RESOLUTION NO. 2019-45

A RESOLUTION OF THE ALBANY CITY COUNCIL AUTHORIZING THE FILING OF AN APPLICATION FOR FUNDING ASSIGNED TO MTC AND COMMITTING ANY NECESSARY MATCHING FUNDS AND STATING ASSURANCE TO COMPLETE THE OHLONE GREENWAY TRAIL SAFETY IMPROVEMENTS PROJECT

WHEREAS, The City of Albany (herein referred to as APPLICANT) is submitting an application to the Metropolitan Transportation Commission (MTC) for $410,000 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 Block Grant Program (STP) funding, Congestion Mitigation and Air Quality Improvement Program (CMAQ) funding, Transportation Alternatives (TA) set-aside/Active Transportation Program (ATP) funding, and Regional Transportation Improvement Program (RTIP) funding (herein collectively referred to as REGIONAL DISCRETIONARY FUNDING) for the Ohlone Greenway Trail Safety Improvements Project (herein referred to as PROJECT) for the 2019 Regional Active Transportation Program Cycle 4 (herein referred to as 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, MTC is the MPO and RTPA for the nine counties of the San Francisco Bay region; and

WHEREAS, 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, APPLICANT 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 Transportation Improvement Program (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 APPLICANT 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 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 APPLICANT; and

WHEREAS, that APPLICANT is authorized to submit an application for
REGIONAL DISCRETIONARY FUNDING for the PROJECT; and

WHEREAS, there is no legal impediment to APPLICANT 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 APPLICANT to deliver such
PROJECT; and
WHEREAS, APPLICANT authorizes its City Manager, or 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.

NOW, THEREFORE, BE IT RESOLVED, that the APPLICANT 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; and

BE IT FURTHER RESOLVED, that APPLICANT will provide any required
matching funds; and

BE IT FURTHER RESOLVED, that APPLICANT 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 APPLICANT
from other funds, and that APPLICANT does not expect any cost increases to be funded
with additional REGIONAL DISCRETIONARY FUNDING; and

BE IT FURTHER RESOLVED, that APPLICANT 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 APPLICANT 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
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 APPLICANT; and

**BE IT FURTHER RESOLVED,** that 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;
and

**BE IT FURTHER RESOLVED,** that APPLICANT has reviewed the PROJECT
and has adequate staffing resources to deliver and complete the PROJECT within the
schedule submitted with the project application; and

**BE IT FURTHER RESOLVED,** that PROJECT will comply with the
requirements as set forth in MTC programming guidelines and project selection
procedures for the PROGRAM; and

**BE IT FURTHER RESOLVED,** that, in the case of a transit project,
APPLICANT agrees to comply with the requirements of MTC’s Transit Coordination
Implementation Plan as set forth in MTC Resolution No. 3866, revised; and

**BE IT FURTHER RESOLVED,** that, in the case of a highway project,
APPLICANT agrees to comply with the requirements of MTC’s Traffic Operations
System (TOS) Policy as set forth in MTC Resolution No. 4104; and

**BE IT FURTHER RESOLVED,** that, in the case of an RTIP project, 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; and
BE IT FURTHER RESOLVED, that APPLICANT is an eligible sponsor of REGIONAL DISCRETIONARY FUNDING funded projects; and

BE IT FURTHER RESOLVED, that APPLICANT is authorized to submit an application for REGIONAL DISCRETIONARY FUNDING for the PROJECT; and

BE IT FURTHER RESOLVED, that there is no legal impediment to APPLICANT making applications for the funds; and

BE IT FURTHER RESOLVED, that there is no pending or threatened litigation that might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT; and

BE IT FURTHER RESOLVED, that APPLICANT authorizes its City Manager, or designee to execute and file an application with MTC for REGIONAL DISCRETIONARY FUNDING for the PROJECT as referenced in this resolution; and

BE IT FURTHER RESOLVED, that a copy of this resolution will be transmitted to the MTC in conjunction with the filing of the application; and

BE IT FURTHER RESOLVED, that the MTC is requested to support the application for the PROJECT described in the resolution, and if approved, to include the PROJECT in MTC's federal TIP upon submittal by the project sponsor for TIP programming.

ROCHELLE NASON, MAYOR
RESOLUTION NO. 2019-45

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

The 3rd Day of June, 2019, by the following votes:

AYES: Council Members Barnes, Maass, McQuaid, and Mayor Nason

NOES:

ABSENT: Council Member Pilch

ABSTAINED:

RECUSED:

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 4th Day of June, 2019

Anne Hsu
CITY CLERK