




MEETING DATE: 5/4/09
ITEM NO: 6

COUNCIL AGENDA REPORT

DATE: APRIL 17, 2009

TO: MAYOR AND TOWN COUNCIL

FROM: GREG LARSON, TOWN MANAGER 

SUBJECT: TRANSPORTATION DEVELOPMENT ACT (TDA) - ARTICLE 3 FUNDING ALLOCATION FOR FY 2009/10
ADOPT RESOLUTION AUTHORIZING THE TOWN MANAGER TO APPLY FOR TRANSPORTATION DEVELOPMENT ACT (TDA) ARTICLE 3 FUNDS FOR FY 2009/10 FROM THE METROPOLITAN TRANSPORTATION COMMISSION


RECOMMENDATION:

Adopt resolution authorizing the Town Manager to apply for Transportation Development Act (TDA) Article 3 funds for FY 2009/10 from the Metropolitan Transportation Commission.

BACKGROUND:

Transportation Development Act (TDA) Article 3 funds (Public Utilities Code Section 99200) authorize funding to regional transportation planning agencies for pedestrian and bicycle related public improvement projects. In conjunction with the Santa Clara Valley Transportation Authority, the Metropolitan Transportation Commission administers these funds for the cities in Santa Clara County. The basic objectives of the TDA Article 3 projects are to increase the safety, security, and efficiency of bicycle and pedestrian travel.

Each city is allocated a specific amount of funding based on its population. TDA funds are generated from a tax of one-quarter of one percent on all retail sales in each County. For FY 2009/10, the amount designated for the Town of Los Gatos is \$57,954, which includes \$37,205 for FY 2009/10 and \$20,749 from prior year allocations. This total amount will be allocated to the Mitchell Avenue Sidewalk project. Prior Town use of these funds included trail and pathway improvement projects. Funds matched by the Town are not required, but the proposed project must meet the TDA funding objectives. Also, the Metropolitan Transportation Commission requires the adoption of a supporting resolution from the Town Council in order to receive the funding allocation.


PREPARED BY: TODD CAPURSO
Director of Parks and Public Works

Reviewed by: PS Assistant Town Manager W Town Attorney _____ Clerk Administrator
4 Finance _____ Community Development

PAGE 2

APRIL 17, 2009

MAYOR AND TOWN COUNCIL

SUBJECT: TRANSPORTATION DEVELOPMENT ACT (TDA) - ARTICLE 3 FUNDING
ALLOCATION FOR FY 2009/10

DISCUSSION:

The TDA funds will be used for the Mitchell Avenue Sidewalk project. In FY 2007/08, staff hired an engineering consultant to study pedestrian walkways along existing Town streets, specifically focusing on pedestrians routes adjacent to schools. Mitchell Avenue, between George Street and Fisher Avenue, was identified in this study because no sidewalk exists at this location. This route is frequently used by students attending Raymond J. Fisher Middle School. Staff has determined this project qualifies under the TDA objectives, and can also be fully funded by the FY 2009/10 TDA funding allocation. This project will improve pedestrian safety by constructing a continuous walkway for students to travel to school.

The Mitchell Avenue Sidewalk project will construct an asphalt concrete sidewalk along the north side of Mitchell Avenue, connecting with an existing sidewalk at the intersection of George Street and Mitchell Avenue. Also included in this project is painting and striping of the intersections and construction of an American with Disabilities (ADA) ramp for this sidewalk. Once the request for funds has been approved, staff anticipates completion of this project within six months.

CONCLUSION:

It is recommended that Town Council adopt the attached resolution authorizing the Town Manager to apply for Transportation Development Act (TDA) Article 3 funds for FY 2009/10 from the Metropolitan Transportation Commission.

ENVIRONMENTAL ASSESSMENT:

This project is defined under CEQA, but is statutorily exempt under Section 15301c. A Notice of Exemption has been filed.

FISCAL IMPACT:

The FY 2009/10 - FY 2013/14 Capital Improvement Plan does not include this project because project completion is contingent upon receipt of grant funding. If the grant is awarded, staff will bring forward a request for funding by the end of FY 2009/10.

Attachments:

Resolution Authorizing the Town Manager to apply for Transportation Development Act (TDA) Article 3 funds for FY 2009/10 from the Metropolitan Transportation Commission.

Exhibit A "Findings"

Exhibit B "TDA Project Application Form"

RESOLUTION

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
REQUEST TO THE METROPOLITAN TRANSPORTATION COMMISSION FOR THE
ALLOCATION OF FISCAL YEAR 2009/10 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. 875, 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. 875, 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 Town of Los Gatos 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.

RESOLVED, that the Town of Los Gatos 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 Exhibit B to this resolution, or that might impair the ability of the Town of Los Gatos to carry out the project; and

BE IT FURTHER RESOLVED, that the Town of Los Gatos attests to the accuracy of and approves the statements in Exhibit A to this resolution; and

BE IT FURTHER RESOLVED, that 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 the County of Santa Clara for submission to MTC as part of the countywide coordinated TDA Article 3 claim.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 4th day of May, 2009 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2009 Transportation Development Act Article 3 Pedestrian/Bicycle Project Funding

Findings

Page 1 of 1

1. That the Town of Los Gatos 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 Town of Los Gatos legally impeded from undertaking the project(s) described in "Exhibit B" of this resolution.
2. That the Town of Los Gatos 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 Town of Los Gatos within the prior five fiscal years.
8. That the project(s) described in Exhibit 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.).
9. That any project described in Exhibit B that is a "Class I 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 are ready to commence implementation during the fiscal year of the requested allocation.
11. That the Town of Los Gatos 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.

TDA Article 3 Project Application Form

Fiscal Year of this Claim: 2009 Applicant: Town of Los Gatos

Contact person: Kevin Rohani, Town Engineer

Mailing Address: 41 Miles Avenue, Los Gatos, CA 95030

E-Mail Address: krohani@losgatosca.gov

Telephone: (408) 399-5773

Secondary Contact (in event primary not available): Tim Kawasaki, Administrative Analyst

E-Mail Address: tkawasaki@losqatosca.gov

Telephone: (408) 399-5776

Short Title Description of Project: Mitchell Avenue Sidewalk Project

Amount of claim: \$28,000

Functional Description of Project:

Construct AC sidewalk along the north side of Mitchell Avenue connecting existing sidewalk at George Street/Mitchell Avenue to the Fisher Middle School at Fisher Avenue. Paint and stripe crosswalks, and construct an ADA compliant ramp.

Financial Plan:

List the project elements for which TDA funding is being requested (e.g., planning, environmental, engineering, right-of-way, construction, inspection, contingency, audit). Use the table below to show the project budget. Include prior and proposed future funding of the project. If the project is a segment of a larger project, include prior and proposed funding sources for the other segments.

Project Elements: Construction and contingency.

Funding Source	All Prior FYs	Application FY	Next FY	Following FYs	Totals
TDA Article 3		\$28,000			
list all other sources:					
1.					
2.					
3.					
4.					
Totals		\$28,000			

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). <u>Town Council review date is May 4, 2009.</u>	No
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? (If "NO," provide an explanation). This project does not include construction of a bicycle lane and/or route therefore review from a committee was not necessary.	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). A request has been filed with the Santa Clara County Clerk-Recorder's Office. Once a stamped copy is received, a copy will be mailed.	No

TDA Article 3 Project Application Form (cont'd)	
F. Will the project be completed before the allocation expires? Enter the anticipated completion date of project (month and year) <u>Anticipated completion date is prior to April 2010.</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: _____)	Yes

Re: Submittal of Countywide Coordinated Claim to the Metropolitan Transportation
Commission for the Allocation of Fiscal Year 2009 TDA Article 3 Pedestrian/Bicycle
Project Funds to Claimants in the County of Santa Clara

Prioritized List of Projects

	Short Title Description of Project	TDA Article 3 Amount	Total Project Cost
1.	Mitchell Avenue Sidewalk Project	\$28,000	\$28,000
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
	Totals		\$28,000