



FILED
OFFICE OF THE CITY CLERK
OAKLAND

13 MAY -2 PM 1:35

AGENDA REPORT

TO: DEANNA J. SANTANA
CITY ADMINISTRATOR

FROM: Vitaly B. Troyan, P.E.

SUBJECT: Resolutions of Support for Projects Submitted
In the Alameda County Transportation
Commission Coordinated Call for Projects

DATE: April 3, 2013

City Administrator
Approval

Date

5/01/13

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff recommends that the City Council approve a resolution authorizing the City Administrator to apply for, accept, and appropriate Twenty Five Million Five Hundred and Eighty One Thousand Dollars (\$25,581,000.00) in Metropolitan Transportation Commission (MTC) discretionary funding; and commit matching funds not to exceed Six Million Two Hundred and Three Thousand Dollars (\$6,203,000.00) for the Oakland Pavement Rehabilitation, the Lakeside Green Street, the Lake Merritt BART Bikeways, the 7th Street West Oakland Transit Village Phase II, the MLK Jr. Way & Peralta Phase I, the Coliseum BART Corridor and Infrastructure Connections, and the Tyrone Carney Park/105th Avenue Reconfiguration Projects.

Staff recommends that the City Council approve a resolution authorizing the City Administrator to apply for, accept and appropriate up to One Million Three Hundred Forty Nine Thousand Five Hundred Dollars (\$1,349,500.00) in Alameda County Transportation Commission (ACTC) Measure B and Vehicle Registration Fee grant funding; enter into a grant funding agreement with ACTC, and commit matching funds not to exceed Six Hundred Thirty Eight Thousand and Five Hundred Dollars (\$638,500.00) for the Park Boulevard Path Feasibility Study, the Fruitvale Alive Gap Closure Streetscape Study, the Lake Merritt Channel Bridge to Bay Trail Study, and the Broadway Shuttle Project.

EXECUTIVE SUMMARY

The Alameda CTC released its Coordinated Call for Projects on February 4, 2013 for \$65.2 million in transportation project funding, comprised largely of One Bay Area Grant (OBAG) \$53.9 million in federal transportation funds, augmented by Measure B and Vehicle Registration Fee (VRF) \$11.2 million in local funds. On March 15, 2013, the City of Oakland submitted eleven applications for a total of \$26.9 million (\$25,581,000.00 in OBAG - Local Streets and

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Roads and OBAG-Priority Development Area (PDA) funds, and \$1,349,500.00 in Measure B/VRF funds).

Alameda CTC will identify a draft list of projects for funding in May 2013, and will finalize the choices in June, 2013. Alameda CTC and MTC both require Resolutions of Local Support for the projects awarded local and federal funds, respectively, by June 30th, 2013. These resolutions commit the City to provide a local match for the ACTC-selected projects, and also commit the City to complete the funded projects. Although the City does not anticipate receiving funding for all eleven projects submitted, in order to meet Alameda CTC and MTC deadlines, the resolutions must name all potentially funded projects.

If all grant applications are approved, the local support requirement will total \$6,841,500. More than half of this amount is for Measure DD funds already committed to the Lakeside Green Street Project. Measure DD has also been allocated to partially fund the local match for the Lake Merritt Channel Bike/Pedestrian Bridge. The Broadway Shuttle project is completely matched by other public agency and private funds and requires no additional City of Oakland match.

Measure B (Funds 2211 and 2212) will be required to provide the minimum local match for the remaining projects, with a total projected requirement of \$2,644,000 in Funds 2211 (Local Street and Roads) and \$772,500 in Fund 2212 (Bicycle and Pedestrian Program). Even in the unlikely event that all proposals are granted funding, there is adequate projected funding in these Funds in the three fiscal years (FY 13/14, 14/15 and 15/16) during which funds would need to be allocated.

OUTCOME

Should all submitted applications be funded by the Alameda County Transportation Commission, the outcome of this program would be the construction of the following improvements during the next several years:

Lakeside Green Street Project - This project will construct transportation improvements associated with the reconstruction of Snow Park, including reconfiguration of 20th Street, Harrison Street and Lakeside Drive. The completed project will calm traffic, improve bicycle and pedestrian access to Lake Merritt and increase usable park space. This project extends the improvements of the 12th Street project, enhancing connection of the entire improved Lakefront to BART and the downtown core.

Lake Merritt BART Bikeways - This project will improve bicycle connections from the Lake Merritt BART station to Downtown, Chinatown, Eastlake and Jack London districts. The project will pave streets and install bikeways along Oak, Madison, 8th, 9th and 10th Streets, including under I-880, enhancing bicycle connections throughout the neighborhood. Pedestrian enhancements such as bulbouts, improved crosswalks, and pedestrian scale lighting may be incorporated.

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Projects Submitted – Table 1

Project Name	Request	Local Match* Proposed (%)	Local Match Source
OBAG- Local Streets and Roads (LS&R)			
Oakland Pavement Rehabilitation	\$3,851,000	\$500,000 (11.47%)	Measure B (Fund 2211)
OBAG - PDA Supportive Grants			
Lakeside Green Street Project	\$7,000,000	\$3,540,000 (33.6%)	Measure DD \$4,305,000: Measure B (Fund 2212) \$200,000
Lake Merritt BART Bikeways	\$2,112,000	\$528,000 (20%)	Measure B (Fund 2211 & 2212)
MLK/Peralta Streetscape	\$5,453,000	\$707,000 (11.47%)	Measure B (Fund 2211)
7 th Street W. Oakland Transit Village, Phase II	\$3,288,000	\$426,000 (11.47%)	Measure B (Fund 2211)
Coliseum BART Corridor and Infrastructure Connections	\$2,321,000	\$301,000 (11.47%)	Measure B (Fund 2211)
Tyrone Carney Park Improvements	\$1,556,000	\$201,000 (11.47%)	Measure B (Fund 2211)
Subtotal OBAG LS+R, PDA	\$25,581,000	\$6,203,000	
Measure B and VRF Bike/Pedestrian Discretionary			
Fruitvale Alive Gap Closure Streetscape Project	\$206,000	\$206,000 (50%)	Measure B (Fund 2211)
Park Boulevard Path Feasibility Study	\$197,500	\$197,500 (50%)	Measure B (Fund 2212)
Lake Merritt Channel Bicycle/Pedestrian Bridge	\$400,000	\$235,000 (52% with additional sources)	Measure DD (\$85,000), Measure B, Fund 2212 (\$150,000)
VRF Transit for Congestion Relief			
Broadway Shuttle	\$546,000	\$0	
Subtotal Measure B/VRF	\$1,349,500	\$638,500	
TOTAL	\$26,930,500	\$6,841,500	

* Local match shown is only Oakland funds required; the Broadway Shuttle and Lake Merritt to Bay Trail Bike/Pedestrian Bridge have secured additional match from other agency grants and private funders. OBAG (federal) projects require 11.47% local match, while Measure B/VRF projects require 50%.

Peralta Street/MLK Streetscape Project – In West Oakland, these streetscape improvements along Peralta and MLK Streets in West Oakland will improve neighborhood commercial districts within close proximity to BART. The project incorporates sidewalk improvements and bulb-outs, improved pedestrian crossings, bike improvements and paving.

7th Street West Oakland Transit Village, Phase II – This project will complete the 7th Street Streetscape Project from Peralta to Wood Streets, incorporating enhanced sidewalks, street furniture, traffic calming and paving in the vicinity of West Oakland BART.

Coliseum BART Corridor and Infrastructure Connections – This project will provide infrastructure and streetscape improvements along 66th Avenue, Coliseum Way, and 81st Avenue within the vicinity of the Coliseum BART Station. The project includes paving, stormwater/drainage improvements and streetscape improvements. These enhanced connections will encourage greater pedestrian and bicycle access between commercial/industrial properties, residential neighborhoods and the Coliseum BART station.

Tyrone Carney Park/105th Ave Reconfiguration – This project in East Oakland will reconstruct an existing poorly designed street right of way to calm traffic and create a neighborhood gateway park.

Outcomes will also include design plans for the following projects to advance them towards construction:

Park Boulevard Path – Complete a feasibility study for an on- and off-street bicycle/pedestrian path from Leimert Boulevard to Monterey Boulevard.

Lake Merritt to Bay Trail Bicycle/Pedestrian Bridge - Complete conceptual engineering and community outreach for a bridge that will permit access between Lake Merritt/7th Street and the Estuary/the Bay Trail.

Fruitvale Alive Streetscape (Phase 2) – Complete design and engineering for enhanced pedestrian and bicycle access between E.10th and the Estuary along Fruitvale Avenue, including pedestrian scale lighting and sidewalk improvements.

Finally, if successful, an outcome will be increased funding for the *Broadway Shuttle*, augmenting current secured and presumed funding to fully fund three years of operations.

As the City applied for nearly half of all available discretionary funding, we do not expect every project to be funded, but we should expect several of these projects to receive funding and proceed.

BACKGROUND/LEGISLATIVE HISTORY

The Metropolitan Transportation Commission will adopt the next Regional Transportation Plan "One Bay Area" in summer 2013. One of the prime goals of this plan is to firmly align transportation and land use by directing transportation investments to areas that can demonstratively accommodate both market rate and affordable housing development, particularly within "Priority Development Areas" adjacent to transit stations and major bus corridors.

In light of this policy direction, MTC adopted the One Bay Area Grant Program in May 2012 (MTC Resolution 4035) to program Federal Transportation Funds for the next four fiscal years (FY 2012-13 through FY 2015-16). This program directs \$63 million in federal Surface Transportation Program (STP) and Congestion Management and Air Quality (CMAQ) funds to Alameda CTC for programming. Seventy percent of those funds must be spent within Priority Development Areas (PDA's), of which Oakland has seven (7).

Alameda CTC adopted an OBAG implementation program in December, 2012. In this program, the Alameda CTC set aside \$15.2 million countywide for a Local Streets and Roads paving program, and determined to sub-allocate that funding by formula to jurisdictions based on population and road mileage. With the remaining available funds, Alameda CTC devised a PDA Supportive Grants program which targeted a subset of the most "active" PDA's Countywide for investment. Five of Oakland's seven PDAs qualified for inclusion in the OBAG program. In addition to OBAG funding, Alameda CTC also chose to include discretionary funding targeted to Bicycle and Pedestrian, as well as Transit program from Measure B and VRF funds. The Alameda CTC released a Coordinated Call for Projects on February 4, 2013 incorporating all of these fund sources.

ANALYSIS

Project Selection Process

There are four distinct allocation categories available to Oakland in Alameda CTC's Coordinated Call for Projects:

- OBAG Local Streets and Roads (\$3.851 million by formula)
- OBAG Priority Development Area (PDA) Supportive Grants (\$38.7 million available in 17 specific Priority Development Areas Countywide)
- Measure B and VRF Bike and Pedestrian Discretionary Grants (\$4.0 million Countywide)
- VRF Transit for Congestion Relief (\$5 million Countywide)

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Criteria and Recommendation Process for Prioritizing Discretionary Transportation Projects

Staff used a two-step process to analyze the universe of Oakland transportation projects and identify those most competitive for OBAG PDA Supportive Grants funding, as well as Bike and Pedestrian Discretionary funding.

In the first step, staff first identified all current unfunded transportation projects currently in the City's Capital Improvement Program, the Countywide Transportation Plan and the Countywide Transportation Expenditure Plan, as well as other individual projects underway that fit programmatically into these plans (such as individual streetscape projects). To facilitate the development of transportation priorities, staff developed a prioritization process designed to meet several critical goals:

- *Facilitate inter-departmental coordination* - create a single process to handle projects originating in multiple City departments to ensure a consistent evaluation and project management approach to each project, as well as efficient use of staff time.
- *Match transportation projects to City policy and goals* - Prioritize projects that are in Council-approved plans and within Priority Development Areas (PDAs).
- *Maximize funding opportunities* - Prioritize projects that already have significant forward momentum and that can leverage existing or limited resources for matching funds
- *Screen for readiness* - Prioritize projects that meet funding criteria (e.g., OBAG) and regional policy requirements (e.g., Complete Streets Policy), and that have completed key stages in the development process (e.g., environmental clearance, 35% engineering design, completion of a previous community process, and be programmed for construction by 2016/17), to ensure the feasibility of implementation.

The process uses a scoring system that rates each project on a 0-100 scale based on how well it satisfies the goals listed above. Staff applied this evaluation screen to over 50 potential transportation projects that were identified through a survey of staff across City departments. The prioritization tool served as a valuable resource for staff to efficiently compare a large number of projects and to identify those most likely to match City and funding agency priorities.

1. One Bay Area Grant: Local Streets and Roads

The City will receive an OBAG allocation of \$3.8 million for street resurfacing. This is the only category that is considered "pass-through" to be allocated by formula, and can be spent

anywhere in the City on “federal aid eligible” arterial and collector streets. Streets to be resurfaced with this funding will be selected from the 5-year Pavement Plan. This source is federal transportation funds, and requires an 11.47% local match. This is the traditional source of federal resurfacing funding, and is a one-time allocation for this three-year funding cycle.

2. One Bay Area Grant: Priority Development Area (PDA) Support

The City is competing for a \$38.7 million pool of discretionary grants that can be used in any one of seventeen Priority Development Areas throughout the County. The seven adopted PDA's and the locations of transportation projects submitted for OBAG funding in Oakland are shown on page 9 of this report. Five were approved for this funding application cycle (the two PDAs that did not qualify- the MacArthur BART area and Eastmont Town Center – were not selected by ACTC due to the current lack of substantial housing development). The locations of transportation projects submitted for OBAG funding are also marked on the attachment.

The five PDAs in the City that are specified by Alameda County Transportation Commission for investment are:

- Downtown/Jack London
- Fruitvale/Diamond
- West Oakland
- Coliseum BART Station area
- Transit-Oriented Development Corridors

The OBAG-PDA Supportive funds are federal transportation dollars, and require a minimum grant size of \$500,000 and a minimum local match of 11.47%. OBAG PDA Supportive projects must address bicycle, pedestrian, transit station improvements, complete streets improvements that encourage bicycle and pedestrian access, transportation demand, and streetscape projects focusing on high-impact, multi-modal improvements. These projects must:

- Have a high degree of project readiness (i.e., 35% engineering plans, certified environmental review, designated Project Manager);
- Be established in City plans and policy;
- Be well-vetted through a previous community process;
- Meet Complete Streets requirements; and
- Must be programmed for construction by FY 2016/17

To choose a list of projects for the OBAG-PDA grant source, project readiness was a particular concern, since it counts for 60% of grant scoring. All of the projects proposed have at least 35%

design plans in place, and a high degree of project definition. The identification of secure local match sources was also important, particularly because projects that are “overmatched” gain additional points. These projects have all been approved previously by Council, either through Redevelopment or City Capital Improvement Program Budgets.

Staff submitted six construction projects which best met the grant criteria (see Table 1 on page 3). The Lakeside Green Street project, for instance, is already largely funded through Measure DD (Oakland Trust for Clean Water and Safe Parks), and is able to promise a 35% local match for construction dollars, in addition to being 100% designed and read to construct. If funded, this project will leverage funds to allow other Measure DD projects to proceed. The Lake Merritt Bikeway project helps meet the City’s objective to renew paving as well as provide bikeways and better access to transit. On the other hand, streetscape projects in West Oakland and East Oakland which have been fully designed with Redevelopment dollars have to rely on Measure B dollars for local match if they are to proceed to construction. The final list proposed a mix of “ready to go” projects that maximized available funding to the greatest extent possible. Competition for this grant source was substantial, with \$83.6 million of projects proposed for the available \$38.7 million in funding.

3. Measure B and VRF Bicycle and Pedestrian Discretionary Grants

The available Alameda CTC funds total \$4.0 million that is available for Bicycle and Pedestrian projects anywhere in the county. There is a minimum grant size of \$20,000. Projects must be on the Countywide Bicycle or Pedestrian Master Plans, and can be for any stage of development including feasibility, conceptual design and engineering, and master plan studies. A fifty percent (50%) local match is required for feasibility studies.

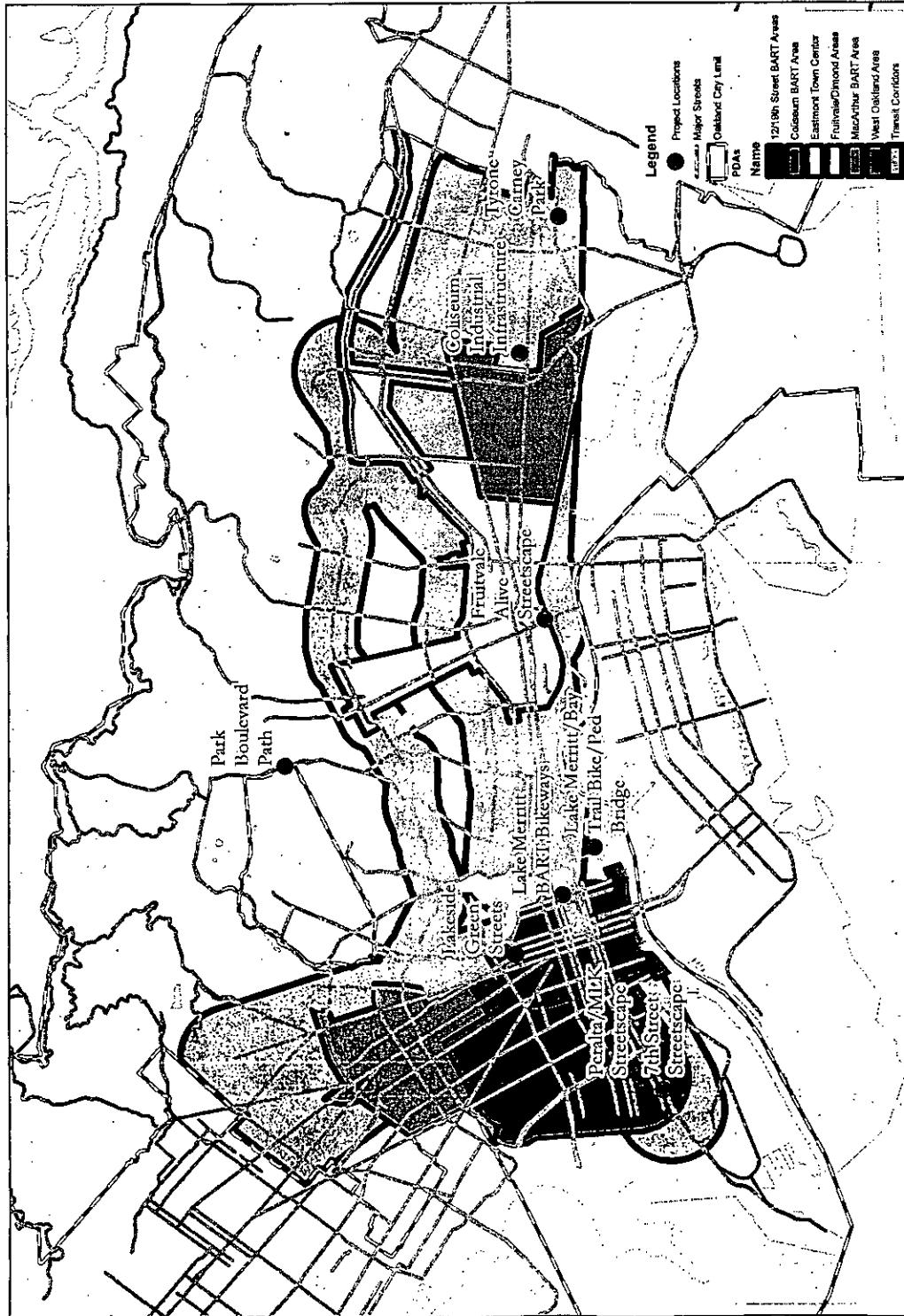
Staff submitted three projects that require feasibility or design studies in order to prepare them for later construction funding. Since these projects are not required to be in PDA’s to receive funding, staff was also able to propose one project (the Park Boulevard Path Feasibility Study) outside of PDA boundaries. Given that this source was available countywide, this grant was substantially oversubscribed, with \$19.4 million in grant applications competing for \$4.0 million in available funding.

4. VRF Transit for Congestion Relief

This \$5.0 million funding source is for transit operators countywide. As the operator (with AC Transit) of the Broadway Shuttle, the City of Oakland qualified for this program, and submitted an application to cover projected operating deficits for the next three fiscal years. Surprisingly, transit operator applications to this fund sources totaled only \$4.04 million, less than the available funding.

Priority Development Areas (PDAs) in Oakland and Location of Proposed Projects

Transportation Project Priorities
 ACTC Coordinated Call for Projects
 March 2013



POLICY ALTERNATIVES

Council may choose to preserve Measure B pass-through funding (Fund 2211 and 2212) for other transportation purposes and instruct staff to withdraw one or more of the grant applications, should they be funded. However, at this time there are no other equivalent sources of grant funds for transportation projects.

PUBLIC OUTREACH/INTEREST

Each project proposed for funding has been through a public planning process over a period of many years. The list of draft OBAG funding priorities was also reviewed with the Bicycle and Pedestrian Advisory Committee (BPAC) for input at the January and February 2013 meetings.

COORDINATION

PWA staff coordinated with many different departments and individual staff members in collecting information on transportation projects, evaluating and ranking these projects according to common criteria, and refining the list of projects competitive for OBAG funding. Departments involved include the Office of Planning Building and Neighborhood Preservation; Office of Neighborhood Investment; and, within the Public Works Agency, the Transportation Planning and Funding, Transportation Services, and Project Delivery Divisions. Staff also had joint sessions with BART, AC Transit, and the Port of Oakland. The City Attorney's Office and the Budget Office have also participated in the creation and review of this report.

COST SUMMARY/IMPLICATIONS

Receipt of funding will provide support to develop Oakland's transportation infrastructure. Individual OBAG-supported projects will require minimum local (non-federal) project match of 11.47%, with bonus points for over-matching, while Measure B/VRF Bicycle/Pedestrian Discretionary Grants required a 50% local match for feasibility studies. Oakland's applications, cumulatively, proposed a local match of \$6,841,500 from the following sources:

- Measure DD (Oakland Trust for Clean Water and Safe Parks) - \$3,425,000
- Measure B, Local Streets and Roads (Fund 2211) - \$2,644,000
- Measure B, Bicycle and Pedestrian (Fund 2212) - \$772,500

Proposed Local Match Sources – Table 2

Proposed Local Match Sources			
	Fund 2211	Fund 2212	Measure DD
Oakland Pavement Rehabilitation	\$500,000		
Lakeside Green Street Project		\$200,000	\$3,340,000
Lake Merritt BART Bikeways	\$303,000	\$225,000	
MLK/Peralta Streetscape	\$707,000		
7 th Street W. Oakland Transit Village, Phase II	\$426,000		
Coliseum BART Corridor and Infrastructure Connections	\$301,000		
Tyrone Carney Park Improvements	\$201,000		
Fruitvale Alive Gap Closure Streetscape Project	\$206,000		
Park Boulevard Path Feasibility Study		\$197,500	
Lake Merritt Channel Bicycle/Pedestrian Bridge		\$150,000	\$85,000
Total	\$2,644,000	\$772,500	\$3,425,000

As indicated previously, Measure DD funds are already allocated to fund the Lakeside Green Street project, and success in this grant application will actually decrease the total need for DD funds to build the project, and allow funding of additional bond projects.

While it is unlikely that all of the projects requiring Measure B funds will be funded, there is budget capacity over the years FY 2013/14 to FY 2015/16 to provide the local match, should it be needed. In the budget years FY 2013/14 and FY 2014/15, the draft proposed budget includes line items for local match in the amount of \$1.25 million per year in Fund 2211, and assuming that same line item continues to FY 2015/16 there will be sufficient local match available to fund all projects should the full amount be granted. Demands on Fund 2212 can be accommodated through the existing CIP budget for bike and pedestrian master plan projects.

Using Measure B funds as local match allows the city to leverage a small amount of local funding in order to realize the capital to construct projects that the City otherwise cannot afford.

FISCAL/POLICY ALIGNMENT

Implementing these projects is aligned with our current planning and funding priorities including the Complete Streets Resolution, 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, the Countywide Transportation Plan, and Transportation Expenditure Plan (Measure B1).

SUSTAINABLE OPPORTUNITIES

Economic: In total, these investments will enhance the efficiency and affordability of the transportation network and enhance the potential for economic and housing development in 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 single occupant vehicles. Further, the program targets investment in and around existing transit hubs and corridors where many of the regions' lower-income households are located.

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, Senior Transportation Planner, at (510)-238-7229.

Respectfully submitted,


VITALY B. TROYAN, P.E.
Director, Public Work Agency

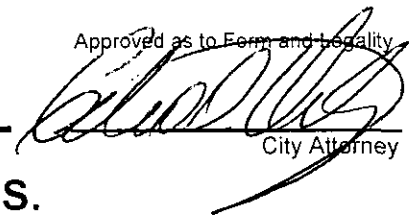
Reviewed by:
Michael J. Neary, P.E., Assistant Director
Department of Engineering and Construction

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

Prepared by:
Bruce Williams, Senior Transportation Planner
Transportation Planning and Funding

OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL


City Attorney

13 MAY -2 PM 1:36

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO:

(A) APPLY FOR, ACCEPT AND APPROPRIATE UP TO ONE MILLION THREE HUNDRED FORTY NINE THOUSAND FIVE HUNDRED DOLLARS (\$1,349,500.00) IN ALAMEDA COUNTY TRANSPORTATION COMMISSION ("ACTC") MEASURE B AND VEHICLE REGISTRATION FEE GRANT FUNDING;

(B) ENTER INTO A GRANT FUNDING AGREEMENT WITH THE ACTC; AND

(C) COMMIT MATCHING FUNDS NOT TO EXCEED SIX HUNDRED THIRTY EIGHT THOUSAND AND FIVE HUNDRED DOLLARS (\$638,500.00), FOR THE PARK BOULEVARD PATH FEASIBILITY STUDY, THE FRUITVALE ALIVE GAP CLOSURE STREETSCAPE STUDY, THE LAKE MERRITT CHANNEL BRIDGE TO BAY TRAIL STUDY, AND THE BROADWAY SHUTTLE PROJECT

WHEREAS, the City of Oakland ("City") has submitted an application to the Alameda County Transportation Commission ("Alameda CTC") for \$1,349,000 from one or more of the following funding sources administered by the Alameda CTC and programmed at Alameda CTC's discretion as part of the Alameda CTC FY 2012/13 Coordinated Program ("Program"): Measure B Bicycle/Pedestrian Countywide Discretionary Fund, Vehicle Registration Fee (VRF) Pedestrian and Bicyclist Access and Safety Program, and/or VRF Transit Congestion Relief Program funding (collectively, "FY 2012/13 Coordinated Program Funding"), for the Park Boulevard Path Feasibility Study (\$197,500), the Fruitvale Alive Gap Closure Streetscape Study (\$206,000), the Lake Merritt Channel Bridge to Bay Trail Feasibility Study (\$400,000), and the Broadway Shuttle (\$546,000) ("Projects"); and

WHEREAS, Alameda CTC is a joint powers authority resulting from the merger of the Alameda County Congestion Management Agency and Alameda County Transportation Improvement Authority and is responsible for distributing to local jurisdictions certain Measure B and VRF revenues for bicycle and pedestrian safety, local streets and roads, local transportation technology, mass transit, paratransit, and transit center development programs; and

WHEREAS, the City represents that the City is an eligible grant recipient for such Measure B and/or VRF funds; and

WHEREAS, the City is required to provide local match for the Projects as follows: Park Boulevard Path (\$197,500), Fruitvale Alive Gap Closure Streetscape Project (\$206,000), Lake Merritt Channel Bridge to Bay Trail Feasibility Study (\$235,000); and

WHEREAS, prior to entering into a funding agreement for FY 2012/13 Coordinated Program Funding, Alameda CTC requires the responsible grant recipient to adopt a resolution confirming the following:

- 1) City commits to provide the amount of matching funds specified in the grant funding agreement; and
- 2) City understands that the amount of FY 2012/13 Coordinate Program Funding is capped at the amount approved by the Alameda CTC Commission, and therefore City cannot anticipate any Project cost increase to be funded with additional Measure B and/or VRF grant funds; and
- 3) City shall complete the project as described in the grant funding agreement; and
- 4) City will comply with all the project-specific requirements as set forth in the Program Guidelines and grant funding agreement; now, therefore be it

RESOLVED, that the City is authorized to enter into a funding agreement for FY 2012/13 Coordinated Program Funding for Project; and be it

FURTHER RESOLVED that the City by adopting this resolution does hereby confirm and agree that:

1. The City will provide up to \$638,500 in matching funds;
2. The City understands that the amount of FY 2012/13 Coordinated Program Funding for the project is capped at the amount approved by the Alameda CTC Commission, and that any cost increases must be funded by the City from other funds, and that City does not expect any cost increases to be funded with additional Measure B/VRF grant funding;
3. Projects will be implemented as described in the application, grant funding agreement and in this resolution;
4. The City and the Projects will comply with the requirements as set forth in the Program Guidelines and grant funding agreement; and therefore be it further

FURTHER RESOLVED that City is an eligible sponsor of Measure B and/or VRF funded projects; 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 Applicants to deliver such Projects; and be it

FURTHER RESOLVED that City authorizes its City Administrator, or other appropriate designee to execute a funding agreement with Alameda CTC for FY 2012/13 Coordinated Program Funding for the Projects as referenced in this resolution; and be it further

FURTHER RESOLVED that the City Council hereby appropriates any funds that are received for these Projects under the Alameda CTC Program into the ACTIA Reimbursable Grants Fund (2214) under project numbers to be established; and be it

FURTHER RESOLVED that the City Council hereby consents the use of up to \$638,500 in matching funds, from sources as follows:

- 1) Park Boulevard Path, \$197,500 to be provided in Fund 2212 (Measure B Bicycle and Pedestrian Fund), FY 13/14 CIP Projects, project number to be determined
- 2) Fruitvale Alive Gap Closure Streetscape Project, \$206,000 to provided by Fund 2211, (Measure B Local Streets and Roads Fund), Local Match Fund, FY 14/15
- 3) Lake Merritt Channel Bridge to Bay Trail Feasibility Study, \$150,000 in Fund 2212, FY 13/14 CIP Projects, project number to be determined and \$85,000 in Fund 5312 (Bond Measure DD), and be it

FURTHER RESOLVED that should additional funds be received for these projects, the City Administrator or her 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 her designee to negotiate grant terms, execute, modify, amend and extend agreements, allocate revenue, make expenditures, and take all other actions with respect to the Alameda CTC Program grants and these Projects in accordance with this Resoluhon and its basic purposes; and be it

FURTHER RESOLVED that a copy of this resolution will be transmitted to Alameda CTC by June 30, 2013, and another copy of this resolution 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 -

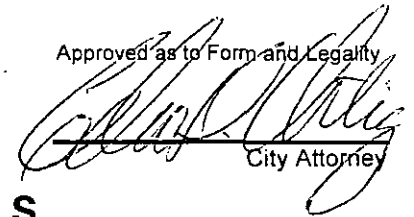
ABSENT -

ABSTENTION -

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

OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL


City Attorney

13 MAY -2 PM 1:38 RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO:

(A) APPLY FOR, ACCEPT AND APPROPRIATE TWENTY FIVE MILLION FIVE HUNDRED AND EIGHTY ONE THOUSAND DOLLARS (\$25,581,000.00) IN METROPOLITAN TRANSPORTATION COMMISSION ("MTC") DISCRETIONARY FUNDING; AND

(B) COMMIT MATCHING FUNDS NOT TO EXCEED SIX MILLION TWO HUNDRED AND THREE THOUSAND DOLLARS (\$6,203,000.00) FOR THE OAKLAND PAVEMENT REHABILITATION, THE LAKESIDE GREEN STREET, THE LAKE MERRITT BART BIKEWAYS, THE 7TH STREET WEST OAKLAND TRANSIT VILLAGE PHASE II, THE MLK JR. WAY & PERALTA PHASE I, THE COLISEUM BART CORRIDOR AND INFRASTRUCTURE CONNECTIONS, AND THE TYRONE CARNEY PARK/105TH AVENUE RECONFIGURATION PROJECTS

WHEREAS, the City of Oakland (herein referred to as City) is submitting an application to the Metropolitan Transportation Commission (MTC) for \$25,581,000.00 in funding assigned to MTC for programming discretion, including but not limited to federal funding administered by the Federal Highway Administration (FHWA) such as Surface Transportation Program (STP) funding, Congestion Mitigation and Air Quality Improvement (CMAQ) funding and/or Transportation Alternatives (TA) funding (herein collectively referred to as Regional Discretionary Funding) for the Oakland Pavement Rehabilitation Project, the Lakeside Green Street Project, the Lake Merritt BART Bikeways Project, the 7th Street West Oakland Transit Village Phase II Project, the MLK Jr. Way & Peralta Phase I Project, the Coliseum BART Corridor and Infrastructure Connections Project, and the Tyrone Carney Park/105th Reconfiguration Project (herein referred to as Projects); 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 and 182.7 provide various funding programs for the programming discretion of the Metropolitan Planning Organization (MPO) and the Regional Transportation Planning Agency (RTFA); and

WHEREAS, pursuant to MAP-21, and any regulations promulgated thereunder, eligible project sponsors wishing to receive federal funds for a project shall submit an application first with the appropriate MPO for review and inclusion in the MPO's 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 federal funds; and

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

WHEREAS, the City is required to provide local match for the Projects as follows: Oakland Pavement Rehabilitation Project (\$500,000), the Lakeside Green Street Project (\$3,540,000), the Lake Merritt BART Bikeways Project (\$528,000), the 7th Street West Oakland Transit Village Phase II Project (\$426,000), the MLK Jr. Way & Peralta Phase I Project (\$707,000), the Coliseum BART Corridor and Infrastructure Connections Project (\$301,000), and the Tyrone Carney Park/105th Reconfiguration Project (\$201,000); and

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

1. the commitment of any required matching funds of at least 11.47%; and
2. 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
3. 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
4. the assurance of the sponsor to complete the project as described in the application, and if approved, as included in MTC's federal Transportation Improvement Program (TIP); and
5. that the project will comply with all project-specific requirements as set forth in the PROGRAM; and
6. that the project (transit only) 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; now, therefore be it

RESOLVED that City is authorized to execute and file an application for funding for the Projects for Regional Discretionary Funding under MAP-21 for continued funding; and be it

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

1. City will provide up to \$6,203,000 in matching funds if all projects are approved for funding; and
2. City understands that the Regional Discretionary Funding for the projects is fixed at the MTC approved programmed amount, and that any cost increases must be funded by the City from other funds, and that City does not expect any cost increases to be funded with additional Regional Discretionary Funding; and
3. 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 City has, and will retain the expertise, knowledge and resources necessary to deliver federally-funded transportation projects, and has assigned, and will maintain a single point of contact for all FHWA-funded transportation projects to coordinate within the agency and with the respective Congestion Management Agency (CMA), MTC, Caltrans and FHWA on all communications, inquires or issues that may arise during the federal programming and delivery process for all FHWA-funded transportation projects implemented by City; and
4. Projects will be implemented as described in the complete application and in this resolution and, if approved, for the amount approved by MTC and programmed in the federal TIP; and
5. City and the Projects will comply with the requirements as set forth in MTC programming guidelines and project selection procedures for the Program; and
6. City (for a transit project only) agrees to comply with the requirements of MTC's Transit Coordination Implementation Plan as set forth in MTC Resolution 3866, revised; and therefore be it further

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

FURTHER RESOLVED that 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 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 City to deliver such Projects; and be it

FURTHER RESOLVED that City authorizes its City Administrator, or her 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 City Council hereby appropriates any funds that are received for these Projects under MTC's Regional Discretionary Funding program into the Metropolitan Transportation Commission Grant Fund (2163) under project numbers to be established; and be it

FURTHER RESOLVED that the City Council hereby consents to the use of up to \$6,203,000 in matching funds, from sources as follows for each project:

- 1) Oakland Pavement Rehabilitation Project: \$500,000 from Measure B, Fund 2211, Project C370010 (FY 13/14 Matching Funds-Grants)
- 2) Lakeside Green Street Project: \$3,340,000 from Measure DD, Fund 5321, Project 393910; \$200,000 from Fund 2212, FY 13/14 Bicycle CIP Funds, Project Number to be determined
- 3) Lake Merritt BART Bikeways Project: \$225,000 from Fund 2212, FY 14/15 Bicycle CIP Funds; \$303,000 from Measure B, Fund 2211, Project C370010 (FY 14/15 Matching Funds-Grants)
- 4) 7th Street West Oakland Transit Village Phase II Project: \$426,000 from Measure B, Fund 2211, Project C370010 (FY 15/16 Matching Funds-Grants)
- 5) MLK Jr. Way & Peralta Phase I Project: \$707,000 from Measure B, Fund 2211, Project C370010 (FY 15/16 Matching Funds-Grants)
- 6) Coliseum BART Corridor and Infrastructure Connections Project: \$301,000 from Measure B, Fund 2211, Project C370010 (FY 15/16 Matching Funds-Grants)
- 7) Tyrone Carney Park/105th Reconfiguration Project \$201,000 from Measure B, Fund 2211, Project C370010 (FY 14/15 Matching Funds-Grants)

FURTHER RESOLVED that should additional funds be received for these Projects, the City Administrator, or her 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 her 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 Regional Discretionary Funding program 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 be placed on file with the City Clerk; and be it

FURTHER RESOLVED that the MTC is requested to support the application for the Projects described in the resolution and to include the Projects, if approved, in MTC's federal TIP.

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