

**ALAMEDA-CONTRA COSTA TRANSIT DISTRICT  
RESOLUTION NO. 19-037**

**A RESOLUTION AUTHORIZING THE GENERAL MANAGER OR HIS DESIGNEE TO FILE AND  
EXECUTE DOCUMENTS WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION  
(CALTRANS) FOR AN ALLOCATION REQUEST OF STATE TRANSPORTATION IMPROVEMENT  
PROGRAM (STIP) FUNDS FOR THE REPLACEMENT OF TRANSBAY BUSES**

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**WHEREAS**, the Alameda-Contra Costa Transit District (“the District”) is submitting an application to the Metropolitan Transportation Commission (MTC) for \$13,125,000 in funding assigned to MTC for programming discretion, which includes federal funding administered by the Federal Highway Administration (FHWA) and federal or state funding administered by the California Transportation Commission (CTC) such as Surface Transportation Program (STP) funding, Congestion Mitigation and Air Quality Improvement (CMAQ) funding, Transportation Alternatives (TA) funding, and Regional Transportation Improvement Program (RTIP) funding (collectively, “Regional Discretionary Funding”) for the Replacement of Transbay Buses (“Project”) for the Regional Transportation Improvement Program (“Program”); and

**WHEREAS**, the United States Congress from time to time enacts and amends legislation to provide funding for various transportation needs and programs, (collectively, the “Federal Transportation Act”) including, but not limited to the Surface Transportation Block Grant Program (STP) (23 U.S.C. § 133), the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149) and the Transportation Alternatives (TA) set-aside (23 U.S.C. § 133); and

**WHEREAS**, state statutes, including California Streets and Highways Code §182.6, §182.7, and §2381(a)(1), and California Government Code §14527, provide various funding programs for the programming discretion of the Metropolitan Planning Organization (MPO) and the Regional Transportation Planning Agency (RTPA); and

**WHEREAS**, pursuant to the Federal Transportation Act, and any regulations promulgated thereunder, eligible project sponsors wishing to receive federal or state funds for a regionally-significant project shall submit an application first with the appropriate MPO, or RTPA, as applicable, for review and inclusion in the federal Transportation Improvement Program (TIP); and

**WHEREAS**, pursuant to the Federal Transportation Act, and any regulations promulgated thereunder, eligible project sponsors wishing to receive federal or state funds for a regionally-significant project shall submit an application first with the appropriate MPO, or RTPA, as applicable, for review and inclusion in the federal Transportation Improvement Program (TIP); and

**WHEREAS**, the MTC is the MPO and RTPA for the nine counties of the San Francisco Bay region; and

**WHEREAS**, the MTC has adopted a Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) that sets out procedures governing the application and use of Regional Discretionary Funding; and

**WHEREAS**, the District is an eligible sponsor for Regional Discretionary Funding; and

**WHEREAS**, as part of the application for Regional Discretionary Funding, MTC requires a resolution adopted by the responsible implementing agency stating the following:

- the commitment of any required matching funds; and
- that the sponsor understands that the Regional Discretionary Funding is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional Regional Discretionary Funding; and
- that the Project will comply with the procedures, delivery milestones and funding deadlines specified in the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised); and
- the assurance of the sponsor to complete the Project as described in the application, subject to environmental clearance, and if approved, as included in MTC's federal TIP; and
- that the Project will have adequate staffing resources to deliver and complete the Project within the schedule submitted with the project application; and
- that the Project will comply with all project-specific requirements as set forth in the Program; and
- that the District has assigned, and will maintain a single point of contact for all FHWA- and CTC-funded transportation projects to coordinate within the agency and with the respective representatives of the Congestion Management Agency (CMA), MTC, Caltrans, FHWA, and CTC on all communications, inquiries or issues that may arise during the federal programming and delivery process for all FHWA- and CTC-funded transportation and transit projects implemented by the District; and
- that the Project will comply with MTC Resolution No. 3866, revised, which sets forth the requirements of MTC's Transit Coordination Implementation Plan to more efficiently deliver transit projects in the region; and
- in the case of an RTIP project, state law requires PROJECT be included in a local congestion management plan, or be consistent with the capital improvement program adopted pursuant to MTC's funding agreement with the countywide transportation agency; and

**WHEREAS**, the District is authorized to submit an application for Regional Discretionary Funding for the Project; and

**WHEREAS**, there is no legal impediment to the District making applications for the funds; and

**WHEREAS**, there is no pending or threatened litigation that might in any way adversely affect the proposed Project, or the ability of the District to deliver such Project; and

**WHEREAS,** the District authorizes its General Manager, or his designee, to execute and file an application with MTC for Regional Discretionary Funding for the Project as referenced in this resolution; and

**WHEREAS,** MTC requires that a copy of this resolution be transmitted to the MTC in conjunction with the filing of the application; and

**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 for the Project for Regional Discretionary Funding under the Federal Transportation Act or continued funding.

**Section 2.** the District will provide any required matching funds.

**Section 3.** the District understands that the Regional Discretionary Funding for the project is fixed at the MTC approved programmed amount, and that any cost increases must be funded by the District from other funds, and that the District does not expect any cost increases to be funded with additional Regional Discretionary Funding.

**Section 4.** the District understands the funding deadlines associated with these funds and will comply with the provisions and requirements of the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) and District has, and will retain the expertise, knowledge and resources necessary to deliver federally-funded transportation and transit projects, and has assigned, and will maintain a single point of contact for all FHWA- and CTC-funded transportation projects to coordinate within the agency and with the respective representatives of the Congestion Management Agency (CMA), MTC, Caltrans, FHWA, and CTC on all communications, inquires or issues that may arise during the federal programming and delivery process for all FHWA- and CTC-funded transportation and transit projects implemented by the District.

**Section 5.** the Project will be implemented as described in the complete application and in this resolution, subject to environmental clearance, and, if approved, for the amount approved by MTC and programmed in the federal TIP.

**Section 6.** the District has reviewed the Project and has adequate staffing resources to deliver and complete the Project within the schedule submitted with the project application.

**Section 7.** the Project will comply with the requirements as set forth in MTC programming guidelines and project selection procedures for the Program.

**Section 8.** the District agrees to comply with the requirements of MTC's Transit Coordination Implementation Plan as set forth in MTC Resolution No. 3866, revised.

**Section 9.** the Project is included in a local congestion management plan, or is consistent with the capital improvement program adopted pursuant to MTC's funding agreement with the countywide transportation agency.

**Section 10.** the District is an eligible sponsor of Regional Discretionary Funding funded projects.

**Section 11.** the District is authorized to submit an application for Regional Discretionary Funding for the Project.

**Section 12.** there is no legal impediment to the District making applications for the funds.

**Section 13.** there is no pending or threatened litigation that might in any way adversely affect the proposed Project, or the ability of the District to deliver such Project.

**Section 14.** the District authorizes its General Manager, or designee, to execute and file an application with MTC for Regional Discretionary Funding for the Project as referenced in this resolution and take any other steps reasonably necessary to carry out this resolution.

**Section 15.** a copy of this resolution will be transmitted to the MTC in conjunction with the filing of the application.

**Section 16.** the MTC is requested to support the application for the Project described in the resolution and to include the Project, if approved, in MTC's federal TIP.

**Section 17.** 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 2019.

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Joe Wallace, President

Attest:

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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 11th day of December, 2019, by the following roll call vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Linda A. Nemeroff, District Secretary

Approved as to Form and Content:

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Denise C. Standridge, General Counsel