



Council Meeting: April 26, 2011

SUBJECT: Adopt a Resolution to Authorize the Filing of the Fiscal Year 2011/12 Transportation Development Act Article 3 Application for Pedestrian and Bicycle Projects and Approve Budget Modification No. 29

BACKGROUND

The Transportation Development Act (TDA) Article 3 is a source of funds created by State legislation and processed through the Santa Clara Valley Transportation Authority (VTA) and Metropolitan Transportation Commission (MTC) which annually returns to each region in the State sales tax revenues that are to be used for bicycle and pedestrian projects. In order to receive funds in the 2011/12 funding cycle, the City of Sunnyvale must submit potential projects to the VTA and to the MTC. Potential projects must be reviewed by the City's Bicycle and Pedestrian Advisory Commission, must be in an approved bicycle plan, have environmental clearance prior to expenditure (for construction projects only), have an authorizing resolution (Attachment A), and be able to begin construction within one year.

In FY 2011/12, \$67,205 is guaranteed to the City for eligible projects. Staff and the Bicycle and Pedestrian Advisory Commission (BPAC) recommend funding for the East Channel Trail Project, to allow previously budgeted City funds to be freed up to fund a Stevens Creek Trail Feasibility Study. The Stevens Creek Trail Feasibility Study is not eligible for TDA funding, but previously budgeted City funds for the East Channel Trail could be used to fund the Stevens Creek Trail Study. The BPAC considered FY 2011/12 TDA candidate projects at its March 17, 2011 meeting (Attachment B - draft BPAC meeting minutes from March 17).

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.

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 2011/12 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.

The East Channel Trail project will construct a Class I bicycle and pedestrian path between the John W. Christian Greenbelt and Tasman Drive. This project was previously approved by Council and funded with a \$594,000 Federal grant from the VTA Community Design and Transportation Program and a \$149,000 local match. Staff and the BPAC recommend that the \$67,205 of TDA Guarantee funds be budgeted to supplant a like amount of the previously budgeted local match funds, so that the originally budgeted local match funds can be re-budgeted to a new Stevens Creek Trail Feasibility Study. Swapping local and TDA funds will allow the Stevens Creek Trail Feasibility Study to proceed.

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 \$67,205 from the City Guarantee Fund apportionment. New revenue constitutes a positive fiscal impact.

Budget Modification No. 29 has been prepared to reduce the local match of \$149,000 originally budgeted for Project 829010, East Channel Trail, by \$67,205. This reduction in local match will be used to fund a new project, Stevens Creek Trail Feasibility Study, in FY 2010/11. The local match originally budgeted for Project 829010, East Channel Trail, will be supplanted by the \$67,205 of TDA Guarantee funds in FY 2011/12, as part of the Recommended Budget. This will return the East Channel Trail project to its original appropriation of \$743,000.

Budget Modification No. 29 has also been prepared to appropriate \$67,205 from the City Guarantee Fund apportionment to Project 829010, East Channel Trail in FY 2011/12.

**Budget Modification No. 29
 FY 2010/2011**

	<u>Current</u>	<u>Increase/ (Decrease)</u>	<u>Revised</u>
Capital Projects Fund/ General Assets Subfund			
<u>Expenditures:</u>			
Project 829010 - Sunnyvale East Channel Trail Project	\$743,000	(\$67,205)	\$675,795
New Project – Stevens Creek Trail Feasibility Study	\$0	\$67,205	\$67,205

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 March 17, 2011 meeting (BPAC Draft meeting minutes - Attachment B).

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 2011/12 for pedestrian/bicycle projects for an East Channel Trail Project, and approve Budget Modification No. 29 to reduce the local match of \$149,000 originally budgeted for Project 829010, East Channel Trail, by \$67,205 to fund a new project, Stevens Creek Trail Feasibility Study, in FY 2010/11.
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 2012/2013 until the next TDA grant cycle.
3. Do not take action at this time and forfeit TDA funds for 2011/12.

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 2011/12 for pedestrian/bicycle projects for a East Channel Trail Project, and approve Budget Modification No. 29 to reduce the local match of \$149,000 originally budgeted for Project 829010, East Channel Trail, by \$67,205 to fund a new project, Stevens Creek Trail Feasibility Study, in FY 2010/11.

Staff and the Bicycle and Pedestrian Advisory Commission have considered potentially eligible projects for TDA funding, and found that the East Channel Trail Project will be eligible for 2011/2012 TDA Article 3 funds. Staff and the BPAC support swapping TDA funds for local matching funds for the East Channel Trail in order to fund a new project, a Stevens Creek Trail Feasibility Study.

Reviewed by:

Marvin A. Rose, Director, Public Works
Prepared by: Jack Witthaus, Transportation and Traffic Manager

Reviewed by:

Grace Leung, Director of Finance

Approved by:

Gary M. Luebbbers
City Manager

Attachments

- A. Resolution Approving FY 2011/12 TDA Article 3 Application
- B. Draft BPAC meeting minutes from March 17, 2011

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 2011/2012 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
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;
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



DRAFT

**SUNNYVALE BICYCLE AND PEDESTRIAN ADVISORY COMMISSION
Meeting Minutes – March 17, 2011**

The Sunnyvale Bicycle and Pedestrian Advisory Commission met at 6:30 p.m. on March 17, 2011 with Commission Chair Patrick Walz presiding. The meeting was held in the West Conference Room, City Hall, 456 West Olive Avenue, Sunnyvale.

ROLL CALL/CONSIDERATION OF ABSENCES

Members Present: Andrea Stawitcke
Angela Rausch
Cathy Switzer
James Manidakos
Patrick Walz
Ralph Durham

Members Absent: David Gandrud

Staff Present: Jack Witthaus, Transportation and Traffic Manager

SCHEDULED PRESENTATION

None.

PUBLIC ANNOUNCEMENTS

Commissioner Durham announced an upcoming Silicon Valley Bicycle Advocacy Summit, hosted by the Silicon Valley Bicycle Coalition, to be held April 6 and April 8 in San Mateo and San Jose respectively. He announced that the Department of Public Safety sub-committee had met and would be putting together a summary for the April BPAC meeting.

Kevin Jackson announced an upcoming presentation on the Grand Boulevard Initiative, to be held March 30 at 7 PM in the Sunnyvale City Council Chambers. He noted that Bike to Work Day was not on the BPAC work plan.

Commissioner Switzer arrived at 6:40 PM.

CONSENT CALENDAR

- 1.A) Approval of Draft Minutes of the February 17, 2011 Meeting
- 1.B) Approval of the 2011 BPAC Calendar Update

Commissioner Stawitcke moved and Commissioner Durham seconded the motion to approve Consent Calendar items 1.A) and 1.B).

VOTE: 5-0.

Commissioner Rausch arrived at 6:45 PM.

PUBLIC COMMENTS

Jim Stallman commented on development of the Valley Transportation Plan 2040 and Highway 85 projects.

Kevin Jackson commented on the Horizon 2035 Land Use and Transportation Element update and environmental impact report.

Chair Walz commented on a Lawrence Station Area Plan public meeting.

Garth Williams commented on Sunnyvale's involvement in Stevens Creek Trail planning.

PUBLIC HEARINGS/GENERAL BUSINESS

2. ACTION:Transportation Development Act (TDA) Article 3 Funding Recommendation

After questions from Commissioners, the public hearing was opened. Patrick Grant suggested pursuing Trust for Public Lands grants. George Emma inquired about the geometry of Wildwood Avenue. Kevin Jackson inquired about potential Bicycle Expenditure Program projects, and indicated support for funding of a Stevens Creek Trail feasibility study. Art Schwartz inquired about Remington Drive bike lanes funding.

The Commission took a straw vote on TDA funding priorities.

Commissioner Durham moved and Commissioner Stawitcke seconded a motion to recommend TDA funding for the East Channel Trail, in order to swap funds for a Stevens Creek Trail feasibility study.

VOTE: 5-0-1, Manidakos abstaining.

3. ACTION: Mary Avenue Bike Lanes Project Alternative Design Concept Evaluation

Commissioner Stawitcke moved and Commissioner Manidakos seconded deferring Item 4, Pastoria Avenue Bike Lanes, to the April, 2011 meeting.

VOTE: 5-0, Durham absent.

After the staff report, the BPAC adjourned for five minutes to allow the public an opportunity to review plans that were presented.

Commissioners provided comments on the plans that were presented.

The public hearing was opened. Dan Hafeman expressed concern about right of way acquisition and requested that through bike traffic at Maude Avenue be accommodated. Art Schwartz commented on bike lanes and tricycles, and requested reconsideration of gutter design standards. Kevin Jackson commented on bike lanes at right turn pockets, and buffer zones next to bike lanes. Patrick Grant noted the presence of a large drain grate near California Avenue.

4. DISCUSSION: Pastoria Avenue Bike Lanes Project – Deferred to April, 2011 meeting.

NON-AGENDA ITEMS AND COMMENTS

- BOARD MEMBERS OR COMMISSIONERS ORAL COMMENTS

Commissioner Durham noted that Stanford University was the first university to achieve Platinum Bicycle Friendly Community status.

Commissioners Switzer and Rausch indicated they would be absent from the next meeting. The Commission discussed whether they would have a quorum to hold the April meeting.

- STAFF ORAL COMMENTS

None.

INFORMATION ONLY ITEMS

5. FY 2011/12 Curb Ramp Installations List
6. FY 2011/12 Pavement Slurry Seal List for Road Segments and Parking Lots
7. BPAC E-mail messages and/or letters since circulation of the agenda packet of the February 17th meeting.
8. BPAC Active Items List.

Accepted as submitted.

ADJOURNMENT

Meeting adjourned at 8:50 P.M.

Respectfully submitted by:

Jack Witthaus, Transportation and Traffic Manager
Division of Transportation and Traffic