[Apply for, Accept, and Expend Grant - Metropolitan Transportation Commission - Active Transportation Program - $3,800,000]

Resolution retroactively authorizing the filing of an application for funding assigned to the Metropolitan Transportation Commission (MTC); committing any necessary matching funds; stating assurance to complete the projects; and authorizing Public Works to accept and expend $3,800,000 in Active Transportation Program grant funds awarded through MTC.

WHEREAS, The Active Transportation Program (herein referred to as “program”) was created in September 2013 through Senate Bill 99 and Assembly Bill 101 to consolidate existing federal and state transportation programs, including the Transportation Alternatives Program (TAP), Bicycle Transportation Account (BTA), and State Safe Routes to School (SR2S); and

WHEREAS, $30,000,000 in state and federal funds (herein referred to as “regional discretionary funding”) will be awarded through the Regional Competitive program led by the Metropolitan Transportation Commission (MTC); and

WHEREAS, The program includes federal funding administered by the Federal Highway Administration (FHWA) and federal or state funding administered by the California Transportation Commission (CTC) such as Surface Transportation Program (STP) funding, Congestion Mitigation and Air Quality Improvement (CMAQ) funding, Transportation Alternatives (TA)/Active Transportation Program (ATP) funding, and Regional Transportation Improvement Program (RTIP) funding; and

WHEREAS, The Moving Ahead for Progress in the 21st Century Act (Public Law 112-141, July 6, 2012) and any extensions or successor legislation for continued funding (collectively, MAP-21) authorize various federal funding programs including, but not limited to
the Surface Transportation Program (STP) (23 U.S.C., Section 133), the Congestion
Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C., Section 149) and the
Transportation Alternatives Program (TA) (23 U.S.C., Section 213); and

WHEREAS, The Department of Public Works (herein referred to as DPW) submitted an
application to MTC on June 1, 2015 for $3,800,000 to fund construction of the Lombard Street
Vision Zero Project (herein referred to as “project”) under the Regional Competitive program;
and

WHEREAS, On October 7, 2015, MTC released the list of projects recommended for
regional discretionary funding; and

WHEREAS, The project is recommended to receive $1,854,000 in regional
discretionary funding; and

WHEREAS, The project is first on the contingency list to receive the remaining
$1,946,000 requested in regional discretionary funding; and

WHEREAS, State statutes, including California Streets and Highways Code,
Sections 182.6, 182.7, and 2381(a)(1), and California Government Code, Section 14527,
provide various funding programs for the programming discretion of the Metropolitan Planning
Organization (MPO) and the Regional Transportation Planning Agency (RTPA); and

WHEREAS, Pursuant to MAP-21 and any regulations promulgated thereunder, eligible
project sponsors wishing to receive federal or state funds for a regionally-significant project
shall submit an application first with the appropriate MPO, or RTPA, as applicable, for review
and inclusion in the federal Transportation Improvement Program (TIP); and

WHEREAS, MTC is the MPO and RTPA for the nine counties of the San Francisco Bay
region; and
WHEREAS, MTC has adopted a Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) that sets out procedures governing the application and use of regional discretionary funding; and

WHEREAS, DPW is an eligible sponsor for regional discretionary funding; and

WHEREAS, As part of the application for regional discretionary funding, MTC requires a resolution adopted by the responsible implementing agency stating the following:

1. The commitment of any required matching funds;
2. That the sponsor understands that the regional discretionary funding is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional regional discretionary funding;
3. That the project will comply with the procedures, delivery milestones and funding deadlines specified in the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised);
4. The assurance of the sponsor to complete the project as described in the application, subject to environmental clearance, and if approved, as included in MTC's federal Transportation Improvement Program (TIP);
5. That the project will have adequate staffing resources to deliver and complete the project within the schedule submitted with the project application; and
6. That the project will comply with all project-specific requirements as set forth in the program;
7. That DPW has assigned, and will maintain a single point of contact for all FHWA- and CTC-funded transportation projects to coordinate within the agency and with the respective Congestion Management Agency (CMA), MTC, Caltrans, FHWA, and CTC on all communications, inquires or issues that may arise during the federal
programming and delivery process for all FHWA- and CTC-funded transportation
and transit projects implemented by DPW;

8. In the case of an RTIP project, state law requires project be included in a local
congestion management plan, or be consistent with the capital improvement
program adopted pursuant to MTC's funding agreement with the countywide
transportation agency; and

WHEREAS, That DPW is authorized to submit an application for regional discretionary
funding for the project; and

WHEREAS, There is no legal impediment to DPW making applications for the funds;
and

WHEREAS, There is no pending or threatened litigation that might in any way
adversely affect the proposed project, or that might impair the ability of DPW to implement the
project; and

WHEREAS, The Director of DPW or his or her designee is authorized to execute and
file an application with MTC for regional discretionary funding for the project as referenced in
this resolution; and

WHEREAS, MTC requires that a copy of this resolution be transmitted to the MTC in
conjunction with the filing of the application; and

WHEREAS, The grants do not require an ASO amendment; and

WHEREAS, The grant budgets include indirect costs in the amount of $194,267; now,
therefore, be it

RESOLVED, That DPW is retroactively authorized to execute and file an application for
funding for the project for regional discretionary funding under MAP-21 or continued funding;
and, be it
FURTHER RESOLVED, That DPW by adopting this resolution does hereby state that:

1. DPW will commit any required matching funds;

2. DPW understands that the regional discretionary funding for the projects is fixed at the MTC-approved programmed amount, and that any cost increases must be funded by DPW from other funds, and that DPW does not expect any cost increases to be funded with additional regional discretionary funding;

3. DPW understands the funding deadlines associated with these funds and will comply with the provisions and requirements of the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) and DPW has, and will retain the expertise, knowledge and resources necessary to deliver federally-funded transportation projects, and has assigned, and will maintain a single point of contact for all FHWA- and CTC-funded transportation projects to coordinate within the agency and with the respective Congestion Management Agency (CMA), MTC, Caltrans, FHWA, and CTC on all communications, inquires or issues that may arise during the federal programming and delivery process for all FHWA- and CTC-funded transportation projects implemented by DPW;

4. project will be implemented as described in the complete applications and in this resolution, subject to environmental clearance, and, if approved, for the amount approved by MTC and programmed in the federal TIP;

5. DPW has reviewed the project and has adequate staffing resources to deliver and complete the project within the schedule submitted with the project application;

6. That the project will comply with the requirements as set forth in MTC programming guidelines and project selection procedures for the program;
7. In the case of an RTIP project, state law requires project is included in a local congestion management plan, or is consistent with the capital improvement program adopted pursuant to MTC's funding agreement with the countywide transportation agency; and, be it

FURTHER RESOLVED, That DPW is an eligible sponsor of regional discretionary funding funded projects; and, be it

FURTHER RESOLVED, That DPW is retroactively authorized to submit an application for regional discretionary funding for the project; and, be it

FURTHER RESOLVED, That there is no legal impediment to DPW making applications for the funds; and, be it

FURTHER RESOLVED, That there is no pending or threatened litigation that might in any way adversely affect the proposed project, or the ability of DPW to deliver such project; and, be it

FURTHER RESOLVED, That the Director of DPW or his or her designee is retroactively authorized to execute and file an application with MTC for regional discretionary funding for the project as referenced in this resolution; and, be it

FURTHER RESOLVED, That a copy of this resolution will be transmitted to the MTC in conjunction with the filing of the application; and, be it

FURTHER RESOLVED, That MTC is requested to support the application for the project described in the resolution, and if approved, to include the project in MTC's federal TIP upon submittal by the project sponsor for TIP programming; and, be it

FURTHER RESOLVED, That DPW is authorized to accept and expend $3,800,000 awarded by MTC through the Active Transportation Program (ATP); and, be it
FURTHER RESOLVED, That the Director of DPW or his or her designee is authorized to execute all documents pertaining to the project with Caltrans.

Recommended:

Mohammed Nur
Director of Public Works

Approved:

Mayor

Controller
Resolution retroactively authorizing the filing of an application for funding assigned to the Metropolitan Transportation Commission (MTC); committing any necessary matching funds; stating assurance to complete the projects; and authorizing Public Works to accept and expend $3,800,000 in Active Transportation Program grant funds awarded through MTC.

December 09, 2015 Budget and Finance Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

December 09, 2015 Budget and Finance Committee - RECOMMENDED AS AMENDED

December 15, 2015 Board of Supervisors - ADOPTED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

I hereby certify that the foregoing Resolution was ADOPTED on 12/15/2015 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

Date Approved 12/22/15