



**Council Meeting: February 23, 2010**

**SUBJECT: Regional Transportation Improvement Program for Downtown Sunnyvale Streetscape Improvements – Resolution of Support and Budget Modification No 19**

### **BACKGROUND**

The Metropolitan Transportation Commission (MTC) is overseeing programming of specific projects and allocations to Bay Area counties through county Congestion Management Agencies (CMA's). The Santa Clara Valley Transportation Authority (VTA), the CMA for Santa Clara County has \$5.106 million for a Community Design and Transportation (CDT) Capital Grant Program cycle for FY 2010/11. Project sponsors may request a maximum of \$1.5 million per project. A 20-percent local match is required. The VTA CDT funds are awarded on a competitive basis. Eligible projects must pertain to a physical setting where deficiencies exist and which, if remedied by the proposed project, will provide significant community benefit through walkability, place-making and/or transit access.

Staff determined that a Downtown Sunnyvale Streetscape Improvements project best fit the eligibility and funding requirements. This Project has been created as a result of the Council approved 2003 Downtown Specific Plan. The Plan provides for wider sidewalks, new bike lanes, and general improvements to the area's streetscape.

The VTA ranked the Downtown Sunnyvale Streetscape project first out of four projects that were selected for funding. It was decided to award the Project the maximum allowable amount of \$1.5 million given that a 20% local match in the amount of \$375,000 is to be provided.

### **EXISTING POLICY**

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

Air Quality Element A.2.a, Develop and maintain a balanced transportation system in Sunnyvale by promoting pedestrian, bicycle and transit modes of travel.

Land Use and Transportation Element C3.7, Pursue local, state and federal transportation funding sources to finance City transportation capital improvement projects consistent with City priorities.

## **DISCUSSION**

Staff applied for a Downtown Streetscape Improvements project based on the Downtown Specific Plan and downtown design specifications. The project will implement the adopted streetscape design standards for street furniture, sidewalk width and patterns, street lighting, landscaping, and signing and markings by filling in the gaps on portions of Mathilda Avenue, Iowa Avenue, Washington Avenue, Evelyn Avenue and Sunnyvale Avenue. Details of the proposed improvements will be identified through the design process.

Council is being asked, as recommended by staff, to approve a resolution of support as noted in Attachment A and to approve Budget Modification No. 19 which has been prepared to appropriate grant revenues in the amount of \$1.5 million from the CDT Capital Grant Program to new project, Sunnyvale Downtown Streetscape Improvements, as well as appropriate the CDT Capital Grant program required 20% local match of \$375,000.

Design standards are adopted and the project is ready to proceed to design and construction. The State has programmed the grant funding for FY 2010/11, but design work can proceed using local matching funds.

## **FISCAL IMPACT**

Granting of \$1.5 million in unanticipated revenue constitutes a positive fiscal impact. This grant will be administered from existing Public Works and Finance operating budgets. The funding program requires a 20% local match in the amount of \$375,000. The local match will be funded from a dedicated source in the Capital Projects Fund/Traffic Mitigation Sub-fund that is specifically for the purpose of providing local matching funds. There are not enough funds budgeted for this purpose in FY 2009/10, so dedicated local matching funds will be utilized from funds budgeted in FY 2010/11 and 2011/12. Budget Modification No. 19 has been prepared to appropriate grant revenues in the amount of \$1.5 million from the CDT Capital Grant Program to the new Sunnyvale Downtown Streetscape Improvements project, as well as appropriate the CDT Capital Grant program required 20% local match of \$375,000. It should be noted that staff will also seek future grant opportunities to replace the local match funds.

**Budget Modification No. 19  
FY 2009/2010**

	<u>Current</u>	<u>Increase/ (Decrease)</u>	<u>Revised</u>
<b>Capital Projects Fund/ General Assets Subfund</b>			
<u>Revenues:</u>			
Santa Clara Valley Transportation Authority (VTA)	\$0	\$1,500,000	\$1,500,000
<u>Transfers In:</u>			
New Project - Sunnyvale Downtown Streetscape Improvements Project (from Traffic Mitigation Sub-fund)	\$0	\$375,000	\$375,000
<u>Expenditures:</u>			
New Project - Sunnyvale Downtown Streetscape Improvements Project	\$ 0	\$1,875,000	\$1,875,000
<b>Capital Projects Fund/ Traffic Mitigation Subfund</b>			
<u>Transfers Out:</u>			
New Project - Sunnyvale Downtown Streetscape Improvements Project	\$0	\$375,000	\$375,000
<u>Expenditures:</u>			
Dedicated Local Matching Funds (FY 09/10)	\$160,000	(\$160,000)	\$0
Dedicated Local Matching Funds (FY 10/11)	\$200,000	(\$200,000)	\$0
Dedicated Local Matching Funds (FY 11/12)	\$200,000	(\$15,000)	\$185,000

## **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin boards outside City Hall, in the Council Chambers lobby, the City Clerk's office, 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 Office of the City Clerk.

## **ALTERNATIVES**

1. Approve the attached Resolution of Support and Budget Modification No. 19 to appropriate grant revenues in the amount of \$1.5 million from the CDT Capital Grant Program to new project Sunnyvale Downtown Streetscape Improvements, as well as appropriate the CDT Capital Grant program required 20% local match of \$375,000.
2. Do not take action at this time and forfeit the CDT Capital Grant funds.

**RECOMMENDATION**

Staff recommends Alternative No. 1: Approve the attached Resolution of Support and Budget Modification No. 19 to appropriate grant revenues in the amount of \$1.5 million from the CDT Capital Grant Program to new project Sunnyvale Downtown Streetscape Improvements, as well as appropriate the CDT Capital Grant program required 20% local match of \$375,000.

Reviewed by:

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Marvin A. Rose, Director of Public Works  
Prepared by: Heba El-Guendy, Senior Transportation Planner

Reviewed by:

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Mary Bradley, Director of Finance

Approved by:

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Gary M. Luebbers  
City Manager

**Attachment:**

A. Resolution of Support

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE EXPRESSING LOCAL SUPPORT FOR THE 2010 REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM FUNDING AND STATING THE ASSURANCE TO COMPLETE THE PROJECT**

WHEREAS, the City of Sunnyvale (herein referred to as “APPLICANT”) is submitting an application to the Metropolitan Transportation Commission (MTC) for \$1,500,000 in funding from the 2010 Regional Transportation Improvement Program (RTIP) for the Sunnyvale Downtown Streetscape Improvements project (herein referred to as “PROJECT”) for the MTC 2010 RTIP, as authorized by MTC by Resolution No. 3928 (herein referred to as “PROGRAM”); and

WHEREAS, SB 45 (Chapter 622, Statutes 1997) substantially revised the process for estimating the amount of state and federal funds available for transportation projects in the state and for appropriating and allocating the available funds to these projects; and

WHEREAS, as part of that process, MTC is responsible for programming projects eligible for Regional Improvement Program funds, pursuant to California Government Code Section 14527(b), for inclusion in the RTIP, and submission to the California Transportation Commission, for inclusion in the State Transportation Improvement Program; and

WHEREAS, MTC will review and include, if approved, 2010 RTIP projects in the federal Transportation Improvement Program (TIP); and

WHEREAS, MTC has requested eligible transportation project sponsors to submit applications nominating projects to be programmed for Regional Improvement Program funds in the RTIP; and

WHEREAS, applications to MTC must be submitted consistent with procedures, conditions, and forms it provides transportation project sponsors; and

WHEREAS, APPLICANT is a sponsor of transportation projects eligible for Regional Improvement Program funds; and

WHEREAS, the RTIP Project Programming Request (PPR) form of the project application, attached hereto and incorporated herein as though set forth at length, lists the project, purpose, schedule and budget for which APPLICANT is requesting that MTC program Regional Improvement Program funds for inclusion in the RTIP; and

WHEREAS, Part 2 of the project application, attached hereto and incorporated herein as though set forth at length, includes the certification by APPLICANT of assurances required by SB 45 in order to qualify the project listed in the RTIP project nomination sheet of the project application for programming by MTC; and

WHEREAS, as part of the application for 2010 RTIP funding, MTC requires any resolution adopted by the responsible implementing agency to state that the project will comply with the procedures specified in the “Timely Use of Funds Provisions and Deadlines” (MTC Resolution No. 3928, Attachment 1, Pages 14-15, and as may be further amended).

NOW, THEREFORE, BE IT RESOLVED, that APPLICANT approves the assurances set forth in Part 2 of the project application, attached to this resolution; and be it further

RESOLVED, that APPLICANT will comply with the provisions and requirements of the “Timely Use of Funds Provisions and Deadlines” (MTC Resolution No. 3928, Attachment 1, Pages 14-15, and as may be further amended), that 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 that APPLICANT and PROJECT will comply with the requirements as set forth in the 2010 RTIP Policies and Procedures (MTC Resolution No. 3928); and therefore be it further

RESOLVED, that APPLICANT has reviewed the project and has adequate staffing resources to deliver and complete the project within the schedule set forth in the RTIP Project Programming Request (PPR) form of the project application, attached to this resolution; and be it further

RESOLVED, that APPLICANT is an eligible sponsor of projects in the State Transportation Improvement Program; and be it further

RESOLVED, that APPLICANT is authorized to submit an application for State Transportation Improvement Program funds for PROJECT; and be it further

RESOLVED, that there is no legal impediment to APPLICANT making applications for Regional Improvement Program funds; and be it further

RESOLVED, that there is no pending or threatened litigation which might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT; and be it further

RESOLVED, that APPLICANT authorizes its Executive Director, General Manager, or designee to execute and file an application with MTC to program Regional Improvement Program funds into the RTIP, for the projects, purposes and amounts included in the project application attached to this resolution; and be it further

RESOLVED, that a copy of this resolution shall be transmitted to MTC in conjunction with the filing of the APPLICANT application referenced herein.

Adopted by the City Council at a regular meeting held on \_\_\_\_\_, 2010, by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

ATTEST:

APPROVED:

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City Clerk  
(SEAL)

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Mayor

APPROVED AS TO FORM AND LEGALITY:

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David E. Kahn, City Attorney

RTIP Project Application  
Part 2: Certification of Assurances

The implementing agency certifies that the project for which Regional Improvement Program funding is requested meets the following project screening Criteria. Please initial each.

1. The project is eligible for consideration in the RTIP. Pursuant to Streets and Highways Code Section 164 (e), eligible projects include improving state highways, local roads, public transit, intercity rail, pedestrian, and bicycle facilities, and grade separation, transportation system management, transportation demand management, soundwall projects, intermodal facilities, and safety. \_\_\_\_\_
2. For the funds requested, no costs have/will be incurred prior to adoption into the STIP by the CTC. \_\_\_\_\_
3. A Project Study Report (PSR) or PSR equivalent has been prepared for the project. \_\_\_\_\_
4. The project budget included in Part 2 of the project application reflects current costs updated as of the date of application and escalated to the appropriate year. \_\_\_\_\_
5. The project is included in a local congestion management program (CMP). (Note: For those counties that have opted out of preparing a CMP in accordance with Government Code Section 65088.3, the project must be consistent with the capital improvement program adopted pursuant to MTC's funding agreement with the countywide transportation planning agency.) \_\_\_\_\_
6. The year of funding for any design, right-of-way and/or construction phases has taken into consideration the time necessary to obtain environmental clearance and permitting approval for the project. \_\_\_\_\_
7. The project is fully funded. \_\_\_\_\_
8. For projects with STIP federal funds, the implementing agency agrees to contact Caltrans and schedule and complete a field review within six months of the project being adopted or amended into the TIP. \_\_\_\_\_
9. For STIP construction funds, the implementing agency agrees to send a copy of the Caltrans LPP 01-06 "Award Information for STIP Projects – Attachment A" to MTC and the CMA, upon award. \_\_\_\_\_
10. The implementing agency agrees to be available for an audit of STIP funds, if requested. \_\_\_\_\_

The implementing agency also agrees to abide by all statutes, rules and regulations applying to the State Transportation Improvement Program (STIP), and to follow all requirements associated with the funds programmed to the project in the STIP. \_\_\_\_\_

These include, but are not limited to:

1. Environmental requirements: NEPA standards and procedures for all projects with Federal funds; CEQA standards and procedures for all projects programmed with State funds.

2. California Transportation Commission (CTC) requirements for transit projects, formerly associated with the Transit Capital Improvement (TCI) program. These include rules governing right-of-way acquisition, hazardous materials testing, and timely use of funds.
3. Federal Transit Administration (FTA) requirements for transit projects as outlined in FTA regulations and circulars.
4. Federal Highway Administration (FHWA) and Caltrans requirements for highway and other roadway projects as outlined in the Caltrans Local Programs Manual.
5. Federal air quality conformity requirements, and local project review requirements, as outlined in the adopted Bay Area Conformity Revision of the State Implementation Plan (SIP).