



Council Meeting: May 5, 2009

SUBJECT: Adopt a Resolution to Authorize the Filing of the Fiscal Year 2009/10 Transportation Development Act Article 3 Application for Pedestrian and Bicycle Projects

REPORT IN BRIEF

The Transportation Development Act (TDA) is a source of funds created by State legislation which annually returns to each region in the State 1/4 of 1% of sales tax revenues which are to be used for transportation projects. A portion of these funds are earmarked for bicycle and pedestrian projects. In order to receive funds in the 2009/10 funding cycle, the City of Sunnyvale must submit potential projects to the Santa Clara Valley Transportation Authority (VTA) and to the Metropolitan Transportation Commission (MTC). In FY 2009/10, \$207,294 is guaranteed to the City for eligible projects. Additional funding may be secured through the VTA's discretionary Bicycle Expenditure Program for qualifying projects. The MTC requires that the City Council adopt a resolution to authorize filing for FY 2009/10 TDA funding for a Residential and School Area Sidewalk project (based on the Pedestrian Safety and Opportunities Study), and a Mary Avenue Bicycle Lanes (Street Space Allocation) Design Study.

BACKGROUND

TDA funds are processed through the VTA and MTC. Seventy percent of the annual allocation is guaranteed to Member Agencies based on the most recent California Department of Finance population estimates. These funds may be used for any eligible project. VTA has estimated that the City of Sunnyvale will receive \$207,294 for eligible projects in Fiscal Year 2009/10.

Thirty percent of the annual allocation to Santa Clara County jurisdictions is dedicated to projects which have been approved for inclusion in the VTA's Countywide Bicycle Expenditure Program (BEP). In FY 09/10, there is \$988,144 in BEP TDA Article 3 funding. Eligible City projects include Mary Avenue Bike Lanes, Maude Avenue Bike Lanes, Sunnyvale East Channel Trail, Bernardo Avenue/Caltrain Bicycle and Pedestrian Undercrossing, and a Stevens Creek Trail Connector.

Projects must be reviewed by the City Bicycle and Pedestrian Advisory Commission, must be in an approved bicycle plan, must have environmental clearance prior to expenditure (for construction projects only), must have an authorizing resolution, and must be able to begin construction within one year.

The VTA prioritizes the submitted projects and then submits their list of recommended projects to MTC for approval.

The Bicycle and Pedestrian Advisory Commission (BPAC) considered FY 2009/10 TDA candidate projects at its April 16, 2009 meeting. The BPAC supports the staff recommendation. A Notice of Exemption has been filed for the Residential and School Area Sidewalks Project.

EXISTING POLICY

The following documents contain policy direction on this issue.

Land Use and Transportation Element C3.5.4, Maximize the provision of bicycle and pedestrian facilities.

Bicycle Plan BP.B3, The City of Sunnyvale shall pursue all available funding options for bicycle facility construction and improvements.

Fiscal Sub-Element 7.1B.4d, Pursue and use intergovernmental assistance for projects in the Ten-Year Capital Improvement Plan.

DISCUSSION

The determination of candidate TDA Article 3 projects for FY 2009/10 was based on review of budgeted projects in the Resource Allocation Plan, as well as unbudgeted projects, review of TDA eligibility requirements, consideration of the Pedestrian Safety and Opportunities Study, Bicycle Capital Improvement Program and Bicycle Plan, and Commission members' and staff's knowledge of bicycle and pedestrian facility needs in the City. This report requests that Guarantee TDA funds be used to initiate residential and school area sidewalk improvements identified in the recently approved Pedestrian Safety and Opportunities Study, and a BEP application be submitted for a Mary Avenue Bike Lanes Design Study.

FISCAL IMPACT

TDA Article 3 is a program that reimburses cities for the incurred costs of selected projects. No local matching funds are required for Guarantee Fund projects. A 20% local match is required for BEP projects. Matching funds are proposed from the City's Transportation Grant Matching Funds capital project. The VTA estimates the City will receive funds in the amount of \$207,294 from the City Guarantee Fund apportionment. New revenue constitutes a positive fiscal impact.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, in the Council Chambers lobby, in the Office of the City Clerk, at the Library, Senior Center, Community Center, and Department of Public Safety; posting the agenda and report on the City's Web

site; and making the report available at the Library and the Office of the City Clerk.

ALTERNATIVES

1. Adopt the attached resolution authorizing the filing of a project application with the VTA and MTC for allocation of Transportation Development Act funds for FY 2009/10 for pedestrian/bicycle projects.
2. Adopt a candidate project list different than the staff and BPAC-recommendation. Because of extremely tight deadlines for submittal of grant applications, this may require the City to bank funds to FY 2010/2011.
3. Do not take action at this time and forfeit TDA funds for 2009/10.

RECOMMENDATION

Staff and the Bicycle and Pedestrian Advisory Commission recommend Alternative 1: Adopt the attached resolution authorizing the filing of a project application with the VTA and MTC for allocation of Transportation Development Act funds for FY 2009/10 for pedestrian/bicycle projects.

Staff and the Bicycle and Pedestrian Advisory Commission have considered potentially eligible projects for TDA funding, and found that the following projects will be eligible for 2009/2010 TDA Article 3 funds: Residential and School Area Sidewalks and Mary Avenue Bicycle Lanes Design Study.

Reviewed by:

Marvin A. Rose Director, Public Works

Prepared by: Jack Witthaus, Transportation and Traffic Manager

Approved by:

Gary M. Luebbers
City Manager

Attachments

- A. Resolution Approving FY 2009/10 TDA Article 3 Application

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AUTHORIZING AN APPLICATION TO THE METROPOLITAN TRANSPORTATION COMMISSION FOR THE ALLOCATION OF FISCAL YEAR 2009/2010 TRANSPORTATION DEVELOPMENT ACT ARTICLE 3 PEDESTRIAN/BICYCLE PROJECT FUNDING

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 Sunnyvale 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 SUNNYVALE THAT:

1. The City of Sunnyvale declares it is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code, and furthermore, be it
2. 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 Sunnyvale to carry out the project; and furthermore, be it
3. The City of Sunnyvale attests to the accuracy of and approves the statements in Exhibit A to this resolution; and furthermore, be it
4. 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 county association of governments, as the case may be, of Santa Clara County for submission to MTC as part of the countywide coordinated TDA Article 3 claim.

ATTACHMENT A

Adopted by the City Council at a regular meeting held on _____, 2009, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

APPROVED:

City Clerk
(SEAL)

Mayor

APPROVED AS TO FORM AND LEGALITY:

David E. Kahn, City Attorney

EXHIBIT "A" TO RESOLUTION NO. _____

FINDINGS

1. That the City of Sunnyvale 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 SUNNYVALE legally impeded from undertaking the project(s) described in "Exhibit B" of this resolution.
2. That the CITY OF SUNNYVALE 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 SUNNYVALE 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 SUNNYVALE 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.

EXHIBIT B

TDA Article 3 Project Application Form

Fiscal Year of this Claim: FY 2009/2010 Applicant: City of Sunnyvale

Contact person: Jack Witthaus

Mailing Address: P.O. Box 3707

E-Mail Address: jwitthaus@ci.sunnyvale.ca.us Telephone (408) 730-7330

Secondary Contact (in event primary not available) Lisa Sandigo

E-Mail Address: lsandigo@ci.sunnyvale.ca.us Telephone (408) 730-7676

Short Title Description of Project: Mary Avenue Bike Lanes Design Study

Amount of claim: \$ 160,000

Functional Description of Project:

Planning, conceptual engineering, and public outreach for design of bike lanes on Mary Avenue between Central Expressway and Fremont Avenue

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, environmental

Funding Source	All Prior FYs	Application FY	Next FY	Following FYs	Totals
TDA Article 3		160,000			160,000
list all other sources:					
1. Other local		40,000			40,000
2.					
3.					
4.					
Totals		200,000			200,000

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).	No - 5/09
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).	Yes
D. Has the project been reviewed by a Bicycle Advisory Committee? (If "NO," provide an explanation).	No - 4/17/09
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) _____	Yes, 7/11
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

TDA Article 3 Project Application Form

Fiscal Year of this Claim: FY 2009/2010 Applicant: City of Sunnyvale

Contact person: Jack Witthaus

Mailing Address: P.O. Box 3707

E-Mail Address: jwitthaus@ci.sunnyvale.ca.us Telephone (408) 730-7330

Secondary Contact (in event primary not available) Lisa Sandigo

E-Mail Address: lsandigo@ci.sunnyvale.ca.us Telephone (408) 730-7676

Short Title Description of Project: Residential and School Area Sidewalks

Amount of claim: \$ 207,294

Functional Description of Project:

Construction of new sidewalk and curb ramps, widening of existing sidewalk

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: engineering, construction, contingency

Funding Source	All Prior FYs	Application FY	Next FY	Following FYs	Totals
TDA Article 3		207,294			207,294
list all other sources:					
1.					
2.					
3.					
4.					
Totals		207,294			207,294

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).	No – 5/09
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).	No – 4/17/09
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).	Yes
F. Will the project be completed before the allocation expires? Enter the anticipated completion date of project (month and year) _____	Yes, 9/10
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