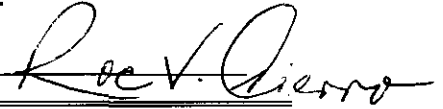


OAKLAND CITY COUNCIL

FILED RESOLUTION NO. 78639 C.M.S.
OFFICE OF THE CITY CLERK
OAKLAND
INTRODUCED BY COUNCILMEMBER
2004 MAY 26 AM 10:04



RESOLUTION AUTHORIZING THE CITY OF OAKLAND TO APPLY FOR, ACCEPT AND APPROPRIATE \$245,847 IN FY 2004-05 TRANSPORTATION DEVELOPMENT ACT (TDA) FUNDS FOR THE GRAND AVENUE TRANSIT/PEDESTRIAN IMPROVEMENT PROJECT (EUCLID, STATEN, PERKINS AND 21ST/HARRISON INTERSECTIONS)

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, accept and appropriate up to \$245,847 in 2004-05 TDA Article 3 funds for the purpose of appropriating said funding to Public Works Agency Transportation Services Division (Fund 2162, Organization Code 92246, Project No.G170450); and

WHEREAS, said funding will allow the City to construct the Grand Avenue Transit/Pedestrian Improvement Project, to include pedestrian bulb outs and crosswalk restriping at Euclid, Staten and Perkins and a new AC Transit bus stop at 21st and Harrison; 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 or other impediment that might adversely impair the ability of the City of Oakland to carry out the project, as documented by the Attachment: *Findings* appended to this resolution; 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 2004-05 TDA Article 3 funds in the amount of \$245,847 for the Grand Avenue Transit/Pedestrian Improvement Project; 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 Manager, 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 this project; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA, JUN 15 2004, 20__


PASSED THE FOLLOWING VOTE:

AYES – BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN, AND PRESIDENT DE LA FUENTE —8

NOES – 0

ABSENT – 0

ABSTENTION – 0

ATTEST: 
CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California

ATTACHMENT TO RESOLUTION AUTHORIZING THE CITY OF OAKLAND TO APPLY FOR, ACCEPT AND APPROPRIATE UP TO \$245,847 IN FY 2004-05 STATE DEVELOPMENT ACT (TDA) ARTICLE 3 FUNDS FOR THE GRAND AVENUE TRANSIT/PEDESTRIAN IMPROVEMENT PROJECT (HARRISON STREET TO EL EMBARCADERO)

Findings

Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2004-05 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 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 project and facilities described in the project application, for the benefit of and use by the public.