

**ALAMEDA-CONTRA COSTA TRANSIT DISTRICT
RESOLUTION NO. 22-032**

**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) ZERO EMISSION BUS INFRASTRUCTURE SET-
ASIDE PROGRAM FOR FEDERAL FISCAL YEAR (FY) 21-22**

WHEREAS, Bipartisan Infrastructure Law (BIL, Public Law 117-58) establishes new Federal Transit Administration formula programs (23 U.S.C. §53); and

WHEREAS, pursuant to BIL, and the regulations promulgated there under, eligible project sponsors wishing to receive Federal Transit Administration (FTA) 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 is an eligible project sponsor for FTA Formula Program; and

WHEREAS, Alameda-Contra Costa Transit District wishes to submit a grant application to MTC for funds from the FY2021-22 TCP Zero Emission Bus Infrastructure Set-Aside Program (FTA funds), for the Division 6 Hydrogen Fueling Infrastructure project; and

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

1. The commitment of necessary local matching funds of 20% for FTA Formula Program funds, depending on the project type; and
2. That the sponsor understands that the FTA Formula Program is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded from FTA Formula Program 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.

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

Section 1. Alameda-Contra Costa Transit District is authorized to execute and file an application for funding under the FTA Formula Program in the amount of \$5,557,743 for the Transit Capital Priorities Program Zero Emission Bus Infrastructure Set-Aside program; and

Section 2. Alameda-Contra Costa Transit District will provide \$1,389,436 in matching funds; and

Section 3. Division 6 Hydrogen Fueling Infrastructure 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 funds; and

Section 7. The Alameda-Contra Costa Transit District is authorized to submit an application for FTA Formula Program 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 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 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 10th day of August 2022.

Elsa Ortiz, 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 10th day of August, 2022, 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