



Office of the City Manager

CONSENT CALENDAR
October 1, 2024

To: Honorable Mayor and Members of the City Council
From: Paul Buddenhagen, City Manager
Submitted by: Scott Ferris, Director, Parks, Recreation & Waterfront
Subject: Grant Application: Regional Measure 3: 2025 Safe Routes to Transit and Bay Trail Program for the Bay Trail Extension

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to submit a grant application to the Metropolitan Transportation Commission (MTC) Regional Measure 3: 2025 Safe Routes to Transit and Bay Trail Program (SR2TBT) for the fourth phase of the Berkeley Bay Trail Extension Project for up to \$4 Million; accept the grants if awarded, and execute any resulting agreements and amendments.

FISCAL IMPACTS OF RECOMMENDATION

If the City wins this grant awards, MTC will provide a total of up to \$4 million to the City's State Transportation Grants Fund (Fund 344) from the SR2TBT grant program for the fourth phase of design, permitting and construction of the Bay Trail Extension. The program does not require local matching funds.

CURRENT SITUATION AND ITS EFFECTS

MTC has published a call for Projects for the Safe Routes to Transit and Bay Trail Program (SR2TBT). The Bay Trail Extension to the Berkeley Marina is a spur of the San Francisco Bay Trail that will provide bicycle and pedestrian access from the main spine of the Bay Trail at West Frontage Road into the Marina along the south side of University Avenue. The trail will be built in phases over time, as funding is obtained.

Since a significant portion of the Bay Trail Extension has already been designed, staff has determined that continuing to construct the Bay Trail Extension through Shorebird Park and along the South Cove waterfront is the most appropriate of the City's current parks projects to compete for this grant program. The total proposed project budget is estimated at \$4 million, and the project will consist of the design, permitting and construction of approximately 1,500 feet of Bay Trail Extension and ancillary pathway connections.

BACKGROUND

The Safe Routes to Transit & Bay Trail (SR2TBT) Program is a competitive grant program administered by MTC that funds bicycle and pedestrian access improvements on and in the vicinity of state-owned toll bridges connecting to rail transit stations and ferry terminals. This program is funded through Regional Measure 3 (RM3), passed by voters in 2018, which raised the toll for all vehicles on State-owned toll bridges in the San Francisco Bay Area in order to fund transportation projects that reduce congestion and improve access to toll bridge corridors. The RM3 identifies \$150 million in toll revenue for the grant over two programming cycles, with a base amount of \$50 million available for programming each cycle, and an optional \$25 million for a transformative active transportation project.

The Bay Trail Extension to the Berkeley Marina is a spur of the San Francisco Bay Trail that will provide bicycle and pedestrian access from the main spine of the Bay Trail at West Frontage Road into the Marina along the south side of University Avenue. When fully built, the project will continue to Hs. Lordship's Restaurant, and from there it will run along the water's edge at Seawall Drive and end at the Berkeley Yacht Club. The trail will be built in phases over time, as funding is obtained.

The first portion of the trail was completed in 2014 (Segments One and Two, from West Frontage Road to the South Cove East Parking Lot). In 2016, the City received a grant of \$500,000 in federal funds and \$200,000 in local Marina Funds to complete the third segment of the Bay Trail Extension, from the South Cove East Parking Lot to Adventure Playground, which was completed in 2019.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The projects in these grant applications are designed to promote sustainable transportation and climate resilience by improving traffic safety for pedestrians and bicyclists. This is consistent with the 2009 Climate Action Plan (Plan) Policy 5.A, which calls for expanding and improving the City's bicycle and pedestrian infrastructure. The Plan's target is to reduce transportation emissions 80% below year 2000 levels by 2050. The 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

In 2019, the City completed segment 3 of the Bay Trail Extension at the Berkeley Marina. City staff has determined that the next segment of the Bay Trail Extension, continuing through Shorebird Park and the South Cove waterfront, would be the most appropriate of the City's current parks projects to compete for the Metropolitan Transportation Commission (MTC) Regional Measure 3: 2025 Safe Routes to Transit and Bay Trail Program (SR2TBT).

ALTERNATIVE ACTIONS CONSIDERED

The City could choose not to apply for these funds. However, no alternative funding source has been identified to complete this project.

Grant Application: Regional Measure 3: 2025 Safe Routes to Transit
and Bay Trail Program for the Bay Trail Extension

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CONTACT PERSON

Roger Miller, Senior Management Analyst (510) 981-6704

Attachments:

1: Resolution

Resolution of Local Support

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

AUTHORIZING THE FILING OF AN APPLICATION FOR FUNDING ASSIGNED TO MTC AND COMMITTING ANY NECESSARY MATCHING FUNDS AND STATING ASSURANCE TO COMPLETE THE PROJECT

WHEREAS, CITY OF BERKELEY (herein referred to as APPLICANT) is submitting an application to the Metropolitan Transportation Commission (MTC) for \$4 million in funding assigned to MTC for programming discretion, which includes federal funding administered by the Federal Highway Administration (FHWA) and federal or state funding administered by the California Transportation Commission (CTC) such as Surface Transportation Block Grant Program (STP) funding, Congestion Mitigation and Air Quality Improvement Program (CMAQ) funding, Carbon Reduction Program (CRP) funding, Transportation Alternatives (TA) set-aside/Active Transportation Program (ATP) funding, and Regional Transportation Improvement Program (RTIP) funding (herein collectively referred to as REGIONAL DISCRETIONARY FUNDING) for the Bay Trail Extension (herein referred to as PROJECT) for the Regional Measure 3: 2025 Safe Routes to Transit and Bay Trail Program (herein referred to as PROGRAM); and

WHEREAS, the United States Congress from time to time enacts and amends legislation to provide funding for various transportation needs and programs, (collectively, the FEDERAL TRANSPORTATION ACT) including, but not limited to the Surface Transportation Block Grant Program (STP) (23 U.S.C. § 133), the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149), the Carbon Reduction Program (CRP) (23 U.S.C. § 175), and the Transportation Alternatives (TA) set-aside (23 U.S.C. § 133); and

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

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

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

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

WHEREAS, APPLICANT is an eligible sponsor for REGIONAL DISCRETIONARY FUNDING; and

WHEREAS, as part of the application for REGIONAL DISCRETIONARY FUNDING, MTC requires a resolution adopted by the responsible implementing agency stating the following:

- the commitment of any required matching funds; and
- that the sponsor understands that the REGIONAL DISCRETIONARY FUNDING is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional REGIONAL DISCRETIONARY FUNDING; and
- that the PROJECT will comply with the procedures, delivery milestones and funding deadlines specified in the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised); and
- the assurance of the sponsor to complete the PROJECT as described in the application, subject to environmental clearance, and if approved, as included in MTC's federal Transportation Improvement Program (TIP); and
- that the PROJECT will have adequate staffing resources to deliver and complete the PROJECT within the schedule submitted with the project application; and
- that the PROJECT will comply with all project-specific requirements as set forth in the PROGRAM; and
- that APPLICANT has assigned, and will maintain a single point of contact for all FHWA- and CTC-funded transportation projects to coordinate within the agency and with the respective County Transportation Agency (CTA), MTC, Caltrans, FHWA, and CTC on all communications, inquires or issues that may arise during the federal programming and delivery process for all FHWA- and CTC-funded transportation and transit projects implemented by APPLICANT; and
- in the case of a transit project, the PROJECT will comply with MTC Resolution No. 3866, revised, which sets forth the requirements of MTC's Transit Coordination Implementation Plan to more efficiently deliver transit projects in the region; and
- in the case of a highway project, the PROJECT will comply with MTC Resolution No. 4104, which sets forth MTC's Traffic Operations System (TOS) Policy to install and activate TOS elements on new major freeway projects; and
- in the case of an RTIP project, state law requires PROJECT be included in a local congestion management plan, or be consistent with the capital improvement program adopted pursuant to MTC's funding agreement with the County Transportation Agency (CTA); and

WHEREAS, that APPLICANT is authorized to submit an application for REGIONAL DISCRETIONARY FUNDING for the PROJECT; and

WHEREAS, there is no legal impediment to APPLICANT making applications for the funds; and

WHEREAS, there is no pending or threatened litigation that might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT; and

WHEREAS, APPLICANT authorizes its Executive Director, General Manager, or designee to execute and file an application with MTC for REGIONAL DISCRETIONARY FUNDING for the PROJECT as referenced in this resolution; and

WHEREAS, MTC requires that a copy of this resolution be transmitted to the MTC in conjunction with the filing of the application.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the APPLICANT is authorized to execute and file an application for funding for the PROJECT for REGIONAL DISCRETIONARY FUNDING under the FEDERAL TRANSPORTATION ACT or continued funding; and

BE IT FURTHER RESOLVED that APPLICANT will provide any required matching funds; and

BE IT FURTHER RESOLVED that APPLICANT understands that the REGIONAL DISCRETIONARY FUNDING for the project is fixed at the MTC approved programmed amount, and that any cost increases must be funded by the APPLICANT from other funds, and that APPLICANT does not expect any cost increases to be funded with additional REGIONAL DISCRETIONARY FUNDING; and

BE IT FURTHER RESOLVED that APPLICANT understands the funding deadlines associated with these funds and will comply with the provisions and requirements of the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) and APPLICANT has, and will retain the expertise, knowledge and resources necessary to deliver federally-funded transportation and transit projects, and has assigned, and will maintain a single point of contact for all FHWA- and CTC-funded transportation projects to coordinate within the agency and with the respective County Transportation Agency (CTA), MTC, Caltrans, FHWA, and CTC on all communications, inquires or issues that may arise during the federal programming and delivery process for all FHWA- and CTC-funded transportation and transit projects implemented by APPLICANT; and

BE IT FURTHER RESOLVED that PROJECT will be implemented as described in the complete application and in this resolution, subject to environmental clearance, and, if approved, for the amount approved by MTC and programmed in the federal TIP; and

BE IT FURTHER RESOLVED that APPLICANT has reviewed the PROJECT and has adequate staffing resources to deliver and complete the PROJECT within the schedule submitted with the project application; and

BE IT FURTHER RESOLVED that PROJECT will comply with the requirements as set forth in MTC programming guidelines and project selection procedures for the PROGRAM; and

BE IT FURTHER RESOLVED that, in the case of a transit project, APPLICANT agrees to comply with the requirements of MTC's Transit Coordination Implementation Plan as

set forth in MTC Resolution No. 3866, revised; and

BE IT FURTHER RESOLVED that, in the case of a highway project, APPLICANT agrees to comply with the requirements of MTC's Traffic Operations System (TOS) Policy as set forth in MTC Resolution No. 4104; and

BE IT FURTHER RESOLVED that, in the case of an RTIP project, PROJECT is included in a local congestion management plan, or is consistent with the capital improvement program adopted pursuant to MTC's funding agreement with the County Transportation Agency (CTA); and

BE IT FURTHER RESOLVED that APPLICANT is an eligible sponsor of REGIONAL DISCRETIONARY FUNDING funded projects; and

BE IT FURTHER RESOLVED that APPLICANT is authorized to submit an application for REGIONAL DISCRETIONARY FUNDING for the PROJECT; and

BE IT FURTHER RESOLVED that there is no legal impediment to APPLICANT making applications for the funds; and

BE IT FURTHER RESOLVED that there is no pending or threatened litigation that might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT; and

BE IT FURTHER RESOLVED that APPLICANT authorizes its Executive Director, General Manager, City Manager, or designee to execute and file an application with MTC for REGIONAL DISCRETIONARY FUNDING for the PROJECT as referenced in this resolution; and

BE IT FURTHER RESOLVED that a copy of this resolution will be transmitted to the MTC in conjunction with the filing of the application; and

BE IT FURTHER RESOLVED that the MTC is requested to support the application for the PROJECT described in the resolution, and if approved, to include the PROJECT in MTC's federal TIP upon submittal by the project sponsor for TIP programming.

