

City of Piedmont
COUNCIL AGENDA REPORT

DATE: April 16, 2018

TO: Mayor and Council

FROM: Paul Benoit, City Administrator

SUBJECT: Transportation Development Act (TDA) Article 3 Fund Allocation and Senate Bill - 1 (SB-1) Road Maintenance Project Identification

RECOMMENDATION

1. Approve the attached resolution (Exhibit A) allocating the City's TDA Article 3 monies to the Oakland Avenue Bridge Railing Pedestrian Safety Project
2. Approve the attached resolution (Exhibit B) recommending the street project where SB-1 monies are proposed to be used, and direct staff to proceed with submitting the 18/19 Road Maintenance and Rehabilitation Account (RMRA) project list to the State.

BACKGROUND

For the upcoming Fiscal Year 2018-2019, two funding sources will be used on two different projects within the City that need specific action required by the funding agencies. The projects include use of Transportation Development Act (TDA) Article 3 monies as one of the funding sources for installation of pedestrian safety railings on the Oakland Avenue Bridge and use of SB-1 monies as one of the funding sources on the 2018 Paving Project, with specific use on Magnolia Avenue. Details on both funding sources and the projects are as follows:

TDA Article 3 Funding

Transportation Development Act Article 3, or TDA 3, provides funding annually for bicycle and pedestrian projects. Two percent of TDA funds collected in the County are used for TDA Article 3. MTC allows each County to determine how to use funds within the County. Some counties competitively select projects while other counties distribute the funds to jurisdictions based on population. With respect to Alameda County, TDA Article 3 monies are allocated to each jurisdiction based on population.

For Fiscal Year 2018-2019, TDA Article 3 Pedestrian and Bicycle Program funding allocation for Alameda County is \$1,733,401. The City of Piedmont's share of this allocation (based on population) is \$11,283.

For the past several years, the City has not used its TDA Article 3 allocation because the amounts have been too small for a project. Accordingly, there is currently a balance of \$71,275

for past years allocation. Coupling the past allocations with the allocations for FY 2018-19, the total TDA Article 3 funds available for a project is \$82,558. These monies must be used for bicycle and pedestrian projects.

For the past few months, staff has been working on a bid package for the installation of lights and pedestrian safety railing on the Oakland Avenue Bridge. Based on discussions with railing fabricators, the railing component of the project was separated out as a separate project, and the lighting portion of the project is about to begin construction. Staff is looking into more economic railing options and intends to bid the pedestrian safety railing portion of the project within a few months.

Last year the City had submitted an application for using TDA monies for this same project in FY2017-18. As the bridge railing options became more expensive than was originally anticipated, the project is being moved to the FY2018-19 timeframe.

In order for the City to claim the TDA Article 3 monies, MTC and the County require the City to pass a resolution with specific findings and allocating the City's share of TDA monies to a specific project. The required resolution and attachments are labeled as Exhibit A.

SB-1 Funding

Senate Bill 1 (SB-1) was approved in 2017 by the Governor. This bill provides new revenues for road maintenance projects within the City. According to the State's projections, for Fiscal Year 2018-19, the City is projected to receive \$200,193 in SB-1 revenues. Regulations contained within SB-1 require that projects funded with SB-1 monies need to be specifically budgeted for and approved by the City Council. Once approved, paperwork must be submitted to the state for approval. In addition, by May 1, 2018, each City must submit a list of streets that they anticipate using SB-1 monies on.

The specific project staff is proposing for the 2018-19 Fiscal Year is the 2018 Pavement Project. The overall project will include several streets; however, the primary street where the SB-1 monies will be spent includes Magnolia Avenue, from Hillside Ave. to Nova Drive (approximately 2,700 feet in length.) In this stretch of Magnolia, it is anticipated that the asphalt will most likely be recycled/rejuvenated in place and a new thin wearing course of asphalt will be placed on the road. In addition, upgrades to sidewalks and pedestrian ramps on this portion of Magnolia Ave. will be included for those facilities that do not currently meet ADA standards. Staff is projecting that this stretch of Magnolia Avenue will cost in excess of SB-1 monies allocated to the City. The resolution for specific designation of SB-1 funds is attached as Exhibit B.

In addition to the roadwork on Magnolia, staff anticipates other streets will receive overlay and micro-surfacing. The final list of streets to be included in the 2018 Paving Project are currently being reviewed and will be provided to Council for authorization to seek bids within the next 2 months.

FISCAL IMPACT:

It is anticipated that funding for the Pedestrian Safety Railing Project on the Oakland Avenue Bridge will use TDA Article 3 monies, Measures B and BB funding. Funding for the 2018 Paving Project is anticipated to come from Measures B and BB LSR, Measure B Bike/Ped, VRF, CDBG and SB-1 fund allocations for FY18-19. Note that in accordance with state's regulations for SB-1 funding, cities must submit a list of streets that the monies will be spent on.

CITY ATTORNEY REVIEW

The City Attorney has reviewed and approved the attached resolutions.

Exhibits:

- A. Resolution allocating the City's TDA Article 3 monies to the Oakland Avenue Bridge Railing Pedestrian Safety Project
- B. Resolution recommending the street project where SB-1 monies are proposed to be used.

By: Chester Nakahara, Director of Public Works
John Wanger, City Engineer

RESOLUTION _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PIEDMONT
REQUESTING THE METROPOLITAN TRANSPORTATION COMMISSION FOR
THE ALLOCATION OF FISCAL YEAR 2018-19 TRANSPORTATION
DEVELOPMENT ACT ARTICLE 3 PEDESTRIAN/BICYCLE PROJECT FUNDING**

WHEREAS, Article 3 of the Transportation Development Act (TDA), Public Utilities Code (PUC) Section 99200 et seq., authorizes the submission of claims to a regional transportation planning agency for the funding of projects exclusively for the benefit and/or use of pedestrians and bicyclists; and

WHEREAS, the Metropolitan Transportation Commission (MTC), as the regional transportation planning agency for the San Francisco Bay region, has adopted MTC Resolution No.4108, entitled “Transportation Development Act, Article 3, Pedestrian and Bicycle Projects,” which delineates procedures and criteria for submission of requests for the allocation of “TDA Article 3” funding; and

WHEREAS, MTC Resolution No. 4108 requires that requests for the allocation of TDA Article 3 funding be submitted as part of a single, countywide coordinated claim from each county in the San Francisco Bay region; and

WHEREAS, the City of Piedmont desires to submit a request to MTC for the allocation of TDA Article 3 funds to support the projects described in Attachment B to this resolution, which are for the exclusive benefit and/or use of pedestrians and/or bicyclists.

NOW THEREFORE, BE IT RESOLVED, that the City of Piedmont declares it is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code; and

BE IT FURTHER RESOLVED, that there is no pending or threatened litigation that might adversely affect the project or projects described in Attachment B to this resolution, or that might impair the ability of the City of Piedmont to carry out the project; and

FURTHERMORE, BE IT RESOLVED, that the project has been identified in the Pedestrian Bicycle Master Plan (“Master Plan”) as adopted by the City Council on November 7, 2016 and was identified in the Master Plan as a high priority project; and

FURTHERMORE, BE IT RESOLVED, that the City of Piedmont City Council attests to the accuracy of and approves the statements in Attachment A to this resolution; and

FURTHERMORE, BE IT RESOLVED, that a certified copy of this resolution and its attachments, and any accompanying supporting materials shall be forwarded to the countywide transportation planning agency of Alameda County for submission to MTC as part of the countywide coordinated TDA Article 3 claim.

[END OF DOCUMENT]

Attachment A

Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2018-2019 Transportation Development Act Article 3 Pedestrian/Bicycle Project Funding

Findings

1. That the City of Piedmont is not legally impeded from submitting a request to the Metropolitan Transportation Commission for the allocation of Transportation Development Act (TDA) Article 3 funds, nor is the City of Piedmont legally impeded from undertaking the project described in “Attachment B” of this resolution.
2. That the City of Piedmont has committed adequate staffing resources to complete the project described in Attachment B.
3. A review of the project described in Attachment B has resulted in the consideration of all pertinent matters, including those related to environmental and right-of-way permits and clearances, attendant to the successful completion of the project.
4. Issues attendant to securing environmental and right-of-way permits and clearances for the projects described in Attachment B have been reviewed and will be concluded in a manner and on a schedule that will not jeopardize the deadline for the use of the TDA funds being requested.
5. That the project described in Attachment B comply with the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 et seq.).
6. That as portrayed in the budgetary description of the project in Attachment B, the sources of funding other than TDA are assured and adequate for completion of the project.
7. That the project described in Attachment B are for capital construction and an allocation of TDA Article 3 funding for such a plan has not been received by the City of Piedmont within the prior five fiscal years.
8. That the project described in Attachment B is included in a locally approved bicycle, pedestrian, transit, multimodal, complete streets, or other relevant plan.
10. That the project described in Attachment B will be completed before the funds expire.
11. That the City of Piedmont agrees to maintain, or provide for the maintenance of, the project and facilities described in Attachment B, for the benefit of and use by the public.

Attachment B
TDA Article 3 Project Application Form

Fiscal Year of this Claim: 2018-2019 Applicant: City of Piedmont

Contact person: Chester Nakahara

Mailing Address: 120 Vista Avenue, Piedmont, CA 94611

E-Mail Address: cnakahara@piedmont.ca.gov Telephone: (510) 420-3061

Secondary Contact (in event primary not available) John Wanger

E-Mail Address: jwanger@piedmont.ca.gov Telephone: (707) 495-5201

Short Title Description of Project: In accordance with the City of Piedmont's Pedestrian and Bicycle Master Plan approved in November 2014, one of the high priority projects identified in the plan is the installation of railings on the Oakland Avenue bridge (between Howard Avenue and Sunnyside Avenue.) The bridge current has 11-foot travel lanes and pedestrians are only separated from traffic by an 8-inch high curb. The project involves installation of approximately 360 feet of railings on each side of the roadway (totaling approximately 720 feet of railing for the overall project) for the length of the bridge to act as a safety barrier between pedestrians and traffic.

Amount of claim: \$82,558

Functional Description of Project:

The project will provide a safety barrier between pedestrians walking on the sidewalks of the bridge and the travel lanes

Financial Plan:

The project elements for which TDA funding is being requested is for construction of the pedestrian safety railings

Project Elements: Pedestrian safety railing

Funding Source	All Prior FYs	Application FY	Next FY	Following FYs	Totals
TDA Article 3		\$82,558			
list all other sources:					
1. ACTC County Funds					
2. Measure B bike/ped					
3. Measure BB bike/ped					
4. City Facilities Fund					
Totals					

Project Eligibility:	YES?/NO?
A. Has the project been approved by the claimant's governing body? (If "NO," provide the approximate date approval is anticipated).	YES
B. Has this project previously received TDA Article 3 funding? If "YES," provide an explanation on a separate page.	NO
C. For "bikeways," does the project meet Caltrans minimum safety design criteria pursuant to Chapter 1000 of the California Highway Design Manual? (Available on the internet via: http://www.dot.ca.gov).	N/A
D. Has the project been reviewed by a Bicycle Advisory Committee (BAC)? (If "NO," provide an explanation). The City's Pedestrian and Bicycle Master Plan was developed in conjunction with dozens of public meetings, coordination with bicycle and pedestrian groups and coordination with City Staff and the City Council. The project requesting funding is identified in the Master plan as one of the high priority projects. The Master Plan was approved by the City Council on 11/7/16 and this project is part of implementing the high priority projects. The reason this was not reviewed by a Bicycle Advisory Committee is that it is not a bicycle project.	NO

E. Has the public availability of the environmental compliance documentation for the project (pursuant to CEQA) been evidenced by the dated stamping of the document by the county clerk or county recorder? (required only for projects that include construction).	YES
F. Will the project be completed before the allocation expires? Enter the anticipated completion date of project (month and year) <u>December 2018</u>	YES
G. Have provisions been made by the claimant to maintain the project or facility, or has the claimant arranged for such maintenance by another agency? (If an agency other than the Claimant is to maintain the facility provide its name: <u>Provisions have been made by the City to maintain the pedestrian safety railing.</u>)	YES

RESOLUTION ____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PIEDMONT
ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2018-19 FUNDED BY THE
ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017 (SB-1)**

WHEREAS, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and Signed into law by the Governor in April 2017 in order to address the significant multi-modal transportation funding shortfalls statewide; and

WHEREAS, SB 1 includes accountability and transparency provisions that will ensure the residents of our City are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year; and

WHEREAS, the City must include a list of all projects proposed to receive funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, in the City budget, which must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement; and

WHEREAS, the City will receive and estimated \$187,366 in RMRA funding in Fiscal Year 2018-19 from SB 1; and

WHEREAS, this is the second year in which the City is receiving SB 1 funding and will enable the City to continue essential road maintenance and rehabilitation projects, safety improvements, and increasing access and mobility options for the traveling public that would not have otherwise been possible without SB 1; and

WHEREAS, the City has undergone a public process in April 2018 to ensure public input into our community's pavement rehabilitation project list; and

WHEREAS, the City used the City's Pavement Management System to develop the SB 1 project list to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the City's priorities for transportation investment; and

WHEREAS, the funding from SB 1 in FY 2018-19 will help the City maintain and rehabilitate, among other streets, Magnolia Avenue between Hillside Avenue and Nova Drive, add complete streets infrastructure on many of the roads receiving treatment this year and dozens of similar projects into the future; and

WHEREAS, the 2016 California Statewide Local Streets and Roads Needs Assessment found that the City's streets and roads are in a "good to at-risk" condition and this revenue will help us increase the overall quality of our road system and over the next decade will help to bring our streets and roads into a "good" condition; and

WHEREAS, the SB 1 project list and overall investment in our local streets and roads infrastructure with a focus on basic maintenance and safety, investing in complete streets infrastructure, and using new technology, materials and practices, will have significant positive co-benefits statewide.

NOW, THEREFORE IT IS HEREBY RESOLVED, ORDERED AND FOUND by the City Council of the City, State of California, as follows:

1. The foregoing recitals are true and correct.
2. The fiscal year 2018-19 project planned to be funded with Road Maintenance and Rehabilitation Account revenues includes Magnolia Avenue between Hillside Avenue and Nova Drive. Treatment to this portion of Magnolia Drive is anticipated to extend the useful life of this street for 20 years. The project is anticipated to be constructed in the 2018-19 fiscal year.

[END OF DOCUMENT]