



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Albert Balagso

SUBJECT: SEE BELOW

DATE: 01-06-11

Approved 

Date 1/10/11

COUNCIL DISTRICT: 4

SUBJECT: GRANT APPLICATION FOR THE COYOTE CREEK TRAIL (HIGHWAY 237 BIKEWAY TO TASMAN DRIVE) PROJECT

RECOMMENDATION

Adopt a resolution that:

1. Authorizes the City Manager, or designee, to submit a grant application in the amount not to exceed \$1,055,000 to Caltrans under the Bicycle Transportation Account (BTA) program for the Coyote Creek Trail (Highway 237 Bikeway to Tasman Drive) project ("Project"); and
2. Certifies that the City will have the required local match of \$350,000 and any additional sufficient funds to complete the Project available prior to commencement of any work on the Project included in the application; and
3. Certifies that the City has or will have sufficient funds to operate and maintain the Project; and
4. Agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines for the Project; and
5. Delegates the authority to the City Manager, or designee, to conduct all negotiations, execute and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the Project; and
6. Authorizes the City Manager, or designee, to resubmit the grant application in subsequent years for the same amount and grant requirements described in this memorandum if the City is unsuccessful in receiving a grant award with the initial grant application.

OUTCOME

City Council approval of the recommended actions will authorize the City Manager, or designee, to apply for BTA grant funding, accept any grant funding, negotiate and execute a grant agreement (or other necessary documents) with Caltrans to construct 1.08 mile of paved trail along Coyote Creek from Highway 237 Bikeway to Tasman Drive. The City has applied for an additional grant of \$350,000 from the Environmental Enhancement and Mitigation Program (EEMP). If this EEMP grant funding is not awarded to the City, the City will provide the required local match of \$350,000 towards the Project cost. Staff will proceed with preparation of design and construction documents and seek City Council authorization for the award of a construction contract for the Project at a later date pending results of the grant process. If the City is unsuccessful in obtaining grant funds in this cycle, staff would re-submit this Project as part of the next BTA Program grant cycle provided that the Project is still competitive.

BACKGROUND

A number of past and recent actions by the City and by the Metropolitan Transportation Commission (MTC) make the Project eligible and highly rated for the BTA funding criteria.

In December 2009, City Council approved the City's updated Greenprint. The Greenprint is a 20-year strategic plan for development of parks, community facilities, and programs. The Greenprint generally defines a 100-mile Trail Network. It identifies the Coyote Creek Trail as one of the core systems that comprise the network.

On August 24, 2004 (Item No. 5.2), the City Council accepted a report on bids for construction of improvements between Highway 237 Bikeway and Montague Expressway. The project included a short paved transition to the Highway 237 Bikeway, a paved under-crossing beneath Tasman Drive, and ramps leading to Tasman Drive and the nearby Light Rail station. The project did not include a paved trail due to limited funding.

In February 2006, the City Manager executed a Joint Trail Agreement with the Santa Clara Valley Water District to maintain and operate an "interim" recreational trail along the existing gravel levee road which became accessible due to the built improvements.

In November 2008, the City Council approved the Green Vision which guides completion of the 100-mile Trail Network by 2022. The Coyote Creek Trail system is a core trail system within the City's Trail Network. When fully built out, the trail will link the San Francisco Bay to the south county community of Morgan Hill. A map of Coyote Creek Trail is attached to this memorandum.

On November 17, 2009, the City Council adopted a Bicycle Transportation Plan (BTP) that complies with the BTA guidelines. BTA provides State funds for city and county projects that improve safety and convenience for bicycle commuters. The program is administered by the

local offices of Caltrans. San Jose is eligible for BTA funds because the City Council adopted the BTP.

On November 24, 2009, the MTC (Regional Transportation Authority) reviewed and confirmed that the BTP is in compliance with Section 891.2 of the California Streets and Highways Code (California Bicycle Transportation Act). These actions permit San José to be eligible for BTA program's reimbursable grant funds.

In December 2009, staff submitted a grant application to Caltrans under the BTA program and that application was declined.

On October 5, 2010, staff sought City Council Action (Item 5.1(b)) to submit a grant for the Project to the State of California Natural Resources Agency under the Environmental Enhancement and Mitigation Program (EEMP) Grant program for an amount not to exceed \$350,000. The awards are expected to be announced in February 2011.

ANALYSIS

The BTA seeks to establish a bicycle transportation system which is designed to meet the commuting needs of the bicyclist while providing safety and the capacity to accommodate bicyclists of all ages and skills. Projects will be funded where right of way is free and clear of obstructions, encumbrances, disputes, and environmental hazards, and where cooperative agreements with organizations such as railroads, utility districts, flood control districts, or coastal commissions have been executed.

The BTA requires local matching funds. In the event the City is awarded the requested grant of \$1,055,000 under the BTA Program, and if the City is awarded \$350,000 in EEMP grant funding, the EEMP funds would serve as local matching funds for the Project. If the City does not receive EEMP funds, Staff will return to Council and recommend the use of Park Trust Funds (PTF) to meet the local grant match requirement of \$350,000. The Project is located within an area that could benefit residents who paid parkland fees. Since grant funds will be provided on a reimbursement basis, the City will need to advance funds for the Project. Staff would recommend the use of PTF and Council District 4 Construction and Conveyance Funds to advance funds of \$1,405,000 for the Project. Reimbursements from the State will be deposited back into the respective funds that provided the advance.

The City Council makes recommendations on trails to be developed based on a prioritization process approved by Council on August 23, 2003. On an annual basis, the process analyzes all potential projects against seven measures to determine which projects are best suited to complete gaps, expand existing systems, and to advance strategic objectives. A companion grant seeking process aligns high priority projects with grant funding sources.

The Project was identified as a high priority project through the trail prioritization process. The Project, which will construct 1.08 miles of paved trail along Coyote Creek from Highway 237 Bikeway to Tasman Drive, aligns very well with the BTA goals.

- California Environmental Quality Act (CEQA) documentation has already been secured.
- All right-of-ways have been secured and the Project is ready for implementation. The City previously constructed under-crossings and access ramps at Tasman Drive. The Project improves access to these facilities.
- The existing maintenance road reduces the amount of construction required so that a built project can be delivered at a lower cost than other trail sites.
- The project will link transportation facilities - the Highway 237 Bikeway and the Tasman Drive Light Rail Station.
- City staff has gathered data over the past four years through Trail Count that indicates a majority of bicyclists along the Lower Guadalupe River are commuting to and from work. The Coyote Creek Trail is a parallel facility with similar employment options and access to residential areas via trail and on-street bikeways. Other factors also support the commuting potential of the project:
 - Directly along the Cisco campus (San Jose's 2nd largest employer; 11,600 employees) and near Cadence Design Systems (San Jose's 15th largest employer; 1,560 employees).
 - Links to existing access ramps at Tasman Drive which provides access to the Light Rail Station and striped bike lanes.

The BTA program requires the City to meet each of the following requirements:

Requirement	Addressed in the following manner:
Compliance with the California Environmental Policy Act (CEQA) and documentation; with the Americans with Disabilities Act (ADA); fair employment practices.	CEQA secured in July 2003; All trails are built to ADA standards. The City adheres to fair employment practices.
The City must prepare and adopt a Bicycle Transportation Plan (BTP) that complies with Streets and Highways Code Section 891.2.	San Jose Bike Plan 2020 was adopted on November 17, 2009. It complies with Streets and Highways Code Section 891.2.
The City shall design and construct the Project in accordance with Chapter 1000, Bikeway Planning and Design of the Highway Design Manual.	The City designs and constructs such projects per the Chapter 1000, Bikeway Planning and Design of the Highway Design Manual.
The City must submit the BTP to the appropriate Metropolitan Planning Organization (MPO) or Regional Transportation Planning Agency	San Jose Bike Plan 2020 was approved by the Metropolitan Transportation Commission (MTC) on November 24, 2009.

Requirement	Addressed in the following manner:
(RTPA) for review and approval for compliance with Streets and Highways Code Section 891.2 and the Regional Transportation Plan (RTP).	
Project must be completed and final invoices submitted by April 1, 2016.	The time required to construct the improvements is well within the grant period.
Provide a 10% local fund match.	Staff will recommend appropriation of funds from the Park Trust Fund for the required local fund match as part of the annual budget process or through a separate council memorandum. If the City receives the EMMP grant, then the EEMP funds would serve as the local match.
Project's right of way is free and clear of obstructions, encumbrances, disputes, and environmental hazards, and where cooperative agreements with organizations such as railroads, utility districts, flood control districts, or coastal commissions have been executed.	The City secured all necessary rights-of-way as part of early "interim" trail development efforts. Agreements are in place with the Santa Clara Valley Transportation Authority (VTA) and State of California for recreational access across their lands.

EVALUATION AND FOLLOW UP

If the City is awarded the grant for the Project, staff will seek the required appropriation actions from the City Council as well as the authorization for the award of a construction contract at a later date. The Project will be reported upon to Council and community as part of the Trail Program's Annual Report released at the end of each fiscal year.

POLICY ALTERNATIVES

Alternative #1: Do Nothing

Pros: Does not require staff time in the preparation of an application package.

Cons: Inconsistent with City Council's approach of seeking grant funds to develop projects when feasible.

Reason for not recommending: The project is well suited for this funding source and the City would lose an opportunity to seek and receive grant funding that will help build this Project.

PUBLIC OUTREACH/INTEREST

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

The proposed Council action does not require outreach per the above criteria. However, staff has presented a Conceptual Coyote Creek Trail (Hwy 237 to Story Road) alignment at three community meetings over the past eighteen months as part of a system-wide effort to master plan the trail system.

Staff is preparing federal National Environmental Policy Act (NEPA) and related master plan documents for development of the overall Coyote Creek Trail system. An alignment map of the existing interim (gravel) trail is posted on the Trail Program website. NEPA clearance is expected to take 18-24 months. The Project construction will start after clearance is secured allowing sufficient time to meet the grant deadline of April 1, 2016.

This memorandum and proposed resolution will be posted on the City Council's Agenda website prior to the January 25, 2011 City Council meeting.

COORDINATION

This memorandum has been coordinated with the City Attorney's Office, the City Manager's Budget Office, the Planning, Building and Code Enforcement Department, and the Public Works Department.

FISCAL/POLICY ALIGNMENT

This Project is consistent with the Council-approved Budget Strategy Economic Recovery section in that it will spur construction spending in our local economy.

The Project is referenced in the Council-adopted Greenprint (2000) and in the Greenprint Update. Delivery of the Project supports Goal 10 of the Green Vision to provide a 100-mile Trail Network by 2022.

COST SUMMARY/IMPLICATIONS

Based on the most recent cost estimates, a total of \$1,405,000 is anticipated to be required to complete this project. The BTA Grant application is seeking approximately 75% funding for the Project. Staff is recommending the local match of 25% be allocated from the Park Trust Funds in the nexus of the Project or use the EEMP funds (if awarded) as local matching funds. The EEMP awards are expected to be announced in February 2011 while the BTA awards are expected to be announced in July 2011. Upon award of the grant(s), these funds will be recommended to be appropriated as part of the annual Budget process or through a future City Council memorandum.

If the grant is secured, the operating and maintenance impact related to this project is projected to be \$13,000/year for operations and maintenance, and \$2,375 for Trail Patrols. Operating costs will be confirmed and reported upon in a future bid and award memorandum related to a construction contract. Staff anticipates that the trail will be operational in July 2013. Funding for operations and maintenance costs for new trails was included in the 2011-2015 General Fund Forecast, which was released on February 26, 2010, as the General Fund Forecast includes funding for 3.3 miles of new (unidentified) trails each year.

BUDGET REFERENCE

Not Applicable

CEQA

Exempt, File No. PP10-144

/s/

ALBERT BALAGSO
Director of Parks, Recreation and
Neighborhood Services

For questions please contact Matt Cano, Division Manager, at 408-535-3580.

Attachment: Map of Coyote Creek Trail (Highway 237 Bikeway to Tasman Drive)

