



CITY OF MERCED

Merced Civic Center
678 W. 18th Street
Merced, CA 95340

Meeting Agenda

Bicycle and Pedestrian Advisory Commission

Tuesday, April 25, 2023

4:00 PM

City Council Chamber, 2nd Floor, Merced Civic
Center, 678 W. 18th Street, Merced, CA 95340

NOTICE TO PUBLIC

WELCOME

At least 72 hours prior to each regular Board/Commission meeting, a complete agenda packet is available for review on the City's website at www.cityofmerced.org or at the City Clerk's Office, 678 W. 18th Street, Merced, CA 95340. All public records relation to an open session item that are distributed to a majority of the Commission will be available for public inspection at the City Clerk's Office during regular business hours.

PUBLIC COMMENT: OBTAIN SPEAKER CARD FROM THE BOARD/COMMISSION CLERK

Members of the audience who wish to address the Board/Commission are requested to complete a speaker card available at the podium against the back of the Council Chamber. Please submit the completed card to the Board/Commission Clerk before the item is called, preferably before the meeting begins.

Material may be emailed to planningweb@cityofmerced.org and should be limited to 300 words or less. Please specify which portion of the agenda you are commenting on, for example, Report item # or Public Comment. Your comments will be presented to the Board/Commission at the appropriate time. Any correspondence received after 1 PM will be distributed to the Board/Commission and retained for the official record.

INDIVIDUALS WITH DISABILITIES

Accommodation for individuals with disabilities may be arranged by contacting the City Clerk at (209) 388-8650. Assisted hearing devices are available for meetings held in the Council Chamber.

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

D. PUBLIC COMMENT

Members of the public who wish to speak on any matter not listed on the agenda may speak during this portion of the meeting and will be allotted 3 minutes. State law prohibits the Board/Commission from acting at this meeting on any matter raised during the public comment period. Members of the public who wish to speak on a matter that is listed on the agenda will be called upon to speak during discussion of that item.

E. CONSENT CALENDAR

Adoption of the Consent Calendar may be made by one motion of the Board/Commission, provided that any Member, individual, or organization may request removal of an item from the Consent Calendar for separate consideration. If a request for removal of an item from the Consent Calendar has been received, the item will be discussed and voted on separately.

- E.1. [23-369](#) **SUBJECT:** Bicycle and Pedestrian Advisory Commission Minutes of December 13, 2022

ACTION

Approving and filing the Bicycle and Pedestrian Advisory Commission Minutes of December 13, 2022

- E.2. [23-286](#) **SUBJECT:** Bicycle and Pedestrian Advisory Committee Annual Attendance Report

REPORT IN BRIEF

Reviewing and approving the Annual Attendance Report.

F. REPORTS

- F.1. [23-366](#) **SUBJECT:** Engineering Report

REPORT IN BRIEF

Staff will provide informational items to the Commission regarding Engineering, current projects, or other items not requiring action by the Commission at this meeting.

- F.2. [23-168](#) **SUBJECT:** Office of Traffic Safety Grant

REPORT IN BRIEF

Staff will provide a report and answer questions regarding the Office of Traffic Safety Grant in the amount of \$40,000 that was accepted at the November 21, 2022, City Council meeting.

- F.3. [23-367](#) **SUBJECT:** Commissioner Comments

REPORT IN BRIEF

Provides Commissioners an opportunity to make a brief announcement on any activities they have attended on behalf of the City and/or on future community events/activities that relate to active transportation. The Brown Act does not allow discussion or action by the legislative body under this section.

G. BUSINESS

G.1. [23-364](#) **SUBJECT: Bike Month Discussion**

REPORT IN BRIEF

The Commission will discuss Bike Month, including future activities and plans.

DISCUSSION

At the August 23, 2022 meeting of the Bicycle and Pedestrian Advisory Commission, it was requested that a standing item be added to the agenda for the Commission to discuss Bike Month, including future improvements or changes. The Commission should also discuss any activities, outreach, or education pertaining to Bike Month that it deems appropriate.

G.2. [23-365](#) **SUBJECT: Request to Add Item to Future Agenda**

REPORT IN BRIEF

Provides Commissioners an opportunity to request that an item be placed on a future Bicycle and Pedestrian Advisory Commission agenda for initial consideration.

H. ADJOURNMENT



CITY OF MERCED

Merced Civic Center
678 W. 18th Street
Merced, CA 95340

ADMINISTRATIVE REPORT

File #: 23-369

Meeting Date:

Report Prepared by: Francisco Mendoza-Gonzalez, Associate Planner, Development Services Department

SUBJECT: Bicycle and Pedestrian Advisory Commission Minutes of December 13, 2022

ACTION

Approving and filing the Bicycle and Pedestrian Advisory Commission Minutes of December 13, 2022

ATTACHMENTS

Bicycle and Pedestrian Advisory Commission Minutes of December 13, 2022



CITY OF MERCED

Merced Civic Center
678 W. 18th Street
Merced, CA 95340

Minutes Bicycle and Pedestrian Advisory Commission

Tuesday, December 13, 2022

4:00 PM

A. CALL TO ORDER

Chairperson KAYSER-GRANT called the meeting to order at 4:06 PM.

B. PLEDGE OF ALLEGIANCE

Member HSU led the Commission in the Pledge of Allegiance.

C. ROLL CALL

CLERK'S NOTE: Ex-Officio Commissioners BUHL and MORRIS were present. Ex-Officio Commissioner ABONG arrived at 4:18 PM. Commissioner CHAVEZ arrived at 4:25 PM. The Bicycle and Pedestrian Advisory Commission has two vacancies at this time.

Others Present: Principal Planner HREN, City Engineer BELTRAN

Present: 6 - Chairperson Lisa Kayser-Grant, Vice Chair Dwight Ewing, Member Michael Meloy, Member Anthony Aldana, Member Ashwin Thomas, and Member Peggy Hsu

Absent: 0

D. PUBLIC COMMENT

Member THOMAS introduced himself. Principal Planner HREN noted that Member MODI is resigned as Commissioner due to moving out of the area. Mr. HREN and Chairperson KAYSER-GRANT wished Mr. MODI well and thanked him for his service on the Commission.

E. CONSENT CALENDAR

E.1. **SUBJECT:** Bicycle and Pedestrian Advisory Commission Minutes of October 25, 2022

ACTION

Approving and filing the Bicycle and Pedestrian Advisory Commission Minutes of October 25, 2022

A motion was made by Vice Chair EWING, seconded by Member ALDANA, that the minutes of October 25, 2022 be adopted. The motion carried by the following vote:

Aye: 6 - Chairperson Kayser-Grant, Vice Chair Ewing, Member Meloy, Member Aldana, Member Thomas, and Member Hsu

No: 0

Absent: 0

F. REPORTS

F.1. **SUBJECT: Engineering Report**

REPORT IN BRIEF

Staff will provide informational items to the Commission regarding Engineering, current projects, or other items not requiring action by the Commission at this meeting.

City Engineer BELTRAN introduced himself and welcomed Commissioner THOMAS to the Commission. He discussed the status of the proposed updates to the City Standards, which are in internal review. Mr. BELTRAN hoped that the approximately 250-page document would be available to the public, including the Commission, for comment in mid-to-late December. The Standards include an expanded bike path width to 10 feet. Mr. BELTRAN noted that there is an issue with the thermoplastic used for delineating bike lanes; it is coming up off the pavement, and it will need to wait until it gets warmer before being fixed. He added that G Street from Childs Avenue to 13th Street will have its striping implemented soon. The transit hub on the north side of the city has been delayed by rain but is coming along, and is hoped to be completed by January. The Motel Drive multi-use path and other sidewalk projects will start after the holidays and are 80-day projects.

The Commission discussed construction signs being placed in bike lanes. Commissioner BUHL noted that placing such signs in the bike lanes makes cyclists swerve into the automobile lanes which can be dangerous. She suggested moving the signs into the grass. Mr. BELTRAN explained that it is not possible to move signs out of the bike lanes in all cases because of tree and other obstruction issues. The signs are required to be a certain distance ahead of the construction and cannot be obstructed. Closing an additional automobile lane would not fix the issue, as it would require an additional sign further down the roadway. He noted that the bike lanes being impacted has been added to the notices on Subscribe Merced. Chairperson KAYSER-GRANT suggested a mast arm or other implementation for signs to be affixed outside the bike lane and still hang in a visible location. Mr. BELTRAN said he would check the MUTCD on whether such an option was permissible.

F.2. SUBJECT: Yosemite Avenue Signing and Striping Plan

REPORT IN BRIEF

Engineering staff has provided signing and striping plans for the Yosemite Avenue Road Reconstruction project from Mansionette Drive to Parsons Avenue. The Commission should discuss the plans and provide input to staff.

Attachments:

1. Signing and Striping Plan Detail

Mr. BELTRAN introduced the project. He explained that, because the City is working within an existing street, the bike lane is 3.5 feet in some places for this project. There is also a median being put in to protect all users, including pedestrians.

The Commission discussed the project. Mr. BELTRAN explained that the project was initiated because the road was in disrepair and in too poor condition for a grind and overlay. Member MELOY asked if the speed limit would change. Mr. BELTRAN answered that it would not as a direct result of this project. Mr. BELTRAN discussed speed surveys and the City's potential need for them in the future. Mr. HREN added that Planning staff would provide the existing speed study to the Commission. Member HSU suggested that the City look into Assembly Bill 43, which may allow some local authority to lower speed limits. Mr. BELTRAN noted that he had recently lowered some speed limits including on Donna Drive by 5 MPH, and discussed speed limits and behavioral changes.

Chairperson KAYSER-GRANT suggested that the City reduce the speed limits in the project's location. Mr. BELTRAN indicated that a request for such a lowering should be directed to the Traffic Committee. Chairperson KAYSER-GRANT noted her appreciation for the use of green paint and the alignment of the bike lanes as they approach the intersection. The Commission discussed landscaping, drainage, and the California Green Code. The Commission discussed widths of bike lanes, gutter pans, and geometry of the median.

F.3. SUBJECT: Office of Traffic Safety Grant

REPORT IN BRIEF

Staff will provide a report and answer questions regarding the Office of

Traffic Safety Grant in the amount of \$40,000 that was accepted at the November 21, 2022, City Council meeting.

Attachments:

1. Administrative Report #22-745

This item was not heard due to the absence of a staff member from the Police Department to present. Planning staff will work to reschedule this item on a future meeting.

F.4. **SUBJECT: Commissioner Comments**

REPORT IN BRIEF

Provides Commissioners an opportunity to make a brief announcement on any activities they have attended on behalf of the City and/or on future community events/activities that relate to active transportation. The Brown Act does not allow discussion or action by the legislative body under this section.

Ex-Officio Member BUHL noted that she had withdrawn her request for the City to sponsor an Innovate2Grow project.

Vice Chairperson EWING noted an upcoming ride on Saturday December 17th at 5:30. Participants will meet at Bob Hart Square for the free ride, and free lights for bicycles will be available.

G. BUSINESS

G.1. **SUBJECT: Bike Month Discussion**

REPORT IN BRIEF

The Commission will discuss Bike Month, including future activities and plans.

DISCUSSION

At the August 23, 2022 meeting of the Bicycle and Pedestrian Advisory Commission, it was requested that a standing item be added to the agenda for the Commission to discuss Bike Month, including future improvements or changes. The Commission should also discuss any activities, outreach, or education pertaining to Bike Month that it deems appropriate.

Mr. HREN noted that a draft proclamation would be provided to the Commission closer to May. Chairperson KAYSER-GRANT announced that the Mayor's Bike Ride would take place on Saturday, May 20th with Mayor SERRATO. Participants should arrive at 8:30 AM and the ride will begin at approximately 9:00 AM.

G.2. SUBJECT: Request to Add Item to Future Agenda

REPORT IN BRIEF

Provides Commissioners an opportunity to request that an item be placed on a future Bicycle and Pedestrian Advisory Commission agenda for initial consideration.

Member HSU asked about discussion about Assembly Bill 43 coming to a future agenda. Mr. HREN indicated that she should send materials to staff so that legal analysis could take place prior to adding the item to an agenda.

H. ADJOURNMENT

The meeting was adjourned at 5:19 PM.

A motion was made by Vice-Chairperson EWING and seconded by Member Aldana to adjourn the meeting. The motion carried by the following vote:

Aye: 6 - Chairperson Kayser-Grant, Vice Chair Ewing, Member Meloy, Member Aldana, Member Thomas, and Member Hsu

No: 0

Absent: 0

BY:



FRANCISCO GONZALEZ-MENDOZA, SECRETARY
BICYCLE AND PEDESTRIAN ADVISORY
COMMISSION

APPROVED:

LISA KAYSER-GRANT, CHAIRPERSON
BICYCLE AND PEDESTRIAN ADVISORY
COMMISSION



ADMINISTRATIVE REPORT

File #: 23-286

Meeting Date: 4/25/2023

Report Prepared by: Francisco Mendoza-Gonzalez, Associate Planner, Development Services Department

SUBJECT: Bicycle and Pedestrian Advisory Committee Annual Attendance Report

REPORT IN BRIEF

Reviewing and approving the Annual Attendance Report.

DISCUSSION

Attached for your review are the annual Attendance Records, Attendance Policy, and Roster. Please remember that the attendance record is not based on the fiscal year, but rather from April 1, 2022, through March 31, 2023. All Commissioners have met the 70% attendance requirement.

The term for Chairperson Kayser-Grant will expire on July 1, 2023. She is eligible for reappointment.

Questions or comments can be addressed at the meeting.

ATTACHMENTS

1. Roster
2. Attendance Summary
3. Attendance Report
4. Board and Commission Attendance Policy



Board Roster



Lisa Kayser-Grant

1st Term Jul 01, 2019 - Jul 01, 2023

Appointing Authority City Council

Position Chair

Category District 3



Ralph W. Morris

1st Term Jul 01, 2020 - Jul 01, 2024

Position Ex-Officio



Sabrina C Abong

1st Term Jul 01, 2020 - Jul 01, 2024

Appointing Authority City Council

Position Ex-Officio



Michael J Meloy

1st Term Jul 01, 2021 - Jul 01, 2025

Appointing Authority City Council

Position Commissioner

Category District 4



Dwight M Ewing

2nd Term Jul 01, 2017 - Jul 01, 2025

Appointing Authority City Council

Position Vice-Chair

Office/Role Vice Chair

Category District 1



Peggy Hsu

Partial Term Jul 01, 2022 - Jul 01, 2025

Appointing Authority City Council

Position Commissioner

Category At-Large



Marie Buhl

1st Term Jul 01, 2022 - Jul 01, 2026

Appointing Authority City Council

Position Ex-Officio



Ashwin P Thomas

1st Term Jul 01, 2022 - Jul 01, 2026

Appointing Authority City Council

Position Commissioner

Category District 6



Anthony Raymond Aldana

1st Term Jul 01, 2022 - Jul 01, 2026

Appointing Authority City Council

Position Commissioner

Category District 2



Vacancy

Position Ex-Officio



Vacancy

Appointing Authority City Council

Position Commissioner

Category District 5

**BICYCLE ADVISORY COMMISSION
ATTENDANCE SUMMARY BY MEETING DATE
April 2022 TO February 2023**

NAME	04-26-22	06-28-22	08-23-22	10-25-22	12-13-22	02-28-23
LISA KAYSER-GRANT	C	C	X	X	X	C
RALPH MORRIS - <i>Ex-Officio</i> (appt. 7/18/22)	N/A	N/A	E	X	X	C
SABRINA ABONG - <i>Ex-Officio</i>	C	C	E	X	X	C
MICHAEL MELOY	C	C	X	X	X	C
DWIGHT EWING	C	C	X	X	X	C
PEGGY HSU (appt. 7/18/22)	N/A	N/A	X	X	X	C
MARIE BUHL - <i>Ex-Officio</i> (appt. 7/18/22)	N/A	N/A	X	X	X	C
ASHWIN THOMAS (appt. 9/6/22)	N/A	N/A	N/A	E	X	C
ANTHONY ALDANA (appt. 9/6/22)	N/A	N/A	N/A	X	X	C
<u>NOTES:</u> Meetings held in even-numbered months.						

X = ATTENDED MEETING
O = ABSENT
E = EXCUSED
C = CANCELLED MEETING

BICYCLE AND PEDESTRIAN ADVISORY COMMISSION

ATTENDANCE RECORD

April 1, 2022 through March 31, 2023

Total # of Meetings Held During Reporting Year: 3

<u>NAME</u>	<u># of Mtgs Attended</u> *	<u># of Mtgs Held</u> *	<u># of Mtgs Absent</u> **	<u># of Mtgs Excused</u>	<u>% of Mtgs Attended</u>
KAYSER-GRANT, L. (full year)	3	3	0	0	100%
MORRIS, R. (ex-officio member, appt. 7/18/22)	2	3	1	1	100%
ABONG, S. (ex-officio member)	2	3	1	1	100%
MELOY, M. (full year)	3	3	0	0	100%
EWING, D. (full year)	3	3	0	0	100%
HSU, P. (appt. 7/18/22)	3	3	0	0	100%
BUHL, M. (ex-officio member, appt. 7/18/22)	3	3	0	0	100%
THOMAS, A. (appt. 9/6/22)	1	2	1	1	100%
ALDANA, A. (appt. 9/6/22)	2	2	0	0	100%

* If a member less than full year, please indicate # of meetings held since appointment.

** This # includes excused meetings.

Formulas for computing percentage of meetings attended:

- Member for full year - # of meetings attended (include excused) divided by total # of meetings held
- Member for partial year - # of meetings attended (include excused) divided by total # of meetings held since appointment.

Appointed Commission, Committee, and Board Member Attendance Policy

The City Council, at its July 15, 1996, August 4, 1997, August 20, 2007, and September 20, 2021 meetings, adopted motions amending the original policy adopted October 3, 1994, regarding attendance, absences, and excused absences for City Council appointed commissions, committee, and board members:

1. If a member of a board or commission is absent from three regularly scheduled meetings of such board or commission, consecutively, or is convicted of a crime involving moral turpitude, or ceases to be a qualified elector of the City, the office shall become vacant and shall be declared by the City Council.
2. A commission, committee, or board member shall be required to attend 70 percent of scheduled meetings during a fiscal year. When attending other City of Merced business meetings and subcommittee meetings as a Board representative, absence shall be recorded as being present at the meeting.
3. Excused absences shall be recognized for illness, family emergencies, business conflicts and one vacation per each one-year period.
4. Department Heads or staff liaisons to appointed commissions, committees, or boards shall monitor attendance requirements for non-compliance. Upon notification of such non-compliance, the City Clerk may submit a recommendation to the City Council for appropriate action.
5. The City Clerk shall prepare a report annually to the City Council of an attendance report for every commission, committee, and board. The report shall include number of meetings attended, meetings missed (excused or unexcused), and a delineation of three consecutive absences or less than 70 percent attendance.
6. Prior to the annual report being submitted for City Council review, the City Clerk shall provide the report to each committee/board/commission for review and comment. Staff shall notify those Committee Members whose attendance is below 70 percent of the need for improvement.
7. The City Council may remove those commission, committee, or board members who do not meet the requirement of appointment.
8. All applicants for commissions, committees, and boards shall be notified prior to City Council appointment regarding time requirements for serving and the policy regarding removal.



CITY OF MERCED

Merced Civic Center
678 W. 18th Street
Merced, CA 95340

ADMINISTRATIVE REPORT

File #: 23-366

Meeting Date:

Report Prepared by: Francisco Mendoza-Gonzalez, Associate Planner, Development Services Department

SUBJECT: Engineering Report

REPORT IN BRIEF

Staff will provide informational items to the Commission regarding Engineering, current projects, or other items not requiring action by the Commission at this meeting.



CITY OF MERCED

Merced Civic Center
678 W. 18th Street
Merced, CA 95340

ADMINISTRATIVE REPORT

File #: 23-168

Meeting Date: 4/25/2023

Report Prepared by: Francisco Mendoza-Gonzalez, Associate Planner, Development Services Department

SUBJECT: Office of Traffic Safety Grant

REPORT IN BRIEF

Staff will provide a report and answer questions regarding the Office of Traffic Safety Grant in the amount of \$40,000 that was accepted at the November 21, 2022, City Council meeting.

ATTACHMENTS

1. Administrative Report #22-745



ADMINISTRATIVE REPORT

File #: 22-745

Meeting Date: 11/21/2022

Report Prepared by: Lance Eber, Crime Analyst, Police Department

SUBJECT: Authorization to Accept \$40,000 in Grant Funds from the California Office of Traffic Safety from their Pedestrian and Bicycle Safety Program to Conduct Walking School Buses, Walking Field Trips, Helmet Usage Surveys, Bicycle Rodeos, Community Bike Rides, Bicycle Helmet Inspections, Pedestrian and Bicycle Safety Pop Up Events, and Safe Routes to School, Along with Funds to Purchase Crossing Guard Safety Kits, Bicycle Helmets, and Other Equipment and Supplies for Rodeos and Safety Events

REPORT IN BRIEF

Considers accepting grant funding from the California Office of Traffic Safety offered to the Merced Police Department in the amount of \$40,000 from their Pedestrian and Bicycle Safety Program to Conduct Walking School Buses, Walking Field Trips, Helmet Usage Surveys, Bicycle Rodeos, Community Bike Rides, Bicycle Helmet Inspections, Pedestrian and Bicycle Safety Pop Up Events, and Safe Routes to School, along with funds to purchase Crossing Guard Safety Kits, Bicycle Helmets, and other equipment and supplies for education and rodeos and safety events.

RECOMMENDATION

City Council - Adopt a motion:

- A. Accepting the grant; and,
- B. Approving the use of pooled cash until reimbursement from the grant is received; and,
- C. Authorizing the City Manager or Deputy City Manager to execute the necessary documents.

ALTERNATIVES

- 1. Approve, as recommended by Staff; or,
- 2. Deny; or,
- 3. Refer back to Staff for reconsideration of specific items.

AUTHORITY

Charter of the City of Merced, Section 200.

CITY COUNCIL PRIORITIES

As provided for in the 2022-23 Adopted Budget.

DISCUSSION

Background

This is the first time that the Merced Police Department (MPD) applied for grant funding under this program titled Pedestrian and Bicycle Safety Program.

Description

The MPD submitted a grant application for grant funding from the Office of Traffic Safety (OTS). OTS is offering the grant funding to the MPD.

The grant's description is to reduce the number of persons killed and injured in crashes involving pedestrians and bicyclists. The funded strategies may include classroom education, bicycle rodeos, community events, presentations, and workshops. These countermeasures should be conducted in communities with high numbers of pedestrian and/or bicycle related crashes including underserved communities, older adults, and school-aged children. Coordinated efforts such as Safe Routes to School initiatives, Safe System Approach, and working with community-based organizations are highly encouraged to prevent fatalities and injuries of vulnerable non-motorized road users.

According to 2019 California Office of Traffic Safety statistics, the City of Merced ranks 3rd out of 105 for total fatalities and injuries. The City of Merced ranks 4th out of 105 for crashes involving pedestrians, 39th out of 105 for crashes involving pedestrians less than 15yrs old, and 10th out of 105 for crashes involving pedestrians 65yrs old and older. The City of Merced ranks 7th out of 105 for crashes involving bicyclists and 11th out of 105 for crashes involving bicyclists less than 15yrs old.

In 2020, the Merced Police Department responded to 1,951 collisions. Of those, 1,302 crashes reports were completed. The City of Merced had 578 injured persons, and 8 fatalities. Of those 1,302 crashes reports, 38 involved pedestrians and 46 involved bicyclists. Of the 8 fatalities, 3 of them were pedestrians.

In 2021, the Merced Police Department responded to 2,516 crashes. Of those, 1,530 crash reports were completed. The City of Merced had 673 injured persons, and 11 fatalities. Of those 1,530 crash reports, 48 involved pedestrians and 40 involved bicyclists. Of the 8 fatalities, 5 of them were pedestrians and 1 was a bicyclist.

It is the mission of the Merced Police Department to take every effort to increase the safety of all drivers, passengers, bicyclists and pedestrians. A reduction in traffic crashes would make for a safer driving environment and enhanced quality of life for drivers and residents alike in the City of Merced. These grants funds will be used to support our efforts to achieve our mission.

The funded strategies include the following all conducted on overtime status:

- Community bicycle rodeos for all ages of residents
- Youth bicycle rodeos
- Community bicycle rides for all ages of residents
- Helmet usage surveys

- Walking field trips for older adults
- Walking school bus
- Helmet inspection pop-up events
- Pedestrian/bicycle safety pop-up events

The funds from this grant will be used to purchase supplies:

- Bicycle helmets
- Educational materials
- Safety patrol/crossing guard kits
- Pedestrian/bicycle safety items and supplies

The application included our request to fund the program accordingly:

Personnel & Benefits	=	\$19,172
Supplies	=	\$20,828
TOTAL REQUEST	=	\$40,000
Match Amount	=	\$-0-

This grant does not require a match of any type (in-kind or cash). It is a 100% reimbursement grant. Funds are first expended by the MPD and then requests for reimbursement are submitted on a quarterly basis. The grant program period will be October 1, 2022 through September 30, 2023.

Staff is requesting that Council accept the grant award; and allow the use of pooled cash until reimbursement from the grant is received; and, authorize the City Manager or Deputy City Manager to execute the necessary documents.

Without grant funding, the operations described in this grant would not get accomplished.

IMPACT ON CITY RESOURCES

No budget appropriation is needed; this grant funding is included in the FY2022-23 adopted budget in Fund 035- Police OTS Grant.

ATTACHMENTS

1. OTS Pedestrian and Bicycle Safety Program Grant Agreement

1. GRANT TITLE Pedestrian and Bicycle Safety Program	
2. NAME OF AGENCY Merced	3. Grant Period From: 10/01/2022 To: 09/30/2023
4. AGENCY UNIT TO ADMINISTER GRANT Merced Police Department	
5. GRANT DESCRIPTION Best practice strategies will be conducted to reduce the number of persons killed and injured in crashes involving pedestrians and bicyclists. The funded strategies may include classroom education, bicycle rodeos, community events, presentations, and workshops. These countermeasures should be conducted in communities with high numbers of pedestrian and/or bicycle related crashes including underserved communities, older adults, and school-aged children. Coordinated efforts such as Safe Routes to School initiatives, Safe System Approach, and working with community based organizations are highly encouraged to prevent fatalities and injuries of vulnerable non-motorized road users.	
6. Federal Funds Allocated Under This Agreement Shall Not Exceed: \$40,000.00	
7. TERMS AND CONDITIONS: The parties agree to comply with the terms and conditions of the following which are by this reference made a part of the Agreement: <ul style="list-style-type: none"> • Schedule A – Problem Statement, Goals and Objectives and Method of Procedure • Schedule B – Detailed Budget Estimate and Sub-Budget Estimate (if applicable) • Schedule B-1 – Budget Narrative and Sub-Budget Narrative (if applicable) • Exhibit A – Certifications and Assurances • Exhibit B* – OTS Grant Program Manual • Exhibit C – Grant Electronic Management System (GEMS) Access <p>*Items shown with an asterisk (*), are hereby incorporated by reference and made a part of this agreement as if attached hereto.</p> <p>These documents can be viewed at the OTS home web page under Grants: www.ots.ca.gov.</p> <p>We, the officials named below, hereby swear under penalty of perjury under the laws of the State of California that we are duly authorized to legally bind the Grant recipient to the above described Grant terms and conditions.</p> <p>IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.</p>	
8. Approval Signatures	
A. GRANT DIRECTOR NAME: Lance Eber TITLE: Crime Analyst EMAIL: eberl@cityofmerced.org PHONE: (209) 385-4701 ADDRESS: 611 W 22nd St. Merced, CA 95340 _____ (_____) (_____)	B. AUTHORIZING OFFICIAL NAME: Stephanie Dietz TITLE: City Manager EMAIL: dietzs@cityofmerced.org PHONE: (209) 385-6834 ADDRESS: 678 W 18th Street Merced, CA 95340 _____ (_____) (_____)
C. FISCAL OFFICIAL NAME: Venus Rodriguez TITLE: Finance Officer EMAIL: rodriguezv@cityofmerced.org PHONE: (209) 385-8547 ADDRESS: 678 W 18th Street Merced, CA 95340 _____ (_____) (_____)	D. AUTHORIZING OFFICIAL OF OFFICE OF TRAFFIC SAFETY NAME: Barbara Rooney TITLE: Director EMAIL: barbara.rooney@ots.ca.gov PHONE: (916) 509-3030 ADDRESS: 2208 Kausen Drive, Suite 300 Elk Grove, CA 95758 _____ (_____) (_____)

APPROVED AS TO FORM:



City Attorney

10-10-22

Date

<p>E. ACCOUNTING OFFICER OF OFFICE OF TRAFFIC SAFETY</p> <p>NAME: Carolyn Vu ADDRESS: 2208 Kausen Drive, Suite 300 Elk Grove, CA 95758</p>	<p>9. SAM INFORMATION</p> <p>SAM #: L6YVDNJHHSQ7 REGISTERED ADDRESS: 678 W 18th St CITY: Merced ZIP+4: 95340-4300</p>
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10. PROJECTED EXPENDITURES						
FUND	CFDA	ITEM/APPROPRIATION	F.Y.	CHAPTER	STATUTE	PROJECTED EXPENDITURES
402PS-23	20.600	0521-0890-101	2022	43/22	BA/22	\$40,000.00
					AGREEMENT TOTAL	\$40,000.00
					AMOUNT ENCUMBERED BY THIS DOCUMENT	
					\$40,000.00	
<p><i>I CERTIFY upon my own personal knowledge that the budgeted funds for the current budget year are available for the period and purpose of the expenditure stated above.</i></p>					PRIOR AMOUNT ENCUMBERED FOR THIS AGREEMENT	
					\$ 0.00	
OTS ACCOUNTING OFFICER'S SIGNATURE			DATE SIGNED		TOTAL AMOUNT ENCUMBERED TO DATE	
					\$40,000.00	

1. PROBLEM STATEMENT

The city of Merced is located in the San Joaquin Valley of California. Merced is two hours south of Sacramento and one hour north of Fresno. Merced is the government seat for Merced County. The population of Merced is 90,000. Although not within our city limits, UC Merced is located just outside of our jurisdiction and impacts our city immensely with students living and driving in the city and UCM shuttles buses travelling on all major roads daily.

According to 2019 California Office of Traffic Safety statistics, the City of Merced ranks 3rd out 105 for total fatalities and injuries. The City of Merced ranks 4th out of 105 for crashes involving pedestrians, 39th out of 105 for crashes involving pedestrians less than 15yrs old, and 10th out of 105 for crashes involving pedestrians 65yrs old and older. The City of Merced ranks 7th out 105 for crashes involving bicyclists and 11th out of 105 for crashes involving bicyclists less than 15yrs old

In 2020, the Merced Police Department responded to 1,951 collisions. Of those, 1,302 crashes reports were completed. The City of Merced had 578 injured persons, and 8 fatalities. Of those 1,302 crashes reports, 38 involved pedestrians and 46 involved bicyclists. Of the 8 fatalities, 3 of them were pedestrians.

In 2021, the Merced Police Department responded to 2,516 crashes. Of those, 1,530 crash reports were completed. The City of Merced had 673 injured persons, and 11 fatalities. Of those 1,530 crash reports, 48 involved pedestrians and 40 involved bicyclists. Of the 8 fatalities, 5 of them were pedestrians and 1 was a bicyclist.

It is the mission of the Merced Police Department to take every effort to increase the safety of all drivers, passengers, bicyclists and pedestrians. A reduction in traffic crashes would make for a safer driving environment and enhanced quality of life for drivers and residents alike in the City of Merced. These grants funds will be used to support our efforts to achieve our mission.

2. PERFORMANCE MEASURES

A. Goals:

1. Reduce the number of persons killed in traffic crashes.
2. Reduce the number of persons injured in traffic crashes.
3. Reduce the number of pedestrians killed in traffic crashes.
4. Reduce the number of pedestrians injured in traffic crashes.
5. Reduce the number of pedestrians killed under age 15 in traffic crashes.
6. Reduce the number of pedestrians injured under age 15 in traffic crashes.
7. Reduce the number of pedestrians killed over age 65 in traffic crashes.
8. Reduce the number of pedestrians injured over age 65 in traffic crashes.
9. Reduce the number of bicyclists killed in traffic crashes.
10. Reduce the number of bicyclists injured in traffic crashes.
11. Reduce the number of bicyclists under age 15 killed in traffic crashes.
12. Reduce the number of bicyclists under age 15 injured in traffic crashes.
13. Increase bicycle helmet usage.

B. Objectives:

1. Issue a press release announcing the kick-off of the grant by November 15. The kick-off press releases and media advisories, alerts, and materials must be emailed to the OTS Public Information Officer at pio@ots.ca.gov, and copied to your OTS Coordinator, for approval 14 days prior to the issuance date of the release.
2. Participate in the following campaigns: National Walk to School Day, National Bicycle Safety Month, California's Pedestrian Safety Month and National Pedestrian Safety Month.

Target Number

1

4

3. Distribute pedestrian/bicycle safety items at no cost to youth or community members in need, during bicycle rodeos, presentations, workshops, trainings, and community events to increase safety and visibility.	1
4. Distribute crossing guard safety kits at no cost to schools.	25
5. Conduct Walking School Buses at schools with an effort to reach students.	2
6. Conduct pedestrian Walking Field Trips with an effort to reach adults.	2
7. Collaborate with health care providers and/or senior centers to promote pedestrian safety.	2
8. Conduct pre and post-grant activities bicycle helmet usage surveys during the months of October (start of the grant) and September (end of the grant). A pre-survey will be required to determine the base year helmet use rate and a post-survey will be required to determine the operational rate. Upload completed survey to GEMS.	2
9. Conduct bicycle rodeos with an effort to reach individuals.	2
10. Distribute and properly fit bicycle helmets at no cost to community members in need, at bicycle rodeos, schools, workshops, and community events.	250
11. Purchase bicycle helmets.	250
12. Conduct community bicycle rides providing bicycle safety education to promote safe bicycling in the community with an effort to reach bicyclists.	2
13. Conduct bicycle rodeos with an effort to reach youth.	2
14. Conduct bicycle helmet inspection and distribution pop-up events to distribute helmets to those in need and make necessary adjustments to properly fit pre-owned helmets.	10
15. Conduct Pedestrian and Bicycle Traffic Safety Pop-Up Events. Activities may include oral dissemination of traffic safety information, distribution of traffic safety educational materials and/or safety items, helmet inspections and fittings. Other activities may be conducted if approved by the OTS.	6
16. Research and identify any existing Safe Routes to School (SRTS) coalitions or advocates in Merced. If an existing coalition is identified, participate in Safe Routes to School coalition meetings.	4
<p>3. METHOD OF PROCEDURE</p> <p>A. Phase 1 – Program Preparation (1st Quarter of Grant Year)</p> <ul style="list-style-type: none"> Develop operational plans to implement the “best practice” strategies outlined in the objectives section. All training needed to implement the program should be conducted in the first quarter. All grant related purchases needed to implement the program should be made in the first quarter. <p><u>Media Requirements</u></p> <ul style="list-style-type: none"> Issue a press release approved by the OTS PIO announcing the kick-off of the grant by November 15, but no sooner than October 1. The kick-off release must be approved by the OTS PIO and only distributed after the grant is fully signed and executed. If you are unable to meet the November 15 deadline to issue a kick-off press release, communicate reasons to your OTS coordinator and OTS PIO. 	
<p>B. Phase 2 – Program Operations (Throughout Grant Year)</p> <p><u>Media Requirements</u></p> <p>The following requirements are for all grant-related activities:</p> <ul style="list-style-type: none"> Send all media advisories, alerts, videos, graphics, artwork, posters, radio/PSA/video scripts, storyboards, digital and/or print educational materials for grant-related activities to the OTS PIO at pio@ots.ca.gov for approval and copy your OTS coordinator. Optimum lead time would be 7 days before the scheduled release but at least 3 business days prior to the scheduled release date for review and approval is appreciated. The OTS PIO is responsible for the approval of the design and content of materials. The agency understands OTS PIO approval is not authorizing approval of budget expenditure or cost. Any cost approvals must come from the Coordinator. 	

- Pre-approval is not required when using any OTS-supplied template for media advisories, press releases, social media graphics, videos or posts, or any other OTS-supplied educational material. However, copy the OTS PIO at pio@ots.ca.gov and your OTS coordinator when any material is distributed to the media and public, such as a press release, educational material, or link to social media post. The OTS-supplied kick-off press release templates and any kickoff press releases are an exception to this policy and require prior approval before distribution to the media and public.
- If an OTS-supplied template, educational material, social media graphic, post or video is substantially changed, the changes shall be sent to the OTS PIO at pio@ots.ca.gov for approval and copy to your OTS Coordinator. Optimum lead time would be 7 days prior to the scheduled release date, but at least 3 business days prior to the scheduled release date for review and approval is appreciated.
- Press releases, social media posts and alerts on platforms such as NextDoor and Nixle reporting immediate and time-sensitive grant activities (e.g. enforcement operations, day of event highlights or announcements, event invites) are exempt from the OTS PIO approval process. The OTS PIO and your Coordinator should still be notified when the grant-related activity is happening (e.g. car seat checks, bicycle rodeos, community presentations, DUI checkpoints, etc.).
- Enforcement activities such as warrant and probation sweeps, court stings, etc. that are embargoed or could impact operations by publicizing in advance are exempt from the PIO approval process. However, announcements and results of activities should still be copied to the OTS PIO at pio@ots.ca.gov and your Coordinator with embargoed date and time or with "INTERNAL ONLY: DO NOT RELEASE" message in subject line of email.
- Any earned or paid media campaigns for TV, radio, digital or social media that are part of a specific grant objective, using OTS grant funds, or designed and developed using contractual services by a subgrantee, requires prior approval. Please send to the OTS PIO at pio@ots.ca.gov for approval and copy your grant coordinator at least 3 business days prior to the scheduled release date.
- Social media posts highlighting state or national traffic safety campaigns (Distracted Driving Month, Motorcycle Safety Awareness Month, etc.), enforcement operations (DUI checkpoints, etc.), or any other grant-related activity such as Bicycle rodeos, presentations, or events, are highly encouraged but do not require prior approval.
- Submit a draft or rough-cut of all digital, printed, recorded or video material (brochures, posters, scripts, artwork, trailer graphics, digital graphics, social posts connected to an earned or paid media campaign grant objective) to the OTS PIO at pio@ots.ca.gov and copy your OTS Coordinator for approval prior to the production or duplication.
- Use the following standard language in all press, media, and printed materials, space permitting: Funding for this program was provided by a grant from the California Office of Traffic Safety, through the National Highway Traffic Safety Administration.
- Space permitting, include the OTS logo on all grant-funded print materials, graphics and paid or earned social media campaign grant objective; consult your OTS Coordinator for specifics, format-appropriate logos, or if space does not permit the use of the OTS logo.
- Email the OTS PIO at pio@ots.ca.gov and copy your OTS Coordinator at least 21 days in advance, or when first confirmed, a short description of any significant grant-related traffic safety event or program, particularly events that are highly publicized beforehand with anticipated media coverage so OTS has sufficient notice to arrange for attendance and/or participation in the event. If unable to attend, email the OTS PIO and coordinator brief highlights and/or results, including any media coverage (broadcast, digital, print) of event within 7 days following significant grant-related event or program. Media and program highlights are to be reflected in QPRs.
- Any press releases, work plans, scripts, storyboards, artwork, graphics, videos or any educational or informational materials that received PIO approval in a prior grant year needs to be resubmitted for approval in the current grant year.
- Contact the OTS PIO or your OTS Coordinator for consultation when changes from any of the above requirements might be warranted.

C. Phase 3 – Data Collection & Reporting (Throughout Grant Year)

1. Prepare and submit invoice claims (due January 30, April 30, July 30, and October 30)

2. Prepare and submit Quarterly Performance Reports (QPR) (due January 30, April 30, July 30, and October 30)

- Collect and report quarterly, appropriate data that supports the progress of goals and objectives.
- Provide a brief list of activity conducted, procurement of grant-funded items, and significant media activities. Include status of grant-funded personnel, status of contracts, challenges, or special accomplishments.
- Provide a brief summary of quarterly accomplishments and explanations for objectives not completed or plans for upcoming activities.
- Collect, analyze and report statistical data relating to the grant goals and objectives.

4. METHOD OF EVALUATION

Using the data compiled during the grant, the Grant Director will complete the “Final Evaluation” section in the fourth/final Quarterly Performance Report (QPR). The Final Evaluation should provide a brief summary of the grant’s accomplishments, challenges and significant activities. This narrative should also include whether goals and objectives were met, exceeded, or an explanation of why objectives were not completed.

5. ADMINISTRATIVE SUPPORT

This program has full administrative support, and every effort will be made to continue the grant activities after grant conclusion.

FUND NUMBER	CATALOG NUMBER (CFDA)	FUND DESCRIPTION	TOTAL AMOUNT
402PS-23	20.600	State and Community Highway Safety	\$40,000.00

COST CATEGORY	FUND NUMBER	UNIT COST OR RATE	UNITS	TOTAL COST TO GRANT
A. PERSONNEL COSTS				
<u>Straight Time</u>				\$0.00
<u>Overtime</u>				
Community Rodeos	402PS-23	\$1,040.00	2	\$2,080.00
Youth Rodeos	402PS-23	\$1,040.00	2	\$2,080.00
Community Bike Ride	402PS-23	\$585.00	2	\$1,170.00
Pre and Post Helmet Usage Surveys	402PS-23	\$780.00	2	\$1,560.00
Walking Field Trips Older Adults	402PS-23	\$390.00	2	\$780.00
Walking School Bus	402PS-23	\$390.00	2	\$780.00
Helmet Inspection Pop-Up Events	402PS-23	\$585.00	10	\$5,850.00
Pedestrian/Bicycle Traffic Safety Pop-Up Events	402PS-23	\$585.00	6	\$3,510.00
Benefits at 7.65% of O/T	402PS-23	\$17,810.00	1	\$1,362.00
Category Sub-Total				\$19,172.00
B. TRAVEL EXPENSES				
				\$0.00
				\$0.00
Category Sub-Total				\$0.00
C. CONTRACTUAL SERVICES				
				\$0.00
Category Sub-Total				\$0.00
D. EQUIPMENT				
				\$0.00
Category Sub-Total				\$0.00
E. OTHER DIRECT COSTS				
Bicycle Helmets	402PS-23	\$15.00	250	\$3,750.00
Educational Materials	402PS-23	\$3,430.00	1	\$3,430.00
Safety Patrol/Crossing Guard Kits	402PS-23	\$175.00	25	\$4,375.00
Pedestrian/Bicycle Safety Items	402PS-23	\$5,000.00	1	\$5,000.00
Pedestrian and Bicycle Safety Activity Supplies	402PS-23	\$4,273.00	1	\$4,273.00
Category Sub-Total				\$20,828.00
F. INDIRECT COSTS				
				\$0.00
Category Sub-Total				\$0.00
GRANT TOTAL				\$40,000.00

GRANT AGREEMENT

Schedule B-1

BUDGET NARRATIVE
<p>PERSONNEL COSTS</p> <p>Community Rodeos - Conduct bicycle rodeos with an effort to reach individuals.</p> <p>4 Officers x \$65/hour x 4 hours =\$1,040 each</p>
<p>Youth Rodeos - Conduct bicycle rodeos with an effort to reach youth.</p> <p>4 Officers x \$65/hr x 4 hours = \$1,040</p>
<p>Community Bike Ride - Conduct community bicycle rides providing bicycle safety education to promote safe bicycling in the community with an effort to reach bicyclists.</p> <p>3 officers x \$65/hour x 3 hours = \$585</p>
<p>Pre and Post Helmet Usage Surveys - 2 Officers x 3 Hours x \$65/hr = \$390 per location x 2 locations = \$780 per Survey (one pre and one post)</p>
<p>Walking Field Trips Older Adults - Conduct pedestrian Walking Field Trips with an effort to reach adults.</p> <p>2 Officers x 3 hours x \$65/hr = \$390</p>
<p>Walking School Bus - Conduct Walking School Buses at schools with an effort to reach students.</p> <p>2 Officers x 3 hours x \$65/hr = \$390</p>
<p>Helmet Inspection Pop-Up Events - Conduct bicycle helmet inspection and distribution pop-up events to distribute helmets to those in need and make necessary adjustments to properly fit pre-owned helmets.</p> <p>3 Officers x 3 Hours x \$65/hr = \$585</p>
<p>Pedestrian/Bicycle Traffic Safety Pop-Up Events - Conduct Pedestrian and Bicycle Traffic Safety Pop-Up Events. Activities may include oral dissemination of traffic safety information, distribution of traffic safety educational materials and/or safety items, helmet inspections and fittings. Other activities may be conducted if approved by the OTS.</p> <p>3 Officers x 3 Hours x \$65/hr = \$585</p>
<p>Benefits at 7.65% of O/T - Total Benefits Rate: 7.65%</p> <p>6.20% Social Security</p> <p>1.45% Medicare</p>
<p>TRAVEL EXPENSES</p> <p>-</p>
<p>CONTRACTUAL SERVICES</p> <p>-</p>
<p>EQUIPMENT</p> <p>-</p>
<p>OTHER DIRECT COSTS</p> <p>Bicycle Helmets - Helmets to be distributed at no cost to those in need during bicycle rodeos and other bicycle safety related events. Cost per helmet not to exceed an average price of \$15, including shipping, handling and tax. More expensive helmets may be purchased if approved by OTS.</p>
<p>Educational Materials - Costs of purchasing, developing or printing brochures, pamphlets, fliers, coloring books, posters, signs, and banners associated with grant activities, and traffic safety conference and training materials. Items shall include a traffic safety message and if space is available the OTS logo. Additional items may be purchased if approved by OTS.</p>
<p>Safety Patrol/Crossing Guard Kits - Costs may include reflective vests, whistles, and traffic controls such as handheld stop signs, portable crosswalk signage, traffic cones, barricades, bollards/chains, and pick up/drop off signage. Additional items may be purchased if approved by OTS.</p>

Pedestrian/Bicycle Safety Items - Cost may include reflective arm and leg bands, tape, zipper pulls, bicycle headlights/taillights, and reflectors to be distributed at no cost during bicycle rodeos, presentations, workshops, trainings, and community events to increase safety and visibility. Additional items may be purchased if approved by OTS.

Pedestrian and Bicycle Safety Activity Supplies - On-scene supplies to conduct pedestrian and bicycle safety activities such as but not limited to bike rodeos, community bike rides, walking field trips, and walking school buses. Costs may include bullhorns, whistles, reflective safety vests, cones, pop-up tents, chalk, event signage, training bikes, training wheels, and items to repair and maintain bikes such as tires, tubes, brakes, handle grips, tire pumps, tire patch kits and chain oil. Additional items may be purchased if approved by OTS.

INDIRECT COSTS

-

STATEMENTS/DISCLAIMERS

There will be no program income generated from this grant.

Benefits for personnel costs can only be applied to straight time or overtime hours charged to the grant.

GRANT AGREEMENT

Exhibit A

CERTIFICATIONS AND ASSURANCES FOR HIGHWAY SAFETY GRANTS
(23 U.S.C. Chapter 4; Sec. 1906, Pub. L. 109-59, As Amended By Sec. 4011, Pub. L. 114-94)

The officials named on the grant agreement, certify by way of signature on the grant agreement signature page, that the Grantee Agency complies with all applicable Federal statutes, regulations, and directives and State rules, guidelines, policies, and laws in effect with respect to the periods for which it receives grant funding. Applicable provisions include, but are not limited to, the following:

GENERAL REQUIREMENTS

- 23 U.S.C. Chapter 4 – Highway Safety Act of 1966, as amended
- Sec. 1906, Pub. L. 109-59, as amended by Sec. 4011, Pub. L. 114-94
- 23 CFR part 1300 – Uniform Procedures for State Highway Safety Grant Programs
- 2 CFR part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
- 2 CFR part 1201 – Department of Transportation, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

NONDISCRIMINATION

(applies to all subrecipients as well as States)

The State highway safety agency will comply with all Federal statutes and implementing regulations relating to nondiscrimination ("Federal Nondiscrimination Authorities"). These include but are not limited to:

- **Title VI of the Civil Rights Act of 1964** (42 U.S.C. 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin) and 49 CFR part 21;
- **The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970**, (42 U.S.C. 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- **Federal-Aid Highway Act of 1973**, (23 U.S.C. 324 *et seq.*), and **Title IX of the Education Amendments of 1972**, as amended (20 U.S.C. 1681-1683 and 1685-1686) (prohibit discrimination on the basis of sex);
- **Section 504 of the Rehabilitation Act of 1973**, (29 U.S.C. 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability) and 49 CFR part 27;
- **The Age Discrimination Act of 1975**, as amended, (42 U.S.C. 6101 *et seq.*), (prohibits discrimination on the basis of age);
- **The Civil Rights Restoration Act of 1987**, (Pub. L. 100-209), (broadens scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal aid recipients, subrecipients and contractors, whether such programs or activities are Federally-funded or not);
- **Titles II and III of the Americans with Disabilities Act** (42 U.S.C. 12131-12189) (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing) and 49 CFR parts 37 and 38;
- **Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations** (prevents discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations); and
- **Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency** (guards against Title VI national origin discrimination/discrimination because of limited English proficiency (LEP) by ensuring that funding recipients take reasonable steps to ensure that LEP persons have meaningful access to programs (70 FR 74087-74100).

The Subgrantee-

- Will take all measures necessary to ensure that no person in the United States shall, on the grounds of race, color, national origin, disability, sex, age, limited English proficiency, or membership in any other class protected by Federal Nondiscrimination Authorities, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of its programs or activities, so long as any portion of the program is Federally-assisted;
- Will administer the program in a manner that reasonably ensures that any of its subrecipients, contractors, subcontractors, and consultants receiving Federal financial assistance under this program will comply with all requirements of the Non- Discrimination Authorities identified in this Assurance;
- Agrees to comply (and require its subrecipients, contractors, subcontractors, and consultants to comply) with all applicable provisions of law or regulation governing US DOT's or NHTSA's access to records, accounts, documents, information, facilities, and staff, and to cooperate and comply with any program or compliance reviews, and/or complaint investigations conducted by US DOT or NHTSA under any Federal Nondiscrimination Authority;
- Acknowledges that the United States has a right to seek judicial enforcement with regard to any matter arising under these Non-Discrimination Authorities and this Assurance;
- Agrees to insert in all contracts and funding agreements with other State or private entities the following clause:
 - "During the performance of this contract/funding agreement, the contractor/funding recipient agrees—
 - a. To comply with all Federal nondiscrimination laws and regulations, as may be amended from time to time;
 - b. Not to participate directly or indirectly in the discrimination prohibited by any Federal non-discrimination law or regulation, as set forth in appendix B of 49 CFR part 21 and herein;
 - c. To permit access to its books, records, accounts, other sources of information, and its facilities as required by the State highway safety office, US DOT or NHTSA;
 - d. That, in event a contractor/funding recipient fails to comply with any nondiscrimination provisions in this contract/funding agreement, the State highway safety agency will have the right to impose such contract/agreement sanctions as it or NHTSA determine are appropriate, including but not limited to withholding payments to the contractor/funding recipient under the contract/agreement until the contractor/funding recipient complies; and/or cancelling, terminating, or suspending a contract or funding agreement, in whole or in part; and
 - e. To insert this clause, including paragraphs (a) through (e), in every subcontract and subagreement and in every solicitation for a subcontract or sub-agreement, that receives Federal funds under this program.

THE DRUG-FREE WORKPLACE ACT OF 1988 (41 U.S.C. 8103)

The Subgrantee will provide a drug-free workplace by:

- a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- b. Establishing a drug-free awareness program to inform employees about:
 - 1. The dangers of drug abuse in the workplace;
 - 2. The grantee's policy of maintaining a drug-free workplace;
 - 3. Any available drug counseling, rehabilitation, and employee assistance programs;
 - 4. The penalties that may be imposed upon employees for drug violations occurring in the workplace;
 - 5. Making it a requirement that each employee engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- c. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will –
 - 1. Abide by the terms of the statement;
 - 2. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;
- d. Notifying the agency within ten days after receiving notice under subparagraph (c)(2) from an

- employee or otherwise receiving actual notice of such conviction;
- e. Taking one of the following actions, within 30 days of receiving notice under subparagraph (c)(2), with respect to any employee who is so convicted –
 1. Taking appropriate personnel action against such an employee, up to and including termination;
 2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
 - f. Making a good faith effort to continue to maintain a drug-free workplace through implementation of all of the paragraphs above.

POLITICAL ACTIVITY (HATCH ACT)

(applies to all subrecipients as well as States)

The State will comply with provisions of the Hatch Act (5 U.S.C. 1501-1508), which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

CERTIFICATION REGARDING FEDERAL LOBBYING

(applies to all subrecipients as well as States)

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The signed certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

RESTRICTION ON STATE LOBBYING

(applies to all subrecipients as well as States)

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

CERTIFICATION REGARDING DEBARMENT AND SUSPENSION

(applies to all subrecipients as well as States)

Instructions for Primary Tier Participant Certification (States)

1. By signing and submitting this proposal, the prospective primary tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective primary tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary tier participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default or may pursue suspension or debarment.
4. The prospective primary tier participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary tier participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms *covered transaction*, *civil judgment*, *debarment*, *suspension*, *ineligible*, *participant*, *person*, *principal*, and *voluntarily excluded*, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency may terminate the transaction for cause or default.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Tier Covered Transactions

(1) The prospective primary tier participant certifies to the best of its knowledge and belief, that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment

rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

(2) Where the prospective primary tier participant is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Lower Tier Participant Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms *covered transaction*, *civil judgment*, *debarment*, *suspension*, *ineligible*, *participant*, *person*, *principal*, and *voluntarily excluded*, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

BUY AMERICA ACT

(applies to all subrecipients as well as States)

The State and each subrecipient will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase with Federal funds only steel, iron and manufactured products produced in the United States, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification for approval by the Secretary of Transportation.

PROHIBITION ON USING GRANT FUNDS TO CHECK FOR HELMET USAGE

(applies to all subrecipients as well as States)

The State and each subrecipient will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.

POLICY ON SEAT BELT USE

In accordance with Executive Order 13043, Increasing Seat Belt Use in the United States, dated April 16, 1997, the Grantee is encouraged to adopt and enforce on-the-job seat belt use policies and programs for its employees when operating company-owned, rented, or personally-owned vehicles. The National Highway Traffic Safety Administration (NHTSA) is responsible for providing leadership and guidance in support of this Presidential initiative. For information and resources on traffic safety programs and policies for employers, please contact the Network of Employers for Traffic Safety (NETS), a public-private partnership dedicated to improving the traffic safety practices of employers and employees. You can download information on seat belt programs, costs of motor vehicle crashes to employers, and other traffic safety initiatives at www.trafficsafety.org. The NHTSA website (www.nhtsa.gov) also provides information on statistics, campaigns, and program evaluations and references.

POLICY ON BANNING TEXT MESSAGING WHILE DRIVING

In accordance with Executive Order 13513, Federal Leadership On Reducing Text Messaging While Driving, and DOT Order 3902.10, Text Messaging While Driving, States are encouraged to adopt and enforce workplace safety policies to decrease crashes caused by distracted driving, including policies to ban text messaging while driving company-owned or rented vehicles, Government-owned, leased or rented vehicles, or privately-owned vehicles when on official Government business or when performing any work on or behalf of the Government. States are also encouraged to conduct workplace safety initiatives in a manner commensurate with the size of the business, such as establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving, and education, awareness, and other outreach to employees about the safety risks associated with texting while driving.



CITY OF MERCED

Merced Civic Center
678 W. 18th Street
Merced, CA 95340

ADMINISTRATIVE REPORT

File #: 23-367

Meeting Date: 4/25/2023

Report Prepared by: Francisco Mendoza-Gonzalez, Associate Planner, Development Services Department

SUBJECT: Commissioner Comments

REPORT IN BRIEF

Provides Commissioners an opportunity to make a brief announcement on any activities they have attended on behalf of the City and/or on future community events/activities that relate to active transportation. The Brown Act does not allow discussion or action by the legislative body under this section.



CITY OF MERCED

Merced Civic Center
678 W. 18th Street
Merced, CA 95340

ADMINISTRATIVE REPORT

File #: 23-364

Meeting Date: 4/25/2023

Report Prepared by: Francisco Mendoza-Gonzalez, Associate Planner, Development Services Department

SUBJECT: Bike Month Discussion

REPORT IN BRIEF

The Commission will discuss Bike Month, including future activities and plans.

DISCUSSION

At the August 23, 2022 meeting of the Bicycle and Pedestrian Advisory Commission, it was requested that a standing item be added to the agenda for the Commission to discuss Bike Month, including future improvements or changes. The Commission should also discuss any activities, outreach, or education pertaining to Bike Month that it deems appropriate.



CITY OF MERCED

Merced Civic Center
678 W. 18th Street
Merced, CA 95340

ADMINISTRATIVE REPORT

File #: 23-365

Meeting Date: 4/25/2023

Report Prepared by: Francisco Mendoza-Gonzalez, Associate Planner, Development Services Department

SUBJECT: Request to Add Item to Future Agenda

REPORT IN BRIEF

Provides Commissioners an opportunity to request that an item be placed on a future Bicycle and Pedestrian Advisory Commission agenda for initial consideration.