

THIS PRINT COVERS CALENDAR ITEM NO. : 10.5

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Finance and Information Technology

BRIEF DESCRIPTION:

Adopting a Resolution of Local Support, with required assurances, for the award of \$4,400,000 in Regional Active Transportation Program funds from the Metropolitan Transportation Commission for the Powell Street Safety Project.

SUMMARY:

- The purpose of the Regional Active Transportation Program (ATP) is to promote active transportation, such as bicycling and walking, with specific focus on school children and disadvantaged communities.
- As the Metropolitan Planning Organization for the region, the Metropolitan Transportation Commission (MTC) administers the region's share of ATP money.
- The SFMTA was awarded \$4.4 million under the Regional ATP program for the Powell Street Safety Project.
- As part of the Regional ATP grant application process, MTC requires that the grantee adopt a Resolution of Local Support that stipulates how the SFMTA will comply with MTC's policies governing project delivery and cost overruns, should they occur.

ENCLOSURES:

1. SFMTAB Resolution
2. Opinion of Legal Counsel

APPROVALS:

DATE

DIRECTOR _____

4/10/17

SECRETARY R. Boomer _____

4/10/17

ASSIGNED SFMTAB CALENDAR DATE: April 18, 2017

PURPOSE

Adopting a Resolution of Local Support, with required assurances, for the award of \$4,400,000 in Regional Active Transportation Program funds from the Metropolitan Transportation Commission for the Powell Street Safety Project.

STRATEGIC PLAN GOALS AND TRANSIT FIRST POLICY PRINCIPLES

The SFMTA will further the following goal of the Strategic Plan through approval of this resolution:

- Goal 1: Create a safer transportation experience for everyone.
Objective 1.3 - Improve the safety of the transportation system.

- Goal 2: Make transit, walking, bicycling, taxi, ridesharing and carsharing the preferred means of travel.
Objective 2.3 - Improve use of all non-private auto modes.

- Goal 3: Improve the environment and quality of life in San Francisco.
Objective 3.2 - Increase the transportation system's positive impact on the economy.

Approval of this resolution also ensures that the SFMTA has the funding needed to support the City's Transit First Policy, including promoting the following Transit First Policy Principles:

- 1) To ensure quality of life and economic health in San Francisco, the primary objective of the transportation system must be the safe and efficient movement of people and goods.
- 2) Public transit, including taxis and vanpools, is an economically and environmentally sound alternative to transportation by individual automobiles. Within San Francisco, travel by public transit, by bicycle and on foot must be an attractive alternative to travel by private automobile.
- 3) Decisions regarding the use of limited public street and sidewalk space shall encourage the use of public rights of way by pedestrians, bicyclists, and public transit, and shall strive to reduce traffic and improve public health and safety.
- 4) Transit priority improvements, such as designated transit lanes and streets and improved signalization, shall be made to expedite the movement of public transit vehicles (including taxis and vanpools) and to improve pedestrian safety.
- 5) Pedestrian areas shall be enhanced wherever possible to improve the safety and comfort of pedestrians and to encourage travel by foot.
- 6) Bicycling shall be promoted by encouraging safe streets for riding, convenient access to transit, bicycle lanes, and secure bicycle parking.

- 7) Parking policies for areas well served by public transit shall be designed to encourage travel by public transit and alternative transportation.
- 8) The City and County shall encourage innovative solutions to meet public transportation needs wherever possible and where the provision of such service will not adversely affect the service provided by the Municipal Railway.

DESCRIPTION

The Active Transportation Program (ATP) taps both state and federal funds to provide about \$120 million each year for bike and pedestrian projects across California. The Program allows cities, counties, transit agencies, and other public agencies to compete for grants to build bicycle/pedestrian paths, install bike racks, and other projects or programs that make walking or biking easier, safer, and more convenient. As the Metropolitan Planning Organization for the region, MTC administers the region's share of ATP money.

On April 15, 2016, MTC issued a competitive call for projects for regional ATP funds. The SFMTA submitted an application for \$4.4 million for the Powell Street Safety Project (the Project). The Project would improve three blocks of Powell Street by improving pedestrian safety and reducing sidewalk crowding to encourage more people to walk, especially to jobs.

The Project builds and improves upon two successful pilots, the Powell Promenade parklets, and the Powell Safety Pilot. The Powell Promenade parklets were installed in May 2011 as a partnership between the City, Audi, and the Union Square BID. The parklets replaced the parking and loading zones on these two blocks, leaving a loading zone on each side of the street for passenger or commercial loading. The parklets were funded and maintained by Audi under a five-year agreement, which expired in May 2016. While the parklets were a success in that they provided additional public space and were well received by the businesses and stakeholders, they are now past the end of their intended life and are beginning to deteriorate. The proposed grant funds a permanent replacement that will be more easily maintained.

The Powell Safety Pilot was approved by the Board in November 2015 and implemented that same month. The pilot primarily restricted turns onto Powell Street from Geary, O'Farrell, or Ellis Streets, with exceptions for commercial vehicles, taxis, and passenger vehicles loading on Powell. The pilot set out to reduce the number of vehicles making turns, as turning vehicles are much more likely to injure people walking in the crosswalk, and to reduce the overall number of vehicles on Powell, which reduces congestion on the street and limits damage to the cable car's mechanical parts. The pilot legislation also created six new commercial loading zones along the side streets to provide more opportunities for delivery trucks to legally access businesses without blocking the road or cable car track in this busy, retail-oriented area.

This pilot expires in June 2017, and staff expects to return to the Board this summer to provide a final report. Analysis of data collected so far indicates that the pilot has achieved its goals, removing about 65% of traffic from the street and reducing turn volumes by 75%. This has reversed the trend of increased wear on the cable and achieved a 23% improvement in cable life compared to before the pilot. In addition, no injury collisions have been reported since the pilot implementation, down from an average of two to three per year before the pilot. The effects of the

pilot on traffic are still being studied, but early indications suggest little effect on Union Square traffic patterns, given that the street does not connect to Market. The proposed grant funds changes to the roadway and traffic signals that will make these changes permanent, cementing the progress made in improving pedestrian and cable car safety.

In December 2016, MTC notified the SFMTA that the Project was awarded grant funds.

MTC requires that the SFMTA Board of Directors approve a Resolution of Local Support for the SFMTA's Regional ATP project. The Board is requested to approve in the Resolution that:

1. The SFMTA will commit the required matching funds; and
2. Any cost increases must be funded by the SFMTA, and the SFMTA does not expect any cost increases will be funded with additional regional discretionary funds; and
3. The SFMTA will comply with the procedures, delivery milestones, and funding deadlines specified in the MTC's Regional Project Funding Delivery Policy (Resolution No. 3606, revised); and
4. The SFMTA will implement the project as described in the submitted application and in this resolution, subject to environmental clearance, including, if appropriate, any changes to the project necessary to mitigate any significant adverse environmental impacts observed during the pilot program, and if the project is approved, for the amount programmed in the MTC's federal Transportation Improvement Program; and
5. The SFMTA will have adequate staffing resources to deliver and complete the project within the schedule submitted with the project application; and
6. That the SFMTA will comply with all project-specific requirements as set forth in the Regional ATP program; and
7. For all projects funded by the FHWA and the California Transportation Commission (CTC), the SFMTA has assigned, and will maintain, a single point of contact to coordinate within the agency and with the respective Congestion Management Agency (which is the San Francisco County Transportation Authority), MTC, Caltrans, FHWA, and CTC on all communications that might arise during the federal programming and delivery process for the ATP-funded project implemented by the SFMTA.

STAKEHOLDER ENGAGEMENT

For the Powell Street Safety Project, robust communication and outreach was conducted among the community. San Francisco's WalkFirst planning process developed an award-winning community outreach, engaging over 3,100 people through a multilingual website. The SFMTA received direct feedback from over 400 people in San Francisco from November 2013 to January 2014 through the site and from focus group meetings. As the project moves forward, project staff commits to the following outreach approach:

- Public meetings and open houses
- Community conversations at existing neighborhood meetings
- Winter Walk booth and user surveys
- Social media and web presence

Further, Project staff will leverage existing organizations and community groups to gather input and expand the influence of a broad and representative collection of community members. The goal for engagement is to have a project that is supported and when constructed will meet the stated goals of safety, equity and access for residents, businesses and visitors.

ALTERNATIVES CONSIDERED

This Project is consistent with the Board-adopted Capital Improvement Program. By applying for discretionary grant funds, the SFMTA grows the amount of available revenue for the entire agency. One alternative is to wait for another future grant solicitation. However, as this Project has been awarded funding under the Regional ATP grant program, it is in the interest of the SFMTA to accept the funding now to move the Project forward. The second alternative is to use revenues in hand, which would require reprioritization of projects and programs in the SFMTA's Capital Improvement Program.

FUNDING IMPACT

The funding for the SFMTA's Powell Street Safety Project is from:

- Regional ATP grant funds of \$4,400,000
- Required non-federal matching funds of \$4,909,000 derive from Prop 1B Public Transportation Modernization, Improvement, and Service Enhancement Account Program, and the City and County of San Francisco General Fund.

ENVIRONMENTAL REVIEW

On March 24, 2017, the SFMTA, under authority delegated by the Planning Department, determined that providing a Resolution of Local Support for the Powell Street Safety Project is not defined as a "project" under the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations Sections 15060(c) and 15378(b).

The SFMTA has obtained a Categorical Exemption from CEQA for the Powell Street Safety Pilot Project, the demonstration phase of the Powell Street Safety Project. On September 29, 2015, the San Francisco Planning Department determined that the parking and traffic modifications for the Powell Street Safety Pilot Project were categorically exempt from environmental review under a Class 1 exemption (CEQA Guidelines Section 15301) for minor alteration of existing public facilities and Class 6 exemption (Section 15306) for basic data information collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource, pursuant to Title 14 of the California Code of Regulations. These changes were adopted by the SFMTA Board of Directors on November 3, 2015 in Resolution 15-153.

The purpose of the Powell Street Safety Pilot Project was to provide the SFMTA with the opportunity to collect data on the operation of the traffic modifications, identify any potential significant environmental or transportation impacts from implementation of the traffic modifications during the pilot and document and incorporate any needed changes to the program to address issues identified during the Pilot Project. Any permanent proposed traffic and parking modifications incorporated into the Powell Street Safety Project will be subject to CEQA review. Prior to taking an approval action to implement the Powell Street Safety Project, the SFMTA will need to obtain an environmental determination to satisfy compliance with CEQA and San Francisco Administrative Code Chapter 31.

If the Powell Street Safety Project is found to cause significant adverse impacts, the SFMTA retains absolute discretion to: (1) modify the project to mitigate significant adverse environmental impacts, (2) select feasible alternatives which avoid significant adverse impacts of the project, (3) require the implementation of specific measures to mitigate the significant adverse environmental impacts of the project, as identified upon environmental evaluation in compliance with CEQA and the Chapter 31, (4) reject the project as proposed if the economic and social benefits of the project do not outweigh otherwise unavoidable significant adverse impacts of the project, or (5) approve the project upon a finding that the economic and social benefits of the project outweigh otherwise unavoidable significant adverse impacts.

A copy of the CEQA determination is on file with the Secretary to the SFMTA Board of Directors and is incorporated herein by reference.

OTHER APPROVALS RECEIVED OR STILL REQUIRED

The City Attorney's Office is required to provide an opinion of counsel (Attachment 2) that the SFMTA is an eligible sponsor of projects to receive FTA Formula Program and STP funds, that the SFMTA is authorized to submit such grant applications, and that there is no pending or threatened litigation that might adversely affect the SFMTA's proposed projects.

RECOMMENDATION

Staff recommends that the SFMTA Board adopt a Resolution of Local Support, with required assurances, for the award of \$4,400,000 in Regional Active Transportation Program funds from the Metropolitan Transportation Commission for the Powell Street Safety Project.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. _____

WHEREAS, The SFMTA submitted a grant application to the Metropolitan Transportation Commission (MTC) for \$4,400,000 in funding assigned to the MTC for programming discretion, which includes federal funding administered by the Federal Highway Administration (FHWA), and federal or state funding administered by the California Transportation Commission (CTC), such as Surface Transportation Program (STP) funding, Congestion Mitigation and Air Quality Improvement (CMAQ) funding, Transportation Alternatives (TA)/Active Transportation Program (ATP) funding, and Regional Transportation Improvement Program (RTIP) funding (herein referred to as the Regional Active Transportation Program) (Regional ATP), for the Powell Street Safety Project; and

WHEREAS, The United States Congress from time to time enacts and amends legislation to provide funding for various transportation needs and programs, (collectively, the FEDERAL TRANSPORTATION ACT), including, but not limited to the STP (23 U.S.C. § 133), CMAQ (23 U.S.C. § 149) and the TA set-aside (23 U.S.C. § 133); and

WHEREAS, State statutes, including California Streets and Highways Code Sections 182.6, 182.7, and 2381, and California Government Code 14527, provide various funding programs for the programming discretion of the Metropolitan Planning Organization (MPO) and Regional Transportation Planning Agency (RTPA); and

WHEREAS, Pursuant to the Federal Transportation Act, and any regulations promulgated thereunder, eligible project sponsors wishing to receive federal or state funds for a regionally significant project must submit an application first with the appropriate MPO, or RTPA, as applicable, for review and inclusion in the federal Transportation Improvement Program (TIP); and

WHEREAS, The MTC is the MPO and RTPA for the nine counties of the San Francisco Bay region; and for the nine counties of the San Francisco Bay region; and

WHEREAS, The MTC has adopted a Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised), which sets out procedures governing the application and use of Regional ATP funds; and

WHEREAS, The San Francisco Municipal Transportation Agency (SFMTA) is an eligible sponsor for Regional ATP funding, and the Director of Transportation or his designee is authorized to submit grant applications on behalf of the SFMTA; and

WHEREAS, The SFMTA, through the Director of Transportation, or his designee, as authorized by this Board, submitted an application to MTC for \$4,400,000 in Regional ATP funding for the Powell Street Safety Project; and

WHEREAS, As part of the application process for Regional ATP funding, MTC requires the SFMTA to adopt a Resolution of Local Support, with the following assurances:

1. The SFMTA commits the necessary local match consisting of at least 11.47% of non-federal funds; and
2. The SFMTA understands that Regional ATP funding is fixed at the programmed amount, and therefore any cost increases cannot be expected to be funded with additional Regional ATP funding; and
3. That the Powell Street Safety Project will comply with the procedures, delivery milestones and funding deadlines specified in the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised); and
4. The SFMTA will complete the project as described in the application, subject to environmental clearance, including, if appropriate, any changes to the project necessary to mitigate any significant adverse environmental impacts observed during the pilot program, and, if the project is approved, as included in MTC's federal Transportation Improvement Program (TIP); and
5. The project will have adequate staffing resources to deliver and complete the project within the schedules submitted with the project applications; and
6. The project will comply with all project-specific requirements as set forth in the Regional ATP funding; and
7. For all projects funded by the FHWA and the California Transportation Commission (CTC), the SFMTA has assigned, and will maintain, a single point of contact to coordinate within the agency and with the respective Congestion Management Agency (which is the San Francisco County Transportation Authority), MTC, Caltrans, FHWA, and CTC on all communications that might arise during the federal programming and delivery process for the ATP-funded project implemented by the SFMTA; and

WHEREAS, On September 29, 2015, the Planning Department determined that Powell Street Safety Pilot Project was Categorical Exempt under the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations, Sections 15301 and 15306; and,

WHEREAS, On March 24, 2017, the SFMTA, under authority delegated by the Planning Department, determined that a Resolution of Local Support for the Powell Street Safety Project is not defined as a "project" under the California Environmental Quality Act (CEQA) pursuant Title 14 of the California Code of Regulations Sections 15060(c) and 15378(b); and,

WHEREAS, A copy of the CEQA determination is on file with the Secretary to the SFMTA Board of Directors, and is incorporated herein by reference; and

WHEREAS, The SFMTA will not proceed with any project until there has been complete compliance with the California Environmental Quality Act ("CEQA") and the City's Environmental Quality Regulations (San Francisco Administrative Code Section 31). If any of the projects are found to cause significant adverse impacts, the SFMTA retains absolute discretion to: (1) modify the project to mitigate significant adverse environmental impacts,

(2) select feasible alternatives which avoid significant adverse impacts of the project, (3) require the implementation of specific measures to mitigate the significant adverse environmental impacts of the project, as identified upon environmental evaluation in compliance with CEQA and the Chapter 31, (4) reject the project as proposed if the economic and social benefits of the project do not outweigh otherwise unavoidable significant adverse impacts of the project, or (5) approve the project upon a finding that the economic and social benefits of the project outweigh otherwise unavoidable significant adverse impacts; now, therefore, be it

RESOLVED, That the SFMTA Board of Directors adopts a Resolution of Local Support, for the award of \$4,400,000 in Regional Active Transportation Program funds from the Metropolitan Transportation Commission for the Powell Street Safety Project, with the following assurances:

1. The SFMTA commits the necessary local match consisting of at least 11.47% of non-federal funds; and
2. The SFMTA understands that Regional ATP funding is fixed at the programmed amount, and therefore any cost increases cannot be expected to be funded with additional Regional ATP funding; and
3. That the Powell Street Safety Project will comply with the procedures, delivery milestones and funding deadlines specified in the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised); and
4. The SFMTA will complete the project as described in the application, subject to environmental clearance, including, if appropriate, any changes to the project necessary to mitigate any significant adverse environmental impacts observed during the pilot program, and, if the project is approved, as included in MTC's federal Transportation Improvement Program (TIP); and
5. The project will have adequate staffing resources to deliver and complete the project within the schedules submitted with the project applications; and
6. The project will comply with all project-specific requirements as set forth in the Regional ATP funding; and
7. For all projects funded by the FHWA and the California Transportation Commission (CTC), the SFMTA has assigned, and will maintain, a single point of contact to coordinate within the agency and with the respective Congestion Management Agency (which is the San Francisco County Transportation Authority), MTC, Caltrans, FHWA, and CTC on all communications that might arise during the federal programming and delivery process for the ATP-funded project implemented by the SFMTA; and be it further

RESOLVED, That the SFMTA Board, if the project is approved, will include the project in MTC's federal TIP upon submittal by the SFMTA for TIP programming.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of April 18, 2017.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

CITY AND COUNTY OF SAN
FRANCISCO



DENNIS J. HERRERA
City Attorney

OFFICE OF THE CITY
ATTORNEY

ROBIN M. REITZES
Deputy City Attorney

Direct Dial: (415) 554-4260
Email: robin.reitzes@sfgov.org

March 27, 2017

Metropolitan Transportation
Commission

375 Beale Street, Suite 800

San Francisco, CA 94105

Re: Opinion of Counsel

Regional ATP Funds – Powell St. Safety Project

To Whom It May Concern:

This communication will serve as the requisite opinion of counsel in connection with the allocation to the San Francisco Municipal Transportation Agency (SFMTA) for \$4,400,000 in funding from the regional Advanced Transportation Program (ATP) for the Powell Street Safety Project.

1. The SFMTA is an eligible sponsor of regional ATP-funded projects.
2. The SFMTA is authorized to submit applications for regional ATP-funded projects.
3. I have reviewed the pertinent laws and I am of the opinion that there is no legal impediment to the SFMTA making an application for regional ATP Funding for the Powell Street Safety Project. There is no pending or threatened litigation that might in any way adversely affect the proposed project, or the ability of the SFMTA to deliver such a project.

Very truly yours,

DENNIS J. HERRERA

City Controller



Robin M. Reitzes
Deputy City Attorney

Fox PLAZA • 1390 MARKET STREET, 7TH FLOOR • SAN FRANCISCO, CALIFORNIA 94102-5408
RECEPTION: (415) 554-3800 • FACSIMILE: (415) 554-3985

n:\ptc\as2017\1000405\01166318.docx