

OFFICE OF THE CITY ADMINISTRATOR
2007 APR 25 11:3:08

CITY OF OAKLAND
AGENDA REPORT

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Public Works Agency
DATE: May 8, 2007

RE: **Resolution Authorizing The City Of Oakland To Apply For, Accept, And Appropriate Up To Four Hundred Fifty-Eight Thousand Fifty-Six Dollars (\$458,056.00) In FY 2007-08 State Transportation Development Act Article 3 Funds As Follows: 1) The On-Call Curb Ramp Project, Phase A One Hundred Fifty Thousand Dollars (\$150,000.00); 2) CityRacks Bicycle Parking Program, Phase VI Sixty-Nine Thousand Four Hundred Twenty-Five Dollars (\$69,425.00); And 3) Revive Chinatown Pedestrian-Oriented Improvements Two Hundred Thirty-Eight Thousand Six Hundred Thirty-One Dollars (\$238,631.00)**

SUMMARY

A resolution has been prepared for the City Council that authorizes the City Administrator, or her designee, to apply for, accept, and appropriate up to \$458,056.00 in State Transportation Development Act (TDA) Article 3 Funds for the following three (3) bicycle and pedestrian projects:

Project	Amount	Council District
On-Call Curb Ramp Project, Phase A	\$150,000.00	Citywide
CityRacks Bicycle Parking Program, Phase VI	\$ 69,425.00	Citywide
Revive Chinatown Pedestrian-Oriented Improvements	\$238,631.00	District #2

FISCAL IMPACTS

Approval of this resolution will authorize the City to accept and appropriate up to \$458,056.00 in State FY 2007-08 TDA Article 3 funds. No matching funds are required to receive TDA Article 3 Funds, which must be expended within three (3) years of allocation.

The \$150,000.00 for curb ramps partially extends the Citywide Curb Ramp Phase A Project for a second year, allowing for construction of 42 new curb ramps. Funds will be appropriated in the FY 2007-08 Transportation Development Act (TDA) Article 3 Fund (2162), Capital

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Improvement Program (CIP) Street Design Organization (92242) under a new project number to be established. Supplementary funds in the amount of \$406,395.90 are available in Project (C209140), Measure B Fund (2211), and Project (C209150) Capital Reserve Fund (5510), for a total estimated budget of \$556,395.90 to complete this project. Council approval of the construction contract is scheduled for the City Council meeting on September 18, 2007.

Funds for CityRacks VI will be deposited and appropriated into the FY 2007-08 Transportation Development Act (TDA) Article 3 Fund (2162), Traffic Engineering Organization (92246) under a new project number.

The \$238,631.00 for the Revive Chinatown Pedestrian-Oriented Improvements will be deposited and appropriated into FY 2007-08 Transportation Development Act (TDA) Article 3 Fund (2162), Capital Improvement Projects-Streets and Structures Organization (92242) under a new project number. This project also includes a \$2.2 million grant from the Metropolitan Transportation Commission's Transportation for Livable Communities (TLC) program (Fund 2163), Project (G278210). Matching funds for the TLC grant come from three sources: 1) \$159,000.00 from Oakland Redevelopment Agency Fund (7780), Project (C278220); 2) \$769,910.00 from Measure B Streetscape Pedestrian Safety Elements Fund (2212), Project (G278230); and 3) \$159,000 from Measure B (2210), Project (G278240).

The City's 1.5% public art fee is not an eligible expense under TDA Article 3 program guidelines. For this reason, the resolution requests that this fee be waived for all three projects.

BACKGROUND

TDA Article 3 Funds are available from the Metropolitan Transportation Commission (MTC) for bicycle and pedestrian capital improvement projects. As required by the MTC, the resolution includes Attachment A ("Findings"), pages 1A to 3A, verifying that the projects meet the requirements for funding eligibility. These findings include assurance of no legal impediments or other factors that would affect the City's ability to deliver the projects. They also verify availability of City staff resources and adequate funding to complete the projects. Finally, they confirm that environmental and right-of-way issues have been reviewed, and that fund obligation deadlines will not be jeopardized.

Construction of bicycle and pedestrian facilities is consistent with the goals of the City of Oakland's General Plan, the Bicycle Master Plan, and the Pedestrian Master Plan. Each project was selected according to the Council-adopted criteria set forth in the *Resolution Establishing Prioritization Methods for the City of Oakland's Facilities and Structures, Parks and Open Space, Sewers, Storm Drains, Street, Sidewalks, and Traffic Improvement Infrastructure Needs*, (Number 78747, adopted July 20, 2004).

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The Revive Chinatown project was ready to be constructed in October, 2006. The project has been up for bid twice and has a current funding shortfall of \$238,631.00. The TDA funds will close the funding gap and assure project completion.

All three projects were further prioritized for funding based on readiness and will be constructed by FY 2008-09. The three projects also meet MTC's criteria for eligibility. They were all reviewed by Oakland's Bicycle and Pedestrian Advisory Committee.

KEY ISSUES AND IMPACTS

Acceptance of these funds will enable Oakland to implement two projects to install curb ramps and bicycle parking, for which there are on-going requests throughout the City. A key strategy to address these requests involves obtaining infrastructure funding from external grant sources.

The CityRacks Bike Parking Phase VI funds will also be used to address the bike parking shortage resulting from the removal of 4,920 parking meters. These parking meters, located in Oakland's commercial districts, are being converted to multi-space "pay and display" kiosks. Currently, parking meter poles form the major source of bike parking in Oakland where no bicycle parking racks exist. With the imminent removal of 4,290 parking meters, bike racks in commercial corridors will be in high demand.

The Revive Chinatown project is primarily funded by a \$2.2 million Transportation for Livable Communities (TLC) grant. This grant requires award of a construction contract by June 30, 2007. In order to meet this deadline, supplemental funds are needed to cover construction cost increases since the initial cost estimate was prepared in July 2004.

PROJECT DESCRIPTION

- **Citywide Curb Ramp Project, Phase A**

This project will design and install approximately 42 new curb ramps throughout the City, including ancillary repairs to adjacent curb, gutter and sidewalk. The on-call project helps the City to comply with mandates of the Americans with Disabilities Act (ADA) and improves accessibility for residents throughout the City.

- **The CityRacks Bicycle Parking Program, Phase VI**

This project will allow the City to install approximately 250 bicycle parking racks, accommodating at least 500 bicycles, in the public right-of-way throughout Oakland. Most of the racks will be located in commercial districts where parking meters are being replaced with multi-space kiosks. Racks may also be installed in conjunction with streetscape projects and in response to ongoing merchant and resident requests.

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- **Revive Chinatown Pedestrian-Oriented Improvements**

This project will install traffic signals that provide pedestrian-only phases and/or countdown devices. High-visibility crosswalks and corner bulb-outs with ADA-compliant ramps will complement the signal improvements. Related pedestrian amenities will also be provided, including pedestrian-scale lighting, street furniture, signage, and drainage facilities. The project will improve pedestrian safety and access in the Chinatown core, the area bounded by 7th Street to 10th Street and Broadway to Harrison Street.

SUSTAINABLE OPPORTUNITIES

Economic: Each project provides the opportunity to use local contractors, which offer employment openings to Oakland residents, thereby strengthening the local economy. Bicycle parking encourages bicycling for errands and shopping, reducing the need for automobile parking and supporting local business.

Environmental: These projects help reduce air pollution by encouraging walking and bicycling as alternative modes of transportation.

Social Equity: The projects also improve accessibility and safety for persons who depend on non-motorized transportation and public transit to access jobs, services, and recreational facilities. The Chinatown project will improve pedestrian safety and access in the most densely populated area of Oakland. This area has high volumes of pedestrian traffic and low automobile ownership.

DISABILITY AND SENIOR CITIZEN ACCESS

The curb ramp project and Chinatown project improve accessibility to shopping, public transit, and other services for senior citizens and persons with disabilities.

RECOMMENDATION AND RATIONALE

Staff recommends that the City Council authorize the City Administrator, or her designee, to: Apply for, accept, and appropriate up to \$458,056.00 in FY 2007-08 TDA Article 3 Funds to implement the following three projects: 1) The On-Call Curb Ramp Project, Phase A (\$150,000.00); 2) The CityRacks Phase VI Bicycle Parking Project (\$69,425.00); and 3) Revive Chinatown Pedestrian-Oriented Improvements (\$238,631.00). Staff also recommends that the City's 1.5% public art fee be waived for all three projects.

The grant funds are needed to: 1) Respond to on-going requests for ADA-compliant curb-ramps; 2) Provide bicycle parking in the public right-of-way; and 3) Improve pedestrian safety in Chinatown.

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ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolution.

Respectfully submitted,

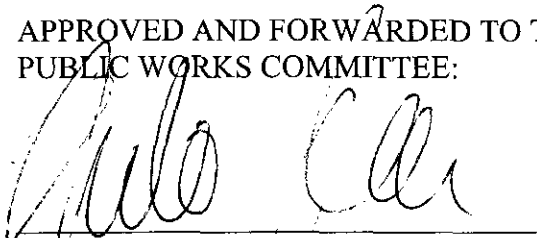


Raul Godinez II, P.E.
Director, Public Works Agency

Reviewed by:
Michael J. Neary, P.E.
Assistant Director, Public Works Agency

Prepared by:
Kathryn Hughes, Bicycle/Pedestrian Consultant
Transportation Services Division

APPROVED AND FORWARDED TO THE
PUBLIC WORKS COMMITTEE:



Office of the City Administrator

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OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

Michael Tros
City Attorney

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RESOLUTION NO. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY OF OAKLAND TO APPLY FOR, ACCEPT, AND APPROPRIATE UP TO FOUR HUNDRED FIFTY-EIGHT THOUSAND FIFTY-SIX DOLLARS (\$458,056.00) IN FY 2007-08 STATE TRANSPORTATION DEVELOPMENT ACT ARTICLE 3 FUNDS AS FOLLOWS: 1) THE ON-CALL CURB RAMP PROJECT, PHASE A ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00); 2) CITYRACKS BICYCLE PARKING PROGRAM, PHASE VI SIXTY-NINE THOUSAND FOUR HUNDRED TWENTY-FIVE DOLLARS (\$69,425.00); AND 3) REVIVE CHINATOWN PEDESTRIAN-ORIENTED IMPROVEMENTS TWO HUNDRED THIRTY-EIGHT THOUSAND SIX HUNDRED THIRTY-ONE DOLLARS (\$238,631.00)

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 A: 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 \$458,056.00 in FY 2007-08 TDA Article 3 funds for three projects, as follows: 1) \$150,000.00 for the On-Call Curb Ramp Project, Phase A; 2) \$69,425.00 for the CityRacks Bicycle Parking Program, Phase VI; and 3) \$238,631.00 for the Revive Chinatown Pedestrian-Oriented Improvements; and

WHEREAS, the Public Works Agency hereby requests a waiver of the 1.5% public art fees for these projects because TDA guidelines do not allow 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 known pending or threatened litigation that might adversely affect any of the three projects as follows: 1) the On-Call Curb Ramp Project, Phase A; 2) the CityRacks Phase VI Bicycle Parking Program, Phase VI; and 3) the Revive Chinatown Pedestrian-Oriented Improvements, or that might impair the ability of the City of Oakland to carry out these projects; and be it

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

FURTHER RESOLVED: That the City Council hereby authorizes the application, acceptance and appropriation of FY 2007-08 TDA Article 3 funds in the amount not to exceed \$458,056.00 to be deposited and appropriated as follows: 1) \$150,000.00 for the On-Call Curb Ramp Project, Phase A, Transportation Development Act (TDA) Article 3 Fund (2162), CIP Street Design Organization (92242) and project number to be established; 2) \$69,425.00 for the CityRacks Bicycle Parking Program, Phase VI, Transportation Development Act (TDA) Article 3 Fund (2162), Traffic Engineering Organization (92246), and project number to be established; and \$238,631.00 for the Revive Chinatown Pedestrian-Oriented Improvements Transportation Development Act (TDA) Article 3 Fund (2162), Capital Improvement Projects-Streets and Structures Organization (92242), and a project number to be established; and be it

FURTHER RESOLVED: That the City's 1.5% public art fee for these projects is 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 Public Works Department for submission to MTC as part of the countywide coordinated TDA Article 3 claim; and be it

FURTHER RESOLVED: That the City Administrator, or 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 these three projects, the City Administrator, or her designee, is hereby authorized to accept and appropriate the same for the purposes described above.

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

ATTACHMENT A1 TO RESOLUTION AUTHORIZING THE CITY OF OAKLAND TO APPLY FOR, ACCEPT AND APPROPRIATE UP TO \$150,000.00 IN FY 2007-08 STATE DEVELOPMENT ACT (TDA) ARTICLE 3 FUNDS FOR THE ON-CALL CURB RAMP PROJECT, PHASE A

Findings

Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2006-7 Transportation Development Act, Article 3, Pedestrian/Bicycle Project Funding

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 if 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 facilities described in the project application, for the benefit of and use by the public.

PUBLIC WORKS AGENCY CERTIFICATION: I certify that to the best of my knowledge, this information is accurate, and there is no legal impediment, or pending or threatened litigation, which might adversely affect the proposed project, or the City's ability to carry it out. Signed: _____ Date: 4/13/07

Wladimir Wlascowsky
Manager, Transportation Services

ATTACHMENT A2 TO RESOLUTION AUTHORIZING THE CITY OF OAKLAND TO APPLY FOR, ACCEPT AND APPROPRIATE UP TO \$69,425.00 IN FY 2007-08 STATE DEVELOPMENT ACT (TDA) ARTICLE 3 FUNDS FOR THE CITYRACKS BICYCLE PARKING PROGRAM, PHASE VI

Findings

Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2006-07 Transportation Development Act. Article 3. Pedestrian/Bicycle Project Funding

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 if 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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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 facilities described in the project application for the benefit of and use by the public.

PUBLIC WORKS AGENCY CERTIFICATION: I certify that to the best of my knowledge, this information is accurate, and there is no legal impediment, or pending or threatened litigation, which might adversely affect the proposed project, or the City's ability to carry it out. Signed: _____ Date: 4/13/07


Wladimir Wlassowsky
Manager, Transportation Services

ATTACHMENT A3 TO RESOLUTION AUTHORIZING THE CITY OF OAKLAND TO APPLY FOR, ACCEPT AND APPROPRIATE UP TO \$238,631.00 IN FY 2007-08 STATE DEVELOPMENT ACT (TDA) ARTICLE 3 FUNDS FOR **THE REVIVE CHINATOWN PEDESTRIAN-ORIENTED IMPROVEMENTS**

Findings

Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2006-07 Transportation Development Act. Article 3. Pedestrian/Bicycle Project Funding

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 if 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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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.

PUBLIC WORKS AGENCY CERTIFICATION: I certify that to the best of my knowledge, this information is accurate, and there is no legal impediment, or pending or threatened litigation, which might adversely affect the proposed project, or the City's ability to carry it out. Signed:  Date: 4/13/07
Wladimir Wlassowsky
Manager, Transportation Services