Resolution authorizing the acceptance and expenditure of State Transportation Development Act, Article 3, Pedestrian and Bicycle Project funding for FY2019-2020, in the amount of $972,338 which includes $486,169 for Public Works and $486,169 for the San Francisco Municipal Transportation Agency, for the term of July 1, 2019, through June 30, 2022.

WHEREAS, Article 3 of the Transportation Development Act (TDA), California Public Utilities Code Section 99230 et seq., authorizes the submission of claims to a regional transportation planning agency for the funding of projects exclusively for the benefit 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 the 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 San Francisco Municipal Transportation Agency (SFMTA) and San Francisco Public Works (SFPW) desire to submit a request to MTC for the allocation of $972,338 in FY2019-2020 TDA Article 3 Funds (TDA Funds) to support the projects and project categories described below, which are for the exclusive benefit or use of pedestrians or bicyclists; and
WHEREAS, The TDA Funds are to be expended from July 1, 2019, through June 30, 2022; and

WHEREAS, In its TDA Article 3 Project Application, the SFMTA seeks $486,169 of the TDA Funds for the engineering, construction, maintenance, and project management of pedestrian and bicycle improvements in San Francisco; and

WHEREAS, On April 10, 2019, the SFMTA, under authority delegated by the Planning Department, determined that acceptance of the TDA Funds is not defined as a “project” under the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations, Sections 15060(c) and 15378(b); a copy of the CEQA determination is on file with the Secretary to the SFMTA Board of Directors and is incorporated herein by reference; and

WHEREAS, The SFMTA will not proceed with any project until there has been complete compliance with the requirements of CEQA (Public Resources Code Sections 21000 et seq.) and the City's environmental quality regulations for each pedestrian and bicycle project; specifically, the SFMTA retains the absolute discretion to (1) modify the project to mitigate significant adverse environmental impacts; (2) select feasible alternatives which avoid significant adverse impacts of the project; (3) require the implementation of specific measures to mitigate the significant adverse environmental impacts of the project; (4) reject the project if the economic and social benefits of the project do not outweigh otherwise unavoidable significant adverse environmental impacts; or (5) approve the project upon a finding that the economic and social benefits of the project outweigh otherwise unavoidable significant adverse impacts; and

WHEREAS, On May 21, 2019, the SFMTA Board of Directors adopted Resolution No. 190521-053, authorizing the Director of Transportation (or his designee) to accept and expend $486,169 of the TDA Funds for Vision Zero Bicycle and Pedestrian Improvements, as set forth in the TDA Article 3 Project Application; and
WHEREAS, SFPW has identified $243,085 in work for the preliminary engineering and design of curb ramps to be constructed at various locations throughout San Francisco, as required by the federal Americans with Disabilities Act, to be funded from the TDA Funds; and

WHEREAS, SFPW has identified $243,084 in work to repair damaged public sidewalks, curbs, gutters, and angular returns at various locations throughout San Francisco, to be funded from the TDA Funds; and

WHEREAS, SFPW’s actions contemplated in this Resolution are part of the Better Streets Plan (Project), for which the City’s Planning Department issued a Final Amended Programmatic Mitigated Negative Declaration (PMND) on September 17, 2010, under CEQA, finding that the Project could not have a significant effect on the environment; said PMND is incorporated herein by reference; and

WHEREAS, As stated in the Opinion of Counsel accompanying this Resolution, the SFMTA and SFPW are not legally impeded from submitting a request to the Metropolitan Transportation Commission for the allocation of TDA Article 3, nor are the SFMTA and SFPW legally impeded from undertaking the projects; and

WHEREAS, The SFMTA and SFPW have committed adequate staffing resources to complete the projects; and

WHEREAS, A review of the projects and project categories 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 projects; and

WHEREAS, Issues attendant to securing environmental and right-of-way permits and clearances for the projects 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; and
WHEREAS, The project categories are included in a locally approved bicycle, pedestrian, transit, multimodal, complete streets, capital improvement program, or other relevant plan; and

WHEREAS, Any project that is a bikeway will meet the mandatory minimum safety design criteria published in Chapter 1000 of the California Highway Design Manual; and

WHEREAS, As described in the budgets for the projects, the sources of funding other than TDA are assured and adequate for completion of the projects; and

WHEREAS, The projects within the project categories will be completed before the grant funds expire; and

WHEREAS, The SFMTA and SFPW agree to maintain, or provide for the maintenance of, the projects and facilities for the benefit of and use by the public; and

WHEREAS, SFPW’s proposed grant budget includes indirect costs of $179,159, and the SFMTA’s grant budget includes indirect costs of $206,601; and

WHEREAS, The projects and project categories have been reviewed by the Bicycle Advisory Committee of the City and County of San Francisco; now, therefore, be it

RESOLVED, That this Board of Supervisors authorizes the SFMTA and SFPW to accept and expend up to $972,338 in state TDA Article 3 Funds for FY2019-2020 for the projects described above and to execute all required documents for receipt of such funds; and, 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 San Francisco for submission to MTC as part of the countywide coordinated TDA Article 3 claim.
Recommended:

Edward D. Reiskin
Director of Transportation, SFMTA

Recommended:

Mohammed Nuru
Director, San Francisco Public Works

Approved:

Mayor Breed

Approved:

Controller
Resolution authorizing the acceptance and expenditure of State Transportation Development Act, Article 3, Pedestrian and Bicycle Project funding for FY2019-2020, in the amount of $972,338 which includes $486,169 for Public Works and $486,169 for the San Francisco Municipal Transportation Agency, for the term of July 1, 2019, through June 30, 2022.

June 25, 2019 Board of Supervisors - ADOPTED
Ayes: 10 - Brown, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton and Yee
Absent: 1 - Fewer

I hereby certify that the foregoing Resolution was ADOPTED on 6/25/2019 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

London N. Breed
Mayor

Date Approved
6/28/19