

RESOLUTION NO.

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE (A) AUTHORIZING THE CITY MANAGER OR DESIGNEE TO SUBMIT A REQUEST TO THE METROPOLITAN TRANSPORTATION COMMISSION (MTC) FOR THE ALLOCATION OF FISCAL YEAR 2019-2020 TRANSPORTATION DEVELOPMENT ACT, ARTICLE 3 (TDA3) STATE GRANT FUNDING IN THE AMOUNT OF \$1,183,758 FOR BICYCLE AND PEDESTRIAN PROJECTS; (B) MAKING THE CERTIFICATIONS AND ASSURANCES REQUIRED UNDER THE TDA3 GRANT; AND (C) AUTHORIZING THE CITY MANAGER OR DESIGNEE TO ACCEPT TDA3 GRANT FUNDING AWARDED FROM MTC, AND TO NEGOTIATE AND EXECUTE ANY GRANT DOCUMENTS TO EFFECTUATE THE GRANT**

**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 San José 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 pedestrian and/or bicyclists;

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:**

- (a) The City of San José declares it is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code; and
- (b) 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 San José to carry out the project; and
- (c) The projects have been reviewed by the Bicycle & Pedestrian Advisory Committee (BPAC) of the City of San José; and
- (d) The City of San José attests to the accuracy of and approves the statements in Attachment A to this resolution; and
- (e) A certified copy of this resolution and its attachments, and any accompanying supporting materials shall be forwarded to the congestion management agency of the County of Santa Clara for submission to MTC as part of the countywide coordinated TDA Article 3 claim; and
- (f) The City Manager or designee is authorized to accept TDA3 grant funding awarded from MTC, and to negotiate and execute any grant documents to effectuate the grant.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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SAM LICCARDO  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk

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 San José 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 San José legally impeded from undertaking the project(s) described in "Attachment B" of this resolution.
2. That the City of San José 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 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 San José within the prior five fiscal years.

8. That the project(s) 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(s) described in Attachment B will be completed before the funds expire.
11. That the City of San José 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**  
**Proposed Projects for FY 2019-2020**  
**Transportation Development Act, Article 3 (TDA3) Funding**

<b>1. Citywide Bikeway Implementation</b>	<b>\$883,758</b>
Install on-street bikeways (including signs, striping, and Bicycle-friendly signal detection) at locations throughout the City of San José.	
<b>2. Pedestrian Safety Improvements</b>	<b>\$100,000</b>
Construct sidewalk gap closures and safety improvements Throughout the City of San José.	
<b>3. Pedestrian Master Plan</b>	<b>\$100,000</b>
Develop a Citywide Pedestrian Master Plan.	
<b>4. Citywide Bicycle Education &amp; Safety</b>	<b>\$100,000</b>
Support Vision Zero safety program and pedestrian-bicycle Safety efforts.	
<b>TOTAL</b>	<b><u>\$1,183,758</u></b>