

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Ed Reiskin, Executive Director, Municipal Transportation Agency
Mohammed Nuru, Director, Public Works
Bert Hill, Bicycle Advisory Committee

FROM: Erica Major, Assistant Clerk, Government Audit and Oversight Committee,
Board of Supervisors

DATE: May 17, 2016

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Government Audit and Oversight Committee has received the following proposed legislation, introduced by Mayor Lee on May 10, 2016:

File No. 160514

Resolution authorizing the acceptance and expenditure of a State Transportation Development Act, Article 3, Pedestrian and Bicycle Project grant, in the amount of \$995,524 including \$497,762 for Public Works and \$497,762 for the San Francisco Municipal Transportation Agency, for a three-year period of July 1, 2016, through June 30, 2019.

If you have any additional comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c:
Janet Martinsen, Municipal Transportation Agency
Kate Breen, Municipal Transportation Agency
Dillon Auyoung, Municipal Transportation Agency
Louis Liss, Municipal Transportation Agency
Frank Lee, Public Works
Fuad Sweiss, Public Works

1 [Accept and Expend Grant - State Transportation Development Act, Article 3 - Pedestrian and
2 Bicycle Projects - \$995,524]

3 **Resolution authorizing the acceptance and expenditure of a State Transportation**
4 **Development Act, Article 3, Pedestrian and Bicycle Project grant, in the amount of**
5 **\$995,524 including \$497,762 for Public Works and \$497,762 for the San Francisco**
6 **Municipal Transportation Agency, for a three-year period of July 1, 2016, through**
7 **June 30, 2019.**

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 TDA
23 Article 3 Funds to support the projects and project categories described below, which are for
24 the exclusive benefit or use of pedestrians or bicyclists; and

1 WHEREAS, The SFMTA has identified \$497,762 in projects for the engineering,
2 construction, maintenance, and project management of pedestrian and bicycle project
3 categories in San Francisco to be funded from FY2016-2017 TDA Article 3 grant funds; and

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

15 WHEREAS, On April 19, 2016, the SFMTA Board of Directors adopted Resolution
16 No. 16-050, authorizing the Director of Transportation of the SFMTA (or his designee) to
17 accept and expend \$497,762 of FY2016-2017 TDA Article 3 grant funds for pedestrian and
18 bicycle project categories; and

19 WHEREAS, SFPW has identified \$248,881 in work for the preliminary engineering and
20 design of curb ramps to be constructed at various locations throughout San Francisco, as
21 required by the federal Americans with Disabilities Act, to be funded from FY2016-2017 TDA
22 Article 3 grant funds; and

23 WHEREAS, SFPW has identified \$248,881 in work to repair public sidewalks at various
24 locations throughout San Francisco to be funded from FY2016-2017 TDA Article 3 grant
25 funds; and

1 WHEREAS, The City's Planning Department has determined that SFPW's actions
2 contemplated in this Resolution are in compliance with the requirements of the California
3 Environmental Quality Act (CEQA, Public Resources Code, Sections 21000 et seq.);
4 specifically, curb ramps are categorically exempt and public sidewalk reconstruction is
5 deemed not a project activity requiring review under CEQA; said determinations are
6 incorporated herein by reference; and

7 WHEREAS, SFMTA and SFPW are not legally impeded from submitting a request to
8 the Metropolitan Transportation Commission for the allocation of TDA Article 3, nor are
9 SFMTA and SFPW legally impeded from undertaking the projects; and

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

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

15 WHEREAS, Issues attendant to securing environmental and right-of-way permits and
16 clearances for the projects have been reviewed and will be concluded in a manner and on a
17 schedule that will not jeopardize the deadline for the use of the TDA funds being requested;
18 and

19 WHEREAS, The project categories are included in a locally approved bicycle,
20 pedestrian, transit, multimodal, complete streets, or other relevant plan; and

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

23 WHEREAS, That as described in the budgets for the projects, the sources of funding
24 other than TDA are assured and adequate for completion of the projects; and

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

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

3 WHEREAS, SFPW's proposed grant budget includes indirect costs of \$169,006, and
4 the SFMTA's grant budget includes indirect costs of \$235,889; now, therefore, be it

5 RESOLVED, That the SFMTA and SFPW are eligible to request an allocation of TDA
6 Article 3 funds pursuant to Section 99234 of the Public Utilities Code; and, be it

7 FURTHER RESOLVED, That there is no pending or threatened litigation that might
8 adversely affect the projects and project categories described above, or that might impair the
9 ability of the SFMTA or SFPW to carry out the projects within the project categories; and, be it

10 FURTHER RESOLVED, That the projects and project categories have been reviewed
11 by the Bicycle Advisory Committee of the City and County of San Francisco; and, be it

12 FURTHER RESOLVED, That a certified copy of this resolution and its attachments,
13 and any accompanying supporting materials shall be forwarded to the congestion
14 management agency, countywide transportation planning agency, or county association of
15 governments, as the case may be, of San Francisco for submission to MTC as part of the
16 countywide coordinated TDA Article 3 claim; and, be it

17 FURTHER RESOLVED, That this Board of Supervisors authorizes the SFMTA and
18 SFPW to accept and expend up to \$995,524 in state TDA Article 3 Funds for FY2016-2017 for
19 the projects described above and to execute all required documents for receipt of such funds.
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Recommended:



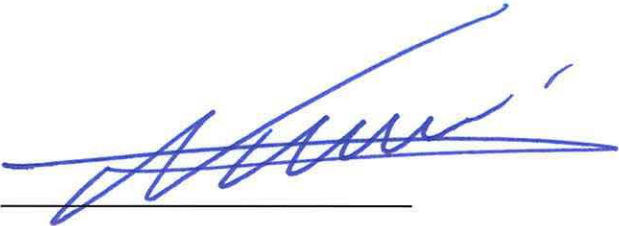
Edward D. Reiskin
Director of Transportation, SFMTA

Approved:



Mayor

Recommended:



Mohammed Nuru
Director of Public Works

Approved:



for Controller