



Date: October 24, 2007
Committee Meeting Date: October 18, 2007
Board Meeting Date: November 1, 2007

BOARD MEMORANDUM

ACTION X DISCUSSION _____ INFO _____

TO: Santa Clara Valley Transportation Authority
Board of Directors

THROUGH: Michael T. Burns
General Manager

FROM: John H. Ristow
Chief CMA Officer

SUBJECT: Amendment to the Countywide Bicycle Expenditure Plan for the Mary Avenue
Bicycle and Pedestrian Bridge.

Policy-Related Action: Yes

Government Code Section 84308 Applies: No

RECOMMENDATION:

Recommend that the VTA Board of Directors approve the following:

1. Waive the Bicycle Expenditure Program policy on limitations of cost increases for the Mary Avenue Bicycle and Pedestrian Bridge Project;
2. Increase the Bicycle Expenditure Plan allocation for the Mary Avenue Bicycle and Pedestrian Bridge by \$3.35 million for a total of \$10.35 million;
3. Program \$3.35 million in Congestion Management Program Local Program Reserve funds to the construction of the Mary Avenue Bicycle and Pedestrian Bridge;
4. Commit to program an equivalent amount of future Bicycle Expenditure Plan funds to repay the Local Program Reserve fund, as the future grant funds becomes available for programming.

BACKGROUND:

The Mary Avenue Bicycle and Pedestrian Bridge Project proposes to build a bridge over I-280 along the historical north-south alignment of Mary Avenue, which now terminates at I-280. The bridge will connect to a pedestrian/bike path adjacent to Homestead High School in Sunnyvale and lead directly to De Anza College in Cupertino. The new connection will close a significant gap in the VTA cross-county bicycle corridor immediately paralleling SR-85 and will create a

safe and attractive route for bicycle commuters who travel from the residential communities of Cupertino and Saratoga to the job centers near US 101 in Sunnyvale and Mountain View.

The proposed project will also improve the pedestrian and bicycle accessibility of school related trips of students throughout the area. The project is located in the approximate geographic center of the Fremont Union High School District which serves 10,000 students (See Attachment A). In addition, the new connection will provide greater opportunity for bicycle access to De Anza College as students from high school and college as well as the patrons of the many community events held at De Anza College and the Flint Center will find the new bicycle and pedestrian bridge an attractive alternative to driving and parking at De Anza College.

Valley Transportation Plan (VTP) 2030, approved by the VTA Board in February 2005, contains a 30-year, \$99 million Bicycle Expenditure Plan (BEP) that includes 46 projects. The project is included in the VTP 2030 – BEP and has previously received funding through VTA. The original BEP allocation to the project was \$2,960,000 in 2000 which was increased by \$2,480,000 to \$5,440,000 in 2002. In 2005, the City of Cupertino requested and received an additional \$1,560,000 for a total BEP allocation of \$7,000,000, a 23% increase in BEP allocation. At that time in 2005, the total project cost estimate increased from \$6,800,000 to \$8,750,000.

The City of Cupertino, as the project sponsor and managing agency, recently accepted construction bids for the project and the lowest bid received was twice the engineer's estimate. To reduce costs, the City of Cupertino redesigned the project switching from a concrete to a steel structure, resulting in a reduction of approximately \$2 million. The Cupertino Council took action to support the rebid of the project at the higher estimated cost on September 18, 2007. The revised estimated total cost of the project is now \$17.4 million.

The City of Cupertino and VTA have already invested considerable time and expense in the project. Design, Right-of-Way acquisition, and Environmental Clearance have been completed, and the City has already constructed the pathway approaches to the proposed new bridge.

The City of Cupertino has requested that VTA assist in funding a portion of the cost overrun of the project. The project has undergone extensive public review and outreach, and enjoys the strong support of Sunnyvale, Cupertino, and the immediate residents, as well as from the bicycle and pedestrian community including the VTA Bicycle and Pedestrian Advisory Committee (BPAC) and the Silicon Valley Bike Coalition. VTA staff supports the project as an important step in the completion of a critical connection in the county-wide bicycle network.

The VTA staff response outlining the steps necessary to respond to additional funding request is the subject of this memorandum.

DISCUSSION:

VTA staff recommends that the VTA Board of Directors provide the City of Cupertino with an additional \$3.35 million from future BEP grant funds. In order to implement this strategy, the VTA Board must take the following actions:

- Waive Bicycle Program policy limiting increases in BEP allocations to 25% of project cost, and grant a BEP allocation increase of 38 %.
- Increase the Bicycle Expenditure Plan allocation for the Mary Avenue Bicycle and Pedestrian Bridge by \$3.35 million for a total of \$10.35 million;
- Program \$3.35 million in Congestion Management Program Local Program Reserve (LPR) funds to the construction of the Mary Avenue Bicycle and Pedestrian Bridge;
- Commit to program an equivalent amount of future Bicycle Expenditure Plan funds to repay the Local Program Reserve fund, as the future grant funds become available for programming.

VTA staff has reviewed other available options and has determined that using LPR funds to be the only viable funding source to resolve the immediate funding shortfall problem for the project. The project does not have a Federal environmental clearance and can only use non-federal, state or local funds. The only immediate non-federal funding available is from the Congestion Management Program Local Program Reserve. The LPR would be paid back when future grant funds are made available for the VTA BEP projects. VTA staff anticipates another round of BEP funding in early 2009 which could be used to replenish the LPR funding.

Table 1 outlines the staff’s funding proposal for the project if the Board accepts staff’s recommendations.

**Table 1
City of Cupertino
Mary Avenue Bicycle and Pedestrian Bridge Project**

	Current Allocations	Proposed Increase	Proposed Totals
Bicycle Expenditure Program*	\$7.00 million	\$3.35 million	\$10.35 million
City of Cupertino Local Match*	\$1.64 million	\$5.255 million	\$ 6.885 million
City of Sunnyvale**	\$0.11 million	\$ 0.08 million	\$ 0.20 million
Total Project Cost	\$8.75 million	\$8.685 million	\$17.435 million

*Various sources

** General Fund and TDA Article 3

The proposed funding arrangement would result in an increase of the project sponsors local contribution share ratio to 41% from an original share ratio of 20%. If the City of Cupertino decides to abandon the project, the City will be liable for refunding the \$1,114,797 in BEP – Transportation Fund for Clean Air (TFCA) funds already expended for environmental and design phases of the project.

This recommendation was taken to the Congestion Management Programming & Planning (CMPP) Committee Meeting on October 18, 2007 as an action item. The CMPP Board requested more information detailing BEP funds and allocations more specifically. This additional information has been included in Attachment B.

ALTERNATIVES:

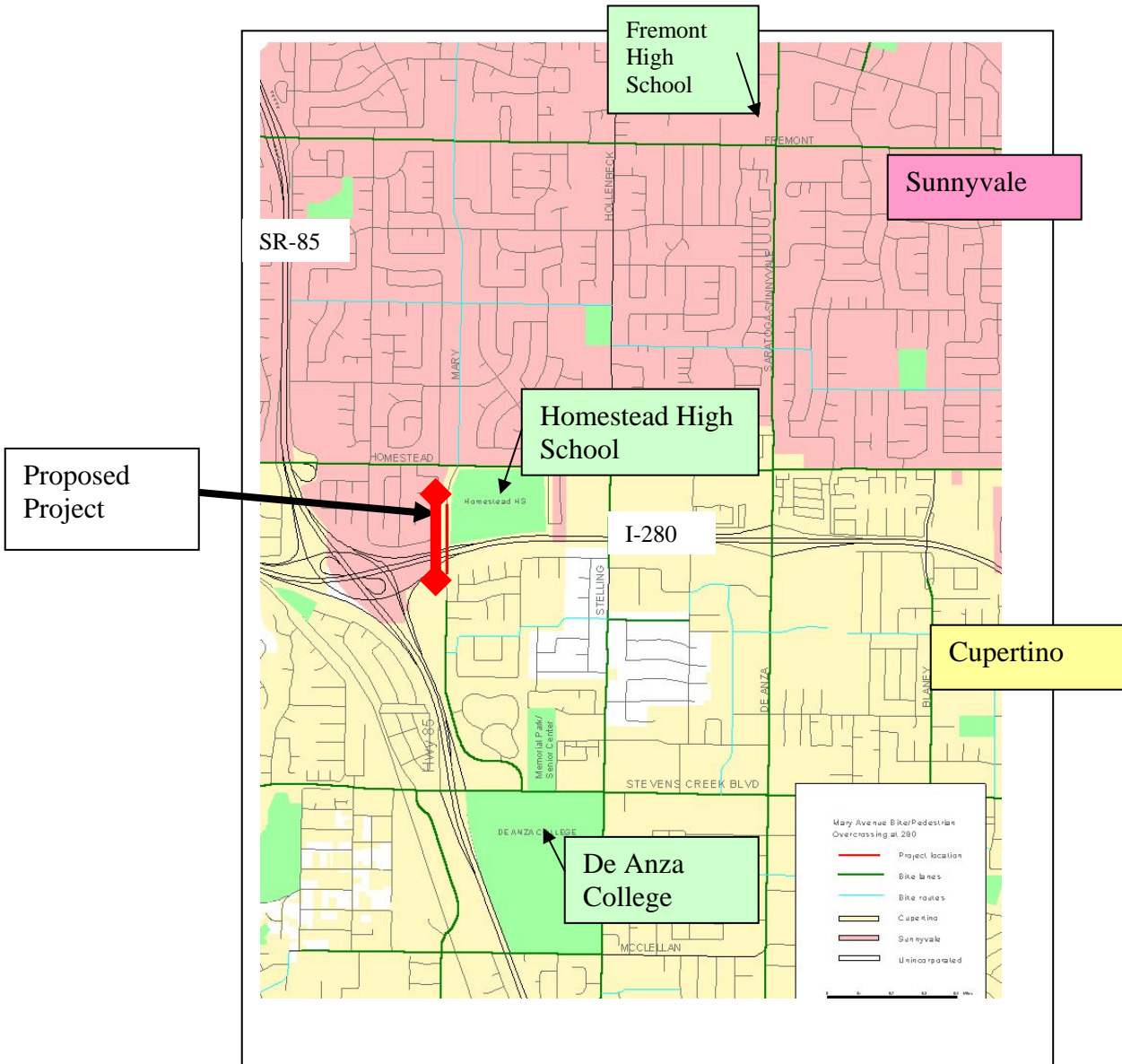
The Board may amend or deny the staff recommendations to provide additional grant funding for this project.

FISCAL IMPACT:

There is no impact to the VTA Transit Enterprise fund. The Local Program Reserve is a Congestion Management Program pass-through grant program and the funds under consideration are not part of the VTA or CMA operating or capital budgets unless programmed to a VTA-managed project. After the proposed action, the remaining balance of the LPR is approximately \$10.8 million. Increasing the BEP allocation to this project reduces the amount of future funds that would be available to other future BEP projects.

Prepared by: Michelle DeRobertis, Senior Transportation Planner
Reviewed by: Marcella M. Rensi, Programming & Grants Manager
Chris Augenstein, Transportation Planning Manager

Attachment A Location of Mary Ave Bike Pedestrian Bridge



ATTACHMENT B
BEP Projects That Have Not Been Programmed

Project Sponsor	VTP 2030ID	Project Title	Current BEP Allocation Amount	Programmed thru BEP	Total Estimated Project Cost (Oct 2007)
BEP Projects that have not started yet					
CA	30-B02	Los Gatos Creek Trail westside - from Creekside to Campbell Avenue	\$1,600,000	\$0	\$2,000,000
SCC	30-B04	Coyote Creek Trail: Hellyer to Anderson County Park	\$1,000,000	\$0	\$1,300,000
SCC	30-B07	Foothill Expressway at Loyola Structural Improvements	\$2,000,000	\$0	\$10,000,000
SCC	30-B08	Mc Kean Road Shoulder Improvements	\$4,000,000	\$0	\$5,000,000
SCC	30-B09	Page Mill/ I-280 Interchange Improvements	\$1,000,000	\$0	\$5,000,000
CUP	30-B10	Bollinger Road Bicycle Facility Improvements	\$236,000	\$0	\$400,000
GIL	30-B13	Uvas Creek Trail Study Phase 3	\$120,000	\$0	\$200,000
MH	30-B20	Coyote Creek Trail Connection	\$410,000	\$0	\$500,000
MV	30-B22	Stevens Creek Trail Reach 4 central	\$3,200,000	\$0	\$4,000,000
MV	30-B23	Stevens Creek Trail Reach 4 South	\$4,000,000	\$0	\$5,000,000
PA	30-B26	California Avenue Caltrain Undercrossing	\$4,000,000	\$0	\$9,000,000
SJ	30-B28	Almaden Expressway Bike /Ped Overcrossing Near Coleman Road	\$4,600,000	\$0	\$5,700,000
SJ	30-B29	Branham Lane - Highway 101 Bike Ped Overcrossing	\$4,000,000	\$0	\$5,000,000
SJ	30-B30	Coyote Creek Trail (from Hwy237/Bay Trail to Story/Keyes)	\$4,880,000	\$0	\$6,100,000
SJ	30-B31	Guadalupe River Trail (Alviso to Hwy 880)	\$4,080,000	\$0	\$5,100,000
SC	30-B37	Santa Clara Intermodal Station Bike Pedestrian Crossing	\$4,000,000	\$0	\$5,000,000
SUN	30-B40	Bernardo Ave Undercrossing at Caltrain tracks	\$5,184,000	\$0	\$6,500,000
SUN	30-B41	Borregas Avenue Bike Lanes (Weddell to Caribbean)	\$123,000	\$0	\$200,000
SUN	30-B43	Evelyn Avenue Bike Lanes-Sunnyvale Ave to Reed Ave	\$287,000	\$0	\$359,000
SUN	30-B44	Sunnyvale East Drainage Trail - (JWC Greenway to Tasman)	\$400,000	\$0	\$500,000

ATTACHMENT B
BEP Projects That Have Not Been Programmed