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AGENDA REPORT

TO: DEANNA J. SANTANA
CITY ADMINISTRATOR

FROM: Vitaly B. Troyan, P.E.

SUBJECT: TDA Article 3 Funds Approval

DATE: March 23, 2012

City Administrator
Approval

Date

4/25/12

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Adopt a Resolution Authorizing the City Administrator to Apply for, Accept, and Appropriate up to Three Hundred Thousand Dollars (\$300,000.00) in Fiscal Year 2012-13 State Transportation Development Act Article 3 Funds as Follows: (1) CityRacks Bike Parking Program, Seventy-Five Thousand Dollars (\$75,000.00); (2) Storm Drain Inlet Grates Project, Fifty Thousand Dollars (\$50,000.00); (3) Pedestrian Stairs and Paths Rehabilitation Projects, One Hundred Seventy-Five Thousand Dollars (\$175,000.00).

OUTCOME

Approval of this resolution will authorize the City Administrator to apply for, accept and appropriate up to \$300,000.00 in State Fiscal Year 2012-13 Transportation Development Act (TDA) Article 3 funds. 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 projects and programs identified by the Pedestrian Master Plan and Bicycle Master Plan.

BACKGROUND/LEGISLATIVE HISTORY

Transportation Development Act 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 and pedestrian projects citywide, or to provide matching funds for larger projects.

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The Metropolitan Transportation Commission (MTC) administers TDA fund distribution for the San Francisco Bay Area, and imposes certain requirements on fund recipients. In order to accept TDA Article 3 funds, the City must propose a priority list of projects and determine that (a) there are no legal impediments or other factors that would affect the City's ability to deliver the projects; (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. In order to claim TDA funds, these findings must be adopted by the City Council and are included in *Exhibit A* ("Findings"), pages *A1 to A3* to the resolution.

An additional requirement is that projects must be reviewed and approved by a jurisdiction's Bicycle and Pedestrian Advisory Committee (BPAC). Staff proposed a list of projects that meet TDA criteria, and the BPAC reviewed and commented on this draft list of projects in January and February 2012. The BPAC adopted the recommended allocations of TDA funds to the three selected projects at its meeting in March 2012.

ANALYSIS

Adoption of this resolution will allow the City to complete its applications for TDA Article 3 funding by the grant deadline of May 24, 2012. 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. The selection of projects are 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). All three projects were further prioritized for funding based on readiness for construction.

The following describes recommended projects:

- The CityRacks Bicycle Parking Project will respond to ongoing public requests for installing bicycle parking. It will fund a pilot project to install "in-street" bicycle parking, for providing additional bicycle parking in commercial districts with limited sidewalk space. The project will install approximately two hundred and fifty (250) racks in commercial districts citywide, and it is a priority in the City's Bicycle Master Plan.
- The Storm Drain Inlet Grates Project will replace and retrofit older, non-compliant grates that can catch bicycle wheels. Locations will be identified citywide along existing and proposed bikeways, through the City's annual inspection of storm drain inlets, and by public requests. Locations with non-compliant grates will be replaced with new grates and the non-compliant grates will be retrofitted for reinstallation at other locations. Approximately one hundred fifty (150) locations will be retrofitted.

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- Pedestrian Stairs and Paths Rehabilitation Project will repair four walkways from Oakland's prioritized inventory of stair/path projects. Generally, repairs include the replacement of broken, tilted concrete at walkways or steps, the addition of code compliant handrails at steps and sloping walkways, and street signs. See **Attachment A** for location maps of these rehabilitation projects. The locations of repairs are:
 1. **Madrone Way**; a continuous route of four (4) block long paths traversing from MacArthur Blvd. to Tompkins St.;
 2. **Mandana Circle**; a one block path from Mandana Circle to Longridge Road terminating next to Crocker Highlands Elementary School;
 3. **Davidson Way**; a continuous route of two (2) block long paths from Grand Ave. Commercial District ascending to Vermont St.;
 4. **Frisbee and Perkins Ways**; a continuous route of two (2) block long paths from Harrison St. to Orange St.

PUBLIC OUTREACH/INTEREST

Each year, potential projects are reviewed with the City's Bicycle and Pedestrian Advisory Committee (BPAC), in order to receive input on potential projects and to endorse a final priority list. This year the BPAC considered the TDA program at its monthly meetings in January, February and March. These meetings are noticed and open to the general public.

COORDINATION

All three of these projects have been reviewed with Public Works Agency staff which will be responsible for their implementation and operation. The CityRacks is a continuation of a previously funded program with well functioning procedures in place for implementation. The Storm Drain program is new, and has been coordinated with PWA staff which would install and retrofit the grates. The Pedestrian Stairs and Paths Rehabilitation Projects is part of an ongoing program that has analyzed and prioritized rehabilitation projects city-wide, and has resulted in several completed projects using both TDA and other funds.

COST SUMMARY/IMPLICATIONS

No matching funds are required to receive TDA Article 3 Funds, which must be expended within three (3) years of allocation.

In the case of CityRacks Bike Parking Program, the seventy five thousand dollar (\$75,000) project budget includes the capital cost of racks, and the cost of site analysis and installation by PWA staff. On-going maintenance of the simple, sturdy racks is minimal. Funds for the CityRacks Bike Parking Program will be deposited into the Transportation Development Act (TDA) Article 3 Fund (2162), Infrastructure Plans and Programming Capital Org (92260), Miscellaneous Supplies Account (52920), and new project numbers will be established.

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For the Storm Drain Inlet Grates Project, costs include the fabrication and installation of bicyclist safe grates. PWA staff will install and retrofit the grates. These installations have no additional ongoing maintenance cost impacts. Funds for Storm Drain Inlet Grates Project will be deposited into the Transportation Development Act (TDA) Article 3 Fund (2162), Storm Drain Maintenance Organization (30532), Miscellaneous Supplies Account (52919), and new project numbers will be established.

Reconstruction of Paths and Stairs will be completed with One Hundred Seventy-Five Thousand Dollars (\$175,000.00) in TDA Article 3 funding. By repairing currently deficient facilities, these capital funds will reduce current maintenance needs, increase safety and reduce City liability. Funds for the Stairs and Paths Rehabilitation Projects will be deposited into the Transportation Development Act (TDA) Article 3 Fund (2162), Capital Projects—Streets and Structures Organization (92242), Street Construction Account (57411), and a new project number to be established.

SUSTAINABLE OPPORTUNITIES

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

Environmental: Bicycling is the most energy efficient form of transportation and both bicycling and walking create no emissions, contributing to the City's efforts to reduce air pollution and address climate change.

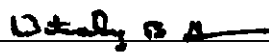
Social Equity: The projects improve accessibility and safety for persons who depend on private and public transit to access jobs, services, and recreational facilities. Bicycling and walking are inexpensive and broadly accessible forms of transportation.

CEQA

The bicycle and pedestrian projects selected for TDA funding are exempt from CEQA pursuant to CEQA Guidelines Sections 15061(b)(3), 15301(c), and/or 15304(h).

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

Respectfully submitted,


VITALY B. TROYAN, P.E.
Director, Public Works Agency

Reviewed by:
Michael Neary, PE, Assistant Director

Prepared by:
Bruce Williams
Infrastructure Plans and Programming Division, PWA

Attachments

***Exhibit A: "TDA Findings", A1 to A3
Attachments A-1 to A-4 - Location Maps - Pedestrian Paths and Stairs Rehabilitation Projects***

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EXHIBIT A1 TO RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR, ACCEPT AND APPROPRIATE UP TO \$75,000.00 IN FISCAL YEAR 2011-2012 TRANSPORTATION DEVELOPMENT ACT (TDA) ARTICLE 3 FUNDS FOR CITYRACKS BICYCLE PARKING PROGRAM

Findings

Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2012-2013 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 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 (5) 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: _____

Iris Starr
Manager, Infrastructure Plans and Programming

Date: _____

EXHIBIT A2 TO RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR, ACCEPT AND APPROPRIATE UP TO \$50,000.00 IN FISCAL YEAR 2012-2013 TRANSPORTATION DEVELOPMENT ACT (TDA) ARTICLE 3 FUNDS FOR STORM DRAIN INLET GRATES PROJECT

Findings

Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2012-2013 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 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 (5) 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: _____

Iris Starr
Manager, Infrastructure Plans and Programming

Date: _____

EXHIBIT A3 TO RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR, ACCEPT AND APPROPRIATE UP TO \$175,000.00 IN FISCAL YEAR 2012-2013 TRANSPORTATION DEVELOPMENT ACT (TDA) ARTICLE 3 FUNDS FOR PEDESTRIAN STAIR AND PATH REHABILITATION PROJECTS

Findings

Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2012-2013 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 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 (5) 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.

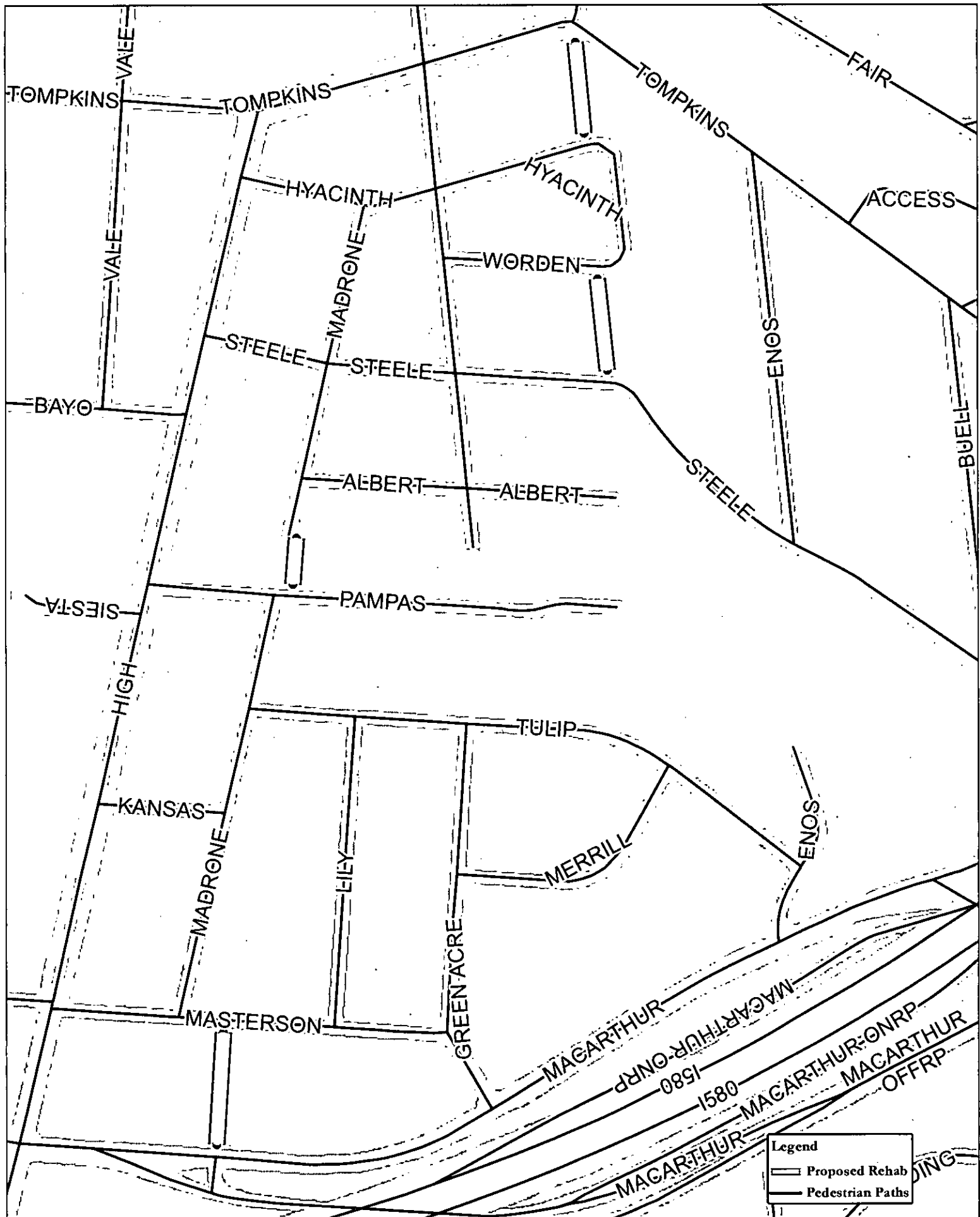
Signed: _____

Iris Starr

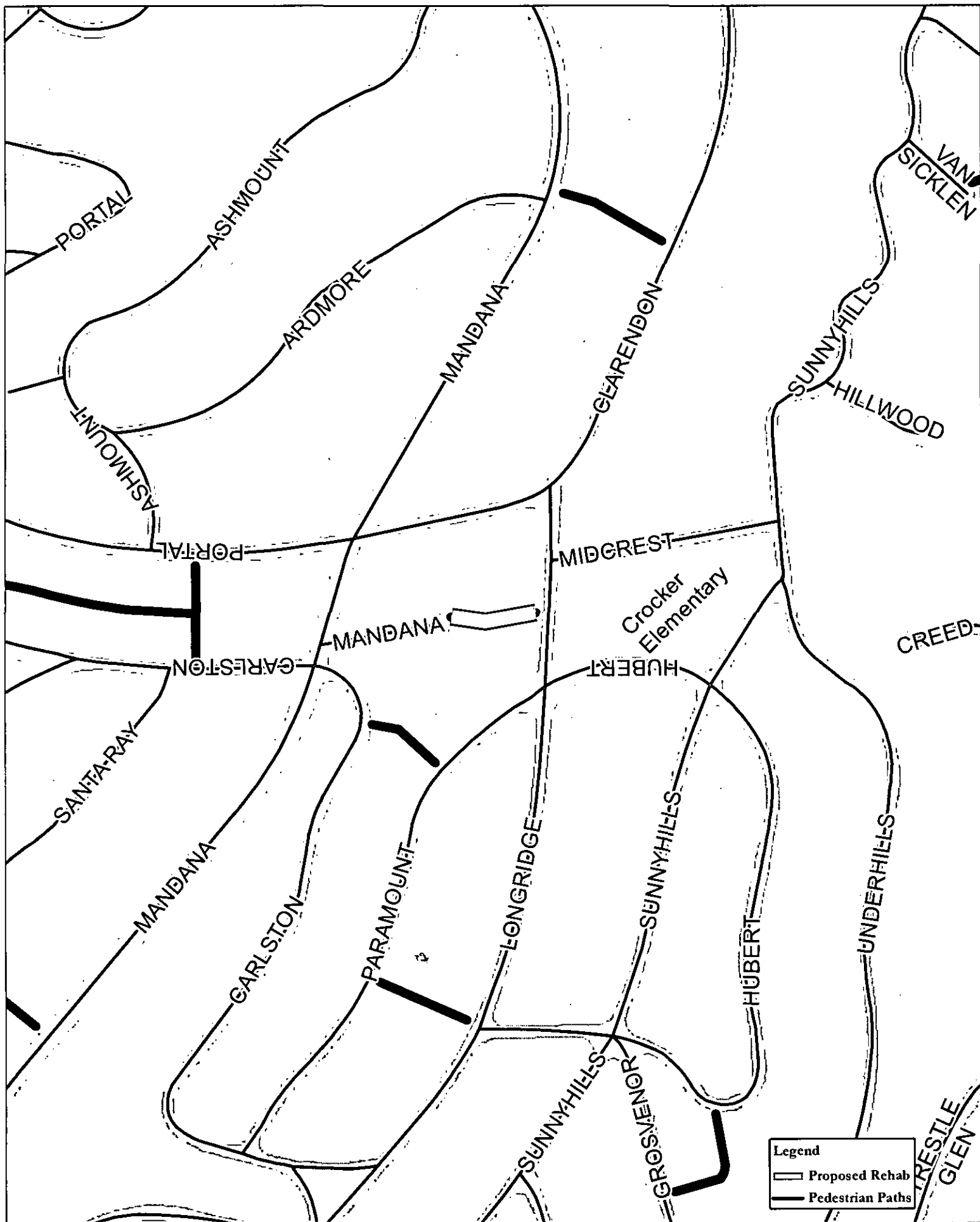
Manager, Infrastructure Plans and Programming

Date: _____

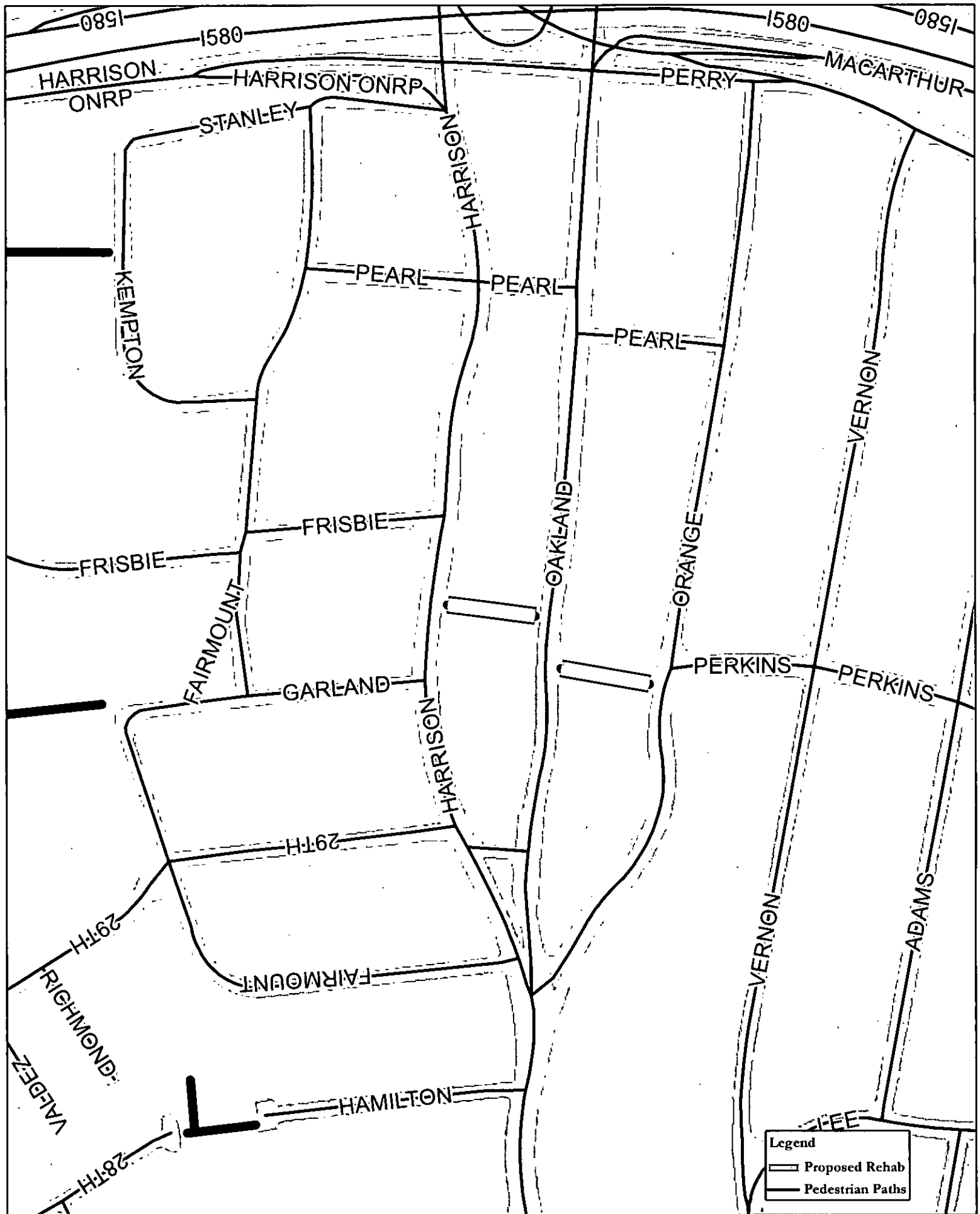
Attachment A-1: Stairs and Path Locations, Madrone Way



Attachment A-2: Stairs and Path Locations, Mandana Circle



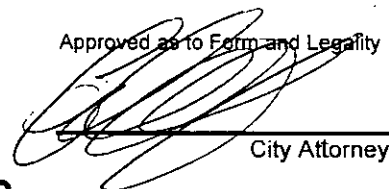
Attachment A-4: Stairs and Path Locations, Frisbee & Perkins Way



OFFICE OF THE CITY CLERK
OAKLAND, CALIFORNIA

OAKLAND CITY COUNCIL

Approved as to Form and Legality



City Attorney

RESOLUTION NO. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR, ACCEPT, AND APPROPRIATE UP TO THREE HUNDRED THOUSAND DOLLARS (\$300,000.00) IN FISCAL YEAR 2012-2013 STATE TRANSPORTATION DEVELOPMENT ACT ARTICLE 3 FUNDS AS FOLLOWS: (1) CITYRACKS BICYCLE PARKING PROGRAM, SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00); (2) STORM DRAIN INLET GRATES PROJECT, FIFTY THOUSAND DOLLARS, (\$50,000.00); AND (3) PEDESTRIAN STAIRS AND PATHS REHABILITATION PROJECTS, ONE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$175,000.00).

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. 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, 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 desires to submit a request 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 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 MTC requires that resolutions authorizing the application, acceptance and appropriation of funds include an "Exhibit A: Findings", verifying that there are no legal, fiscal, or other impediments to the implementation of this project; and

WHEREAS, staff has determined that there are no legal impediments or other factors that would affect the City's ability to deliver the projects, that there is sufficient availability of City staff resources and adequate funding to complete the projects, that environmental and right-of-way issues have been reviewed and that fund obligation deadlines will not be jeopardized; and

WHEREAS, these determinations verify that the three projects meet MTC's criteria for eligibility; and

WHEREAS, the City's Bicycle and Pedestrian Advisory Committee (BPAC) reviewed and endorsed the list of projects at their monthly meetings in January, February and March, 2012; and

WHEREAS, the requirements of the California Environmental Quality Act (CEQA) have been satisfied; now, therefore be it

RESOLVED, that based on the determinations contained in the City Administrator's report accompanying this resolution the City Council of the City of Oakland finds as follows:

1. The City of Oakland is eligible to request an allocation of TDA Article 3 Funds pursuant to Section 99234 of the Public Utilities Code; and
2. There is no known pending or threatened litigation that might adversely affect any of the three (3) projects described in the City Administrator's agenda report accompanying this item: (1) CityRacks Bicycle Parking Program, (2) Storm Drain Inlet Grates Project, and (3) Pedestrian Stairs and Paths Rehabilitation Projects, or that might impair the ability of the City of Oakland to carry out these projects; and be it

FURTHER RESOLVED, that based on the determinations contained in the City Administrator's report accompanying this resolution the City Council of the City of Oakland hereby attests to the accuracy of and approves the findings in "Exhibit A: Findings" to this resolution; and be it

FURTHER RESOLVED, that the projects are exempt from CEQA pursuant to CEQA Guidelines Sections 15061(b)(3), 15301(c), and/or 15304(h);

FURTHER RESOLVED, that the City Council hereby authorizes the application, acceptance, and appropriation of Fiscal Year 2012-13 TDA Article 3 funds in the amount not to exceed \$300,000.00 to be deposited and appropriated as follows: (1) \$75,000.00 for CityRacks Bicycle Program into Transportation Development Act (TDA) Article 3 Fund (2162), Infrastructure Planning & Programming Organization (92260), Miscellaneous Supplies Account (52920), and a new project number to be established; (2) \$50,000.00 for Storm Drain Inlet Grates Project into Transportation Development Act (TDA) Article 3 Fund (2162), Storm Drain Maintenance Organization (30532), Miscellaneous Supplies Account (52919), and a new project number to be established (3) \$175,000.00 for Pedestrian Stairs and Paths Rehabilitation Projects into the Transportation Development Act (TDA) Article 3 Fund (2162), Capital Projects—Streets and Structures Organization (92242), Street Construction Account (57411), and a new project number to be established; and be it

FURTHER RESOLVED, that a certified copy of this resolution and its Exhibit, 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 be it

FURTHER RESOLVED, that should additional funds be received for these three (3) 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, _____, 20____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF and PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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