

1 [Apply for, Accept, and Expend Grant - Metropolitan Transportation Commission - Active
2 Transportation Program - \$3,800,000]

3 **Resolution retroactively authorizing the filing of an application for funding assigned to**
4 **the Metropolitan Transportation Commission (MTC); committing any necessary**
5 **matching funds; stating assurance to complete the projects; and authorizing Public**
6 **Works to accept and expend \$3,800,000 in Active Transportation Program grant funds**
7 **awarded through MTC.**

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9 WHEREAS, The Active Transportation Program (herein referred to as “program”) was
10 created in September 2013 through Senate Bill 99 and Assembly Bill 101 to consolidate
11 existing federal and state transportation programs, including the Transportation Alternatives
12 Program (TAP), Bicycle Transportation Account (BTA), and State Safe Routes to School
13 (SR2S); and

14 WHEREAS, \$30,000,000 in state and federal funds (herein referred to as “regional
15 discretionary funding”) will be awarded through the Regional Competitive program led by the
16 Metropolitan Transportation Commission (MTC); and

17 WHEREAS, The program includes federal funding administered by the Federal
18 Highway Administration (FHWA) and federal or state funding administered by the California
19 Transportation Commission (CTC) such as Surface Transportation Program (STP) funding,
20 Congestion Mitigation and Air Quality Improvement (CMAQ) funding, Transportation
21 Alternatives (TA)/Active Transportation Program (ATP) funding, and Regional Transportation
22 Improvement Program (RTIP) funding; and

23 WHEREAS, The Moving Ahead for Progress in the 21st Century Act (Public Law 112-
24 141, July 6, 2012) and any extensions or successor legislation for continued funding
25 (collectively, MAP-21) authorize various federal funding programs including, but not limited to

1 the Surface Transportation Program (STP) (23 U.S.C., Section 133), the Congestion
2 Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C., Section 149) and the
3 Transportation Alternatives Program (TA) (23 U.S.C., Section 213); and

4 WHEREAS, The Department of Public Works (herein referred to as DPW) submitted an
5 application to MTC on June 1, 2015 for \$3,800,000 to fund construction of the Lombard Street
6 Vision Zero Project (herein referred to as “project”) under the Regional Competitive program;
7 and

8 WHEREAS, On October 7, 2015, MTC released the list of projects recommended for
9 regional discretionary funding; and

10 WHEREAS, The project is recommended to receive \$1,854,000 in regional
11 discretionary funding; and

12 WHEREAS, The project is first on the contingency list to receive the remaining
13 \$1,946,000 requested in regional discretionary funding; and

14 WHEREAS, State statutes, including California Streets and Highways Code,
15 Sections 182.6, 182.7, and 2381(a)(1), and California Government Code, Section 14527,
16 provide various funding programs for the programming discretion of the Metropolitan Planning
17 Organization (MPO) and the Regional Transportation Planning Agency (RTPA); and

18 WHEREAS, Pursuant to MAP-21 and any regulations promulgated thereunder, eligible
19 project sponsors wishing to receive federal or state funds for a regionally-significant project
20 shall submit an application first with the appropriate MPO, or RTPA, as applicable, for review
21 and inclusion in the federal Transportation Improvement Program (TIP); and

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

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1 WHEREAS, MTC has adopted a Regional Project Funding Delivery Policy (MTC
2 Resolution No. 3606, revised) that sets out procedures governing the application and use of
3 regional discretionary funding; and

4 WHEREAS, DPW is an eligible sponsor for regional discretionary funding; and

5 WHEREAS, As part of the application for regional discretionary funding, MTC requires
6 a resolution adopted by the responsible implementing agency stating the following:

- 7 1. The commitment of any required matching funds;
- 8 2. That the sponsor understands that the regional discretionary funding is fixed at the
9 programmed amount, and therefore any cost increase cannot be expected to be
10 funded with additional regional discretionary funding;
- 11 3. That the project will comply with the procedures, delivery milestones and funding
12 deadlines specified in the Regional Project Funding Delivery Policy (MTC
13 Resolution No. 3606, revised);
- 14 4. The assurance of the sponsor to complete the project as described in the
15 application, subject to environmental clearance, and if approved, as included in
16 MTC's federal Transportation Improvement Program (TIP);
- 17 5. That the project will have adequate staffing resources to deliver and complete the
18 project within the schedule submitted with the project application; and
- 19 6. That the project will comply with all project-specific requirements as set forth in the
20 program;
- 21 7. That DPW has assigned, and will maintain a single point of contact for all FHWA-
22 and CTC-funded transportation projects to coordinate within the agency and with
23 the respective Congestion Management Agency (CMA), MTC, Caltrans, FHWA,
24 and CTC on all communications, inquires or issues that may arise during the federal
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1 programming and delivery process for all FHWA- and CTC-funded transportation
2 and transit projects implemented by DPW;

3 8. In the case of an RTIP project, state law requires project be included in a local
4 congestion management plan, or be consistent with the capital improvement
5 program adopted pursuant to MTC's funding agreement with the countywide
6 transportation agency; and

7 WHEREAS, That DPW is authorized to submit an application for regional discretionary
8 funding for the project; and

9 WHEREAS, There is no legal impediment to DPW making applications for the funds;
10 and

11 WHEREAS, There is no pending or threatened litigation that might in any way
12 adversely affect the proposed project, or that might impair the ability of DPW to implement the
13 project; and

14 WHEREAS, The Director of DPW or his or her designee is authorized to execute and
15 file an application with MTC for regional discretionary funding for the project as referenced in
16 this resolution; and

17 WHEREAS, MTC requires that a copy of this resolution be transmitted to the MTC in
18 conjunction with the filing of the application; and

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

20 WHEREAS, The grant budgets include indirect costs in the amount of \$194,267; now,
21 therefore, be it

22 RESOLVED, That DPW is retroactively authorized to execute and file an application for
23 funding for the project for regional discretionary funding under MAP-21 or continued funding;
24 and, be it

25

1 FURTHER RESOLVED, That DPW by adopting this resolution does hereby state that:

- 2 1. DPW will commit any required matching funds;
- 3 2. DPW understands that the regional discretionary funding for the projects is fixed
4 at the MTC-approved programmed amount, and that any cost increases must be
5 funded by DPW from other funds, and that DPW does not expect any cost
6 increases to be funded with additional regional discretionary funding;
- 7 3. DPW understands the funding deadlines associated with these funds and will
8 comply with the provisions and requirements of the Regional Project Funding
9 Delivery Policy (MTC Resolution No. 3606, revised) and DPW has, and will
10 retain the expertise, knowledge and resources necessary to deliver federally-
11 funded transportation projects, and has assigned, and will maintain a single
12 point of contact for all FHWA- and CTC-funded transportation projects to
13 coordinate within the agency and with the respective Congestion Management
14 Agency (CMA), MTC, Caltrans, FHWA, and CTC on all communications,
15 inquires or issues that may arise during the federal programming and delivery
16 process for all FHWA- and CTC-funded transportation projects implemented by
17 DPW;
- 18 4. project will be implemented as described in the complete applications and in this
19 resolution, subject to environmental clearance, and, if approved, for the amount
20 approved by MTC and programmed in the federal TIP;
- 21 5. DPW has reviewed the project and has adequate staffing resources to deliver
22 and complete the project within the schedule submitted with the project
23 application;
- 24 6. That the project will comply with the requirements as set forth in MTC
25 programming guidelines and project selection procedures for the program;

1 7. In the case of an RTIP project, state law requires project is included in a local
2 congestion management plan, or is consistent with the capital improvement
3 program adopted pursuant to MTC's funding agreement with the countywide
4 transportation agency; and, be it

5 FURTHER RESOLVED, That DPW is an eligible sponsor of regional discretionary
6 funding funded projects; and, be it

7 FURTHER RESOLVED, That DPW is retroactively authorized to submit an application
8 for regional discretionary funding for the project; and, be it

9 FURTHER RESOLVED, That there is no legal impediment to DPW making applications
10 for the funds; and, be it

11 FURTHER RESOLVED, That there is no pending or threatened litigation that might in
12 any way adversely affect the proposed project, or the ability of DPW to deliver such project;
13 and, be it

14 FURTHER RESOLVED, That the Director of DPW or his or her designee is
15 retroactively authorized to execute and file an application with MTC for regional discretionary
16 funding for the project as referenced in this resolution; and, be it

17 FURTHER RESOLVED, That a copy of this resolution will be transmitted to the MTC in
18 conjunction with the filing of the application; and, be it

19 FURTHER RESOLVED, That MTC is requested to support the application for the
20 project described in the resolution, and if approved, to include the project in MTC's federal TIP
21 upon submittal by the project sponsor for TIP programming; and, be it

22 FURTHER RESOLVED, That DPW is authorized to accept and expend \$3,800,000
23 awarded by MTC through the Active Transportation Program (ATP); and, be it

1 FURTHER RESOLVED, That the Director of DPW or his or her designee is authorized
2 to execute all documents pertaining to the project with Caltrans.

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Recommended:

Approved: _____

Mayor

Mohammed Nuru

Director of Public Works

Approved: _____

Controller