ALAMEDA COUNTY
CONGESTION MANAGEMENT AGENCY

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July 23, 2009
Agenda Item 6.4.5

Memorandum

DATE: July 16, 2009

TO: CMA Board

FROM: Administration and Legislation Committee

SUBJECT: Resolution of Local Support for the East Bay Bus Rapid Transit (BRT) Corridor Enhancement Project

Action Requested
It is recommended that the Board adopt the attached Resolution 09-07 to MTC documenting local support for the CMA sponsored East Bay Bus Rapid Transit Capital Enhancement Project.

Discussion
At its April meeting, the Board authorized CMA staff to lead the development a Corridor Enhancement Project for the Berkeley-Oakland-San Leandro Bus Rapid Transit Corridor in conjunction with the cities of Berkeley, Oakland and San Leandro, Alameda County, AC Transit, the Alameda County Transportation Improvement Authority, MTC and Caltrans. The Board also approved the programming of $600,000 in Transportation Enhancement Activity (TEA) funds for the work. The attached resolution is required by MTC to demonstrate that the CMA is eligible to accept the funds and has the resources to deliver the project.

Staff is in the process of completing the application for the TEA funds. It is anticipated to be submitted to CTC in July for consideration at its September meeting.

Financial Impact
The revenues and costs associated with this project have been incorporated in the CMA's currently approved budget and will be funded through Transportation Enhancement Activity (TEA) fund. No change to the CMA's approved budget is required.

ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY
RESOLUTION 09-07

WHEREAS, Alameda County Congestion Management Agency (herein referred to as "APPLICANT") is submitting an application to the Metropolitan Transportation Commission (MTC) for $600,000 in funding from the current State and Regional Transportation Improvement Program (RTIP/STIP) for the East Bay Bus Rapid Transit Corridor Enhancement Project (herein referred to as "PROJECT" or "PROJECTS") for the MTC current RTIP and STIP, as authorized by MTC by Resolution 3825 (herein referred to as "PROGRAM"); and

WHEREAS, SB 45 (Chapter 622, Statutes 1997) substantially revised the process for estimating the amount of state and federal funds available for transportation projects in the state and for appropriating and allocating the available funds to these projects; and

WHEREAS, as part of that process, MTC is responsible for programming projects eligible for Regional Improvement Program funds, pursuant to California Government Code Section 14527(b), for inclusion in the RTIP, and submission to the California Transportation Commission, for inclusion in the State Transportation Improvement Program; and

WHEREAS, MTC will review and include, if approved, current RTIP and STIP projects in the federal Transportation Improvement Program (TIP); and

WHEREAS, MTC has requested eligible transportation project sponsors to submit applications nominating projects to be programmed for Regional Improvement Program funds in the RTIP; and

WHEREAS, applications to MTC must be submitted consistent with procedures, conditions, and forms it provides transportation project sponsors; and

WHEREAS, APPLICANT is a sponsor of transportation projects eligible for Regional Improvement Program funds; and

WHEREAS, the RTIP project fact and fund sheet of the project application, attached hereto and incorporated herein as though set forth at length, lists the project, purpose, schedule and budget for which APPLICANT is requesting that MTC program Regional Improvement Program funds for inclusion in the RTIP; and

WHEREAS, Part 2 of the project application, attached hereto and incorporated herein as though set forth at length, includes the certification by APPLICANT of assurances required by SB 45 in order to qualify the project listed in the RTIP project nomination sheet of the project application for programming by MTC; and

WHEREAS, as part of the application for current RTIP and STIP funding, MTC requires any resolution adopted by the responsible implementing agency to state that the project will comply with the procedures specified in the "Timely Use of Funds Provisions and Deadlines" (MTC Resolution No. 3825, Attachment 1, Pages 14-15, and as may be further amended).

NOW, THEREFORE, BE IT RESOLVED, that APPLICANT approves the assurances set forth in Part 2 of the project application, attached to this resolution; and be it further

RESOLVED, that APPLICANT will comply with the provisions and requirements of the "Timely Use of Funds Provisions and Deadlines" (MTC Resolution No. 3825, Attachment 1, Pages 14-15, and as may be further amended), that 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 that APPLICANT and PROJECT will comply with the requirements as set forth in the current RTIP and STIP Policies and Procedures (MTC Resolution No. 3825); and therefore be it further

RESOLVED, that APPLICANT has reviewed the project and has adequate staffing resources to deliver and complete the project within the schedule set forth in the RTIP project fact and fund sheet of the project application, attached to this resolution; and be it further

RESOLVED, that APPLICANT is an eligible sponsor of projects in the State Transportation Improvement Program; and be it further

RESOLVED, that APPLICANT is authorized to submit an application for State Transportation Improvement Program funds for PROJECT; and be it further

RESOLVED, that there is no legal impediment to APPLICANT making applications for Regional Improvement Program funds; and be it further

RESOLVED, that there is no pending or threatened litigation which 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 to program Regional Improvement Program funds into the RTIP, for the projects, purposes and amounts included in the project application attached to this resolution; and be it further

RESOLVED, that a copy of this resolution shall be transmitted to MTC in conjunction with the filing of the APPLICANT application referenced herein.

DULY PASSED AND ADOPTED, by the ACCMA at the regular ACCMA Board meeting held on Thursday, July 23, 2009 in Oakland, California, but the following vote:

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

SIGNED:

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Mark Green, Chairperson

ATTEST:

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Gladys Parmelee, Board Secretary