

**ALAMEDA-CONTRA COSTA TRANSIT DISTRICT
RESOLUTION NO. 24-036**

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 (FFY) 2024-25 AND 2025-26, INCLUDING FEDERAL TRANSIT ADMINISTRATION (FTA) SECTIONS 5307, 5337, 5339 AND SURFACE TRANSPORTATION PROGRAM (STP) FUNDS.

WHEREAS, Infrastructure Investment and Jobs Act, or the Bipartisan Infrastructure Law (BIL, Public Law 117-58) 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 BIL, 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, the Metropolitan Transportation Commission is the MPO for the San Francisco Bay region; and

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

WHEREAS, The DISTRICT wishes to submit a grant application to MTC for funds from the FFY 2021-22 through FFY 2025-26 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 18 - 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 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 \$178,563,081 for the Transit Capital Priorities Program.

Section 2. The DISTRICT will provide \$57,942,817 in local matching funds.

Section 3. The DISTRICT understands that the FTA Formula Program and STP funding for the project is fixed at \$178,563,081, and that any cost increases must be funded by the DISTRICT from local matching funds, and that the DISTRICT does not expect any cost increases to be funded with FTA Formula Program and Surface Transportation Program funds.

Section 4. Projects will be built as described in this resolution and, if approved, for the amount shown in the MTC TIP with obligation occurring within the timeframe established below.

Section 5. The program funds are expected to be obligated by January 31 of the year the project is programmed for in the TIP.

Section 6. The DISTRICT will comply with FTA requirements and all other applicable Federal, State and Local laws and regulations with respect to the proposed projects.

Section 7. The DISTRICT is an eligible sponsor of projects in the program for FTA Formula Program and STP funds.

Section 8. The DISTRICT is authorized to submit an application for FTA Formula Program and STP funds for the projects listed in Exhibit A.

Section 9. There is no legal impediment to the DISTRICT making applications for FTA Formula Program and STP funds.

Section 10. There is no pending or threatened litigation which might in any way adversely affect the proposed project, or the ability of the DISTRICT to deliver such projects.

Section 11. The DISTRICT agrees to comply with the requirements of MTC's Transit Coordination Implementation Plan as set forth in MTC Resolution 3866.

Section 12. 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 TIP.

Section 13. 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.

Section 14. This resolution shall become effective immediately upon its passage by four affirmative votes of the Board of Directors.

PASSED AND ADOPTED this 11th day of December 2024.

Joel Young
President

Attest:

Linda A. Nemeroff
Board Administrative Officer/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 this 11th day of December, 2024, by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Linda A. Nemeroff
Board Administrative Officer/District Secretary

Approved as to Form and Content:

Aimee L. Steele
General Counsel/Chief Legal Officer