

RESOLUTION NO. 19-XXX

A RESOLUTION OF THE CUPERTINO CITY COUNCIL APPROVING THE REQUEST TO THE METROPOLITAN TRANSPORTATION COMMISSION FOR THE ALLOCATION OF FISCAL YEAR 2019/2020 TRANSPORTATION DEVELOPMENT ACT ARTICLE 3 PEDESTRIAN AND 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, entitled “Transportation Development Act, Article 3, Pedestrian and 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 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 Cupertino 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 by the City Council of the City of Cupertino that:

1. The City of Cupertino declares it is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code; and
2. 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 Cupertino to carry out the project; and

3. The project has been reviewed by the Bicycle Pedestrian Commission (BPC) of City of Cupertino; and

4. The City of Cupertino attests to the accuracy of and approves the statements in Attachment A to this resolution; and

5. 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 Santa Clara County for submission to MTC as part of the countywide coordinated TDA Article 3 claim.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 21st day of May, 2019, by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED: _____ Steven Scharf, Mayor City of Cupertino	 _____ Date
ATTEST: _____ Grace Schmidt, City Clerk	 _____ Date

Attachment A

Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2019/2020 Transportation Development Act Article 3 Pedestrian/Bicycle Project Funding

Findings

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1. That the City of Cupertino 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 Cupertino legally impeded from undertaking the project described in "Attachment B" of this resolution.
2. That the City of Cupertino has committed adequate staffing resources to complete the project described in Attachment B.
3. A review of the project 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.
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 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 of the project in Attachment B, the sources of funding other than TDA are assured and adequate for completion of the project.
7. That the project described in Attachment 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 City of Cupertino within the prior five fiscal years.
8. That the project described in Attachment B is included in a locally approved bicycle, pedestrian, transit, multimodal, complete streets, or other relevant plan.
9. That any project described in Attachment B that is a bikeway meets the mandatory minimum safety design criteria published in Chapter 1000 of the California Highway Design Manual.
10. That the project described in Attachment B will be completed before the funds expire.
11. That the City of Cupertino agrees to maintain, or provide for the maintenance of, the project and facilities described in Attachment B, for the benefit of and use by the public.

Attachment B

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TDA Article 3 Project Application FormFiscal Year of this Claim: **2019/2020**Applicant: **City of Cupertino**Contact person: **David Stillman**Mailing Address: **10300 Torre Avenue, Cupertino, California**E-Mail Address: **davids@cupertino.org**Telephone: **(408)777-3249**

Secondary Contact (in event primary not available)

E-Mail Address:

Telephone:

Short Title Description of Project: Bike Boulevard Improvement Phase II Project

Amount of claim: \$166,259

Functional Description of Project:

The project includes the following civil improvements: traffic signal upgrades at Miller Ave and Calle De Barcelona, installing bulb-outs at Tilson Ave /S. Tantau Ave, Tilson Ave and Stern Ave and Kim St/Kirwin Ln, installing bike channelizers at Tilson Ave/Wunderlich Dr and Wunderlich Dr/Barnhart Ave and installing wayfinding signage and striping along Calle De Barcelona, Finch Ave, Tilson Ave, Wunderlich Dr and Barnhart Ave.

Financial Plan:

List the project elements for which TDA funding is being requested (e.g., planning, engineering, construction, contingency). Use the table below to show the project budget for the phase being funded or total project. Include prior and proposed future funding of the project. Planning funds may only be used for comprehensive bicycle and pedestrian plans. Project level planning is not an eligible use of TDA Article 3.

Project Elements: engineering, construction, contingency

Funding Source	All Prior FYs	Application FY	Next FY	Following FYs	Totals
TDA Article 3	\$0	\$166,259	\$0	\$0	\$166,259
list all other sources:					
1. City of Cupertino General Funds	\$0	\$343,839	\$0	\$0	\$343,839
2.					
3.					
4.					
Totals	\$0	\$510,098	\$0	\$0	\$510,098

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).	No. Anticipated by 5/31/19
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).	Yes
D. Has the project been reviewed by a Bicycle Advisory Committee (BAC)? (If "NO," provide an explanation). Enter date the project was reviewed by the BAC: <u>June 21, 2017 and March 21, 2018</u>	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).	Yes
F. Will the project be completed before the allocation expires? Enter the anticipated completion date of project (month and year) <u>August 2020</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

