

RESOLUTION NO. 2011-012

**CENTRAL CONTRA COSTA TRANSIT AUTHORITY
BOARD OF DIRECTORS**

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**AUTHORIZES FILING APPLICATIONS AND SUPPORTING DOCUMENTS
WITH THE METROPOLITAN TRANSPORTATION COMMISSION FOR ALLOCATION
OF TRANSPORTATION DEVELOPMENT ACT, STATE TRANSIT ASSISTANCE,
AND RM2 FUNDS FOR FY 2012**

WHEREAS, the County of Contra Costa and the Cities of Clayton, Concord, the Town of Danville, Lafayette, Martinez, the Town of Moraga, Orinda, Pleasant Hill, San Ramon and Walnut Creek (hereinafter "Member Jurisdictions") have formed the Central Contra Costa Transit Authority ("CCCTA"), a joint exercise of powers agency created under California Government Code Section 6500 *et seq.*, for the joint exercise of certain powers to provide coordinated and integrated public transportation services within the area of its Member Jurisdictions; and

WHEREAS, the Transportation Development Act (TDA) (Public Utilities Code Section 99200, *et seq.*), provides for the disbursement of funds from the Local Transportation Fund (LTF) of the County of Contra Costa for use by eligible applicants for the purpose of public transit; and

WHEREAS, pursuant to the provisions of the TDA, and pursuant to the applicable rules and regulations thereunder (21 Cal. Code of Regs. Section 6600, *et seq.*) a prospective applicant wishing to receive an allocation from the LTF shall file its claim with the Metropolitan Transportation Commission; and

WHEREAS, the State Transit Assistance (STA) fund is created pursuant to Public Utilities Code Sections 99310 *et seq.*; and

WHEREAS, the STA fund makes funds available pursuant to Public Utilities Code Section 99313.6 for allocation to eligible applicants to support approved transit projects; and

WHEREAS, TDA funds from the LTF of Contra Costa County and STA funds will be required by applicants in Fiscal Year 2012 for public transit capital and operating assistance; and

WHEREAS, CCCTA is an eligible applicant for TDA and STA funds pursuant to Public Utilities Code Sections 99260(a), 99262, 99275, 99313 and 99314 as attested by the opinion of Authority's counsel; and

WHEREAS, SB 916 (Chapter 715, Statutes 2004), commonly referred to as Regional Measure 2, identified projects eligible to receive funding under the Regional Traffic Relief Plan; and

WHEREAS, the Metropolitan Transportation Commission (MTC) is responsible for funding projects eligible for Regional Measure 2 (RM2) funds, pursuant to Streets and Highways Code Section 30914(c) and (d); and

WHEREAS, MTC has established a process whereby eligible transportation project sponsors may submit allocation requests for Regional Measure 2 funding; and

WHEREAS, allocations to MTC must be submitted consistent with procedures and conditions as outlined in Regional Measure 2 Policy and Procedures; and

WHEREAS, CCCTA is an eligible sponsor of transportation project(s) in Regional Measure 2, Regional Traffic Relief Plan funds; and

WHEREAS, the Express Bus Routes are eligible for consideration in the Regional Traffic Relief Plan of Regional Measure 2, as identified in California Streets and Highways Code Section 30914(c) or (d); and

WHEREAS, the Regional Measure 2 allocation request demonstrates a fully funded operating plan that is consistent with the adopted performance measures, as applicable, for which CCCTA is requesting that MTC allocate Regional Measure 2 funds, and

WHEREAS, the certification by CCCTA of assurances is required for the allocation of funds by MTC; and

WHEREAS, CCCTA requires an allocation of these funds for capital and operating assistance to support CCCTA's provision of public transit services in the Central Contra Costa County area for Fiscal Year 2012.

NOW, THEREFORE, BE IT RESOLVED, that CCCTA, and its agents shall comply with the provisions of the Metropolitan Transportation Commission's Regional Measure 2 Policy Guidance (MTC Resolution No. 3636); and be it further

RESOLVED, that CCCTA certifies that the project is consistent with the Regional Transportation Plan (RTP), and be it further

RESOLVED, that CCCTA approves the Express Bus routes operating proposals; and be it further

RESOLVED, that CCCTA approves the certification of assurances, attached to this resolution; and be it further

RESOLVED, that CCCTA is an eligible sponsor of projects in the Regional Measure 2 Regional Traffic Relief Plan, Capital Program, in accordance with California Streets and Highways Code 30914(d); and be it further

RESOLVED, that CCCTA is authorized to submit an application for Regional Measure 2 funds for Express Bus Operations in accordance with California Streets and Highways Code 30914(d); and be it further

RESOLVED, that CCCTA certifies that the projects and purposes for which RM2 funds are being requested are in compliance with the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 *et. seq.*), and with the State Environmental Impact Report Guidelines (14 California Code of Regulations Section 15000 *et. seq.*) and, if relevant the National Environmental Policy Act (NEPA), 42 USC Section 4-1 *et. seq.* and the applicable regulations thereunder; and be it further

RESOLVED, that there is no legal impediment to CCCTA making allocation requests for Regional Measure 2 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 CCCTA to deliver such project; and be it further

RESOLVED, that CCCTA indemnifies and holds harmless MTC, its Commissioners, representatives, agents, and employees from any and against all claims, injury, suits, demands, liability, losses, damages, and expenses, whether direct or indirect (including any and all costs and expenses in connection therewith), incurred by reason of any act or failure to act of CCCTA, its officers, employees or agents, or subcontractors or any of them in connection with its performance of services under this allocation of RM2 funds. In addition to any other remedy authorized by law, so much of the funding due under this allocation of RM2 funds as shall reasonably be considered necessary by MTC may be retained until disposition has been made of any claim for damages; and be it further

RESOLVED, that CCCTA shall, if there are any revenues or profits from any non-governmental use of property (or project) those revenues or profits shall be used exclusively for the public transportation services for which the project was initially approved, either for capital improvements or maintenance and operational costs, otherwise the Metropolitan Transportation Commission is entitled to a proportionate share equal to MTC's percentage participation in the projects(s); and be it further

RESOLVED by the Board of Directors of the Central Contra Costa Transit Authority that the General Manager, or his designee, is authorized to execute and file appropriate applications, together with all necessary supporting documents, with the Metropolitan Transportation Commission for allocation of TDA, STA and RM2 funds for Fiscal Year 2012; and be it further

RESOLVED that a copy of this resolution be transmitted to the Metropolitan Transportation Commission in conjunction with the filing of the claims, and the Metropolitan Transportation Commission be requested to grant the allocation of funds as specified herein,

Regularly passed and adopted this 21st day of April 2011 by the following vote.

Ayes:

Noes:

Abstain:

Absent:

David E. Hudson, Chair, CCCTA Board of Directors

ATTEST:

Janet Madrigal, Clerk to the Board