

DRAFT 5/12/2020 *RB*

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE TO AUTHORIZE THE SUBMISSION OF AN APPLICATION TO THE METROPOLITAN TRANSPORTATION COMMISSION FOR THE ALLOCATION OF FISCAL YEAR 2020-2021 TRANSPORTATION DEVELOPMENT ACT, ARTICLE 3 (TDA ARTICLE 3) PEDESTRIAN/BICYCLE PROJECT FUNDING FOR THE DESIGN AND IMPLEMENTATION OF PEDESTRIAN AND BICYCLE SAFETY IMPROVEMENTS AT THE INTERSECTION OF FREMONT AVENUE AND MANET DRIVE/ BOBWHITE AVENUE

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE THAT:

1. The City of Sunnyvale declares it is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code.
2. There is no pending or threatened litigation that might adversely affect the project or projects described in Exhibit B to this resolution, or that might impair the ability of the City of Sunnyvale to carry out the project.
3. The project has been reviewed by the Bicycle and Pedestrian Advisory Commission (BPAC) of City of Sunnyvale.

4. The City of Sunnyvale attests to the accuracy of and approves the statements in Exhibit A to this resolution.

5. A certified copy of this resolution and its exhibits, and any accompanying supporting materials shall be forwarded to the congestion management agency, countywide transportation planning agency, or county association of governments, as the case may be, of Santa Clara County for submission to MTC as part of the countywide coordinated TDA Article 3 claim.

Adopted by the City Council at a regular meeting held on _____, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSAL:

ATTEST:

APPROVED:

City Clerk
(SEAL)

Mayor

APPROVED AS TO FORM:

City Attorney

EXHIBIT A

Findings

**Request to the Metropolitan Transportation
Commission for the Allocation of Fiscal Year
2020-21 Transportation Development Act Article 3
Pedestrian/Bicycle Project Funding**

1. That the **CITY OF SUNNYVALE** 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 SUNNYVALE** legally impeded from undertaking the project(s) described in “Exhibit B” of this resolution.
2. That the **CITY OF SUNNYVALE** has committed adequate staffing resources to complete the project(s) described in Exhibit B.
3. A review of the project(s) described in Exhibit 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(s).
4. Issues attendant to securing environmental and right-of-way permits and clearances for the projects described in Exhibit 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(s) described in Exhibit 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(s) of the project(s) in Exhibit B, the sources of funding other than TDA are assured and adequate for completion of the project(s).
7. That the project(s) described in Exhibit B are for capital construction and/or design engineering; and/or for the maintenance of a Class I bikeway which is closed to motorized traffic; and/or for the purposes of restriping Class II bicycle lanes; and/or for the development or support of a bicycle safety education program; and/or for the development of a comprehensive bicycle and/or pedestrian facilities plan, and an allocation of TDA Article 3 funding for such a plan has not been received by the **CITY OF SUNNYVALE** within the prior five fiscal years.
8. That the project(s) described in Exhibit B is included in a locally approved bicycle, pedestrian, transit, multimodal, complete streets, or other relevant plan.
9. That any project described in Exhibit B that is a bikeway meets the mandatory minimum safety design criteria published in Chapter 1000 of the California Highway Design Manual.
10. That the project(s) described in Exhibit B will be completed before the funds expire.
11. That the **CITY OF SUNNYVALE** agrees to maintain, or provide for the maintenance of, the project(s) and facilities described in Exhibit B, for the benefit of and use by the public.

EXHIBIT B**TDA Article 3 Project Application Form**

Fiscal Year of this Claim: FY 2020-21

Applicant: City of Sunnyvale

Contact person: Dennis Ng

Mailing Address: 456 West Olive Avenue, Sunnyvale, CA 94086

E-Mail Address: dng@sunnyvale.ca.gov

Telephone: 408-730-7591

Secondary Contact (in event primary not available) Lillian Tsang

E-Mail Address: ltsang@sunnyvale.ca.gov

Telephone: 408-730-7556

Short Title Description of Project: Safety Improvements at the Intersection of Fremont Avenue and Manet Drive/Bobwhite Avenue

Amount of claim: \$157,810

Functional Description of Project:

Implementation of pedestrian and bicycle safety improvements at the intersection of Fremont Avenue and Manet Drive/Bobwhite Avenue

Financial Plan:

List the project elements for which TDA funding is being requested (e.g., planning, engineering, construction, contingency). Use the table below to show the project budget for the phase being funded or total project. Include prior and proposed future funding of the project. Planning funds may only be used for comprehensive bicycle and pedestrian plans. Project level planning is not an eligible use of TDA Article 3.

Project Elements: Construction

Funding Source	All Prior FYs	Application FY	Next FY	Following FYs	Totals
TDA Article 3	\$172,712	\$157,810			\$ 330,522
list all other sources:					
1.					
2.					
3.					
4.					
Totals	\$172,712	\$157,810			\$ 330,522

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).	No 5/19/2020
B. Has this project previously received TDA Article 3 funding? If "YES," provide an explanation on a separate page.	Yes
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).	Yes
D. Has the project been reviewed by a Bicycle Advisory Committee (BAC)? (If "NO," provide an explanation). Enter date the project was reviewed by the BAC: _____	Yes
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).	No
F. Will the project be completed before the allocation expires? Enter the anticipated completion date of project (month and year) _____	Yes 6/2020
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: _____)	Yes

Supplemental Response for Questions A

City Council has previously approved the FY19/20 TDA allocations of \$172,712 for this project.

Explanation for Questions B

Has this project previously received TDA Article 3 funding?

Yes, the project has previously received the FY2019/20 funding of \$172,712. The project would include the design and implementation of the following pedestrian and bicycle safety improvements to:

- Install curb extension on the northwest corner with bi-directional ADA compliant curb ramps
- Install high visibility crosswalks at the intersection
- Install an Accessible Pedestrian System (APS)
- Replace all existing 8" vehicle signal heads with 12" vehicle signal heads to improve visibility
- Modify traffic signal as needed for the implementation of the above improvements

The estimated cost to complete the project exceeds the FY 2019/20 TDA Article 3 funding allocation. Therefore, implementation of the project would occur over a two-year period, with FY 2019/20 funds used for design and environmental clearance. Any remaining FY 2019/20 funding allocation above the design consultant costs will be combined with the FY 2020/21 TDA Article 3 funds to construct the project in the second year.