



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 09/21/04
AGENDA ITEM 2
WORK SESSION ITEM _____

TO: Mayor and City Council
FROM: Director of Public Works
SUBJECT: Authorization to Submit Pavement Rehabilitation Project Application to the MTC for Next Cycle of Federal Funding

RECOMMENDATION:

It is recommended that the City Council adopt the attached resolution supporting staff's application for \$552,870 of additional street and road funds, and committing to provide the required match of \$71,630 from City funds.

DISCUSSION OR BACKGROUND:

The Metropolitan Transportation Commission (MTC) has released information on the next cycle of Federal funds to be available for local street and road rehabilitation. Alameda County's share of these funds is approximately \$5 million and, consequently, the City's population-based fair share is \$552,870.

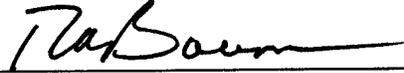
As was the case with previous Federal funding cycles, the first priority for use of these funds is local street and road rehabilitation on Metropolitan Transportation System (MTS) routes. These are defined as being the major arterials. City staff has identified Hesperian Boulevard from West Tennyson Road to Industrial Boulevard as the City's recommended project (see Exhibit A).

Federal funds require a match of at least 11.5 percent of the total project cost. Consequently, the City will need to provide \$71,630 of local funding, resulting in a total project cost of \$624,500. It should be noted that by having Federal funding to repair our major arterials, normal city gas tax and other transportation funds may be used to repair more of our local streets.

The Alameda County Congestion Management Agency (CMA) has adopted the countywide program (including the City's project) and will forward that program to the MTC, which is scheduled to approve the regional Federal funding program by December 2004. As part of the application and approval process, the MTC requires that each jurisdiction receiving funds adopt a resolution making the findings as shown on the attached resolution. A Transportation Improvement Program (TIP) amendment incorporating the Federal funds is anticipated to be approved by Caltrans and the Federal Highway Administration by February 2005. The City

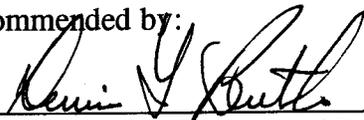
project has been programmed in FY 2006/07, meaning that all of the funds must be obligated by June 30, 2007.

Prepared by:



Robert A. Bauman, Deputy Director of Public Works

Recommended by:



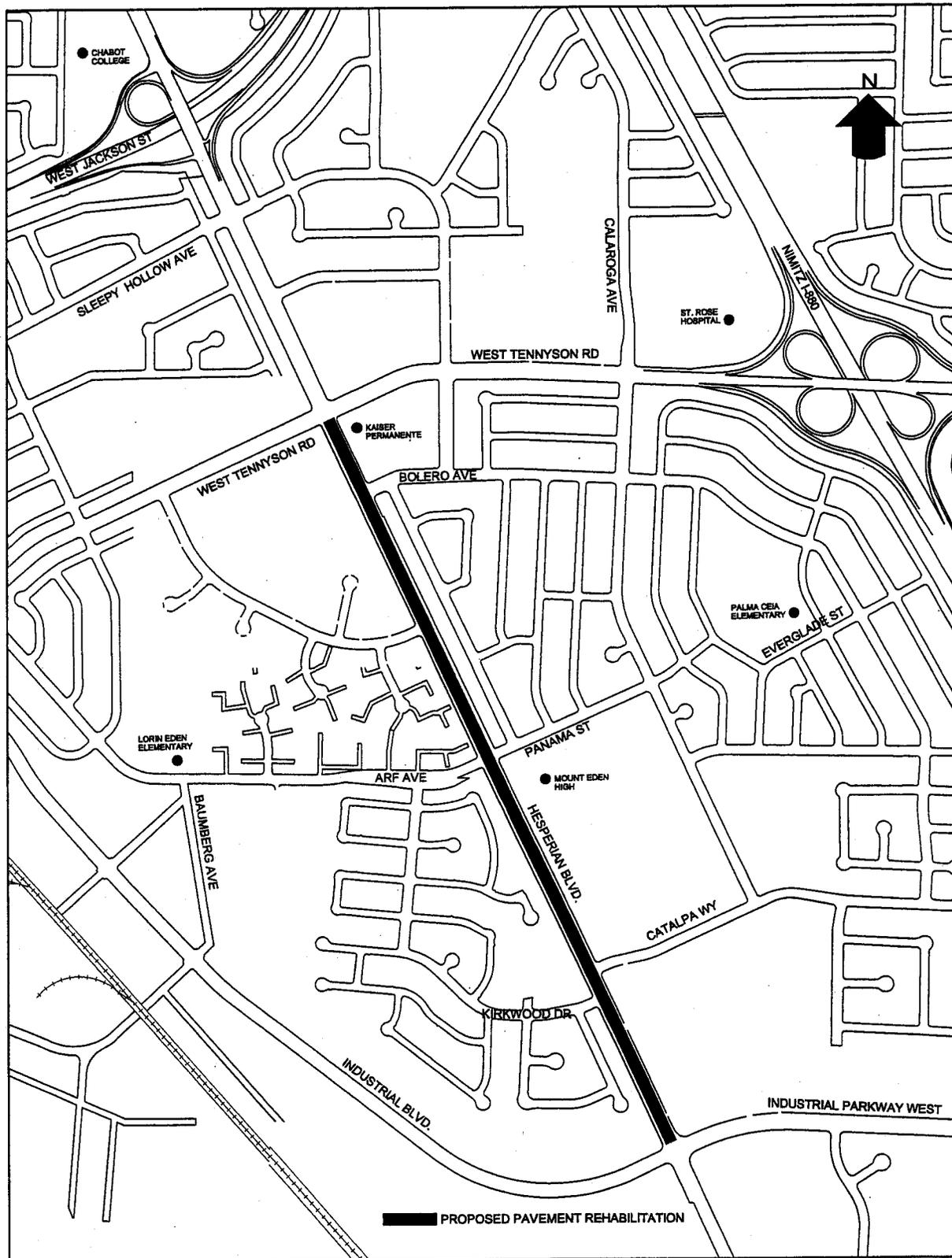
Dennis L. Butler, Director of Public Works

Approved by:



Jesús Armas, City Manager

Attachment: Exhibit A - Project Location Map



**HESPERIAN BLVD - INDUSTRIAL BLVD TO WEST TENNYSON RD
PAVEMENT REHABILITATION**

**PROJECT MAP
Exhibit A**

DRAFT

DK
9/14/04

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

**AUTHORIZING THE FILING OF AN APPLICATION FOR
FEDERAL SURFACE TRANSPORTATION PROGRAM
FUNDING FOR LOCAL STREET AND ROAD
REHABILITATION AND COMMITTING THE NECESSARY
NON-FEDERAL MATCH FOR THE PROJECT AND
STATING THE ASSURANCE OF THE CITY OF HAYWARD
TO COMPLETE THE PROJECT**

WHEREAS, the Transportation Equity Act for the 21st Century (TEA 21) (Public Law 105-178, June 9, 1998) and the TEA 21 Restoration Act (Public Law 105-206, July 22, 1998) continue the Surface Transportation Program (23 U.S.C. § 133 and the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149); and

WHEREAS, the TEA-21 legislation will guide STP, CMAQ, and TE programming until a TEA-21 Reauthorization bill is authorized; and

WHEREAS, pursuant to TEA-21, and the regulations promulgated thereunder, eligible project sponsors wishing to receive Surface Transportation Program or Congestion Mitigation and Air Quality Improvement Program grants for a project shall submit an application first with the appropriate metropolitan transportation planning organization (MPO), for review and inclusion in the MPO's Transportation Improvement Program (TIP); and

WHEREAS, the Metropolitan Transportation Commission is the MPO for the San Francisco Bay region; and

WHEREAS, the City of Hayward is an eligible project sponsor for Surface Transportation Program or Congestion Mitigation and Air Quality Improvement Program funds; and

WHEREAS, the City of Hayward wishes to submit an application to MTC for funds from the Surface Transportation Program Improvement Program in fiscal year 2006-07 for the Hesperian Boulevard - Industrial Boulevard to West Tennyson Road. Pavement rehabilitation Project; and

WHEREAS, MTC requires, as part of the application, a resolution stating the following:

- 1) the commitment of necessary local matching funds of at least 11.47%; and
- 2) that the sponsor understands that the Surface Transportation Program and Congestion Mitigation and Air Quality Improvement Program funding is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with Surface Transportation Program or Congestion Mitigation and Air Quality Improvement Program funds; and
- 3) the assurance of the sponsor to complete the project as described in the application, and if approved, as programmed in MTC's TIP; and
- 4) that the sponsor understands that funds must be obligated by June 30 of the year that the project is programmed for in the TIP, or the project may be removed from the program; and
- 5) that the sponsor has a certified pavement management system (PMS).

NOW, THEREFORE, BE IT RESOLVED by the City Council that the City of Hayward is authorized to execute and file an application for funding under the Surface Transportation Program of TEA-21 Reauthorization in the amount of \$552,870 for Hesperian Boulevard – Industrial Boulevard to West Tennyson Road – pavement rehabilitation; and

BE IT FURTHER RESOLVED that the City Council by adopting this resolution does hereby state that:

- 1) City of Hayward will provide \$71,630 in non-federal matching funds; and
- 2) City of Hayward understands that the Surface Transportation Program and Congestion Mitigation and Air Quality Improvement Program funding for the project is fixed at \$552,870 and that any cost increases must be funded by the City of Hayward from local matching funds, and that the City of Hayward does not expect any cost increases to be funded with Surface Transportation Program or Congestion Mitigation and Air Quality Improvement Program funds; and
- 3) Hesperian Boulevard – Industrial Boulevard to West Tennyson Road pavement rehabilitation will be built as described in this resolution and, if approved, for the amount shown in the Metropolitan Transportation Commission (MTC) Transportation Improvement Program (TIP) with obligation occurring within the timeframe established below; and
- 4) The program funds are expected to be obligated by June 30 of the year the project is programmed for in the TIP.

BE IT FURTHER RESOLVED that the City of Hayward is an eligible sponsor of projects in the Surface Transportation Program; and

BE IT FURTHER RESOLVED that the City of Hayward is authorized to submit an application for Surface Transportation Program funds for Hesperian Boulevard – Industrial Boulevard to West Tennyson Road pavement rehabilitation; and

BE IT FURTHER RESOLVED that there is no legal impediment to the City of Hayward making applications for Local Streets and Roads Shortfall Program funds; and

BE IT FURTHER RESOLVED that there is no pending or threatened litigation which might in any way adversely affect the proposed project, or the ability of the City of Hayward to deliver such project; and

BE IT FURTHER RESOLVED that a copy of this resolution will be transmitted to the MTC in conjunction with the filing of the application; and

BE IT FURTHER RESOLVED that the MTC is requested to support the application for the project described in the resolution and to program the project, if approved, in MTC's TIP.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2004

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

Part 1b.

**Second Cycle STP/CMAQ/TE Program
Certification of Assurances**

The sponsor indicated below hereby certifies that the project indicated below, for which Surface Transportation Program funding from MTC's Local Streets and Roads Shortfall Program is requested, meets the following project screening criteria. Please initial each.

Sponsoring Agency: City of Hayward

Project: ~~esperian Boulevard~~ Industrial Boulevard to West Tennyson Road - Pavement Rehabilitation.

1. The project is eligible for consideration in the Surface Transportation Program, as identified in Section 1108 of the Transportation Equity Act for the 21st Century.
2. The agency is an eligible sponsor of projects in the Surface Transportation Program. _____
3. An application has been submitted for the project. _____
4. The project is consistent with the Regional Transportation Plan (RTP). _____
5. The project is fully funded and results in an operable and useable segment. _____
6. For the funds requested, no costs have/will be incurred prior to the federal authorization of the funds. _____
7. The year of funding for any design, right-of-way and/or construction phases has taken into consideration the time necessary to obtain environmental clearance and permitting approval for the project. _____
8. The implementing agency has a certified Pavement Management System with MTC in accordance with Section 119 of Title 23, United States Code. _____
9. Cost increases on the project are the responsibility of the project sponsor. _____
10. Cost savings from the project will be returned to the region. _____
11. The sponsor agrees to be available for any audit of STP/CMAQ funds, if requested.

The sponsor agrees to abide by all regulations, statutes, rules and procedures applying to Second Cycle STP/CMAQ/TE Program, and to follow all requirements associated with the funds programmed to the TIP, including, but are not limited to the four items below:

1. Environmental requirements: NEPA standards and procedures for all projects with Federal funds; CEQA standards and procedures for all projects programmed with State funds.
2. Federal Transit Administration (FTA) requirements, as outlined in FTA regulations and

circulars for all projects with FTA funding

3. Federal Highway Administration (FHWA) and Caltrans requirements for highway and other roadway projects as outlined in the Caltrans Local Programs Manual.
4. Federal air quality conformity requirements, and local project review requirements, as outlined in the adopted Bay Area Conformity of the State Implementation Plan (SIP).

Certified By: Signature Print Name Date: