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OAKLAND

2014 MAY -1 PM 1:34

AGENDA REPORT

TO: FRED BLACKWELL
CITY ADMINISTRATOR

FROM: Brooke A. Levin
Interim Director, OPW

SUBJECT: TDA Article 3 Funds Approval

DATE: April 2, 2014

City Administrator
Approval

Date

4/26/14

COUNCIL DISTRICT: 1 & City-Wide

RECOMMENDATION

Staff recommends that the City Council adopt a resolution authorizing the City Administrator to apply for, accept, and appropriate up to three hundred thirty-one thousand two hundred eighty-one dollars (\$331,281.00) in fiscal year 2014-15 State Transportation Development Act (TDA) Article 3 funds as follows: (1) Bicyclist Signage Program, seventy-five thousand dollars (\$75,000.00); (2) Bicyclist Safe Storm Drain Inlet Program, seventy-five thousand dollars (\$75,000.00); (3) Rehabilitation of the Short Cut Stair Path at Alvarado Road, One Hundred Eighty-One Thousand Two Hundred Eighty-One Dollars (\$181,281.00).

OUTCOME

Approval of this resolution will authorize the City Administrator to apply for, accept and appropriate up to \$331,281.00 in State Transportation Development Act Article 3 funds for Fiscal Year 2014-15. 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 Pedestrian Master Plan and Bicycle Master Plan.

BACKGROUND/LEGISLATIVE HISTORY

Transportation Development Act 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 and pedestrian projects citywide.

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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.

An additional requirement is that projects must be reviewed by a jurisdiction's Bicycle and Pedestrian Advisory Committee (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 and February 2014. The BPAC reviewed and supported the recommended allocations of TDA funds to the three selected projects at its meeting in March 2014. Starting next year, TDA Article 3 projects will be reviewed by the new Bicycle and Pedestrian Advisory Commission that was created by City Council in February 2014.

ANALYSIS

Adoption of this resolution will allow the City to complete its applications for TDA Article 3 funding by the grant deadline of May 27, 2014. 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). All three projects were further prioritized for funding based on readiness for construction.

These are the projects:

- The Bicycle 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* (2009) and prioritized by the City's *Bicycle Master Plan*. The program includes the installation of bicyclist guide, warning, and regulatory signs, as well as the removal of bicyclist-related signage that is no longer needed.
- The Bicycle Safe Storm Drain Inlet Program will continue the replacement of older, non-compliant storm drain inlet grates that can catch bicycle wheels. Locations with non-compliant grates will be replaced with new grates that are safe for bicyclists. The City has over 10,000 storm drain inlets and this grant will replace approximately 125 grates that may cause issues for cyclists.

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- The Rehabilitation of the Short Cut Stair Path at Alvarado Road will correct trip-and-fall issues by replacing concrete steps and landings, and installing handrails. The stair path is adjacent to the renovated Eucalyptus Stair and connects Alvarado Road to Tunnel Road, serving a commercial district, transit, and an elementary school. Identified as stair path #137, the rehabilitation of the Short Cut is a priority based on a citywide inventory and ranking of the City's stairs and paths.

PUBLIC OUTREACH/INTEREST

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

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 rehabilitation of pedestrian stairs and paths has significant public interest for improving neighborhood walkability. The City's prioritization of improvements was developed in collaboration with Oakland Urban Paths, a community group focused on the preservation and enhancement of Oakland's walkways.

COORDINATION

The three grant requests are coordinated with the City staff that will be responsible for implementation:

- Transportation Planning & Funding Division of the Public Works Department for the Bicyclist Signage Program;
- Infrastructure Maintenance Division of the Public Works Department for the Bicyclist Safe Storm Drain Inlet Program; and
- Engineering Design and Right-of-Way Division of the Public Works Department for the Rehabilitation of the Short Cut Stair Path at Alvarado Road.

In addition, the Office of the City Attorney and the Budget Office reviewed this report and resolution.

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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 Signage Program, the seventy-five thousand dollars (\$75,000.00) will be deposited into the Transportation Development Act (TDA) Article 3 Fund (2162), Transportation Planning Organization (92260), Street Construction Account (57411), and new project number to be established.

For the Bicyclist Safe Storm Drain Inlet Program, the seventy-five thousand dollars (\$75,000.00) 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.

For Rehabilitation of the Short Cut Stair Path at Alvarado Road, the one hundred eighty-one thousand two hundred eighty-one dollars (\$181,281.00) will be deposited into the Transportation Development Act (TDA) Article 3 Fund (2162), Capital Projects—Streets and Structures Organization (92242), Street Construction Account (57411), and a new project number to be established.

SUSTAINABLE OPPORTUNITIES

Economic: Bicycle and pedestrian facilities promote bicycling and walking, 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.

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

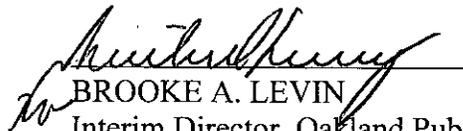
Social Equity: The projects improve accessibility and safety for persons who depend on non-motorized transportation and public transit to access jobs, services, and recreational facilities. Bicycling and walking are inexpensive and broadly accessible forms of transportation.

CEQA

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

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

Respectfully submitted,


BROOKE A. LEVIN
Interim 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

Exhibit A – Findings to the resolution

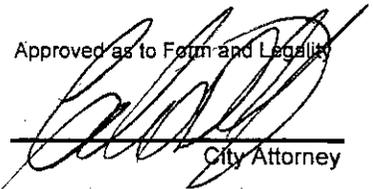
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OAKLAND CITY COUNCIL

Approved as to Form and Legality



City Attorney

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR, ACCEPT, AND APPROPRIATE UP TO THREE HUNDRED THIRTY-ONE THOUSAND TWO HUNDRED EIGHTY-ONE DOLLARS (\$331,281.00) IN FISCAL YEAR 2014-15 STATE TRANSPORTATION DEVELOPMENT ACT ARTICLE 3 FUNDS AS FOLLOWS: (1) BICYCLIST SIGNAGE PROGRAM, SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00); (2) BICYCLIST SAFE STORM DRAIN INLET PROGRAM, SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00); (3) REHABILITATION OF THE SHORT CUT STAIR PATH AT ALVARADO ROAD, ONE HUNDRED EIGHTY-ONE THOUSAND TWO HUNDRED EIGHTY-ONE DOLLARS (\$181,281.00)

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 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 Bicycle and Pedestrian Advisory Committee (BPAC) and that this BPAC is appointed to serve as the City of Oakland's Bicycle Advisory Committee for the review of TDA Article 3 Fiscal Year 2014-15 projects as required 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), and/or 15301(c); and be it

FURTHER RESOLVED, that the City Council hereby authorizes the application, acceptance, and appropriation of Fiscal Year 2014-15 TDA Article 3 funds in the amount not to exceed \$331,281.00 to be deposited and appropriated as follows: (1) Bicyclist Signage Program, seventy-five thousand dollars (\$75,000.00) into the Transportation Development Act (TDA) Article 3 Fund (2162), Transportation Planning Organization (92260), Street Construction Account (57411), and new project number to be established; (2) Bicyclist Safe Storm Drain Inlet Program, seventy-five thousand dollars (\$75,000.00) 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 (3) Rehabilitation of the Short Cut Stair Path at Alvarado Road, one hundred eighty-one thousand two hundred eighty-one dollars (\$181,281.00) into the Transportation Development Act (TDA) Article 3 Fund (2162), Capital Projects—Streets and Structures Organization (92242), Street Construction Account (57411), and a new project number to be established; 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.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN

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 2014-2015 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.