



FILED
OFFICE OF THE CITY CLERK
OAKLAND

2017 APR 13 PM 3:04

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Jeff Tumlin
Interim Director, DOT

SUBJECT: TDA Article 3 Funds Approval

DATE: March 13, 2017

City Administrator Approval

Date:

4/12/17

RECOMMENDATION

Staff Recommends That The City Council Adopt:

1) A Resolution Authorizing The City Administrator To Apply For, Accept, And Appropriate Up To Three Hundred Seventy-Five Thousand Dollars (\$375,000.00) In Fiscal Year 2017-18 State Transportation Development Act Article 3 Funds As Follows: (1) East 20th Street Stairpath Rehabilitation, One Hundred And Fifty Thousand Dollars (\$150,000.00); (2) Bicyclist Safety Education Classes, Twenty-Five Thousand Dollars (\$25,000.00); (3) Bicyclist Signage Program, One Hundred Thousand Dollars (\$100,000.00); (4) Bicyclist Safe Storm Drain Inlet Program, One Hundred Thousand Dollars (\$100,000.00); and

2) A Resolution Authorizing The City Administrator To Waive The Advertising And Bidding Requirements For Award Of A Professional Services Agreement To The East Bay Bicycle Coalition (DBA Bike East Bay) In An Amount Not-To-Exceed Twenty-Five Thousand Dollars (\$25,000.00) To Conduct Bicyclist Safety Education Classes.

EXECUTIVE SUMMARY

Approval of the first resolution will authorize the City Administrator to apply for, accept, and appropriate up to \$375,000.00 in State Transportation Development Act Article 3 funds for Fiscal Year (FY) 2017-18. The grant applications require City Council approval and are due in the latter part of May 2017. No matching funds are required to receive these funds, which must be expended within three (3) years of allocation. The grant funds will allow the City to implement priority programs identified by the City of Oakland's Bicycle and Pedestrian Master Plans.

Approval of the second resolution will allow the City Administrator to waive advertising and bidding requirements and award a professional services agreement to the East Bay Bicycle Coalition (DBA Bike East Bay). Bike East Bay will conduct bicyclist safety classes in Oakland, in coordination with other such classes being offered throughout Oakland and Alameda County.

Item: _____
Public Works Committee
April 25, 2017

BACKGROUND / LEGISLATIVE HISTORY

Transportation Development Act (TDA) Article 3 funds are derived from the State of California ¼ cent transportation sales tax. Article 3 specifically reserves a portion of these funds for bicycle and pedestrian projects. These funds are distributed annually, on a per capita basis, to jurisdictions statewide. The City of Oakland typically uses these funds to support small bicycle or pedestrian projects citywide.

The Metropolitan Transportation Commission (MTC) administers TDA fund distribution for the San Francisco Bay Area, and imposes certain requirements on fund recipients. To accept TDA Article 3 funds, the City must propose projects and determine that: (a) there are no legal impediments or other factors that would affect the City's ability to deliver the project(s); (b) sufficient staff resources and funding are available to complete the projects; and (c) there are no environmental or right-of-way issues that would jeopardize fund obligation deadlines. To claim TDA funds, these findings must be adopted by the City Council and are included as Exhibit A ("Findings") to the resolution. An additional requirement is that projects must be reviewed by the City's Bicyclist and Pedestrian Advisory Commission (BPAC). The BPAC reviewed and endorsed the proposed projects at the BPAC meeting on February 16, 2017.

ANALYSIS

Adoption of this resolution will allow the City to complete its applications for TDA Article 3 funding by the grant deadline in the latter part of May 2017. Construction of bicycle and pedestrian facilities is consistent with the goals of the City of Oakland's General Plan, Bicycle Master Plan, and Pedestrian Master Plan. The selection of projects is consistent with 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 (Resolution No. 78747 C.M.S., adopted July 20, 2004). The four projects/programs were further prioritized for funding based on readiness for implementation:

- The East 20th Street Stairpath Rehabilitation Project will rehabilitate deteriorated stairs/landings and install handrails for a stairpath along the right-of-way of East 20th Street. The stairpath connects 5th Ave to Park Boulevard near the Lake Merritt / Parkway Commercial District, FM Smith Recreation Center, and the Line 18 AC Transit bus service. **Attachment A** provides a location map for this project.
- The Bicyclist Safety Education Classes Project will continue a partnership between the Oakland Public Library, Bike East Bay, and Oakland Department of Transportation to offer safety classes at libraries, recreation centers, and other public meeting places throughout Oakland (**Attachment B**). Target audiences include both adults and families with curricula in three languages: English, Spanish, and Cantonese. The grant will fund adult classroom courses, on-street classes, and family workshops for approximately two years.

- The Bicyclist Signage Program will continue the installation of bicycle guide signs across Oakland's bikeway network. The program follows the City's Design Guidelines for Bicycle Wayfinding Signage (2011). Candidate projects include the Foothill Boulevard / Bancroft Avenue Bikeway, Lake Merritt BART Bikeways, and additional corridors (**Attachment C**). The program includes the installation of bicyclist guide, warning, and regulatory signs, as well as the removal of older bicyclist-related signage that is no longer needed.
- The Bicyclist Safe Storm Drain Inlet Program will continue the replacement of older, non-compliant storm drain inlet grates with openings that are large enough for a bicycle wheel to enter. Locations with non-compliant grates will be replaced with new grates that are safe for bicyclists. This grant will fund the purchase of approximately 150 grates. **Attachment D** provides a map of inlet grates surveyed recently and in need of replacement or repair.

Oakland Municipal Code (OMC) Title 2, Chapter 2, Article 1, Section 2.04.051.A requires the City to conduct a competitive RFQ/P selection process for the procurement of professional services. OMC Section 2.04.051.B permits the City Council to waive the competitive RFQ/P competitive selection requirement upon a finding and determination that it is in the best interests of the City to do so. Staff recommends that the Council find and determine that it is in the best interests of the City to waive the RFQ/P competitive selection requirement and award a contract to Bike East Bay for teaching Bicyclist Safety Education Classes. Bike East Bay is the established leader in bicycle safety training classes throughout Alameda County, and has offered such courses in Oakland at recreation centers and libraries, reaching Oakland residents of all ages.

FISCAL IMPACT

Without TDA Article 3 grant funding, completion of these projects and programs would require the City to use other fund sources such as Measures B or BB. Using grant funds to augment funding from the City's Capital Improvement Program extends the City's ability to finance needed improvements. Implementation of these projects will have a net positive fiscal impact on the City of Oakland by funding infrastructure upgrades. There is no local match required for this fund source.

Upon award of the grants, funds will be appropriated as follows:

- East 20th Street Stairpath Rehabilitation: one hundred and fifty thousand dollars (\$150,000) into the Transportation Development Act (TDA) Article 3 Fund (2162), Engineering Design Organization (92242), Street Construction Account (57411), and a new project number to be established;
- Bicyclist Safety Education Classes: twenty-five thousand dollars (\$25,000) into the Transportation Development Act (TDA) Article 3 Fund (2162), Transportation Planning Organization (92260), Miscellaneous Services Account (53719), and a new project number to be established;

- Bicyclist Signage Program: one hundred thousand dollars (\$100,000.00) into the Transportation Development Act (TDA) Article 3 Fund (2162), Transportation Planning Organization (92260), Street Construction Account (57411), and a new project number to be established;
- Bicyclist Safe Storm Drain Inlet Program, one hundred thousand dollars (\$100,000.00) into the Transportation Development Act (TDA) Article 3 Fund (2162), Transportation Planning Organization (92260), Miscellaneous Supplies Account (52919), and a new project number to be established.

PUBLIC OUTREACH / INTEREST

Each year, the list of proposed projects is reviewed by the City's Bicyclist and Pedestrian Advisory Commission (BPAC) to receive input on the proposals and to meet the grant requirements. These meetings are noticed and open to the public. This year, the BPAC considered and endorsed the TDA project list at its February meeting.

The East 20th Street Stairpath Project is synergistic with a local Adopt-a-Spot group that has invested in landscape improvements for the unused right-of-way adjacent to the path. The Bicyclist Safety Education Classes have proved popular, with over 400 participants in Oakland's classes since January 2015. The Bicyclist Signage Program is a cost-effective and highly visible means to promote bicycling. Oakland's approach has received national attention as a model for bicyclist wayfinding. The Bicyclist Safe Storm Drain Inlet Program is an ongoing effort to address public requests, improve public safety, and reduce the City's exposure to claims and lawsuits.

COORDINATION

The Oakland Public Library was consulted for the Bicyclist Safety Education Classes Project. The Infrastructure Maintenance Division of Oakland Public Works was consulted for the Bicyclist Safe Storm Drain Inlet Program.

In addition, the Office of the City Attorney and the Controller's Bureau reviewed this report and resolution.

SUSTAINABLE OPPORTUNITIES

Economic: Bicycle and pedestrian facilities encourage biking and walking, two of the most cost-effective forms of transportation. Bicycle and pedestrian trips tend to be local and thus are more likely to contribute to local economic activity.

Environmental: Bicycling and walking are energy efficient forms of transportation that create no emissions, contributing to the City's efforts to reduce air pollution and address climate change.

Social Equity: The projects improve accessibility and safety for persons who depend on non-motorized transportation and public transit to access jobs, services, and recreational facilities. Biking and walking are inexpensive and broadly accessible forms of transportation.

CEQA

The projects selected for TDA funding are exempt from California Environmental Quality Act, CEQA pursuant to CEQA Guidelines Sections 15060(c)(3) (not a project), 15061(b)(3) (no significant effect), and/or 15301(c) (existing facilities).

On a separate and independent basis, the following three projects have environmental clearance under the Environmental Impact Report for the Bicycle Master Plan (2007), certified by City Council Resolution 80959 C.M.S.: Bicyclist Safety Education Classes Project, Bicyclist Signage Program, and Bicyclist Safe Storm Drain Inlet Program.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council adopt:

(1) A resolution authorizing the City Administrator to apply for, accept, and appropriate up to three hundred seventy-five thousand dollars (\$375,000.00) in FY 2017-18 State Transportation Development Act Article 3 Funds as follows: (1) East 20th Street Stairpath Rehabilitation, one hundred and fifty thousand dollars (\$150,000.00); (2) Bicyclist Safety Education Classes, twenty-five thousand dollars (\$25,000.00); (3) Bicyclist Signage Program, one hundred thousand dollars (\$100,000.00); (4) Bicyclist Safe Storm Drain Inlet Program, one hundred thousand dollars (\$100,000.00).

2) A resolution authorizing the City Administrator to waive the advertising and bidding requirements for award of a Professional Services Agreement to the East Bay Bicycle Coalition (DBA Bike East Bay) in an amount not-to-exceed twenty-five thousand dollars (\$25,000.00) to conduct bicyclist safety education classes.

For questions regarding this report, please contact Jason Patton, Bicycle & Pedestrian Program Manager, at 510-238-7049.

Respectfully submitted,



JEFF TUMLIN
Interim Director, Department of Transportation

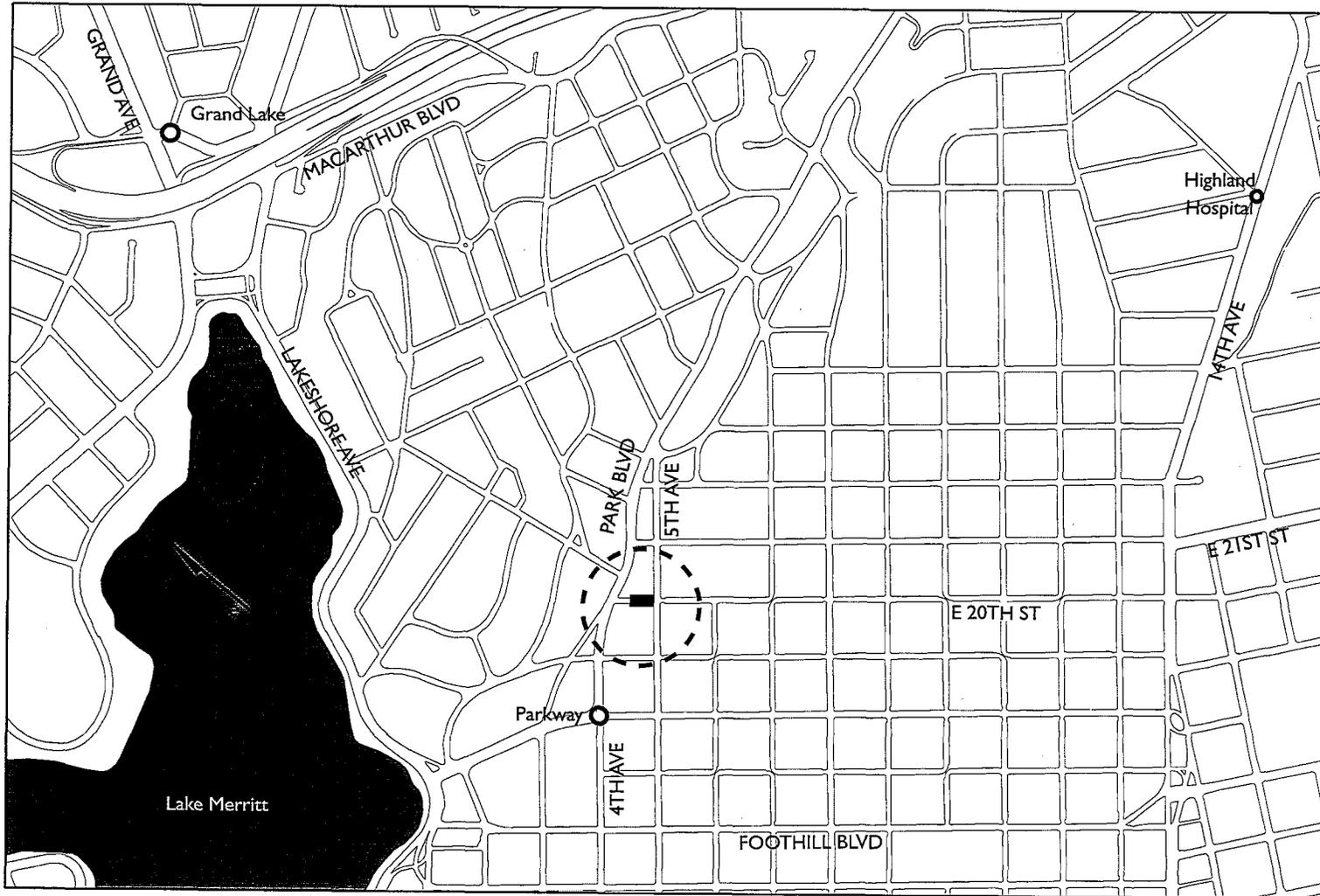
Reviewed by:
Wladimir Wlassowsky, P.E.
Interim Assistant Director

Prepared by:
Jason Patton, Ph.D.
Bicycle & Pedestrian Program Manager

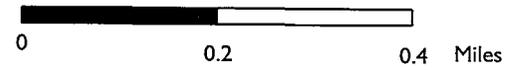
Attachments (4):

- A: East 20th Street Stairpath Project Area Map
- B: Bicyclist Safety Education Classes Project, Potential Class Locations Map
- C: Bicyclist Signage Program, Candidate Bikeways Map
- D: Bicyclist Safe Storm Drain Inlet Program, Storm Drain Inlets to Replace or Repair

E 20th St Stairpath Rehabilitation Project Area



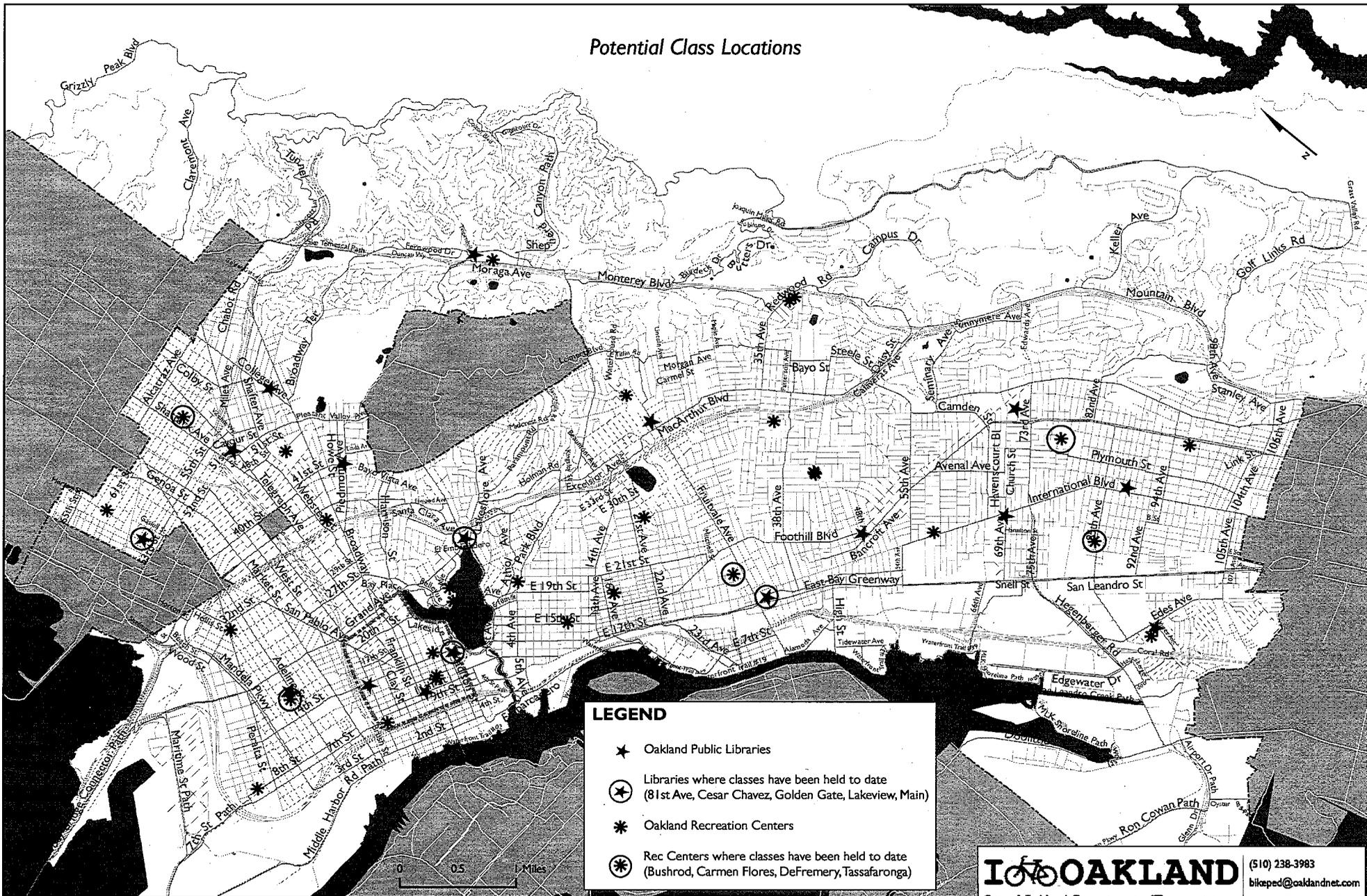
March 10, 2017



City of Oakland Bicyclist Safety Classes Education Project
TDA Article 3, FY17-18

Attachment B

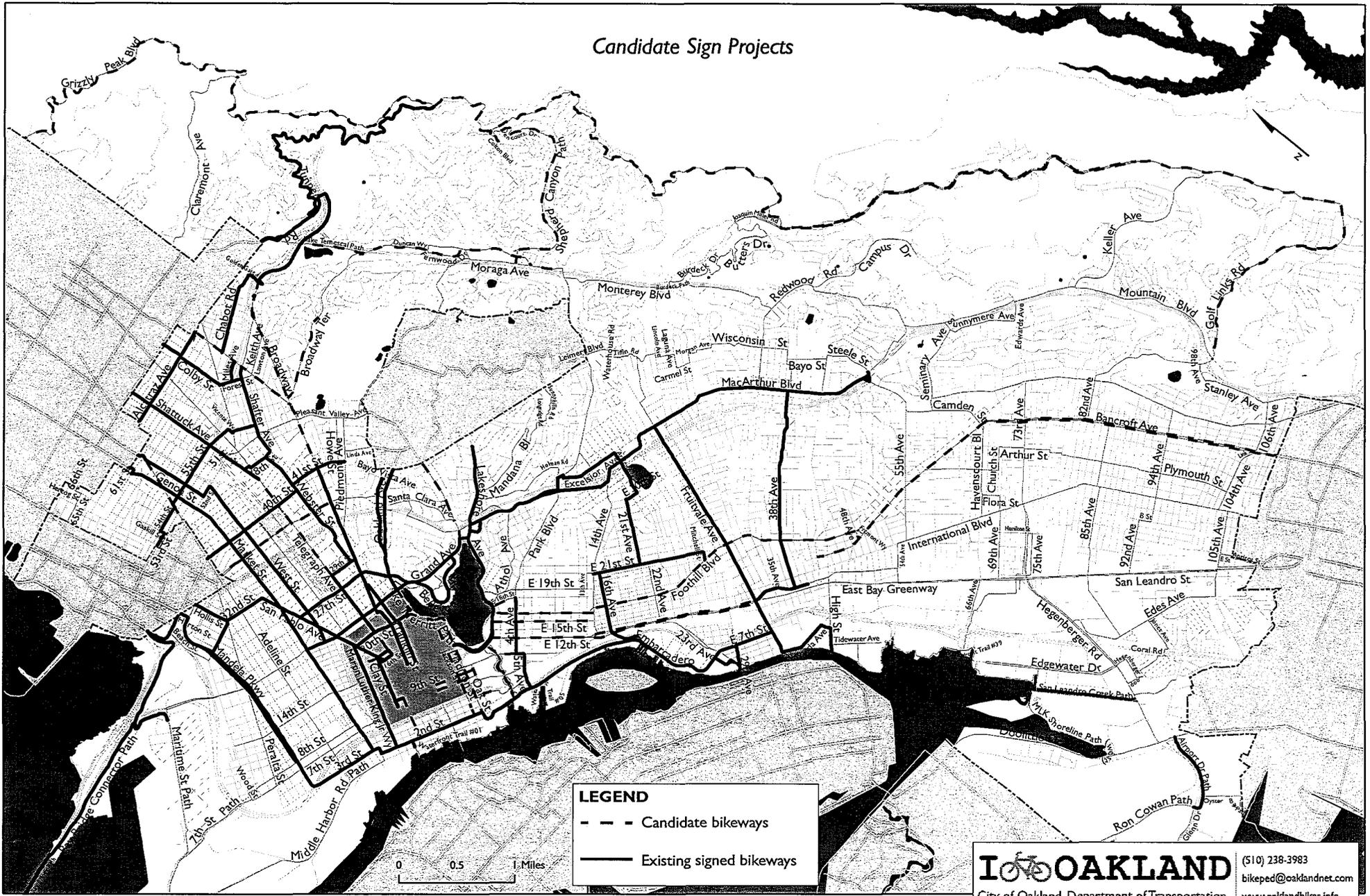
Potential Class Locations



LEGEND

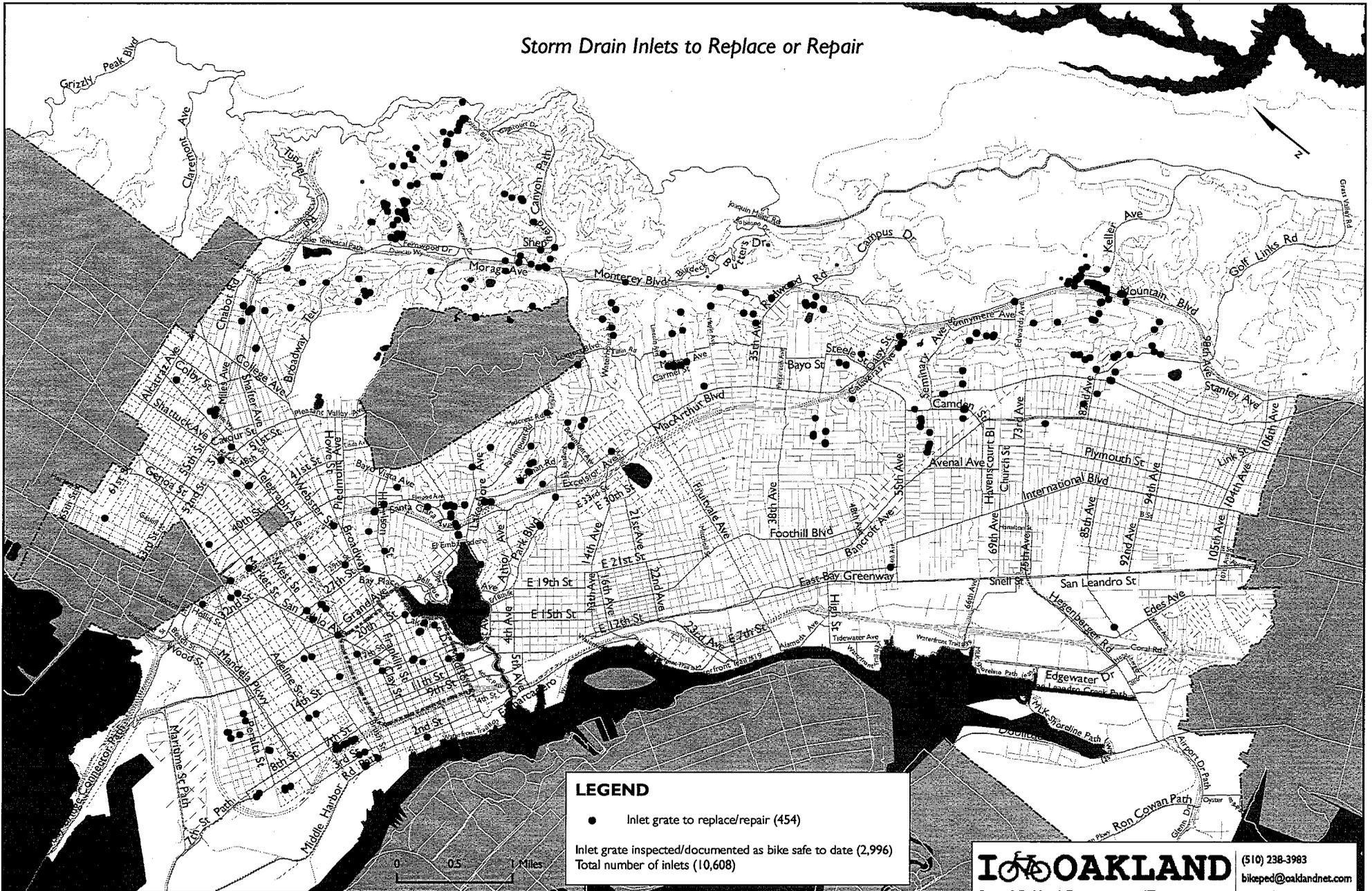
- ★ Oakland Public Libraries
- ★ (in circle) Libraries where classes have been held to date (81st Ave, Cesar Chavez, Golden Gate, Lakeview, Main)
- ★ (with dot) Oakland Recreation Centers
- ★ (with dot in circle) Rec Centers where classes have been held to date (Bushrod, Carmen Flores, DeFremery, Tassafaronga)

OAKLAND (510) 238-3983
City of Oakland, Department of Transportation bikeped@oaklandnet.com
www.oaklandbikesinfo

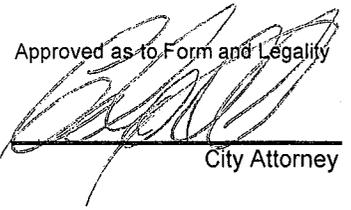


City of Oakland Bicyclist Safe Storm Drain Inlet Program
TDA Article 3, FY17-18

Attachment D



OAKLAND CITY COUNCIL

Approved as to Form and Legality

City Attorney

2017 APR 13 PM 3:04

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR, ACCEPT, AND APPROPRIATE UP TO THREE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$375,000.00) IN FISCAL YEAR 2017-18 STATE TRANSPORTATION DEVELOPMENT ACT ARTICLE 3 FUNDS AS FOLLOWS: (1) EAST 20TH STREET STAIRPATH REHABILITATION, ONE HUNDRED AND FIFTY THOUSAND DOLLARS (\$150,000.00); (2) BICYCLIST SAFETY EDUCATION CLASSES, TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00); (3) BICYCLIST SIGNAGE PROGRAM, ONE HUNDRED THOUSAND DOLLARS (\$100,000.00); (4) BICYCLIST SAFE STORM DRAIN INLET PROGRAM, ONE HUNDRED THOUSAND DOLLARS (\$100,000.00)

WHEREAS, Article 3 of the Transportation Development Act (TDA), Public Utilities Code 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. 4108, entitled "Transportation Development Act, Article 3, Pedestrian and Bicycle Projects," which delineates procedures and criteria for submission of requests for the allocation of "TDA Article 3" funding; and

WHEREAS, MTC Resolution No. 4108 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 desires to submit a request through Alameda County to MTC for the allocation of TDA Article 3 funds to support the projects described in the Agenda Report accompanying this resolution, which are for the exclusive benefit and/or use of pedestrians and/or bicyclists; and

WHEREAS, the requirements of the California Environmental Quality Act (CEQA) have been satisfied; 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 the projects described in *Exhibit A* to 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 projects were reviewed by the City of Oakland's Bicyclist and Pedestrian Advisory Commission (BPAC), fulfilling the requirement for BPAC review stipulated by MTC Resolution No. 4108; and be it

FURTHER RESOLVED, that the City of Oakland attests to the accuracy of and approves the statements in Exhibit A to this resolution; 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 Agency as part of the countywide coordinated TDA Article 3 claim; and be it

FURTHER RESOLVED, that the projects are exempt from CEQA pursuant to CEQA Guidelines Sections 15060(c)(3), 15061(b)(3), and/or 15301(c), and on a separate and independent basis the projects have environmental clearance under the Environmental Impact Report for the Bicycle Master Plan (2007), certified by City Council Resolution 80959 C.M.S.; and be it

FURTHER RESOLVED, that the City Council hereby authorizes the application, acceptance, and appropriation of Fiscal Year 2017-18 State TDA Article 3 funds in the amount not to exceed \$375,000.00 to be deposited and appropriated as follows: (1) East 20th Street Stairpath Rehabilitation, one hundred and fifty thousand dollars (\$150,000.00) into the Transportation Development Act (TDA) Article 3 Fund (2162), Engineering Design Organization (92242), Street Construction Account (57411), and a new project number to be established; (2) Bicyclist Safety Education Classes, twenty-five thousand dollars (\$25,000.00) into the Transportation Development Act (TDA) Article 3 Fund (2162), Transportation Planning Organization (92260), Miscellaneous Services Account (53719), and a new project number to be established; (3) Bicyclist Signage Program, one hundred thousand dollars (\$100,000.00) into the Transportation Development Act (TDA) Article 3 Fund (2162), Transportation Planning Organization (92260), Street Construction Account (57411), and a new project number to be established; and (4) Bicyclist Safe Storm Drain Inlet Program, one hundred thousand dollars (\$100,000.00) into the Transportation Development Act (TDA) Article 3 Fund (2162), Transportation Planning Organization (92260), Miscellaneous Supplies Account (52919), and a new project number to be established; and be it

FURTHER RESOLVED, that the City Administrator, or here designee, is authorized on behalf of the City of Oakland to execute and submit all documents, payment requests, and related actions.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN,
AND PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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

Exhibit:

Exhibit A, Findings – Request to the Metropolitan Transportation

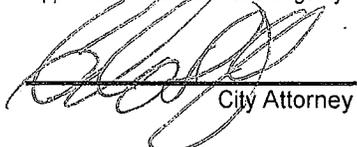
EXHIBIT A TO RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO
APPLY FOR, ACCEPT AND APPROPRIATE TRANSPORTATION DEVELOPMENT
ACT (TDA) ARTICLE 3 FUNDS

Findings

Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2016-2017 Transportation Development Act Article 3 Pedestrian/Bicycle 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(s) described in the project application comply with the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 et seq.).
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(s).
7. That the project(s) described in the application are 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 project(s) described in the application is included in a locally approved bicycle, pedestrian, transit, multimodal, complete streets, or other relevant plan.
9. That any project described in the application that is a bikeway meets the mandatory minimum safety design criteria published in Chapter 1000 of the California Highway Design Manual.
10. That the project(s) described in the application will be completed before the funds expire.
11. That the CITY OF OAKLAND agrees to maintain, or provide for the maintenance of, the project(s) and facilities described in the project application, for the benefit of and use by the public.

OAKLAND CITY COUNCIL


City Attorney

2017 APR 13 PM 3:00 RESOLUTION NO. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO WAIVE THE ADVERTISING AND BIDDING REQUIREMENTS FOR AWARD OF A PROFESSIONAL SERVICES AGREEMENT TO THE EAST BAY BICYCLE COALITION (DBA BIKE EAST BAY) IN AN AMOUNT NOT-TO-EXCEED TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) TO CONDUCT BICYCLIST SAFETY EDUCATION CLASSES

WHEREAS, O.M.C. § 2.04.040.B.2 requires staff to conduct an informal advertising and competitive bid process for professional services when the expenditure ranges from \$500 to \$50,000; and

WHEREAS, O.M.C. § 2.04.050.I.5 permits the Council to waive such advertising and competitive bidding upon a finding that it is in the best interest of the City to do so; and

WHEREAS, staff recommends that the Council waive advertising and competitive bidding in this instance because Bike East Bay is the established leader in bicycle safety training classes throughout Alameda County, and has offered such courses in Oakland at recreation centers and libraries, reaching Oakland residents of all ages; now, therefore be it

RESOLVED, that the City Council finds and determines that, pursuant to O.M.C. § 2.04.050.I.5 and for the reasons stated above and in the accompanying report, it is in the best interests of the City to waive advertising and the competitive bidding requirements of the O.M.C. for the award of a professional services agreement to the East Bay Bicycle Coalition (dba Bike East Bay), and so waives the requirements; and be it

FURTHER RESOLVED, that the City Administrator or designee is hereby authorized to approve a professional services agreement to provide bicyclist safety training classes in Oakland in an amount not-to-exceed twenty-five thousand dollars (\$25,000.00).

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, AND PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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