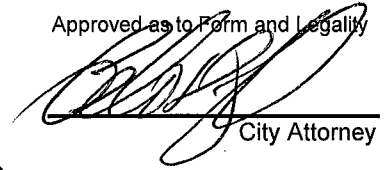


FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

# OAKLAND CITY COUNCIL

  
City Attorney

2017 NOV -2 AM 10: RESOLUTION NO. 86974 C.M.S.

Introduced by Councilmember \_\_\_\_\_

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO ACCEPT AND APPROPRIATE ONE MILLION EIGHT HUNDRED NINETY-FIVE THOUSAND DOLLARS (\$1,895,000) IN ACTIVE TRANSPORTATION FUNDS ASSIGNED TO THE METROPOLITAN TRANSPORTATION COMMISSION; COMMIT MATCHING FUNDS OF UP TO TWO HUNDRED TWENTY-TWO THOUSAND DOLLARS (\$222,000), AND; ASSURE COMPLETION OF THE OAKLAND SAFE ROUTES TO SCHOOL: CROSSING TO SAFETY PROJECT**

**WHEREAS**, the City of Oakland (City), working with the Oakland Unified School District (OUSD) and the Alameda County Transportation Commission (ACTC) Safe Routes to School Program has identified the need for safety improvements along Park Boulevard near Edna Brewer Middle School; and

**WHEREAS**, a conceptual design of this project was developed by Oakland Department of Transportation staff, with the involvement of the staff and parents of Edna Brewer Middle School, and that design includes sidewalk extensions, pedestrian crossing improvements, signal improvements, and other designs to slow traffic and increase bicycle and pedestrian safety along Park Boulevard; and

**WHEREAS**, the city wishes to complete this project as a part of Oakland's school safety improvement efforts, and budgeted funding in the FY 2017-19 Budget for Neighborhood Traffic Calming, School Area Pedestrian Safety that identified Park Blvd/Edna Brewer Middle School and seven other school sites for Measure KK funding in City of Oakland Resolution No. 86816 C.M.S. dated June 29, 2017; and

**WHEREAS**, the City of Oakland submitted an application to the Metropolitan Transportation Commission (MTC) for One Million Eight Hundred Ninety Five Thousand Dollars (\$1,895,000) in funding assigned to MTC for programming discretion, which includes federal funding administered by the Federal Highway Administration (FHWA) and federal or state funding administered by the California Transportation Commission (CTC) such as Surface Transportation Block Grant Program (STP) funding, Congestion Mitigation and Air Quality Improvement Program (CMAQ) funding, Transportation Alternatives (TA) set-aside/Active Transportation Program (ATP) funding, and Regional Transportation Improvement Program (RTIP) funding (herein collectively referred to as Regional Discretionary Funding) for the Oakland Safe Routes to School: Crossing to Safety Project (Project) for the Active Transportation Program (Program); and

**WHEREAS**, the United States Congress from time to time enacts and amends legislation to provide funding for various transportation needs and programs, (collectively, the Federal Transportation Act) including, but not limited to the Surface Transportation Block Grant

Program (STP) (23 U.S.C. § 133), the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149) and the Transportation Alternatives (TA) set-aside (23 U.S.C. § 133); and

**WHEREAS**, state statutes, including California Streets and Highways Code §182.6, §182.7, and §2381(a)(1), and California Government Code §14527, provide various funding programs for the programming discretion of the Metropolitan Planning Organization (MPO) and the Regional Transportation Planning Agency (RTPA); and

**WHEREAS**, pursuant to the Federal Transportation Act, and any regulations promulgated thereunder, eligible project sponsors wishing to receive federal or state funds for a regionally-significant project shall submit an application first with the appropriate MPO, or RTPA, as applicable, for review and inclusion in the federal Transportation Improvement Program (TIP); and

**WHEREAS**, MTC is the MPO and RTPA 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, revised) that sets out procedures governing the application and use of Regional Discretionary Funding; and

**WHEREAS**, the City is an eligible sponsor for Regional Discretionary Funding; and

**WHEREAS**, as part of the application Regional Discretionary Funding, MTC requires a resolution adopted by the responsible implementing agency stating the following:

- the commitment of any required matching funds; and
- that the sponsor understands that the Regional Discretionary Funding is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional Regional Discretionary Funding; and
- that the Projects will comply with the procedures, delivery milestones and funding deadlines specified in the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised); and
- the assurance of the sponsor to complete the Projects as described in the application, subject to environmental clearance, and if approved, as included in MTC's federal Transportation Improvement Program (TIP); and
- that the Projects will have adequate staffing resources to deliver and complete the Projects within the schedule submitted with the project application; and
- that the Projects will comply with all project-specific requirements as set forth in the Program; and

that the City has assigned, and will maintain a single point of contact for all FHWA- and CTC-funded transportation projects to coordinate within the agency and with the respective Congestion Management Agency (CMA), MTC, Caltrans, FHWA, and CTC on all communications, inquires or issues that may arise during the federal programming and delivery process for all FHWA- and CTC-funded transportation and transit projects implemented by the City; and

**WHEREAS**, that City is authorized to submit an application for Regional Discretionary Funding for the Project; and

**WHEREAS**, the City authorizes its City Administrator or designee to execute and file an application with MTC for Regional Discretionary Funding for the Projects as referenced in this resolution; and

**WHEREAS**, there is no legal impediment to the City making applications for the funds; and

**WHEREAS**, there is no pending or threatened litigation that might in any way adversely affect the proposed Project, or the ability of the City to deliver such Project; and

**WHEREAS**, the City wishes to accept grant funds and allocate local matching funds; and

**WHEREAS**, MTC requires that a copy of this resolution be transmitted to the MTC in conjunction with the filing of the application; now, therefore be it

**RESOLVED**, that the City is authorized to execute and file an application for funding for the Projects for Regional Discretionary Funding under the Federal Transportation Act or continued funding; and be it

**FURTHER RESOLVED** that the City will provide any required matching funds; and be it

**FURTHER RESOLVED** that the City understands that the Regional Discretionary Funding for the project is fixed at the MTC approved programmed amount, and that any cost increases must be funded by the City from other transportation funds, and that City does not expect any cost increases to be funded with additional Regional Discretionary Funding; and be it

**FURTHER RESOLVED** that City 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, revised) and City has, and will retain the expertise, knowledge and resources necessary to deliver federally-funded transportation and transit projects, and has assigned, and will maintain a single point of contact for all FHWA- and CTC-funded transportation projects to coordinate within the agency and with the respective Congestion Management Agency (CMA), MTC, Caltrans, FHWA, and CTC on all communications, inquires or issues that may arise during the federal programming and delivery process for all FHWA- and CTC-funded transportation and transit projects implemented by the City; and be it

**FURTHER RESOLVED** that the Project will be implemented as described in the complete application and in this resolution, subject to environmental clearance, and, if approved, for the amount approved by MTC and programmed in the federal TIP; and be it

**FURTHER RESOLVED** that the City has reviewed the Project and has adequate staffing resources to deliver and complete the Projects within the schedule submitted with the project application; and be it

**FURTHER RESOLVED** that Project will comply with the requirements as set forth in MTC programming guidelines and project selection procedures for the Program; and be it

**FURTHER RESOLVED** that the City is an eligible sponsor of Regional Discretionary Funding funded projects; and be it

**FURTHER RESOLVED** that the City is authorized to submit an application for Regional Discretionary Funding for the Projects; and be it

**FURTHER RESOLVED** that there is no legal impediment to the City 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 the City to deliver such Projects; and be it

**FURTHER RESOLVED** that the City authorizes its City Administrator or her designee to execute and file an application with MTC for Regional Discretionary Funding for the Project as referenced in this resolution; and be it

**FURTHER RESOLVED** that the City authorizes its City Administrator or her designee to negotiate grant terms, execute, modify, amend and extend agreements, allocate revenue, make expenditures, and take all other actions with respect to the Program and this Project in accordance with this Resolution and its basic purposes; and be it

**FURTHER RESOLVED** that the MTC is requested to support the application for the Project described in the resolution, and if approved, to include the Projects in MTC's federal TIP upon submittal by the project sponsor for TIP programming; and be it

**FURTHER RESOLVED** that the City hereby accepts the ATP grant funds awarded by MTC to implement the Project; and be it

**FURTHER RESOLVED** that the City Council hereby appropriates grant funds that are received for this Project in an amount not to exceed \$1,895,000 into the State Department of Transportation Fund (2140), Neighborhood Traffic Safety Program (Org 35244), project numbers to be established; and be it

**FURTHER RESOLVED** that the City Council hereby consents to the use of up to \$220,000 in local matching funds, from sources as follows for the project:

- \$150,000 from Fund 5330 Measure KK, School Area Ped Safety funds (project number 1003349) in FY 17/18 for design phase;
- \$72,000 from Fund 5330 Measure KK School Area Ped Safety funds (project number 1003349) in FY 18/19 for construction phase

**FURTHER RESOLVED** that should additional funds, not exceeding \$500,000, be received for the Safe Routes to School: Crossing to Safety Project in FY2017-19, the City Administrator, or her designee, is hereby authorized to accept and appropriate the same for the purposes stated above, 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 another copy of this resolution will be placed on file with the City Clerk.

NOV 28 2017

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

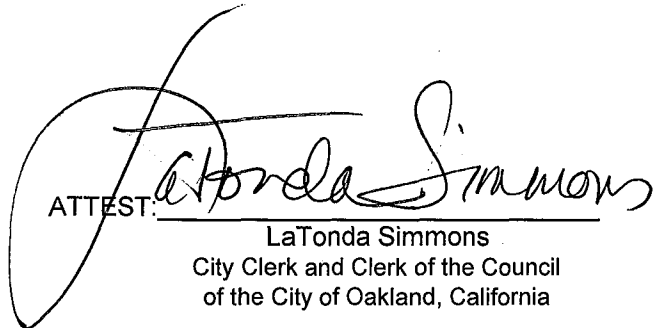
**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, and PRESIDENT REID *TR*

NOES - *0*

ABSENT - *0*

ABSTENTION - *0*

ATTEST:   
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California