

1 [Accept and Expend Grant - State Transportation Development Act, Article 3 - Pedestrian and
2 Bicycle Projects - \$972,338]

3 **Resolution authorizing the acceptance and expenditure of State Transportation**
4 **Development Act, Article 3, Pedestrian and Bicycle Project funding for FY2019-2020, in**
5 **the amount of \$972,338 which includes \$486,169 for Public Works and \$486,169 for the**
6 **San Francisco Municipal Transportation Agency, for the term of July 1, 2019, through**
7 **June 30, 2022.**

8
9 WHEREAS, Article 3 of the Transportation Development Act (TDA), California Public
10 Utilities Code Section 99230 *et seq.*, authorizes the submission of claims to a regional
11 transportation planning agency for the funding of projects exclusively for the benefit or use of
12 pedestrians and bicyclists; and

13 WHEREAS, The Metropolitan Transportation Commission (MTC), as the regional
14 transportation planning agency for the San Francisco Bay region, has adopted MTC
15 Resolution No. 4108, entitled "Transportation Development Act, Article 3, Pedestrian and
16 Bicycle Projects," which delineates the procedures and criteria for submission of requests for
17 the allocation of TDA Article 3 funding; and

18 WHEREAS, MTC Resolution No. 4108 requires that requests for the allocation of TDA
19 Article 3 funding be submitted as part of a single, countywide coordinated claim from each
20 county in the San Francisco Bay region; and

21 WHEREAS, The San Francisco Municipal Transportation Agency (SFMTA) and San
22 Francisco Public Works (SFPW) desire to submit a request to MTC for the allocation of
23 \$972,338 in FY2019-2020 TDA Article 3 Funds (TDA Funds) to support the projects and
24 project categories described below, which are for the exclusive benefit or use of pedestrians
25 or bicyclists; and

1 WHEREAS, The TDA Funds are to be expended from July 1, 2019, through June 30,
2 2022; and

3 WHEREAS, In its TDA Article 3 Project Application, the SFMTA seeks \$486,169 of the
4 TDA Funds for the engineering, construction, maintenance, and project management of
5 pedestrian and bicycle improvements in San Francisco; and

6 WHEREAS, On April 10, 2019, the SFMTA, under authority delegated by the Planning
7 Department, determined that acceptance of the TDA Funds is not defined as a “project” under
8 the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of
9 Regulations, Sections 15060(c) and 15378(b); a copy of the CEQA determination is on file
10 with the Secretary to the SFMTA Board of Directors and is incorporated herein by reference;
11 and

12 WHEREAS, The SFMTA will not proceed with any project until there has been
13 complete compliance with the requirements of CEQA (Public Resources Code Sections
14 21000 et seq.) and the City’s environmental quality regulations for each pedestrian and
15 bicycle project; specifically, the SFMTA retains the absolute discretion to (1) modify the
16 project to mitigate significant adverse environmental impacts; (2) select feasible alternatives
17 which avoid significant adverse impacts of the project; (3) require the implementation of
18 specific measures to mitigate the significant adverse environmental impacts of the project; (4)
19 reject the project if the economic and social benefits of the project do not outweigh otherwise
20 unavoidable significant adverse environmental impacts; or (5) approve the project upon a
21 finding that the economic and social benefits of the project outweigh otherwise unavoidable
22 significant adverse impacts; and

23 WHEREAS, On May 21, 2019, the SFMTA Board of Directors adopted Resolution
24 No. 190521-053, authorizing the Director of Transportation (or his designee) to accept and
25 expend \$486,169 of the TDA Funds for Vision Zero Bicycle and Pedestrian Improvements, as
set forth in the TDA Article 3 Project Application; and

1 WHEREAS, SFPW has identified \$243,085 in work for the preliminary engineering and
2 design of curb ramps to be constructed at various locations throughout San Francisco, as
3 required by the federal Americans with Disabilities Act, to be funded from the TDA Funds; and

4 WHEREAS, SFPW has identified \$243,084 in work to repair damaged public
5 sidewalks, curbs, gutters, and angular returns at various locations throughout San Francisco,
6 to be funded from the TDA Funds; and

7 WHEREAS, SFPW's actions contemplated in this Resolution are part of the Better
8 Streets Plan (Project), for which the City's Planning Department issued a Final Amended
9 Programmatic Mitigated Negative Declaration (PMND) on September 17, 2010, under CEQA,
10 finding that the Project could not have a significant effect on the environment; said PMND is
11 incorporated herein by reference; and

12 WHEREAS, As stated in the Opinion of Counsel accompanying this Resolution, the
13 SFMTA and SFPW are not legally impeded from submitting a request to the Metropolitan
14 Transportation Commission for the allocation of TDA Article 3, nor are the SFMTA and SFPW
15 legally impeded from undertaking the projects; and

16 WHEREAS, The SFMTA and SFPW have committed adequate staffing resources to
17 complete the projects; and

18 WHEREAS, A review of the projects and project categories has resulted in the
19 consideration of all pertinent matters, including those related to environmental and right-of-
20 way permits and clearances, attendant to the successful completion of the projects; and

21 WHEREAS, Issues attendant to securing environmental and right-of-way permits and
22 clearances for the projects have been reviewed and will be concluded in a manner and on a
23 schedule that will not jeopardize the deadline for the use of the TDA funds being requested;
24 and
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1 WHEREAS, The project categories are included in a locally approved bicycle,
2 pedestrian, transit, multimodal, complete streets, capital improvement program, or other
3 relevant plan; and

4 WHEREAS, Any project that is a bikeway will meet the mandatory minimum safety
5 design criteria published in Chapter 1000 of the California Highway Design Manual; and

6 WHEREAS, As described in the budgets for the projects, the sources of funding other
7 than TDA are assured and adequate for completion of the projects; and

8 WHEREAS, The projects within the project categories will be completed before the
9 grant funds expire; and

10 WHEREAS, The SFMTA and SFPW agree to maintain, or provide for the maintenance
11 of, the projects and facilities for the benefit of and use by the public; and

12 WHEREAS, SFPW's proposed grant budget includes indirect costs of \$179,159, and
13 the SFMTA's grant budget includes indirect costs of \$206,601; and

14 WHEREAS, The projects and project categories have been reviewed by the Bicycle
15 Advisory Committee of the City and County of San Francisco; now, therefore, be it

16 RESOLVED, That this Board of Supervisors authorizes the SFMTA and SFPW to
17 accept and expend up to \$972,338 in state TDA Article 3 Funds for FY2019-2020 for the
18 projects described above and to execute all required documents for receipt of such funds;
19 and, be it

20 FURTHER RESOLVED, That a certified copy of this Resolution and its attachments,
21 and any accompanying supporting materials shall be forwarded to the congestion
22 management agency, countywide transportation planning agency, or county association of
23 governments, as the case may be, of San Francisco for submission to MTC as part of the
24 countywide coordinated TDA Article 3 claim.

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1 Recommended:

Approved: _____

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Mayor

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5 Edward D. Reiskin

6 Director of Transportation, SFMTA

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8 Recommended:

Approved: _____

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Controller

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12 Mohammed Nuru

13 Director, San Francisco Public Works

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