



City Attorney

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2014 JUN 26 PM 3:12

OAKLAND CITY COUNCIL

RESOLUTION No. 85106 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/ 27TH STREET/ 24TH 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/ 27th Street/ 24th 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 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, §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

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

