

STAFF REPORT

SUBJECT: Resolutions Authorizing the Filing of Applications for Federal Funds for Fiscal Year 2015 to the Metropolitan Transportation Commission and a Resolution Authorizing the Filing of an Application for FTA Section 5307 and Section 5309 and Surface Transportation Programs Funding.

FROM: Tamara Edwards, Finance and Grants Manager

DATE: July 11, 2016

Action Requested

It is requested that the LAVTA Board of Directors approve “a resolution authorizing the filing of an application for FTA Formula Program and Surface transportation programs funding by the Livermore Amador Valley Transit Authority (LAVTA) for Capital and Operating funds for fiscal year 2015 and committing the necessary local match for the projects and stating the assurance of LAVTA to complete the project.”

Additionally, it is requested that the LAVTA Board of Directors approve the attached “the attached resolution authorizing the Executive Director to sign Section 5307, 5309 and Surface Transportation Programs Funding agreements”.

Background

The MTC and Federal Transit Administration require submission of capital programs spanning a 10 year horizon. LAVTA develops our Short Range Transportation Plan (SRTP) and updates it every four years. It is from this information that MTC develops the region-wide capital program. A requirement of the funding application is the adoption of a resolution by the agency governing body supporting the capital and operating program on an annual basis.

With the addition of a new Federal Funding software, it is necessary for the LAVTA Board of Directors to pass and adopt a new Resolution that authorizes the Executive Director to execute and file an application for federal assistance on behalf of LAVTA with the Federal Transit Administration (FTA) for federal assistance authorized by 49 U.S.C. Chapter 53, Title 23 United States Code, or other federal statutes authorizing a project administered by the FTA, including authority from the Metropolitan Transportation Commission (MTC), the Designated Recipient, to apply for assistance authorized by 49 U.S.C. 5307 and 49 U.S.C. 5309.

Discussion

An analysis of our capital and operating plan and the SRTP identified LAVTA’s capital and operating needs in FY 2015 which would require federal funds. Fiscal year 201 funds will be used for bus replacements.

ADA operating funds are also being requested by LAVTA based on the 10% formula, which provides LAVTA with 10% of the federal 5307 funds for their service area in the form of ADA operating revenues.

Staff is asking for Board approval in order to comply with both MTC and FTA requirements.

Budget Considerations:

Receiving federal funds for various operating and capital projects allows LAVTA to continue necessary programs and make purchases to support these programs.

Recommendation

Staff recommends the Board approve a resolution authorizing the filing of an application for FTA Formula Program and Surface transportation programs funding by the Livermore Amador Valley Transit Authority (LAVTA) for Capital and Operating funds for fiscal year 2015 and committing the necessary local match for the projects and stating the assurance of LAVTA to complete the project.” Additionally, Staff recommends the LAVTA Board of Directors approve the attached “resolution authorizing the Executive Director to sign Section 5307, 5309 and Surface Transportation Programs Funding agreements”.

Attachments:

1. A resolution authorizing the filing of an application for FTA Formula Program and Surface transportation programs funding by the Livermore Amador Valley Transit Authority (LAVTA) for Capital and Operating funds for fiscal year 2015 and committing the necessary local match for the projects and stating the assurance of LAVTA to complete the project. Resolution 26-2016.
2. A resolution of the Board of Directors of the Livermore Amador Valley Transit Authority authorizing the filing of applications with the Federal Transit Administration, an operating administration of the United States Department of Transportation, for Federal transportation assistance authorized by Chapter 53 of Title 49 of the United States code and any other Federal statutes administered by the Federal Transit Administration. Resolution 27-2016.

Approved: _____

RESOLUTION NO. 26-2016

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR FTA FORMULA PROGRAM AND SURFACE TRANSPORTATION PROGRAMS FUNDING BY THE LIVERMORE AMADOR VALLEY TRANSIT AUTHORITY (LAVTA) FOR CAPITAL AND OPERATING FUNDS FOR FISCAL YEARS 2015 AND COMMITTING THE NECESSARY LOCAL MATCH FOR THE PROJECT(S) AND STATING THE ASSURANCE OF LAVTA TO COMPLETE THE PROJECT

WHEREAS, Moving Ahead for Progress in the 21st Century (MAP-21, Public Law 112-141) 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 MAP-21, and the regulations promulgated there under, eligible project sponsors wishing to receive Federal Transit Administration (FTA) Section 5307 and Section 5309 Fixed Guideway (FG) Formula, 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 of the MPO's Transportation Improvement Program (TIP); and

WHEREAS, the Metropolitan Transportation Commission is the MPO for the San Francisco Bay Region; and

WHEREAS, LAVTA is an eligible project sponsor for FTA Formula Program or STP funds, for the following projects; and

WHEREAS, LAVTA wishes to submit a grant application to MTC for funds from the FY2014-2015 FTA Formula Programs, or STP Program funds; and

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

- 1) the commitment of necessary local matching funds of at least 20% for FTA Formula Program funds, and 11.47% for Surface Transportation Program 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 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 funds must be obligated within three years of programming and STP must be obligated by September 30 of the year that the project is programmed for in the TIP, or the project may be removed from the program.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Livermore Amador Valley Transit Authority that LAVTA is authorized to execute and file an application

for funding under the FTA Formula Program and/or Surface Transportation Program for LAVTA Federal Funds Capital and Operating Program; and

BE IT FURTHER RESOLVED that the Board of Directors of the Livermore Amador Valley Transit Authority, by adopting this resolution, does hereby state that:

- 1) LAVTA will provide the necessary local matching funds; and
- 2) LAVTA understands that the FTA Formula Program and STP funding for the projects is fixed and that any cost increases must be funded by LAVTA from local matching funds, and that LAVTA does not expect any cost increases to be funded with FTA Formula Program and Surface Transportation Program funds; and
- 3) LAVTA Federal Funds Capital and Operating Program will be built as described in this resolution and, if approved for the amount shown in the Metropolitan Transportation Commission (MTC) Transportation Improvement Program (TIP) with obligation occurring within the timeframe established below; and
- 4) The program funds are expected to be obligated by September 30 of the year the project is programmed for in the TIP; and

BE IT FURTHER RESOLVED that LAVTA 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 Surface Transportation Program funded project in the Transportation Improvement Program (TIP); and

BE IT FURTHER RESOLVED that LAVTA is an eligible sponsor of projects in the FTA Formula Program and STP Programs; and

BE IT FURTHER RESOLVED that LAVTA is authorized to submit an application for FTA Formula Program and STP funds for LAVTA Federal Funds Capital and Operating Program; and

BE IT FURTHER RESOLVED that there is no legal impediment to LAVTA making applications for FTA Formula Program and STP 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 LAVTA to deliver such project; and

BE IT FURTHER RESOLVED that the MTC is requested to support the application for the project described in the resolution and to program the project, if approved, in MTC's TIP.

Adopted on this 11th day of July 2015 by the LAVTA Board of Directors.

APPROVED:

Steven Spedowfski, Chair

ATTEST:

Michael Tree, Executive Director

RESOLUTION NO. 27-2016

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE LIVERMORE AMADOR VALLEY TRANSIT AUTHORITY AUTHORIZING THE FILING OF APPLICATIONS WITH THE FEDERAL TRANSIT ADMINISTRATION, AN OPERATING ADMINISTRATION OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION, FOR FEDERAL TRANSPORTATION ASSISTANCE AUTHORIZED BY CHAPTER 53 OF TITLE 49 OF THE UNITED STATES CODE AND ANY OTHER FEDERAL STATUTES ADMINISTERED BY THE FEDERAL TRANSIT ADMINISTRATION¹

WHEREAS, the Federal Transit Administration has been authorized to provide funding to support public transportation under 49 U.S.C. Chapter 53;

WHEREAS, grants or cooperative agreements for Federal financial assistance will impose certain obligations upon the Livermore Amador Valley Transit Authority and may require the Livermore Amador Valley Transit Authority to provide the non-Federal share of transportation-related expenses supported with Federal financial assistance;

WHEREAS, Livermore Amador Valley Transit Authority is legally authorized under Federal, state, or local law to apply for and receive Federal assistance;

WHEREAS, Livermore Amador Valley Transit has received authority from the Metropolitan Transportation Commission to apply for and receive Urbanized Area Formula Program assistance authorized by 49 U.S.C. 5307.

WHEREAS, the Livermore Amador Valley Transit Authority is required to provide certain certifications and assurances to the Federal Transit Administration at least annually;

NOW, THEREFORE, BE IT RESOLVED BY the Board of Directors of the Livermore Amador Valley Transit Authority:

1. That the Executive Director or designee is authorized to execute and file an application for Federal assistance on behalf of the Livermore Amador Valley Transit Authority with the Federal Transit Administration for Federal assistance authorized by 49 U.S.C. Chapter 53 or any other Federal statutes authorizing activities administered by the Federal Transit Administration.
 2. That the Executive Director or designee is authorized to execute and file with the Federal Transit Administration the annual certifications and assurances and other documents the Federal Transit Administration requires before awarding a Federal assistance grant or cooperative agreement.
 3. That the Executive Director is authorized to execute the grant and cooperative agreements with the Federal Transit Administration on behalf of the Livermore Amador Valley Transit Authority.
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4. That the Executive Director or designee is authorized to draw payments against available grant funding using the ECHO web system or other Federal Transit Administration automated application used to request payments from grant awards.

CERTIFICATION

The undersigned duly qualified Executive Director, acting on behalf of the Livermore Amador Valley Transit Authority, certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the Board of Directors of the Livermore Amador Valley Transit Authority held on the 11th day of July, 2016.

Steven Spedowfski
Chair

Date