

RESOLUTION NO. 73912

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE CITY MANAGER TO EXECUTE AND SUBMIT AN APPLICATION TO THE METROPOLITAN TRANSPORTATION COMMISSION FOR STP AND CMAQ GRANT FUNDING IN AN AMOUNT NOT TO EXCEED \$1,625,000 FOR THE HENSLEY HISTORIC DISTRICT PORTION OF THE SAN JOSE STATE UNIVERSITY TO JAPANTOWN PEDESTRIAN CORRIDOR PROJECT, AND TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THE GRANT**

**WHEREAS**, the City of San José ("City") desires to submit an application to the Metropolitan Transportation Commission ("MTC") for \$1,625,000 in funding from the federal Surface Transportation Program ("STP") and/or Congestion Mitigation and Air Quality Improvement ("CMAQ") program for the Hensley Historic District Portion of the City's San José State University ("SJSU") to Japantown Pedestrian Corridor Project (herein referred to as, "PROJECT") for the MTC Third Cycle STP/CMAQ Policy, Resolution No. 3723 – Housing Incentive Program ("HIP") (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) continues the STP (23 U.S.C. § 133) and the CMAQ program (23 U.S.C. § 149); and

**WHEREAS**, pursuant to SAFETEA, and the regulations promulgated thereunder, eligible project sponsors wishing to receive federal STP and/or CMAQ program 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**, MTC is the MPO for the nine counties of the San Francisco Bay region, including Santa Clara County; 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; and

**WHEREAS**, City is an eligible project sponsor for STP/CMAQ funds; and

**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 11.47%; 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 Third Cycle STP/CMAQ Policy.

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

1. The City of San José ("City") is authorized to execute and file an application for funding under the Surface Transportation Program ("STP") and Congestion Mitigation and Air Quality Improvement ("CMAQ") program of Safe, Accountable, Flexible, Efficient Transportation Equity Act ("SAFETEA") for the Hensley Historic

District Portion of the City's San José State University (SJSU) to Japantown Pedestrian Corridor Project ("PROJECT").

2. The City by adopting this resolution does hereby state that:
  - a. City will provide \$212,000 in non-federal matching funds towards the PROJECT; and
  - b. 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 City does not expect any cost increases to be funded with additional STP/CMAQ funding; and
  - c. 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
  - d. The 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
  - e. City and the PROJECT will comply with the requirements as set forth in Third Cycle STP/CMAQ Policy; and therefore be it further
3. The City is an eligible sponsor of STP/CMAQ funded projects.
4. The City is authorized to submit an application for STP/CMAQ funds for the PROJECT.
5. There is no legal impediment to City making applications for the funds.
6. 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.

7. The City authorizes its City Manager or designee to execute and file an application with MTC for STP/CMAQ funding for the PROJECT as referenced in this resolution, as well as any other documents necessary to effectuate the grant.
8. A copy of this resolution will be transmitted to the MTC in conjunction with the filing of the application.
9. 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.

ADOPTED this 26<sup>th</sup> day of June, 2007, by the following vote:

AYES:	CAMPOS, CHIRCO, CHU, CONSTANT, CORTESE, LICCARDO, NGUYEN, OLIVERIO, PYLE, WILLIAMS; REED
NOES:	NONE
ABSENT:	NONE
DISQUALIFIED:	NONE

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CHUCK REED  
Mayor

ATTEST:

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LEE PRICE, MMC  
City Clerk