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RESOLUTION NO. 2010-33

**A RESOLUTION OF THE ALBANY CITY COUNCIL REQUESTING THE
METROPOLITAN TRANSPORTATION COMMISSION (MTC) FOR THE
ALLOCATION OF FISCAL YEAR 2010/11 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. 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 Albany 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.

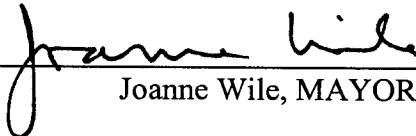
NOW THEREFORE, BE IT RESOLVED,

That the City of Albany declares it is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code, and furthermore, be it,

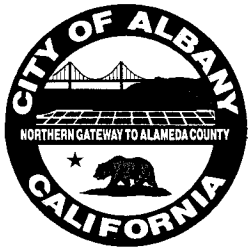
That there is no pending or threatened litigation that might adversely affect the project or projects described in Attachment B to this resolution, or that might impair the ability of the City of Albany to carry out the project; and furthermore, be it,

That the City of Albany attests to the accuracy of and approves the statements in Attachment A to this resolution, and furthermore, be it,

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 County of Alameda for submission to MTC as part of the countywide coordinated TDA Article 3 claim.



Joanne Wile, MAYOR



City of Albany

1000 SAN PABLO AVENUE • ALBANY, CALIFORNIA 94706-2295

CITY ADMINISTRATOR
PH. (510) 528-5710
FAX (510) 528-5797

CITY ATTORNEY
PH. (510) 524-9205
FAX (510) 526-9190

CITY CLERK
PH. (510) 528-5720
FAX (510) 528-5797

CITY COUNCIL
PH. (510) 528-5720
FAX (510) 528-5797

**COMMUNITY DEVELOPMENT &
ENVIRONMENTAL RESOURCES**

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- Engineering
- Environmental Resources
- Maintenance
- Planning

PH. (510) 528-5760
FAX (510) 524-9359

**FINANCE & ADMINISTRATIVE
SERVICES**

CITY TREASURER
PH. (510) 528-5730
FAX (510) 528-2743

**FIRE & EMERGENCY MEDICAL
SERVICES**

PH. (510) 528-5771
FAX (510) 528-5774

PERSONNEL

PH. (510) 528-5714
FAX (510) 528-5797

POLICE

PH. (510) 525-7300
FAX (510) 525-1360

**RECREATION & COMMUNITY
SERVICES**

1249 Marin Avenue
PH. (510) 524-9283
FAX (510) 528-8914

- Friendship Club/
Childcare Program
PH. (510) 524-0135
- Senior Center
PH. (510) 524-9122
FAX (510) 524-8940
- Teen Center
PH. (510) 525-0576

RESOLUTION NO. 2010-33

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

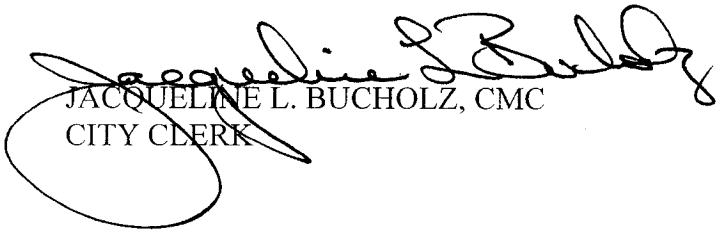
this 21st day of June, 2010, by the following votes:

AYES: Council Members Atkinson, Javandel, Lieber, Thomsen & Mayor Wile

NOES: None

ABSENT: None

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 22nd
day of June, 2010.


JACQUELINE L. BUCHOLZ, CMC
CITY CLERK

*The City of Albany is dedicated to maintaining its small town ambience, responding to the needs of the community,
and providing a safe, healthy environment now and in the future.*



PRINTED ON RECYCLED PAPER

Resolution No. 10-33

Attachment A

Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 10/11 Transportation Development Act Article 3 Pedestrian/Bicycle Project Funding

Findings

Page 1 of 1

1. That the **City of Albany** 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 Albany** legally impeded from undertaking the project(s) described in "Attachment B" of this resolution.
2. That the **City of Albany** 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 Albany** 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 Albany** 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.

TDA Article 3 Project Application Form

Fiscal Year of this Claim: 10/11

Applicant: City of Albany

Contact person: Aleida Andrino-Chavez

Mailing Address: 1000 San Pablo Avenue, Albany, CA 94706

E-Mail Address: achavez@albanyca.org

Telephone: 510-528-5759

Secondary Contact (in event primary not available): Ann Chaney

E-Mail Address: Achaney@albanyca.org

Telephone: 510-528

Short Title Description of Project:

Amount of claim: \$ 20,785

Functional Description of Project:

Develop plans, plat descriptions, right of way agreements, and draft maps for utility undergrounding for the Buchanan Bicycle and Pedestrian Path Project. Right of Way is required for project construction and utility undergrounding will be done in conjunction to the construction of a segment of the path between Cornell Avenue and San Pablo Avenue.

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: This project consists of developing of plans, environmental work, right of way and utility undergrounding for the construction of the Buchanan Bicycle and Pedestrian Path. In 2007, the City applied to a grant from ACTIA for development of 35% PS&E and environmental work. The City applied TDA, article 3 funds as a match for that grant. Work for that grant is being finalized and the City is starting the next steps, which include right of way acquisition for the path, utility undergrounding along the path, and completion of 100% PS&E. The City wishes to use the TDA funds for FY 10-11 (which include rolled over funds from FY 09-10) for the development of right of way documentation and agreements and for draft map preparation for utility undergrounding. The City of Albany is actively seeking construction funds for this project.

Funding Source	All Prior FYs	Application FY	Next FY	Following FYs	Totals
TDA Article 3	\$13,569 (FY 08/09)	\$20,785			\$34,354
list all other sources:					
1. Local Measure F (prior)	\$20,431				\$20,431
2. Local Gas Tax	\$5,000				\$5,000
3. Measure B (ACTIA grant for 35% PS&E)	\$266,000				\$266,000
4. Local Measure F (100% Plans)		\$188,000			\$188,000
Totals	\$305,000	\$208,785			\$513,785

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.	Yes
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).	Yes
D. Has the project been reviewed by a Bicycle 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	Yes

include construction).	
F. Will the project be completed before the allocation expires? Enter the anticipated completion date of project (month and year) _____	07/30/2011
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

Explanation to numeral B. This project has received TDA, Article 3 funds FT08/09 that were used as a match for the development of 35% PS&E as part of the ACTIA grant award. These funds were used to pay the costs of preparing draft right of way agreements, plats and legal descriptions. The present request will be used to pay the balance for the right of way acquisition process and for development of preliminary maps for the utility undergrounding along some segments of the Buchanan path.