



City Attorney

2016 APR 20 PM 4:12 RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR, ACCEPT, AND APPROPRIATE UP TO FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) IN FISCAL YEAR 2016-17 STATE TRANSPORTATION DEVELOPMENT ACT ARTICLE 3 FUNDS TO PREPARE A BICYCLE MASTER PLAN

WHEREAS, Article 3 of the Transportation Development Act (TDA), Public Utilities Code Section 99200 et seq. authorizes the submission of applications to a regional transportation planning agency for the funding of projects exclusively for the benefit and/or use of pedestrians and bicyclists; and

WHEREAS, the Metropolitan Transportation Commission (MTC), as the regional transportation planning agency for the San Francisco Bay region, has adopted MTC Resolution No. 4108, entitled "Transportation Development Act, Article 3, Pedestrian and Bicycle Projects," which delineates procedures and criteria for submission of requests for the allocation of "TDA Article 3" funding; and

WHEREAS, MTC Resolution No. 4108 requires that requests for the allocation of TDA Article 3 funding be submitted as part of a single, countywide coordinated claim from each county in the San Francisco Bay region; and

WHEREAS, the City of Oakland desires to submit a request through Alameda County to MTC for the allocation of TDA Article 3 funds to support the projects described in the Agenda Report accompanying this resolution, which are for the exclusive benefit and/or use of pedestrians and/or bicyclists; and

WHEREAS, TDA fund distribution for the San Francisco Bay Area imposes certain requirements on fund recipients, including a requirement to provide sufficient staff resources and funding available to complete the projects; now, therefore be it

RESOLVED: that the City of Oakland declares it is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code; and be it

FURTHER RESOLVED: that there is no pending or threatened litigation that might adversely affect the project as described in *Exhibit A* to this resolution, or that might impair the ability of the City of Oakland to carry out the projects; and be it

FURTHER RESOLVED: that the projects were reviewed by the City of Oakland’s Bicyclist and Pedestrian Advisory Commission (BPAC), fulfilling the requirement for BPAC review stipulated by MTC Resolution No. 4108; and be it

FURTHER RESOLVED: that the City of Oakland attests to the accuracy of and approves the statements in Exhibit A to this resolution; and be it

FURTHER RESOLVED: that a certified copy of this resolution and its attachments, and any accompanying supporting materials shall be forwarded to the Alameda County Public Works Agency as part of the countywide coordinated TDA Article 3 claim; and be it

FURTHER RESOLVED: that the City Council hereby authorizes the application, acceptance, and appropriation of Fiscal Year 2016-17 TDA Article 3 funds in the amount not to exceed five hundred thousand dollars (\$500,000.00) to be deposited and appropriated for the Bicycle Master Plan Update project into the Transportation Development Act (TDA) Article 3 Fund (2162), Transportation Planning Organization (92260), Architectural and Engineering Services Account (54411), and a new project number to be established; and be it

FURTHER RESOLVED: that the City Administrator, or designee, is authorized on behalf of the City of Oakland to execute and submit all documents, payment requests, and related actions.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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

EXHIBIT A TO RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO
APPLY FOR, ACCEPT AND APPROPRIATE TRANSPORTATION DEVELOPMENT
ACT (TDA) ARTICLE 3 FUNDS

Findings

Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2016-2017 Transportation Development Act Article 3 Pedestrian/Bicycle Funding

1. That the CITY OF OAKLAND is not legally impeded from submitting a request to the Metropolitan Transportation Commission for the allocation of Transportation Development Act (TDA) Article 3 funds, nor is the CITY OF OAKLAND legally impeded from undertaking the project(s) described in the application for project funds.
2. That the CITY OF OAKLAND has committed adequate staffing resources to complete the project(s) described in the project application.
3. A review of the project(s) described in the project application has resulted in the consideration of all pertinent matters, including those related to environmental and right-of-way permits and clearances, attendant to the successful completion of the project(s).
4. Issues attendant to securing environmental and right-of-way permits and clearances for the projects described in the project application have been reviewed and will be concluded in a manner and on a schedule that will not jeopardize the deadline for the use of the TDA funds being requested.
5. That the project(s) described in the project application comply with the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 et seq.).
6. That as portrayed in the budgetary description(s) of the project(s) in the application, the sources of funding other than TDA are assured and adequate for completion of the project(s).
7. That the project(s) described in the application are for capital construction and/or design engineering; and/or for the maintenance of a Class I bikeway which is closed to motorized traffic; and/or for the purposes of restriping Class II bicycle lanes; and/or for the development or support of a bicycle safety education program; and/or for the development of a comprehensive bicycle and/or pedestrian facilities plan, and an allocation of TDA Article 3 funding for such a plan has not been received by the CITY OF OAKLAND within the prior five fiscal years.
8. That the project(s) described in the application is included in a locally approved bicycle, pedestrian, transit, multimodal, complete streets, or other relevant plan.
9. That any project described in the application that is a bikeway meets the mandatory minimum safety design criteria published in Chapter 1000 of the California Highway Design Manual.
10. That the project(s) described in the application will be completed before the funds expire.
11. That the CITY OF OAKLAND agrees to maintain, or provide for the maintenance of, the project(s) and facilities described in the project application, for the benefit of and use by the public.