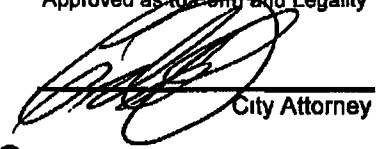


FILED
OFFICE OF THE CITY CLERK
OAKLAND, CA

Approved as to Form and Legality

OAKLAND CITY COUNCIL


City Attorney

2014 NOV 20 PM 12:20

RESOLUTION No. 85303 C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, THE DIRECTOR OF PUBLIC WORKS, OR THE ASSISTANT DIRECTOR, BUREAU OF ENGINEERING AND CONSTRUCTION, TO EXECUTE AGREEMENTS WITH BART, FOURTH BORE COALITION, AND METROPOLITAN TRANSPORTATION COMMISSION (MTC) FOR THE SR2T GRANT FUNDS AND TO ACCEPT AND APPROPRIATE: 1) FOUR HUNDRED SEVENTY-TWO THOUSAND DOLLARS (\$472,000.00) IN REGIONAL MEASURE 2 (RM-2) SAFE ROUTES TO TRANSIT (SR2T) FUNDS; 2) EIGHTEEN THOUSAND DOLLARS (\$18,000.00) MATCHING FUNDS FROM BART; AND 3) FIFTY THOUSAND DOLLARS (\$50,000.00) MATCHING FUNDS FROM FOURTH BORE COALITION; TO FUND PEDESTRIAN AND BICYCLE ACCESS AND SAFETY IMPROVEMENT AROUND ROCKRIDGE BART STATION, AND AT THE INTERSECTIONS OF COLLEGE AVENUE/KEITH AVENUE AND COLLEGE AVENUE/MILES AVENUE

WHEREAS, the City of Oakland submitted an application to the Safe Routes to Transit Program in September 2013 requesting grant funds for the Rockridge BART Access Improvement Project; and

WHEREAS, the program is funded by Regional Measure 2 (RM-2) and administered by TransForm and the East Bay Bicycle Coalition; and

WHEREAS, the funds are available from the Metropolitan Transportation Commission (MTC); and

WHEREAS, on February 26, 2014, MTC approved the programming of \$472,000.00 of Regional Measure 2 grant funds for the Rockridge BART Access Improvement Project; and

WHEREAS, the grant will fund the following improvement:

- Acquire and install twenty-four new bicycle lockers and thirty new bicycle racks at the BART station;
- Install a Class 2 bicycle lane along College Avenue between Broadway and Alcatraz Avenue;
- Design and construct of pedestrian safety improvements at the intersections on College Avenue at Keith/Shafter Avenue and at Miles Avenue including bulb-outs, sidewalk extensions, pedestrian countdown signal indications, accessible pedestrian push buttons, bike lane on Keith Avenue with lane reduction, and slip lane removal from southbound College Ave to Miles Avenue; and

WHEREAS, BART has pledged \$18,000.00 to cover a portion of the costs to acquire and manage the installation of bicycle lockers and racks; and

WHEREAS, BART will administer the acquisition and installation of bicycle lockers and racks at the BART station; and

WHEREAS, the Fourth Bore Coalition is contributing \$50,000.00 as match for this grant to help ensure these projects are constructed; and

WHEREAS, SB 916 (Chapter 715, Statutes 2004), commonly referred as Regional Measure 2, identified projects eligible to receive funding under the Regional Traffic Relief Plan; and

WHEREAS, the MTC is responsible for funding projects eligible for Regional Measure 2 funds, pursuant to Streets and Highways Code Section 30914(c) and (d); and

WHEREAS, MTC has established a process whereby eligible transportation project sponsors may submit allocation requests for Regional Measure 2 funding; and

WHEREAS, allocations to MTC must be submitted consistent with procedures and conditions as outlined in Regional Measure 2 Policy and Procedures; and

WHEREAS, the City of Oakland is an eligible sponsor of transportation projects in Regional Measure 2, Regional Traffic Relief Plan funds; and

WHEREAS, the Rockridge BART Access Improvement Project is eligible for consideration in the Regional Traffic Relief Plan of Regional Measure 2, as identified in California Streets and Highways Code Section 30914(c) or (d); and

WHEREAS, the Regional Measure 2 allocation request, attached hereto in the Initial Project Report (Exhibit A) and incorporated herein as though set forth at length, lists the project, purpose, schedule, budget, expenditure and cash flow plan for which the City of Oakland is requesting that MTC allocate Regional Measure 2 funds; now, therefore be it

RESOLVED, that the City of Oakland, and its agents shall comply with the provisions of the Metropolitan Transportation Commission's Regional Measure 2 Policy Guidance (MTC Resolution No. 3636); and be it

FURTHER RESOLVED, that the City of Oakland certifies that the project is consistent with the Regional Transportation Plan (RTP); and be it

FURTHER RESOLVED, that the year of funding for any design, right-of-way and/or construction phases has taken into consideration the time necessary to obtain environmental clearance and permitting approval for the project; and be it

FURTHER RESOLVED, that the Regional Measure 2 phase or segment is fully funded, and results in an operable and useable segment; and be it

FURTHER RESOLVED, that the City of Oakland approves the updated Initial Project Report, attached to this resolution (Exhibit A); and be it

FURTHER RESOLVED, that the City of Oakland approves the cash flow plan, attached to this resolution; and be it further

FURTHER RESOLVED, that the City of Oakland has reviewed the project needs and has adequate staffing resources to deliver and complete the project within the schedule set forth in the updated Initial Project Report, attached to this resolution; and, be it

FURTHER RESOLVED, that the City of Oakland is an eligible sponsor of projects in the Regional Measure 2 Regional Traffic Relief Plan, Capital Program, in accordance with California Streets and Highways Code 30914(c); and be it

FURTHER RESOLVED, that the City of Oakland is authorized to submit an application for Regional Measure 2 funds for the Rockridge BART Access Improvement Project in accordance with California Streets and Highways Code 30914(c); and be it

FURTHER RESOLVED, that there is no legal impediment to the City of Oakland making allocation requests for Regional Measure 2 funds; and be it

FURTHER RESOLVED, that there is no pending or threatened litigation which might in any way adversely affect the proposed project, or the ability of the City of Oakland to deliver such project; and be it

FURTHER RESOLVED, that the City of Oakland agrees to comply with the requirements of MTC's Transit Coordination Implementation Plan as set forth in MTC Resolution 3866; and be it

FURTHER RESOLVED, that the City of Oakland indemnifies and holds harmless MTC, its Commissioners, representatives, agents, and employees from and against all claims, injury, suits, demands, liability, losses, damages, and expenses, whether direct or indirect (including any and all costs and expenses in connection therewith), incurred by reason of any act or failure to act of the City of Oakland, its officers, employees or agents, or subcontractors or any of them in connection with its performance of services under this allocation of RM2 funds. In addition to any other remedy authorized by law, so much of the funding due under this allocation of RM2 funds as shall reasonably be considered necessary by MTC may be retained until disposition has been made of any claim for damages, and be it

FURTHER RESOLVED, that the City of Oakland shall, if any revenues or profits from any non-governmental use of property (or project) that those revenues or profits shall be used exclusively for the public transportation services for which the project was initially approved, either for capital improvement or maintenance and operational costs, otherwise the Metropolitan Transportation Commission is entitled to a proportionate share equal to MTC's percentage participation in the project; and be it

FURTHER RESOLVED, that assets purchased with RM2 funds including facilities and equipment shall be used for the public transportation uses intended, and should said facilities and equipment cease to be operated or maintained for their intended public transportation purposes for its useful life, that MTC shall be entitled to a present day value refund or credit (at MTC's option) based on MTC's share of the Fair Market Value of the said facilities and equipment at the time the public transportation uses ceased, which shall be paid back to MTC in the same proportion that Regional Measure 2 funds were originally used; and be it

FURTHER RESOLVED, that the City of Oakland shall post on both ends of the construction site(s) at least two signs visible to the public stating that the Project is funded with Regional Measure 2 Toll Revenues; and be it

FURTHER RESOLVED, the Public Works Department requests a waiver of the 1.5% public art fee for this project because the program disallow its use for public art; and be it

FURTHER RESOLVED, that the City Council hereby authorized acceptance and appropriation of Four Hundred Seventy-Two Thousand Dollars (\$472,000.00) in Regional Measure 2 (RM-2) Safe Routes to Transit (SR2T) Funds, Eighteen Thousand Dollars (\$18,000.00) matching funds from BART and Fifty Thousand Dollars (\$50,000.00) matching funds from Fourth Bore Coalition and to execute agreements with BART and Fourth Bore Coalition; and be it

FURTHER RESOLVED, that the City Administrator or designee, execute agreements with BART and the Fourth Bore Coalition for the Rockridge BART Access Improvement Project; and be it

FURTHER RESOLVED, that the SR2T grant be deposited into the Metropolitan Transportation Commission – Transportation Program grant Fund (2163), Transportation Services Bureau Organization (30264) in Fourth Bore of the Caldecott Tunnel Settlement Project on College Avenue (C369530); and be it

FURTHER RESOLVED, that the matching grants be deposited into the Miscellaneous Grants (2999), Transportation Services Division (30264) in Fourth Bore of the Caldecott Tunnel Settlement Project on College Avenue (C369530); and be it

FURTHER RESOLVED, that the City Administrator, or designee, on behalf of the City of Oakland, to execute and submit an allocation request for the environmental, design and construction phase with MTC for Regional Measure 2 funds in the amount of \$472,000.00, for the project, purposes and amounts included in the project application attached to this resolution (Exhibit B); and be it,

FURTHER RESOLVED, that the City Administrator, or designee, on behalf of the City of Oakland, to execute and submit all documents payment request and related actions, as well as to appropriate any additional grant funds received for the completion of this project; and be it

FURTHER RESOLVED, that the City Administrator, or designee, is hereby delegated the authority to make non-substantive changes or minor amendments to the IPR as he/she deems appropriate; and be it

FURTHER RESOLVED, that a copy of this resolution shall be transmitted to MTC in conjunction with the filing of the City of Oakland application referenced herein.

DEC 09 2014

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST



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