

Resolution No. 2023-XXX N.C.S.
of the City of Petaluma, California

**APPROVING A REQUEST TO THE METROPOLITAN TRANSPORTATION COMMISSION
FOR THE ALLOCATION OF FISCAL YEAR 23/24 TRANSPORTATION DEVELOPMENT ACT
ARTICLE 3 PEDESTRIAN/BICYCLE PROJECT FUNDING AND FINDING THAT THIS ACTION IS
EXEMPT PURSUANT TO CEQA GUIDELINES SECTIONS 15301 AND 15268**

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. 4108, 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. 4108, 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 Petaluma 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; and

WHEREAS, the proposed action is exempt from the requirements of CEQA in accordance with CEQA Guidelines Section 15378, in that applying for a grant does not meet CEQA's definition of a “project,” because the action does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, and because the action does not commit the City to a definite course of action (See City of Irvine v. County of Orange (2013) 221 Cal 4th 846, 865 (County’s decision to apply for state funding for potential jail expansion was not a project approval); and

WHEREAS, the funds are proposed to be used to draft a plan, which in and of itself does not create an environmental impact and any action that results from the plan will have its own environmental analysis for compliance with CEQA.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Petaluma as follows:

1. Declares the above recitals to be true and accurate and are incorporated herein as findings of this Resolution.
2. Finds that the proposed action is exempt from the requirements of CEQA in accordance with CEQA Guidelines Section 15378, in that applying for a grant does not meet CEQA's definition of a “project,” because the action does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, and because the action does not commit the City to a definite course of action (See City of Irvine v. County of Orange (2013) 221 Cal 4th 846, 865 (County’s decision to apply for state funding for potential jail expansion was not a project approval). Additionally, the funds are proposed to be used to draft a plan, which in and of itself does not create an environmental impact. Any action resulting from the plan will have its own environmental analysis to comply

with CEQA.

3. Declares it is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code.
4. That no pending or threatened litigation might adversely affect the project or projects described in Exhibit B to this Resolution, or that might impair the ability of the City of Petaluma to carry out the project.
5. The project has been reviewed by the Pedestrian and Bicycle Advisory Committee (PBAC) of the City of Petaluma and the PBAC has recommended approval.
6. That the City of Petaluma attests to the accuracy of and approves the statements in Exhibit A to this resolution.
7. That 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 COUNTY OF SONOMA for submission to MTC as part of the countywide coordinated TDA Article 3 claim.
8. The City Council hereby makes the findings listed in Exhibit A to this resolution.

Under the power and authority conferred upon this Council by the Charter of said City.

REFERENCE:

I hereby certify the foregoing Resolution was introduced and adopted by the Council of the City of Petaluma at a Regular meeting on the DD day of Month YYYY, by the following vote:

Approved as to
form:

City Attorney

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

City Clerk

Mayor

EXHIBIT A

FINDINGS

1. That the CITY OF PETALUMA 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 PETALUMA legally impeded from undertaking the project(s) described in “Exhibit B” of this resolution.
2. That the CITY OF PETALUMA has committed adequate staffing resources to complete the project(s) described in Exhibit B.
3. A review of the project(s) described in Exhibit 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 Exhibit 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 Exhibit 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 Exhibit 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 Exhibit B are for capital construction and/or final design and engineering or quick build project; and/or for the maintenance of a Class I bikeway which is closed to motorized traffic and/or Class IV separated bikeway; 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 PETALUMA within the prior five fiscal years.
8. That the project(s) described in Exhibit 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.) or responds to an immediate community need, such as a quick-build project.
9. That any project described in Exhibit B bicycle project meets the mandatory minimum safety design criteria published in the California Highway Design Manual or is in a National Association of City and Transportation Officials (NACTO) guidance or similar best practices document.
10. That the project(s) described in Exhibit B will be completed in the allocated time (fiscal year of allocation plus two additional fiscal years).
11. That the CITY OF PETALUMA agrees to maintain, or provide for the maintenance of, the project(s) and facilities described in Exhibit B, for the benefit of and use by the public.

EXHIBIT B

DESCRIPTION

The City of Petaluma will be updating its Active Transportation Plan (Plan). A transportation planning consultant will update the Plan to current industry standards. The current Plan is to be revised to include:

- Incorporation of relevant City Goals and Priorities;
- Transit upgrades and possible connections (bus service and SMART);
- Revised and improved multi-use paths;
- Improved bike/pedestrian facilities;
- Coordination with the Sonoma County Transit Authority Bike/Pedestrian Master Plan and Project list;
- Transportation Injury Mapping System (TIMS);
- Two Complete Streets Safety Assessments (CSSA; Berkeley SafeTREC);
- Identification of possible grants available; and,
- Development of prioritization of projects with order of magnitude costs.