



CITY OF OAKLAND

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OAKLAND

2016 APR 14 PM 5:38

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Brooke A. Levin
Director, Public Works

SUBJECT: TDA Article 3 Funds Approval

DATE: April 14, 2016

City Administrator Approval *Sabrina B. Landreth* Date: *4/14/16*

RECOMMENDATION

Staff Recommends That the City Council Adopt A Resolution Authorizing The City Administrator To Apply For, Accept, And Appropriate Up To Five Hundred Thousand Dollars (\$500,000.00) In Fiscal Year 2016-17 State Transportation Development Act Article 3 Funds To Prepare A Bicycle Master Plan.

EXECUTIVE SUMMARY

Approval of the resolution will authorize the City Administrator to apply for, accept and appropriate up to \$500,000.00 in State Transportation Development Act Article 3 funds for Fiscal Year (FY) 2016-17. Funds will be deposited in the Transportation Development Act (TDA) Article 3 Fund (2162), Transportation Planning Organization (92260), Architectural and Engineering Services Account (54411), and a new project number to be established. No matching funds are required to receive these funds, which must be expended within three (3) years of allocation. The grant application requires City Council approval and is due by May 28, 2016.

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. Funds may also be used for the costs of development of a comprehensive bicycle and/or pedestrian facilities plan, but such an allocation may only be received once in any five fiscal year period.

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 project or projects and determine that (a) there are no legal impediments or other factors that would affect the City's ability to deliver the project (Bicycle Master Plan); (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

Item: _____
Public Works Committee
April 26, 2016

fund obligation deadlines (none are foreseen). 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). The BPAC reviewed and endorsed the forwarding of this application on March 17, 2016.

The City of Oakland's Bicycle Master Plan was originally adopted in 1999 as part of the Land Use and Transportation Element of the City's General Plan. A comprehensive update to the 1999 Plan was adopted in 2007. The 2007 Bicycle Master Plan was reaffirmed by City Council in 2012. The City of Oakland's Master Funding Agreement with the Alameda County Transportation Commission (ACTC) requires the City of Oakland to have a Bicycle Master Plan and that it be updated at least every five years.

ANALYSIS AND POLICY ALTERNATIVES

Adoption of this resolution will allow the City to complete its applications for TDA Article 3 funding by the grant deadline of May 28, 2016. The planning and construction of bicycle facilities is consistent with the goals of the City of Oakland's General Plan, Energy and Climate Action Plan, and Complete Streets Policy. A current Bicycle Master Plan will keep the City in compliance with ACTC over the use of Measure B/BB funds, and a Bicycle Master Plan is necessary to compete for many transportation grants which now either require or strongly encourage the inclusion of bicycle facilities.

FISCAL IMPACT

Adoption of this resolution will enable the City to apply, accept, and appropriate up to five hundred thousand dollars (\$500,000.00) in State funds. No matching funds are required to receive TDA Article 3 funds, which must be expended within three (3) years of allocation. Funds will be deposited in the Transportation Development Act (TDA) Article 3 Fund (2162), Transportation Planning Organization (92260), Architectural and Engineering Services Account (54411), and a new project number to be established.

PUBLIC OUTREACH / INTEREST

Each year TDA Article 3 projects are reviewed with the City's Bicyclist and Pedestrian Advisory Commission (BPAC). This year the BPAC considered a TDA Article 3 allocation for the Bicycle Master Plan Update at its March meeting. The BPAC endorsed the submittal of the application. BPAC meetings are noticed and open to the public.

There is significant public interest in updating the City's Bicycle Master Plan. Since the 2007 Plan, the number of commuter bicyclists in Oakland has more than doubled (US Census Bureau, American Community Survey 2007-2014). Over the same period, Oakland's bikeway network expanded by 40% and the number of publicly accessible bicycle parking spaces increased by 150%. The planning and design of bicycle facilities has also seen major advances over the past ten years. The Bicycle Master Plan Update will build upon these advances and

respond to the growing public interest for bicycle facilities and – particularly – for higher quality bicycle facilities.

COORDINATION

The Bicycle Master Plan Update is being coordinated between Oakland Public Works, the Planning and Building Department, and the City Attorney's Office. This report has been reviewed by the Office of the City Attorney and Controller's Bureau.

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: Bicycle 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 City Council action to apply, accept, and appropriate this grant does not have a reasonably foreseeable material effect on the environment. The Bicycle Master Plan Update will address potential environmental impacts under CEQA, and an environmental determination will be prepared in conjunction with the City Council actions to adopt a Bicycle Master Plan Update.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator To 1) Apply For, Accept, And Appropriate Up To Five Hundred Thousand Dollars (\$500,000.00) In Fiscal Year 2016-17 State Transportation Development Act Article 3 Funds To Prepare A Bicycle Master Plan.

For questions regarding this report, please contact Iris Starr, Transportation Planning and Funding Division Manager, at 510-238-6229.

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, Division Manager
Transportation Planning and Funding Division

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

DRAFT

City Attorney

OAKLAND CITY COUNCIL

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2016 APR 14 PM 5:38

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR, ACCEPT, AND APPROPRIATE UP TO FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) IN FISCAL YEAR 2016-17 STATE TRANSPORTATION DEVELOPMENT ACT ARTICLE 3 FUNDS TO PREPARE A BICYCLE MASTER PLAN

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, TDA fund distribution for the San Francisco Bay Area imposes certain requirements on fund recipients, including a requirement to provide sufficient staff resources and funding available to complete the projects; 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 project as 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 City Council hereby authorizes the application, acceptance, and appropriation of Fiscal Year 2016-17 TDA Article 3 funds in the amount not to exceed five hundred thousand dollars (\$500,000.00) to be deposited and appropriated for the Bicycle Master Plan Update project into the Transportation Development Act (TDA) Article 3 Fund (2162), Transportation Planning Organization (92260), Architectural and Engineering Services Account (54411), 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

Findings

Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2016-2017 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.