

RESOLUTION NO. RES-2021-146

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING THE FILING OF AN APPLICATION FOR FEDERAL REGIONAL DISCRETIONARY GRANT FUNDS THROUGH THE METROPOLITAN TRANSPORTATION COMMISSION (MTC) ACTIVE TRANSPORTATION PROGRAM (ATP) FOR THE HIGHWAY 101 BICYCLE AND PEDESTRIAN OVERCROSSING AND COMMITTING NECESSARY MATCHING FUNDS AND STATING ASSURANCES TO COMPLETE THE PROJECT

WHEREAS, a pedestrian and bicycle overcrossing at Highway 101 is identified in the Santa Rosa Bicycle and Pedestrian Master Plan, North Santa Rosa Station Area Specific Plan, and the Santa Rosa General Plan; and

WHEREAS, a pedestrian and bicycle overcrossing at Highway 101 implements climate policies identified in the Climate Action Plan; and

WHEREAS, the Highway 101 Bicycle and Pedestrian Overcrossing Project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and an Initial Study/Mitigated Negative Declaration (IS/MND) was prepared. The Project has also been reviewed pursuant to the National Environmental Policy Act (NEPA) and qualified for a Categorical Exclusion. The Categorical Exclusion (CE) and the IS/MND for the project were certified in March 2021; and

WHEREAS, City of Santa Rosa (herein referred to as CITY) is submitting an application to the MTC for \$12.0 million 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 ATP funding, and Regional Transportation Improvement Program (RTIP) funding (herein collectively referred to as REGIONAL DISCRETIONARY FUNDING) for the Highway 101 Bicycle and Pedestrian Overcrossing (herein referred to as PROJECT) for the Active Transportation Program (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 STP (23 U.S.C. § 133), the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149) and the 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 CITY 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 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
- the assurance of the CITY 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 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 and transit projects implemented by the CITY; and

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

WHEREAS, there is no legal impediment to the CITY 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 to deliver such PROJECT; and

WHEREAS, the CITY 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 CITY 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.

BE IT FURTHER RESOLVED that the CITY will provide any required matching funds.

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

BE IT FURTHER RESOLVED that the CITY 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 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 CITY.

BE IT FURTHER RESOLVED that 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.

BE IT FURTHER RESOLVED that 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.

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

BE IT FURTHER RESOLVED that the CITY is an eligible sponsor of REGIONAL DISCRETIONARY FUNDING funded projects.

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

BE IT FUTHER RESOLVED that there is no legal impediment to the CITY making applications for the funds.

BE IT FUTHER RESOLVED that there is no pending or threatened litigation that might in any way adversely affect the proposed PROJECT, or the ability of the CITY to deliver such PROJECT.

BE IT FURTHER RESOLVED that the CITY authorizes its Assistant City Manager, or designee, to execute and file an application with MTC for REGIONAL DISCRETIONARY FUNDING for the PROJECT as referenced in this resolution, subject to approval as to form by the City Attorney.

BE IT FURTHER RESOLVED that the CITY authorizes the Assistant City Manager, or designee, may negotiate and execute any master agreement, amendments thereto or other agreements and documents necessary to apply for and administer the grant funding, subject to approval as to form by the City Attorney.

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

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.

IN COUNCIL DULY PASSED this 17th day of August, 2021.

AYES: (7) Mayor C. Rogers, Vice Mayor N. Rogers, Council Members Alvarez, Fleming, Sawyer, Schwedhelm, Tibbetts

NOES: (0)

ABSENT: (0)

ABSTAIN: (0)

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM: _____
City Attorney