

Thursday December 3, 2020

TAC Agenda Item 9.1

Continued From: New

Action Requested: **INFORMATION**



NAPA VALLEY TRANSPORTATION AUTHORITY TAC Agenda Letter

TO: Technical Advisory Committee
FROM: Kate Miller, Executive Director
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SUBJECT: Transportation Development Act Article 3 (TDA-3) Policy Updates

RECOMMENDATION

Information only

EXECUTIVE SUMMARY

The Metropolitan Transportation Commission (MTC) is proposing revisions and updates to the Transportation Development Act Article 3 (TDA-3) policies and procedures, which were last updated in 2016. MTC is proposing to include Quick Build projects as an eligible project type, and make additional changes to reflect current standards in bicycle and pedestrian infrastructure design and best practices.

FISCAL IMPACT

Is there a Fiscal Impact? No

BACKGROUND AND DISCUSSION

The TDA-3 program is funded by approximately 2% of the ¼ cent Statewide Sales Tax. This generates approximately \$160,000 per year in revenues for Napa jurisdictions. Unused funds are accumulated and rolled over for programming in future cycles. The TDA-3 program is used exclusively to fund bicycle and pedestrian projects.

The Covid-19 pandemic has accelerated the implementation of bike and pedestrian projects. To support faster implementation of bike and pedestrian projects, MTC staff is proposing changes to the TDA-3 policies to allow Quick Build as an eligible project type.

In addition, MTC staff is proposing to change the Bicycle Advisory Committee (BAC) requirement to Bicycle and *Pedestrian* Advisory Committee (BPAC) and is making changes for clarity on the fiscal audit requirement. MTC staff is also suggesting changes regarding maintenance of Class I facilities and the removal of Class III routes as eligible.

NVTA staff submitted the following comments on the proposed changes:

- Page 2-b. 2: Request addition of Class IV facility (also closed to motorized vehicle traffic)
- Page 2-b. 5: Suggest adding buffered bike lanes and Class III Bike Boulevard street stencils
- Page 2 d: add Class IV bikeway project
- Page 3, 1: Update Congestion Management Agency (CMA) to County Transportation Agency here and throughout document.
- Page 3, 2, p 1: add bicycle and/or pedestrian plans or active transportation plans
- Page 3, 2, p 4: change county to countywide BPAC
- Page 6, 1: Do not strike roadway widening or paving - this treatment is sometimes needed in rural areas to allow enough space for Class III bike routes or Class II bike lanes.
- Page 6, 2: Suggest keeping Class III Bicycle Boulevards and/or Urban Greenways. These facility types are appropriate on low volume, low speed streets (25 mph or lower), help close gaps and improve connectivity.
- Page 6, 2: Stand-alone Class III projects in rural zones are often the only alternative to driving, particularly where there is no transit. Policies should allow provisions to include signage to alert vehicles, 3-foot law signage and pavement markings where appropriate.

Redline changes to the document are shown in Attachment 1. MTC is taking the proposed changes to its Programming and Allocations committee for final recommendations on December 9, and to the MTC Board on December 16 for final approval.

SUPPORTING DOCUMENTS

Attachment 1: TDA-3 Proposed Policy Changes

Date: June 26, 2013

W.I.: 1514

Referred By: PAC

Revised: 02/24/16-C 12/16/20-C

DRAFT

Attachment A
Resolution No. 4108
Page 1 of 7

TRANSPORTATION DEVELOPMENT ACT, ARTICLE 3,
PEDESTRIAN/BICYCLE PROJECTS
Policies and 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 the exclusive use of pedestrian and bicycle projects. MTC makes annual allocations of TDA Article 3 funds to eligible claimants after review of applications submitted by counties or County Transportation Agencies (CTAs) ~~congestion management agencies~~.

All cities and counties in the nine counties in the MTC region are eligible to claim funds under TDA Article 3. Joint powers agencies composed of cities and/or counties are also eligible provided their JPA agreement allows it to claim TDA funds.

Application

1. Counties or ~~congestion management agencies~~ CTAs will be responsible for developing a program of projects not more than annually, 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 of project applications to the county or ~~congestion management agency~~ CTAs (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:
 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 funding requested is for one or more of the following purposes:
1. Construction and/or engineering of a bicycle or pedestrian capital or quick build projects.
 2. Maintenance of a ~~multi-purpose path~~ Class I shared-use path which is closed to motorized traffic and Class IV separated bikeways.
 3. Bicycle and/or pedestrian safety education program (no more than 5% of county total).
 4. Development of a comprehensive bicycle or pedestrian facilities plans (allocations to a claimant for this purpose may not be made more than once every five years).
 5. Restriping Class II bicycle lanes and buffered bicycle lanes.
- Refer to Appendix A for examples of eligible projects.
- c. The claimant is eligible to claim TDA Article 3 funds under Sections 99233.3 or 99234 of the Public Utilities Code.
- d. If it is a Class I, II, ~~or III~~, or IV bikeway project, it must meet the mandatory minimum safety design criteria published in Chapter 1000 of the California Highway Design Manual (Available via Caltrans website); or if it is a pedestrian facility, it must meet the mandatory minimum safety design criteria published in Chapter 100 of the California Highway Design Manual (Available via Caltrans headquarters' World-Wide-Web page). Funds may not be used for Class III projects on arterials or streets with posted speed limits above 25 mph.
- e. The project is ready to implement and can be completed within the three year eligibility period.
- f. *If the project includes construction, that it* 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 by the County Clerk within the past three years.
- g. A jurisdiction agrees to maintain the facility. If the project is a quick build project, the jurisdiction agrees to maintain the project until permanent improvements are implemented. If the project is removed before such time, justification shall be provided to MTC.
- h. The project is included in a locally approved bicycle, pedestrian, transit, multimodal, complete streets, or other relevant plan.

Priority Setting

1. The county or County Transportation Agency (CTA)~~congestion management agency (CMA)~~ shall ~~establish~~ create a process for establishing project priorities in order to prepare an annual list of projects being recommended for funding.
2. Each county and city is required to have a Bicycle and Pedestrian Advisory Committee (BPAC) ~~or equivalent body to~~ review and prioritize TDA Article 3 bicycle and pedestrian projects and to participate in the development and review of comprehensive bicycle pedestrian, or active transportation plans. BPACs should be composed of both bicyclists and pedestrians.

A city BPAC 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.

An agency can apply to MTC for exemption from the city BPAC requirement if they can demonstrate that the countywide BPAC provides for expanded city representation.

A countywide BPAC 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 or ~~Congestion Management Agency (CMA)~~CTA will appoint BPAC members. The county or ~~congestion management agency~~CTA executive/administrator will designate staff to provide administration and technical support to the Committee.

3. All proposed projects shall be submitted to the County or ~~congestion management agency~~CTA for evaluation/prioritization. Consistent with the county process, either the Board of Supervisors or the ~~Congestion Management Agency (CMA)~~CTA will adopt the countywide list and forward it to MTC for approval.
4. The county or ~~congestion management agency~~CTA 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; *and confirmation that each project meets Caltrans' minimum safety design criteria and can be completed before the allocation expires.*
 - b) The complete priority list of projects with an electronic version to facilitate grant processing.

- c) A Board of Supervisors' or ~~CTACMA~~ resolution approving the priority list and authorizing the claim.

MTC Staff Evaluation

MTC Staff will review the list of projects submitted by each county. If a recommended project is eligible for funding, falls within the overall TDA Article 3 fund estimate level for that county, and has a completed application, staff will recommend that funds be allocated to the project.

Allocation

The Commission will approve the 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 funds should be invoiced in accordance with the “Disbursement” section below.

Eligible Expenditures

Eligible expenditures may be incurred from the start of the fiscal year of award plus two additional fiscal years. Allocations expire at the end of third fiscal year following allocation. For example, if funds are allocated to a project in October 20~~21~~¹⁴, a claimant may be reimbursed for eligible expenses that were incurred on or after July 1, 20~~21~~¹⁴. The allocation expires on June 30, 20~~24~~¹⁷ and all eligible expenses must be incurred before this date. All disbursement requests should be submitted by August 31, 20~~24~~¹⁷.

Disbursement

1. The claimant shall submit to MTC the following, no later than two months after 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 the request for a disbursement of funds;
 - b) Documents showing that costs have been incurred during the period of time covered by the allocation.
 - c) With the final invoice, the claimant shall submit a one paragraph summary of work completed with the allocated funds. This information may be included in the cover letter identified in bullet “a” above and is required before final disbursement is made. ~~If the project includes completion of a Class I, II or III bicycle facility, this information should be added to Bikemapper or a request should be made to MTC to add it to Bikemapper.~~

Reimbursement requests should be sent to acctpay@bayareametro.gov.

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 and Expired Allocations

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~~CTA to request that MTC rescind the allocation. Rescission requests may be submitted to and acted upon by MTC at any time during the year. Rescinded funds will be returned to the county's apportionment.

Allocations that expire without being fully disbursed will be disencumbered in the fiscal year following expiration. The funds will be returned to county's apportionment and will be available for allocation.

Fiscal Audit

All claimants that have received ~~an allocation~~ disbursement of TDA funds are required to submit an annual certified fiscal and compliance audit for that fiscal year 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~~ disbursed (that is, reimbursed by MTC ~~costs incurred~~) during a given fiscal year. Reimbursement may cover eligible expenditures from a previous fiscal year. ~~However, the applicant should submit a 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 will be made.

TDA Article 3 funds may be used to pay for the fiscal audit required for this funding.

Appendix A: Examples of Eligible Projects

Below are some examples of eligible projects. If you have questions about whether a proposed project is eligible for funding, please contact the MTC Program Coordinator.

1. Projects that eliminate or improve 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. 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 multi-purpose path to divert young bicyclists from a high traffic arterial; a multi-purpose path to provide safe access to a school or other activity center; replacement of substandard grates or culverts; adjustment of traffic-actuated signals to make them bicycle sensitive.~~ Projects based on NACTO (National Association of City Transportation Officials) guidance or similar best practices guidance ~~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 multi-purpose 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 Multi-purpose shared-use paths (Class I), bike lanes (Class II), and Class III, or separated bikeways (Class IV) ~~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 and walk/transit. For example, bike racks on buses, paratransit/trailer combinations, and bicycle loan or check-in facilities at transit terminals, bus stop improvements, wayfinding signage.
5. Maintenance of multiple purpose pathways 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).
6. Funds may be used for construction and plans, specification, and estimates (PS&E) phases of work. Funds may be used for quick build projects. Quick build projects are interim capital improvements that are built with durable, low to moderate cost material to

immediately address pedestrian and bicycle needs until capital upgrades are possible.
Project level environmental, planning, and right-of-way phases are not eligible uses of funds.

7. Projects that enhance or encourage bicycle or pedestrian commutes, including Safe Routes to Schools projects.
8. Projects that address bicycle and pedestrian safety such as those in the Local Roadway Safety Manual. Intersection safety improvements including protected intersections, bulbouts/curb extensions, transit stop extensions, installation of pedestrian countdown or accessible pedestrian signals, or pedestrian signal timing adjustments. Striping high-visibility crosswalks or advanced stop-back lines, where warranted.
9. Purchase and installation of pedestrian traffic control devices, such as High-intensity Activated crossWalk (HAWK) beacons, rectangular rapid flashing beacons (RRFB), or pedestrian safety “refuge” islands, where warranted.
- ~~10. Projects that provide connection to and continuity with longer routes provided by other means or by other jurisdictions to improve regional continuity.~~
104. The project may be part of a larger roadway improvement project as long as the funds are used only for the bicycle and/or pedestrian component of the larger project.
112. Bicycle and Pedestrian 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 public bicycle and pedestrian safety education programs and staffing.
123. Comprehensive Bicycle and Pedestrian Facilities Plan. Funds may be allocated for these plans (emphasis should be for accommodation of bicycle and walking commuters rather than recreational uses). A city or county may not receive allocations for these plans more than once every five years. Environmental documentation and approval necessary for plan adoption is an eligible expense.