

CITY OF OAKLAND

AGENDA REPORT

2008 MAY -1 PM 5:47

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Community & Economic Development Agency
DATE: May 13, 2008

RE: **Resolution Authorizing The City Of Oakland To Apply For, Accept, And Appropriate Up To One Hundred Ninety-Seven Thousand Six Hundred and Seventy-Two Dollars (\$197,672.00) In FY 2008-09 State Transportation Development Act Article 3 Funds As Follows: (1) CityRacks Bicycle Parking Program, Phase VII, Twenty-Two Thousand Six Hundred Seventy-Two Dollars (\$22,672.00); (2) Stanford Avenue Bicycle Crossing, Twenty-Five Thousand Dollars (\$25,000.00); (3) 27th Street/Bay Place Bikeway, Broadway to Grand Avenue, Fifty Thousand Dollars (\$50,000.00); (4) On-Call Curb Ramp Project, Phase B, Fifty Thousand Dollars (\$50,000.00); And (5) Lakeshore Avenue Bikeway Project, Fifty Thousand Dollars (\$50,000.00)**

SUMMARY

A resolution has been prepared for the City Council that authorizes the City Administrator, or her designee, to apply for, accept, and appropriate up to \$197,672.00 in State Transportation Development Act (TDA) Article 3 Funds for the following five (5) bicycle and pedestrian projects:

Project	Amount	Council District
CityRacks Bicycle Parking Program, Phase VII	\$22,672.00	Citywide
Stanford Avenue Bicycle Crossing	\$25,000.00	District #1
27th Street/Bay Place Bikeway, Broadway to Grand Ave	\$50,000.00	District #3
On-Call Curb Ramp Project, Phase B	\$50,000.00	Citywide
Lakeshore Avenue Bikeway Project	\$50,000.00	District #3

Item: _____
Public Works Committee
May 13, 2008

FISCAL IMPACTS

Approval of this resolution will authorize the City to accept and appropriate up to \$197,672.00 in State FY 2008-09 TDA Article 3 funds. No matching funds are required to receive TDA Article 3 Funds, which must be expended within three (3) years of allocation.

Funds for the CityRacks Bicycle Parking Program, Stanford Avenue Bicycle Crossing, and the 27th Street/Bay Place Bikeway will be deposited into the Transportation Development Act (TDA) Article 3 Fund (2162), Traffic Engineering Organization (92246), and new project numbers will be established.

Funds for the On-Call Curb Ramp Project, Phase B will be deposited into the Transportation Development Act (TDA) Article 3 Fund (2162), Engineering Design—Streets and Structures Organization (92242), and a new project number will be established. The \$50,000.00 in TDA funding will be combined with \$200,000.00 available in Measure B Fund (2211) for a total project budget of \$250,000.00.

Funds for the Lakeshore Avenue Bikeway will be deposited into the Transportation Development Act (TDA) Article 3 Fund (2162), Engineering Design—Project Management Organization (92270) and a new project number will be established. The \$50,000.00 in TDA funding will be used for bike lanes on Lakeshore Avenue as part of the El Embarcadero and Lakeshore Avenue project. The overall project has a budget of \$5,618,550.00 from the following sources: Bond Measure DD, Oakland Trust for Clean Water and Safe Parks Fund (5320), Lakeshore Avenue Path Improvements Project (C242312) for \$2,384,250.00, Lake Merritt Systemwide Improvement Measure DD Project (C242110) for \$729,300.00, and Lake Merritt El Embarcadero Measure DD Project (C242410) for \$1,870,000.00; Bay Area Air Quality Management District Fund (2166), Lakeshore Avenue Path Improvement Project (C242330) for \$350,000; and California Parks and Recreation Fund (2134), Lake Merritt Improvements Project (G220120) for \$235,000.00. All funding is in the Engineering Design—Project Management Organization (92270).

The City's 1.5% public art fee is not an eligible expense under TDA Article 3 program guidelines. For this reason, the resolution requests that this fee be waived for all five projects.

BACKGROUND

TDA Article 3 Funds are available from the Metropolitan Transportation Commission (MTC) for bicycle and pedestrian capital improvement projects. As required by the MTC, the resolution includes Attachment A ("Findings"), pages 1A to 5A, verifying that the projects meet the requirements for funding eligibility. These Findings include assurance of no legal impediments

Item: _____
Public Works Committee
May 13, 2008

or other factors that would affect the City's ability to deliver the projects. They also verify availability of City staff resources and adequate funding to complete the projects. Finally, the Findings confirm that environmental and right-of-way issues have been reviewed, and that fund obligation deadlines will not be jeopardized.

Construction of bicycle and pedestrian facilities is consistent with the goals of the City of Oakland's General Plan, the Bicycle Master Plan, and the Pedestrian Master Plan. Each project was selected according to 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* (Number 78747, adopted July 20, 2004).

All five projects were further prioritized for funding based on readiness and are expected to be completed or underway by December 2009. The five projects meet MTC's criteria for eligibility, including review by Oakland's Bicycle and Pedestrian Advisory Committee (BPAC). The BPAC reviewed the recommended allocations of TDA funds at its meetings in March 2008 and April 2008. The BPAC reviewed the individual projects as follows: CityRacks Bicycle Parking Program, Phase VII (November 2007, December 2007), Stanford Avenue Bicycle Crossing (February 2007), 27th Street/Bay Place Bikeway, Broadway to Grand Avenue (April 2007, February 2008), On-Call Curb Ramp Project, Phase B (April 2008), and Lakeshore Avenue Bikeway Project (July 2005, November 2006).

KEY ISSUES AND IMPACTS

Adoption of this resolution will allow the City to complete its applications for TDA Article 3 funding by the grant deadline of May 23, 2008. This TDA funding will help the City respond in a timely manner to public requests for curb ramps and bicycle parking. The 27th Street/Bay Place Bikeway and Stanford Avenue Bicycle Crossing projects will close gaps in the City's bikeway network by connecting existing bicycle facilities. The use of TDA Article 3 funds for the Lakeshore Avenue Bikeway Project is consistent with the overall goal of leveraging grant funds in completing Measure DD projects. As per the Findings (Attachment A), all five of the projects are pedestrian and/or bicycle projects that are ready to commence implementation in the 2008-09 fiscal year.

PROJECT DESCRIPTION

- **CityRacks Bicycle Parking Program, Phase VII**

This project will allow the City to install approximately 100 bicycle parking racks, accommodating approximately 200 bicycles, in the public right-of-way throughout Oakland. A TDA Article 3 grant awarded last year is allowing the City to install bike racks in the

Item: _____
Public Works Committee
May 13, 2008

commercial districts affected by the removal of parking meters and installation of “pay and display” meter kiosks by the Finance and Management Agency. This grant will enable the City to install additional racks in these districts and elsewhere, in response to a backlog of merchant and resident requests.

- **Stanford Avenue Bicycle Crossing**

This project will complete a regionally significant bikeway network connection between the cities of Oakland and Berkeley. The project will widen curb ramps and install high-visibility signage to allow bicyclists to more safely cross Stanford Avenue at King Street. The Project will connect the recently completed bike lanes on West Street, via an existing bike route on Genoa Street, to Berkeley’s King Street Bicycle Boulevard.

- **27th Street/Bay Place Bikeway, Broadway to Grand Avenue**

This project will connect existing bike lanes on Broadway to those on Grand Avenue by installing a combination of Class II bike lanes and Class IIIA arterial bike routes along 27th Street and Bay Place, adjacent to the new Whole Foods Market. The project includes striping and signage, pavement repair, and minor geometric modifications to accommodate bicyclists.

- **On-Call Curb Ramp Project, Phase B**

This project will provide matching funds needed to design and install approximately 70 new curb ramps throughout the City, including ancillary repairs to adjacent curb, gutter, and sidewalk. The on-call project helps the City comply with mandates of the Americans with Disabilities Act (ADA) and improves accessibility for residents throughout the City.

- **Lakeshore Avenue Bikeway Project**

This project will install Class II bike lanes on Lakeshore Avenue between E. 18th Street and El Embarcadero. It is one component of the Measure DD project for “Park and Street Improvements of El Embarcadero and Lakeshore Avenue.” The overall project includes optimizing traffic and pedestrian operations with video detection, signal interconnect systems and new traffic signals, constructing a 10-foot-wide multi-use path in Lake Merritt Park, renovating the landscaping in the park, and resurfacing the roadway.

SUSTAINABLE OPPORTUNITIES

Economic: Bicycle facilities promote bicycling, one of the most cost-effective forms of transportation. Bicycle and walking trips tend to be local and thus are more likely to contribute to local economic activity. Bicycle parking encourages bicycling for errands and shopping, reducing the need for automobile parking and supporting local business. Each project provides the opportunity to use local contractors, which employ Oakland residents, thereby strengthening the local economy.

Environmental: These projects help reduce air pollution by encouraging walking and bicycling for transportation. Bicycling is the most energy efficient form of transportation and both bicycling and walking have no emissions. The projects will facilitate bicycling and walking, thus contributing to the City's efforts to reduce greenhouse gas emissions. The concrete removed to construct new curb ramps will be ground to be reused as recycled aggregate base material for future construction projects in Oakland and surrounding cities. The construction contractor for the on-call curb ramp project will likely use such recycled aggregate base materials underneath the new concrete because it is less expensive than new materials.

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 and walking are inexpensive and broadly accessible forms of transportation. These facilities provide added freedom and independence for youth and parents (who are otherwise shuttling their children) as well as for some people who cannot drive and those who have chosen not to drive.

DISABILITY AND SENIOR CITIZEN ACCESS

The curb ramp project improves access to shopping, public transit, and other services for senior citizens and persons with disabilities. The bikeway projects will calm traffic by reducing vehicle speeds, and thus provide an indirect benefit for senior citizens and persons with disabilities.

RECOMMENDATION AND RATIONALE

Staff recommends that the City Council authorize the City Administrator, or her designee, to apply for, accept, and appropriate up to \$197,672.00 in State Transportation Development Act (TDA) Article 3 Funds for the following five (5) bicycle and pedestrian projects: (1) CityRacks Bicycle Parking Program, Phase VII (\$22,672.00); (2) Stanford Avenue Bicycle Crossing (\$25,000.00); (3) 27th Street/Bay Place Bikeway, Broadway to Grand Avenue (\$50,000.00); (4) On-Call Curb Ramp Project, Phase B (\$50,000.00); and (5) Lakeshore Avenue Bikeway Project (\$50,000.00). Staff also recommends that the City's 1.5% public art fee be waived for all three projects.

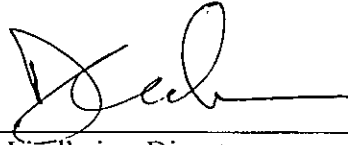
The grant funds are needed to: (1) respond to on-going requests for bicycle parking in the public right-of-way; (2) complete bikeway projects recommended by the City's Bicycle Master Plan; and (3) respond to on-going requests for ADA-compliant curb ramps.

Item: _____
Public Works Committee
May 13, 2008

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolution.

Respectfully submitted,

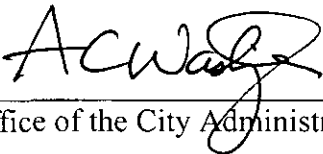


Dan Lindheim, Director
Community & Economic Development Agency

Reviewed by:
Michael J. Neary, P.E.
Deputy Director
Community & Economic Development Agency

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

APPROVED AND FORWARDED TO THE
PUBLIC WORKS COMMITTEE:



Office of the City Administrator

ATTACHMENTS

A. Findings

Item: _____
Public Works Committee
May 13, 2008

ATTACHMENT A1 TO RESOLUTION AUTHORIZING THE CITY OF OAKLAND TO APPLY FOR, ACCEPT AND APPROPRIATE UP TO \$22,672.00 IN FY 2008-09 STATE DEVELOPMENT ACT (TDA) ARTICLE 3 FUNDS FOR THE **CITYRACKS BICYCLE PARKING PROGRAM, PHASE VII**

Findings

Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2008-09 Transportation Development Act, Article 3, Pedestrian/Bicycle Project 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 described in the project application complies with the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 et seq.), and that the CITY OF OAKLAND is in possession of the document(s) supporting such compliance, said document(s) having been made available for public review and stamped by the County Clerk or County Recorder of the county in which the claimant is located.
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.
7. That the project described in the application is 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 projects described in the application which are bicycle projects have been included in a detailed bicycle circulation element included in an adopted general plan, or included in an adopted comprehensive bikeway plan (such as outlined in Section 2377 of the California Bikeways Act, Streets and Highways Code section 2370 et seq.).
9. That any project described in the application that is a "Class I Bikeway," meets the mandatory minimum safety design criteria published in Chapter 1000 of the California Highway Design Manual.
10. That the project described in the application is ready to commence implementation during the fiscal year of the requested allocation.
11. That the CITY OF OAKLAND agrees to maintain, or provide for the maintenance of, the facilities described in the project application, for the benefit of and use by the public.

COMMUNITY & ECONOMIC DEVELOPMENT AGENCY CERTIFICATION: I certify that to the best of my knowledge, this information is accurate, and there is no legal impediment, or pending or threatened litigation, which might adversely affect the proposed project, or the City's ability to carry it out.

Signed: _____

Wladimir Wlaskowski

Date: _____

ATTACHMENT A2 TO RESOLUTION AUTHORIZING THE CITY OF OAKLAND TO
APPLY FOR, ACCEPT AND APPROPRIATE UP TO \$25,000.00 IN FY 2008-09 STATE
DEVELOPMENT ACT (TDA) ARTICLE 3 FUNDS FOR **THE STANFORD AVENUE
BICYCLE CROSSING**

Findings

Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2008-09
Transportation Development Act. Article 3. Pedestrian/Bicycle Project 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 described in the project application complies with the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 et seq.), and that the CITY OF OAKLAND is in possession of the document(s) supporting such compliance, said document(s) having been made available for public review and stamped by the County Clerk or County Recorder of the county in which the claimant is located.
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.
7. That the project described in the application is 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 projects described in the application which are bicycle projects have been included in a detailed bicycle circulation element included in an adopted general plan, or included in an adopted comprehensive bikeway plan (such as outlined in Section 2377 of the California Bikeways Act, Streets and Highways Code section 2370 et seq.).
9. That any project described in the application that is a "Class I Bikeway," meets the mandatory minimum safety design criteria published in Chapter 1000 of the California Highway Design Manual.
10. That the project described in the application is ready to commence implementation during the fiscal year of the requested allocation.
11. That the CITY OF OAKLAND agrees to maintain, or provide for the maintenance of, the facilities described in the project application, for the benefit of and use by the public.

COMMUNITY & ECONOMIC DEVELOPMENT AGENCY CERTIFICATION: I certify that to the best of my knowledge, this information is accurate, and there is no legal impediment, or pending or threatened litigation, which might adversely affect the proposed project, or the City's ability to carry it out.

Signed: _____

Wladimir Wlascowsky

Date: _____

ATTACHMENT A3 TO RESOLUTION AUTHORIZING THE CITY OF OAKLAND TO
APPLY FOR, ACCEPT AND APPROPRIATE UP TO \$50,000.00 IN FY 2008-09 STATE
DEVELOPMENT ACT (TDA) ARTICLE 3 FUNDS FOR **27TH STREET/BAY PLACE
BIKEWAY, BROADWAY TO GRAND AVENUE**

Findings

Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2008-09
Transportation Development Act. Article 3. Pedestrian/Bicycle Project 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 described in the project application complies with the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 et seq.), and that the CITY OF OAKLAND is in possession of the document(s) supporting such compliance, said document(s) having been made available for public review and stamped by the County Clerk or County Recorder of the county in which the claimant is located.
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.
7. That the project described in the application is 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 projects described in the application which are bicycle projects have been included in a detailed bicycle circulation element included in an adopted general plan, or included in an adopted comprehensive bikeway plan (such as outlined in Section 2377 of the California Bikeways Act, Streets and Highways Code section 2370 et seq.).
9. That any project described in the application that is a "Class I Bikeway," meets the mandatory minimum safety design criteria published in Chapter 1000 of the California Highway Design Manual.
10. That the project described in the application is ready to commence implementation during the fiscal year of the requested allocation.
11. That the CITY OF OAKLAND agrees to maintain, or provide for the maintenance of, the facilities described in the project application, for the benefit of and use by the public.

COMMUNITY & ECONOMIC DEVELOPMENT AGENCY CERTIFICATION: I certify that to the best of my knowledge, this information is accurate, and there is no legal impediment, or pending or threatened litigation, which might adversely affect the proposed project, or the City's ability to carry it out.

Signed: _____

Wladimir Wlassowsky

Date: _____

ATTACHMENT A4 TO RESOLUTION AUTHORIZING THE CITY OF OAKLAND TO APPLY FOR, ACCEPT AND APPROPRIATE UP TO \$50,000.00 IN FY 2008-09 STATE DEVELOPMENT ACT (TDA) ARTICLE 3 FUNDS FOR **THE ON-CALL CURB RAMP PROJECT, PHASE B**

Findings

Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2008-09 Transportation Development Act, Article 3. Pedestrian/Bicycle Project 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 described in the project application complies with the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 et seq.), and that the CITY OF OAKLAND is in possession of the document(s) supporting such compliance, said document(s) having been made available for public review and stamped by the County Clerk or County Recorder of the county in which the claimant is located.
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.
7. That the project described in the application is 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 projects described in the application which are bicycle projects have been included in a detailed bicycle circulation element included in an adopted general plan, or included in an adopted comprehensive bikeway plan (such as outlined in Section 2377 of the California Bikeways Act, Streets and Highways Code section 2370 et seq.).
9. That any project described in the application that is a "Class I Bikeway," meets the mandatory minimum safety design criteria published in Chapter 1000 of the California Highway Design Manual.
10. That the project described in the application is ready to commence implementation during the fiscal year of the requested allocation.
11. That the CITY OF OAKLAND agrees to maintain, or provide for the maintenance of, the facilities described in the project application, for the benefit of and use by the public.

COMMUNITY & ECONOMIC DEVELOPMENT AGENCY CERTIFICATION: I certify that to the best of my knowledge, this information is accurate, and there is no legal impediment, or pending or threatened litigation, which might adversely affect the proposed project, or the City's ability to carry it out.

Signed: _____

Wladimir Wlassowsky

Date: _____

ATTACHMENT A5 TO RESOLUTION AUTHORIZING THE CITY OF OAKLAND TO
APPLY FOR, ACCEPT AND APPROPRIATE UP TO \$50,000.00 IN FY 2008-09 STATE
DEVELOPMENT ACT (TDA) ARTICLE 3 FUNDS FOR **THE LAKESHORE AVENUE
BIKEWAY PROJECT**

Findings

Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2008-09
Transportation Development Act, Article 3, Pedestrian/Bicycle Project Funding

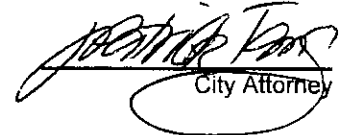
1. That the CITY OF OAKLAND is not legally impeded from submitting a request to the Metropolitan Transportation Commission for the allocation of Transportation Development Act (TDA) Article 3 funds, nor is the CITY OF OAKLAND legally impeded from undertaking the project(s) described in the application 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 described in the project application complies with the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 et seq.), and that the CITY OF OAKLAND is in possession of the document(s) supporting such compliance, said document(s) having been made available for public review and stamped by the County Clerk or County Recorder of the county in which the claimant is located.
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.
7. That the project described in the application is 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 projects described in the application which are bicycle projects have been included in a detailed bicycle circulation element included in an adopted general plan, or included in an adopted comprehensive bikeway plan (such as outlined in Section 2377 of the California Bikeways Act, Streets and Highways Code section 2370 et seq.).
9. That any project described in the application that is a "Class I Bikeway," meets the mandatory minimum safety design criteria published in Chapter 1000 of the California Highway Design Manual.
10. That the project described in the application is ready to commence implementation during the fiscal year of the requested allocation.
11. That the CITY OF OAKLAND agrees to maintain, or provide for the maintenance of, the facilities described in the project application, for the benefit of and use by the public.

COMMUNITY & ECONOMIC DEVELOPMENT AGENCY CERTIFICATION: I certify that to the best of my knowledge, this information is accurate, and there is no legal impediment, or pending or threatened litigation, which might adversely affect the proposed project, or the City's ability to carry it out.

Signed: _____

Date: _____

Wladimir Wlaskowski

OFFICE OF THE CITY CLERK
2008 MAY -1 PM 5:47**OAKLAND CITY COUNCIL**
City Attorney**RESOLUTION NO. _____ C.M.S.**

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY OF OAKLAND TO APPLY FOR, ACCEPT, AND APPROPRIATE UP TO ONE HUNDRED NINETY-SEVEN THOUSAND SIX HUNDRED AND SEVENTY-TWO DOLLARS (\$197,672.00) IN FY 2008-09 STATE TRANSPORTATION DEVELOPMENT ACT ARTICLE 3 FUNDS AS FOLLOWS: (1) CITYRACKS BICYCLE PARKING PROGRAM, PHASE VII, TWENTY-TWO THOUSAND SIX HUNDRED SEVENTY-TWO DOLLARS (\$22,672.00); (2) STANFORD AVENUE BICYCLE CROSSING, TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00); (3) 27TH STREET/BAY PLACE BIKEWAY, BROADWAY TO GRAND AVENUE, FIFTY THOUSAND DOLLARS (\$50,000.00); (4) ON-CALL CURB RAMP PROJECT, PHASE B, FIFTY THOUSAND DOLLARS (\$50,000.00); AND (5) LAKESHORE AVENUE BIKEWAY PROJECT, FIFTY THOUSAND DOLLARS (\$50,000.00)

WHEREAS, Article 3 of the Transportation Development Act (TDA), Public Utilities Code (PUC) 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. 875, revised, entitled "Transportation Development Act, Article 3, Pedestrian/Bicycle Projects," which delineates procedures and criteria for submission of requests for the allocation of "TDA Article 3" funding; and

WHEREAS, the MTC requires that resolutions authorizing the application, acceptance and appropriation of funds include an "Attachment A: Findings", verifying that there are no legal, fiscal or other impediments to the implementation of this project; and

WHEREAS, MTC Resolution No. 875, revised, 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 declares it is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code; and

WHEREAS, the City of Oakland desires to apply for \$197,672.00 in FY 2008-09 TDA Article 3

funds for five (5) projects, as follows: (1) CityRacks Bicycle Parking Program, Phase VII (\$22,672.00); (2) Stanford Avenue Bicycle Crossing (\$25,000.00); (3) 27th Street/Bay Place Bikeway, Broadway to Grand Avenue (\$50,000.00); (4) On-Call Curb Ramp Project, Phase B (\$50,000.00); and (5) Lakeshore Avenue Bikeway Project (\$50,000.00); and

WHEREAS, the Community and Economic Development Agency hereby requests a waiver of the 1.5% public art fees for these projects because TDA Article 3 guidelines do not allow the use of grant funds for public art when public art is not a project component; 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 known pending or threatened litigation that might adversely affect any of the five (5) projects as follows: (1) CityRacks Bicycle Parking Program, Phase VII (\$22,672.00); (2) Stanford Avenue Bicycle Crossing (\$25,000.00); (3) 27th Street/Bay Place Bikeway, Broadway to Grand Avenue (\$50,000.00); (4) On-Call Curb Ramp Project, Phase B (\$50,000.00); and (5) Lakeshore Avenue Bikeway Project (\$50,000.00), or that might impair the ability of the City of Oakland to carry out these projects; and be it

FURTHER RESOLVED: That the City of Oakland attests to the accuracy of and approves the statements in the "Attachment A: Findings" to this resolution; and be it

FURTHER RESOLVED: That the City Council hereby authorizes the application, acceptance and appropriation of FY 2008-09 TDA Article 3 funds in the amount not to exceed \$197,672.00 to be deposited and appropriated as follows: (1) \$22,672.00 for the CityRacks Bicycle Parking Program, Phase VII into Transportation Development Act (TDA) Article 3 Fund (2162), Traffic Engineering Organization (92246) and new project number to be established; (2) \$25,000.00 for the Stanford Avenue Bicycle Crossing into Transportation Development Act (TDA) Article 3 Fund (2162), Traffic Engineering Organization (92246) and new project number to be established; (3) \$50,000.00 for the 27th Street/Bay Place Bikeway, Broadway to Grand Avenue, into Transportation Development Act (TDA) Article 3 Fund (2162), Traffic Engineering Organization (92246) and new project number to be established; (4) \$50,000.00 for the On-Call Curb Ramp Project, Phase B into the Transportation Development Act (TDA) Article 3 Fund (2162), Engineering Design—Streets and Structures Organization (92242) and a new project number to be established; and (5) \$50,000.00 for the Lakeshore Avenue Bikeway Project into the Transportation Development Act (TDA) Article 3 Fund (2162), Engineering Design—Project Management Organization (92270) and a new project number to be established; and be it

FURTHER RESOLVED: That the City's 1.5% public art fee for these projects is hereby waived; 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 Department for submission to MTC as part of the countywide coordinated TDA Article 3 claim; and be it

FURTHER RESOLVED: That the City Administrator, or her designee, is authorized, on behalf of the City of Oakland, to execute and submit all documents, payment requests and related actions, and to appropriate any additional funds received for the completion of these projects; and be it

FURTHER RESOLVED: That should additional funds be received for these three projects, the City Administrator, or her designee, is hereby authorized to accept and appropriate the same for the purposes described above.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20____

PASSED THE FOLLOWING VOTE:

AYES – BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND PRESIDENT DE LA FUENTE

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

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