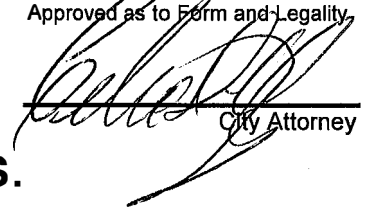


FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL



City Attorney

2015 DEC 29 10:35 AM
RESOLUTION No. 85955 C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR, ACCEPT AND APPROPRIATE UP TO FOUR MILLION FIVE HUNDRED FIFTY FOUR THOUSAND DOLLARS (\$4,554,000.00) IN ACTIVE TRANSPORTATION PROGRAM FUNDS ASSIGNED TO THE METROPOLITAN TRANSPORTATION COMMISSION; COMMIT MATCHING FUNDS OF UP TO THREE HUNDRED SIXTY THOUSAND DOLLARS (\$360,000.00), AND; ASSURE COMPLETION OF THE TELEGRAPH AVENUE COMPLETE STREET PROJECT

WHEREAS, the City of Oakland (“City”) engaged in a planning process for Telegraph Avenue between 19th Street and 57th Street in 2013 and 2014 to improve bicycle, pedestrian and vehicle safety and operations of the corridor, while preserving its value as a high quality transit corridor; and

WHEREAS, the conceptual design of this project incorporates bus boarding islands, continuous protected bikeways, pedestrian bulbouts and enhanced crosswalks, and signal improvements; and

WHEREAS, the City wishes to complete the final design and construction of the Telegraph Avenue Complete Street Project between 19th Street and 41st Street in accordance with City of Oakland Resolution No. 85323 C.M.S. dated December 9, 2014; and

WHEREAS, the City submitted an application to the Metropolitan Transportation Commission (“MTC”) for Four Million Five Hundred Fifty Four Thousand Dollars (\$4,554,000.00) in funding assigned to MTC for programming discretion, which includes federal funding administered by the Federal Highway Administration (“FHWA”) and federal or state funding administered by the California Transportation Commission (“CTC”) such as Surface Transportation Program (“STP”) funding, Congestion Mitigation and Air Quality Improvement (“CMAQ”) funding, Transportation Alternatives Program (“TAP”)/Active Transportation Program (“ATP”) funding, and Regional Transportation Improvement Program (“RTIP”) funding (herein collectively referred to as “Regional Discretionary Funding”) for the Telegraph Avenue Complete Street Project (“Project”) for the Transportation Alternatives Program (“TAP”)/Active Transportation (“ATP”) Program (herein referred to as “Program”); and

WHEREAS, the Moving Ahead for Progress in the 21st Century Act (Public Law 112-141, July 6, 2012) and any extensions or successor legislation for continued funding (collectively, MAP 21) authorize various federal funding programs including, but not limited to the Surface Transportation Program (STP) (23 U.S.C. § 133), the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149) and the Transportation Alternatives Program (TA) (23 U.S.C. § 213); and

WHEREAS, state statutes, including California Streets and Highways Code §182.6, §182.7, and §2381(a)(1), and California Government Code §14527, provide various funding programs for the programming discretion of the Metropolitan Planning Organization (“MPO”) and the Regional Transportation Planning Agency (“RTPA”); and

WHEREAS, pursuant to MAP-21, and any regulations promulgated thereunder, eligible project sponsors wishing to receive federal or state funds for a regionally-significant project shall submit an application first with the appropriate MPO, or RTPA, as applicable, for review and inclusion in the federal Transportation Improvement Program (“TIP”); and

WHEREAS, MTC is the MPO and RTPA 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) that sets out procedures governing the application and use of Regional Discretionary Funding; and

WHEREAS, the City of Oakland is an eligible sponsor for Regional Discretionary Funding; and

WHEREAS, as part of the application for Regional Discretionary Funding, MTC requires a resolution adopted by the responsible implementing agency stating the following:

- the commitment of any required matching funds; and
- that the sponsor understands that the Regional Discretionary Funding is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional Regional Discretionary Funding; and
- that the Project will comply with the procedures, delivery milestones and funding deadlines specified in the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised); and
- the assurance of the sponsor to complete the Project as described in the application, subject to environmental clearance, and if approved, as included in MTC's federal Transportation Improvement Program (TIP); and
- that the Project will have adequate staffing resources to deliver and complete the Project within the schedule submitted with the project application; and
- that the Project will comply with all project-specific requirements as set forth in the Program; and
- that the City has assigned, and will maintain a single point of contact for all FHWA- and CTC-funded transportation projects to coordinate within the agency and with the respective Congestion Management Agency (CMA), MTC, Caltrans, FHWA, and CTC on all communications, inquires or issues that may arise during the federal programming and delivery process for all FHWA- and CTC-funded transportation and transit projects implemented by the City; and

WHEREAS, that the City is authorized to submit an application for Regional Discretionary Funding for the Project; and

WHEREAS, there is no legal impediment to the City making applications for the funds; and

WHEREAS, there is no pending or threatened litigation that might in any way adversely affect the proposed Project, or the ability of the City to deliver such Project; and

WHEREAS, the City authorizes its City Administrator, or designee to execute and file an application with MTC for Regional Discretionary Funding for the Project as referenced in this resolution; and

WHEREAS, MTC recommended the Project for adoption on October 21, 2015 and forwarded its determination to the CTC for adoption December 9, 2015; and

WHEREAS, the City wishes to accept grant funds and allocate local matching funds; and

WHEREAS, MTC requires that a copy of this resolution be transmitted to the MTC in conjunction with the filing of the application: now, therefore be it

RESOLVED, that the City will provide any required matching funds; and be it; and be it

FURTHER RESOLVED, that the City understands that the Regional Discretionary Funding for the project is fixed at the MTC approved programmed amount, and that any cost increases must be funded by the City from other funds, and that the City does not expect any cost increases to be funded with additional Regional Discretionary Funding; and be it

FURTHER RESOLVED, that the City understands the funding deadlines associated with these funds and will comply with the provisions and requirements of the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) and the City has, and will retain the expertise, knowledge and resources necessary to deliver federally-funded transportation and transit projects, and has assigned, and will maintain a single point of contact for all FHWA- and CTC-funded transportation projects to coordinate within the agency and with the respective Congestion Management Agency (CMA), MTC, Caltrans, FHWA, and CTC on all communications, inquires or issues that may arise during the federal programming and delivery process for all FHWA- and CTC-funded transportation and transit projects implemented by APPLICANT; and be it

FURTHER RESOLVED, that Project will be implemented as described in the complete application and in this resolution, subject to environmental clearance, and, if approved, for the amount approved by MTC and programmed in the federal TIP; and be it

FURTHER RESOLVED, that the City has reviewed the Project and has adequate staffing resources to deliver and complete the Project within the schedule submitted with the project application; and be it

FURTHER RESOLVED, that Project will comply with the requirements as set forth in MTC programming guidelines and project selection procedures for the Program; and be it

FURTHER RESOLVED, that the City is an eligible sponsor of Regional Discretionary Funding funded projects; and be it

FURTHER RESOLVED, that the City is authorized to submit an application for Regional Discretionary Funding for the Project; and be it

FURTHER RESOLVED, that there is no legal impediment to the City 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 the City to deliver such Project; and be it

FURTHER RESOLVED, that City authorizes its City Administrator, or designee to execute and file an application with MTC for Regional Discretionary Funding for the Project as referenced in this resolution; and be it

FURTHER RESOLVED, that the MTC is requested to support the application for the Project described in the resolution, and if approved, to include the Project in MTC's federal TIP upon submittal by the project sponsor for TIP programming; and be it

FURTHER RESOLVED, that the City accepts the ATP grant funds to implement the Project; and be it;

FURTHER RESOLVED, that the City Council hereby consents to the use of up to Three Hundred Sixty Thousand Dollars (\$360,000.00) in matching funds for the Telegraph Avenue Complete Streets Project from Measure B Local Streets and Roads (Fund 2211), Grants Matching Funds (Project Number C370010); and be it

FURTHER RESOLVED, that the City Council hereby authorizes the application, acceptance and appropriation of grant proceeds in an amount not to exceed \$4,554,000.00 to be appropriated to Federal Grants Fund (Fund 2116), Transportation Planning and Funding (Org 30275), project number to be established.

FURTHER RESOLVED, that should additional funds be received for this Project in FY2015-17, the City Administrator or designee is hereby authorized to accept and appropriate same for the purposes described above; and be it

FURTHER RESOLVED, that the City Council hereby authorizes the City Administrator or designee to negotiate grant terms, execute, modify, amend and extend agreements, allocate revenue, make expenditures, and take all other actions with respect to the MTC ATP grants and these Projects in accordance with this Resolution and its basic purposes; 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 another copy of this resolution will be placed on file with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, JAN 19 2016

PASSED BY THE FOLLOWING VOTE:

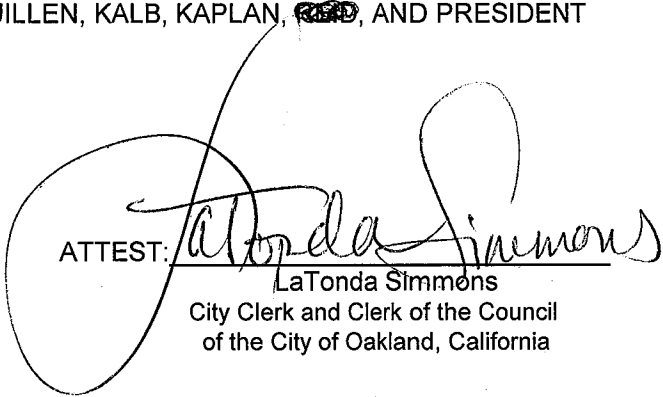
AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, ~~REID~~, AND PRESIDENT GIBSON MCELHANEY - 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Reid - 1

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