

1 [Apply for, Accept, and Expend Grant - Active Transportation Program - \$1,298,000]

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3 **Resolution authorizing the filing of an application for funding assigned to the California**
4 **Transportation Commission (CTC); filing of an application for funding assigned to the**
5 **Metropolitan Transportation Commission (MTC); committing any necessary matching**
6 **funds; stating assurance to complete the projects; and authorizing the Department of**
7 **Public Works to accept and expend \$1,298,000 in Active Transportation Program grant**
8 **funds awarded through CTC and/or MTC.**

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

15 WHEREAS; The PROGRAM's funding is being awarded through two different
16 competitive mechanisms: \$179,550,000 in state and federal funds will be awarded through the
17 Statewide Competitive PROGRAM led by the California Transportation Commission (CTC)
18 and \$30,223,000 (herein referred to as REGIONAL DISCRETIONARY FUNDING) will be
19 awarded through the Regional Competitive PROGRAM led by the Metropolitan Transportation
20 Commission (MTC); and

21 WHEREAS; The PROGRAM includes federal funding administered by the Federal
22 Highway Administration (FHWA) and federal or state funding administered by the California
23 Transportation Commission (CTC) such as Surface Transportation Program (STP) funding,
24 Congestion Mitigation and Air Quality Improvement (CMAQ) funding, Transportation

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1 Alternatives (TA)/Active Transportation Program (ATP) funding, and Regional Transportation
2 Improvement Program (RTIP) funding; and

3 WHEREAS, The Moving Ahead for Progress in the 21st Century Act (Public Law 112-
4 141, July 6, 2012) and any extensions or successor legislation for continued funding
5 (collectively, MAP-21) authorize various federal funding programs including, but not limited to
6 the Surface Transportation Program (STP) (23 U.S.C. § 133), the Congestion Mitigation and
7 Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149) and the Transportation
8 Alternatives Program (TA) (23 U.S.C. § 213); and

9 WHEREAS, Applications for the Statewide Competitive PROGRAM were due in May
10 2014 and Regional Competitive PROGRAM applications are due in July 2014, prior to the
11 announcement of decisions in the Statewide PROGRAM; and

12 WHEREAS, MTC encouraged Statewide PROGRAM applicants to also submit
13 applications for REGIONAL DISCRETIONARY FUNDING in the Regional PROGRAM, so that
14 they could be considered for funding if applicants are not awarded a grant by CTC; and

15 WHEREAS, The Department of Public Works (herein referred to as DPW) submitted
16 two applications on May 21, 2014 to CTC for the Redding Safe Routes to School Project
17 (\$784,000) and the John Yehall Chin Safe Routes to School Project (\$514,000) (herein
18 referred to as PROJECTS) that total \$1,298,000 to fund environmental studies and
19 preliminary engineering under the Statewide Competitive PROGRAM; and

20 WHEREAS, DPW is also submitting two applications for the PROJECTS to MTC for
21 \$1,298,000 in REGIONAL DISCRETIONARY FUNDING assigned to MTC for programming
22 discretion for the Regional Competitive PROGRAM; and

23 WHEREAS, State statutes, including California Streets and Highways Code §182.6,
24 §182.7, and §2381(a)(1), and California Government Code §14527, provide various funding
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1 programs for the programming discretion of the Metropolitan Planning Organization (MPO)
2 and the Regional Transportation Planning Agency (RTPA); and

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

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

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

12 WHEREAS, DPW is an eligible sponsor for REGIONAL DISCRETIONARY FUNDING;
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 PROJECTS within the schedule submitted with the project application; and
- 6 6. That the PROJECTS will comply with all project-specific requirements as set forth in
7 the PROGRAM;
- 8 7. That DPW has assigned, and will maintain a single point of contact for all FHWA-
9 and CTC-funded transportation projects to coordinate within the agency and with
10 the respective Congestion Management Agency (CMA), MTC, Caltrans, FHWA,
11 and CTC on all communications, inquires or issues that may arise during the federal
12 programming and delivery process for all FHWA- and CTC-funded transportation
13 and transit projects implemented by DPW;
- 14 8. In the case of an RTIP project, state law requires PROJECTS be included in a local
15 congestion management plan, or be consistent with the capital improvement
16 program adopted pursuant to MTC's funding agreement with the countywide
17 transportation agency; and

18 WHEREAS, That DPW is authorized to submit an application for REGIONAL
19 DISCRETIONARY FUNDING for the PROJECT; and

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

22 WHEREAS, There is no pending or threatened litigation that might in any way
23 adversely affect the proposed PROJECTS, or that might impair the ability of DPW to
24 implement the PROJECTS; and

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1 WHEREAS, The Director of DPW or his or her designee is authorized to execute and
2 file an application with MTC for REGIONAL DISCRETIONARY FUNDING for the PROJECTS
3 as referenced in this resolution; and

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

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

7 WHEREAS, The grant budgets include indirect costs in the amount of \$512,494.30;
8 now, therefore, be it

9 RESOLVED, That DPW is authorized to execute and file an application for funding for
10 the PROJECTS for REGIONAL DISCRETIONARY FUNDING under MAP-21 or continued
11 funding; and, be it

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

- 13 1. DPW will commit any required matching funds;
- 14 2. DPW understands that the REGIONAL DISCRETIONARY FUNDING for the
15 projects is fixed at the MTC-approved programmed amount, and that any cost
16 increases must be funded by DPW from other funds, and that DPW does not
17 expect any cost increases to be funded with additional REGIONAL
18 DISCRETIONARY FUNDING;
- 19 3. DPW understands the funding deadlines associated with these funds and will
20 comply with the provisions and requirements of the Regional Project Funding
21 Delivery Policy (MTC Resolution No. 3606, revised) and DPW has, and will
22 retain the expertise, knowledge and resources necessary to deliver federally-
23 funded transportation projects, and has assigned, and will maintain a single
24 point of contact for all FHWA- and CTC-funded transportation projects to
25 coordinate within the agency and with the respective Congestion Management

1 Agency (CMA), MTC, Caltrans, FHWA, and CTC on all communications,
2 inquires or issues that may arise during the federal programming and delivery
3 process for all FHWA- and CTC-funded transportation projects implemented by
4 DPW;

5 4. PROJECTS will be implemented as described in the complete applications and
6 in this resolution, subject to environmental clearance, and, if approved, for the
7 amount approved by MTC and programmed in the federal TIP;

8 5. DPW has reviewed the PROJECTS and has adequate staffing resources to
9 deliver and complete the PROJECTS within the schedule submitted with the
10 project application;

11 6. That the PROJECTS will comply with the requirements as set forth in MTC
12 programming guidelines and project selection procedures for the PROGRAM;

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

17 FURTHER RESOLVED, That DPW is an eligible sponsor of REGIONAL
18 DISCRETIONARY FUNDING funded projects; and, be it

19 FURTHER RESOLVED, That DPW is authorized to submit an application for
20 REGIONAL DISCRETIONARY FUNDING for the PROJECTS; and, be it

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

23 FURTHER RESOLVED, That there is no pending or threatened litigation that might in
24 any way adversely affect the proposed PROJECTS, or the ability of DPW to deliver such
25 PROJECTS; and, be it

1 FURTHER RESOLVED, That the Director of DPW or his or her designee is authorized
2 to execute and file an application with MTC for REGIONAL DISCRETIONARY FUNDING for
3 the PROJECTS as referenced in this resolution; and, be it

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

6 FURTHER RESOLVED, That MTC is requested to support the applications for the
7 PROJECTS described in the resolution, and if approved, to include the PROJECTS in MTC's
8 federal TIP upon submittal by the project sponsor for TIP programming; and, be it

9 FURTHER RESOLVED, That DPW is authorized to accept and expend \$1,298,000
10 awarded by the CTC and/or MTC through the Active Transportation Program (ATP); and, be it

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

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15 Recommended:

Approved: _____

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Mayor

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19 Mohammed Nuru

20 Director of Public Works

Approved: _____

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Controller

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