

1 [Apply for, Accept, and Expend Grant - Metropolitan Transportation Commission -  
2 OneBayArea Grant - \$19,346,000]

3 **Resolution authorizing the filing of an application for funding assigned to the**  
4 **Metropolitan Transportation Commission (MTC); committing any necessary matching**  
5 **funds; stating assurance to complete the projects; and authorizing Public Works to**  
6 **accept and expend \$19,346,000 in OneBayArea Grant funds awarded through the MTC.**  
7

8 WHEREAS, San Francisco Public Works (herein referred to as APPLICANT) is  
9 submitting an application to the Metropolitan Transportation Commission (MTC) for  
10 \$19,346,000 in funding assigned to MTC for programming discretion, including but not limited  
11 to federal funding administered by the Federal Highway Administration (FHWA) such as  
12 Surface Transportation Program (STP) funding, Congestion Mitigation and Air Quality  
13 Improvement (CMAQ) funding and/or Transportation Alternatives (TA) funding (herein  
14 collectively referred to as REGIONAL DISCRETIONARY FUNDING) for the

- 15 1. John Yehall Chin Elementary Safe Routes to School Project;  
16 2. Better Market Street;  
17 (herein referred to as PROJECTS) for the OneBayArea Grant Program (herein referred  
18 to as PROGRAM); and

19 WHEREAS, The United States Congress from time to time enacts and amends  
20 legislation to provide funding for various transportation needs and programs (collectively the  
21 FEDERAL TRANSPORTATION ACT) including, but not limited to the Surface Transportation  
22 Block Grant Program (STP) (23 U.S.C. § 133), the Congestion Mitigation and Air Quality  
23 Improvement Program (CMAQ) (23 U.S.C. § 149) and the Transportation Alternatives  
24 Program (TA) (23 U.S.C. § 213); and  
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1           WHEREAS, State statutes, including California Streets and Highways Code §182.6,  
2   §182.7, and §2381(a)(1), and California Government Code §14527, provide various funding  
3   programs for the programming discretion of the Metropolitan Planning Organization (MPO)  
4   and the Regional Transportation Planning Agency (RTPA); and

5           WHEREAS, Pursuant to the FEDERAL TRANSPORTATION ACT, and any regulations  
6   promulgated thereunder, eligible project sponsors wishing to receive federal or state funds for  
7   a regionally-significant project shall submit an application first with the appropriate MPO, or  
8   RTPA, as applicable, for review and inclusion in the federal Transportation Improvement  
9   Program (TIP); and

10          WHEREAS, MTC is the MPO and RTPA for the nine counties of the San Francisco Bay  
11   region; and

12          WHEREAS, MTC has adopted a Regional Project Funding Delivery Policy (MTC  
13   Resolution No. 3606, revised) that sets out procedures governing the application and use of  
14   REGIONAL DISCRETIONARY FUNDING; and

15          WHEREAS, MTC Resolution No. 4202 established the OneBayArea Grant Program as  
16   the MTC's framework for programming federal surface transportation funds, which delegated  
17   program management and project selection to the county congestion management agencies  
18   (CMA) for PROGRAM projects for Transit Expansion, Reliability, and Access Improvements,  
19   Smart System Management, Transportation Demand Management, Safety and Streetscape  
20   Improvements, Safe Routes to School, and Priority Development Area Planning and  
21   Implementation; and

22          WHEREAS, APPLICANT is an eligible sponsor for REGIONAL DISCRETIONARY  
23   FUNDING; and

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1           WHEREAS, The San Francisco County Transportation Agency (SFCTA), which is the  
2 CMA for San Francisco County, solicited applications for \$40,489,000 in federal funds under  
3 the PROGRAM; and

4           WHEREAS, The APPLICANT has applied to the SFCTA and received approval for two  
5 projects to receive \$19,346,000 in federal funds under the PROGRAM:

- 6           1. John Yehall Chin Elementary Safe Routes to School Project (\$3,366,000);
- 7           2. Better Market Street (\$15,980,000); and

8           WHEREAS, Each of the projects require a local match, which APPLICANT plans to  
9 program as follows:

- 10           1. John Yehall Chin Elementary Safe Routes to School Project (\$436,000 in  
11           Proposition K Sales Tax Funds);
- 12           2. Better Market Street (\$18,841,000 in Proposition A Transportation Bond Funds);
- 13           and

14           WHEREAS, As part of the application for REGIONAL DISCRETIONARY FUNDING,  
15 MTC requires a resolution adopted by the responsible implementing agency stating the  
16 following:

- 17           1. the commitment of any required matching funds;
- 18           2. that the sponsor understands that the REGIONAL DISCRETIONARY FUNDING is  
19           fixed at the programmed amount, and therefore any cost increase cannot be  
20           expected to be funded with additional REGIONAL DISCRETIONARY FUNDING;
- 21           3. that the PROJECTS will comply with the procedures, delivery milestones, and  
22           funding deadlines specified in the Regional Project Funding Delivery Policy (MTC  
23           Resolution No. 3606, revised);

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- 1           4. the assurance of the sponsor to complete the PROJECTS as described in the  
2           application, subject to environmental clearance, and if approved, as included in  
3           MTC's federal Transportation Improvement Program (TIP);
- 4           5. that the PROJECTS will have adequate staffing resources to deliver and complete  
5           the PROEJCTS within the schedule submitted with the project application;
- 6           6. that the PROJECTS will comply with all project-specific requirements as set forth in  
7           the PROGRAM;
- 8           7. that APPLICANT has assigned and will maintain a single point of contact for all  
9           FHWA and California Transportation Commission (CTC) funded transportation  
10          projects to coordinate within the agency and with the respective Congestion  
11          Management Agency (CMA), MTC, California Department of Transportation  
12          (Caltrans), FHWA, and CTC on all communications, inquiries, or issues that may  
13          arise during the federal programming and delivery process for all FHWA and CTC  
14          funded transportation and transit projects implemented by APPLICANT;
- 15          8. in the case of transit projects, the PROJECTS will comply with MTC Resolution No.  
16          3866, revised, which sets forth the requirements of MTC's Transit Coordination  
17          Implementation Plan to more efficiently deliver transit projects in the region; and
- 18          9. in the case of RTIP projects, state law requires PROJECTS be included in a local  
19          congestion management plan, or be consistent with the capital improvement  
20          program adopted pursuant to MTC's funding agreement with the countywide  
21          transportation agency; and

22           WHEREAS, That APPLICANT is authorized to submit an application for REGIONAL  
23   DISCRETIONARY FUNDING for the PROJECTS; and

24           WHEREAS, There is no legal impediment to APPLICANT making applications for the  
25   funds; and

1           WHEREAS, There is no pending or threatened litigation that might in any way  
2 adversely affect the proposed PROJECTS, or the ability of APPLICANT to deliver such  
3 PROJECT; and

4           WHEREAS, The Director of Public Works or his or her designee is authorized to  
5 execute and file an application with MTC for REGIONAL DISCRETIONARY FUNDING for the  
6 PROJECTS as referenced in this Resolution; and

7           WHEREAS, MTC requires that a copy of this Resolution be transmitted to the MTC in  
8 conjunction with the filing of the application; and

9           WHEREAS, The grants do not require an ASO amendment; and

10          WHEREAS, The grant budgets include indirect costs totaling \$22,915,402; now,  
11 therefore, be it

12          RESOLVED, That the APPLICANT is authorized to execute and file an application for  
13 funding for the PROJECTS for REGIONAL DISCRETIONARY FUNDING under the FEDERAL  
14 TRANSPORTATION ACT or continued funding; and, be it

15          FURTHER RESOLVED, That APPLICANT, by adopting this Resolution, does hereby  
16 state that:

- 17           1. APPLICANT will commit \$19,277,000 in non-federal matching funds; and,
- 18           2. APPLICANT understands that the REGIONAL DISCRETIONARY FUNDING for the  
19 projects is fixed at the MTC-approved programmed amount, and that any cost  
20 increases must be funded by APPLICANT from other funds, and that APPLICANT  
21 does not expect any cost increases to be funded with additional REGIONAL  
22 DISCRETIONARY FUNDING;
- 23           3. APPLICANT understands the funding deadlines associated with these funds and  
24 will comply with the provisions and requirements of the Regional Project Funding  
25 Delivery Policy (MTC Resolution No. 3606, revised) and APPLICANT has, and will

1 retain the expertise, knowledge and resources necessary to deliver federally-funded  
2 transportation and transit projects, and has assigned, and will maintain a single  
3 point of contact for all FHWA and CTC funded transportation projects to coordinate  
4 within the agency and with the respective CMA, MTC, Caltrans, FHWA, and CTC  
5 on all communications, inquiries or issues that may arise during the federal  
6 programming and delivery process for all FHWA and CTC funded transportation  
7 and transit projects implemented by APPLICANT;

8 4. PROJECTS will be implemented as described in the complete application and in  
9 this Resolution, subject to environmental clearance, and, if approved, for the  
10 amount approved by MTC and programmed in the federal TIP;

11 5. APPLICANT has reviewed the PROJECTS and has adequate staffing resources to  
12 deliver and complete the PROJECTS within the schedule submitted with the project  
13 application;

14 6. The PROJECTS will comply with the requirements as set forth in MTC  
15 programming guidelines and project selection procedures for the PROGRAM;

16 7. APPLICANT agrees to comply with the requirements of MTC's Transit Coordination  
17 Implementation Plan as set forth in MTC Resolution No. 3866, revised;

18 8. In the case of an RTIP project, PROJECTS are included in a local congestion  
19 management plan, or are consistent with the capital improvement program adopted  
20 pursuant to MTC's funding agreement with the countywide transportation agency;

21 and, be it

22 FURTHER RESOLVED, That APPLICANT is an eligible sponsor of REGIONAL  
23 DISCRETIONARY FUNDING funded projects; and, be it

24 FURTHER RESOLVED, That APPLICANT is authorized to submit an application for  
25 REGIONAL DISCRETIONARY FUNDING for the PROJECTS; and, be it

1 FURTHER RESOLVED, That there is no legal impediment to APPLICANT making  
2 applications for the funds; and, be it

3 FURTHER RESOLVED, That there is no pending or threatened litigation that might in  
4 any way adversely affect the proposed PROJECTS, or the ability of APPLICANT to deliver  
5 such PROJECTS; and, be it

6 FURTHER RESOLVED, That the Director of Public Works or his or her designee is  
7 authorized to execute and file an application with MTC for REGIONAL DISCRETIONARY  
8 FUNDING for the PROJECTS as referenced in this Resolution; and, be it

9 FURTHER RESOLVED, That a copy of this Resolution will be transmitted to the MTC  
10 in conjunction with the filing of the application; and, be it

11 FURTHER RESOLVED, That the MTC is requested to support the application for the  
12 PROJECTS described in the Resolution, and if approved, to include the PROJECTS in MTC's  
13 federal TIP upon submittal by the project sponsor for TIP programming; and, be it

14 FURTHER RESOLVED, That the grant funds are hereby placed on Controller's  
15 Reserve pending appropriation of the matching funds; and, be it

16 FURTHER RESOLVED, That APPLICANT is authorized to accept and expend  
17 \$19,346,000 awarded by the MTC through the One Bay Area Grant Program; and, be it

18 FURTHER RESOLVED, That the Director of Public Works or his or her designee is  
19 authorized to execute all documents pertaining to the project with Caltrans.

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21 Recommended: Approved: \_\_\_\_\_  
22 Mayor

23 \_\_\_\_\_  
24 Mohammed Nuru Approved: \_\_\_\_\_  
25 Director of Public Works Controller