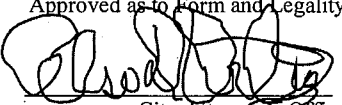


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FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

Approved as to Form and Legality  
  
City Attorney's Office

# OAKLAND CITY COUNCIL

RESOLUTION NO. 89676 C.M.S.

**RESOLUTION:**

- 1) **AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AND FILE AN APPLICATION FOR FUNDING FOR THE BANCROFT AVENUE GREENWAY (PROJECT) FOR REGIONAL DISCRETIONARY FUNDING UNDER THE FEDERAL TRANSPORTATION ACT OR CONTINUED FUNDING; AND**
- 2) **AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT AND APPROPRIATE AN ACTIVE TRANSPORTATION PROGRAM (ATP) GRANT TOTALING TWENTY-NINE MILLION THREE HUNDRED ELEVEN THOUSAND DOLLARS (\$29,311,000) FOR THE BANCROFT AVENUE GREENWAY; AND**
- 3) **COMMITTING A MATCH OF UP TO FIVE MILLION THREE HUNDRED SIXTY-FOUR THOUSAND DOLLARS (\$5,364,000) IN LOCAL FUNDS; AND**
- 4) **STATING THE CITY'S INTENT TO COMPLETE THE BANCROFT AVENUE GREENWAY PROJECT; AND**
- 5) **ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS**

**WHEREAS**, THE CITY OF OAKLAND (herein referred to as APPLICANT) submitted an application to the Metropolitan Transportation Commission (MTC) for TWENTY-NINE MILLION THREE HUNDRED ELEVEN THOUSAND DOLLARS (\$29,311,000) 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 Block Grant Program (STP) funding, Congestion Mitigation and Air Quality Improvement Program (CMAQ) funding, Transportation Alternatives (TA) set-aside/Active Transportation Program (ATP) funding, and Regional Transportation Improvement Program (RTIP) funding (herein collectively referred to as REGIONAL DISCRETIONARY FUNDING) for the BANCROFT AVENUE GREENWAY (herein referred to as PROJECT) for the 2023 REGIONAL ACTIVE TRANSPORTATION PROGRAM (herein referred to as PROGRAM); and

**WHEREAS**, the United States Congress from time to time enacts and amends legislation to provide funding for various transportation needs and programs, (collectively, the FEDERAL TRANSPORTATION ACT) including, but not limited to the Surface Transportation Block Grant 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 (TA) set-aside (23 U.S.C. § 133); 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 the FEDERAL TRANSPORTATION ACT, 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**, APPLICANT is an eligible sponsor for REGIONAL DISCRETIONARY FUNDING; and

**WHEREAS**, as part of the application for REGIONAL DISCRETIONARY FUNDING, MTC requires a resolution adopted by the responsible implementing agency stating the following:

- the commitment of any required matching funds; and
- that the sponsor understands that the REGIONAL DISCRETIONARY FUNDING is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional REGIONAL DISCRETIONARY FUNDING; and
- that the PROJECT will comply with the procedures, delivery milestones and funding deadlines specified in the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised); and
- the assurance of the sponsor to complete the PROJECT as described in the application, subject to environmental clearance, and if approved, as included in MTC's federal Transportation Improvement Program (TIP); and
- that the PROJECT will have adequate staffing resources to deliver and complete the PROJECT within the schedule submitted with the project application; and
- that the PROJECT will comply with all project-specific requirements as set forth in the PROGRAM; and
- that APPLICANT 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, inquiries or issues that may arise during the federal programming and delivery process for all FHWA- and CTC-funded transportation and transit projects implemented by APPLICANT; and
- 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 deliver transit projects more efficiently 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 APPLICANT is authorized to submit an application for REGIONAL DISCRETIONARY FUNDING for the PROJECT; and

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

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

**WHEREAS**, APPLICANT authorizes the City Administrator to execute and file an application with MTC for REGIONAL DISCRETIONARY FUNDING for the PROJECT 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; and

**WHEREAS**, outreach for the 2018 Planning for Paving Initiative documented deep concerns among low-income Black and Brown Oakland residents that existing bike lanes signal displacement and gentrification: and

**WHEREAS**, the Let's Bike Oakland Bike Plan Update (2019) process revealed that community members did not feel safe riding on the existing Bancroft Avenue bike lane (due to the proximity to speeding vehicles) and that they did not want improvements made to the existing bike lane; and

**WHEREAS**, the Let's Bike Oakland Bike Plan Update (2019) survey found that 82 percent of Central East Oaklanders see aggressive drivers as a barrier to biking and that 64 percent would drive less if biking was safer, suggesting a greater need for low-stress bikeways; and

**WHEREAS**, the East Oakland Neighborhood Initiative (2020) revealed a high demand for safer routes for walking and biking, with over 50 percent of public meeting participants identifying improved walkways and bikeways as an improvement priority; and

**WHEREAS**, the Let's Bike Oakland Bike Plan Update (2019) recommended building a Class I multi-use path in the existing median on Bancroft, in direct response to resident feedback: and

**WHEREAS**, the new multi-use path will provide a comfortable route to key destinations,

including three affordable housing developments, two commercial centers, three parks, five elementary schools, and two middle schools: and

**WHEREAS**, the PROJECT is located on the high injury network (HIN), and project components will include safety measures such as a Class I off-street multi-use path, pedestrian-scale lighting, continental crosswalks, and new ADA ramps; and

**WHEREAS**, the East Oakland Mobility Action Plan (2022) engaged residents in the conceptual design of the PROJECT through interactive activities and a survey; and

**WHEREAS**, in June 2022, OakDOT submitted an application to the California Transportation Commission (CTC) for Twenty-Nine Million Three Hundred Eleven Thousand Dollars (\$29,311,000) in funding from the Active Transportation Program (ATP) Cycle 6 grant program: and

**WHEREAS**, the MTC has recommended the PROJECT for funding in the PROGRAM, to be approved by the CTC on March 15 2023; now, therefore be it

**RESOLVED:** That the APPLICANT is authorized to execute and file an application for funding for the PROJECT for REGIONAL DISCRETIONARY FUNDING under the FEDERAL TRANSPORTATION ACT or continued funding; and be it

**FURTHER RESOLVED:** That APPLICANT will provide any required matching funds; and be it

**FURTHER RESOLVED:** That APPLICANT 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 APPLICANT from other funds, and that APPLICANT does not expect any cost increases to be funded with additional REGIONAL DISCRETIONARY FUNDING; and be it

**FURTHER RESOLVED:** That APPLICANT 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 APPLICANT 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, inquiries or issues that may arise during the federal programming and delivery process for all FHWA- and CTC-funded transportation and transit projects implemented by APPLICANT; and be it

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

**FURTHER RESOLVED:** That APPLICANT has reviewed the PROJECT and has adequate staffing resources to deliver and complete the PROJECT within the schedule submitted with the

project application; and be it

**FURTHER RESOLVED:** That PROJECT will comply with the requirements as set forth in MTC programming guidelines and project selection procedures for the PROGRAM; and be it

**FURTHER RESOLVED:** That, in the case of a transit project, APPLICANT 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, APPLICANT 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, PROJECT 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 APPLICANT is an eligible sponsor of REGIONAL DISCRETIONARY FUNDING funded projects; and be it

**FURTHER RESOLVED:** That APPLICANT is authorized to submit an application for REGIONAL DISCRETIONARY FUNDING for the PROJECT; and be it

**FURTHER RESOLVED:** That there is no legal impediment to 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 the City Administrator to execute and file an application with MTC for REGIONAL DISCRETIONARY FUNDING for the PROJECT as referenced in this resolution; and be it

**FURTHER RESOLVED:** That 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 if approved, to include the PROJECT in MTC's federal TIP upon submittal by the project sponsor for TIP programming; and be it

**FURTHER RESOLVED:** That the City Council hereby authorizes the acceptance and appropriation of grant proceeds for the PROJECT in an amount not to exceed Twenty-Nine Million Three Hundred Eleven Thousand Dollars (\$29,311,000) into project and fund numbers to be determined; and be it

**FURTHER RESOLVED:** That the City Council hereby authorizes the use of up to

\$5,364,000 in local match funding for the PROJECT from a combination of Measure KK, Measure B/BB and Measure U fund sources, project, and fund numbers to be determined; and be it

**FURTHER RESOLVED:** That the City Council hereby authorizes the City Administrator to negotiate grant terms, execute, modify, amend, and extend agreements, allocate revenue; make expenditures, and take all other actions with respect to the ATP grant and the PROJECT in accordance with this Resolution and its basic purposes; and be it

**FURTHER RESOLVED:** That the Council finds that according to the Oakland Bicycle Master Plan Final Environmental Impact Report (EIR), initially certified in 2007 and reaffirmed in 2019 via Addendum, recommendations of the Plans—including construction of the PROJECT—would result in less than significant impacts under CEQA; that the PROJECT would have no new or substantially more adverse severe impacts, nor would there be any potentially significant off-site impacts, cumulative impacts, or previously identified significant effects not discussed in previous environmental documents; and that there are no previously identified significant effects determined to have a more severe adverse impact than those discussed in previous environmental documents; and be it

**FURTHER RESOLVED:** That the Council finds that the PROJECT is exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (Projects Consistent with a Community Plan, General Plan or Zoning), 15301(c) (Existing Facilities, Highways and Streets), 15302 (Replacement or Reconstruction), 15303 (Small Structures), 15304(h) (minor alterations to land), and/or 15061(b)(3) (No Significant Effect on the Environment); each of the aforementioned provides a separate and independent basis for CEQA compliance; and be it

**FURTHER RESOLVED:** That the City Administrator shall file a Notice of Determination/Notice of Exemption with the clerk of the County of Alameda and the Office of Planning and Research on the PROJECT named in this resolution; and be it

**FURTHER RESOLVED:** That a copy of this resolution will be placed on file with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, APR 18 2023

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, ~~AND PRESIDENT~~ - 7

~~FORUMALLO BASI~~

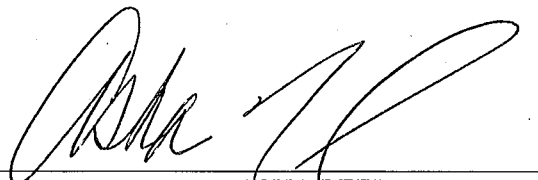
NOES - 0

ABSENT - 0

ABSTENTION - 0

1 Excused - Bas

ATTEST:



ASHA REED

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