

1 [Resolution of local support for Divisadero Streetscape Project.]

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3 **Resolution authorizing local support for the Divisadero Streetscape Project,**
4 **designating DPW as the eligible sponsor for funding related to this project, and taking**
5 **other official acts in furtherance of this project.**

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7 WHEREAS, The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A
8 Legacy for Users (SAFETEA) (Public Law 109-59, August 10, 2005) continues the Surface
9 Transportation Program (23 U.S.C. § 133) and the Congestion Mitigation and Air Quality
10 Improvement Program (CMAQ) (23 U.S.C. § 149); and,

11 WHEREAS, Pursuant to SAFETEA, and the regulations promulgated thereunder,
12 eligible project sponsors wishing to receive federal Surface Transportation Program and/or
13 Congestion Mitigation and Air Quality Improvement Program (STP/CMAQ) funds for a project
14 shall submit an application first with the appropriate Metropolitan Planning Organization
15 (MPO), for review and inclusion in the MPO's Transportation Improvement Program (TIP);
16 and,

17 WHEREAS, The Metropolitan Transportation Commission (MTC) is the MPO for the
18 nine counties of the San Francisco Bay region; and,

19 WHEREAS, MTC has adopted a Regional Project Funding Delivery Policy (MTC
20 Resolution No. 3606, revised) that sets out procedures governing the application and use of
21 STP/CMAQ funds; and,

22 WHEREAS, The San Francisco Department of Public Works (DPW) is an eligible
23 project sponsor for STP/CMAQ funds; and,

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1 WHEREAS, MTC awarded to DPW a \$3 million grant of STP/CMAQ funds through
2 MTC's Transportation for Livable Communities/Housing Incentive Program (HIP) for the
3 Divisadero Streetscape Project; and,

4 WHEREAS, Such federal transportation funds were appropriated by the Board of
5 Supervisors in the FY 2006-07 Annual Appropriations Ordinance (Ordinance 202-06); and,

6 WHEREAS, MTC requires a separate resolution adopted by the San Francisco Board
7 of Supervisors providing their support for the project; and,

8 WHEREAS, MTC also requires that the resolution adopted by the San Francisco Board
9 of Supervisors states the commitment of necessary local matching funds of 11.47%; and,

10 WHEREAS, Required local matching funds in the amount of \$388,682 were
11 appropriated by the Board of Supervisors in the FY 2006–07 Annual Appropriations
12 Ordinance (Ordinance 202-06); and,

13 WHEREAS, Various agreements need to be executed with the California Department
14 of Transportation (Caltrans) before such STP/CMAQ funds can be claimed; and,

15 WHEREAS, The City and County of San Francisco wishes to delegate authorization to
16 execute agreements for this project to the Director of Public Works; and,

17 WHEREAS, Approval of the project identified in this legislation is subject to the
18 appropriate environmental review. This Resolution does not commit the Mayor, Board,
19 Department of Public Works or any other official of the City to implement the project, nor does
20 it foreclose the possibility of considering alternatives, mitigation measures or deciding not to
21 approve or implement the project, after conducting appropriate environmental review under
22 the California Environmental Quality Act; and,

23 WHEREAS, DPW understands that STP/CMAQ funding is fixed at the programmed
24 amount, and therefore any cost increase cannot be expected to be funded with additional
25 STP/CMAQ funds; and,

1 WHEREAS, The Divisadero Streetscape Project will comply with the procedures
2 specified in the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised);
3 and,

4 WHEREAS, DPW will complete the project as programmed in MTC's Transportation
5 Improvement Program; and,

6 WHEREAS, The Divisadero Streetscape Project will comply with all the project-specific
7 requirements as set forth in the Transportation for Livable Communities program; now,
8 therefore be it

9 RESOLVED, That the Board hereby designates DPW is an eligible sponsor for
10 STP/CMAQ funded projects; and, be it

11 FURTHER RESOLVED, That the board acknowledges that there is no legal
12 impediment to DPW making applications for the funds and there is no pending or threatened
13 litigation that might in any way adversely affect the proposed project, or the ability of DPW to
14 deliver such project; and, be it

15 FURTHER RESOLVED, The Board authorizes DPW to proceed with the federal-aid
16 process with Caltrans for the Divisadero Streetscape Project; and, be it

17 FURTHER RESOLVED, That the Board recognizes that DPW, on behalf of the City
18 and County of San Francisco, has secured \$388,682 in non-federal matching funds that were
19 appropriated in the FY 2006-07 AAO; and be it

20 FURTHER RESOLVED, That the Board understands that federal funding for the
21 project through the HIP is fixed at \$3 million, and that DPW, as the City's departmental
22 sponsor, does not expect any cost increases to be funded with additional STP/CMAQ funding;
23 and be it

24 FURTHER RESOLVED, That the Board urges DPW to comply with the funding
25 deadlines associated with these funds, the provisions and requirements of the Regional

1 Project Funding Delivery Policy (MTC Resolution No. 3606, as revised), and the requirements
2 as set forth in the Transportation for Livable Communities program; and, be it

3 FURTHER RESOLVED, That the Board urges DPW to implement the Divisadero
4 Streetscape Project as described in the submitted application and as programmed in MTC's
5 Transportation Improvement Program; and, be it

6 FURTHER RESOLVED, That the Board authorizes the Director of Public Works or his or
7 her designee to take any and all actions which he or the City Attorney may deem necessary or
8 advisable in order to effectuate the purpose and intent of this Resolution (including, without
9 limitation, execution of all documents pertaining to the project with Caltrans).

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Recommended:

Approved:

Department Head

Controller