



Office of the City Manager

CONSENT CALENDAR
June 4, 2024

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Terrance Davis, Director, Public Works
 Subject: FY 2024/2025 Transportation Development Act Article 3 Fund Allocation

RECOMMENDATION

Adopt two Resolutions:

- Authorizing the City Manager to: submit an allocation request to the Metropolitan Transportation Commission (MTC) prior to the June 14, 2024 deadline for \$151,950 of FY 24/25 Transportation Development Act (TDA) Article 3 funding to complete the Berkeley Bicycle Plan update.
- Declaring that: the City of Berkeley is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code; 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 Berkeley to carry out the project; the project has been reviewed and supported by the Transportation and Infrastructure Commission (TIC) of the City of Berkeley; the City of Berkeley attests to the accuracy of and approves the statements in Attachment A to this resolution; and a certified copy of this resolution and its attachments, 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 Alameda County for submission to MTC as part of the countywide coordinated TDA Article 3 claim.

FISCAL IMPACTS OF RECOMMENDATION

In 2021, the Metropolitan Transportation Commission awarded the City \$200,000 to update the Bicycle Plan. To date, \$78,626 has been spent on this effort. The City is requesting that the MTC allow the remaining balance of \$121,374 be reallocated to be available for FY 24-25. In addition, the City is requesting an additional \$151,950 to be allocated, increasing the FY 24-25 funding amount to a total of \$273,324. The funding increase reflects the additional level of effort that will be required of the project consultant, as well as rising rates for the consultant over the past three years since the

Bicycle Plan update was initiated. No matching funds are required for this funding allocation.

Reallocation request	\$121,374
Funding increase request	\$151,950
Total Bicycle Plan update cost	\$273,324

CURRENT SITUATION AND ITS EFFECTS

FY 2024/2025 Transportation Development Act Article 3 Fund Allocation will support updating the City’s Bicycle Plan, which is a Strategic Plan Priority Project, advancing our goals to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities and to create a resilient, safe, connected, and prepared city.

The Bicycle Plan update was launched in 2021 and put on hold in 2022 due to staffing vacancies within Public Works. Before it was suspended in 2022, several tasks and deliverables were initiated, including public outreach and high injury corridor research. The City of Berkeley is submitting a FY 2024-25 TDA Article 3 allocation request to complete a comprehensive Bicycle Plan update. This project will analyze the City’s existing bicycle network, engage the public and City stakeholders, make new recommendations for a low-stress bikeway network, update bike boulevard design guidelines, identify key projects for priority corridors and create an implementation strategy to be presented as a final plan for adoption by City Council. MTC, Alameda County Transportation Commission (CTC) and the State of California all require that cities update their bicycle, pedestrian and active transportation plans every five years to maintain eligibility for County, regional and State competitive transportation grant funding. The City is apportioned approximately \$100,000 to \$120,000 annually under TDA Article 3 for qualified bicycle and pedestrian projects. The City’s currently available TDA fund balance is \$377,173.

BACKGROUND

The State Legislature passed the Transportation Development Act in 1971, implementing a statewide quarter-cent sales tax. TDA is one of the major funding sources for public transportation in California, and under Article 3, funds are to be used by local jurisdictions for qualified bicycle and pedestrian projects. Writing and updating bicycle, pedestrian and active transportation plans are considered eligible TDA expenses.

Local jurisdictions obtain these funds in a three-step process: apportionment, allocation and payment through reimbursement. Apportionment in the San Francisco Bay Area follows the MTC formula based upon population. The City submits TDA allocation requests to MTC on an annual basis, and unused TDA funds allocated to any project are rolled over from one fiscal year to the next. No matching funds are required, but the project must meet the funding objectives and be developed in cooperation with the

community. The basic funding objectives are to increase the safety, security and efficiency of bicycle and pedestrian travel and to provide for a coordinated system. The City receives payment of allocated grant funds upon submission of claims for reimbursement.

MTC requires both a supporting resolution from the City Council and a review of TDA allocations by a pedestrian and/or bicycle advisory committee. The City's Transportation and Infrastructure Commission functions as the City's Bicycle and Pedestrian Advisory Committee. At the April 15, 2021 Commission meeting, it was motioned and seconded (Ghosh/Gosselin) and unanimously approved that the "Commission recommends that City Council authorize the City Manager to submit an allocation request to the Metropolitan Transportation Commission (MTC) for \$450,000 of FY2021-22 Transportation Development Act (TDA) Article 3 funds for the Bicycle Plan Update (\$200,000)."

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The primary goal of the Bicycle Plan update is to improve traffic safety for people riding bicycles. This is consistent with the 2009 Climate Action Plan Policy 5.a that calls for expanding and improving Berkeley's bicycle and pedestrian infrastructure. The Bicycle Plan sets targets of reducing transportation emissions 33% below year 2000 levels by 2020 and 80% below year 2000 levels by 2050. The Bicycle Plan further states that transportation modes, such as public transit, walking, and bicycling, must become the primary means of fulfilling the City's mobility needs in order to meet these targets.

RATIONALE FOR RECOMMENDATION

The City's most recent update to the Bicycle Plan was adopted in 2017 (Resolution No.67,945-N.S.). Since then, the City's bicycle network has changed as several capital projects in the plan have been designed and constructed. Existing conditions need to be evaluated and public outreach must be conducted to determine the current priorities for the bicycle network. An implementation strategy will need to be developed as well so that the City can pursue available funding to complete prioritized projects. Bicycle Boulevard design guidelines also need to be updated. All of these needs will be addressed within the scope of this Bicycle Plan update.

ALTERNATIVE ACTIONS CONSIDERED

The City could choose not to apply for and accept for these funds. However, no alternative funding source has been identified to update the Bicycle Plan.

CONTACT PERSON

Wahid Amiri, Deputy Director, 510-981-6396
Hamid Mostowfi, Transportation Manager, 510-981-6403
Eric Anderson, Principal Planner, 510-981-7062
Dani Dynes, Associate Planner, 510-981-7053

Attachments:

1: Resolution

Exhibit A: Findings

Exhibit B: TDA Article 3 Project Application Form

2: Resolution

Exhibit A: Findings

Exhibit B: TDA Article 3 Project Application Form

RESOLUTION NO. ##,###-N.S.

REQUEST TO THE METROPOLITAN TRANSPORTATION COMMISSION FOR THE ALLOCATION OF FISCAL YEAR 2024-2025 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, Revised, entitled "Transportation Development Act, Article 3, Pedestrian/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, Revised 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 Berkeley 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; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Berkeley that the City Manager is authorized to submit a request to the Metropolitan Transportation Commission prior to the June 14, 2024 deadline for the allocation of FY 2024-25 Transportation Development Act Article 3 pedestrian/bicycle project funding in the amount of \$151,950 for the Berkeley Bicycle Plan Update; and that the City Manager is authorized to accept the allocation; execute any resultant agreements and amendments; and authorize the implementation of the project, subject to securing the allocation.

BE IT FURTHER RESOLVED that the City of Berkeley declares it is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code.

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 Berkeley to carry out the project.

RESOLUTION NO. ##,###-N.S.

Attachment A

RE: REQUEST TO THE METROPOLITAN TRANSPORTATION COMMISSION FOR
THE ALLOCATION OF FISCAL YEAR 2024-2025 TRANSPORTATION
DEVELOPMENT ACT ARTICLE 3 PEDESTRIAN/BICYCLE PROJECT FUNDING

Findings

1. That the City of Berkeley 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 Berkeley legally impeded from undertaking the project(s) described in "Attachment B" of this resolution.
2. That the City of Berkeley has committed adequate staffing resources to complete the project(s) described in Attachment B.
3. A review of the project(s) 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(s).
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(s) 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(s) of the project(s) in Attachment 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 Attachment B are for capital construction and/or final design and engineering or quick build project; and/or for the maintenance of a Class I bikeway which is closed to motorized traffic and/or Class IV separated bikeway; 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 Berkeley within the prior five fiscal years.
8. That the project(s) described in Attachment B which are bicycle projects have been included in a detailed bicycle circulation element included in an adopted general plan, or included in an adopted comprehensive bikeway plan (such as outlined in Section 2377 of the California Bikeways Act, Streets and Highways Code section 2370 et seq.) or responds to an immediate community need, such as a quick-build project.
9. That any project described in Attachment B bicycle project meets the mandatory minimum safety design criteria published in the California Highway Design Manual or is in a National Association of City and Transportation Officials (NACTO) guidance or similar best practices document.
10. That the project(s) described in Attachment B will be completed in the allocated time (fiscal year of allocation plus two additional fiscal years).

11. That the City of Berkeley agrees to maintain, or provide for the maintenance of, the project(s) and facilities described in Attachment B, for the benefit of and use by the public.

Resolution No. _____ page ____ of ____

TDA Article 3 Project Application Form

Fiscal Year of this Claim: 2024-2025 Applicant: City of Berkeley

Contact person: Dani Dynes

Mailing Address: 1947 Center St. 4th Floor Berkeley, CA 94704

E-Mail Address: danidynes@berkeleyca.gov Telephone: 510-981-7053

Secondary Contact (in event primary not available) Eric Anderson

E-Mail Address: eanderson@berkeleyca.gov Telephone: 510-981-7062

Project Title (Short Description): Berkeley Bicycle Plan Update

Amount of claim: \$151,950

Description of Overall Project:

The project is a comprehensive update to the City of Berkeley’s Bicycle Plan, last updated in 2017. The project will fulfill the requirements of Section 2377 of the California Bikeways Act, Streets and Highways Code section 2370 et seq.

Project Scope Proposed for Funding: (Project level environmental, preliminary planning, and ROW are ineligible uses of TDA funds.)

Project scope will include outreach and engagement, analysis, drafting proposed updates to Bicycle Plan chapters and appendices, and adoption of the final comprehensive update to the Bicycle Plan.

Project Budget and Schedule

Project Budget is \$151,950. Schedule is: Consultant procurement and kickoff Spring 2024, Outreach and Engagement Summer 2024, Input from internal stakeholders and Commissions Spring-Fall 2024, Final Draft outreach and comment Fall 2024, Plan adoption December 10th 2024.

Project Phase	TDA 3	Other Funds	Total Cost	Estimated Completion (month/year)
Bike/Ped Plan	\$151,950			12/10/24
ENV				
PA&ED				
PS&E				
ROW				
CON				
Total Cost	\$151,950			12/10/24

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.	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).	N/A
D. Has the project been reviewed by the Bicycle and Pedestrian Advisory Committee? (If "NO," provide an explanation).	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).	N/A
F. Will the project be completed before the allocation expires? Enter the anticipated completion date of project (month and year) December 10, 2024	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: _____)	N/A

RESOLUTION NO. ##,###-N.S.

RE: REQUEST TO THE METROPOLITAN TRANSPORTATION COMMISSION FOR THE ALLOCATION OF FISCAL YEAR 2024-2025 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, Revised, entitled "Transportation Development Act, Article 3, Pedestrian/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, Revised 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 Berkeley 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 Berkeley declares it is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code, and furthermore,

BE IT 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 Berkeley to carry out the project; and furthermore,

BE IT RESOLVED, that the City of Berkeley 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 congestion management agency, countywide transportation planning agency, or county association of governments, as the case may be, of Alameda for submission to MTC as part of the countywide coordinated TDA Article 3 claim.

The City of Berkeley adopted this resolution on June 4, 2024.

AYES:

NAYS:

Certified to by (signature):

TYPE NAME OF CERTIFYING INDIVIDUAL HERE

RESOLUTION NO. ##,###-N.S.

Attachment A

RE: REQUEST TO THE METROPOLITAN TRANSPORTATION COMMISSION FOR
THE ALLOCATION OF FISCAL YEAR 2024-2025 TRANSPORTATION
DEVELOPMENT ACT ARTICLE 3 PEDESTRIAN/BICYCLE PROJECT FUNDING

Findings

1. That the City of Berkeley 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 Berkeley legally impeded from undertaking the project(s) described in "Attachment B" of this resolution.
2. That the City of Berkeley has committed adequate staffing resources to complete the project(s) described in Attachment B.
3. A review of the project(s) 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(s).
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(s) 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(s) of the project(s) in Attachment 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 Attachment B are for capital construction and/or final design and engineering or quick build project; and/or for the maintenance of a Class I bikeway which is closed to motorized traffic and/or Class IV separated bikeway; 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 Berkeley within the prior five fiscal years.
8. That the project(s) described in Attachment B which are bicycle projects have been included in a detailed bicycle circulation element included in an adopted general plan, or included in an adopted comprehensive bikeway plan (such as outlined in Section 2377 of the California Bikeways Act, Streets and Highways Code section 2370 et seq.) or responds to an immediate community need, such as a quick-build project.
9. That any project described in Attachment B bicycle project meets the mandatory minimum safety design criteria published in the California Highway Design Manual or is in a National Association of City and Transportation Officials (NACTO) guidance or similar best practices document.
10. That the project(s) described in Attachment B will be completed in the allocated time (fiscal year of allocation plus two additional fiscal years).

11. That the City of Berkeley agrees to maintain, or provide for the maintenance of, the project(s) and facilities described in Attachment B, for the benefit of and use by the public.

Resolution No. _____ page ____ of ____
TDA Article 3 Project Application Form

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Contact person: Dani Dynes

Mailing Address: 1947 Center St. 4th Floor Berkeley, CA 94704

E-Mail Address: danidynes@berkeleyca.gov Telephone: 510-981-7053

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Total Cost	\$151,950			12/10/24

Project Eligibility:	YES?/NO?
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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).	N/A
D. Has the project been reviewed by the Bicycle and Pedestrian Advisory Committee? (If "NO," provide an explanation).	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).	N/A
F. Will the project be completed before the allocation expires? Enter the anticipated completion date of project (month and year) December 10, 2024	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: _____)	N/A