



## MEMORANDUM

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

FROM: Bill Hough, Transportation Planner

DATE: February 26, 2024

SUBJECT: Call for Projects, Transportation Development Act Article 3  
 FY 2024/25 Program

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

This memorandum serves as the Call-for-Projects for the FY 2024/25 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.**

### **TDA Article 3 Policies and Procedures Updates**

Listed below are recent changes to TDA3 Policies and Procedures adopted by MTC:

#### **1: Update to list of eligible project types:**

Capital purchases for maintenance of Class I or Class IV separated bikeways such as compact street sweeping vehicles.

#### **2: Additional application and invoice documentation:**

- a. Project sponsors must provide a mapped link of the project site in their application.
- b. In addition to the paragraph summary of the work completed with final reimbursement request, sponsors shall submit to MTC a photo(s) of the completed project. (Does not apply to non-construction projects.)

#### **3: Formalized extension request process:**

If a project cannot be completed within the time allowed, a claimant may request an extension through the county coordinator. County coordinators will coordinate time extensions with claimants by requesting a written status update of the given project and a summary of all expenditures to date. County coordinators will submit a list of extension requests with supporting materials to MTC no later than three months before the project sunset date (e.g., March 31st). MTC staff will review the list of extension requests and recommend approval.

Please contact MTC's TDA program manager Luis Garcia, at [lgarcia@bayareametro.gov](mailto:lgarcia@bayareametro.gov) for additional information on these requirements.

**Eligible Project Types and Requirements**

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

Refer to Appendix A in MTC’s Resolution No. 4108 (<https://mtc.ca.gov/sites/default/files/RES-4108.pdf>) for examples of eligible projects.

**To obtain TDA Article 3 funding, a sponsor must submit a resolution from its governing board that addresses six key points (use MTC’s Model Governing Body Resolution at <https://mtc.ca.gov/sites/default/files/documents/2022-11/Applicant-Resolution-and-Application-Template-11-2022.docx>).**

**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 \$3,673,344 available for guarantee projects this year. These 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:**

<b>Table 1: 2024/25 TDA ARTICLE 3 GUARANTEE FUNDS FOR SANTA CLARA COUNTY</b>	
<b>Agency</b>	<b>Guarantee Amount (Includes banked and rescinded funds from prior years)</b>
Campbell	\$61,847
Cupertino	\$334,349
Gilroy	\$168,744
Los Altos	\$44,917
Los Altos Hills	\$12,134
Los Gatos	\$47,930
Milpitas	\$182,573
Monte Sereno	\$12,842
Morgan Hill	\$261,646
Mountain View	\$121,052
Palo Alto	\$244,482
San Jose	\$1,388,980
Santa Clara	\$191,822
Saratoga	\$44,260
Sunnyvale	\$411,038
Santa Clara County	\$144,728
<b>Grand Total</b>	<b>\$3,673,344</b>

## **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. (Prior to 11/2020 the set-aside went to the Bicycle Expenditure Program.) There is currently \$1,852,460 available for 2016 Measure B projects. This includes \$760,333 in new funding and \$1,092,127 in previously banked funds.

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, \$900,000 is available for this program. This includes \$150,000 in new funding and \$750,000 in previously banked funds.

### **Rescind/Reallocation Requests**

Agencies may only allocate up to their estimate in any given year. Sponsors may rescind prior year projects, but once this Call for Projects is released, VTA cannot reallocate the funds until the next TDA funding cycle. For example, funds rescinded in FY2024/25 will be added to the sponsor's guarantee in FY2025/26.

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 TDA3 funds prior to the expiration deadline, work with MTC to properly rescind the funds, obtain a disencumber letter, and inform VTA that it was done. **Failure to do so means that the funds revert to the countywide pool in the next cycle.**

### **Banking Funds**

“Guarantee” 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 to VTA 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.

**Complete Streets Checklist Requirement**

A Complete Streets checklist is required if the amount requested is over \$250,000 or if the total project phase or construction phase is over \$250,000. More information on the Complete Streets checklist can be found in the application, under Project Eligibility H, and on [MTC’s website](#).

**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**

**FY2024/25 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 24, 2024</b>		<b>Due by Friday, May 24, 2024</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.	<b>OR</b>	A cover email or letter including a statement that the project will be implemented within one year of the application cycle.
		The TDA Article 3 Project Application Form (Attachment B of the Resolution template). This includes the BPAC or equivalent body review requirement.
		If the amount requested is over \$250,000 or if the total project phase or construction phase is over \$250,000, then submit a draft Complete Streets checklist (More information can be found in the application, under Project Eligibility H).
		The transit agency coordination required in the checklist will occur after the draft checklists are submitted.
		<b>Due by Friday June 28, 2024</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: Bill Hough, Transportation Planner, at [william.hough@vta.org](mailto:william.hough@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 Bill Hough, Transportation Planner, at [william.hough@vta.org](mailto:william.hough@vta.org). For post-approval questions (e.g., invoicing, audits, time extensions, rescissions) contact MTC's TDA program manager Luis Garcia, at [lgarcia@bayareametro.gov](mailto:lgarcia@bayareametro.gov).**