

RESOLUTION NO. RES-2017-137

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING THE FILING OF AN APPLICATION FOR FEDERAL SURFACE TRANSPORTATION/ CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT FUNDING FOR THE HIGHWAY 101 BICYCLE AND PEDESTRIAN BRIDGE (DESIGN PHASE) AND COMMITTING THE LOCAL MATCH AND STATING THE ASSURANCE OF THE CITY TO COMPLETE THE PROJECT AND APPROPRIATING FEDERAL FUNDS INTO THE PROJECT

WHEREAS, City of Santa Rosa (herein referred to as APPLICANT) is submitting an application to the Metropolitan Transportation Commission (MTC) for \$1,782,000 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 Highway 101 Bicycle and Pedestrian Bridge (design phase) (herein referred to as PROJECT) for the One Bay Area Grant Program 2 (OBAG 2) (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, the Highway 101 Bicycle and Pedestrian Bridge (design phase) includes eligible components; and

WHEREAS, MTC requires a resolution adopted by the City stating the following:

- the commitment of any required matching funds be at least 11.47%; and
- that the City 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
- assurance that the City will 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
- assurance that the PROJECT will comply with all project-specific requirements as set forth in the PROGRAM; and
- that the City 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 projects implemented by City; and
- that there is no pending or threatening litigation which might in any way adversely affect the proposed PROJECT, or the ability of the City to deliver the PROJECT.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa authorizes the City Manager, or designee, to execute and file a grant application for funding for the Highway 101 Bicycle and Pedestrian Bridge (design phase) for REGIONAL DISCRETIONARY FUNDING under the FEDERAL TRANSPORTATION ACT or continued funding.

BE IT FURTHER RESOLVED that Council by adopting this Resolution does hereby state that:

- 1) the City will provide \$230,500 in non-federal matching funds; and
- 2) the City understands that the STP/CMAQ funding for the project is fixed at \$1,782,000, the programmed amount, and that the City does not expect any cost increases to be funded with additional STP/CMAQ funds; and
- 3) the City understands the funding deadlines associated with these funds and will

- comply with the provisions and requirements of Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) and the City has, and will retain the expertise, knowledge and resources necessary to deliver federally-funded transportation projects, and has assigned, will maintain a single point of contact for all FHWA funded transportation projects to coordinate within agency and with the respective Congestion Management Agency (CMA), MTC, Caltrans and FHWA on all communications, inquiries or issues that may arise during the federal programming and delivery process for all FHWA funded projects implemented by the City; and
- 4) the Highway 101 Bicycle and Pedestrian Bridge (design phase) will be implemented as described in the complete application and in this resolution, subject to environmental clearance, and, if approved, for the amount programmed in the MTC federal TIP; and
 - 5) the City has reviewed the PROJECT and has adequate staffing resources to deliver and complete the PROJECT within the schedule submitted with the project application; and
 - 6) the City and the Highway 101 Bicycle and Pedestrian Bridge will comply with the requirements as set forth in the program.

BE IT FURTHER RESOLVED, that the Council authorizes the Chief Financial Officer to increase appropriations in JL Key 17381 –Highway 101 Bicycle and Pedestrian Bridge by \$1,782,000 of federal CMAQ funds.

BE IT FURTHER RESOLVED, that the City is a sponsor of transportation projects eligible for STP/CMAQ funds.

BE IT FURTHER RESOLVED, that the City is authorized to submit an application for REGIONAL DISCRETIONARY FUNDING for the PROJECT.

BE IT FURTHER RESOLVED, there is no legal impediment to City making applications for the funds.

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 the City to deliver the PROJECT.

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be transmitted to MTC in conjunction with the filing of this application.

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BE IT FURTHER RESOLVED, that 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 Transportation Improvement Program (TIP) upon submittal by the City for TIP programming.

IN COUNCIL DULY PASSED this 18th day of July, 2017.

AYES: (5) Mayor Coursey, Vice Mayor Tibbetts, Council Members Combs, Rogers, Sawyer

NOES: (0)

ABSENT: (2) Council Members Olivares, Schwedhelm

ABSTAIN: (0)

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM:

City Attorney