



## MEMORANDUM

TO: TDA Article 3 Bicycle and Pedestrian Program Grant Applicants  
 Technical Advisory Committee Members

FROM: Larissa Sanderfer, Transportation Planner II

DATE: March 27, 2023

SUBJECT: Call for Projects, Transportation Development Act Article 3  
 FY 2023/24 Program

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### **TDA Article 3 Funds Available**

This memorandum serves as the Call-for-Projects for the FY 2023/24 Transportation Development Act (TDA) Article 3 Program funding cycle. **Please note that if the instructions in this document conflict with MTC's TDA3 program guidance, the latter will govern.**

### **Eligible Project Types and Requirements**

**TDA Article 3 projects must be ready to implement within ONE year of the application cycle.**

The following project types are eligible for TDA Article 3 Funding:

1. Construction and/or engineering of a bicycle or pedestrian capital or quick build projects.
2. Maintenance of a Class I shared-use path and Class IV separated bikeways.
3. Bicycle safety education program (no more than 5% of county total).
4. Development of a comprehensive bicycle or pedestrian facilities plans (allocations to a claimant for this purpose may not be made more than once every five years).
5. Restriping Class II bicycle lanes and buffered bicycle lanes.

Refer to Appendix A in [MTC's Resolution No. 4108](#) for examples of eligible projects.

**To obtain TDA Article 3 funding, a sponsor must submit a resolution of its governing board that addresses the following six points:**

1. There are no legal impediments regarding the project.
2. Jurisdictional or agency staffing resources are adequate to complete the project.
3. There is no pending or threatened litigation that might adversely affect the project or the ability of the project sponsor to carry out the project.
4. Environmental and right-of-way issues have been reviewed and found to be in such a state that fund obligation deadlines will not be jeopardized.

5. Adequate local funding is available to complete the project.
6. The project has been conceptually reviewed to the point that all contingent issues have been considered.

**There are two components to the TDA Article 3 program:**

**1. Guarantee Funds**

Table 1 below shows each city and the County’s “Guarantee” share of MTC’s TDA Article 3 Fund Estimate. There is \$3,022,449 available for Guarantee projects this year. The guaranteed amounts are based on 2022 (May 2022 release) California Department of Finance (DOF) population figures and funds banked or rescinded from previous years. **Please note that an agency’s total applications cannot exceed its guaranteed share listed in the following table.**

**Table 1: 2023/24 TDA ARTICLE 3  
GUARANTEE FUNDS FOR SANTA CLARA COUNTY**

Agency	Guarantee Amount (Includes banked and rescinded funds from prior years)
Campbell	\$34,541
Cupertino	\$414,955
Gilroy*	\$301,753
Los Altos	\$129,725
Los Altos Hills*	\$45,136
Los Gatos	\$68,884
Milpitas	\$65,190
Monte Sereno	\$7,747
Morgan Hill	\$195,196
Mountain View	\$346,497
Palo Alto	\$147,052
San Jose	\$787,462
Santa Clara	\$104,938
Saratoga	\$24,730
Sunnyvale	\$336,620
Santa Clara County**	\$12,023
<b>Grand Total</b>	<b>\$3,022,449</b>

\* If not programmed this cycle, then funds banked in FY19/20 will be reverted to the countywide pool in FY24/25. TDA Article 3 funds may only be banked for four years plus one year to program.

\*\*\$68,109 is this year’s guarantee amount. \$56,086 will be applied to the county’s Active Transportation Plan loan and the remaining (\$12,023) is available for programming.

**2. 2016 Measure B Bicycle & Pedestrian Capital Projects Set-Aside**

On November 5, 2020, the VTA Board of Directors approved directing 25% of the TDA Article 3 funds to eligible projects on the 2016 Measure B Bicycle & Pedestrian Capital Projects Ten-year Fiscally Constrained Priority List. There is currently \$1,092,127 available for 2016 Measure B projects (\$732,792 was previously banked and \$359,335 is new funding).

On November 5, 2009, the Board committed \$150,000 of this 25% set-aside to County Expressway Pedestrian Projects, this has since been expanded to include both bicycle and pedestrian improvements along Expressways as eligible projects. This year, \$750,000 is available for this program. This includes \$150,000 in new funding, \$543,914 in previously banked funds, and \$56,086 in funds paid back from the 2020 loan to finance the County's Active Transportation Plan.

### **Rescind/Reallocation Requests**

Agencies may only allocate up to their estimate in any given year. Sponsors may rescind prior year projects, but VTA cannot reallocate them until the next TDA funding cycle. Funds rescinded in FY23/24 will be added to the sponsor's guarantee in FY24/25.

After the project list is approved, MTC will issue specific allocation instructions. It is the project sponsor's responsibility to monitor project expiration deadlines. Agencies must inform MTC and VTA of intent to rescind/reallocate prior to the expiration deadline, and **failure to do so means that the funds revert to the countywide pool in the next cycle.**

### **Banking Funds**

TDA Article 3 funds may be banked for up to four years plus one year to program funds. To bank TDA funds, project sponsors must submit a letter or email stating that funds will be banked. If banked funds are not programmed by the end of the fifth year, they will be redistributed to the countywide TDA Article 3 pool for the following fiscal year. **A member agency must inform VTA in writing of its intent to either claim or bank its TDA3 guarantee funds; failure to do so means that the funds revert to the countywide pool in the next cycle.**

### **Environmental Clearance**

If the project includes construction, it must meet the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 et seq.) and project sponsor must submit an environmental document that has been stamped by the County Clerk within the past three years. Sponsors applying for engineering/final design are not required to submit a County stamped notice. Additional information is included in TDA Article 3 policies and procedures which can be found on [MTC's website](#).

### **Bicycle and Pedestrian Advisory Committee Requirement**

Each county and city is required to have a Bicycle and Pedestrian Advisory Committee (BPAC) or equivalent body review and prioritize TDA Article 3 bicycle and pedestrian projects and plans, as stipulated in MTC's [Resolution No. 4108](#) under Priority Setting.

### **VTA Bicycle Technical Guidelines**

The VTA Board of Directors adopted the revised [VTA Bicycle Technical Guidelines](#) on December 13, 2012. The purpose of the *Guidelines* is to provide a uniform set of optimum standards for the planning, design, and construction of bicycle facilities that are part of the countywide bicycle system. Bicycle projects funded by TDA Article 3 funds must comply with the *Guidelines*.

**Application and Required Submittals**

**FY2023/24 TDA Article 3 Project Submittal Requirements**

<b>If banking the funds, then submit:</b>		<b>If programming the funds, then submit:</b>
<b>Due by Friday, May 26, 2023</b>		<b>Due by Friday, May 26, 2023</b>
An email stating the intent to bank the TDA3 Guarantee Funds. Failure to do so will revert funds to the countywide pool in the next cycle.		A cover email or letter including a statement that the project will be to implement within one year of the application cycle.
	<b>OR</b>	The TDA Article 3 Project Application Form (Attachment B of the Resolution template). This includes the BPAC or equivalent body review requirement.
		<b>Due by Friday June 30, 2023</b>
		Governing body resolution supporting the project(s). The required boilerplate is on the Metropolitan Transportation Commission’s <a href="#">website</a> . Do not modify MTC’s language without checking first.
		Documentation of environmental clearance, if applicable. The environmental document must be stamped by the County Clerk within the past three years.

Please send information to: Larissa Sanderfer, Transportation Planner, at [larissa.sanderfer@vta.org](mailto:larissa.sanderfer@vta.org). Late submissions will not be accepted.

**Evaluation Process, Programming and Invoicing Funds**

VTA staff will review projects for eligibility. The resulting countywide program will be reviewed by the VTA advisory committees before adoption by the VTA Board of Directors.

VTA's role in the TDA Article 3 process is limited to prioritizing the annual program of projects. After the VTA Board adopts the countywide list of projects, staff will forward the adopted resolutions to MTC for technical review and allocation. Once MTC staff verifies the program, MTC’s Finance Section will issue allocation instructions to your agency. Please review these instructions carefully because they contain guidance on invoicing, expiration of funds, and annual audit requirements. Project sponsors apply for reimbursement directly to MTC and reimbursement requests should be emailed to [acctpay@bayareametro.gov](mailto:acctpay@bayareametro.gov).

**TDA Audit Information**

In accordance with MTC Resolution 875, all claimants that have received an allocation of TDA funds are required to submit an annual fiscal and compliance audit to MTC and to the Secretary of Business and Transportation Agency within 180 days after the close of the fiscal year. **All TDA audits are due to MTC by December 31 of each year.** Failure to submit the audit will prohibit MTC from making a new TDA allocation. If no TDA funds were expended during the fiscal year, the applicant should file a statement to that effect with MTC. Please contact MTC’s TDA program manager Luis Garcia, at [lgarcia@bayareametro.gov](mailto:lgarcia@bayareametro.gov), for additional information on audit requirements.

**If you have any questions about the application process, contact Larissa Sanderfer, Transportation Planner, at [larissa.sanderfer@vta.org](mailto:larissa.sanderfer@vta.org).**