

RESOLUTION NO.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY
AUTHORIZING THE FILING OF APPLICATIONS FOR
FEDERAL TRANSIT ADMINISTRATION FORMULA PROGRAM AND
SURFACE TRANSPORTATION PROGRAM FUNDING FOR
CAPITAL PROJECTS AND COMMITTING THE NECESSARY LOCAL
MATCH FOR THE PROJECTS AND STATING THE ASSURANCE OF CITY OF
UNION CITY TO COMPLETE THE PROJECTS**

WHEREAS, Fixing America's Surface Transportation (FAST Act, Public Law 114-94) continues and establishes new Federal Transit Administration formula programs (23 U.S.C. §53) and continues the Surface Transportation Program (23 U.S.C. § 133); and

WHEREAS, pursuant to the FAST Act, and the regulations promulgated there under, eligible project sponsors wishing to receive Federal Transit Administration (FTA) Section 5307 Urbanized Area, Section 5337 State of Good Repair, or Section 5339 Bus and Bus Facilities (collectively, FTA Formula Program) grants or Surface Transportation Program (STP) grants for a project shall submit an application first with the appropriate metropolitan transportation planning organization (MPO), for review and inclusion in the MPO's Transportation Improvement Program (TIP); and

WHEREAS, the Metropolitan Transportation Commission (MTC) is the MPO for the San Francisco Bay Area region; and

WHEREAS, the City of Union City is an eligible project sponsor for FTA Formula Program and STP funds; and

WHEREAS, the City of Union City wishes to submit grant applications to MTC for FTA Formula Program and STP funds for capital projects; and

WHEREAS, MTC requires, as part of the application, a resolution stating the following:

- 1) The commitment of necessary local matching funds (18-50% for FTA Formula Program funds, depending on project type, and 11.47% for STP funds); and
- 2) That the sponsor understands that the FTA Formula Program and STP funding is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded from FTA Formula Program or STP funds; and
- 3) The assurance of the sponsor to complete the project as described in the application, and if approved, as programmed in MTC's TIP; and

- 4) That the sponsor understands that FTA Formula Program funds must be obligated within three years of programming and STP funds must be obligated by January 31 of the year that the project is programmed for in the TIP, or the project may be removed from the program.

WHEREAS, there is no legal impediment to the City of Union City making applications for FTA Formula Program and STP funds; and

WHEREAS, there is no pending or threatened litigation which might in any way adversely affect the proposed projects, or the ability of the City of Union City to deliver such projects.

NOW, THEREFORE, BE IT RESOLVED that the City Manager or designee is authorized to execute and file an application for funding under the FTA Formula Program and/or STP for capital projects; and

BE IT FURTHER RESOLVED that by adopting this resolution, the City of Union City does hereby state that:

1) the City of Union City will provide 20% in local matching funds for FTA Formula Program funds and 11.47% for STP funds; and

2) the City of Union City understands that the FTA Formula Program and STP funding is fixed, and that any cost increases must be funded by the City of Union City from local matching funds, and that the City of Union City does not expect any cost increases to be funded with FTA Formula Program and STP funds; and

3) Any projects will be built, if approved, for the amount shown in the MTC TIP with obligation occurring within the timeframe established below; and

4) the City of Union City understands that FTA Formula Program funds must be obligated within three years of programming and STP funds must be obligated by September 30 of the year the project is programmed for in the TIP; and

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

BE IT FURTHER RESOLVED that a copy of this resolution will be transmitted to the MTC prior to MTC programming the FTA Formula Program or STP funded projects in the TIP; and

BE IT FURTHER RESOLVED that the MTC is requested to support the application for projects, if approved, in MTC's TIP.