

**ALAMEDA-CONTRA COSTA TRANSIT DISTRICT
RESOLUTION NO. 20-040**

A RESOLUTION AUTHORIZING THE GENERAL MANAGER OR HIS DESIGNEE TO FILE AND EXECUTE APPLICATIONS WITH THE METROPOLITAN TRANSPORTATION COMMISSION (MTC) FOR MTC'S TRANSIT CAPITAL PRIORITIES (TCP) PROGRAM FOR FEDERAL FISCAL YEAR (FY) 20-21, FY 21-22, FY 22-23, FY 23-24 AND FY 24-25, INCLUDING FEDERAL TRANSIT ADMINISTRATION (FTA) SECTIONS 5307, 5337, 5339 AND SURFACE TRANSPORTATION PROGRAM (STP) FUNDS.

WHEREAS, Fixing America's Surface Transportation (FAST, Public Law 114-94) continues and establishes new Federal Transit Administration formula programs (23 U.S.C. §53) and continues the Surface Transportation Program (23 U.S.C. § 133); and

WHEREAS, pursuant to FAST, and the regulations promulgated there under, eligible project sponsors wishing to receive Federal Transit Administration (FTA) Section 5307 Urbanized Area, Section 5337 State of Good Repair, or Section 5339 Bus and Bus Facilities (collectively, FTA Formula Program) grants or Surface Transportation Program (STP) grants for a project shall submit an application first with the appropriate metropolitan transportation planning organization (MPO), for review and inclusion in the MPO's Transportation Improvement Program (TIP); and

WHEREAS, WHEREAS, the Metropolitan Transportation Commission is the MPO for the San Francisco Bay region; and

WHEREAS, Alameda-Contra Costa Transit District is an eligible project sponsor for FTA Formula Program or STP funds; and

WHEREAS, Alameda-Contra Costa Transit District wishes to submit a grant application to MTC for funds from the FY2020-21 through FY2024-25 FTA Formula Program or STP funds, for the projects listed in Exhibit A, attached hereto and incorporated herein by reference; and

WHEREAS, MTC requires, as part of the application, a resolution stating the following:

1. The commitment of necessary local matching funds of 11-50% for FTA Formula Program funds, depending on the project type, and 11.47% for STP funds; and
2. That the sponsor understands that the FTA Formula Program and STP funding is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded from FTA Formula Program or STP funds; and
3. The assurance of the sponsor to complete the project as described in the application, and if approved, as programmed in MTC's TIP; and
4. That the sponsor understands that FTA Formula Program funds must be obligated within three years of programming and STP funds must be obligated by January

31 of the year that the project is programmed for in the TIP, or the project may be removed from the program.

NOW THEREFORE, the Board of Directors of the Alameda-Contra Costa Transit District does resolve as follows:

Section 1. The Alameda-Contra Costa Transit District is authorized to execute and file an application for funding under the FTA Formula Program and/or Surface Transportation Program in the amount of \$293,037,933 for the Transit Capital Priorities Program; and

Section 2. The Alameda-Contra Costa Transit District will provide \$94,593,171 in local matching funds; and

Section 3. The FTA Program and STP funds will be built as described in this resolution and, if approved, for the amount shown in the Metropolitan Transportation Commission (MTC) Transportation Improvement Program (TIP) with obligation occurring within the timeframe established below; and

Section 4. The program funds are expected to be obligated by January 31 of the year the project is programmed for in the TIP; and

Section 5. The Alameda-Contra Costa Transit District will comply with FTA requirements and all other applicable Federal, State and Local laws and regulations with respect to the proposed projects; and

Section 6. Alameda-Contra Costa Transit District is an eligible sponsor of projects in the program for FTA Formula Program and STP funds; and

Section 7. The Alameda-Contra Costa Transit District is authorized to submit an application for FTA Formula Program and STP funds for the projects listed in Exhibit A; and

Section 8. There is no legal impediment to Alameda-Contra Costa Transit District making applications for FTA Formula Program and STP funds; and

Section 9. There is no pending or threatened litigation which might in any way adversely affect the proposed project, or the ability of Alameda-Contra Costa Transit District to deliver such projects; and

Section 10. The Alameda-Contra Costa Transit District agrees to comply with the requirements of MTC's Transit Coordination Implementation Plan as set forth in MTC Resolution 3866; and

Section 11. A copy of this resolution will be transmitted to the MTC prior to MTC programming the FTA Formula Program or Surface Transportation Program funded projects in the Transportation Improvement Program (TIP); and

Section 12. The MTC is requested to support the application for the projects described in the resolution and to program the projects, if approved, in MTC's TIP; and

This resolution shall become effective immediately upon its passage by four affirmative votes of the Board of Directors.

PASSED AND ADOPTED this 9th day of September 2020.

Joe Wallace, President

Attest:

Linda A. Nemeroff, District Secretary

I, Linda A. Nemeroff, District Secretary for the Alameda-Contra Costa Transit District, do hereby certify that the foregoing Resolution was passed and adopted at a regular meeting of the Board of Directors held on the this 9th day of September, 2020, by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Linda A. Nemeroff, District Secretary

Approved as to Form and Content:

Jill A. Sprague, General Counsel