

**Council Meeting: May 7, 2013****SUBJECT: Adopt a Resolution Authorizing the Filing of Fiscal Year 2013/14 Transportation Development Act Article 3 Applications for Pedestrian and Bicycle Projects****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 Fiscal Year (FY) 2013/14 funding cycle, the City of Sunnyvale must submit potential projects to the VTA and MTC. The potential projects must be reviewed by the City's Bicycle and Pedestrian Advisory Commission, must be in an approved bicycle or pedestrian 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 2013/14, \$180,324 is guaranteed to the City for eligible projects. There is also a competitive category of funding for projects in the VTA Bicycle Expenditure Program for which the City can submit eligible projects. The VTA staff has indicated that \$346,790 is available on a competitive basis.

The BPAC considered FY 2013/14 TDA candidate projects at its March 21, 2013 meeting (Attachment B – draft BPAC meeting minutes).

EXISTING POLICY**General Plan, *Land Use and Transportation Element*:**

Policy LT 5.5 – Support a variety of transportation modes.

Policy LT 5.7 – Pursue local, state and federal transportation funding sources to finance City transportation capital improvement projects consistent with City priorities.

DISCUSSION

The determination of candidate TDA Article 3 projects for FY 2013/14 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, as well as, Commission members' and staff's knowledge of bicycle and pedestrian facility needs in the City. For the guaranteed portion of

TDA funding, staff identified and presented four potential projects and one proposal for banking funds to the BPAC:

- Pedestrian Safety and Opportunities Study Improvements
- Hendy Avenue Sidewalk
- Comprehensive School Traffic Study Improvements
- Remington/Michaelangelo Lighted Crosswalk
- Banking of Funds for One Bay Area Grant Matching Purposes

Additionally, staff identified that the City Council will soon consider one project listed in the VTA Bicycle Expenditure Program, Mary Avenue Bike Lanes, as eligible for a competitive grant. Staff recommended support for filing a competitive application.

This action is not a project for purposes of California Environmental Quality Act (CEQA) because it will not result in a direct physical change in the environment (Guideline 15378). However, if the City is successful in receiving grant funding and a potential project is identified, the City will conduct CEQA analysis for the identified Public Works project.

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 \$180,324 from the City Guarantee Fund apportionment. These funds can be allocated to projects or banked for later use. The City can also compete for Bicycle Expenditure Program funding. Any funds granted would constitute unanticipated revenue. Funds allocated or awarded to projects will be incorporated into the FY 2013/14 Recommended Budget as an expenditure appropriation.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at Sunnyvale Public Library, the Office of the City Clerk and on the City's website. The Sunnyvale BPAC also held a public hearing on this item at its March 21, 2013 meeting (BPAC Draft meeting minutes - Attachment B).

RECOMMENDATION

Staff and the BPAC recommend Council adopt the attached resolution authorizing the filing of project applications with the VTA and MTC for allocation of \$27,000 of Transportation Development Act funds for FY 2013/14 for a Remington Drive/Manet Drive Intersection Pedestrian Improvement Project, and requesting banking of remaining funds to FY 2014/15 for consideration of use for One Bay Area Grant matching funds. Also, authorize the filing of a Bicycle Expenditure Program competitive grant for \$346,790 for a Mary Avenue Bike Lanes project.

The BPAC voted in favor of the recommendation 7-0.

Staff and the Bicycle and Pedestrian Advisory Commission (BPAC) recommend funding for a Remington Drive/Manet Drive Intersection Pedestrian Improvement Project. This project is identified in the Pedestrian Safety and Opportunities Study. The project would retrofit curb ramps to current Americans with Disabilities Act (ADA) standards and reduce curb radii and relocate a crosswalk to reduce motor vehicle turning speeds and improve visibility to pedestrians. The BPAC felt this location has difficult geometry and sight lines for pedestrians, and has a fairly high volume of pedestrian traffic due to its proximity to the Senior Center and the Community Center.

Staff and the BPAC further recommend that remaining guaranteed funds be banked and reconsidered for use in 2014/15 as matching funds for any One Bay Area Grant projects awarded to the Sunnyvale. The City has submitted nine bicycle or pedestrian projects and committed to a 21% match for projects.

Staff and the BPAC also recommend submitting a competitive grant application for a Mary Avenue bike lanes project. The City Council will consider the outcome of a street space allocation study in May, 2013 that will make recommendations for a project design. This project is slated for funding with Transportation Impact Fees, so a TDA grant would supplant Transportation Impact Fee funding and free funds up for other uses.

Reviewed by:

Kent Steffens, Director, Public Works

Prepared by: Jack Witthaus, Transportation and Traffic Manager

Approved by:

Gary M. Luebbbers

City Manager

ATTACHMENTS

- A. Resolution Approving FY 2013/14 TDA Article 3 Application
- B. Draft BPAC meeting minutes from March 21, 2013

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AUTHORIZING APPLICATION TO THE METROPOLITAN TRANSPORTATION COMMISSION FOR THE ALLOCATION OF FISCAL YEAR 2013/2014 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 A 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 A 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 exhibit, 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 _____, 2013, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

APPROVED:

City Clerk
(SEAL)

Mayor

APPROVED AS TO FORM:

Joan A. Borger, City Attorney

Resolution No.
Exhibit A
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**City of Sunnyvale FY 2013/14 Transportation Development Act Article 3
Projects Authorized for Application for Funding**

- 1. Remington Drive/Manet Drive Intersection Pedestrian Improvement Project**
- 2. Mary Avenue Bike Lanes, Maude Avenue to Fremont Avenue**

DRAFT

SUNNYVALE BICYCLE AND PEDESTRIAN ADVISORY COMMISSION
Meeting Minutes – March 21, 2013

The Sunnyvale Bicycle and Pedestrian Advisory Commission met at 6:30 p.m. on March 21, 2013 with Commission Chair James Manidakos presiding. The meeting was held in the West Conference Room, City Hall, 456 West Olive Avenue, Sunnyvale.

ROLL CALL/CONSIDERATION OF ABSENCES

Members Present: James Manidakos
Angela Rausch
Kevin Jackson
Richard Kolber
David Jones
Cathy Switzer
Kyle Welch

Members Absent: None.

Council Liaison Present: Tara Martin-Milius.

Staff Present: Jack Witthaus, Transportation and Traffic Manager, Department of Public Works

Visitors: Kelly Keenan

SPECIAL PRESENTATION

None.

PUBLIC ANNOUNCEMENTS

Chair Manidakos announced Bike to Work Day.

Commissioner Jackson announced that the Moffett Park Business Group wants Bike to Work Day volunteers, and Safe Routes is looking for Bike Rodeo volunteers. He noted that a Bike and Pedestrian Day was held on March 20 at Nimitz School, and that in Sonoma County, California an anti-bike harassment ordinance was approved.

Commissioner Welch arrived at 6:35 P.M.

Commissioner Jones noted that the Silicon Valley Bicycle Coalition volunteer party is on March 21 in Mountain View.

CONSENT CALENDAR

- 1.A) Approval of Draft Minutes of February 21, 2013 Meeting
- 1.C) 2013 BPAC Calendar

Item 1.A was pulled by Commissioner Jackson.

Item 1.A, Non-agenda Item – Commissioner Jackson noted that his statement was that Mathilda/237 complete streets works only if applied in the very beginning of planning and design for a project.

The consent calendar was approved as amended by consensus.

PUBLIC COMMENTS

Kenny Keenan indicated that the detectors at the intersections of Evelyn and Fair Oaks, and El Camino Real and Poplar are not working. Suggests considering a crosswalk at E. Evelyn Ave. and Red Oak Dr., east of S. Wolfe Rd. She inquired about plans to build north/south bikeways in the southeast portion of the City. The Commission discussed bikeway planning and public participation.

Commissioner Rausch indicated that at the intersection of Cascade and Mary the west bound detector does not work.

PUBLIC HEARINGS/GENERAL BUSINESS

1. ACTION: Transportation Development Act (TDA) Funding Recommendation

Staff gave a report, noting that two additional projects had been identified by staff for consideration by the BPAC, a Mary Avenue bike lane project and a Remington and Michelangelo lighted crosswalk. The Commission discussed bicyclist safety at pedestrian bulb outs.

Commissioners inquired about how One Bay Area Grant (OBAG) projects are to be selected, Project priorities, and flexibility in selecting projects.

The Commission discussed a Remington and Manet improvement from the Pedestrian Safety and Opportunities Study and banking for OBAG.

Motion by Manidakos to recommend that the City Council support funding for a Remington Drive and Manet Drive pedestrian improvement, support an application for a Mary Avenue bike lanes project and bank remaining allocated funds for OBAG grant matching funds. Second by Commissioner Jackson. Motion passes 5-2. Commissioners Rausch and Switzer oppose the motion, suggesting instead that all funds go to Ped Safety and Opportunities Study improvements.

2. DISCUSSION - Utility Bill Insert Concepts

Discussion regarding Commissioner Switzer's flyer as presented in the meeting packet. Commissioner Welch suggested one side presenting BPAC mission and role. Commissioner Switzer suggested California Vehicle Code (CVC) information on the other side. Commissioner Jackson suggested a view of a driver from the back looking out through the windshield at a bike riding next to parked cars. A "What's wrong with this picture" message and an angry driver would be the image. The reverse side would explain sharing the road and present CVC section 21202. The reverse side would also list reasons why cyclists may be in the road. Commissioner Kolber suggested keeping the message simple. Commissioner Switzer inquired as to what percentage of the public receives paper bills, and suggested a need for more effective media. Welch commented on neighborhood group outreach. Jackson commented on notification of Commission meetings. Manidakos suggested a public engagement study issue. Welch noted that reference material on a utility bill stuffer gets kept. Jones suggested including school pedestrian safety. Commissioner Rausch suggested a watch out for bikes message targeting drivers.

3. ACTION - VTA BPAC Appointment Criteria

Chair Manidakos stated that he felt the 25% absence rate was too high. Staff clarified consistency with Council policy and BPAC bylaws, and presented the proposed process for appointing BPAC members. Commissioner Jackson stated limiting to standing BPAC members does not achieve BPAC's goal of establishing tenured membership to the BPAC.

Motion by Jackson to approve with a typographical fix and the addition language stating present or past BPAC membership. Friendly amendment by Commissioner Switzer accepted to include language on a commitment to report back regularly to Sunnyvale BPAC. Friendly amendment by Manidakos accepted to change criterion number five from desirable to preferred.

Motion approved, 7-0.

NON-AGENDA ITEMS AND COMMENTS

- COMMISSIONERS ORAL COMMENTS

Commissioner Jackson provided information on the VTA BPAC Transportation Fund for Clean Air. 25% set aside for BEP. He noted a lack of BEP projects. He commented that the library bike lockers are being used for storage and inquired as to who is responsible and what action is to be taken. Commissioner Switzer asked where to send emails to assure they appear in the agenda packet. Commissioner Kolber noted parking in the bike lane on Fremont Avenue. Commissioner Jackson asked how the bike lane on El Camino Real is to be configured. Commissioner Jones inquired about bike lane removal on Arques. Commissioner Switzer asked about pavement repairs to Evelyn Avenue.

- STAFF ORAL COMMENTS

Staff gave an update on Sunnyvale's ranking in the Valley Transportation Plan 2040 BEP. Jackson requested that staff send a list of candidate projects to BPAC members.

INFORMATION ONLY ITEMS

1. 2013/14 Pavement Rehabilitation List
2. BPAC E-mail messages and/or letters since circulation of the agenda packet of the February 21, 2013 meeting.
3. BPAC Active Items List.

Commissioner Jackson asked whether staff would participate in the Hewlett Packard Earth Day. He inquired about volunteering for the Fit and Fun Fair. Commissioner Switzer asked about yellow light timing.

ADJOURNMENT

Meeting adjourned at 8:30 p.m.

Respectfully submitted by:

Jack Witthaus
Transportation and Traffic Manager