RESOLUTION NO. ______________

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE FILING OF APPLICATIONS FOR FUNDING ASSIGNED TO THE METROPOLITAN TRANSPORTATION COMMISSION AND COMMITTING THE NECESSARY MATCHING FUNDS AND STATING ASSURANCE TO COMPLETE THE SAN JOSE PAVEMENT MAINTENANCE PROGRAM, MCKEE ROAD - SAN JOSE VISION ZERO’S SAFETY IMPROVEMENT PROJECT, TULLY ROAD - SAN JOSE VISION ZERO’S SAFETY IMPROVEMENT PROJECT, WEST SAN CARLOS - SAN JOSE VISION ZERO’S SAFETY IMPROVEMENT PROJECT, AND MOUNT PLEASANT SCHOOLS AREA TRAFFIC SAFETY IMPROVEMENTS

WHEREAS, the City of San Jose ("City") is submitting applications to the Metropolitan Transportation Commission ("MTC") for $40,751,000 in funding assigned to MTC for programming discretion, which includes federal funding administered by the Federal Highway Administration ("FHWA") and federal or state funding administered by the California Transportation Commission ("CTC") such as Surface Transportation Block Grant Program ("STP") funding, Congestion Mitigation and Air Quality Improvement Program ("CMAQ") funding, Transportation Alternatives ("TA") set-aside/Active Transportation Program ("ATP") funding, Climate Initiative Safe Routes to School funding, and Regional Transportation Improvement Program ("RTIP") funding (herein collectively referred to as "Regional Discretionary Funding") for the San Jose Pavement Maintenance Program, McKee Road - San Jose Vision Zero’s Safety Improvement Project, Tully Road - San Jose Vision Zero’s Safety Improvement Project, West San Carlos - San Jose Vision Zero’s Safety Improvement Project, and Mount Pleasant Schools Area Traffic Safety Improvements (herein referred to as "Projects") for the One Bay Area Grant (OBAG) and Vehicle Emissions Reductions Based at Schools (VERBS) Grant; and
WHEREAS, the United States Congress from time to time enacts and amends legislation to provide funding for various transportation needs and programs, (collectively, the “Federal Transportation Act”) including, but not limited to the Surface Transportation Block Grant Program (STP) (23 U.S.C. § 133), the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149) and the Transportation Alternatives (TA) set-aside (23 U.S.C. § 133); and

WHEREAS, state statutes, including California Streets and Highways Code §182.6, §182.7, and §2381(a)(1), and California Government Code §14527, provide various funding programs for the programming discretion of the Metropolitan Planning Organization (MPO) and the Regional Transportation Planning Agency (RTPA); and

WHEREAS, pursuant to the Federal Transportation Act, and any regulations promulgated thereunder, eligible project sponsors wishing to receive federal or state funds for a regionally-significant project shall submit an application first with the appropriate MPO, or RTPA, as applicable, for review and inclusion in the federal Transportation Improvement Program (TIP); and

WHEREAS, MTC is the MPO and RTPA 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 Regional Discretionary Funding; and

WHEREAS, City is an eligible sponsor for Regional Discretionary Funding; and

WHEREAS, as part of the application for Regional Discretionary Funding, MTC
requires a resolution adopted by the responsible implementing agency stating the following:

- the commitment of any required matching funds; and
- that the sponsor understands that the Regional Discretionary Funding is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional Regional Discretionary Funding; and
- that the Projects will comply with the procedures, delivery milestones and funding deadlines specified in the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised); and
- the assurance of the sponsor to complete the Projects as described in the applications, subject to environmental clearance, and if approved, as included in MTC's federal Transportation Improvement Program (TIP); and
- that the Projects will have adequate staffing resources to deliver and complete the Projects within the schedule submitted with the Projects applications; and
- that the Projects will comply with all project-specific requirements as set forth in the Program; and
- that City has assigned, and will maintain a single point of contact for all FHWA- and CTC-funded transportation projects to coordinate within the agency and with the respective Congestion Management Agency (CMA), MTC, Caltrans, FHWA, and CTC on all communications, inquires or issues that may arise during the federal programming and delivery process for all FHWA- and CTC-funded transportation and transit projects implemented by City; and
- in the case of a transit project, the Project will comply with MTC Resolution No. 3866, revised, which sets forth the requirements of MTC's Transit Coordination Implementation Plan to more efficiently deliver transit projects in the region; and
- in the case of a highway project, the project will comply with MTC Resolution No. 4104, which sets forth MTC’s Traffic Operations System (TOS) Policy to install and activate TOS elements on new major freeway projects; and
- in the case of an RTIP project, state law requires the project be included in a local congestion management plan, or be consistent with the capital improvement program adopted pursuant to MTC’s funding agreement with the countywide transportation agency; and

WHEREAS, that City is authorized to submit applications for Regional Discretionary Funding for the Projects; and

WHEREAS, there is no legal impediment to City making applications for the funds; and

WHEREAS, there is no pending or threatened litigation that might in any way adversely affect the proposed Projects, or the ability of City to deliver such Projects; and

WHEREAS, City authorizes its Executive Director, General Manager, or designee to execute and file applications with MTC for Regional Discretionary Funding for the Projects as referenced in this resolution; and

WHEREAS, MTC requires that a copy of this resolution be transmitted to the MTC in conjunction with the filing of the applications;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:
1. The City of San José is authorized to execute and file applications for funding for the Projects for Regional Discretionary Funding under the Federal Transportation Act or continued funding.

2. The City of San José will provide any required matching funds.

3. The City of San José understands that the Regional Discretionary Funding for a project is fixed at the MTC approved programmed amount, and that any cost increases must be funded by the City of San José from other funds, and that the City of San José does not expect any cost increases to be funded with additional Regional Discretionary Funding.

4. The City of San José 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, revised) and the City of San José has, and will retain the expertise, knowledge and resources necessary to deliver federally-funded transportation and transit projects, and has assigned, and will maintain a single point of contact for all FHWA- and CTC-funded transportation projects to coordinate within the agency and with the respective Congestion Management Agency (CMA), MTC, Caltrans, FHWA, and CTC on all communications, inquires or issues that may arise during the federal programming and delivery process for all FHWA- and CTC-funded transportation and transit projects implemented by the City of San José.

5. Projects will be implemented as described in the complete applications and in this resolution, subject to environmental clearance, and, if approved, for the amounts approved by MTC and programmed in the federal TIP.

6. The City of San José has reviewed the Projects and has adequate staffing.
resources to deliver and complete the Projects within the schedules submitted with the projects applications.

7. Projects will comply with the requirements as set forth in MTC programming guidelines and project selection procedures for the Program.

8. The City of San José will comply with requirements of the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA).

9. In the case of a transit project, the City of San José agrees to comply with the requirements of MTC’s Transit Coordination Implementation Plan as set forth in MTC Resolution No. 3866, revised.

10. In the case of a highway project, the City of San José agrees to comply with the requirements of MTC’s Traffic Operations System (TOS) Policy as set forth in MTC Resolution No. 4104.

11. In the case of an RTIP project, the project is included in a local congestion management plan, or is consistent with the capital improvement program adopted pursuant to MTC’s funding agreement with the countywide transportation agency.

12. The City of San José is an eligible sponsor of Regional Discretionary Funding funded projects.

13. The City of San José is authorized to submit an application for Regional Discretionary Funding for the Projects.
14. There is no legal impediment to the City of San José making applications for the funds.

15. There is no pending or threatened litigation that might in any way adversely affect the proposed Projects, or the ability of the City of San José to deliver such Projects.

16. The City of San José authorizes its City Manager, or designee, to execute and file applications with MTC for Regional Discretionary Funding for the Projects as referenced in this resolution.

17. A copy of this resolution will be transmitted to the MTC in conjunction with the filing of the applications.

18. The MTC is requested to support the applications for the Projects described in the resolution, and if approved, to include the Projects in MTC's federal TIP upon submittal by the projects sponsor for TIP programming.
ADOPTED this _____ day of ____________, 2017, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk