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OAKLAND

2015 APR 16 AM 1:51

# AGENDA REPORT

**TO:** JOHN A. FLORES  
INTERIM CITY ADMINISTRATOR

**FROM:** Brooke A. Levin

**SUBJECT:** TDA Article 3 Funds Approval

**DATE:** March 18, 2015

City Administrator  
Approval

Date:

4/14/15

**COUNCIL DISTRICT:** 4, 6, 7, & City-Wide

## RECOMMENDATION

Staff recommends that the City Council adopt:

- 1) A Resolution Authorizing The City Administrator To Apply For, Accept, And Appropriate Up To Three Hundred Twenty-Five Thousand Dollars (\$325,000.00) In Fiscal Year 2015-16 State Transportation Development Act Article 3 Funds As Follows: (1) Bicyclist Safety Education Classes, Twenty-Five Thousand Dollars (\$25,000.00); (2) Bicyclist Signage Program, One Hundred Thousand Dollars (\$100,000.00); (3) Bicyclist Safe Storm Drain Inlet Program, One Hundred Thousand Dollars (\$100,000.00); (4) East Oakland Bike Lane Implementation, One Hundred Thousand Dollars (\$100,000.00).
- 2) A Resolution Authorizing The City Administrator To Waive The Advertising And Bidding Requirements For Award Of A Professional Services Agreement To The East Bay Bicycle Coalition (DBA Bike East Bay) In An Amount Not-To-Exceed Twenty-Five Thousand Dollars (\$25,000.00) To Conduct Bicyclist Safety Education Classes.

## OUTCOME

Approval of the first resolution will authorize the City Administrator to apply for, accept and appropriate up to \$325,000.00 in State Transportation Development Act Article 3 funds for Fiscal Year (FY) 2015-16. The grant applications require City Council approval and are due by May 29, 2015. No matching funds are required to receive these funds, which must be expended within three (3) years of allocation. The grant funds will allow the City to implement priority projects and programs identified by the City of Oakland's Bicycle Master Plan.

The professional services agreement with the East Bay Bicycle Coalition (DBA Bike East Bay) will allow grant funds to be spent on bicyclist safety classes in coordination with other such classes being offered throughout Oakland and Alameda County.

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## **BACKGROUND/LEGISLATIVE HISTORY**

Transportation Development Act (TDA) Article 3 funds are derived from the State of California ¼ cent transportation sales tax. Article 3 specifically reserves a portion of these funds for bicycle and pedestrian projects. These funds are distributed annually, on a per capita basis, to jurisdictions statewide. The City of Oakland typically uses these funds to support small bicycle or pedestrian projects citywide.

The Metropolitan Transportation Commission (MTC) administers TDA fund distribution for the San Francisco Bay Area, and imposes certain requirements on fund recipients. In order to accept TDA Article 3 funds, the City must propose a priority list of projects and determine that (a) there are no legal impediments or other factors that would affect the City's ability to deliver the projects; (b) sufficient staff resources and funding are available to complete the projects; and (c) there are no environmental or right-of-way issues that would jeopardize fund obligation deadlines. In order to claim TDA funds, these findings must be adopted by the City Council and are included in Exhibit A ("Findings") to the resolution to apply, accept, and appropriate the grant funds.

An additional requirement is that projects must be reviewed by the City's Bicyclist and Pedestrian Advisory Commission (BPAC). Staff proposed a list of projects that meet TDA criteria, and the BPAC reviewed and commented on a draft list of projects in January 2015. The BPAC reviewed and supported the recommended allocations of TDA funds to the four projects (mentioned below) at its meeting in February 2015.

## **ANALYSIS**

Adoption of this resolution will allow the City to complete its applications for TDA Article 3 funding by the grant deadline of May 29, 2015. Construction of bicycle and pedestrian facilities is consistent with the goals of the City of Oakland's General Plan, Bicycle Master Plan, and Pedestrian Master Plan. The selection of projects are consistent with the Council-adopted criteria set forth in the Resolution Establishing Prioritization Methods for the City of Oakland's Facilities and Structures, Parks and Open Space, Sewers, Storm Drains, Street, Sidewalks, and Traffic Improvement Infrastructure Needs (Resolution No. 78747 C.M.S., adopted July 20, 2004). The four projects/programs were further prioritized for funding based on readiness for construction:

- The Bicyclist Safety Education Classes Project will continue a partnership between the Oakland Parks and Recreation Department, Bike East Bay, and Oakland Public Works to offer monthly safety classes at recreation centers throughout Oakland. The funding will also enable a new partnership with the Oakland Public Library for additional course offerings. Target audiences include both adults and families with curricula in three

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languages: English, Spanish, and Cantonese. The grant will fund adult classroom courses, on-street classes, and family workshops for approximately two years.

- The Bicyclist Signage Program will continue the installation of bicycle guide signs across Oakland's bikeway network. The project is defined by the City's Design Guidelines for Bicycle Wayfinding Signage (2011) and prioritized by the City's Bicycle Master Plan. Priority projects include Foothill Blvd. / Bancroft Ave. (Lakeshore Ave. to 108th Ave.) and Telegraph Ave. / Washington St. / Clay St. (40th St. to 2nd St.). The program includes the installation of bicyclist guide, warning, and regulatory signs, as well as the removal of older bicyclist-related signage that is no longer needed.
- The Bicyclist Safe Storm Drain Inlet Program will continue the replacement of older, non-compliant storm drain inlet grates with openings that are large enough for a bicycle wheel to enter. Locations with non-compliant grates will be replaced with new grates that are safe for bicyclists. This grant will replace approximately 165 grates that may cause issues for cyclists.
- The East Oakland Bike Lane Implementation Project will construct bike lanes in East Oakland that are prioritized by the City's Bicycle Master Plan. The projects are Camden St. (Seminary Ave. to Bancroft Ave.) to connect the MacArthur Blvd. bikeway to the Bancroft Ave. bikeway; San Leandro St. (66th Ave. to 75th Ave.) to connect Coliseum BART and the East Bay Greenway; and upgrades to the existing bike lanes on MacArthur Blvd. (Coolidge Ave. to Midvale Ave.) serving the Dimond and Laurel Districts.

### **PUBLIC OUTREACH/INTEREST**

Each year potential projects are reviewed with the City's Bicyclist and Pedestrian Advisory Commission (BPAC) in order to receive input on potential projects and to endorse a final priority list. This year the BPAC considered a preliminary list at its January meeting. The body endorsed the proposed project list at its meeting in February. These meetings are noticed and open to the public.

The Bicyclist Safety Education Classes have proved popular, with 195 participants in Oakland's classes over the fourteen months ending March 2015. The Bicyclist Signage Program is a cost-effective and highly visible means for promoting cycling. Oakland's approach has received national attention as a model for bicyclist wayfinding. The Bicyclist Safe Storm Drain Inlet Program is an ongoing effort to address public requests, improve public safety, and reduce the City's exposure to claims and lawsuits. The East Oakland Bike Lane Implementation project is responding to public requests and Bicycle Master Plan priorities to advance the implementation of the City's Bicycle Master Plan to serve the neighborhoods east of Lake Merritt.

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Oakland Municipal Code (OMC) Title 2, Chapter 2, Article I, Section 2.04.051.A requires the City to conduct a competitive RFQ/P selection process for the procurement of professional services. OMC Section 2.04.051.B permits the City Council to waive the competitive RFQ/P competitive selection requirement upon a finding and determination that it is in the best interests of the City to do so. Staff recommends that the Council find and determine that it is in the best interests of the City to waive the RFQ/P competitive selection requirement and award the Bicyclist Safety Education Classes contract to Bike East Bay because it is the established leader in bicycle safety training classes throughout Alameda County, and has offered such courses in Oakland at recreation centers and libraries, reaching Oakland residents of all ages.

### **COORDINATION**

The Oakland Parks and Recreation Department and the Oakland Public Library were consulted for the Bicyclist Safety Education Classes Project.

The Infrastructure Maintenance Division of Oakland Public Works was consulted for the Bicyclist Safe Storm Drain Inlet Program.

In addition, the Office of the City Attorney and the Controller's Bureau reviewed this report and resolution.

### **COST SUMMARY/IMPLICATIONS**

No matching funds are required to receive TDA Article 3 funds, which must be expended within three (3) years of allocation. For the Bicyclist Safety Education Classes Project, the project budget will fund the entirety of the City's direct costs. Administration of the program will be included as part of the Office of Parks and Recreation's operations for its general course offerings.

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Project/Program	Fund/Organization/Account/Project	Amount
Bicyclist Safety Education Classes Project	Transportation Development Act (TDA) Article 3 Fund (2162), Transportation Planning Organization (92260), Miscellaneous Services Account (53719), new project number to be established	\$25,000.00
Bicyclist Signage Program	Transportation Development Act (TDA) Article 3 Fund (2162), Transportation Planning Organization (92260), Street Construction Account (57411), new project number to be established	\$100,000.00
Bicyclist Safe Storm Drain Inlet Program	Transportation Development Act (TDA) Article 3 Fund (2162), Transportation Planning Organization (92260), Street Construction Account (57411), new project number to be established	\$100,000.00
East Oakland Bike Lane Implementation Project	Transportation Development Act (TDA) Article 3 Fund (2162), Transportation Planning Organization (92260), Street Construction Account (57411), new project number to be established	\$100,000.00

### **SUSTAINABLE OPPORTUNITIES**

**Economic:** Bicycle facilities promote bicycling, one of the most cost-effective forms of transportation. Bicycle trips tend to be local and thus are more likely to contribute to local economic activity.

**Environmental:** Bicycling is the most energy efficient form of transportation and it creates no emissions, contributing to the City's efforts to reduce air pollution and address climate change.

**Social Equity:** The projects improve accessibility and safety for persons who depend on non-motorized transportation and public transit to access jobs, services, and recreational facilities. Bicycling is an inexpensive and broadly accessible form of transportation.

### **CEQA**

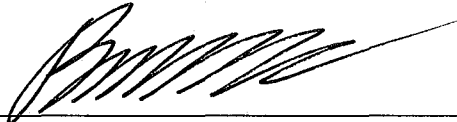
CEQA: Exempt.

The projects selected for TDA funding are exempt from CEQA pursuant to CEQA Guidelines Sections 15060(c)(3), 15061(b)(3), 15301(c), and/or 15304(h).

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For questions regarding this report, please contact Jason Patton, Bicycle and Pedestrian Program Manager, at (510) 238-7049.

Respectfully submitted,



BROOKE A. LEVIN

Director, Oakland Public Works

Reviewed by:

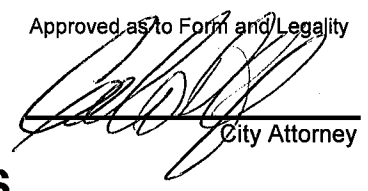
Michael J. Neary, P.E., Assistant Director  
Bureau of Engineering and Construction

Iris Starr, AICP, Division Manager  
Transportation Planning and Funding Division

Prepared by:

Jason Patton, Bicycle and Pedestrian Program Manager  
Transportation Planning and Funding Division

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Public Works Committee  
April 28, 2015



City Attorney

2015 APR 16 AM 1:52

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

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

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR, ACCEPT, AND APPROPRIATE UP TO THREE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$325,000.00) IN FISCAL YEAR 2015-16 STATE TRANSPORTATION DEVELOPMENT ACT ARTICLE 3 FUNDS AS FOLLOWS: (1) BICYCLIST SAFETY EDUCATION CLASSES, TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00); (2) BICYCLIST SIGNAGE PROGRAM, ONE HUNDRED THOUSAND DOLLARS (\$100,000.00); (3) BICYCLIST SAFE STORM DRAIN INLET PROGRAM, ONE HUNDRED THOUSAND DOLLARS (\$100,000.00); (4) EAST OAKLAND BIKE LANE IMPLEMENTATION, ONE HUNDRED THOUSAND DOLLARS (\$100,000.00)**

**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**, the requirements of the California Environmental Quality Act (CEQA) have been satisfied; 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 projects 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 projects are exempt from CEQA pursuant to CEQA Guidelines Sections 15060(c)(3), 15061(b)(3), 15301(c), and/or 15304(h); and be it

**FURTHER RESOLVED**, that the City Council hereby authorizes the application, acceptance, and appropriation of Fiscal Year 2015-16 TDA Article 3 funds in the amount not to exceed \$325,000.00 to be deposited and appropriated as follows: (1) Bicyclist Safety Education Classes project, twenty-five thousand dollars (\$25,000) into the Transportation Development Act (TDA) Article 3 Fund (2162), Transportation Planning Organization (92260), Miscellaneous Services Account (53719), and a new project number to be established; (2) Bicyclist Signage Program, one hundred thousand dollars (\$100,000.00) into the Transportation Development Act (TDA) Article 3 Fund (2162), Transportation Planning Organization (92260), Street Construction Account (57411), and a new project number to be established; (3) Bicyclist Safe Storm Drain Inlet Program, one hundred thousand dollars (\$100,000.00) will be deposited into the Transportation Development Act (TDA) Article 3 Fund (2162), Transportation Planning Organization (92260), Street Construction Account (57411), and a new project number to be established; and (4) East Oakland Bike Lane Implementation project, one hundred thousand dollars (\$100,000.00) into the Transportation Development Act (TDA) Article 3 Fund (2162), Transportation Planning Organization (92260), Street Construction Account (57411), 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

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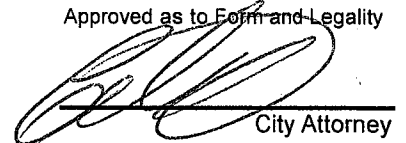
**Findings**

Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2015-2016 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.

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OAKLAND

# OAKLAND CITY COUNCIL

  
City Attorney

2015 APR 16 AM 10:51 RESOLUTION No. \_\_\_\_\_ C.M.S.

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

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO WAIVE THE ADVERTISING AND BIDDING REQUIREMENTS FOR AWARD OF A PROFESSIONAL SERVICES AGREEMENT TO THE EAST BAY BICYCLE COALITION (DBA BIKE EAST BAY) IN AN AMOUNT NOT-TO-EXCEED TWENTY-FIVE THOUSAND DOLLARS (\$25,000) TO CONDUCT BICYCLIST SAFETY EDUCATION CLASSES**

**WHEREAS**, O.M.C. § 2.04.040.B.2 requires staff to conduct an informal advertising and competitive bid process for professional services when the expenditure ranges from \$500 to \$50,000; and

**WHEREAS**, O.M.C. § 2.04.050.I.5 permits the Council to waive such advertising and competitive bidding upon a finding that it is in the best interest of the City to do so; and

**WHEREAS**, staff recommends that the Council waive advertising and competitive bidding in this instance because Bike East Bay is the established leader in bicycle safety training classes throughout Alameda County, and has offered such courses in Oakland at recreation centers and libraries, reaching Oakland residents of all ages; now, therefore be it

**RESOLVED**, that the City Council finds and determines that, pursuant to O.M.C. § 2.04.050.I.5 and for the reasons stated above and in the accompanying report, it is in the best interests of the City to waive advertising and the competitive bidding requirements of the O.M.C. for the award of a professional services agreement to the East Bay Bicycle Coalition (dba Bike East Bay), and so waives the requirements; and be it

**FURTHER RESOLVED**, that the City Administrator or designee is hereby authorized to approve a professional services agreement to provide bicyclist safety training classes in Oakland in an amount not-to-exceed twenty-five thousand dollars (\$25,000).

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