) And Congestion Mitigation And Air Quality Improvement (CMAQ) Funding And Committing The Necessary Non-Federal Match And Stating The Assurance To Complete The Project For The Waterfront Bay Trail Gap Closure: Derby Avenue To Lancaster Street**

SUMMARY

The City Administrator requests City Council approval of a resolution authorizing the City Administrator, or her designee, to accept and appropriate up to \$554,000.00 from the Metropolitan Transportation Commission (MTC), Federal Surface Transportation (STP) and Congestion Mitigation and Air Quality Improvement (CMAQ) funds for the Waterfront Trail: Derby Avenue to Lancaster Street segments.

The funding will be used to construct an on-grade multi-use trail and shoreline protection at the end of Derby Avenue, a concrete cantilevered multi-use trail with associated landscaping for the Oakland Museum Women’s Board Warehouse segment, and an on-grade multi-use trail with landscaped terraced shoreline protection at the end of Lancaster Street. The project is located in Council District 5.

FISCAL IMPACT

Approval of the proposed resolution will authorize the acceptance and appropriation of a STP/CMAQ grant for program year 2007-2008, beginning October 1, 2007, in the estimated amount of \$554,000.00. Funding will be appropriated to the MTC Grant Fund (Fund 2163) Project Delivery Organization (92270) under a project number to be established.

Item: _____
Public Works Committee
May 22, 2007

Federal grant regulations require a local match totaling 11.47%, or an estimated amount of \$72,000.00 which will be provided by Measure DD. The City's FY 2007-08 Proposed Policy Budget includes \$650,000.00 in Bond Measure DD funds for FY 2007-08 for the Derby Avenue to Lancaster segments of the Waterfront Trail, which is the source of the grant match.

The project cost is estimated at \$1,500,000.00; \$400,000.00 in grant funds from the California State Recreational Trails Program (RTP) are pending and are to be appropriated in Fall 2007.

BACKGROUND

The Alameda County Congestion Management Agency (ACCMA) and Alameda County Transportation Improvement Authority (ACTIA) issued a joint Call for Projects on October 27, 2006; applications were due December 15, 2006. Submittals were open to bicycle/pedestrian projects that met the specified eligibility requirements. The grant applications were screened based on the following criteria:

1. On the Regional Bicycle Network
2. In the Countywide Bicycle Plan and/or Countywide Pedestrian Plan
3. Project Readiness
4. Minimum Matching funds (11.47%)

The projects were then scored based on the following criteria:

1. Project Readiness
2. Additional Matching Funds
3. Gap Closure
4. Access to Defined Activity Centers
5. Project Usage/Demand
6. Safety
7. Useable Segment

In addition, equity criterion to ensure equal funding for bicycles and pedestrians projects, equitable geographic distribution and a balance of project types was applied to determine the final list of recommended projects.

KEY ISSUES AND IMPACTS

The MTC requires that an approved City Council resolution be submitted by June 2007 in order to meet its funding approval schedule. MTC approved the award of \$554, 000.00 to the City at their Board Meeting on April 26, 2007. Due to the timing of the award notification to the City and in order to meet MTC's schedule, the approval of the proposed resolution is required in June 2007.

Projects selected for this program are subject to federal requirements, including the National Historic Preservation Act of 1966 and the National Environmental Policy Act (NEPA). The applicants need to demonstrate that the project will be fully usable within six years following the fiscal year that the funds are programmed in. Project costs incurred prior to the signed agreement are not eligible for reimbursement.

The Bay Trail is a high priority project of the region, the County and the City. Of the projects that met the grant requirements for bicycle and pedestrian facilities, the Waterfront Trail: Derby Avenue to Lancaster Street projects fulfilled the grant requirements and priorities and would be the most competitive project to best meet their criteria. This justification is based on the fact that it is on the Regional Bicycle Network and in the Countywide Bicycle Plan and/or Countywide Pedestrian Plan, is ready to go to bid, has the required minimum matching funds, is a gap closure project, provides safer passage for users, will be a usable segment upon completion and is in local and regional demand. No other current projects were identified that would meet the program's criteria.

PROJECT DESCRIPTIONS

The scope of the Derby Avenue to Lancaster Street Waterfront Trail projects includes the construction of an on-grade multi-use trail and shoreline protection at the end of Derby Avenue, a concrete cantilevered multi-use trail with associated landscaping for the Oakland Museum Women's Board Warehouse segment, and an on-grade multi-use trail with landscaped terraced shoreline protection at the end of Lancaster Street. These projects will further the City's objective to create a continuous Waterfront Trail along the Estuary.

SUSTAINABLE OPPORTUNITIES

Economic: Authorization of staff to apply for the CMAQ grant will potentially provide funding for design and construction work for the City and local businesses.

Environmental: Projects selected will be required to incorporate sustainable design elements and will utilize recycled-content materials wherever possible. The use of alternative modes of transportation will reduce vehicle emissions thereby contributing to improved air quality.

Social Equity: Projects enhance the basic recreational service levels and quality of life amenities for local residents and provide opportunities for outdoor experiences.

DISABILITY AND SENIOR CITIZEN ACCESS

The Project will comply with the Americans with Disabilities Act, will be reviewed by appropriate regulatory bodies, and will conform to all community requirements related to disability and senior citizen access.

RECOMMENDATION(S) AND RATIONALE

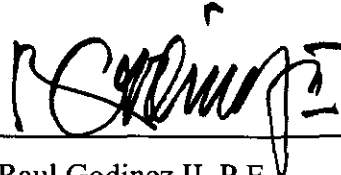
Staff recommends that the City Council approve the Waterfront Trail Project: Derby Avenue to Lancaster Street Projects for the STP/CMAQ grant and adopt a resolution authorizing staff to accept and appropriate grant funds from the MTC.

By authorizing staff to apply for these grants, the City Council supports access to outdoor recreation and providing safe routes for bicycles, pedestrians and people with disabilities.

ACTION REQUESTED OF THE CITY COUNCIL

Staff requests that the City Council approve the resolution authorizing the City Administrator, or her designee, to accept and appropriate grant funding from the Metropolitan Transportation Commission Regional Project in the Federal Surface Transportation (STP) Program and Congestion Mitigation and Air Quality Improvement (CMAQ) Program for the construction of the Derby Avenue to Lancaster Street Waterfront Trail Projects.

Respectfully submitted,

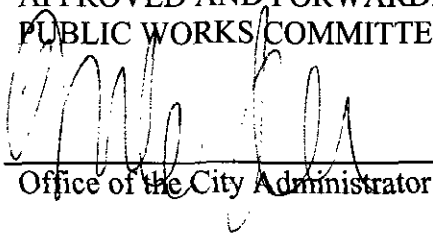


Raul Godinez II, P.E.
Director, Public Works Agency

Reviewed by:
Michael Neary, P.E., Assistant Director
Design & Construction Services

Prepared by:
Diane Tannenwald, CIP Coordinator
Project Delivery Division

APPROVED AND FORWARDED TO THE
PUBLIC WORKS COMMITTEE:


Office of the City Administrator

Item: _____
Public Works Committee
May 22, 2007

2007 MAY 10 PM 3: 29

OAKLAND CITY COUNCIL**RESOLUTION No. _____ C.M.S.**

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR HER DESIGNEE, TO ACCEPT AND APPROPRIATE GRANT FUNDS IN AN AMOUNT NOT TO EXCEED FIVE HUNDRED FIFTY-FOUR THOUSAND DOLLARS (\$554,000.00) FROM FEDERAL SURFACE TRANSPORTATION PROGRAM (STP) AND CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT (CMAQ) FUNDING AND COMMITTING THE NECESSARY NON-FEDERAL MATCH AND STATING THE ASSURANCE TO COMPLETE THE PROJECT FOR THE WATERFRONT BAY TRAIL GAP CLOSURE: DERBY AVENUE TO LANCASTER STREET

WHEREAS, the City of Oakland (herein referred as *APPLICANT*) is submitting an application to the Metropolitan Transportation Commission (MTC) for \$554,000.00 in funding from the federal Surface Transportation Program (STP) and the Congestion Mitigation and Air Quality Improvement (CMAQ) program for the Waterfront Bay Trail Gap Closure: Derby Avenue to Lancaster Street (herein referred as *PROJECT*) for the MTC First Cycle STP/CMAQ, Resolution No: MTC Resolution 3547, "First Cycle STP/CMAQ Policy and the SAFETEA Third Cycle STP/CMAQ Resolution No: MTC Resolution 3723, "SAFETEA Third Cycle STP/CMAQ Project Selection Criteria and Programming Policy" (herein referred as *PROGRAM*); and

WHEREAS, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA) (Public Law 109-59, August 10, 2005) continues the Surface Transportation Program (23 U.S.C. § 133) and the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149); and

WHEREAS, pursuant to SAFETEA, and the regulations promulgated thereunder, eligible project sponsors wishing to receive federal Surface Transportation Program and/or Congestion Mitigation and Air Quality Improvement Program (STP/CMAQ) funds for a project shall submit an application first with the appropriate Metropolitan Planning Organization (MPO), for review and inclusion in the MPO's Transportation Improvement Program (TIP); and

WHEREAS, the Metropolitan Transportation Commission (MTC) is the MPO for the nine counties of the San Francisco Bay region; and

WHEREAS, MTC has adopted a Regional Project Funding Delivery Policy (MTC Resolution No. 3606, rev.) that sets out procedures governing the application and use of STP/CMAQ funds; and

WHEREAS, APPLICANT is an eligible project sponsor for STP/CMAQ funds; and

WHEREAS, as part of the application for STP/CMAQ funding, MTC requires a resolution adopted by the responsible implementing agency stating the following:

- 1) the commitment of necessary local matching funds of at least 11.47%; and
- 2) that the sponsor understands that the STP/CMAQ funding is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional STP/CMAQ funds; and
- 3) that the project will comply with the procedures specified in Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised); and
- 4) the assurance of the sponsor to complete the project as described in the application, and if approved, as included in MTC's TIP; and
- 5) that the project will comply with all the project-specific requirements as set forth in MTC First Cycle STP/CMAQ and the SAFETEA Third Cycle STP/CMAQ; now, therefore be it

RESOLVED that the City of Oakland is authorized to execute and file an application for funding under the Surface Transportation Program (STP) and Congestion Mitigation and Air Quality Improvement Program (CMAQ) of SAFETEA for the Waterfront Bay Trail Gap Closure: Derby Avenue to Lancaster Street; and be it

FURTHER RESOLVED that the APPLICANT by adopting this resolution does hereby state that:

- 1) APPLICANT will provide a minimum of \$72,000.00 in non-federal matching funds; and
- 2) APPLICANT understands that the STP/CMAQ funding for the project is fixed at the MTC approved programmed amount, and that any cost increases must be funded by the APPLICANT from other funds, and that APPLICANT does not expect any cost increases to be funded with additional STP/CMAQ funding; and
- 3) APPLICANT understands the funding deadlines associated with these funds and will comply with the provisions and requirements of the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, as revised); and
- 4) PROJECT will be implemented as described in the complete application and in this resolution and, if approved, for the amount programmed in the MTC federal TIP; and
- 5) APPLICANT and the PROJECT will comply with the requirements as set forth in the MTC First Cycle STP/CMAQ and the SAFETEA Third Cycle STP/CMAQ; and be it

FURTHER RESOLVED that APPLICANT is an eligible sponsor of STP/CMAQ funded projects; and be it

FURTHER RESOLVED that APPLICANT is authorized to submit an application for STP/CMAQ funds for the PROJECT; and be it

FURTHER RESOLVED that there is no legal impediment to APPLICANT making applications for the funds; and be it

FURTHER RESOLVED that there is no pending or threatened litigation that might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT; and be it

FURTHER RESOLVED that APPLICANT authorizes its City Administrator, or designee to execute and file an application with MTC for STP/CMAQ funding for the PROJECT as referenced in this resolution; and be it

FURTHER RESOLVED that a copy of this resolution will be transmitted to the MTC in conjunction with the filing of the application; and be it

FURTHER RESOLVED that the MTC is requested to support the application for the PROJECT described in the resolution and to include the PROJECT, if approved, in MTC's TIP; and be it

FURTHER RESOLVED: That funding will be appropriated to the MTC Grant Fund (Fund 2163) under a project number to be established and that the City of Oakland has matching funds from the following source: Bond Measure DD (Fund 5320) and can finance 100 percent of the Project; and be it

FURTHER RESOLVED: That the City of Oakland certifies that the Project is compatible with the land use plans of those jurisdictions immediately surrounding the Project; and be it

FURTHER RESOLVED: That the City Council authorizes the City Administrator, or her designee, to apply for, accept and appropriate funds, to negotiate, execute, modify and submit all documents, applications, payment requests and related actions and to accept and appropriate any additional funds that may be received for the completion of these projects.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2007

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND
 PRESIDENT DE LA FUENTE,

NOES-
ABSENT-

ABSTENTION-

ATTEST: _____

LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California