Resolution of Local Support
American Recovery and Reinvestment Act of 2009 (ARRA) Funding

Resolution No. 09-06

Authorizing the filing of an application for federal American Recovery and Reinvestment Act of 2009 (ARRA) funding and stating the assurance to complete the project

WHEREAS, the Alameda County Congestion Management Agency (herein referred as APPLICANT) is submitting an application to the Metropolitan Transportation Commission (MTC) for approximately $7.5 million in funding from the federal American Recovery and Reinvestment Act of 2009 (ARRA) for the I-580 EB High Occupancy Toll (HOT) Lane (herein referred as PROJECT) for the MTC State ARRA Program (MTC Resolution No. 3885); and

WHEREAS, pursuant to ARRA, and any regulations and/or guidance promulgated thereunder, eligible project sponsors wishing to receive Regional ARRA funds for a project shall submit an application first with the appropriate Metropolitan Planning Organization (MPO), for review and inclusion in the MPO's Transportation Improvement Program (TIP); and

WHEREAS, the Metropolitan Transportation Commission (MTC) is the MPO 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) applicable to federal ARRA fund delivery and has adopted (or is scheduled to adopt) in MTC Resolution No. 3885 such additional requirements as are necessary or appropriate to meet the obligations/award deadlines in the ARRA; and

WHEREAS, APPLICANT is an eligible project sponsor for ARRA funds; and

WHEREAS, as part of the application for ARRA funding, MTC requires a resolution adopted by the responsible implementing agency stating the following:

1) that the sponsor understands that the ARRA funding is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional ARRA or other MTC-programmed funds; and
2) that PROJECT will comply with the procedures specified in MTC's Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) and with all project-specific requirements as set forth in MTC's Regional ARRA Program (MTC Resolution No. 3885); and PROJECT as described in the application, and if approved, as included in MTC's TIP; and
3) that PROJECT will comply with all the project-specific requirements as set forth in the federal ARRA and appropriate applicable regulations or guidance.

NOW, THEREFORE, BE IT RESOLVED that (APPLICANT) is authorized to execute

and file an application for funding under the American Recovery and Reinvestment Act of 2009 for (PROJECT); and be it further

RESOLVED that the APPLICANT by adopting this resolution does hereby state that:

1. APPLICANT understands that the ARRA 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 ARRA or MTC-programmed funds; and
2. APPLICANT understands the funding deadlines associated with these funds and will comply with the applicable provisions and requirements of the Regional ARRA Program (MTC Resolution No. 3885) and Regional Project Funding Delivery Policy (MTC Resolution No. 3606, as revised); and
3. PROJECT will be implemented as described in the complete application and in this resolution and, if approved, for the amount programmed in the MTC federal TIP; and
4. PROJECT will comply with all the project-specific requirements as set forth in the ARRA and appropriate applicable regulations or guidance; 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 Executive Director, General Manager, or designee to execute and file an application with MTC for ARRA funding for the PROJECT as referenced in this resolution; and that such APPLICATION shall include, but not be limited to, a certificate under section 1511 of the AARA, in the form attached to this resolution as Attachment A, attached to and incorporated herein as though set forth at length; 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 to include the PROJECT, if approved, in MTC's TIP.

DULY PASSED AND ADOPTED by the Alameda County Congestion Management Agency at the regular meeting of the Board held on Thursday, July 23, 2009, by the following vote:

AYES: **NOES:** **ABSTAIN:** **ABSENT:**

SIGNED: ATTEST:

Mark Green, Chair

Gladys V. Parmelee, Board Secretary