

1 [Accept and Expend Grant - Retroactive - State Transportation Development Act, Article 3 -
2 Pedestrian and Bicycle Projects - FY2020-2021 - \$1,215,999]

3 **Resolution retroactively authorizing the acceptance and expenditure of State**
4 **Transportation Development Act, Article 3, Pedestrian and Bicycle Project funding for**
5 **Fiscal Year (FY) 2020-2021, in the amount of \$1,215,999 which includes \$607,999 for**
6 **Public Works and \$608,000 for the Municipal Transportation Agency, for the term of**
7 **July 1, 2020, through June 30, 2023.**

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

18 WHEREAS, MTC Resolution No. 4108 requires that requests for the allocation of TDA
19 Funds be submitted as part of a single, countywide coordinated claim from each county in the
20 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 \$1,215,999 in Fiscal Year (FY) 2020-2021 TDA Funds to support the projects and project
24 categories described below, which are for the exclusive benefit or use of pedestrians or
25 bicyclists; and

1 WHEREAS, The TDA Funds are to be expended from July 1, 2020, through
2 June 30, 2023; and

3 WHEREAS, In its Project Application, the SFMTA seeks \$608,000 of the TDA Funds
4 for Vision Zero Bicycle and Pedestrian Improvements; and

5 WHEREAS, On August 20, 2020, the SFMTA, under authority delegated by the
6 Planning Department, determined that acceptance and expenditure of the TDA Funds is not a
7 “project” under the California Environmental Quality Act (CEQA) pursuant to Title 14 of the
8 California Code of Regulations Sections 15060(c) and 15378(b); and

9 WHEREAS, On September 15, 2020, the SFMTA Board of Directors adopted
10 Resolution No. 200915-078, authorizing the Director of Transportation (or his designee) to
11 accept and expend \$608,000 of the TDA Funds for Vision Zero Bicycle and Pedestrian
12 Improvements, as set forth in the Transportation Development Act, Article 3 Project
13 Application; and

14 WHEREAS, Revenue to fund Vision Zero Bicycle and Pedestrian Improvements has
15 fallen short of anticipated projects due to COVID-19, including the TNC Tax, causing delays in
16 Vision Zero quick-build project consultation; and

17 WHEREAS, SFPW has identified \$304,000 in work for the preliminary engineering and
18 construction of curb ramps to be constructed at various locations throughout San Francisco,
19 as required by the federal Americans with Disabilities Act, to be funded from the TDA Funds;
20 and

21 WHEREAS, SFPW has identified \$303,999 in work to repair damaged public
22 sidewalks, curbs, gutters, and angular returns at various locations throughout San Francisco,
23 to be funded from the TDA Funds; and

24 WHEREAS, SFPW’s actions contemplated in this Resolution are part of the Better
25 Streets Plan (Project), for which the City’s Planning Department issued a Final Amended

1 Programmatic Mitigated Negative Declaration (PMND) on September 17, 2010, under CEQA,
2 finding that the Project could not have a significant effect on the environment; said PMND is
3 incorporated herein by reference; and
4

5 WHEREAS, As stated in the Opinion of Counsel accompanying this Resolution, the
6 SFMTA and SFPW are not legally impeded from submitting a request to the Metropolitan
7 Transportation Commission for the allocation of TDA Funds, nor are the SFMTA and SFPW
8 legally impeded from undertaking the projects; and

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

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

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

18 WHEREAS, The project categories are included in a locally approved bicycle,
19 pedestrian, transit, multimodal, complete streets, capital improvement program, or other
20 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, As described in the budgets for the projects, the sources of funding other
24 than TDA Funds are assured and adequate for completion of the projects; and

25 WHEREAS, The projects within the project categories will be completed before the

1 grant funds expire; and

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

4 WHEREAS, SFPW's proposed grant budget includes indirect costs of \$229,915, and
5 the SFMTA's proposed grant budget includes indirect costs of \$245,448; and

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

8 RESOLVED, That this Board of Supervisors authorizes the SFMTA and SFPW to
9 accept and expend up to \$1,215,999 in state TDA Funds for FY2020-2021 for the projects
10 further described in Attachment 2 of this File No. 201425, and to execute all required
11 documents for receipt of such funds; and, be it

12 FURTHER RESOLVED, That for the SFMTA, the TDA funds will be used to fund Vision
13 Zero Bicycle and Pedestrian Improvements already identified in the SFMTA's FY2021-25
14 Capital Improvement Program (CIP) which have been delayed as a result of revenue
15 shortfalls due to COVID-19, including TNC Tax shortfalls; and, be it

16 FURTHER RESOLVED, That a certified copy of this Resolution and its attachments,
17 and any accompanying supporting materials shall be forwarded to the congestion
18 management agency, countywide transportation planning agency, or county association of
19 governments, as the case may be, of San Francisco for submission to MTC as part of the
20 countywide coordinated Transportation Development Act, Article 3 claim.

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1 Recommended:

Approved: /s/ _____

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Mayor

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4 /s/ _____

5 Jeffrey Tumlin

6 Director of Transportation, San Francisco Municipal Transportation Agency

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8 Recommended:

Approved: /s/ _____

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Controller

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11 /s/ _____

12 Alaric Degranfinried

13 Acting Director, San Francisco Public Works

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