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OFFICE OF THE CITY CLERK
OAKLAND
2009 MAR 11 PM 1:48

CITY OF OAKLAND

AGENDA REPORT

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Community and Economic Development Agency
DATE: March 24, 2009

RE: **Resolution Authorizing The Filing Of An Application For Federal American Recovery And Reinvestment Act of 2009 (ARRA) Funding And Stating The Assurance To Complete The Project; And**

Resolution Authorizing The City Administrator Or Designee To Accept And Appropriate American Recovery And Reinvestment Act of 2009 (ARRA) Funds Of Approximately Five Million Nine Hundred And Sixty-Eight Thousand Dollars (\$5,968,000.00) For The Purpose Of Street Resurfacing, Curb Ramp Installation, And Sidewalk Repair

SUMMARY

Two resolutions have been prepared that are necessary for Oakland to access almost \$6 million in federal stimulus funding.

The first is a resolution of local support for an approximately \$5,968,000.00 program of street resurfacing, curb ramp installation and sidewalk repair projects in Oakland submitted for funding through the American Recovery and Reinvestment Act of 2009 (ARRA). The resolution is required by the Metropolitan Transportation Commission (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 ARRA funds once they are awarded.

The \$5.968 million in program funds is allocated to address Oakland street repair priorities in two projects:

- Oakland Various Streets and Roads Rehabilitation (\$4,774,000.00)
- Oakland Citywide Curb Ramp and Sidewalk Repair (\$1,194,000.00)

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FISCAL IMPACTS

Approval of the first of these resolutions will allow MTC to program the identified street resurfacing, curb ramp installation and sidewalk repair projects in the 2009 TIP, establishing them as eligible for federal funding. The approval of the second resolution will allow the City to accept and appropriate approximately \$5,968,000.00 for resurfacing, curb ramp installation, and sidewalk improvements. Funds will be deposited into the State of California Department of Transportation Fund (2116) and appropriated as follows: \$4.779 million to Engineering Design Division, Streets and Structures Organization (92242), Account 57411 – Street Construction; and \$1.194 million to Public Works, Maintenance, Sidewalk Repair Program (92452), Account 57411 – Street Construction. New project numbers will be established.

The City is not required to provide local match for this funding, and the City's costs for construction management are eligible costs for this ARRA funding.

Ongoing maintenance of these facilities will be required, but because this program will rehabilitate and upgrade facilities, per unit maintenance costs will decline. Furthermore, by increasing the number of ADA compliant curb ramps and repairing damage and removing trip hazards on sidewalks, this project will reduce the City's potential liability.

BACKGROUND

The American Recovery and Reinvestment Act was signed in law on February 17, 2009, by President Obama. It is the intent of the Act to provide employment opportunities to Americans at a time of national economic crisis, while investing in vital strategic projects and programs. Infrastructure investment is a component of the Act, and approximately \$48 billion of the \$787 billion act is devoted to transportation infrastructure.

Most transportation funds in the Act are distributed according to formula, and a portion of the amount devoted to the Surface Transportation Program (STP) is distributed from the federal government, via the states, to Metropolitan Planning Organizations (MPO's), for distribution to regional projects. MTC, as the regional MPO, has defined a process for distributing approximately \$154 million to localities. Seventy-nine percent of this funding will be devoted to "system preservation" and distributed to localities by a formula that includes population, local lane miles, need and preventive maintenance performance. Under this formula, Oakland's share is \$5.968 million.

In February 2009, the City submitted ARRA Grant proposals for the following projects:

- 1) Various Streets & Roads Rehabilitation (\$4,779,000.00)
- 2) Citywide Curb Ramp & Sidewalk Repair (\$1,194,000.00)

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The ARRA is intended to fund “shovel-ready” projects and provide employment at a time of national economic crisis. The program therefore has very tight deadlines, which required the identification of projects that are “ready to go” and have a minimum of environmental analysis required prior to construction. Locations meeting these criteria were chosen from the lists of priority projects in the City’s pavement management and sidewalk programs, as approved by City Council. City staff has calculated that there is an existing backlog of \$300 million in street resurfacing, \$48 million in curb ramp installation, and \$28 million in repair of sidewalk damage caused by City-owned trees.

Oakland staff submitted these projects because they both met MTC’s requirements and are long standing priorities of the City of Oakland. In 2008, the Council identified street resurfacing as a federal legislative priority for 2009, specifying a need for \$50 million in immediate investment. *For these reasons, staff proposes the street projects listed in Attachment A for funding in the ARRA.*

The proposal has been approved and adopted by MTC in Resolution 3885, adopted on February 25, 2009. This resolution adopted the policy of expending ARRA funds in the Bay Area, and also adopted a program of projects. MTC will amend the TIP to include these projects, which will certify these projects for federal fund expenditures.

KEY ISSUES AND IMPACTS

Oakland has a \$300 million backlog in street resurfacing, a \$48 million backlog in ADA-compliant curb ramp installation, and a \$28 million backlog in sidewalk repairs. These projects will begin to address the backlog of repairs.

Due to the need for expedited Caltrans review to meet strict ARRA timelines, the City was instructed to only propose projects with no potential environmental clearance issues. This screened out projects, for instance, that are located within 100 year flood zones, which adjoin parklands or historic resources, and which cross railroad rights-of-way, Caltrans rights-of-way and stream corridors, or which are programmed for lane reductions to install a bike lane. Despite these restrictions, the City was able to identify worthy candidate projects that are within the adopted prioritization plans for these programs.

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.

Work must be advertised by May 31, 2009, and a contract awarded by September 31, 2009 to receive the funding.

PROJECT DESCRIPTION

These ARRA funds will allow the City to resurface approximately five miles of roadway, install approximately 200 new ADA-compliant curb ramps and repair approximately 175 locations of sidewalk damage caused by City owned street trees. 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 so long as they do not include auto lane reductions.

Curb ramps will be added where none now exist or existing curb ramps will be brought within full ADA compliance along these corridors. Sidewalk damage caused by City-owned street trees will also be repaired in these same corridors. Because these arterial and collector streets tend to have high pedestrian and transit usage, installing ADA compliant curb ramps and repairing sidewalk damage along these corridors will have a disproportionately positive impact on improving ADA access along City of Oakland streets.

SUSTAINABLE OPPORTUNITIES

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

Environmental: The project will improve the environment by promoting walking and improving pedestrian safety, and encouraging bicycling, thereby reducing dependency on combustible engines, congestion and vehicle emissions, and improving the quality of life. Resurfaced roadways also reduce fuel use and therefore greenhouse gas emissions by reducing friction between the vehicle and the roadway.

Social Equity: This project will provide improved accessibility and safety, particularly by increasing the number of ADA accessible sidewalks throughout the city.

DISABILITY AND SENIOR CITIZEN ACCESS

The project will comply with all requirements of the Americans with Disabilities Act (ADA), and will substantially increase the number of ADA compliant sidewalks in the City of Oakland.

RECOMMENDATION AND RATIONALE

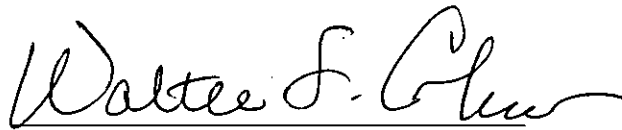
Staff recommends that the City Council approve the resolution of local support to apply for ARRA grant funds for street resurfacing, curb ramp installation and sidewalk damage repair in

the amount of \$5,968,000.00; and also authorize a resolution allowing the City Administrator, or his designee, to accept and appropriate these same ARRA funds for those purposes. These grant funds respond to the need for street resurfacing, curb ramp installation and sidewalk repair citywide, come with no local match requirement, and will employ local workers at a time of great economic need.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolutions.

Respectfully submitted,



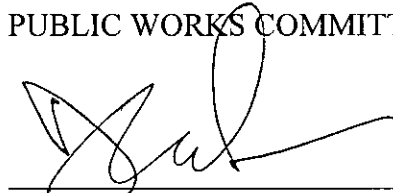
Walter S. Cohen, Director
Community & Economic Development Agency

Reviewed by:
Michael J. Neary, P.E., Deputy Director
Department of Engineering and Construction

Wladimir Wlassowsky, P.E., Manager
Transportation Services Division

Prepared by:
Bruce Williams
Senior Transportation Planner
Transportation Services Division

APPROVED AND FORWARDED TO THE
PUBLIC WORKS COMMITTEE:



Office of the City Administrator

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Public Works Committee
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ATTACHMENT A

American Reinvestment and Recovery Act of 2009 Oakland Local Streets and Roads Projects

Streets proposed for resurfacing include:

- 98th Avenue (Stanley Ave. to Thermal St.)
- Adeline Street (W. Grand Ave. to 36th St.)
- Beaumont Street (E. 38th St. to E. 31st St.)
- Claremont Avenue (Hudson St. to City Limit)
- Foothill Boulevard (14th Ave. to Lakeshore Ave.)
- Keller Avenue (Mountain Blvd. to Rilea Way)
- MacArthur Boulevard (Millsview Ave. to Enos Ave.)
- San Leandro Street (53rd Ave. to Seminary Ave.)
- Santa Clara Avenue (Grand Ave. to Harrison St.)
- Stanford Avenue (San Pablo Ave. to Market St.)
- West Grand Avenue (Market St. to San Pablo Ave.)

Streets with proposed curb ramp and sidewalk damage projects are located along the following corridors:

- College Avenue (Alcatraz Ave. to Broadway)
- Telegraph Avenue (Clifton St. to 38th St.)
- MacArthur Boulevard (Dimond Ave. to Seminary Ave.)
- Camden Street (Seminary Ave. to Foothill Blvd.)
- Foothill Boulevard (23rd Ave. to MacArthur Blvd.)
- Bancroft Avenue (42nd Ave. to Durant Ave.)
- 73rd Avenue (Weld St. to Bancroft Ave.)
- 40th Street (Telegraph Ave. to Webster St.)

FILED
OFFICE OF THE CITY CLERK
OAKLAND

Approved as to Form and Legality

2009 MAR 11 PM 1:49

OAKLAND CITY COUNCIL


City Attorney

RESOLUTION NO. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO ACCEPT AND APPROPRIATE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA) FUNDS OF APPROXIMATELY FIVE MILLION NINE HUNDRED AND SIXTY-EIGHT THOUSAND DOLLARS (\$5,968,000.00) FOR THE PURPOSE OF STREET RESURFACING, CURB RAMP INSTALLATION, AND SIDEWALK REPAIR

WHEREAS, the American Recovery and Reinvestment Act of 2009 (ARRA) was signed into law on February 17, 2009; 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 ARRA; and

WHEREAS, MTC has programmed approximately \$5,968,000.00 in ARRA funds for the Oakland Various Streets and Roads Rehabilitation and Oakland Citywide Curb Ramp and Sidewalk Repair projects (MTC Resolution No. 3885); and

WHEREAS, approximately \$4,774,000.00 of said funding will be used to resurface up to eleven Federal Aid Urban (FAU) eligible streets city-wide in the Oakland Various Streets and Roads Rehabilitation project; and

WHEREAS, approximately \$1,194,000 of said funding will be used to install ADA-compliant curb ramps in approximately 200 locations and repair sidewalk damage caused by City-owned street trees at an additional 175 locations along FAU eligible streets city-wide in the Oakland Citywide Curb Ramp and Sidewalk Repair project; and

WHEREAS, the Community and Economic Development Agency has requested a waiver of the 1.5% public art fee for this project because ARRA 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 American Recovery and Reinvestment Act of 2009 grant funds in the total amount of \$5,968,000.00 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 Fund (2116) and appropriated as follows: \$4.779 million to Engineering Design Division, Streets and Structures Organization (92242), Account 57411 – Street Construction; and \$1.194 million to Public Works, Maintenance, Sidewalk Repair, Program (92452), 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

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OAKLAND

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Approved as to Form and Legality

OAKLAND CITY COUNCIL


City Attorney

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR FEDERAL AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA) 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 \$5,968,000 in funding from the federal American Recovery and Reinvestment Act of 2009 (ARRA) for the Oakland Various Streets and Roads Rehabilitation and Oakland Citywide Curb Ramp and Sidewalk Repair projects (herein referred as PROJECT) for the MTC Regional ARRA Program (MTC Resolution No. 3885) (herein referred as PROGRAM); and

WHEREAS, pursuant to ARRA, and any regulations and/or guidance promulgated thereunder, eligible project sponsors wishing to receive Regional ARRA 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 ARRA fund delivery) and has adopted in MTC Resolution No. 3885 such additional requirements as are necessary or appropriate to meet the obligations/award deadlines in the ARRA; and

WHEREAS, APPLICANT is an eligible project sponsor for ARRA funds; and

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

- 1) that the sponsor understands that the ARRA funding is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional ARRA 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 the PROGRAM; 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 ARRA 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 American Recovery and Reinvestment Act of 2009 for the Oakland Various Streets and Roads Rehabilitation and Oakland Citywide Curb Ramp and Sidewalk Repair; and be it

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

1. APPLICANT understands that the ARRA 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 ARRA 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 PROGRAM 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 ARRA 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 ARRA 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