



Office of the City Manager

CONSENT CALENDAR  
May 25, 2021

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Liam Garland, Director, Public Works  
 Subject: FY 2021/2022 Transportation Development Act Article 3 Fund Allocation

RECOMMENDATION

Adopt Resolutions:

1. Authorizing the City Manager to: submit an allocation request to the Metropolitan Transportation Commission (MTC) prior to the May 28, 2021 deadline for \$450,000 of FY 21/22 Transportation Development Act (TDA) Article 3 funds for the Berkeley Bicycle Plan Update and Vision Zero Quick Build Program; accept the funds; execute any resultant agreements and amendments; and authorize the implementation of the project, subject to securing the funds; and
2. Declaring that: the City of Berkeley is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code; 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 Berkeley to carry out the project; the project has been reviewed by the Bicycle Advisory Committee (BAC) of the City of Berkeley; the City of Berkeley attests to the accuracy of and approves the statements in Attachment A to this resolution; and 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 Alameda County for submission to MTC as part of the countywide coordinated TDA Article 3 claim.

FISCAL IMPACTS OF RECOMMENDATION

If approved, the City will receive an allocation of \$200,000 from MTC to be used in FY 2021 and FY 2022 for the Berkeley Bicycle Plan Update, and an allocation of \$250,000 from MTC to be used in FY 2021 and FY 2022 for the Vision Zero Quick-Build Program. Payment of reimbursement claims will be deposited in the Local Capital Grants Fund 307-54-622-668-0000-000-000-432210-. Expenditure of this funding allocation is subject to appropriation in the FY 2022 Budget in Local Capital Grants Fund. No matching funds are required for this funding allocation.

### CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley is submitting an FY2021-22 TDA Article 3 allocation request for a comprehensive update to the Berkeley Bicycle Plan. The Berkeley Bicycle Plan was last updated in 2017 (Resolution NO. 67,945-N.S.). MTC, Alameda CTC, and the State of California all require that cities update their bicycle, pedestrian, and active transportation plans every five years to maintain eligibility for County, regional, and State competitive transportation grant funding. Berkeley is apportioned approximately \$100,000 to \$120,000 annually under TDA Article 3 for qualified bicycle and pedestrian projects. The City's currently available TDA fund balance is between \$450,000 and \$500,000.

As an accompanying allocation request to the Bicycle Plan, the City also is submitting a FY2021-22 TDA Article 3 allocation request for a Vision Zero Quick-Build Program. This program falls under the adopted Berkeley Vision Zero Action Plan<sup>1</sup> (Resolution No. 69,324-N.S.) "Safer Streets for Everyone" goal to "Proactively build capital-intensive and quick-build safety projects." The Vision Zero Quick-Build Program is one of the Priority Actions in the Berkeley Vision Zero Action Plan. The program will proactively address traffic safety issues and strengthen the City's ability to respond more quickly to recent severe and fatal traffic crashes with traffic safety interventions. The locations for quick-build treatments will be on the High-Injury Streets within the Vision Zero Equity Priority Area identified in the Vision Zero Action Plan. The specific intersection locations and quick-build treatments are yet to be determined, but will be based on the adopted 2017 Bicycle Plan<sup>2</sup> and 2020 Pedestrian Plan<sup>3</sup> (Resolution 69,711-N.S.).

### BACKGROUND

The State Legislature passed the Transportation Development Act in 1971, implementing a statewide quarter-cent sales tax. TDA is one of the major funding sources for public transportation in California, and under Article 3, funds are to be used by local jurisdictions for qualified bicycle and pedestrian projects. Writing and updating bicycle, pedestrian, and active transportation plans are considered eligible TDA expenses.

Local jurisdictions obtain these funds in a three-step process: apportionment, allocation, and payment (through reimbursement). Apportionment in the San Francisco Bay Area follows the MTC formula based upon population. The City submits TDA allocation requests to MTC on an annual basis, and unused TDA funds allocated to any project are rolled over from one fiscal year to the next. No matching funds are required, but the project must meet the funding objectives and be developed in cooperation with the community. The basic funding objectives are to increase the safety, security, and efficiency of bicycle and pedestrian travel, and to provide for a coordinated system. The

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<sup>1</sup> The Berkeley Vision Zero Action Plan can be found at <https://www.cityofberkeley.info/visionzero.aspx>.

<sup>2</sup> The Berkeley Bicycle Plan (2017) can be found at <https://www.cityofberkeley.info/berkeleybikeplan/>.

<sup>3</sup> The Berkeley 2020 Pedestrian Plan can be found at <https://www.cityofberkeley.info/pedestrian/>.

City receives payment of allocated grant funds upon submission of claims for reimbursement.

MTC requires both a supporting resolution from the City Council and a review of TDA allocations by a pedestrian and/or bicycle advisory committee. The Berkeley Transportation Commission functions as the City's Bicycle and Pedestrian Advisory Committee. At the April 15, 2021 Transportation Commission meeting, it was motioned and seconded (Ghosh/Gosselin) and unanimously approved that the "Transportation Commission recommends that City Council authorize the City Manager to submit an allocation request to the Metropolitan Transportation Commission (MTC) for \$450,000 of FY2021-22 Transportation Development Act (TDA) Article 3 funds for the Berkeley Bicycle Plan Update (\$200,000) and Vision Zero Quick-Build Program (\$250,000); accept the funds; execute any resultant agreements; and authorize the implementation of the projects."

#### ENVIRONMENTAL SUSTAINABILITY

The Bicycle Plan will promote environmental sustainability by developing recommendations for projects and programs that increase the bicycling share of trips in Berkeley. The Vision Zero Quick-Build Program will promote environmental sustainability by improving pedestrian and bicycling safety in Berkeley, causing walking and biking to increase relative to use of motorized vehicles. These outcomes support the Berkeley Climate Action Plan, which has a target of reducing transportation emissions 33% below year 2000 levels by 2020, and 80% below year 2000 levels by 2050. Specifically, the Climate Action Plan states transportation modes, such as public transit, walking, and cycling, must become the primary means of fulfilling the City's mobility needs in order to meet this target.

#### RATIONALE FOR RECOMMENDATION

The City of Berkeley's most recent Bicycle Plan was adopted in 2017 (Resolution No. 67,945-N.S.). Currently the City lacks funding to update the Bicycle Plan as required by local, regional, and State transportation funding agencies for maintaining a coherent and fundable strategy for completing capital improvements. This grant would fully fund the development of the next Bicycle Plan.

The City's recently adopted Vision Zero Action Plan seeks to eliminate all traffic fatalities and severe injuries while increasing safe, healthy, and equitable mobility for all. As an engineering strategy first and foremost, Vision Zero aims to utilize design in order to build the City's streets in such a way as to eliminate all severe and fatal traffic injuries. "Quick-build" is an approach to project delivery which uses less expensive materials to more quickly and affordably deliver these traffic safety projects. Quick-builds have been implemented in Berkeley in the past, and the Vision Zero Quick Build Program seeks to fund and make implementation more efficient by addressing traffic safety improvements via a systemic approach utilizing the recommendations already adopted in the City's 2017 Bicycle Plan and 2020 Pedestrian Plan.

ALTERNATIVE ACTIONS CONSIDERED

The City of Berkeley could have allocated these funds to other qualified bicycle and pedestrian projects, or elected to roll over the funds until the next fiscal year.

CONTACT PERSON

Farid Javandel, Transportation Manager, Public Works, 981-7061

Beth Thomas, Principal Planner, Public Works, 981-7062

Ryan Murray, Associate Planner, Public Works, 981-7056

Attachments:

1: Resolution

Exhibit A: Findings

Exhibit B: TDA Article 3 Project Application Form

2: Resolution

Exhibit C: Findings

Exhibit D: TDA Article 3 Project Application Form

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

REQUEST TO THE METROPOLITAN TRANSPORTATION COMMISSION FOR THE ALLOCATION OF FISCAL YEAR 2021-2022 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. 4108, 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. 4108, 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 City of Berkeley 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; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Berkeley that the City Manager is authorized to submit a request to the Metropolitan Transportation Commission prior to the May 28, 2021 deadline for the allocation of FY 2021-22 Transportation Development Act Article 3 pedestrian/bicycle project funding in the amount of \$200,000 for the Berkeley Bicycle Plan Update; and that the City Manager is authorized to accept the allocation; execute any resultant agreements and amendments; and authorize the implementation of the project, subject to securing the allocation.

BE IT FURTHER RESOLVED that the City of Berkeley declares it is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code.

BE IT FURTHER RESOLVED that 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 Berkeley to carry out the project.

BE IT FUTHER RESOLVED that the City of Berkeley attests to the accuracy of and approves the statements in Attachment A to this resolution.

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

Attachments:

A: Findings

B: TDA Article 3 Project Application Forms

Attachment A

Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2021-2022 Transportation Development Act Article 3 Pedestrian/Bicycle Project Funding

**Findings**

Page 1 of 2

1. That the City of Berkeley 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 Berkeley legally impeded from undertaking the project(s) described in "Attachment B" of this resolution.
2. That the City of Berkeley has committed adequate staffing resources to complete the project(s) described in Attachment B.
3. A review of the project(s) 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(s).
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(s) 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(s) of the project(s) in Attachment 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 Attachment B are for capital construction and/or final design and engineering or quick build project; and/or for the maintenance of a Class I bikeway which is closed to motorized traffic and/or Class IV separated bikeway; 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 Berkeley within the prior five fiscal years.

## Findings

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8. That the project(s) described in Attachment 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.) or responds to an immediate community need, such as a quick-build project.
9. That any project described in Attachment B bicycle project meets the mandatory minimum safety design criteria published in the California Highway Design Manual or is in a National Association of City and Transportation Officials (NACTO) guidance or similar best practices document.
10. That the project(s) described in Attachment B will be completed in the allocated time (fiscal year of allocation plus two additional fiscal years).
11. That the City of Berkeley agrees to maintain, or provide for the maintenance of, the project(s) and facilities described in Attachment B, for the benefit of and use by the public.



Attachment B

Page 1 of 2

**TDA Article 3 Project Application Form**

Fiscal Year of this Claim: 2021-2022 Applicant: City of Berkeley

Contact person: Ryan P Murray

Mailing Address: 1947 Center St. 4th Floor Berkeley, CA 94704

E-Mail Address: RPMurray@cityofberkeley.info Telephone: 510-981-7056

Secondary Contact (in event primary not available) Beth Thomas

E-Mail Address: BATHomas@cityofberkeley.info Telephone: 510-981-7068

**Project Title (Short Description): Berkeley Bicycle Plan Update**

Amount of claim: \$200,000.00

**Description of Overall Project:**

The project is a comprehensive update to the City of Berkeley's Bicycle Plan, last updated in 2017. The project will fulfill the requirements of Section 2377 of the California Bikeways Act, Streets and Highways Code section 2370 et seq.

**Project Scope Proposed for Funding:** (Project level environmental, preliminary planning, and ROW are ineligible uses of TDA funds.)

Project scope will include outreach and engagement, analysis, drafting proposed updates to Bicycle Plan chapters and appendices, and adoption of the final comprehensive update to the Bicycle Plan.

**Project Budget and Schedule**

Project Budget is \$200,000. Schedule is: Consultant procurement and kickoff Summer 2021, Outreach and Engagement Fall/Winter 2021/22, Input from internal stakeholders and Commissions Spring 2021, Final Draft outreach and comment Summer/Fall 2022, Plan adoption December 15th 2022.

Project Phase	TDA 3	Other Funds	Total Cost	Estimated Completion (month/year)
Bike/Ped Plan	\$200,000			12/15/22
ENV				
PA&ED				
PS&E				
ROW				
CON				
Total Cost	\$200,000			12/15/22

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).	YES
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: <a href="http://www.dot.ca.gov">http://www.dot.ca.gov</a> ).	N/A
D. Has the project been reviewed by the Bicycle and Pedestrian Advisory Committee? (If "NO," provide an explanation).	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).	N/A
F. Will the project be completed before the allocation expires? Enter the anticipated completion date of project (month and year) December 15, 2022	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: _____ )	N/A

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

REQUEST TO THE METROPOLITAN TRANSPORTATION COMMISSION FOR THE  
ALLOCATION OF FISCAL YEAR 2021-2022 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. 4108, 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. 4108, 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 City of Berkeley 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; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Berkeley that the City Manager is authorized to submit a request to the Metropolitan Transportation Commission prior to the May 28, 2021 deadline for the allocation of FY 2021-22 Transportation Development Act Article 3 pedestrian/bicycle project funding in the amount of \$250,000 for the Vision Zero Quick-Build Program; and that the City Manager is authorized to accept the allocation; execute any resultant agreements and amendments; and authorize the implementation of the project, subject to securing the allocation.

BE IT FURTHER RESOLVED that the City of Berkeley declares it is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code.

BE IT FURTHER RESOLVED that 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 Berkeley to carry out the project.

BE IT FUTHER RESOLVED that the City of Berkeley attests to the accuracy of and approves the statements in Attachment A to this resolution.

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

Attachments:

A: Findings

B: TDA Article 3 Project Application Forms

Attachment A

Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2021-2022 Transportation Development Act Article 3 Pedestrian/Bicycle Project Funding

**Findings**

Page 1 of 2

1. That the City of Berkeley 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 Berkeley legally impeded from undertaking the project(s) described in "Attachment B" of this resolution.
2. That the City of Berkeley has committed adequate staffing resources to complete the project(s) described in Attachment B.
3. A review of the project(s) 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(s).
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(s) 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(s) of the project(s) in Attachment 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 Attachment B are for capital construction and/or final design and engineering or quick build project; and/or for the maintenance of a Class I bikeway which is closed to motorized traffic and/or Class IV separated bikeway; 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 Berkeley within the prior five fiscal years.

## Findings

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8. That the project(s) described in Attachment 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.) or responds to an immediate community need, such as a quick-build project.
9. That any project described in Attachment B bicycle project meets the mandatory minimum safety design criteria published in the California Highway Design Manual or is in a National Association of City and Transportation Officials (NACTO) guidance or similar best practices document.
10. That the project(s) described in Attachment B will be completed in the allocated time (fiscal year of allocation plus two additional fiscal years).
11. That the City of Berkeley agrees to maintain, or provide for the maintenance of, the project(s) and facilities described in Attachment B, for the benefit of and use by the public.

Attachment B

Page 1 of 2

**TDA Article 3 Project Application Form**

Fiscal Year of this Claim: 2021-2022 Applicant: City of Berkeley

Contact person: Ryan P Murray

Mailing Address: 1947 Center St. 4th Floor Berkeley, CA 94704

E-Mail Address: RPMurray@cityofberkeley.info Telephone: 510-981-7056

Secondary Contact (in event primary not available) Beth Thomas

E-Mail Address: BATHomas@cityofberkeley.info Telephone: 510-981-7068

**Project Title (Short Description): Vision Zero Quick-Build Program**

Amount of claim: \$250,000.00

**Description of Overall Project:**

The project will install quick-build safety treatments at various locations on High-Injury Streets identified in the Berkeley Vision Zero Action Plan. The specific intersection locations and quick-build treatments will be based on the adopted 2017 Berkeley Bicycle Plan and 2020 Berkeley Pedestrian Plan. The project will fulfill the requirements of Section 2377 of the California Bikeways Act, Streets and Highways Code section 2370 et seq.

**Project Scope Proposed for Funding:** (Project level environmental, preliminary planning, and ROW are ineligible uses of TDA funds.)

Project scope will include Preliminary Engineering, Final Design, and Construction.

**Project Budget and Schedule**

Project Phase	TDA 3	Other Funds	Total Cost	Estimated Completion (month/year)
Bike/Ped Plan				
ENV				
PA&ED				
PS&E	\$60,000			06/30/22
ROW				
CON	\$190,000			06/30/23
Total Cost	\$250,000			06/30/23

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).	YES
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: <a href="http://www.dot.ca.gov">http://www.dot.ca.gov</a> ).	YES
D. Has the project been reviewed by the Bicycle and Pedestrian Advisory Committee? (If "NO," provide an explanation).	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) December 15, 2022	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