



Office of the City Manager

CONSENT CALENDAR

May 22, 2007

To: Honorable Mayor and  
Members of the City Council

From: *PK* Phil Kamlarz, City Manager

Submitted by: Claudette Ford, Director, Public Works

Subject: Grant: Local Support for Federal Congestion Mitigation and Air Quality  
Improvement Funding

RECOMMENDATION

Amend Resolution No. 63,595–N.S., authorizing the City Manager to execute and file an application for funding under the Federal Surface Transportation Program (STP) and/or Congestion Mitigation and Air Quality Improvement Program (CMAQ) for Travel Choice – Berkeley, committing the necessary non-federal match, stating the assurance to complete the project, and further resolve that:

1. the City of Berkeley will provide \$28,045 in non-federal matching funds; and
2. the City of Berkeley understands that the STP/CMAQ funding for the project is fixed at the MTC approved programmed amount, and that any cost increases must be funded by the City of Berkeley from other funds, and that the City of Berkeley does not expect any cost increases to be funded with additional STP/CMAQ funding; and
3. the City of Berkeley understands the funding deadlines associated with these funds and will comply with the provisions and requirements of the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, as revised); and
4. Travel Choice - Berkeley 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
5. the City of Berkeley and Travel Choice - Berkeley will comply with the requirements as set forth in First Cycle STP/CMAQ; and
6. the City of Berkeley is an eligible sponsor of STP/CMAQ funded projects; and
7. the City of Berkeley is authorized to submit an application for STP/CMAQ funds for the Travel Choice - Berkeley; and
8. there is no legal impediment to the City of Berkeley making applications for the funds; and
9. there is no pending or threatened litigation that might in any way adversely affect the proposed project, or the ability of the City of Berkeley to deliver such project.

FISCAL IMPACTS FOR EACH GRANT RECOMMENDATION

The City of Berkeley has been awarded \$406,000 for the Travel Choice – Berkeley program. The grant award consists of \$216,000 in Congestion Mitigation and Air Quality (CMAQ) funds and \$190,000 from Measure B ACTIA Bicycle/Pedestrian Countywide Discretionary Funds. The CMAQ grant requires an 11.47% non-federal match, or \$28,045. The \$28,045 matching requirement can be met by the \$190,000 non-federal ACTIA funds.

AC Transit and BART have also both agreed to support the Travel Choice project with non-federal funds. However, these funds will not flow through the City of Berkeley, and so cannot be counted toward the required match.

This grant was awarded in April 2007, and so has not been included in the FY 2007 or Proposed FY 2008 budget. The majority of the grant funds will be used to hire consultants to design, produce and distribute public education materials, provide outreach personnel, and carry out effectiveness surveys.

CURRENT SITUATION AND ITS EFFECTS

The City is working in a number of ways to implement the policies of the Transportation Element of the City's General Plan, including promoting alternative transportation methods to the use of single occupancy vehicles.

The Travel Choice program was first implemented in the Bay Area in 2005 by the Transportation and Land Use Coalition. Travel Choice is an intensive educational pilot project, modeled after successful Australian and European efforts, that encourages walking, biking and transit use by providing direct marketing and personalized transportation information to community residents. This program proved to be extremely effective in the first pilot effort in 2005-06 in Alameda and the Fruitvale area of Oakland - increasing transit ridership by 34% among 3,100 participating households.

The Travel Choice – Berkeley program will reach out to 7,500 households in Berkeley in 2007. The project anticipates a reduction of 9% in automobile trips and 27% increase in transit ridership within the participating Berkeley population.

BACKGROUND

On February 27, 2007, the City Council approved Resolution 63,595–N.S., authorizing the City Manager to apply to the Alameda County Congestion Management Agency and the Alameda County Transportation Improvement Authority's (ACTIA) 2006/2007 Coordinated Program which administers three funding sources: ACTIA's Measure B Bicycle/Pedestrian Countywide Discretionary Fund, the Regional Bicycle & Pedestrian Program and the Congestion Mitigation and Air Quality (CMAQ) program.

The City Manager submitted the funding application as authorized by Council, and the City was awarded \$406,000 for Travel Choice – Berkeley. Final Board approval for the grant awards was made on April 24, 2007.

Despite adoption of Resolution 63,595–N.S., the Metropolitan Transportation Commission requires adoption of the attached Resolution, which includes specific language and assurances that are not in Resolution 63,595–N.S. In order to receive the grant funds, MTC must receive an adopted resolution that meets their specifications.

RATIONALE FOR RECOMMENDATION

It is necessary to reaffirm and expand the previously adopted Council Resolution in order for the City to receive the awarded \$216,000 in CMAQ grant funds.

The Travel Choice – Berkeley program will fulfill the City’s General Plan Transportation Element Policy Objectives T-2 (Promote and Market Public Transportation), T-4 (Transit First Policy) and T-10 (Trip Reduction). TravelChoice is a cost-effective method for reducing demand on local roads and the need for additional infrastructure while encouraging health lifestyles, supporting transit through increased fare revenue and cleaning the air through reduced emissions.

ALTERNATIVE ACTIONS CONSIDERED

If the City chooses not to act to securing these grants, the City will be unable to receive at least \$216,000 of the awarded grant funding. There are no reasonable alternative fund sources to carry out this program.

CONTACT PERSON

Matt Nichols, Principal Transportation Planner, 981-7068

Attachment:

1. Resolution

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

AMEND RESOLUTION NO. 63,595-N.S., AUTHORIZING THE CITY MANAGER TO EXECUTE AND FILE AN APPLICATION FOR FUNDING UNDER THE FEDERAL SURFACE TRANSPORTATION PROGRAM (STP) AND/OR CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM (CMAQ) FOR TRAVEL CHOICE - BERKELEY, COMMITTING THE NECESSARY NON-FEDERAL MATCH, AND STATING THE ASSURANCE TO COMPLETE THE PROJECT

WHEREAS, the City of Berkeley (herein referred as APPLICANT) is submitting an application to the Metropolitan Transportation Commission (MTC) for \$216,000 in funding from the federal Surface Transportation Program (STP) and/or Congestion Mitigation and Air Quality Improvement (CMAQ) program for the Travel Choice - Berkeley (herein referred as PROJECT) for the MTC First Cycle STP/CMAQ, MTC Resolution 3547 (herein referred as PROGRAM); and

WHEREAS, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA) (Public Law 109-59, August 10, 2005) continues the Surface Transportation Program (23 U.S.C. § 133) and the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149); and

WHEREAS, pursuant to SAFETEA, and the regulations promulgated thereunder, eligible project sponsors wishing to receive federal Surface Transportation Program and/or Congestion Mitigation and Air Quality Improvement Program (STP/CMAQ) 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) that sets out procedures governing the application and use of STP/CMAQ funds; and

WHEREAS, APPLICANT is an eligible project sponsor for STP/CMAQ funds; and

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

- 1) the commitment of necessary local matching funds of at least 11.47%; and
- 2) that the sponsor understands that the STP/CMAQ funding is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional STP/CMAQ funds; and
- 3) that the project will comply with the procedures specified in Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised); and
- 4) the assurance of the sponsor to complete the project as described in the application, and if approved, as included in MTC's TIP; and that the project will comply with all the project-specific requirements as set forth in First Cycle STP/CMAQ Policy.

NOW THEREFORE, BE IT RESOLVED that the City of Berkeley amend Resolution No. 63,595-N.S., authorizing the City Manager to execute and file an application for funding under the Federal Surface Transportation Program (STP) and/or Congestion Mitigation and Air Quality Improvement Program (CMAQ) for Travel Choice – Berkeley, committing the necessary non-federal match and stating the assurance to complete the project.

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

1. APPLICANT will provide \$28,045 in non-federal matching funds; and
2. APPLICANT understands that the STP/CMAQ 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 STP/CMAQ funding; and
3. APPLICANT understands the funding deadlines associated with these funds and will comply with the provisions and requirements of the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, as revised); and 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. APPLICANT and the PROJECT will comply with the requirements as set forth in First Cycle STP/CMAQ.

BE IT FURTHER RESOLVED that APPLICANT is an eligible sponsor of STP/CMAQ funded projects.

BE IT FURTHER RESOLVED that APPLICANT is authorized to submit an application for STP/CMAQ funds for the PROJECT.

BE IT FURTHER RESOLVED that there is no legal impediment to APPLICANT making applications for the funds.

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.

BE IT FURTHER RESOLVED that APPLICANT authorizes its Executive Director, General Manager, or designee to execute and file an application with MTC for STP/CMAQ funding for the PROJECT as referenced in this resolution.

BE IT FURTHER RESOLVED that a copy of this resolution will be transmitted to the MTC in conjunction with the filing of the application.

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.

