

CITY OF OAKLAND



CITY HALL • 1 FRANK H. OGAWA PLAZA • OAKLAND, CALIFORNIA 94612

Office of the City Administrator
Dan Lindheim
City Administrator

(510) 238-3301

March 9, 2010

City Council
Oakland, California

President Brunner and Members of the City Council:

RE: Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To File An Application With The Metropolitan Transportation Commission For Potential Federal Jobs For Main Street Act Of 2010 (the Federal Government's "Stimulus Package") Funding And Stating The Assurance To Complete The Project; And

Resolution Authorizing The City Administrator Or Designee To Accept And Appropriate Potential Jobs For Main Street Act Of 2010 (the Federal Government's "Stimulus Package") Funds Of Approximately Six Million dollars (\$6,000,000.00) For The Purpose Of Street Resurfacing

SUMMARY

Two resolutions have been prepared that are necessary for Oakland to access approximately \$6,000,000.00 in federal stimulus funding for local street and road resurfacing.

The first is a resolution authorizing the City Administrator to file an application with the Metropolitan Transportation Commission (MTC) for an approximately \$6,000,000.00 program of street resurfacing in Oakland submitted for funding through the prospective Jobs for Main Street Act of 2010 ("Jobs Act"). The resolution is required by MTC, the local agency disbursing these funds. The resolution of local support will allow MTC to program these projects in the regional Transportation Improvement Plan (TIP), a necessary step to expend federal funds on local projects.

A second resolution authorizes the City Administrator, or designee, to accept and appropriate these Jobs Act funds once they are awarded.

The Metropolitan Transportation Commission requires that that the accompanying authorizing resolutions be submitted by March 30, 2010.

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Public Works Committee
March 9, 2010

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FISCAL IMPACTS

Approval of the first resolution will allow MTC to program the identified street resurfacing project in the 2010 TIP, establishing it as eligible for federal funding. The approval of the second resolution will allow the City to accept and appropriate approximately \$6,000,000.00 for street resurfacing. Funds will be deposited into the Department of Transportation - ARRA Fund (2606) and appropriated to Engineering Design Division, Streets and Structures Organization (92242), Account 57411 – Street Construction. New project numbers will be established.

The City is not required to provide local matching funds, and the costs incurred for construction management will be covered under the Jobs Act funding.

BACKGROUND

The prospective Jobs for Main Street Act of 2010 is a follow up bill to the American Recovery and Reinvestment Act of 2009 (“ARRA”). The bill is expected to pass out of the Senate in late February and be signed into law shortly thereafter. The Metropolitan Transportation Commission is pro-actively preparing to program any Federal Highway Work Administration (FHWA) funds to street resurfacing projects throughout the region.

The Jobs Act, like ARRA, is intended to fund “shovel-ready” projects and has very tight deadlines, which require the identification of projects that are “ready to go” and have a minimum of environmental analysis required prior to construction. In addition, expenditure of federal funds is limited to Federal Aid Urban (“FAU”) eligible streets, which are primarily arterial and collector streets. Locations meeting these criteria were chosen from the list of priority projects in the Council-adopted five year paving plan or in locations directly adjacent to five year streets (*see Attachment A for list*).

MTC’s Resolution 3943 establishes the policy of expending Jobs Act funds in the Bay Area, and adopts a program of projects into the region’s Transportation Improvement Program (TIP). MTC will amend the TIP to include the projects identified in the Jobs Act, which will certify them for federal fund expenditures.

KEY ISSUES AND IMPACTS

Oakland has an approximately \$300 million backlog in street resurfacing. This project will address the backlog of street repairs confronting the City of Oakland.

Due to the restrictions of federal funding, only work on Federal Aid Urban ("FAU") eligible streets could be programmed. These streets are generally arterial and collector streets; local residential streets do not qualify for federal funding. However, this will work free up future non-federal funding for use on residential streets.

This Jobs Act funding will employ approximately 30 full-time equivalent (FTE) positions. It should be noted that this program will take place primarily during the dry season.

PROJECT DESCRIPTION

These Jobs Act funds will allow the City to resurface approximately fourteen miles of roadway. These activities will all take place on Federal Aid Urban (FAU) eligible streets. Existing bicycle facilities will be replaced in-kind, and new bicycle facilities (lanes or markers) will be added to those streets which are identified in Oakland's Bicycle Master Plan, which include portions of 14th Street, East 12th Street, and Piedmont Avenue. Curb ramps will be added where none now exist, or existing curb ramps will be brought within full ADA compliance along these corridors. Work will take place on priority streets from the Council adopted five-year Paving Plan (November, 2007), or on directly adjacent streets (*see Attachment A for list*).

SUSTAINABLE OPPORTUNITIES

Economic: Project implementation provides the opportunity to use local contractors that offer employment to Oakland residents, thereby strengthening the local economy. The Jobs for Main Street Act is specifically intended to provide jobs to stimulate the economy in the current recession.

Environmental: Resurfaced roadways reduce fuel use and therefore greenhouse gas emissions by reducing friction between the vehicle and the roadway.

Social Equity: This project will improve streets throughout the City of Oakland.

DISABILITY AND SENIOR CITIZEN ACCESS

The project will comply with all requirements of the Americans with Disabilities Act (ADA).

Because the arterial and collector streets in this project tend to have high pedestrian and transit usage, installing ADA compliant curb ramps and renewing crosswalks along these corridors will have a significant impact on improving ADA access along City of Oakland streets.

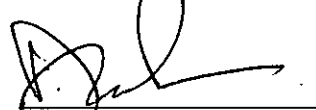
RECOMMENDATION AND RATIONALE

Staff recommends that the City Council adopt the resolution authorizing the City Administrator to apply for Jobs Act grant funds for street resurfacing in the amount of approximately \$6,000,000.00; and adopt a resolution allowing the City Administrator, or his designee, to accept and appropriate these same Jobs Act funds for those purposes. These grant funds respond to the need for street resurfacing, come with no local match requirement, and will employ local workers at a time of great economic need.

ACTION REQUESTED OF THE CITY COUNCIL

The Council is requested approve the resolutions.

Respectfully submitted,



Dan Lindheim
City Administrator

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Attachment A

**Jobs for Main Street
Oakland - Various Streets and Roads Rehabilitation Phase III**

Street	Begin Location	End Location	Length in Miles
14 ST	MANDELA PKWY	BRUSH ST	0.71
40 ST	BROADWAY	TELEGRAPH	0.42
42 AV	PVMT CHNG / HWY 880 ENT	FOOTHILL BV	0.36
66 AV	OAKPORT ST	SAN LEANDRO ST	0.51
BROADWAY	W MACARTHUR BV	BROOKSIDE AV	1.77
E 12 ST	46 AV	14 AV	1.63
EDGEWATER DR	NORTH END	HEGENBERGER RD	1.11
FOOTHILL BV	HAVENSCOURT BV	MACARTHUR BV	0.56
JOAQUIN MILLER RD	HWY 13 OVERCROSSING	MONTEREY BV	0.02
LINCOLN AV	PALMETTO ST	MONTEREY BV	1.27
MACARTHUR BV	MILLSVIEW AV	CAMDEN ST	0.33
MACARTHUR BV	SEMINARY AV	73 AV	0.80
MORAGA AV	MOUNTAIN BV	THORNHILL DR	0.56
OAKPORT ST	EDGEWATER DR	HIGH ST	2.56
PIEDMONT AV	BROADWAY	HWY 580	0.09
PIEDMONT AV	W MACARTHUR BV	PLEASANT VALLEY	0.67
TELEGRAPH AV	BROADWAY	27 ST	0.71
TOTAL			14.1 Miles

DRAFT

Approved as to Form and Legality

FILED
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OAKLAND

2010 FEB 25 PM 7:5

OAKLAND CITY COUNCIL

City Attorney

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, ON BEHALF OF THE CITY OF OAKLAND, TO FILE AN APPLICATION WITH THE METROPOLITAN TRANSPORTATION COMMISSION FOR POTENTIAL FEDERAL JOBS FOR MAIN STREET ACT OF 2010 FUNDING AND STATING THE ASSURANCE TO COMPLETE THE PROJECT

WHEREAS, the City of Oakland (herein referred as APPLICANT) is submitting an application to the Metropolitan Transportation Commission (MTC) for approximately \$6,000,000 in funding from the federal Jobs for Main Street Act of 2010 for the Oakland Various Streets and Roads Rehabilitation Phase III project (herein referred as PROJECT) for the MTC Regional Jobs for Main Street Act Program (MTC Resolution No. 3943); and

WHEREAS, pursuant to the Jobs for Main Street Act of 2010, and any regulations and/or guidance promulgated thereunder, eligible project sponsors wishing to receive Regional Jobs for Main Street Act of 2010 funds for a project shall submit an application first with the appropriate Metropolitan Planning Organization (MPO), for review and inclusion in the MPO's Transportation Improvement Program (TIP); and

WHEREAS, the Metropolitan Transportation Commission (MTC) is the MPO for the nine counties of the San Francisco Bay region; and

WHEREAS, MTC has adopted a Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) applicable to federal Jobs for Main Street Act of 2010 fund delivery and has adopted (or is scheduled to adopt) in MTC Resolution No. 3943 such additional requirements as are necessary or appropriate to meet the obligations/award deadlines in the Jobs for Main Street Act of 2010; and

WHEREAS, APPLICANT is an eligible project sponsor for Jobs for Main Street Act of 2010 funds; and

WHEREAS, as part of the application for Jobs for Main Street Act of 2010 funding, MTC requires a resolution adopted by the responsible implementing agency stating the following:

- 1) that the sponsor understands that the Jobs for Main Street Act of 2010 funding is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional Jobs for Main Street Act of 2010 or other MTC-programmed funds; and
- 2) that PROJECT will comply with the procedures specified in MTC's Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) and with all project-specific requirements as set forth in MTC's Regional Jobs for Main Street Act Program (MTC Resolution No. 3943); and PROJECT as described in the application, and if approved, as included in MTC's TIP; and
- 3) that PROJECT will comply with all the project-specific requirements as set forth in the federal Jobs for Main Street Act of 2010 and appropriate applicable regulations or guidance; now, therefore, be it

RESOLVED: That the City of Oakland is authorized to execute and file an application for funding under the Jobs for Main Street Act of 2010 for the Oakland Various Streets and Roads Rehabilitation Phase III; and be it

FURTHER RESOLVED: That the APPLICANT by adopting this resolution does hereby state that:

1. APPLICANT understands that the Jobs for Main Street Act of 2010 funding for the project is fixed at the MTC approved programmed amount, and that any cost increases must be funded by the APPLICANT from other funds, and that APPLICANT does not expect any cost increases to be funded with additional Jobs for Main Street Act of 2010 or MTC-programmed funds; and
2. APPLICANT understands the funding deadlines associated with these funds and will comply with the applicable provisions and requirements of the Regional Jobs for main Street Program (MTC Resolution No. 3943) and Regional Project Funding Delivery Policy (MTC Resolution No. 3606, as revised); and
3. PROJECT will be implemented as described in the complete application and in this resolution and, if approved, for the amount programmed in the MTC federal TIP; and
4. PROJECT will comply with all the project-specific requirements as set forth in the Jobs for Main Street Act of 2010 and appropriate applicable regulations or guidance; and be it

FURTHER RESOLVED: That there is no legal impediment to APPLICANT making applications for the funds; and be it

FURTHER RESOLVED: That there is no pending or threatened litigation that might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT; and be it

FURTHER RESOLVED: That APPLICANT authorizes its Executive Director, General Manager, or designee to execute and file an application with MTC for Jobs for Main Street Act of 2010 funding for the PROJECT as referenced in this resolution; and be it

FURTHER RESOLVED: That a copy of this resolution will be transmitted to the MTC in conjunction with the filing of the application; and be it

FURTHER RESOLVED: That the MTC is requested to support the application for the PROJECT described in the resolution and to include the PROJECT, if approved, in MTC's TIP.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, AND
PRESIDENT BRUNNER

NOES -

ABSENT -

ABSTENTION -

ATTEST:

LATONDA SIMMONS
City Clerk and Clerk of the Council of
the City of Oakland, California

DRAFT

Approved as to Form and Legality

FILED
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2010 FEB 25 PM 7:54

OAKLAND CITY COUNCIL

City Attorney

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR
DESIGNEE TO ACCEPT AND APPROPRIATE POTENTIAL FEDERAL
JOBS FOR MAIN STREET ACT OF 2010 FUNDS OF APPROXIMATELY
SIX MILLION DOLLARS (\$6,000,000.00) FOR THE PURPOSE OF
STREET RESURFACING**

WHEREAS, the Jobs for Main Street Act of 2010 is expected to be signed into law in early 2010; and

WHEREAS, the Metropolitan Transportation Commission (MTC), as the designated Metropolitan Planning Organization for the nine-county San Francisco Bay Area region is the responsible agency for developing a program of projects to be funded with federal Surface Transportation Program (STP) funds in the Jobs for Main Street Act of 2010; and

WHEREAS, MTC has or expects to program approximately \$6,000,000.00 in Jobs for Main Street Act of 2010 funds for the Oakland Various Streets and Roads Rehabilitation Phase III projects (MTC Resolution No. 3943); and

WHEREAS, this funding will be used to resurface up to fourteen miles of Federal Aid Urban (FAU) eligible streets city-wide in the Oakland Various Streets and Roads Rehabilitation Phase III project; and

WHEREAS, the Community and Economic Development Agency has requested a waiver of the 1.5% public art fee for this project because Jobs for Main Street Act of 2010 guidelines restrict funding uses to highway and street infrastructure and prohibit the use of grant funds for public art; now, therefore, be it

RESOLVED: That the City Council hereby authorizes acceptance and appropriation of the Jobs for Main Street Act of 2010 grant funds in the total amount of \$6,000,000.00 for the aforementioned eligible roadway projects; and be it

FURTHER RESOLVED: That these grant funds will be deposited into the State of California Department of Transportation ARRA Fund (2606) and appropriated as follows: \$6,000,000.00 to Engineering Design Division, Streets and Structures Organization (92242), Account 57411 – Street Construction. New project numbers will be established; and be it

FURTHER RESOLVED: That the City Administrator, or his designee, is authorized, on behalf of the City of Oakland, to execute and submit all documents, payment requests, and related actions, as well as to appropriate any additional grant funds received for the completion of this project.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, AND
PRESIDENT BRUNNER

NOES -

ABSENT -

ABSTENTION -

ATTEST:

LATONDA SIMMONS
City Clerk and Clerk of the Council of
the City of Oakland, California