

Date: November 26, 1980
W.I.: 51410
Referred By: GR&AC
Revised: 11/24/82-C 11/26/86-C
09/23/87-C 03/24/88-C
12/18/91-C 11/25/92-C
01/28/98-C 09/27/00-C
05/23/01-C 11/20/02-C
04/28/04-C

ABSTRACT

Resolution No. 875, Revised

This resolution adopts the "Transportation Development Act, Article 3, Pedestrian/Bicycle Projects" delineating procedures for submission of claims for Article 3 funding for pedestrian and bicycle facilities and stating criteria by which the claims will be evaluated as required by the Transportation Development Act (Public Utilities Code Section 99401a).

This resolution was revised November 24, 1982, to incorporate changes to the procedures and criteria recommended in the Regional Bicycle Plan, adopted September 22, 1982 and other changes.

This resolution was revised November 26, 1986 to incorporate changes in procedures and criteria required by SB 949 (Chapter 988, Statutes of 1986).

This resolution was revised September 23, 1987 to incorporate changes in procedures and criteria required by SB100 (Chapter 313, Statutes of 1987).

This resolution was revised March 24, 1988 to incorporate changes in procedures and criteria required by SB100 (Chapter 313, Statutes of 1987).

This resolution was revised on December 18, 1991 to incorporate changes in procedures and criteria required by State Transportation Control Measure 9 (adopted by MTC on November 28, 1990).

This resolution was revised on November 25, 1992 to incorporate changes in procedures and criteria required by AB 3090 (Chapter 1243, Statutes of 1992).

This resolution was revised on January 28, 1998 to incorporate changes in procedures and criteria required by SB 506, the Senate Transportation Committee's annual Omnibus Bill Of

ABSTRACT

MTC Resolution No. 875, Revised

Page 2

Noncontroversial And Technical Provisions (Chapter 619, Statutes of 1997), as well as to make modifications to the procedures that reduce the amount of paperwork and processing for MTC and claimants, yet still meet state requirements and MTC's overall coordination, planning and funding objectives.

This resolution was revised on September 27, 2000 to incorporate changes in procedures required by changes in MTC's annual fund estimate procedures and schedule.

This resolution was revised on May 23, 2001 to eliminate the requirement for an attorney certification of projects and instead to specify certain findings to be included in the agency resolutions.

This resolution was revised on November 20, 2002 to clarify the eligibility of joint powers agencies to apply for funds, to clarify the location of reference documents for safety design criteria and for TDA program information, and specify the timing and sequence of steps for approving applications and for requesting reimbursement of costs incurred.

This resolution was revised on April 28, 2004 to reflect delegated authority to the Executive Director by Resolution No. 3620 for approval of allocations and rescissions of TDA funds under certain conditions, and at the same time to clarify the acceptable age limit for CEQA documentation, and specify that more than one allocation can be issued for a single bicycle or pedestrian plan.

Further discussion of these procedures and criteria are contained in the MTC "Staff Evaluations" dated November 20, 1986, March 10, 1988, December 6, 1991, October 30, 1992, January 14, 1998, September 13, 2000, May 9, 2001, November 13, 2002, and April 14, 2004.

Date: November 26, 1980
W.I.: 1002.30.01
W.A.: 1293R
Referred By: GR&AC

RE: Transportation Development Act. Article 3. Pedestrian/Bicycle Projects.

METROPOLITAN TRANSPORTATION COMMISSION

RESOLUTION NO. 875, REVISED

WHEREAS, the Transportation Development ACT, Public Utilities Code (PUC) Section 99200 et seq., requires the Transportation Planning Agency to adopt rules and regulations delineating procedures for the submission of claims for funding for pedestrian and bicycle facilities (Article 3, PUC Section 99233.3); state criteria by which the claims will be analyzed and evaluated (PUC Section 99401(a); and to prepare a priority list for funding the construction of pedestrian and bicycle facilities (PUC Section 99234(b)); and

WHEREAS, the Metropolitan Transportation Commission (MTC), as the Transportation Planning Agency for the San Francisco Bay Region, adopted MTC Resolution No. 875 entitled "Transportation Development Act, Article 3, Pedestrian/Bicycle Projects", that delineates procedures and criteria for submission of claims for Article 3 funding for pedestrian bicycle facilities; and

WHEREAS, MTC desires to update said procedures to allow the Association of Bay Area Governments (ABAG) to receive a one-time payment of Article 3 funds from each county to prepare a plan for a bicycle and hiking trail around San Francisco Bay and mandated by Senate Bill 100 (Chapter 313, Statutes of 1987).

RESOLVED, that the attached Attachment A shall supersede the procedure previously adopted by MTC; and be it further

RESOLVED, that MTC Resolution No. 762 is rescinded and is superseded by this resolution.

METROPOLITAN TRANSPORTATION COMMISSION

William R. "Bill" Lucius, Chairman

The above resolution was
entered into by the
Metropolitan Transportation
Commission at a regular meeting
of the Commission held in
Oakland, CA, on November 26, 1980

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05/23/01-C 11/20/02-C
04/28/04-C

Attachment A
Resolution No. 875, Revised
Page 1 of 8

TRANSPORTATION DEVELOPMENT ACT, ARTICLE 3,
PEDESTRIAN/BICYCLE PROJECTS
Procedures and Project Evaluation Criteria

PROCEDURES

Eligible Claimants

The Transportation Development Act (TDA), Public Utilities Code Sections 99233.3 and 99234, makes funds available in the nine-county Metropolitan Transportation Commission (MTC) Region for pedestrian/bicycle purposes. MTC makes annual allocations of TDA Article 3 funds to eligible claimants after review of applications submitted by counties or congestion management agencies.

All cities and counties in each of the nine MTC region counties are eligible to claim funds under TDA Article 3. Joint powers agencies are also eligible.

Application

1. Counties or congestion management agencies will be responsible for putting together an annual program of projects, which they initiate by contacting the county and all cities and joint powers agencies within their jurisdiction and encouraging submission of project applications.
2. Claimants will send one or more copies to the county or congestion management agency (see "Priority Setting" below).
3. A project is eligible for funding if:
 - a. The project sponsor submits a resolution of its governing board that addresses the following six points:

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12/18/91-C 11/25/92-C
01/28/98-C 09/27/00-C
05/23/01-C 11/20/02-C
04/28/04-C

Attachment A
Resolution No. 875, Revised
Page 2 of 8

1. There are no legal impediments regarding the project.
 2. Jurisdictional or agency staffing resources are adequate to complete the project.
 3. There is no pending or threatened litigation that might adversely affect the project or the ability of the project sponsor to carry out the project.
 4. Environmental and right-of-way issues have been reviewed and found to be in such a state that fund obligation deadlines will not be jeopardized.
 5. Adequate local funding is available to complete the project.
 6. The project has been conceptually reviewed to the point that all contingent issues have been considered.
- b. the project is construction and/or engineering of a capital project; is to maintain a Class I bikeway which is closed to motorized traffic; is for a bicycle safety education program; is to develop comprehensive bicycle or pedestrian facilities plans (an allocations to a claimant for this purpose may not be made more than once every five years); or for the purposes of restriping Class II bicycle lanes.
- c. the claimant is eligible to claim TDA Article 3 funds under Section 99233.3 of the Public Utilities Code;
- d. if it is a Class I, II or III bikeway project it meets the mandatory minimum safety design criteria published in Chapter 1000 of the California Highway Design Manual- (Available via Caltrans headquarters' World Wide Web page); or if it is a pedestrian facility, it meets the mandatory minimum safety design criteria published in Chapter 100 of the California Highway Design Manual (Available via Caltrans headquarters' World Wide Web page);
- e. the project is ready to implement within the next fiscal year;
- f. the project meets the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 et seq.) and project sponsor submits an environmental document that has been stamped for filing by the County Clerk within the past three years.
- g. a jurisdiction agrees to maintain the facility.

Date: November 26, 1980
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09/23/87-C 03/24/88-C
12/18/91-C 11/25/92-C
01/28/98-C 09/27/00-C
05/23/01-C 11/20/02-C
04/28/04-C

Attachment A
Resolution No. 875, Revised
Page 3 of 8

- h. the bicycle project is included in one or more of the following: a detailed bicycle circulation element or plan included in a general plan or an adopted comprehensive bikeway plan (such as outlined in Section 2377 of the California Bikeways Act, Streets and Highways Code section 2370 et seq.).

Priority Setting

- 1. The county or congestion management agency shall establish a process for establishing project priorities in order to prepare an annual list of projects being recommended for funding. Each county and city is required to have a Bicycle Advisory Committee (BAC) to review and-prioritize TDA Article 3 bicycle projects and to participate in the development and review of comprehensive bicycle plans. (BACs are mandated by State Transportation Control Measure [STCM #9], adopted by MTC on November 28, 1990, MTC Resolution No. 2178, Revised).

A city BAC shall be composed of at least 3 members who live or work in the city. More members may be added as desired. They will be appointed by the City Council. The City or Town Manager will designate staff to provide administrative and technical support to the Committee.

Cities under 10,000 population who have difficulty in locating a sufficient number of qualified members, may apply to MTC for exemption from these requirements. Cities over 10,000 population may also apply to MTC for exemption from the city BAC requirement if they can demonstrate that the countywide BAC provides for expanded city representation.

A county BAC shall be composed of at least 5 members who live or work in the county. More members may be added as desired. The County Board of Supervisors and/or Congestion Management Agency (CMA) will appoint BAC members. The county or congestion management agency executive/administrator will designate staff to provide administration and technical support to the Committee.

(Note: The intent is that BACs be composed of bicyclists/pedestrians.)

- 2. The project lists developed by the City BACs shall be recommended to its City or Town Council. The Countywide Bicycle Advisory Committee will forward all city project lists

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12/18/91-C 11/25/92-C
01/28/98-C 09/27/00-C
05/23/01-C 11/20/02-C
04/28/04-C

Attachment A
Resolution No. 875, Revised
Page 4 of 8

to the County Public Works Department or congestion management agency for evaluation/prioritization. County Committees will, at a minimum, be responsible for evaluating projects within the unincorporated portions of the county and setting a countywide prioritization list (based on city and county project lists) for annual TDA Article 3 allocations. Either the Board of Supervisors or the Congestion Management Agency (CMA) will adopt the annual countywide list and forward it to MTC for approval.

3. The county or congestion management agency will forward to MTC a copy of the following:
 - a) Applications for the recommended projects, including a governing body resolution, stamped environmental document, and map for each, as well as a cover letter stating the total amount of money being claimed;
 - b) the complete priority list of projects with an electronic version to facilitate grant processing.
 - c) an indication of how and when the projects were reviewed by city and county committees and representatives and what methods were used to contact interested members of the public; and
 - d) a Board of Supervisors' or CMA resolution approving the priority list and authorizing the claim.

MTC Staff Evaluation

If a recommended project is eligible for funding, and falls within the overall TDA Article 3 fund estimate level for that county, staff will recommend to the Commission that the project be approved. ~~MTC staff will complete its evaluation for Commission action.~~

Allocation

The Commission will ~~act by resolution to~~ approve the priority list and allocation of funds for the recommended projects. The County Auditor will be notified by allocation instructions to reserve funds for the approved projects. Claimants will be sent copies of the allocation instructions and instructions for claiming disbursement.

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09/23/87-C 03/24/88-C
12/18/91-C 11/25/92-C
01/28/98-C 09/27/00-C
05/23/01-C 11/20/02-C
04/28/04-C

Attachment A
Resolution No. 875, Revised
Page 5 of 8

Disbursement

1. When costs are incurred, the claimant shall submit to MTC the following, a minimum of one month before the grant expiration date:
 - a) a copy of the allocation instructions along with a dated cover letter referring to the project by name, dollar amount and allocation instruction number and requesting disbursement of funds;
 - b) documents showing that costs have been incurred during the period of time covered by the grant and, if applicable, that the project has been formally accepted as complete by the jurisdiction .
2. MTC will approve the disbursement and if the disbursement request was received in a timely fashion and the allocation instruction has not expired, been totally drawn down nor been rescinded, issue an authorization to the County Auditor to disburse funds to the claimant.

Rescissions

Funds will be allocated to claimants for specific projects, so transfers of funds to other projects sponsored by the same claimant may not be made. If a claimant has to abandon a project or cannot complete it within the time allowed, it should ask the county or congestion management agency to request that MTC rescind the allocation in conjunction with the next year's project prioritization process. The public should have an opportunity to review such a request. The county or congestion management agency may request that the funds be allocated to another project.

Fiscal Audit

All claimants that have received an allocation of TDA funds are required to submit an annual certified fiscal and compliance audit to MTC and to the Secretary of Business and Transportation Agency within 180 days after the close of the fiscal year, in accordance with PUC Section 99245. Article 3 applicants need not file a fiscal audit if TDA funds were not expended (that is, costs incurred) during a given fiscal year. However, the applicant should file a

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01/28/98-C 09/27/00-C
05/23/01-C 11/20/02-C
04/28/04-C

Attachment A
Resolution No. 875, Revised
Page 6 of 8

statement for MTC's records certifying that no TDA funds were expended during the fiscal year. Failure to submit the required audit for any TDA article will preclude MTC from making a new Article 3 allocation. For example, a delinquent Article 4.5 fiscal audit will delay any other TDA allocation to the city/county with an outstanding audit. Until the audit requirement is met, no new Article 3 allocations or disbursements will be made.

For Further Information

Claimants are encouraged to develop their claims with the MTC staff at an early date so that the formal claim process can be expedited. If you have any questions regarding the application forms or related matters, please contact the MTC staff liaison who is responsible for Article 3 ~~claims~~ ~~for your county~~. Copies of the Transportation Development Act and the related regulations in the California Administrative Code are available from the funding section of MTC's web page.

SUGGESTED CRITERIA

The counties or congestion management agencies should consider the following criteria along with any explicit criteria the county or congestion management agency deems necessary when evaluating projects for the countywide priority list.

The basic objectives of the MTC suggested criteria are to give priority to projects that increase the safety, security, and efficiency of bicycle and pedestrian travel, and to the extent practicable provide for a coordinated system.

Consideration should be given to projects that can demonstrate one or more of the following objectives: (Not listed in priority order.)

1. Elimination or improvement of an identified problem area (specific safety hazards such as high-traffic narrow roadways or barriers to travel) on routes that would otherwise provide relatively safe and direct bicycle or pedestrian travel use, given the character of the users. For example, roadway widening, shoulder paving, restriping or parking removal to provide space for bicycles; a bicycle/pedestrian bridge across a stream or railroad tracks on an otherwise useful route; a segment of Class I bicycle path to divert young bicyclists from a high traffic arterial; a pedestrian path to provide safe access to a school or other activity center; replacement of substandard grates or culverts; adjustment of traffic-actuated signals

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09/23/87-C 03/24/88-C
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01/28/98-C 09/27/00-C
05/23/01-C 11/20/02-C
04/28/04-C

Attachment A
Resolution No. 875, Revised
Page 7 of 8

to make them bicycle sensitive. Projects to improve safety should be based on current traffic safety engineering knowledge.

2. Roadway improvements or construction of a continuous interconnected route to provide reasonably direct access to activity centers (employment, educational, cultural, recreational) where access did not previously exist or was hazardous. For example, development of Class I paths on continuous rights-of-way with few intersections (such as abandoned railroad rights-of-way) which lead to activity centers; an appropriate combination of Class I, Class II, and Class III bikeways on routes identified as high demand access routes; bicycle route signs or bike lanes on selected routes which receive priority maintenance and cleaning.
3. Secure bicycle parking facilities, especially in high use activity areas, at transit terminals, and at park-and-ride lots. Desirable facilities include lockers, sheltered and guarded check-in areas; self-locking sheltered racks that eliminate the need to carry a chain, and racks that accept U-shaped locks.
4. Other provisions that facilitate bicycle/transit trips. For example, bike racks on buses, paratransit/trailer combinations, and bicycle loan or check-in facilities at transit terminals.
5. Maintenance of Class I bikeways that are closed to motorized traffic or for the purposes of restriping Class II bicycle lanes (provided that the total amount for Class II bicycle lane restriping does not exceed twenty percent of the county's total TDA Article 3 allocation) where county policy supports the use of Article 3 funds for this purpose.
6. Projects identified in a recent (within five years) comprehensive local bicycle or pedestrian plan. We encourage counties to establish a five-year plan for bicycle projects.
7. Projects that enhance or encourage bicycle or pedestrian commutes.
8. Projects in jurisdictions that have bicycle safety education and law enforcement, distribution of bicycle route information, a bicycle parking plan, and priority maintenance of bikeways.
9. Projects which have documented local support in terms of requests for improvement from bicyclists, employers, employees, or residents in the area; or local effort in terms of funding or preliminary studies.

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09/23/87-C 03/24/88-C
12/18/91-C 11/25/92-C
01/28/98-C 09/27/00-C
05/23/01-C 11/20/02-C
04/28/04-C

Attachment A
Resolution No. 875, Revised
Page 8 of 8

10. Projects that provide connection to and continuity with longer routes provided by other means or by other jurisdictions to improve regional continuity.
11. Bicycle Safety Education Programs. Up to five percent of a county's Article 3 fund may be expended to supplement monies from other sources to fund a bicycle safety education program and staffing. For a given bicycle safety education project, no more than 50 percent shall be funded with Article 3 funds.
12. Comprehensive Bicycles and Pedestrian Facilities Plan. Funds may be allocated for these plans (emphasis should be for accommodation of bicycle commuters rather than recreational bicycle uses). A city or county would be eligible to receive an allocations for these plans not more than once every five years.



METROPOLITAN
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Memorandum

TO: Grant Review and Allocations Committee

DATE: January 14, 1998

FR: Executive Director

RE: Pedestrian and Bicycle Project (TDA Article 3) Funding Procedures
(MTC Resolution No. 875, Revised)

SB 506, which is the Senate Transportation Committee's annual omnibus bill of noncontroversial and technical provisions, has recently become law. Among many other things, this law expands the authorized use of local transportation funds that have been set aside for the exclusive use of pedestrians and bicycles (TDA Article 3). Under this bill, up to 20 percent of the monies are now available for allocation to cities and counties for the purposes of restriping Class II bicycle lanes.

Previously, restriping of bicycle lanes was considered an operating or maintenance expense and therefore ineligible for TDA Article 3, which is primarily for construction. Now, it is an eligible expense, provided that the total amount for Class II bicycle lane restriping does not exceed twenty percent of the county's total TDA Article 3 allocation.

Staff proposes revisions to MTC's Procedures and Project Evaluation Criteria (MTC Resolution No. 875, Revised) for TDA Article 3 funded pedestrian and bicycle projects in order to reflect the new eligibility requirements under SB 506. We have also proposed some modifications to the procedures that reduce the amount of paperwork and processing for MTC and claimants, yet still meet state requirements and our overall coordination, planning and funding objectives. In the resolution text, additions are shown in *italics* and deletions are shown in ~~strike-out~~ type styles.

Staff recommends that GR&AC refer MTC Resolution No. 875, Revised to the Commission for approval.

Lawrence D. Dahms

LDD:MR
RES-0875.doc

**Metropolitan Transportation Commission
Programming and Allocations Committee**

September 13, 2000

Item Number 2g

Resolution No. 875, Revised

Subject: Pedestrian and Bicycle Project (TDA Article 3) Funding Procedures
(MTC Resolution No. 875, Revised)

Background: Last year, MTC changed the way that it produces fund estimates for Transportation Development Act (TDA) Funds that are distributed to local applicants throughout the nine counties. In addition to the procedures by which these estimates are generated, the schedule was changed also.

Staff proposes revisions to MTC's Procedures and Project Evaluation Criteria (MTC Resolution No. 875, Revised) for TDA Article 3 funded pedestrian and bicycle projects in order to reflect the new schedule for TDA fund estimates. We have also proposed some minor grammatical modifications to the procedures.

In the resolution's Attachment A, additions are shown in *italics* and deletions are shown in ~~strike-out~~ type styles.

Issues: None.

Recommendation: Refer MTC Resolution No. 875, Revised, to the Commission for approval as requested.

Attachments: Deputy Executive Director's Memorandum
MTC Resolution No. 875, Revised



METROPOLITAN
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Memorandum

TO: Programming and Allocations Committee

DATE: September 13, 2000

FR: Deputy Executive Director

RE: Pedestrian and Bicycle Project (TDA Article 3) Funding Procedures
(MTC Resolution No. 875, Revised)

Last year, MTC changed the way that it produced fund estimates for Transportation Development Act (TDA) Funds that are distributed to local applicants throughout the nine counties. In addition to the procedures by which these estimates are generated, the schedule was changed also.

Staff proposes revisions to MTC's Procedures and Project Evaluation Criteria (MTC Resolution No. 875, Revised) for TDA Article 3 funded pedestrian and bicycle projects in order to reflect the new schedule for TDA fund estimates. We have also proposed some minor grammatical modifications to the procedures.

In the resolution text, additions are shown in *italics* and deletions are shown in ~~strike-out~~ type styles.

Staff recommends that the Committee refer MTC Resolution No. 875, Revised to the Commission for approval.

Steve Heminger

LDD:MR
RES-0875.doc

**Metropolitan Transportation Commission
Programming and Allocations Committee**

May 9, 2001

Item Number 21

Resolution No. 875, Revised

Subject: Pedestrian and Bicycle Project (TDA Article 3) Funding Procedures (MTC Resolution No. 875, Revised)

Background: In order to reduce the expense and amount of paperwork submitted by project applicants, forwarded by the congestion management agencies, and then processed by MTC, San Mateo County's congestion management agency (C/CAG) has suggested that by incorporating an attorney certification into the governing body resolution approving the project, it can save paperwork but still meet the intent of addressing any legal certification by the project sponsor. C/CAG also had some suggestions about language to include in the governing body resolution to better ensure that project sponsors can deliver the projects as specified and within established fund deadlines.

The other congestion management agencies and MTC's programming staff agree that this change will simplify procedures while still generating a paper trail of accountability by project sponsors. The changes have been reviewed with MTC's legal staff.

In the resolution's Attachment A, additions are shown in *italics* and deletions are shown in ~~strike-out~~ type styles. All of the changes are on the first and second pages of Attachment A to the resolution.

Issues: None.

Recommendation: Refer MTC Resolution No. 875, Revised, to the Commission for approval as requested.

Attachments: MTC Resolution No. 875, Revised

**Metropolitan Transportation Commission
Programming and Allocations Committee**

November 13, 2002

Item Number 4b

Resolution No. 875, Revised

Subject: Pedestrian and Bicycle Project (TDA Article 3) Funding Procedures (MTC Resolution No. 875, Revised)

Background: MTC has traditionally made TDA Article 3 funds available to cities and counties for pedestrian and bicycle projects. We have also provided funding to ABAG for the Bay Trail Plan as part of this program.

The Solano Transportation Authority has expressed an interest in applying for funds. Although not a county agency, they are a joint powers agency composed of the cities and the county. As such, it, as well as other joint powers agencies that are composed of cities and/or counties, are eligible to apply for TDA Article 3 funds. We therefore propose to amend MTC's procedures to reflect this finding.

At the same time, we are also taking the opportunity to make changes to the wording of the procedures to reflect current practices and the availability of reference manuals on the internet.

In the resolution's Attachment A, additions are shown in *italics* and deletions are shown in ~~strike-out~~ type styles.

Issues: None.

Recommendation: Refer MTC Resolution No. 875, Revised, to the Commission for approval as requested.

Attachments: MTC Resolution No. 875, Revised

**Metropolitan Transportation Commission
Programming and Allocations Committee**

April 14, 2004

Item Number 3d

Resolution No. 875, Revised

Subject: Pedestrian and Bicycle Project (TDA Article 3) Funding Procedures
(MTC Resolution No. 875, Revised)

Background: MTC makes TDA Article 3 funds available to cities, counties and joint powers agencies for pedestrian and bicycle projects.

MTC Resolution No. 3620 delegates authority to the MTC Executive Director to approve the allocation and rescission of funds over which MTC has allocation authority, including TDA Article 3. We, therefore, propose to amend MTC's procedures for allocating Article 3 funds to reflect this change.

In addition, two other changes to the procedures are proposed. One specifies that the environmental documents must be no older than three years. The purpose of this change is to discourage the practice whereby an applicant receives a TDA Article 3 grant, does no work on the project for the full three years of the grant, and then requests a rescission and reallocation for the same project to extend it an additional three years, resubmitting the same environmental document. Changes in the need for and scope of the project as well as resultant impacts should be assessed and documented.

The other change is to allow for the possibility of an applicant to receive allocations for a pedestrian or bicycle plan over two successive fund cycles, and apply both grants for the same plan preparation activity. This issue recently came up with the City of Berkeley. They received an allocation last year, but before starting preparation of their pedestrian safety plan, decided to augment the scope and budget. They now plan to contract out for a more comprehensive plan, using the funding from two different TDA grants.

In the resolution's Attachment A, additions are shown in *italics* and deletions are shown in ~~strike-out~~ type styles.

Issues: None.

Recommendation: Refer MTC Resolution No. 875, Revised, to the Commission for approval as requested.

Attachments: MTC Resolution No. 875, Revised