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OAKLAND

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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:** April 3, 2013

City Administrator  
Approval

Date

5/01/13

**COUNCIL DISTRICT:** 1 & City-Wide

## RECOMMENDATION

Staff recommends that the City Council adopt a resolution authorizing the City Administrator to apply for, accept, and appropriate up to three hundred forty-seven thousand six hundred thirty-nine dollars (\$347,639.00) in fiscal year 2013-14 State Transportation Development Act (TDA) Article 3 funds as follows: (1) Bicyclist Safety Education Classes, twenty-five thousand dollars (\$25,000.00); (2) Stanford Avenue Crossing at Lowell Street, one hundred twelve thousand dollars (\$112,000.00); (3) Pedestrian Stairs and Paths Rehabilitation Projects, two hundred ten thousand six hundred thirty-nine dollars (\$210,639.00).

## OUTCOME

Approval of this resolution will authorize the City Administrator to apply for, accept and appropriate up to \$347,639.00 in State Fiscal Year 2013-14 Transportation Development Act 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 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 a draft list of projects in January 2013. The BPAC reviewed and supported the recommended allocations of TDA funds to the three selected projects at its meeting in February 2013.

### 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, 2013. 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 Bicycle Safety Education Classes project will create a partnership between the Office of Parks and Recreation, East Bay Bicycle Coalition, and Public Works Agency to offer year-round safety classes at recreation centers throughout Oakland. Target audiences include both adults and families with curricula in three languages: English, Spanish, and Cantonese. The grant is expected to fund monthly adult classroom courses plus semi-annual on-street classes and family workshops. This pilot project will run for approximately two years in order to develop a robust model for an ongoing program.
- The Stanford Avenue Crossing at Lowell Street will create a pedestrian and bicyclist crossing of Stanford Avenue. Currently, there is a gap of one-third of a mile on Stanford Avenue between the nearest crosswalks at Market Street and Gaskill Street. Field investigations have documented a significant number of pedestrians and bicyclists currently crossing at Lowell St. Additionally, the crossing will serve the immediately

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adjacent North Oakland Farmers Market and the new location for Destiny Arts Center. The project includes the construction of a passageway through the Stanford Avenue median and connecting curb ramps on either side of the street.

- Pedestrian Stairs and Paths Rehabilitation Project will repair two walkways from Oakland's prioritized inventory of stair/path projects. 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. The locations of repairs are Locarno Path from Alpine Terrace to Acacia Avenue and Locarno Path from Acacia Avenue to Cross Road. The two walkways form a continuous two-block connection in the Upper Rockridge neighborhood. By repairing currently deficient facilities, this project will reduce current maintenance needs, increase safety, reduce City liability, and improve an emergency egress route.

### 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 meeting in January and endorsed the proposed project list in February. These meetings are noticed and open to the public. Bicyclist safety education classes have strong interest from the public, given the growing number of new bicyclists and the primary importance of safety for all roadway users. The need for a Stanford Avenue Crossing at Lowell Street was identified by public request in conjunction with work by the Lowell Street Task Force, a working group of community members and City staff coordinated by the District 1 City Council office. The rehabilitation of pedestrian stairs and paths also has significant public interest for improving neighborhood walkability. The City's prioritization of improvements was developed in collaboration with Oakland Urban Paths, a community group focused on the preservation and enhancement of Oakland's walkways.

### COORDINATION

All three of these projects have been reviewed with the City staff who will be responsible for their implementation and operation:

- Office of Parks and Recreation for the Bicyclist Safety Education Classes;
- Transportation Services Division of the Public Works Agency for the Stanford Avenue Crossing at Lowell Street; and
- Engineering Design and Right-of-Way Division of the Public Works Agency for the Pedestrian Stairs and Paths Rehabilitation Project.

In addition, the Office of the City Attorney and the Budget Office reviewed this report and resolution.

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### COST SUMMARY/IMPLICATIONS

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

For the Bicyclist Safety Education Classes project, the twenty-five thousand dollar (\$25,000) project budget will fund the entirety of the City's direct costs. Administration of the program will be included as part of the Office of Parks and Recreation's operations for its general course offerings. Funds will be deposited into the Transportation Development Act (TDA) Article 3 Fund (2162), Office of OPR Director Organization (501110), Contract Contingencies Account (54011), and new project number to be established.

For the Stanford Avenue Crossing at Lowell Street project, the one hundred twelve thousand dollar (\$112,000) project will fund the entirety of project development and construction. Funds will be deposited into the Transportation Development Act (TDA) Article 3 Fund (2162), Traffic Engineering Organization (92246), Street Construction Account (57411), and a new project number to be established.

For the Pedestrian Stairs and Paths Rehabilitation project, the two hundred ten thousand six hundred thirty nine dollar (\$210,639.00) grant will be combined with fifty thousand dollars (\$50,000.00) of local funds from Measure B Bicycle/Pedestrian Local Fund (2212) that will be appropriated by the City's FY13-15 Capital Improvement Program through the Pedestrian Master Plan Implementation Project. The combined balance will fund the entirety of project development and construction. Funds 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 15060(c)(3), 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 J. Neary, P.E., Assistant Director  
Department of Engineering and Construction

Iris Starr, AICP, Division Manager  
Transportation Planning and Funding Division

Prepared by:  
Jason Patton, Bicycle and Pedestrian Program Manager  
Transportation Planning and Funding Division

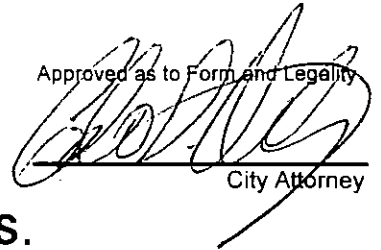
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# OAKLAND CITY COUNCIL

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 FORTY-SEVEN THOUSAND SIX HUNDRED THIRTY-NINE DOLLARS (\$347,639.00) IN FISCAL YEAR 2013-14 STATE TRANSPORTATION DEVELOPMENT ACT ARTICLE 3 FUNDS AS FOLLOWS: (1) BICYCLIST SAFETY EDUCATION CLASSES, TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00); (2) STANFORD AVENUE CROSSING AT LOWELL STREET, ONE HUNDRED TWELVE THOUSAND DOLLARS (\$112,000.00); (3) PEDESTRIAN STAIRS AND PATHS REHABILITATION PROJECTS, TWO HUNDRED TEN THOUSAND SIX HUNDRED THIRTY-NINE DOLLARS (\$210,639.00)**

**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 and February, 2013; 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) Bicyclist Safety Education Classes, (2) Stanford Avenue Crossing at Lowell Street, 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 15060(c)(3), 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 2013-14 TDA Article 3 funds in the amount not to exceed \$347,639.00 to be deposited and appropriated as follows: (1) Bicyclist Safety Education Classes, \$25,000, into the Transportation Development Act (TDA) Article 3 Fund (2162), Office of OPR Director Organization (501110), Contract Contingencies Account (54011), and new project number to be established; (2) Stanford Avenue Crossing at Lowell Street, \$112,000, into the Transportation Development Act (TDA) Article 3 Fund (2162), Traffic Engineering Organization (92246); Street Construction Account (57411), and a new project number to be established; and (3) Pedestrian Stairs and Paths Rehabilitation, \$210,639.00, 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, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

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



EXHIBIT A1 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 2013-2014 Transportation Development Act Article 3 Pedestrian/Bicycle Funding in the amount of \$25,000.00 for Bicyclist Safety Education Classes

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 Staff  
Manager, Transportation Planning and Funding Division

Date: 3-28-13

EXHIBIT A2 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 2013-2014 Transportation Development Act Article 3 Pedestrian/Bicycle Funding in the amount of \$112,000.00 for the Stanford Avenue Crossing at Lowell Street

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:

Ins Starr

Manager, Transportation Planning and Funding Division

Date: 3-28-13

EXHIBIT A3 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 2013-2014 Transportation Development Act Article 3 Pedestrian/Bicycle Funding in the amount of \$210,639.00 for Pedestrian Stairs and Paths Rehabilitation Projects

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 Slarr  
Manager, Transportation Planning and Funding Division

Date: 3-28-13