



Office of the City Manager

CONSENT CALENDAR  
June 13, 2017

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Phillip L. Harrington, Director, Department of Public Works  
 Subject: FY 2018 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) prior to the June 27, 2017 deadline for \$250,000 of FY 2018 Transportation Development Act (TDA) Article 3 funds for the Berkeley Pedestrian Master 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 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; there is no pending or threatened litigation that might adversely affect the project or projects described in Attachment B to this resolution, or that might impair the ability of the City of Berkeley to carry out the project; the project has been reviewed by the Bicycle Advisory Committee (BAC) of the City of Berkeley; the City of Berkeley attests to the accuracy of and approves the statements in Exhibit A to this resolution; and a certified copy of this resolution and its attachments, and any accompanying supporting materials shall be forwarded to the congestion management agency, countywide transportation planning agency, or county 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.

FISCAL IMPACTS OF RECOMMENDATION

If approved, the City will receive an allocation of \$250,000 from MTC to be used in FY 2018 and FY 2019 toward an update of the Berkeley Pedestrian Master Plan (Master Plan). Payment of reimbursement claims will be deposited in the MTC Fund 614-4950-331.20-91. Expenditure of this funding allocation is subject to appropriation in the FY 2018 budget in MTC Fund 614-4920-431.11-01, 614-4920-431.27-20, and 614-4920-431.30-38 17BP08. No matching funds are required for this funding allocation.

### CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley is submitting an FY 2018 TDA Article 3 allocation request to fund an update to the Master Plan that was approved by Council June 22, 2010 (Resolution No. 64,951-N.S.). MTC, Alameda CTC, and the State of California all require cities to update their bicycle, pedestrian, and active transportation plans every five years to maintain eligibility for County, Regional, and State competitive transportation grant funding. Berkeley is apportioned between \$95,000 and \$115,000 annually under TDA Article 3 for qualified bicycle and pedestrian projects. For FY 2018, there is \$422,247 of current and prior year TDA Article 3 funds available for allocation from MTC to the City of Berkeley.

### BACKGROUND

The State Legislature passed the Transportation Development Act in 1971, implementing a statewide quarter-cent sales tax. TDA is a major funding source for public transportation in California, and under Article 3, TDA funds are to be used by local jurisdictions for qualified bicycle and pedestrian projects. Writing and updating bicycle, pedestrian, and active transportation plans are eligible TDA expenses.

Local jurisdictions obtain these funds in a three-step process: apportionment, allocation, and payment (reimbursement). Apportionment in the San Francisco Bay Area follows the 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 are 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. Basic funding objectives are to 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.

MTC requires both a supporting resolution from the City Council and a review of TDA allocations by a pedestrian and/or bicycle advisory committee. The allocation to update the Master Plan was approved by the Berkeley Transportation Commission in May 2017.

### ENVIRONMENTAL SUSTAINABILITY

The Master Plan will promote transportation sustainability and resiliency by developing recommendations for projects and programs that increase the pedestrian share of trips in Berkeley. Increasing the number of Berkeley residents and visitors who walk to destinations, and who access mass transit by walking will decrease greenhouse gas emissions. These outcomes support the goals of the Berkeley Climate Action Plan Transportation and Land Use section, and includes reduction of greenhouse gas emissions 33% below year 2000 levels by the year 2020, and 80% below year 2000 levels by 2050. The Climate Action Plan states further that transportation modes such as walking and public transit must become the primary means of fulfilling our mobility needs to meet these goals.

RATIONALE FOR RECOMMENDATION

By Resolution No. 64,951-N.S., Council adopted the Master Plan on June 22, 2010. MTC, Alameda CTC, and the State of California all require cities to update their bicycle, pedestrian, and active transportation plans every five years to maintain eligibility for County, Regional, and State competitive transportation grant funding sources. Currently, the City lacks funding to update this document. The City requires these transportation grant funding sources to design and construct pedestrian safety capital improvements.

ALTERNATIVE ACTIONS CONSIDERED

The City of Berkeley could request allocation of these funds to other qualified pedestrian and bicycle projects, or elect to roll the funds over to subsequent fiscal years. Failure to update the Master Plan could make the City ineligible for future transportation grant funding from MTC, Alameda CTC, and the State of California.

CONTACT PERSON

Farid Javandel, Transportation Manager, Public Works, 981-7061  
Beth Thomas, Principal Planner, Public Works, 981-7068  
Eric Anderson, Associate Planner, Public Works, 981-7062

Attachments:

- 1: Resolution
  - Exhibit A: Findings
  - Exhibit B: TDA Article 3 Project Application Form

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

FY2017-18 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. 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 Berkeley desires to submit a request to MTC for the allocation of TDA Article 3 funds to support the projects described in Attachment B to this resolution, which are for the exclusive benefit and/or use of pedestrians and/or bicyclists; and

WHEREAS, in FY 2018 the City will receive \$250,000 in the MTC Fund (Fund 614) for the Berkeley Pedestrian Master Plan Update.

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 prior to the June 27, 2017 deadline for the allocation of FY 2017-18 Transportation Development Act Article 3 pedestrian/bicycle project funding in the amount of \$250,000 for the Berkeley Pedestrian Master 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 project, 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 FURTHER RESOLVED that the project has been reviewed by the Bicycle Advisory Committee (BAC) of the City of Berkeley.

BE IT FURTHER 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 attachments, 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.

Attachments

A: Findings

B: TDA Article 3 Project Application Form

Resolution No. \_\_\_\_\_

Attachment A

Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2018 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 is included in a locally approved bicycle, pedestrian, transit, multimodal, complete streets, or other relevant plan.
9. That any project described in Attachment B 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 Attachment B will be completed before the funds expire.
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. \_\_\_\_\_

Attachment B

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**TDA Article 3 Project Application Form**

Fiscal Year of this Claim: 2017-2018                      Applicant: City of Berkeley

Contact Person: Eric Anderson

Mailing Address: 1947 Center St. 4th Floor Berkeley, CA 94704

E-Mail Address: [eanderson@cityofberkeley.info](mailto:eanderson@cityofberkeley.info) Telephone: 510-981-7062

Secondary Contact (in event primary not available) Beth Thomas

E-Mail Address: [bathomas@cityofberkeley.info](mailto:bathomas@cityofberkeley.info) Telephone: 510-981-7068

**Short Title Description of Project: Berkeley Pedestrian Master Plan Update**

Amount of claim: \$250,000

**Functional Description of Project:**

Update of the Berkeley Pedestrian Master Plan, including the data collection, data analysis, public outreach, needs assessment, and policy, program, and project recommendations necessary to update the existing Plan. The Plan will include updated project lists, cost estimates, and prioritization, as well as updated Design Guidelines.

**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 Pedestrian Master Plan.

<b>Funding Source</b>	<b>All Prior FYs</b>	<b>Application FY</b>	<b>Next FY</b>	<b>Following FYs</b>	<b>Totals</b>
TDA Article 3		\$250,000			\$250,000
list all other sources:					
<b>Totals</b>					\$250,000

<b>Project Eligibility:</b>	<b>YES?/NO?</b>
<b>A.</b> Has the project been approved by the claimant's governing body? (If "NO," provide the approximate date approval is anticipated).	YES
<b>B.</b> Has this project previously received TDA Article 3 funding? If "YES," provide an explanation on a separate page.	NO
<b>C.</b> 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: <a href="http://www.dot.ca.gov">http://www.dot.ca.gov</a> ).	N/A
<b>D.</b> Has the project been reviewed by a Bicycle Advisory Committee (BAC)? (If "NO," provide an explanation). Enter date the project was reviewed by the BAC: <u>May 18, 2017</u>	YES
<b>E.</b> 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
<b>F.</b> Will the project be completed before the allocation expires? Enter the anticipated completion date of project (month and year) <u>June 2019</u>	YES
<b>G.</b> 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

