



Office of the City Manager

CONSENT CALENDAR

June 12, 2007

To: Honorable Mayor and
Members of the City Council

From: *PK* Phil Kamlarz, City Manager

Submitted by: Claudette Ford, Director, Public Works

Subject: FY 2008 Transportation Development Act Article 3 Fund Allocation

RECOMMENDATION

Adopt a Resolution 1) authorizing the City Manager to submit an allocation request to the Metropolitan Transportation Commission (MTC) for Transportation Development Act (TDA) Article 3 funds in the amount of \$30,000 in FY 2008 for the Bicycle/Pedestrian Safety Education program; and authorizing the City Manager to accept the funds; execute any resultant agreements and amendments; and authorize the implementation of the project, subject to securing the funds; and 2) declaring that the City of Berkeley is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code; 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; that 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 Congestion Management Agency for submission to MTC as part of the Countywide coordinated TDA Article 3 claim.

FISCAL IMPACTS OF RECOMMENDATION

The City of Berkeley is apportioned anywhere from \$60,000 to \$100,000 annually in State sales tax revenue under Article 3 of the Transportation Development Act for allocation to bicycle and pedestrian projects. The amount of funding available in a given year varies depending upon sales tax receipts and any balance carried over from previous years. Berkeley's 2007-2008 TDA

In FY 2008 the City will receive revenue up to \$30,000 for the Bicycle/Pedestrian Safety Education Program (revenue account 614-4521-331-2503). Matching funds are not required. Article 3 fund estimate from the Alameda County Congestion Management Agency is \$99,488. The remaining \$69,488 in TDA Article 3 funds will roll over and be available to the City in FY 2009.

CURRENT SITUATION AND ITS EFFECTS

The MTC requires review of TDA claims by a bicycle advisory committee and supporting resolutions from the City Council. Claims in Berkeley are normally reviewed by the Bicycle

Subcommittee of the Transportation Commission, but since this subcommittee is currently inactive, the full Commission reviewed this claim on April 19, 2007.

For FY 2008, a TDA Article 3 allocation request will be submitted for the following project:

1. Bicycle/Pedestrian Safety Education: \$30,000. TDA Article 3 funds will be used to support the Bicycle and Pedestrian Safety programs of the Public Health Division of City of Berkeley's Health and Human Services Department. The education program is aimed at reducing injuries and deaths due to bicycle- and pedestrian-related traffic collisions; projects include the youth helmet program, child bike safety workshops, development and distribution of education materials as appropriate and participation at community events.

BACKGROUND

The State Legislature passed the Transportation Development Act (TDA) in 1971, implementing a statewide quarter-cent sales tax. The TDA provides one of the major funding sources for public transportation in California. Under Article 3 of the TDA, funds are also used by local jurisdictions for bicycle and pedestrian projects.

Funds are obtained by local jurisdictions via a three-step process: (1) apportionment, (2) allocation, and (3) payment (reimbursement). Apportionment in the San Francisco Bay Area follows a Metropolitan Transportation Commission (MTC) formula based upon population. 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 objectives of the grant source are to fund projects that increase the safety, security, and efficiency of bicycle and pedestrian travel, and to provide for a coordinated system.

RATIONALE FOR RECOMMENDATION

The Council adopted the Berkeley Bicycle Plan on April 4, 2000, and bicycle safety education is an important component of this Plan.

ALTERNATIVE ACTIONS CONSIDERED

These funds could have been allocated to other bicycle and pedestrian projects or left to roll over until the next fiscal year.

CONTACT PERSON

Peter K. Hillier, Assistant Public Works Director, 981-7010
Heath Maddox, Transportation Planner, Public Works, 981-7062

Attachments:

1: Resolution

Exhibit A: Findings

Exhibits B1-B2, TDA Article 3 Project Application Forms

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

FY2007-08 TRANSPORTATION DEVELOPMENT ACT ARTICLE 3 FUND ALLOCATION

WHEREAS, Article 3 of the Transportation Development Act (TDA), Public Utilities Code (PUC) 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.

NOW THEREFORE, BE IT RESOLVED by the City 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 fiscal year 2008 Transportation Development Act Article 3 pedestrian/bicycle project funding for two projects: (1) Bicycle/Pedestrian Safety Education program; and (2) the Ninth Street Bicycle Boulevard extension; 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 of Alameda County for submission to MTC as part of the countywide coordinated TDA Article 3 claim.

Exhibit A

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 “Exhibit B” of this resolution.
2. That the City of Berkeley has committed adequate staffing resources to complete the project(s) described in Exhibit B.
3. A review of the project(s) described in Exhibit 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 Exhibit 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 Exhibit 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 Exhibit 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 Exhibit 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.
8. That the project(s) described in Exhibit 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 Exhibit 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 Exhibit 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 Exhibit B, for the benefit of and use by the public.

RESOLUTION NO. _____

EXHIBIT B-1

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TDA ARTICLE 3 PROJECT APPLICATION FORM

Fiscal Year of this Claim: 2007-2008

Applicant: The City of Berkeley

Contact person: Tasha Tervalon

Mailing Address: 1947 Center St. 2nd Floor Berkeley, CA 94704

E-Mail Address: ttervalon@ci.berkeley.ca.us Telephone: 510-981-5347

Secondary Contact (in event primary not available) Heath Maddox

E-Mail Address: hmaddox@ci.berkeley.ca.us Telephone: 510-981-7062

Short Title Description of Project: Bicycle/Pedestrian Safety Education Program

Amount of claim: \$30,000

Functional Description of Project:

The components of the program include Bicycle Safety and Pedestrian Safety programs within the City of Berkeley's Health & Human Services Department. TDA funds will be used to support the education program aimed at reducing injuries and deaths due to bicycle- and pedestrian-related traffic collisions. Projects will include the youth helmet program, child bike safety workshops, development and distribution of education materials as appropriate and participation at community events.

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:

Funding Source	All Prior FYs	Application FY 2005-06	Next FY	Following FYs	Totals
TDA Article 3		\$30,000			\$30,000
list all other sources:					
1. City of Berkeley PH with matching MCH funding		\$70,000			\$70,000
Totals					\$100,000

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): Resolution Sent to council	NO
B. Has this project previously received TDA Article 3 funding? If "YES," provide an explanation on a separate page.	YES
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 This is an ongoing program, services from this funding will be delivered in the fiscal year 2007-2008.	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:)	YES

**TDA ARTICLE 3 PROJECT APPLICATION FORM
EXPLANATORY COMMENTS PAGE**

Short Title Description of Project: Bicycle/Pedestrian Safety Education Program

Enter explanatory comments below, as required due to certain "YES" or "NO" answers to items "A" through "G" on the Project Application Form, or to provide information that will not fit on the application form, or to provide information that will clarify any potential confusion concerning the scope, cost or schedule of the project.

A. The City Council Resolution is scheduled for June 12 2007.

B. The City of Berkeley received TDA Article 3 funds in FY 2000-2001, 2001-2002, 2003-2004, 2004-2005, 2005-2006, and 2006-2007 for similar work on bicycle safety and education. These funds will continue our efforts to educate children about bike safety

