



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Public Works

Prepared by: Grey Melgard, Associate Civil Engineer
April Miller, Public Works Director

City Manager Approval: 

TOPIC: CANAL ACTIVE TRANSPORTATION EXPERIENCE IMPROVEMENTS PROJECT FUNDING AGREEMENT

SUBJECT: RESOLUTION APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PROGRAM SUPPLEMENT AGREEMENT WITH CALTRANS TO RECEIVE STATE FUNDS

RECOMMENDATION:

Adopt a resolution approving and authorizing the City Manager to execute a Program Supplement Agreement with the California Department of Transportation (Caltrans) for \$158,000 in Active Transportation Program (ATP) funds for the Canal Active Transportation Experience Improvements Project (the "Project").

BACKGROUND:

The Project will provide pedestrian, bicycle, and transit enhancements in the Canal Neighborhood. Pedestrian enhancements include curb ramp upgrades, sidewalk gap closures, corridor lighting improvements, and uncontrolled crosswalk enhancements. Bicycle improvements include constructing bicycle boulevard treatments and adding secure bicycle parking. Transit improvements include adding transit shelter enhancements at several existing stops and constructing a new transit stop along a high-use transit route. The total project cost is estimated to be approximately \$5,154,000, of which 80% (\$4,123,000) will be funded by the ATP funds.

The Active Transportation Program (ATP) was created by [Senate Bill 99](#) to encourage increased use of active modes of transportation, such as biking and walking. The program aims to increase the proportion of trips accomplished by biking and walking, improve the safety and mobility of non-motorized users, advance efforts to achieve greenhouse gas reduction goals, enhance public health, and provide a broad spectrum of projects to benefit many types of users, including disadvantaged communities.

ANALYSIS:

In March 2022, the California Transportation Commission (CTC) approved the ATP Cycle 6 guidelines, and the Metropolitan Transportation Commission (MTC) released the call for projects for the Regional ATP. The City of San Rafael applied for \$4,123,000 of funding for the Project through the Regional ATP,

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

and on January 25, 2023, MTC adopted the ATP Cycle 6 program of projects, which included the Canal Active Transportation Experience Improvements Project. The State approved the City's entire grant request for \$4,123,000 as part of the ATP Cycle 6A.

In June 2024, the City received a letter from Caltrans confirming the allocation of State funds from ATP for \$158,000 for the preliminary engineering phase of the Project. A resolution stating the authorized signee for the Program Supplement Agreement with Caltrans and an executed Program Supplement Agreement are required to receive ATP funds. Future ATP grant fund allocations for the design and construction phases will occur following the completion of the preliminary engineering phase.

COMMUNITY OUTREACH:

Outreach for the Project has been conducted largely through the [2022 Community-Based Transportation Plan](#). Engagement included coordination with a Technical Advisory Committee and a resident Stakeholder Committee, two surveys, a series of focus groups, and a Community Open House. Key issues highlighted by the community included: access to locations immediately surrounding the Canal neighborhood, safety and comfort, difficulties for pedestrian travel within the Canal neighborhood, and transit access between the Canal neighborhood and other locations in the Bay Area.

The City of San Rafael will continue to coordinate with community-based organizations including, the Canal Alliance and Voces del Canal, San Rafael City Schools District, transit agencies, Safer Routes to Schools, Bicycle and Pedestrian Committee, and community members to seek their input on the Project.

ENVIRONMENTAL DETERMINATION:

This action is exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15378(b)(5), in that the action 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. The required CEQA review and clearance will be conducted as part of the preliminary engineering and environmental planning phase of design.

FISCAL IMPACT:

If the City Council adopts this resolution, the City would be able to receive and use \$158,000 in ATP funds for the preliminary engineering phase of the Project. The Canal Active Transportation Experience Improvements Project (City Project Number 11446) was identified in the Fiscal Year 2024-25 Capital Improvement Program. Appropriations totaling \$197,000 for the preliminary engineering phase of the Project were included in the Fiscal Year 2024-25 Budget (Gas Tax Fund - #206) approved by the City Council on [June 17, 2024](#). These appropriations included the \$158,000 in ATP funds and an additional \$39,000 in local match funds.

OPTIONS:

The City Council has the following options to consider on this matter:

1. Adopt the resolution as recommended.
2. Do not adopt the resolution and provide direction to staff.

RECOMMENDED ACTION:

Adopt a resolution approving and authorizing the City Manager to execute a Program Supplement Agreement with the California Department of Transportation (Caltrans) for \$158,000 in Active Transportation Program (ATP) funds for the Canal Active Transportation Experience Improvements Project.

ATTACHMENTS:

1. Resolution to execute Program Supplement Agreement with Caltrans
2. Exhibit A to the Resolution – Administering Agency - State Agreement

RESOLUTION NO.

RESOLUTION OF THE SAN RAFAEL CITY COUNCIL AUTHORIZING THE CITY MANAGER TO EXECUTE A PROGRAM SUPPLEMENT AGREEMENT WITH CALTRANS TO RECEIVE STATE FUNDS

WHEREAS, the City of San Rafael is eligible to receive State funding for the Canal Active Transportation Experience Improvements Project through the California Department of Transportation (Caltrans); and

WHEREAS, a Program Supplement Agreement must be executed with the California Department of Transportation before such funds may be claimed; and

WHEREAS, the City of San Rafael wishes to delegate authorization to execute the agreement and any amendments thereto to the City Manager; and

WHEREAS, Caltrans requires the City Council to adopt a resolution authorizing the execution of the agreement between Caltrans and the City of San Rafael to ensure receipt of the funds; and

NOW, THEREFORE BE IT RESOLVED, that the City Council hereby authorizes the City Manager to execute the Program Supplement Agreement, attached hereto as Exhibit A, and any amendments thereto with the California Department of Transportation.

I, LINDSAY LARA, Clerk of the City of San Rafael, hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of said City on the 16th day of September 2024, by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

Lindsay Lara, City Clerk

PROGRAM SUPPLEMENT NO. 00000A683
to
ADMINISTERING AGENCY-STATE AGREEMENT
FOR STATE FUNDED PROJECTS NO 04-5043S21

Adv. Project ID 0424000421
Date: August 20, 2024
Location: 04-MRN-0-SRF
Project Number: ATPL-5043(047)
E.A. Number:
Locode: 5043

This Program Supplement, effective 06/28/2024, hereby adopts and incorporates into the Administering Agency-State Agreement No. 04-5043S21 for State Funded Projects which was entered into between the ADMINISTERING AGENCY and the STATE with an effective date of 10/31/2023 and is subject to all the terms and conditions thereof. This PROGRAM SUPPLEMENT is executed in accordance with Article I of the aforementioned Master Agreement under authority of Resolution No. _____ approved by the ADMINISTERING AGENCY on _____ (See copy attached).

The ADMINISTERING AGENCY further stipulates that as a condition to the payment by the State of any funds derived from sources noted below encumbered to this project, Administering Agency accepts and will comply with the Special Covenants and remarks set forth on the following pages.

PROJECT LOCATION: The Canal neighborhood in San Rafael bounded by I-580, Hwy 101, Bellam Blvd and the San Rafael Creek

TYPE OF WORK: Pedestrian enhancements, bicycle blvd treatments & transit upgrades on 20 streets in the Canal area
LENGTH: 0.0(MILES)

Estimated Cost	State Funds		Matching Funds		
	STATE		LOCAL		OTHER
\$197,000.00		\$158,000.00	\$39,000.00		\$0.00

CITY OF SAN RAFAEL

By _____
 Title _____
 Date _____
 Attest _____

STATE OF CALIFORNIA
Department of Transportation

By _____
Chief, Office of Project Implementation
Division of Local Assistance
 Date _____

I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance:

Accounting Officer



Date 08/27/2024

\$158,000.00

SPECIAL COVENANTS OR REMARKS

1. A. This PROJECT will be administered in accordance with the applicable CTC STIP guidelines and the Active Transportation Program guidelines as adopted or amended, the Local Assistance Procedures Manual (LAPM), the Local Assistance Program Guidelines (LAPG), and this PROGRAM SUPPLEMENT.

B. This PROJECT is programmed to receive State funds from the Active Transportation Program (ATP). Funding may be provided under one or more components. A component(s) specific fund allocation is required, in addition to other requirements, before reimbursable work can occur for the component(s) identified. Each allocation will be assigned an effective date and identify the amount of funds allocated per component(s).

This PROGRAM SUPPLEMENT has been prepared to allow reimbursement of eligible PROJECT expenditures for the component(s) allocated. Unless otherwise determined, the effective date of the component specific allocation will constitute the start of reimbursable expenditures.

C. STATE and ADMINISTERING AGENCY agree that any additional funds made available by future allocations will be encumbered on this PROJECT by use of a STATE-approved Allocation Letter and STATE Finance Letter. ADMINISTERING AGENCY agrees that STATE funds available for reimbursement will be limited to the amount allocated by the California Transportation Commission (CTC) and/or the STATE.

D. Upon ADMINISTERING AGENCY request, the CTC and/or STATE may approve supplementary allocations, time extensions, and fund transfers between components. Funds transferred between allocated project components retain their original timely use of funds deadlines, but an approved time extension will revise the timely use of funds criteria for the component(s) and allocation(s) requested. Approved supplementary allocations, time extensions, and fund transfers between components made after the execution of this PROGRAM SUPPLEMENT will be documented and considered subject to the terms and conditions thereof.

Documentation will consist of a STATE approved Allocation Letter, Fund Transfer Letter, Time Extension Letter, and Finance Letter, as appropriate.

E. This PROJECT is subject to the timely use of funds provisions enacted by the Active Transportation Program guidelines, as adopted or amended, and by approved CTC and State procedures as outlined below.

Funds allocated for the environmental & permits (E&P), plan specifications & estimate (PS&E), and right-of-way components are available for expenditure until the end of the second fiscal year following the year in which the funds were allocated.

SPECIAL COVENANTS OR REMARKS

Funds allocated for the construction component are subject to an award deadline and contract completion deadline. ADMINISTERING AGENCY agrees to award the contract within 6 months of the construction fund allocation and to complete and accept the construction within 36 months of award.

F. Award information shall be submitted by the ADMINISTERING AGENCY to the District Local Assistance Engineer immediately after project contract award and prior to the submittal of the ADMINISTERING AGENCY'S first invoice for the construction contract. Failure to do so will cause a delay in the State processing of invoices for the construction phase.

G. The ADMINISTERING AGENCY shall invoice STATE for environmental & permits (E&P), plans specifications & estimate (PS&E), and right-of-way costs no later than 180 days after the end of last eligible fiscal year of expenditure. For construction costs, the ADMINISTERING AGENCY has 180 days after project completion or contract acceptance to make the final payment to the contractor prepare the final Report of Expenditures and final invoice, and submit to STATE for verification and payment.

H. ADMINISTERING AGENCY agrees to submit the final report documents that collectively constitute a "Report of Expenditures" within one hundred eighty (180) days of PROJECT completion. Failure of ADMINISTERING AGENCY to submit a "Final Report of Expenditures" within 180 days of PROJECT completion will result in STATE imposing sanctions upon ADMINISTERING AGENCY in accordance with the current LAPM and the Active Transportation Program (ATP) Guidelines.

I. ADMINISTERING AGENCY indirect costs, as defined in 2 CFR, Part 200, Uniform Administrative Requirements, Cost Principles and Audit Requirement for Federal Awards, to be claimed must be allocated in accordance with an Indirect Cost Allocation Plan (ICAP), submitted, reviewed, and approved in accordance with Caltrans Audits and Investigations requirements which may be accessed at: www.dot.ca.gov/hq/audits/.

ADMINISTERING AGENCY agrees to comply with, and require all sub-recipients and project sponsors to comply with 2 CFR, Part 200, Uniform Administrative Requirements, Cost Principles and Audit Requirement for Federal Awards, and all applicable Federal and State laws and regulations.

ADMINISTERING AGENCY agrees, and will assure that its contractors and subcontractors will be obligated to agree, that Contract Cost Principles and Procedures, 48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31, et seq., and all applicable Federal and State laws and regulations, shall be used to determine the allowability of individual PROJECT cost items.

Any Fund expenditures for costs for which ADMINISTERING AGENCY has received

SPECIAL COVENANTS OR REMARKS

payment or credit that are determined by subsequent audit to be unallowable under 2 CFR, Part 200, or 48 CFR, Chapter 1, Part 3, are subject to repayment by ADMINISTERING AGENCY to STATE. Should ADMINISTERING AGENCY fail to reimburse Funds due STATE within 30 days of demand, or within such other period as may be agreed in writing between the Parties hereto, STATE is authorized to intercept and withhold future payments due ADMINISTERING AGENCY from STATE or any third-party source, including, but not limited to, the State Treasurer, the State Controller, and the California Transportation Commission.

J. By executing this PROGRAM SUPPLEMENT, ADMINISTERING AGENCY agrees to comply with all reporting requirements in accordance with the Active Transportation Program guidelines, as adopted or amended.

K. This PROJECT has received funds from Active Transportation Program (ATP). The ADMINISTERING AGENCY agrees to administer the project in accordance with the CTC Adopted SB1 Accountability and Transparency Guidelines.

2. The ADMINISTERING AGENCY shall construct the PROJECT in accordance with the scope of work presented in the application and approved by the California Transportation Commission. Any changes to the approved PROJECT scope without the prior expressed approval of the California Transportation Commission are ineligible for reimbursement and may result in the entire PROJECT becoming ineligible for reimbursement.