

RESOLUTION NO. 73734

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING THE LIST OF PROPOSED PROJECTS TO BE SUBMITTED FOR FISCAL YEAR 2007-2008 TRANSPORTATION DEVELOPMENT ACT, ARTICLE 3 (TDA 3) GRANT FUNDING TO THE METROPOLITAN TRANSPORTATION COMMISSION, AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE THE NECESSARY GRANT DOCUMENTS TO EFFECTUATE THE GRANT IN AN AMOUNT NOT TO EXCEED \$566,510

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 San José ("City") 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 BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

1. The City of San José declares it is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code.
2. 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 San José to carry out the project.
3. The City of San José attests to the accuracy of and approves the statements in Attachment A to this resolution.
4. The list of proposed bicycle and pedestrian projects identified in Attachment B of this resolution for the State Transportation Development Act, Article 3 (TDA 3) grant funding program for fiscal year 2007-2008 is hereby approved.
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 Santa Clara County for submission to MTC as part of the countywide coordinated TDA Article 3 claim.

6. The City Manager is further authorized to negotiate and execute the necessary grant documents to effectuate the grant funding from the Transportation Development Act, Article 3 (TDA 3) grant program funds awarded to the City for fiscal year 2006-2007 for any of the projects contained in Attachment B of this Resolution, in an amount not to exceed \$566,510.

ADOPTED this 24th day of April, 2007, by the following vote:

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| AYES: | CAMPOS, CHIRCO, CONSTANT, CORTESE, LICCARDO, NGUYEN, OLIVERIO, PYLE, WILLIAMS, REED |
| NOES: | NONE |
| ABSENT: | NONE |
| DISQUALIFIED: | NONE |
| VACANT: | DISTRICT 4 |

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk

ATTACHMENT A

Findings

1. That the **City of San José** 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 San José** legally impeded from undertaking the project(s) described in “Attachment B” of this resolution.
2. That the **City of San José** 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 San José** 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 San José** 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
Proposed Projects for FY 2007-08
Transportation Development Act, Article 3 (TDA3) Funding

Sidewalk Improvements

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|----|--|------------|
| 1. | Hedding St: 8th St to 10th St – Install sidewalk, curb, gutter, streetlights and curb ramps on north side of Hedding St between 8 th St and 10 th St. This project will provide a continuous sidewalk along Hedding St from 1 st St to 10 th St. (CD 3) | \$ 273,340 |
| 2. | Mossdale Way and Jackson Ave – Install sidewalk and curb ramp on the southeast corner of Mossdale Way and Jackson Ave. This project will connect to existing sidewalks along the south side of Mossdale Way and the east side of Jackson Ave. (CD 4) | \$ 43,380 |
| 3. | Moorpark Ave at 280/880 Overpass – Install sidewalk, curb, gutter and driveway apron on the south side of Moorpark Ave under the 280/880 interchange. (CD 6) | \$ 150,900 |

Ongoing Programs

- | | | |
|----|---|-----------|
| 4. | Pedestrian & Bicycle Facility Signing & Striping Stripe crosswalks and install other pedestrian sign improvements; stripe bike lanes and install other bicycling sign improvements. (Citywide) | \$ 48,890 |
| 5. | Pedestrian & Bicycle Safety Education Through the School Safety Program, provide safe walking and bicycling education in the City's grade K-9 schools. Through the Bicyclist & Pedestrian Program, provide adult Safe Bicycling courses to the public. (Citywide) | \$ 50,000 |

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| TOTAL | \$ 566,510 |
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