



Council Meeting: June 15, 2010

SUBJECT: Adopt a Resolution to Authorize the Filing of the Fiscal Year 2010/11 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 2010/11 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 2010/11, \$52,313 is guaranteed to the City for eligible projects. The MTC requires that the City Council adopt a resolution (Attachment A) to authorize filing for FY 2010/11 TDA funding. Staff and the Bicycle and Pedestrian Advisory Commission (BPAC) recommend funding for a Borregas Avenue Bicycle and Pedestrian Improvements project.

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 \$52,313 for eligible projects in Fiscal Year 2010/11.

Projects must be reviewed by the City's 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 2010/11 TDA candidate projects at its May 20, 2010 meeting (Attachment B – draft BPAC meeting minutes from May 20). The BPAC supports funding for a Borregas Avenue Bicycle and Pedestrian Improvements project that will provide traffic control and safety improvements at the Routes 101 and 237 bridge landings and bike lanes on Borregas between Weddell and Persian Drives.

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 2010/11 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 provide additional funding for Project 828600, Borregas Avenue Bicycle and Pedestrian Improvements. This project will provide traffic controls and new bike lanes. This project was previously approved by Council and funded with a \$52,000 grant from the Bay Area Air Quality Management District. Additional funding is requested since assessment of conditions has determined that enhanced traffic controls are warranted that exceed the originally estimated cost.

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. The VTA estimates the City will receive funds in the amount of \$52,313 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. The Sunnyvale BPAC also held a public hearing on this item at its May 20, 2010 meeting.

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 2010/11 for pedestrian/bicycle projects for a Borregas Avenue Bicycle and Pedestrian Improvements Project.
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 2011/2012 until the next TDA grant cycle.
3. Do not take action at this time and forfeit TDA funds for 2010/11.

RECOMMENDATION

Staff and the Bicycle and Pedestrian Advisory Commission recommend Alternative No. 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 2010/11 for pedestrian/bicycle projects for a Borregas Avenue Bicycle and Pedestrian Improvements Project.

Staff and the Bicycle and Pedestrian Advisory Commission have considered potentially eligible projects for TDA funding, and found that the Borregas Avenue Bicycle and Pedestrian Improvements project will be eligible for 2010/2011 TDA Article 3 funds.

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 2010/11 TDA Article 3 Application
- B. Draft BPAC meeting minutes from May 20, 2010

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 2010/2011
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.

Adopted by the City Council at a regular meeting held on _____, 2010, 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

Resolution No.
Exhibit A

Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year FY 2009/2010 Transportation Development Act Article 3 Pedestrian/Bicycle Project Funding

Findings

Page 1 of 1

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.

Resolution No.
Exhibit B
page 1 of 1

Short Title Description of Project: Borregas Avenue Bicycle and Pedestrian Improvements

Amount of claim: \$ 52,313

Functional Description of Project:

Construction of bike lanes, warning and traffic control devices on Borregas Avenue and at bicycle overcrossings of Highways 237 and 101



ATTACHMENT B

DRAFT

SUNNYVALE BICYCLE AND PEDESTRIAN ADVISORY COMMISSION Meeting Minutes – May 20, 2010

The Sunnyvale Bicycle and Pedestrian Advisory Commission met at 6:30 p.m. on May 20, 2010 with Commission Chair Kevin Jackson presiding. The meeting was held in the West Conference Room, City Hall, 456 West Olive Avenue, Sunnyvale.

ROLL CALL/CONSIDERATION OF ABSENCES

Members Present: Kevin Jackson
Andrea Stawitcke
Cathy Switzer
James Manidakos
Patrick Walz
Ralph Durham

Members Absent: Richard Warner

Staff Present: Heba El-Guendy - Transportation & Traffic Division, DPW

Visitors: Isaac Porras – Silicon Valley Bicycle Coalition

Commissioner Warner informed the BPAC Chair and staff liaison of his inability to attend the May 20, 2010 meeting due to his illness. There were no objections by the BPAC members and the Commissioner's absence was excused.

SCHEDULED PRESENTATION

None.

PUBLIC ANNOUNCEMENTS

Isaac Porras – Recommended attending a Mountain View City Council meeting on the high speed rail alternatives analysis. The meeting will take place on May 25th, 2010 in the Mountain View Council Chambers located at 500 Castro Street. An open session will commence at 5:00 p.m. with the Council meeting starting at 7:00 p.m. Illustrations of the Rengstorff and Castro crossings will be presented.

Commissioner Switzer – Announced that the City of San Jose has a new bike map and their web site will be updated soon.

Chair Jackson – Informed the BPAC members of the following:

- The Tour de Ames went well after one-rain delay and had good attendance. The Bay Trail behind Ames is estimated to be opened in the fall.
- The Stevens Creek Trail Four-Cities Working Group conducted a field trip to review a trail route under I-280 and it looks promising. The Water District representative will investigate the District's legal right/control of land that allows them to provide cyclists access and establishment of a trail to connect Homestead Road to the other side of I-280.
- The Bordeaux Avenue improvements recommended by staff and BPAC, and the Mary Avenue contract to conduct the feasibility study were both approved by City Council.
- City Center Spare the Air event went well.
- West Valley Elementary School will be visited by TSCN staff who will be providing a presentation on school traffic safety and the services offered by TSCN.

CONSENT CALENDAR

- 1.A) Approval of Draft Minutes of the April 15, 2010 Meeting
- 1.B) Approval of Agenda of the May 20, 2010 Meeting
- 1.C) Approval of the 2010 BPAC Calendar Update

Commissioner Stawitcke moved a motion seconded by Commissioner Durham to approve Consent Calendar items 1.B) and 1.C). Motion was passed 6-0.

Commissioner Durham – On Page 10 of the agenda packet, requested revising the paragraph before last to note that the comment was made by Commissioner Durham rather than Commissioner Warner. On Page 9 of the packet, revising the fifth line of the first paragraph “Added his ~~believe~~ belief that after meeting the minimum standards, all transport modes and parking should compete for any additional space”.

Commissioner Switzer – Requested revising the end of the fifth paragraph on Page 6 “....., which ~~has been~~ potentially can be effective in discouraging him from repeating such driving behavior”. Also revising the first non-agenda item on Page 10 of the packet to indicate that Commissioner Switzer will be on vacation and unable to attend the June BPAC meeting rather than the May meeting.

Commissioner Walz – Requested revising the last item of the second paragraph on Page 11 of the agenda packet to indicate “---the Committee members may recommend will have the opportunity to select the one that is consistent with the Vision”.

Commissioner Durham moved a motion seconded by Commissioner Switzer to approve Consent Calendar item 1.A) as amended. Motion was passed 6-0.

STAFF RESPONSE TO PRIOR PUBLIC COMMENTS

None.

PUBLIC COMMENTS

Isaac Porras – Indicated that he attended a community meeting on the High Speed Rail project in Mountain View which was very informative. Caltrain is considering electrifying its trains to establish a shared system with the high speed rail system while having four tracks. The system will either be aerial or under ground until it reaches Wolfe Road, it will be at grade.

PUBLIC HEARINGS/GENERAL BUSINESS

2. ACTION: Fiscal Year 2010/2011 Transportation Development Act (TDA) Article 3 Application for Pedestrian and Bicycle Projects – Draft RTC & Resolution

Heba El-Guendy – Presented information about the TDA program, as well as about the draft staff report and resolution prepared for Council consideration. The draft RTC recommends using the TDA allocation for FY 2010/11 of \$52,313 to fund a Borregas Avenue Project which is currently under-funded. This is to provide traffic control and safety devices at the landings of the Borregas Avenue bicycle and pedestrian bridges over-crossing US 101 and SR 237, as well as complete the bike lanes along Borregas Avenue between Weddell Drive and Persian Drive.

Commissioner Switzer – Noted that Commissioner Durham and herself were exposed to the safety issues at the Bike to Work Day energizer station that was provided at the Moffett Park Drive landing of the bridge.

Commissioner Durham – Noted that speeding was of most concern especially by eastbound traffic on Moffett Park Drive and turning onto Borregas Avenue. Added that most of motorists on Moffett Park Drive were observed driving at, or even higher than the speed limit of 45 mph. Also inquired if the staff's recommended improvements will address the pedestrian corral area at the end of the sidewalk provided at the ending of the northerly bridge.

Commissioner Walz – Inquired about the reasons behind the change in the Borregas Avenue project budget from \$50,000 to \$102,313. Also inquired if any other projects were considered before concluding the staff recommendation.

Commissioner Manidakos – Inquired if and when the traffic control and safety improvements recommended by staff will be shared with BPAC for review and feedback.

Chair Jackson – Recommended that the street space allocation policy be applied in this project to ensure safety of all users. Suggested the possibility of implementing traffic calming devices to slow down traffic on Moffett Park Drive, which could possibly later allow reducing the posted speed limit. Requested that the northerly landing of the northerly bridge be given a priority even if most of the funds would need to be allocated to address issues at this location. Also requested that in future years, the BPAC be provided with a list of potential projects to select from in advance of the usual mid-year TDA announcement is made. This is to avoid voting on a single project recommended by staff without knowing other possible projects.

Commissioner Switzer – Requested adding the provision of the potential TDA projects list around February/March of the 2011 BPAC meetings calendar.

Commissioner Durham moved a motion seconded by Commissioner Walz to approve Alternative #1 and resolution recommended by staff. Motion was passed 6-0.

3. DISCUSSION: Review of the Detailed Two-Year Budget

Heba El-Guendy – Provided a brief staff report on the City budget process and the FY 2010/11 operational budget provided for discussion.

Commissioner Stawitcke – Indicated that the City Manager's briefing letter is very informative and well written.

Commissioner Manidakos – Inquired if the dollar amounts on the project budget sheets represent the costs, or the net difference between the costs and revenues.

Commissioner Switzer – Raised her concern about the \$72,500 reduction in the Citywide wellness program which could potentially cause a long-term pain for a short-term gain.

Commissioner Walz – Inquired about the BPAC discretionary funds of \$3,000 recommended to be cut, and the items/services that would be eliminated. Recommended that the City Council decide on Options #1 and #2 because the recommended cuts are significant. Suggested that the City looks into contracting out some of the services or finding ways to increase revenues. Also suggested that the City reduce the number of Council members from seven to two that are funded to attend the National League of Cities Convention in Washington DC, rather than eliminating the BPAC discretionary fund of \$3,000. Believes that Sunnyvale may be the only City in the Bay Area that sends more than two or three Council members to the event. On Page 81 of the agenda packet, Activity 471450 (Provide Taxi Inspections) – suggested charging more taxi fees to cover the City costs associated with the inspections.

Chair Jackson – Page 46, requested revising title of the Bicycle and Pedestrian Advisory Committee to a Commission. Page 47, Activity 119550 (Parking Permit Program Administration) recommended to make it revenue neutral to pay for itself. Believes that this program dedicates public space to private use which may adversely impact the transport uses. Noted that at the very least, the City should not lose money on the program. Page 56, Activity 120700 (Shopping Carts) recommended to make it revenue neutral or charge the merchants the associated costs. Page 78, requested clarifying that the Mary Avenue project extends from Maude to Fremont rather than from Evelyn to Fremont. Page 91, Project 825070 (Bicycle Map Revision) noted that according to the Bike Plan, the bike map is supposed to be updated every five years, yet no budget is allocated to this task until FY 2015/16. On the same page, inquired about how the number shown under Y2011 to Y2020 was estimated, and if it is an inflation of the FY 2014-16 amount, then it should not be added twice under the Project Life Total. Requested that other projects be checked from the same concern regarding the estimated budget totals.

Commissioner Switzer – Suggested creating a public education campaign to keep the streets clean, thereby reducing the maintenance costs. With regard to the bike maps, noted her preference that the Cities of Sunnyvale, Mountain View and Santa Clara use the same scale when they produce their bike maps.

Commissioner Durham – Page 78 of the agenda packet, requested giving a higher priority for designing and implementing the Duane Avenue project from Fair Oaks to Lawrence in order to address the current safety and operational concerns in a more timely manner.

4. DISCUSSION: Draft Utility Bill Stuffer

Chair Jackson – With regard to his e-mail message contained under Page 126 of the agenda packet, requested changing the description of the sixth picture to “Cyclists must strive to avoid sudden movements into the path of faster moving traffic....”. Suggested changing “What is Right with these Pictures” to “Important Safety Tips to Think About”.

Commissioner Manidakos – Recommended changing the wording of the fifth picture to state “Motorists should not open doors in front of traffic”.

Commissioner Walz – For the reverse side of the utility bill stuffer, noted that having one photo would be sufficient.

NON-AGENDA ITEMS AND COMMENTS

- BPAC ORAL COMMENTS

Commissioner Durham – Requested checking bike detection for the left-turn movement at the intersection of Mathilda Avenue/Washington Avenue. Also requested considering a study issue for next year to provide a pedestrian/bicycle bridge over-crossing US 101 east of Lawrence Expressway in the Sandia/Wildwood area. Offered to prepare a list of acronyms used on a regular basis to assist the new members who will be joining BPAC in July. Suggestions of the BPAC members and staff liaison will be e-mailed to Commissioner Durham to assist with the list. With regard to the neighborhood bicycle routes, raised his concerns regarding the limited lighting and damage caused by tree roots on Britton Avenue/path adjacent to the Fair Oaks Park. Also the inability to make a left turn at Wolfe Road due to the presence of the median.

Commissioner Switzer - Requested crosswalks across Morse and Borregas to serve users of the John Christian Greenbelt, as well as the addition of signage to show access points to the greenbelt.

Commissioner Stawitcke – Noted that he attended the Over and Under tour with her daughter and it was enjoyable.

Commissioner Manitakos – Traveled along the proposed neighborhood bike routes and offered some comments and suggestions. Noted that the southbound left turn movement from Helen Avenue at El Camino Real is very difficult. A better option would be to make the left-turn at Halford Avenue/El Camino Real which is signalized. In addition Helen does not connect with Lillick Drive. Inverness and Lochinvar would be a better connection between Teal Drive and Swallow Drive. Noted that there are no main traffic generators at the Sunnyvale-Saratoga Road/La Conner Drive intersection that justifies starting a bike route at this location. Further north along this route, there is a chain link fence at Crawford Drive and a gap where there is a need for signage to avoid having cyclists ending up in the parking lot. Bittern Drive does not connect to Alberta Avenue, instead Harwick Way can be used as the connection between Bittern and Alberta. Requested not publicizing the route between the Caltrain Station and the water tank bike path until it is reinstated. This is to avoid confusion and having cyclists use it and missing their train.

Commissioner Walz – Indicated that after signing a waiver, he did a ride along with a public safety officer on Saturday night, April 24th. During this ride, they noticed two cyclists that seemed to be highly intoxicated and neither one of them was pulled over. Noted that Friday, May 21st is the next San Jose Bike Party. Also indicated that the April meeting of the General Plan Consolidation Committee was somewhat high on discussions and low on actions. Added that decisions are expected to be made during the May Committee meeting with regard to the look and feel of the document, and whether or not certain items belong in the general plan or in other documents that seem to be equally important. Requested that a study issue be created to investigate the feasibility of establishing a new development fee designated for bike and pedestrian improvements.

Chair Jackson – Added that such study issue could resolve funding issues for some projects. Indicated as an example that the bottleneck in the Bernardo grade-separated crossing is the lack of local match, despite that the project has been on the Tier I of the BEP which guarantees the external funds. Also noted that between 415 and 420 cyclists passed by the NASA energizer station on the Bike to Work Day. Also noted that cyclists expressed that they missed the other energizer stations that used to be provided in Sunnyvale at Mary/Maude and the Caltrain Station. Noted that the Over and Under Tour was a moderate success, he observed about a dozen cyclists at the Mary bridge. Requested frequent City staff check of the bike lockers at the library to prevent their miss-use.

- **STAFF ORAL COMMENTS**

E-mail inquiries received from the public were provided as part of the Agenda packet. The staff liaison noted that update on the signal operational inquiries will be provided during the June BPAC meeting. Regarding the e-mail message on the Pedestrian Safety and Opportunities Study, noted that some of the study recommendations are already being pursued under the Safe Routes to Schools grant and the TDA funds. With regard to the repaving of the Borregas Avenue between Maude and Ahwanee, there are no changes planned to the lane configuration. Added that all comments of the BPAC members on the neighborhood bike routes are being incorporated in the study.

INFORMATION ONLY ITEMS

5. BPAC E-mail Messages and/or Letters as submitted in the Agenda packet.
6. BPAC Active Items List accepted as submitted in the Agenda packet.

ADJOURNMENT

The meeting was adjourned at 8:55 p.m.

Respectfully submitted by:

Heba El-Guendy
Senior Transportation Planner
Division of Transportation and Traffic