B Plation

OAKLAND CITY CLERK RESOLUTION NO. 79242 26.MAS3: 32

INTRODUCED BY COUNCILMEMBER_

RESOLUTION AUTHORIZING THE CITY OF OAKLAND TO APPLY FOR, ACCEPT AND APPROPRIATE UP TO THREE HUNDRED ELEVEN THOUSAND ONE HUNDRED FORTY-FOUR DOLLARS (\$311,144) IN FY 2005-06 STATE TRANSPORTATION DEVELOPMENT ACT (TDA) ARTICLE 3 FUNDS, AS FOLLOWS: ONE HUNDRED SIXTY-FIVE THOUSAND DOLLARS (\$165,000) FOR THE MARKET STREET BIKEWAY PROJECT; TWENTY-FIVE THOUSAND DOLLARS (\$25,000) FOR THE BANCROFT AVENUE BIKEWAY GAP CLOSURES PROJECT; AND ONE HUNDRED TWENTY-ONE THOUSAND ONE HUNDRED FORTY-FOUR DOLLARS (\$121,144) FOR THE CITYWIDE CURB RAMP PROGRAM

WHEREAS, Article 3 of the Transportation Development Act (TDA), Public Utilities Code (PUC) Section 99200 et seq. authorizes the submission of applications to a regional transportation planning agency for the funding of projects exclusively for the benefit and/or use of pedestrians and bicyclists; and

WHEREAS, the Metropolitan Transportation Commission (MTC), as the regional transportation planning agency for the San Francisco Bay region, has adopted MTC Resolution No. 875, revised, entitled "Transportation Development Act, Article 3, Pedestrian/Bicycle Projects," which delineates procedures and criteria for submission of requests for the allocation of "TDA Article 3" funding; and

WHEREAS, the MTC requires that resolutions authorizing the application, acceptance and appropriation of funds include an Attachment: Findings, verifying that there are no legal, fiscal or other impediments to the implementation of this project; and

WHEREAS, MTC Resolution No. 875, revised, requires that requests for the allocation of TDA Article 3 funding be submitted as part of a single, countywide coordinated claim from each county in the San Francisco Bay region; and

WHEREAS, the City of Oakland declares it is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code; and

WHEREAS, the City of Oakland desires to apply for \$165,000 in FY 2005-06 TDA Article 3 funds for design and construction of the Market Street Bikeway Project; and

WHEREAS, the City of Oakland desires to apply for \$25,000 in FY 2005-06 TDA Article 3 funds for design and construction of the Bancroft Avenue Bikeway Gap Closures Project; and

WHEREAS, the City of Oakland desires to apply for \$121,144 in FY 2005-06 TDA Article 3 funds for the Citywide Curb Ramp Program; and

WHEREAS, the Public Works Agency has requested a waiver of the 1.5% public art fees for these projects because TDA guidelines prohibit the use of grant funds for public art when public art is not a project component; now, therefore, be it

RESOLVED: That the City of Oakland declares it is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code; and be it

FURTHER RESOLVED: That there is no pending or threatened litigation that might adversely affect any of the projects named in this resolution, or that might impair the ability of the City of Oakland to carry out the projects; and be it

FURTHER RESOLVED: That the City of Oakland attests to the accuracy of and approves the statements in the Attachment: Findings to this resolution; and be it

FURTHER RESOLVED: That the City Council hereby authorizes the application, acceptance and appropriation of FY 2005-06 TDA Article 3 funds in the amount of \$165,000 for the Market Street Bikeway Project, to be deposited to TDA Article 3 Fund (2162), Traffic Engineering Organization (92246); and be it

FURTHER RESOLVED: That the City Council hereby authorizes the application, acceptance and appropriation of FY 2005-06 TDA Article 3 funds in the amount of \$25,000 for design and construction of the Bancroft Avenue Bikeway Gap Closures Project, to be deposited to TDA Article 3 Fund (2162), Traffic Engineering Organization (92246); and be it

FURTHER RESOLVED: That the City Council hereby authorizes the application, acceptance and appropriation of FY 2005-06 TDA Article 3 funds in the amount of \$121,144 for the Citywide Curb Ramp Program to be deposited to TDA Article 3 Fund (2162), Traffic Engineering Organization (92242); and be it

FURTHER RESOLVED: That the City's 1.5% public art fee and 3% contract compliance fee for the above three projects are hereby waived; and be it

FURTHER RESOLVED: That a certified copy of this resolution and its attachments, and any accompanying supporting materials, shall be forwarded to the Alameda County Congestion Management Agency for submission to MTC as part of the countywide coordinated TDA Article 3 claim; and be it

FURTHER RESOLVED: That the City Administrator, or his/her designee, is authorized, on behalf of the City of Oakland, to execute and submit all documents, payment requests and related actions, and to appropriate any additional funds received for the completion of these projects; and be it

FURTHER RESOLVED: That should additional funds be received for this project, the City Administrator, or his/her designee, is hereby authorized to accept and appropriate the same for the purposes described above.

IN COUNCIL, OAKLAND, CALIFORNIA,	,20
PASSED THE FOLLOWING VOTE:	
AYES – BROOKS, BRUNNER, CHANG, NADE	EL OUAN REID AND
PRESIDENT DE LA FUENTE	- 7
NOES -	
ABSENT –	\sim
ABSTENTION - J	TTEST: Titorida Simmons
	LATONDA SIMMONS
	City Clerk and Clerk of the Council
	Of the City of Oakland, California

ATTACHMENT A

RESOLUTION AUTHORIZING THE CITY OF OAKLAND TO APPLY FOR, ACCEPT AND APPROPRIATE UP TO \$165,000 IN FY 2005-06 STATE DEVELOPMENT ACT (TDA) ARTICLE 3 FUNDS FOR THE MARKET STREET BIKEWAY, 3RD STREET TO MACARTHUR BLVD.

Findings

Re: <u>Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2005-06</u> <u>Transportation Development Act. Article 3. Pedestrian/Bicycle Project Funding</u>

1. That the CITY OF OAKLAND is not legally impeded from submitting a request to the Metropolitan Transportation Commission for the allocation of Transportation Development Act (TDA) Article 3 funds, nor is the CITY OF OAKLAND legally impeded from undertaking the project(s) described in the application for project funds.

2. That the CITY OF OAKLAND has committed adequate staffing resources to complete the project(s) described in the project application.

3. A review of the project(s) described in the project application has resulted in the consideration of all pertinent matters, including those related to environmental and right-of-way permits and clearances, attendant to the successful completion of the project(s).

4. Issues attendant to securing environmental and right-of-way permits and clearances for the projects described in the project application have been reviewed and will be concluded in a manner and on a schedule that will not jeopardize the deadline for the use of the TDA funds being requested.

5. That the project described in the project application complies with the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 et seq.), and that the CITY OF OAKLAND is in possession of the document(s) supporting such compliance, said document(s) having been made available to for public review and stamped by the County Clerk or County Recorder of the county in which the claimant is located.

6. That as portrayed in the budgetary description(s) of the project(s) in the application, the sources of funding other than TDA are assured and adequate for completion of the project.

7. That the project described in the application is for capital construction and/or design engineering; and/or for the maintenance of a Class I bikeway which is closed to motorized traffic; and/or for the purposes of restriping Class II bicycle lanes; and/or for the development or support of a bicycle safety education program; and/or for the development of a comprehensive bicycle and/or pedestrian facilities plan, and an allocation of TDA Article 3 funding for such a plan has not been received by the CITY OF OAKLAND within the prior five fiscal years.

8. That the projects described in the application which are bicycle projects have been included in a detailed bicycle circulation element included in an adopted general plan, or included in an adopted comprehensive bikeway plan (such as outlined in Section 2377 of the California Bikeways Act, Streets and Highways Code section 2370 et seq.).

9. That any project described in the application that is a "Class I Bikeway," meets the mandatory minimum safety design criteria published in Chapter 1000 of the California Highway Design Manual.

10. That the project described in the application is ready to commence implementation during the fiscal year of the requested allocation.

11. That the CITY OF OAKLAND agrees to maintain, or provide for the maintenance of, the and facilities described in the project application, for the benefit of and use by the public.

RESOLUTION AUTHORIZING THE CITY OF OAKLAND TO APPLY FOR, ACCEPT AND APPROPRIATE UP TO \$25,000 IN FY 2005-06 STATE DEVELOPMENT ACT (TDA) ARTICLE 3 FUNDS FOR THE BANCROFT AVENUE GAP CLOSURES PROJECT

Findings

Re: <u>Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2005-06</u> <u>Transportation Development Act. Article 3. Pedestrian/Bicycle Project Funding</u>

1. That the CITY OF OAKLAND is not legally impeded from submitting a request to the Metropolitan Transportation Commission for the allocation of Transportation Development Act (TDA) Article 3 funds, nor is the CITY OF OAKLAND legally impeded from undertaking the project(s) described in the application for project funds.

2. That the CITY OF OAKLAND has committed adequate staffing resources to complete the project(s) described in the project application.

3. A review of the project(s) described in the project application has resulted in the consideration of all pertinent matters, including those related to environmental and right-of-way permits and clearances, attendant to the successful completion of the project(s).

4. Issues attendant to securing environmental and right-of-way permits and clearances for the projects described in the project application have been reviewed and will be concluded in a manner and on a schedule that will not jeopardize the deadline for the use of the TDA funds being requested.

5. That the project described in the project application complies with the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 et seq.), and that the CITY OF OAKLAND is in possession of the document(s) supporting such compliance, said document(s) having been made available to for public review and stamped by the County Clerk or County Recorder of the county in which the claimant is located.

6. That as portrayed in the budgetary description(s) of the project(s) in the application, the sources of funding other than TDA are assured and adequate for completion of the project.

7. That the project described in the application is for capital construction and/or design engineering; and/or for the maintenance of a Class I bikeway which is closed to motorized traffic; and/or for the purposes of restriping Class II bicycle lanes; and/or for the development or support of a bicycle safety education program; and/or for the development of a comprehensive bicycle and/or pedestrian facilities plan, and an allocation of TDA Article 3 funding for such a plan has not been received by the CITY OF OAKLAND within the prior five fiscal years.

8. That the projects described in the application which are bicycle projects have been included in a detailed bicycle circulation element included in an adopted general plan, or included in an adopted comprehensive bikeway plan (such as outlined in Section 2377 of the California Bikeways Act, Streets and Highways Code section 2370 et seq.).

9. That any project described in the application that is a "Class I Bikeway," meets the mandatory minimum safety design criteria published in Chapter 1000 of the California Highway Design Manual.

10. That the project described in the application is ready to commence implementation during the fiscal year of the requested allocation.

11. That the CITY OF OAKLAND agrees to maintain, or provide for the maintenance of, the and facilities described in the project application, for the benefit of and use by the public.

Findings

Re: <u>Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2005-06</u> <u>Transportation Development Act. Article 3. Pedestrian/Bicycle Project Funding</u>

1. That the CITY OF OAKLAND is not legally impeded from submitting a request to the Metropolitan Transportation Commission for the allocation of Transportation Development Act (TDA) Article 3 funds, nor is the CITY OF OAKLAND legally impeded from undertaking the project(s) described in the application for project funds.

2. That the CITY OF OAKLAND has committed adequate staffing resources to complete the project(s) described in the project application.

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5. That the project described in the project application complies with the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 et seq.), and that the CITY OF OAKLAND is in possession of the document(s) supporting such compliance, said document(s) having been made available to for public review and stamped by the County Clerk or County Recorder of the county in which the claimant is located.

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7. That the project described in the application is for capital construction and/or design engineering; and/or for the maintenance of a Class I bikeway which is closed to motorized traffic; and/or for the purposes of restriping Class II bicycle lanes; and/or for the development or support of a bicycle safety education program; and/or for the development of a comprehensive bicycle and/or pedestrian facilities plan, and an allocation of TDA Article 3 funding for such a plan has not been received by the CITY OF OAKLAND within the prior five fiscal years.

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10. That the project described in the application is ready to commence implementation during the fiscal year of the requested allocation.

11. That the CITY OF OAKLAND agrees to maintain, or provide for the maintenance of, the facilities described in the project application, for the benefit of and use by the public.