

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE FILING OF AN APPLICATION FOR FEDERAL SURFACE TRANSPORTATION PROGRAM (STP) AND/OR CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT (CMAQ) FUNDING AND COMMITTING THE NECESSARY NON-FEDERAL MATCH AND STATING THE ASSURANCE TO COMPLETE THE PROJECT

WHEREAS, the City of San José (City) is submitting an application to the Metropolitan Transportation Commission (MTC) for \$1,055,000 in funding from the federal Surface Transportation Program (STP) and/or Congestion Mitigation and Air Quality Improvement (CMAQ) program for the Coyote Creek Trail (Highway 237 Bikeway to Tasman Drive) (herein referred to as Project) for the MTC Resolution, No. 3925, New Federal Surface Transportation Act (FY 2009-2010, FY 2010-2011 and FY 2011-2012) Cycle 1 STP/CMAQ Program: Project Selection Criteria, Policy, Procedures and Programming (herein referred to as Program); and

WHEREAS, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA) (Public Law 109-59, August 10, 2005) continued the Surface Transportation Program (23 U.S.C. §133) and the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. §149) through September 30, 2009; and

WHEREAS, SAFETEA has been extended pursuant to Public Law 11-118 and may be subsequently extended pending enactment of successor legislation for continued funding; and

WHEREAS, pursuant to SAFETEA, and the regulations promulgated thereunder, eligible project sponsors wishing to receive federal Surface Transportation Program and/or Congestion Mitigation and Air Quality Improvement Program (STP/CMAQ) funds for a project shall submit an application first with the appropriate Metropolitan Planning Organization (MPO), for review and inclusion in the MPO's Transportation Improvement Program (TIP); and

WHEREAS, the MTC is the MPO 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 STP/CMAQ funds;

WHEREAS, as part of the application for STP/CMAQ funding, MTC requires a resolution adopted by the responsible implementing agency stating the following:

1. the commitment of necessary local matching funds of at least 20%; and
2. that the sponsor understands that the STP/CMAQ funding is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional STP/CMAQ funds; and
3. that the Project will comply with the procedures specified in Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised); and

4. the assurance of the sponsor to complete the Project as described in the application, and if approved, as included in MTC's TIP; and
5. that the Project will comply with all the Project-specific requirements as set forth in the Program, including the requirement to keep the Project open for 24 hours once constructed.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

1. City will provide \$350,000 in non-federal matching funds; and
2. City understands that the STP/CMAQ 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 the City does not expect any cost increases to be funded with additional STP/CMAQ funding; and
3. 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, as revised); and
4. Project will be implemented as described in the complete application and in this resolution and if approved for the amount programmed in the MTC federal TIP; and
5. City and the Project will comply with the requirements as set forth in the Program; and
6. City is an eligible sponsor of STP/CMAQ funded projects; and
7. City is authorized to submit an application for STP/CMAQ funds for the Project; and

8. There is no legal impediment to City making applicaitons for the funds; and
9. There is no pending or threatened litigation that might in any way adversely affect the proposed Project, or the ability of City to deliver such Project; and
10. The San Jose City Council authorizes the City Manager, or designee, to execute and file an application with MTC for STP/CMAQ funding for the Project as referenced in this resolution and to negotiate and execute any documents to accept the grant; and
11. A copy of this resolution will be transmitted to the MTC in conjunction with the filing of the application; and
12. The MTC is requested to support the application for the Project described in the resolution and to include the Project, if approved, in MTC's TIP; and

ADOPTED this ____ day of _____, 2010, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk

RD:JVP:SBM
9/20/2010