



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: July 10, 2018
TO: Carolyn Lehr, City Manager
FROM: Andrew Clough, Acting Public Works Director
SUBJECT: Resolution Of The City Council Of The City Of Emeryville Approving The Request To The Metropolitan Transportation Commission By The City Of Emeryville For An Allocation Of Transportation Development Act Article 3 Pedestrian And Bicycle Project Funding For Fiscal Year 2018/2019; CEQA Determination: Exempt Pursuant To 15301(c)

RECOMMENDATION

Staff recommends that the City Council adopt the attached resolution approving the request to the Metropolitan Transportation Commission by the City of Emeryville for an allocation of Transportation Development Act Article 3 Pedestrian and Bicycle Project funding for Fiscal Year 2018/2019.

BACKGROUND

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.

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. 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.

DISCUSSION

The City of Emeryville has worked with staff from Alameda County to identify a project, titled "2018/2019 TDA Bike and Ped Improvements throughout City of Emeryville." With these funds, staff will work to complete smaller projects from the Pedestrian and Bicycle Plan along with some of the projects identified by the Bicycle and Pedestrian Committee (BPAC). Projects have been identified by the BPAC in an ongoing list of projects outside of the scope of the City's adopted Pedestrian and Bicycle Plan.

The City of Emeryville 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.

To submit the application, the City of Emeryville must make certain findings. The findings are as follows, with the evidence to support the finding:

1. That the **City of Emeryville** 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 Emeryville** legally impeded from undertaking the project(s) described in "Attachment B" of this resolution.
 - a. There are no legal impediments to the City submitting this application.
2. That the **City of Emeryville** has committed adequate staffing resources to complete the project(s) described in Attachment B.
 - a. Staff is available from the Public Works Department to complete this project.
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).
 - a. All project activities are exempt under CEQA pursuant to Section 15301(c) because all projects involve only minor alterations to existing public facilities within City right of way, and no right-of-way permits or clearances will be needed.
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.
 - a. All project activities are exempt under CEQA pursuant to Section 15301(c) because all projects involve only minor alterations to existing public facilities within City right of way, and no right-of-way permits or clearances will be needed.
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.).
 - a. This project is exempt under CEQA pursuant to Section 15301(c) which applies to minor alterations to existing public facilities, including highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities because the projects all projects involve only minor alterations to existing public facilities.
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).
 - a. See Fiscal Impact section. Only TDA funds are required to complete 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 Emeryville** within the prior five fiscal years.
 - a. The project(s) involve making improvements to the existing bicycle and pedestrian infrastructure consistent with the City's adopted Pedestrian and Bicycle Plan (2012), which may include, but is not limited to, installation of bicycle racks, enhanced safety improvements to pedestrian crossings, and maintenance and support of bicycle share stations.
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.
 - a. The project activities are consistent with the following City's adopted Pedestrian and Bicycle Plan (2012) goals, and projects:
 - i. Goal 1: Multi-Modal
 - ii. Goal 2: Walkable City
 - iii. Goal 3: A safe, comprehensive, and integrated bicycle system.
 - iv. Goal 6: Funding for pedestrian and bicycle projects and programs
 - v. Section 7.1.2 Pedestrian Crossings
 - vi. Section 7.1.4 Corridor Enhancements
 - vii. Section 7.4.2 Intersection Improvements for Bicyclists (I)
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.
 - a. The City has adopted the most recent Caltrans Standards and Specifications via Resolution No. 17-XX, and therefore, all construction will be performed pursuant to these standards.
10. That the project(s) described in Attachment B will be completed before the funds expire.
 - a. Funds have three years for completion, and Public Works has planned to complete the projects in fiscal year 2018/19.
11. That the **City of Emeryville** 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.
 - a. All project improvements will be within the City right of way, and therefore, will be maintained by the City.

FISCAL IMPACT

The proposed project application asks for \$66,603 in construction funding from the regional distribution of Transportation Development Act Article 3 funds. This amount is

sufficient to complete various projects identified by the Bicycle and Pedestrian Committee.

STAFF COMMUNICATION WITH THE PUBLIC

Bicycle and Pedestrian Advisory Committee – June 25, 2018
Joint Meeting of the Public Works Committee and Transportation Committee – June 21, 2018

CONCLUSION

Staff recommends that the City Council adopt the attached resolution approving the request to the Metropolitan Transportation Commission by the City of Emeryville for an allocation of Transportation Development Act Article 3 Pedestrian and Bicycle Project funding for Fiscal Year 2018/2019.

PREPARED BY: Ryan O'Connell, Senior Civil Engineer, Public Works

**APPROVED AND FORWARDED TO THE
CITY COUNCIL OF THE CITY OF EMERYVILLE:**



Carolyn Lehr, City Manager

ATTACHMENTS

1. Resolution
2. Attachment A – Findings
3. Attachment B – TDA Article 3 Project Application Form