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OFFICE OF THE CITY CLERK  
OAKLAND

2014 JUN 26 PM 3: 12

## AGENDA REPORT

**TO:** HENRY L. GARDNER  
INTERIM CITY ADMINISTRATOR

**FROM:** Brooke A. Levin  
Director, OPW

**SUBJECT:** Active Transportation Program Grants

**DATE:** May 27, 2014

City Administrator  
Approval

Date:

6/25/14

**COUNCIL DISTRICT:** All Districts

### RECOMMENDATION

Staff recommends that the City Council approve a resolution authorizing the City Administrator to apply for, accept, and appropriate up to Seventeen Million Three Hundred Eleven Thousand One Hundred Sixty Dollars (\$17,311,160.00) in Active Transportation Program Funds assigned to the Metropolitan Transportation Commission (MTC); commit matching funds of up to Six Hundred and Forty Seven Thousand Four Hundred and Sixty Dollars (\$647,460.00) from Measure B (Fund 2211) Grant Matching Funds; and, if funded, assure completion of the following ten Active Transportation Program Projects including the International Boulevard Pedestrian Lighting and Sidewalk Repair Project, the International Boulevard Pedestrian Refuges Project, the City of Oakland Improvements for Safe Routes to School Project, the Park Boulevard Area Improvements for Safe Routes to School Project, the Thornhill Drive/Mountain Boulevard Improvements for Safe Routes to School Project, the High Street – Courtland Avenue-Ygnacio Avenue Intersection Improvements for Safe Routes to School Project and the Harrison Street/ 27<sup>th</sup> Street/ 24<sup>th</sup> Street Intersection Improvements Project, the Lake Merritt to Bay Trail Bicycle Pedestrian Gap Closure Project, the Laurel Access to Mills Maxwell Park and Seminary Active Transportation Connections Project, and the Telegraph Avenue Great Streets Project.

### OUTCOME

Should all submitted applications be funded, the outcome of this action would be the completion of the following improvements during the next several years:

- International Boulevard Pedestrian Lighting and Sidewalk Repair Project
- International Boulevard Pedestrian Refuges Project
- City of Oakland Improvements for Safe Routes to School Projects
- Park Boulevard Area Improvements for Safe Routes to School Project
- Thornhill Drive/Mountain Boulevard Improvements for Safe Routes to School Project
- High Street – Courtland Avenue-Ygnacio Avenue Intersection Improvements for Safe Routes to School Project

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- Harrison Street/ 27<sup>th</sup> Street/ 24<sup>th</sup> Street Intersection Improvements
- Lake Merritt to Bay Trail Bicycle Pedestrian Gap Closure Project
- Laurel Access to Mills Maxwell Park and Seminary Active Transportation Connection Project
- Telegraph Avenue Great Streets Project

## **BACKGROUND/LEGISLATIVE HISTORY**

In September 2013, the Governor signed Senate Bill 99 (Chapter 359, Statutes 2013) and Assembly Bill 101 (Chapter 254, Statutes 2013) into law, creating the Active Transportation Program (ATP). The ATP consolidates a number of state and federal funding sources intended to promote active transportation, including the Bicycle Transportation Account, the Transportation Alternatives Program and the Safe Routes to Schools Program.

The State legislation provided for distribution of the total available funding as follows:

- 50% to the State for a Statewide Competitive program
- 10% to the Small Urban and Rural Area Competitive program to be managed by the state
- 40% to the Large Urbanized Area Competitive program, with funding distributed by population and managed by the Metropolitan Planning Organization (MPO) – also known as the Regional Competitive ATP. In the Bay Area, the MPO is MTC.

The California Transportation Commission (CTC) developed guidelines for the ATP. The Guidelines lay out the programming policies, procedures and project selection criteria for the entire program. Large MPOs, such as MTC, also developed their own additional policies, procedures, and project selection criteria.

### **Statewide Competitive Program**

On March 21, 2014, the first cycle call for projects for the Statewide Competitive ATP was released with \$180 million available for programming in FY 2014-15 and 2015-16. Applications were due May 21. Forty percent (\$72 million) of the Statewide Competitive program was reserved for Safe Routes to School-type projects. 25 percent of all funding (\$45 million) is dedicated to projects and programs in disadvantaged communities as defined by household income, environmental conditions, or participation in school free lunch programs. Oakland submitted nine applications under this program.

### **Regional Competitive Program**

The call for projects for MTC's Regional Competitive ATP, with \$30 million available in the nine county Bay Area, was released May 21 as well, with a due date of July 24, 2014. All applications submitted for the earlier Statewide Competitive program will automatically be entered into the Regional Competitive program. The Regional ATP call specifically requires a Resolution of Local Support to accompany the project applications. Oakland is submitting one new application under this program.

In the table below, please find a summary of the State and Regional Active Transportation Programs:

**Table 1**  
**Summary of State and Regional Active Transportation Programs**

	State Competitive ATP	Regional Competitive ATP
<b>Total Funding Available</b>	\$180 Million	\$30 Million
<b>Due Date for Applications</b>	May 21, 2014	July 24, 2014
<b>Safe Routes to School Project Set-Asides</b>	40% of total	No set-aside
<b>Disadvantaged Communities set-aside</b>	25%	25%
<b>Local Match Requirements by State and Regional Programs</b>	11.47% <sup>1</sup> , but 0% for Safe Routes to School and Disadvantaged Communities projects	11.47% <sup>2</sup> , but 0% for Safe Routes to School and Disadvantaged Communities projects
<b>Resolution of Local Support</b>	Not required	Required

### ANALYSIS

Staff analyzed Oakland bicycle and pedestrian transportation projects and identified those most competitive for both the Statewide and Regional competitive ATP programs.

In a first step, staff released an internal call for projects. Staff also reviewed unfunded projects from previous grant rounds, the City's Capital Improvement Program and other plans. Staff evaluated potential projects based on several factors aligned with grant selection criteria, including:

- *Demonstrated benefits for biking and walking* – Increase in bicycle and pedestrian volumes, removal of barriers to walking and biking, or improvements in safety.
- *Screen for readiness* - Projects that have completed sufficient engineering design to have a high understanding of project costs and schedule and buildability.
- *Screen for disadvantaged communities* – Projects in disadvantaged communities score an additional ten points in evaluation. Staff analyzed projects that could meet one of three Statewide criteria (low median household income, poor environmental conditions, high

<sup>1</sup> 11.47% is the set-aside for the Statewide and Regional ATP programs (where required). However, the City set-aside costs are set at 18.00%. This percentage covers the ATP set-aside requirement and the City overhead and other disallowed costs necessary to administer the grants.

<sup>2</sup> Ibid.

- reduced lunch program participation), or Regional criteria (location in an MTC designated "community of concern").
- *Local Match requirements* – All Safe Routes to Schools projects and any project in a disadvantaged community as defined by the grantor requires no local match. All other ATP projects require 11.47% match.
  - *Public participation and support* – Projects must show evidence of public involvement, via identification in a plan or some other public process.
  - *Staff sponsorship* – A project manager to shepherd application and manage project implementation is required.

In the project selection process, staff engaged outside agencies in two specific ways: working with the Alameda Contra Costa Transit District (AC Transit) to propose pedestrian projects that are not eligible for funding in the East Bay Bus Rapid Transit (BRT) project, but are needed to support the International corridor; and, working with the Oakland Unified School District and TransForm (a local advocacy organization that promotes safe and walkable communities) to evaluate Safe Routes to School-type Projects. TransForm has worked on an ongoing basis with both the City and School District to help identify Safe Routes to Schools projects. Staff proposed ten projects to submit to the Active Transportation Program. The categories of projects are summarized below; each application is further described in Table 2.

#### International Boulevard Corridor Pedestrian Projects

The East Bay Bus Rapid Transit project on International Boulevard will fund pedestrian related improvements at all of the new BRT stations (expanded bus stops), however it will not fund all of the pedestrian improvements that the City would like to implement to enhance access to both the BRT and International corridor businesses. Two projects were proposed that go beyond what is included in the BRT project.

#### Safe Routes to School-type Projects

Safe Routes to Schools-type projects are guaranteed forty percent of all funding in the Statewide (but not the Regional) program. In order to maximize coordination, City of Oakland staff worked with TRANSFORM and the Oakland Unified School District to identify high priority school related projects. Staff grouped qualifying projects in packages based on location and cost, resulting in five total grant applications.

#### Other Active Transportation Projects

Staff proposed three other projects that meet the program guidance to increase bicycle and pedestrian opportunities in Oakland.

**Table 2**  
**Active Transportation Program Projects**  
**State and Regional Competitive Programs**

Type	Project	Description	Local Match Requirement	Total Grant Request
<b>International Boulevard Corridor Pedestrian Projects</b>	<b>International Boulevard Pedestrian Lighting and Sidewalk Repair Project</b>	Add pedestrian scale lighting at high-priority areas along the International Boulevard corridor to extend the quality of pedestrian lighting that will be constructed near BRT stations. In addition, using a mix of grant and local funds, curb ramps will be brought up to current Americans with Disabilities Act (ADA) standards and sidewalk damage will be repaired.	No match required – disadvantaged community	\$2,481,000.00
	<b>International Boulevard Pedestrian Refuges Project</b>	Median pedestrian refuges will be constructed at very busy intersections along International at 73 <sup>rd</sup> /Hegenberger, and at 98 <sup>th</sup> Ave. These are in locations where a new median BRT station is not close enough to the intersection to provide this refuge. These refuges will allow additional crossing time for the frail elderly and disabled community, and will help slow traffic.	No match required – disadvantaged community	\$602,120.00

Type	Project	Description	Local Match Requirement	Total Grant Request
Safe Routes to School-Type Projects	<b>City of Oakland Improvements for SRTS Project</b>	This Safe Routes to Schools project groups multiple small projects in one funding application. The proposed improvements include pedestrian safety improvements such as crosswalks, pedestrian signals, median refuge islands, and curb extensions. Projects are located near eight different elementary schools in Fruitvale and East Oakland (Acorn Elementary, Encompass Academy, Esperanza Elementary, Korematsu Discovery Academy, Fruitvale Elementary, Global Family Elementary, Laurel Elementary, and Markham Elementary). All locations meet the state and regional definition of disadvantaged communities.	No match required – Safe Routes to Schools & disadvantaged community	\$1,236,000.00
	<b>Park Boulevard Area Improvements for Safe Routes to School Project</b>	This project will improve pedestrian and bicycle access along Park Boulevard near three schools: Glenview Elementary, Edna Brewer Middle School, and Bella Vista Elementary. The projects include curb extensions, bicycle lanes, pedestrian countdown signals, removal of slip lanes, and other intersection improvements to increase safety for pedestrians and bicyclists.	No match required, Safe Routes to School	\$1,147,000.00
	<b>Thornhill Drive/ Mountain Boulevard Improvements for SRTS Project</b>	This project would widen sidewalks and add new sidewalks, install pedestrian countdown signals to increase safe pedestrian access to Montclair Elementary School.	No match required, Safe Routes to School	\$660,000.00

	<p><b>High Street – Courtland Avenue Intersection Improvements for SRTS Project</b></p>	<p>Intersection improvements near Fremont High will make the complicated High Street/Courtland Avenue/Ygnacio Avenue intersection safer for bikes and pedestrians by restricting some auto turning movements, adding pedestrian refuges and curb extensions, and adding bicycle detection at traffic signals. This project is part of the Foothill/High/Melrose Master Plan, a portion of which was implemented by the former Redevelopment Agency.</p>	<p>No match required, Safe Routes to Schools and disadvantaged community</p>	<p>\$1,128,000.00</p>
	<p><b>Harrison Street / 27<sup>th</sup> Street/ 24<sup>th</sup> Street Intersection Improvements</b></p>	<p>This project was scoped in the Harrison/Oakland Community-based Transportation Plan and is a priority in the Broadway Valdez Specific Plan. The street improvements, which serve both Westlake Middle School as well as the general population, reallocate street space at an existing confusing five way intersection to improve safety for bike and pedestrians by reducing vehicular conflicts and improving crossings.</p>	<p>No match required, Safe Routes to School</p>	<p>\$850,000.00</p>

Type	Project	Description	Local Match Requirement	Total Grant Request
Other Active Transportation Projects	<b>Lake Merritt to Bay Trail Bicycle Pedestrian Gap Closure Project</b>	This project seeks funding for the design and right of way phase for a multi-use bike/ped bridge connecting Lake Merritt to the Bay Trail, crossing safely under I-880 and over Union Pacific railroad tracks. Construction funds will be sought in future grant rounds.	No Match required, disadvantaged community	\$3,210,000.00
	<b>Laurel Access to Mills, Maxwell Park, Seminary (LAMMPS) Active Transportation Connection Project</b>	The LAMMPS project seeks to construct a multi-use path along a 1.5 mile segment of roadway from High Street to Richards Avenue along MacArthur Boulevard, traveling under the I-580 freeway. This project was scoped in the LAMMPS Community Based Transportation Plan, and is intended to better link nearby neighborhoods and correct conditions that are currently hostile to bikes and pedestrians.	\$647,460.00 <sup>3</sup> * staff requested to be exempted from match requirement of 11.47%, because project is located adjacent (but not in) a disadvantaged community	\$3,597,000.00
	<b>Telegraph Avenue Great Streets Project</b>	Telegraph Avenue is a critical active transportation corridor in Oakland, linking downtown to numerous neighborhoods and downtown Berkeley. This grant will increase safety and comfort for all travelers and improve economic vitality. The improvements could include protected bikeways, median refuge islands, and transit boarding islands to reduce bus-bike conflicts and weaving, and curb extensions for pedestrian safety. The grant will cover final design and construction based on concept plans developed in 2014 through extensive community outreach and technical analysis.	No Match required, disadvantaged community	\$2,400,000.00

<sup>3</sup> 11.47% is the set-aside for the Statewide and Regional ATP programs (where required). However, the City set-aside costs are set at 18.00%. This percentage covers the ATP set-aside requirement and the City overhead and other disallowed costs necessary to administer the grants.



## **PUBLIC OUTREACH/INTEREST**

Each of the selected projects was selected from projects previously vetted through a public process, such as a Specific Plan, a Community Based Transportation Plan, or a Safe Routes to Schools Plan. In addition, the selected projects were reviewed by and endorsed by the City's Bicycle and Pedestrian Advisory Committee on May 15, 2014.

## **COORDINATION**

Applications were coordinated with staff of the Planning and Building Department and Project Implementation. Specific applications were coordinated with AC Transit and with the Oakland Unified School District. The goal of coordination was to ensure that all applications were responsive to all application requirements, including identification of plans and costs, as well as ensure that project had staff and community sponsorship. In addition, the Office of the City Attorney and the City Budget Office reviewed this report and resolution.

## **COST SUMMARY/IMPLICATIONS**

Oakland applied for a total of \$14,911,160 in Statewide ATP funds, and will apply for an additional \$2,400,000 in the Regional MTC round, totaling \$17,311,160 overall. Potentially, local match will not be required for any of these projects, although some projects identify local sources of funding which will augment the work. Safe Routes to Schools-type projects or those that meet disadvantage community designations require no local match.

The LAMMPS Active Transportation Connection Project does not strictly meet the disadvantaged community criteria for either State or MTC funding rounds, but the grantors allow applicants to argue for disadvantaged community status based on serving adjacent disadvantaged communities, and staff feels it meets those criteria. In the event that staff's request for an exemption to the local match requirement is not accepted by grantors, \$647,460.00 in matching funds will be required. That local match will be available in Measure B Fund 2211, FY 2015/16 Grant Matching Funds, based on projected appropriation under current Measure B funding.

## **FISCAL/POLICY ALIGNMENT**

Implementing these projects is aligned with the City's current planning and funding priorities including the Complete Streets Resolution and Ordinance (No. 13153 C.M.S.), Land Use and Transportation Elements of the General Plan, the Bicycle Master Plan, the Pedestrian Master Plan, former Redevelopment Area Plans, the Transit-First Resolution, Streetscape Plans, Community-Based Transportation Plans, the Countywide Transportation Plan, and Plan Bay Area.

## **SUSTAINABLE OPPORTUNITIES**

**Economic:** In total, these investments will enhance the efficiency and affordability of the transportation network and increase the potential for economic and housing development throughout the City of Oakland.

**Environmental:** These recommended transportation projects assign a considerable amount of funding for bicycle and pedestrian investments in the vicinity of major transit nodes and therefore supports the goal of reducing pollutants and greenhouse gases in the City of Oakland and throughout the region.

**Social Equity:** The recommended projects are intended to provide maximum mobility for those without access to vehicles by improving the bicycle and pedestrian infrastructure. The program targets investment in disadvantaged communities.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

CEQA is not applicable to the approach for selecting projects or the recommended transportation projects themselves. However, future individual transportation projects may require CEQA/NEPA (National Environmental Policy Act) clearances, which will be completed at the appropriate time.

For questions regarding this report, please contact Bruce Williams, Transportation Planning and Funding Division at (510) 238-7229.

Respectfully submitted,



**BROOKE A. LEVIN**  
Director, Oakland Public Works

Reviewed by:  
Michael J. Neary, P.E., Assistant Director  
OPW, Bureau of Engineering and Construction

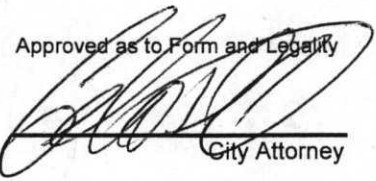
Reviewed by:  
Iris Starr, Division Manager  
Transportation Planning and Funding Division

Prepared by:  
Bruce Williams, Funding Program Manager  
Transportation Planning and Funding Division

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Public Works Committee  
July 8, 2014

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Approved as to Form and Legality  
  
City Attorney

# OAKLAND CITY COUNCIL

RESOLUTION No. \_\_\_\_\_ C.M.S.

Introduced by Councilmember \_\_\_\_\_

## RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO:

(A) APPLY FOR, ACCEPT AND APPROPRIATE UP TO SEVENTEEN MILLION THREE HUNDRED ELEVEN THOUSAND ONE HUNDRED SIXTY DOLLARS (\$17,311,160.00) IN ACTIVE TRANSPORTATION PROGRAM FUNDS ASSIGNED TO THE METROPOLITAN TRANSPORTATION COMMISSION;

(B) COMMIT MATCHING FUNDS OF UP TO SIX HUNDRED FORTY SEVEN THOUSAND FOUR HUNDRED SIXTY DOLLARS (\$647,460.00) FROM MEASURE B (FUND 2211) GRANT MATCHING FUNDS

(C) IF FUNDED, ASSURE COMPLETION OF THE FOLLOWING TEN ACTIVE TRANSPORTATION PROGRAM PROJECTS: THE INTERNATIONAL BOULEVARD PEDESTRIAN LIGHTING AND SIDEWALK REPAIR PROJECT, THE INTERNATIONAL BOULEVARD PEDESTRIAN REFUGES PROJECT, THE CITY OF OAKLAND IMPROVEMENTS FOR SAFE ROUTES TO SCHOOL PROJECT, THE PARK BOULEVARD AREA IMPROVEMENTS FOR SAFE ROUTES TO SCHOOL PROJECT, THE THORNHILL DRIVE/MOUNTAIN BOULEVARD IMPROVEMENTS FOR SAFE ROUTES TO SCHOOL PROJECT, THE HIGH STREET – COURTLAND AVENUE-YGNACIO AVENUE INTERSECTION IMPROVEMENTS FOR SAFE ROUTES TO SCHOOL PROJECT, THE HARRISON STREET/ 27<sup>TH</sup> STREET/ 24<sup>TH</sup> STREET INTERSECTION IMPROVEMENTS PROJECT, THE LAKE MERRITT TO BAY TRAIL BICYCLE PEDESTRIAN GAP CLOSURE PROJECT, THE LAUREL ACCESS TO MILLS MAXWELL PARK AND SEMINARY ACTIVE TRANSPORTATION CONNECTIONS PROJECT AND THE TELEGRAPH AVENUE GREAT STREETS PROJECT.

WHEREAS, the City of Oakland ("City") is submitting an application to the Metropolitan Transportation Commission ("MTC") for Seventeen Million Three Hundred Eleven Thousand One Hundred Sixty Dollars (\$17,311,160.00) 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 ("TA")/Active Transportation Program ("ATP") funding, and Regional Transportation Improvement Program ("RTIP") funding, herein collectively referred to as Regional

Discretionary Funding, for the following projects:

International Boulevard Corridor Pedestrian Projects

- International Boulevard Pedestrian Lighting and Sidewalk Repair Project (\$2,481,000.00)
- International Boulevard Pedestrian Refuges Project (\$602,120.00)

Safe Routes to School-type Projects

- City of Oakland Improvements for Safe Routes to School Project (\$1,236,000.00)
- Park Boulevard Area Improvements for Safe Routes to School Project (\$1,147,000.00)
- Thornhill Drive/Mountain Boulevard Improvements for Safe Routes to School Project (\$660,000.00)
- High Street – Courtland Avenue-Ygnacio Avenue Intersection Improvements for Safe Routes to School Project (\$1,128,000.00)
- Harrison Street/ 27<sup>th</sup> Street/ 24<sup>th</sup> Street Improvements (\$850,000.00)

Other Active Transportation Projects

- Lake Merritt to Bay Trail Bicycle Pedestrian Gap Closure Project (\$3,210,000.00)
- Laurel Access to Mills Maxwell Park and Seminary Project (\$3,597,040.00)
- Telegraph Avenue Great Streets Project (\$2,400,000.00)

(herein referred to as Projects) for the Active Transportation Program (“ATP”); and

**WHEREAS**, the Moving Ahead for Progress in the 21<sup>st</sup> 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 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 Projects 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 Projects 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 Projects will have adequate staffing resources to deliver and complete the Projects within the schedule submitted with the project application; and
- that the Projects will comply with all project-specific requirements as set forth in the Program; and
- that 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
- in the case of a transit project, the Project will comply with MTC Resolution No. 3866, revised, which sets forth the requirements of MTC's Transit Coordination Implementation Plan to more efficiently deliver transit projects in the region; and
- in the case of a highway project, the Project will comply with MTC Resolution No. 4104, which sets forth MTC's Traffic Operations System (TOS) Policy to install and activate TOS elements on new major freeway projects; and
- in the case of an RTIP project, state law requires Project be included in a local congestion management plan, or be consistent with the capital improvement program adopted pursuant to MTC's funding agreement with the countywide transportation agency; and

**WHEREAS**, that City is authorized to submit an application for Regional Discretionary Funding for the Projects; 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 Projects, or the ability of the City to deliver such Projects; and

**WHEREAS**, the City authorizes its City Administrator, or designee to execute and file an application with MTC for Regional Discretionary Funding for the Projects as referenced in this resolution; 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 is authorized to execute and file an application for funding for the Projects for Regional Discretionary Funding under MAP-21 or continued funding; and be it further

**FURTHER RESOLVED** that the City will provide any required matching funds; and be it further

**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

**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 the City; and be it

**FURTHER RESOLVED** that Projects 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 Projects and has adequate staffing resources to deliver and complete the Projects within the schedule submitted with the project application; and be it

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

**FURTHER RESOLVED** that, in the case of a transit project, the City agrees to comply with the requirements of MTC's Transit Coordination Implementation Plan as set forth in MTC Resolution No. 3866, revised; and be it

**FURTHER RESOLVED** that, in the case of a highway project, the City agrees to comply with the requirements of MTC's Traffic Operations System (TOS) Policy as set forth in MTC Resolution No. 4104; and be it

**FURTHER RESOLVED** that, in the case of an RTIP project, Projects is included in a local congestion management plan, or is consistent with the capital improvement program adopted pursuant to MTC's funding agreement with the countywide transportation agency; 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 Projects; 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 Projects, or the ability of the City to deliver such Projects; and be it

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

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

**FURTHER RESOLVED** that the City Council hereby appropriates funds in an amount not to exceed \$17,311,160.00 that are received for these Projects under the ATP Program into the MTC Program Fund (Fund 2163) under project numbers to be established; and be it

**FURTHER RESOLVED** that the City Council hereby consents the use of up to \$647,460.00 in matching funds for the Laurel Access to Mills Maxwell Park and Seminary Active Transportation Connections Project from Fund 2211 (Local Street and Roads, Grants Matching Fund); and be it

**FURTHER RESOLVED** that should additional funds be received for these projects, the City Administrator or his designee, is hereby authorized to accept and allocate the same for the purposes described above; and be it

**FURTHER RESOLVED** that the City Council hereby authorizes the City Administrator or his 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, \_\_\_\_\_

**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