

CITY OF OAKLAND
AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2009 MAY 28 PM 3:42

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Community and Economic Development Agency
DATE: June 9, 2009

RE: Resolution Authorizing The Filing Of An Application For Federal American Recovery And Reinvestment Act Of 2009 (ARRA) Funding And Stating The Assurance To Complete The Project; And

Resolution Authorizing The City Administrator Or Designee To Accept And Appropriate American Recovery And Reinvestment Act Of 2009 (ARRA) Funds Of Approximately One Million Two Hundred And Fifty-Five Thousand Dollars (\$1,255,000.00) For The Purpose Of Street Resurfacing

SUMMARY

Two resolutions have been prepared that are necessary for Oakland to access \$1,255,000.00 in additional federal stimulus funding for local street and road resurfacing. This funding is in addition to the \$5,968,000.00 in ARRA funding already approved for these same purposes.

The first is a resolution of local support for an approximately \$1,255,000.00 program of street resurfacing in Oakland submitted for funding through the American Recovery and Reinvestment Act of 2009 (ARRA). The resolution is required by the Metropolitan Transportation Commission (MTC), the local agency disbursing these funds. The resolution of local support will allow MTC to program these projects in the regional Transportation Improvement Plan (TIP), a necessary step to expend federal funds on local projects.

A second resolution authorizes the City Administrator, or designee, to accept and appropriate these ARRA funds once they are awarded. This resolution affirms Council's previous directive to appropriate additional funds should they become available. These funds are available because additional ARRA funds were distributed from the State to the region for redistribution to localities for street resurfacing purposes.

The \$1.255 million in program funds is allocated to address Oakland's street resurfacing backlog. It will be expended primarily on preventive maintenance along arterial streets that are currently in good condition (see *Attachment A*). This will help the City of Oakland meet goals set by the region on investing in preventive maintenance to extend the life of road assets.

FISCAL IMPACTS

Approval of the first of these resolutions will allow MTC to program the identified street resurfacing project in the 2009 TIP, establishing it as eligible for federal funding. The approval

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of the second resolution will allow the City to accept and appropriate approximately \$1,255,000.00 for street resurfacing. Funds will be deposited into the State of California Department of Transportation Fund (2116) and appropriated to Engineering Design Division, Streets and Structures Organization (92242), Account 57411 – Street Construction. New project numbers will be established.

The City is not required to provide local match for this funding, and the City's costs for construction management are eligible costs for this ARRA funding.

This investment will decrease short-term maintenance costs for the streets included, by extending the useful life of the streets at least five years.

BACKGROUND

These American Recovery and Reinvestment Act funds constitute a second round of funding available from the Surface Transportation Program of the Federal Highway Administration. The first round, previously the subject of Council action (Resolution Nos. 81892 and 81893 C.M.S.) on March 31, 2009, derived from the 30% of Surface Transportation Program funds that were distributed by formula directly to metropolitan planning organizations (MPO's – MTC in this region). That funding is programmed for street resurfacing, curb ramp installation and sidewalk repair in Oakland. This second round is a portion of the State's 70% share of STP funds, which it has partially redistributed for further allocation by the MPO's for Local Streets and Roads system preservation projects.

The ARRA is intended to fund "shovel-ready" projects. The program therefore has tight deadlines, which required the identification of projects that are "ready to go" and have a minimum of environmental analysis required prior to construction.

Oakland plans to use these resurfacing funds for preventive maintenance of arterial streets in Oakland. Typical preventive maintenance treatments focus on keeping pavement in a relatively good condition, precluding more expensive and extensive rehabilitation later. Examples of typical preventive maintenance treatments include the application of slurry seal onto pavement to retard the deterioration of that pavement.

MTC's Resolution 3885, adopted on February 25, 2009, established the policy of expending ARRA funds in the Bay Area, and also adopted a program of projects. It was written to allow this second round of regional projects. MTC will amend the TIP to include these projects, which will certify them for federal fund expenditures.

Council adopted Resolution No. 81892 C.M.S. on March 31, 2009 to accept and appropriate \$5,968,000.00 in ARRA grant funds for street resurfacing, curb ramp installation, and sidewalk repair. In that resolution, Council also authorized appropriation of "any additional grant funds received for the completion of this project." This project includes a new list of streets for rehabilitation, but is otherwise an extension of this same work effort.

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KEY ISSUES AND IMPACTS

Oakland has a \$300 million backlog in street resurfacing. This project will begin to address the backlog of street repairs confronting the City of Oakland.

Due to the need for expedited Caltrans review to meet strict ARRA timelines, the City was instructed to only propose projects with no potential environmental clearance issues. This screened out projects, for instance, that are located within 100 year flood zones, which adjoin parklands or historic resources, and which cross railroad rights-of-way, Caltrans rights-of-way and stream corridors, or which are programmed for lane reductions to install a bike lane. Despite these restrictions, the City was able to identify worthy candidate projects that are within the adopted prioritization plans for these programs.

Due to the restrictions of federal funding, only work on Federal Aid Urban (FAU) eligible streets could be programmed. These streets are generally arterial and collector streets; local residential streets do not qualify for federal funding. However, this work free up future non-federal funding for use on residential streets.

This ARRA funding will employ approximately 14 full-time equivalent (FTE) positions during an estimated six month program of preventive maintenance activities. It should be noted that this program will take place primarily during the dry season.

PROJECT DESCRIPTION

These ARRA funds will allow the City to perform preventive maintenance on up to 20 miles of roadway. This work will take place on Federal Aid Urban (FAU) eligible streets. For Bicycle facilities, it may improve the pavement condition on three existing bikeways: Broadway bicycle lanes (Class 2) from 25th Street to MacArthur Boulevard; Grizzly Peak Boulevard bicycle route (Class 3) from the Berkeley border to Skyline Boulevard; and Skyline Boulevard bicycle route (Class 3) from Joaquin Miller Road to Keller Avenue. The work will also be coordinated with the installation of two new bikeways: Foothill Boulevard arterial bike route (Class 3A) from 23rd Avenue to Fremont Way, and San Pablo Avenue arterial bike route (Class 3A) from 16th Street to the Emeryville border.

SUSTAINABLE OPPORTUNITIES

Economic: Project implementation provides the opportunity to use local contractors that offer employment to Oakland residents, thereby strengthening the local economy. The American Recovery and Reinvestment Act is specifically intended to provide jobs to stimulate the economy in the current recession.

Environmental: Resurfaced roadways reduce fuel use and therefore greenhouse gas emissions by reducing friction between the vehicle and the roadway.

Social Equity: This project will improve streets throughout the City of Oakland.

DISABILITY AND SENIOR CITIZEN ACCESS

The project will comply with all requirements of the Americans with Disabilities Act (ADA).

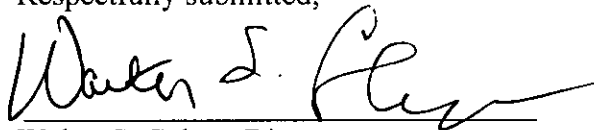
RECOMMENDATION AND RATIONALE

Staff recommends that the City Council approve the resolution of local support to apply for ARRA grant funds for street resurfacing in the amount of \$1,255,000.00; and also authorize a resolution allowing the City Administrator, or his designee, to accept and appropriate these same ARRA funds for those purposes. These grant funds respond to the need for street resurfacing, come with no local match requirement, and will employ local workers at a time of great economic need.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolutions.

Respectfully submitted,



Walter S. Cohen, Director
Community & Economic Development Agency

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

Wladimir Wlassowsky, P.E., Manager
Transportation Services Division

Prepared by:
Bruce Williams
Senior Transportation Planner
Transportation Services Division

APPROVED AND FORWARDED TO THE
PUBLIC WORKS COMMITTEE:



Office of the City Administrator

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June 9, 2009

Attachment A

American Renewal and Reinvestment Act (ARRA)
State Program –Various Streets and Roads Rehabilitation (Tier 2)
Streets Proposed for Preventive Maintenance

Street	From	To	Length in Miles
Broadway	Embarcadero	MacArthur Blvd	1.87
Foothill Blvd	Seminary Ave	14 th Ave	3.41
Grizzly Peak Blvd	City Limit	Skyline Blvd	5.51
M L King Way	Embarcadero Blvd	W Grand Ave	1.03
San Pablo Ave	16 th St	36 th St	1.45
Skyline Blvd	Keller Ave	Joaquin Miller Rd	4.04
TOTAL			17.31

FILED
OFFICE OF THE CITY CLERK
OAKLAND

Approved as to Form and Legality

2009 MAY 28 **OAKLAND CITY COUNCIL**


City Attorney

RESOLUTION NO. _____ C.M.S.

Introduced by Councilmember _____

**RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION
FOR FEDERAL AMERICAN RECOVERY AND REINVESTMENT ACT
OF 2009 (ARRA) FUNDING AND STATING THE ASSURANCE TO
COMPLETE THE PROJECT**

WHEREAS, the City of Oakland (herein referred as APPLICANT) is submitting an application to the Metropolitan Transportation Commission (MTC) for approximately \$1,225,000 in funding from the federal American Recovery and Reinvestment Act of 2009 (ARRA) for the Oakland Various Streets and Roads Rehabilitation project (herein referred as PROJECT) for the MTC Regional ARRA Program (MTC Resolution No. 3885); and

WHEREAS, pursuant to ARRA, and any regulations and/or guidance promulgated thereunder, eligible project sponsors wishing to receive Regional ARRA funds for a project shall submit an application first with the appropriate Metropolitan Planning Organization (MPO), for review and inclusion in the MPO's Transportation Improvement Program (TIP); and

WHEREAS, the Metropolitan Transportation Commission (MTC) is the MPO 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 applicable to federal ARRA fund delivery) and has adopted in MTC Resolution No. 3885 such additional requirements as are necessary or appropriate to meet the obligations/award deadlines in the ARRA; and

WHEREAS, APPLICANT is an eligible project sponsor for ARRA funds; and

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

- 1) that the sponsor understands that the ARRA funding is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional ARRA or other MTC-programmed funds; and

- 2) that PROJECT will comply with the procedures specified in MTC's Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) and with all project-specific requirements as set forth in the PROGRAM; and PROJECT as described in the application, and if approved, as included in MTC's TIP; and
- 3) that PROJECT will comply with all the project-specific requirements as set forth in the federal ARRA and appropriate applicable regulations or guidance; now, therefore, be it

RESOLVED: That the City of Oakland is authorized to execute and file an application for funding under the American Recovery and Reinvestment Act of 2009 for the Oakland Various Streets and Roads Rehabilitation project; and be it

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

1. APPLICANT understands that the ARRA 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 ARRA or MTC-programmed funds; and
2. APPLICANT understands the funding deadlines associated with these funds and will comply with the applicable provisions and requirements of the Regional ARRA Program (MTC Resolution No. 3885) and Regional Project Funding Delivery Policy (MTC Resolution No. 3606, as revised); and
3. PROJECT will be implemented as described in the complete application and in this resolution and, if approved, for the amount programmed in the MTC federal TIP; and
4. PROJECT will comply with all the project-specific requirements as set forth in the ARRA and appropriate applicable regulations or guidance; 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 its Executive Director, General Manager, or designee to execute and file an application with MTC for ARRA 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 to include the PROJECT, if approved, in MTC's TIP.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, AND
PRESIDENT BRUNNER

NOES -

ABSENT -

ABSTENTION -

ATTEST:

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

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2009 MAY 28 PM 3:43

Approved as to Form and Legality

OAKLAND CITY COUNCIL

Patrick Tans
City Attorney

RESOLUTION NO. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR HIS DESIGNEE TO ACCEPT AND APPROPRIATE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA) FUNDS OF APPROXIMATELY ONE MILLION TWO HUNDRED AND FIFTY-FIVE THOUSAND DOLLARS (\$1,255,000.00) FOR THE PURPOSE OF STREET RESURFACING.

WHEREAS, the American Recovery and Reinvestment Act of 2009 (ARRA) was signed into law on February 17, 2009; and

WHEREAS, the Metropolitan Transportation Commission (MTC), as the designated Metropolitan Planning Organization for the nine-county San Francisco Bay Area region is the responsible agency for developing a program of projects to be funded with federal Surface Transportation Program (STP) funds in the ARRA; and

WHEREAS, MTC has programmed approximately \$1,255,000.00 in ARRA funds for the Oakland Various Streets and Roads Rehabilitation project (MTC Resolution No. 3885); and

WHEREAS, the Community and Economic Development Agency has requested a waiver of the 1.5% public art fee for this project because ARRA guidelines restrict funding uses to highway and street infrastructure and prohibit the use of grant funds for public art; now, therefore, be it

RESOLVED: That the City Council hereby authorizes acceptance and appropriation of the American Recovery and Reinvestment Act of 2009 grant funds in the total amount of \$1,255,000.00 for the aforementioned eligible roadway project; and be it

FURTHER RESOLVED: That these grant funds will be deposited into the State of California Department of Transportation Fund (2116) and appropriated to Engineering Design Division, Streets and Structures Organization (92242), Account 57411 – Street Construction. New project numbers will be established; and be it

FURTHER RESOLVED: The 1.5% public art fee for this project is waived because ARRA guidelines restrict funding uses to highway and street infrastructure and prohibit the use of grant funds for public art; and be it

FURTHER RESOLVED: That the City Administrator, or his designee, is authorized, on behalf of the City of Oakland, to execute and submit all documents, payment requests, and related actions, as well as to appropriate any additional grant funds received for the completion of this project.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, AND
PRESIDENT BRUNNER

NOES -

ABSENT -

ABSTENTION -

ATTEST:

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