



Office of the City Manager

CONSENT CALENDAR
May 21, 2013

To: Honorable Mayor and Members of the City Council

From:  Christine Daniel, City Manager

Submitted by: Andrew Clough, Director, Public Works

Subject: Revised Fund Allocation: FY 2013 Transportation Development Act Article 3

RECOMMENDATION

Adopt a Resolution:

1. Authorizing the City Manager to: submit a revised allocation request to the Metropolitan Transportation Commission (MTC) for \$258,906 from the Transportation Development Act (TDA) Article 3 funds in FY 2013 for the Berkeley Bicycle Plan Update; accept the funds; execute any resultant agreements and amendments; and authorize the implementation of the project, subject to securing the funds; and
2. Declaring: the City of Berkeley is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code; there is no pending or threatened litigation that might adversely affect the project or projects described in Exhibit B to this Resolution, or that might impair the ability of the City of Berkeley to carry out the project; the City of Berkeley attests to the accuracy of and approves the statements in Exhibit A to this Resolution; and that a certified copy of this Resolution and its Exhibits, and any accompanying supporting materials, shall be forwarded to the Alameda County Transportation Commission for submission to MTC as part of the Countywide coordinated TDA Article 3 claim.

FISCAL IMPACTS OF RECOMMENDATION

The City will receive \$258,906 in FY 2013 for the Berkeley Bicycle Plan Update to be deposited in the MTC Fund (614-4950-331-2091). No matching funds are required for this funding allocation.

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley is submitting a revised FY 2013 Transportation Development Act (TDA) Article 3 allocation request for a comprehensive update to the City of Berkeley's Bicycle Plan, including the Bicycle Boulevard Design Tools and Guidelines. The Berkeley Bicycle Plan was last updated in 2005, and this update fulfills requirements of Section 2377 of the California Bikeways Act, Streets and Highways Code section 2370 et seq.

Berkeley is apportioned \$60,000 – \$100,000 annually in state sales tax revenue under TDA Article 3 for qualified bicycle and pedestrian projects. The amount of funding

available in a given fiscal year varies depending upon sales tax receipts and any balance carried over from previous years.

For FY 2013 the City of Berkeley was allocated \$163,298 of TDA Article 3 funding (Resolution No. 65,709-N.S.). Because MTC funding rules allow only one allocation every 5 years for updating a Bicycle Plan, Alameda County and MTC staff have arranged a “funding swap” with another local agency to make these additional funds available to Berkeley as part of the previously approved FY 2013 allocation. This swap exchanges the additional \$95,608 of TDA funds available to Berkeley for FY 2014 with FY 2013 TDA funds from another participating local agency in Alameda County.

BACKGROUND

The State Legislature passed the TDA in 1971, implementing a statewide quarter-cent sales tax. The TDA is one of the major funding sources for public transportation in California, and under Article 3, funds are to be used by local jurisdictions for qualified bicycle and pedestrian projects.

Local jurisdictions obtain these funds in a 3-step process: apportionment, allocation, and payment (reimbursement). Apportionment in the San Francisco Bay Area follows a MTC formula based upon population, and as noted above, Berkeley receives an annual \$60,000 – \$100,000 from TDA. The City submits TDA allocation requests to MTC on an annual basis, and unused TDA funds allocated to any project may be rolled over from one fiscal year to the next. No matching funds are required, but the project must meet the funding objectives and be developed in cooperation with the community. The basic funding objectives are projects that increase the safety, security, and efficiency of bicycle and pedestrian travel, and to provide for a coordinated system. The City receives payment of allocated grant funds upon submission of claims for reimbursement.

The MTC requires review of TDA claims by a bicycle advisory committee and supporting resolutions from the City Council. This project has been reviewed and approved by the Bicycle Subcommittee of the Berkeley Transportation Commission.

RATIONALE FOR RECOMMENDATION

The City of Berkeley Bicycle Plan was first adopted in 2000, along with the Bicycle Boulevard Design Tools and Guidelines (Resolution No. 60,503-N.S.), and an Administrative Update of the Plan was completed by staff and adopted in 2005 (Resolution No. 62,825-N.S.). Currently the City lacks funding to update these documents and develop a coherent and fundable strategy for completing capital improvements as directed by City Council (see [January 19, 2010 Annotated Agenda](#)¹, item 18: [Bicycle Boulevard Improvements](#)²).

¹ January 19, 2010 Annotated Agenda: www.ci.berkeley.ca.us/ContentDisplay.aspx?id=47984

² Item 18 Bicycle Boulevard Improvements: www.ci.berkeley.ca.us/uploadedFiles/Clerk/Level_3_-_City_Council/2010/01Jan/2010-01-19_Item_18_Bicycle_Boulevard_Improvements.pdf

ALTERNATIVE ACTIONS CONSIDERED

The City of Berkeley could allocate these funds to other qualified bicycle and pedestrian projects, or elect to roll over the funds until the next fiscal year.

CONTACT PERSON

Farid Javandel, Transportation Manager, Public Works, 981-7061

Eric Anderson, Associate Planner, Transportation, Public Works, 981-7062

Attachments:

1: Resolution

Exhibit A: Findings

Exhibit B: TDA Article 3 Project Application Form

RESOLUTION NO. ##,###-N.S.

REVISED FY 2012-13 TRANSPORTATION DEVELOPMENT ACT ARTICLE 3 FUND
ALLOCATION

WHEREAS, Article 3 of the Transportation Development Act (TDA), Public Utilities Code Section 99200 et seq., authorizes the submission of claims 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, 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 Berkeley desires to submit a request to MTC for the allocation of TDA Article 3 funds to support the projects described in Exhibit B to this Resolution, which are for the exclusive benefit and/or use of pedestrians and/or bicyclists; and

WHEREAS, in FY 2014 the City will receive \$258,906 for the Berkeley Bicycle Plan Update (revenue account 614-4950-331-2091).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to submit a request to the Metropolitan Transportation Commission for the allocation of FY 2013 Transportation Development Act Article 3 pedestrian/bicycle project funding in the amount of \$258,906 for the Berkeley Bicycle Plan Update; and that the City Manager is authorized to accept the allocation; execute any resultant agreements and amendments; and authorize the implementation of the projects, subject to securing the allocation.

BE IT FURTHER RESOLVED that the City of Berkeley declares it is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code.

BE IT FURTHER RESOLVED that there is no pending or threatened litigation that might adversely affect the project or projects described in Exhibit B to this Resolution, or that might impair the ability of the City of Berkeley to carry out the project.

BE IT FUTHER RESOLVED that the City of Berkeley attests to the accuracy of and approves the statements in Exhibit A to this Resolution.

BE IT FURTHER RESOLVED that a certified copy of this Resolution, and its Exhibits, and any accompanying supporting materials shall be forwarded to the congestion management agency, countywide transportation planning agency, or country association of governments, as the case may be, of Alameda County for submission to MTC as part of the countywide coordinated TDA Article 3 claim.

Exhibits

A: Findings

B: TDA Article 3 Project Application Forms

Resolution No. _____

Exhibit A

Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2013 Transportation Development Act Article 3 Pedestrian/Bicycle Project Funding

Findings

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1. That the City of Berkeley 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 Berkeley legally impeded from undertaking the project(s) described in "Attachment B" of this resolution.
2. That the City of Berkeley has committed adequate staffing resources to complete the project(s) described in Attachment B.
3. A review of the project(s) described in Attachment B 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 Attachment B 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 Attachment B 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 Attachment B, the sources of funding other than TDA are assured and adequate for completion of the project(s).
7. That the project(s) described in Attachment B 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 Berkeley within the prior five fiscal years.

Findings
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8. That the project(s) described in Attachment B 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 Attachment B 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(s) described in Attachment B are ready to commence implementation during the fiscal year of the requested allocation.
11. That the City of Berkeley agrees to maintain, or provide for the maintenance of, the project(s) and facilities described in Attachment B, for the benefit of and use by the public.

RESOLUTION NO. _____

Exhibit B

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TDA Article 3 Project Application Form

Fiscal Year of this Claim: 2012-2013 Applicant: City of Berkeley

Contact Person: Eric Anderson

Mailing Address: 1947 Center St. 3rd Floor Berkeley,
CA 94704

E-Mail Address: eanderson@cityofberkeley.info

Telephone: 510-981-7062

Secondary Contact (in event primary not available) Matt Nichols

E-Mail Address: mnichols@cityofberkeley.info

Telephone: 510-981-7068

Short Title Description of Project: Berkeley Bicycle Plan Update

Amount of claim: \$258,906

Functional Description of Project:

The project is a comprehensive update to the City of Berkeley's Bicycle Plan, last updated in 2005, including the Bicycle Boulevard Design Tools and Guidelines. The project will fulfill the requirements of Section 2377 of the California Bikeways Act, Streets and Highways Code section 2370 et seq.

Financial Plan:

List the project elements for which TDA funding is being requested (e.g., planning, environmental, engineering, right-of-way, construction, inspection, contingency, audit). Use the table below to show the project budget. Include prior and proposed future funding of the project. If the project is a segment of a larger project, include prior and proposed funding sources for the other segments.

Project Elements:

Planning. The project is an update to the Berkeley Bicycle Plan.

Funding Source	All Prior FYs	Application FY	Next FY	Following FYs	Totals
TDA Article 3	\$74,983	\$183,923			\$258,906
list all other sources:					
1.					
2.					
3.					
4.					
Totals					\$258,906

Project Eligibility:	YES?/NO?
A. Has the project been approved by the claimant's governing body? (If "NO," provide the approximate date approval is anticipated).	YES
B. Has this project previously received TDA Article 3 funding? If "YES," provide an explanation on a separate page.	NO
C. For "bikeways," does the project meet Caltrans minimum safety design criteria pursuant to Chapter 1000 of the California Highway Design Manual? (Available on the internet via: http://www.dot.ca.gov).	N/A
D. Has the project been reviewed by a Bicycle Advisory Committee? (If "NO," provide an explanation).	YES
E. Has the public availability of the environmental compliance documentation for the project (pursuant to CEQA) been evidenced by the dated stamping of the document by the county clerk or county recorder? (required only for projects that include construction).	N/A
F. Will the project be completed before the allocation expires? Enter the anticipated completion date of project (month and year) <u>July 30, 2015</u>	YES
G. Have provisions been made by the claimant to maintain the project or facility, or has the claimant arranged for such maintenance by another agency? (If an agency other than the Claimant is to maintain the facility provide its name: _____	N/A

