

RESOLUTION NO. 2024-023

**BOARD OF DIRECTORS, CENTRAL CONTRA COSTA TRANSIT AUTHORITY
STATE OF CALIFORNIA**

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**ALLOCATION REQUEST FOR REGIONAL MEASURE 3 FUNDS FOR
OPERATING OR PLANNING COSTS IN THE AMOUNT OF \$22,630**

Implementing Agency: Central Contra Costa Transit Authority (CCCTA)

Project Title: County Connection Express Bus Route 96x

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 (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 certain unincorporated portions of Contra Costa County;

WHEREAS, SB 595 (Chapter 650, Statutes 2017), commonly referred to as Regional Measure 3, identified projects eligible to receive funding under the Regional Measure 3 Expenditure Plan;

WHEREAS, the Metropolitan Transportation Commission (MTC) is responsible for funding projects eligible for Regional Measure 3 funds, pursuant to Streets and Highways Code Section 30914.7(a) and (c);

WHEREAS, MTC has established a process whereby eligible transportation project sponsors may submit allocation requests for Regional Measure 3 funding;

WHEREAS, allocation requests to MTC must be submitted consistent with procedures and conditions as outlined in Regional Measure 3 Policies and Procedures (MTC Resolution No. 4404);

WHEREAS, CCCTA is an eligible sponsor of transportation project(s) in the Regional Measure 3 Expenditure Plan;

WHEREAS, the County Connection Express Bus Route 96x Project is eligible for consideration in the Regional Measure 3 Expenditure Plan, as identified in California Streets and Highways Code Section 30914.7(a); and

WHEREAS, the Regional Measure 3 allocation request, attached hereto in the Operating Agreement and incorporated herein as though set forth at length, enumerates the project details for which CCCTA is requesting that MTC allocate Regional Measure 3 funds.

NOW, THEREFORE, BE IT RESOLVED that CCCTA, and its agents shall comply with the provisions of the Metropolitan Transportation Commission's Regional Measure 3 Policies and Procedures;

BE IT FURTHER RESOLVED that CCCTA certifies that the project is consistent with the Regional Transportation Plan (RTP);

BE IT FURTHER RESOLVED that CCCTA approves the updated Operating Agreement, attached to this resolution;

BE IT FURTHER RESOLVED that CCCTA approves the certification of assurances, attached to this resolution;

BE IT FURTHER RESOLVED that CCCTA is an eligible sponsor of projects in the Regional Measure 3 Expenditure Plan, in accordance with California Streets and Highways Code 30914.7(c);

BE IT FURTHER RESOLVED that CCCTA is authorized to submit an application for Regional Measure 3 funds for the County Connection Express Bus Route 96x Project in accordance with California Streets and Highways Code 30914.7(a);

BE IT FURTHER RESOLVED that CCCTA certifies that the projects and purposes for which Regional Measure 3 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;

BE IT FURTHER RESOLVED that there is no legal impediment to CCCTA making allocation requests for Regional Measure 3 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 CCCTA to deliver such project;

BE IT FURTHER RESOLVED that CCCTA agrees to comply with the requirements of MTC's Transit Coordination Implementation Plan as set forth in MTC Resolution 3866;

BE IT FURTHER RESOLVED that CCCTA indemnifies and holds harmless MTC, BATA, and their Commissioners, representatives, agents, and employees from 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 Regional Measure 3 funds. CCCTA agrees at its own cost, expense, and risk, to defend any and all claims, actions, suits, or other legal proceedings brought or instituted against MTC, BATA, and their Commissioners, officers, agents, and employees, or any of them, arising out of such act or omission, and to pay and satisfy any resulting judgments. In addition to any other remedy authorized by law, so much of the funding due under this allocation of RM3 funds as shall reasonably be considered necessary by MTC may be retained until disposition has been made of any claim for damages;

BE IT FURTHER RESOLVED that CCCTA shall, if any revenues or profits from any non-governmental use of property (or project) that 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);

BE IT FURTHER RESOLVED that CCCTA authorizes its General Manager or designee to execute and submit an allocation request for operating or planning costs for Fiscal Year 2024 with MTC for Regional Measure 3 funds in the amount of \$22,630, for the project, purposes and amounts included in the project application attached to this resolution;

BE IT FURTHER RESOLVED that the General Manager or designee is hereby delegated the authority to make non-substantive changes or minor amendments to the Operating Agreement as he deems appropriate; and

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

Regularly passed and adopted this 16th day of May, 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Don Tatzin, Chair, Board of Directors

ATTEST:

Lathina Hill, Clerk to the Board