RESOLUTION NO. ___ ***13**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS REQUESTING THE ALLOCATION OF FISCAL YEAR 2012-13 TRANSPORTATION DEVELOPMENT ACT – ARTICLE 3 FUNDS FROM THE METROPOLITAN TRANSPORTATION COMMISSION FOR PEDESTRIAN/BICYCLE IMPROVEMENT PROJECTS

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. 875, 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. 875, 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 Milpitas 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, the City Council of the City of Milpitas hereby finds, determines and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

2. The City of Milpitas declares it is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code.

3. 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 Milpitas to carry out the project.

4. The City of Milpitas attests to the accuracy of and approves the statements in Attachment A to this Resolution.

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 the City of Milpitas for submission to MTC as part of the countywide coordinated TDA Article 3 claim.

PASSED AND ADOPTED this _____ day of _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

_____
Mary Lavelle, City Clerk

APPROVED:

_____
Jose S. Esteves, Mayor

APPROVED AS TO FORM:

_____
Michael J. Ogaz, City Attorney

Attachment A

Findings

1. That the City of Milpitas 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 Milpitas legally impeded from undertaking the project(s) described in "Attachment B" of this Resolution.

2. That the City of Milpitas 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*.). The City Council hereby finds the project(s) are categorically exempt pursuant to Section 15301 of the CEQA Guidelines because they involve the allocation of funding for the maintenance, minor repair and/or minor alteration of existing facilities (street and sidewalk improvements) in the form of street resurfacing and the installation of sidewalk handicap accessibility ramps.

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 Milpitas within the prior five fiscal years.

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*.).

9. That any project described in Attachment B that is a "Class I 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 are ready to commence implementation during the fiscal year of the requested allocation.

11. That the City of Milpitas 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

TDA Article 3 Project Application Form

Fiscal Year of this Claim: 2012-2013 Applicant: City of Milpitas

Contact person: Steve Chan

Mailing Address: 455 E. Calaveras Blvd, Milpitas, CA 95035

E-Mail Address: schan@ci.milpitas.ca.gov Telephone: (408) 586-3324

Secondary Contact (in event primary not available)

E-Mail Address: Telephone:

Short Title Description of Project: Street Resurfacing Project 2013

Amount of claim: $45,050

Functional Description of Project:
Construction of ADA ramps as part of City Street Resurfacing Project 2013. Locations to be determined later.

Financial Plan:
List the project elements for which TDA funding is being requested (e.g., planning, environmental, engineering, right-of-way, construction, inspection, contingency, audit). Use the table below to show the project budget. Include prior and proposed future funding of the project. If the project is a segment of a larger project, include prior and proposed funding sources for the other segments.

Project Elements: ADA Ramps –$45,050

Funding Source	All Prior FYs	Application FY	Next FY	Following FYs	Totals
TDA Article 3		$45,050			$45,050
list all other sources:					
1. Gas Tax Fund		$1,500,000			$1,500,000
2.					
3.					
4.					
Totals		$1,545,050			$1,545,050

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). May 2012	No
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).	N/A
D. Has the project been reviewed by a Bicycle Advisory Committee? (If "NO," provide an explanation). This is a maintenance project of existing street facilities.	No
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) July 2013	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