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**RESOLUTION NO. 2010-45**

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**A RESOLUTION OF THE ALBANY CITY COUNCIL AUTHORIZING THE FILING OF AN APPLICATION FOR CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT (CMAQ) FUNDING AND COMMITTING THE NECESSARY NON-FEDERAL MATCH AND STATING THE ASSURANCE TO COMPLETE THE PROJECT**

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**WHEREAS**, the City of Albany (herein referred to as APPLICANT) is submitting an application to the Metropolitan Transportation Commission (MTC) for \$1,702,000 in funding from the Congestion Mitigation and Air Quality Improvement (CMAQ) program for the Buchanan Bicycle and Pedestrian Path (herein referred to as PROJECT) for the MTC Resolution, No. 3925, New Federal Surface Transportation Act (FY 2009-10, FY 2010-11 and FY 2011-12) Cycle 1 STP/CMAQ Program: Project Selection Criteria, Policy, Procedures and Programming (herein referred to as PROGRAM); and

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**WHEREAS**, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA) (Public Law 109-59, August 10, 2005) authorized 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 through December 31, 2010 pursuant to Public Law 111-147, March 18, 2010 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

1           **WHEREAS**, the Metropolitan Transportation Commission (MTC) is the MPO for the  
2 nine counties of the San Francisco Bay region; and  
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4           **WHEREAS**, MTC has adopted a Regional Project Funding Delivery Policy (MTC  
5 Resolution No. 3606, revised) that sets out procedures governing the application and use of  
6 STP/CMAQ funds; and  
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8           **WHEREAS**, APPLICANT is an eligible project sponsor for STP/CMAQ funds; and  
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10           **WHEREAS**, as part of the application for STP/CMAQ funding, MTC requires a  
11 resolution adopted by the responsible implementing agency stating the following:  
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- 13           1) the commitment of necessary local matching funds of at least 11.47%; and
- 14           2) that the sponsor understands that the STP/CMAQ funding is fixed at the programmed  
15           amount, and therefore any cost increase cannot be expected to be funded with additional  
16           STP/CMAQ funds; and
- 17           3) that the project will comply with the procedures specified in Regional Project Funding  
18           Delivery Policy (MTC Resolution No. 3606, revised); and
- 19           4) the assurance of the sponsor to complete the project as described in the application, and if  
20           approved, as included in MTC's TIP; and
- 21           5) that the project will comply with all the project-specific requirements as set forth in the  
22           PROGRAM.; and
- 23           6) that the project (transit only) will comply with MTC Resolution No. 3866, which sets forth  
24           the requirements of MTC's Transit Coordination Implementation Plan to more efficiently  
25           deliver transit projects in the region.

26           **NOW, THEREFORE, BE IT RESOLVED** that the APPLICANT is authorized  
27 to execute and file an application for funding for the PROJECT under the Surface Transportation  
28 Program (STP) and Congestion Mitigation and Air Quality Improvement Program (CMAQ) of  
29 SAFETEA, any extensions of SAFETEA or any successor legislation for continued funding ; and  
be it further

**RESOLVED** that the APPLICANT by adopting this resolution does hereby state that:

1. APPLICANT will provide \$ 521,100 in non-federal matching funds; and
2. APPLICANT 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 APPLICANT from other funds, and that APPLICANT does not expect any cost

1 increases to be funded with additional STP/CMAQ funding; and

- 2 3. APPLICANT understands the funding deadlines associated with these funds and will  
3 comply with the provisions and requirements of the Regional Project Funding Delivery  
4 Policy (MTC Resolution No. 3606, as revised); and
- 4 4. PROJECT will be implemented as described in the complete application and in this  
5 resolution and, if approved, for the amount programmed in the MTC federal TIP; and
- 5 5. APPLICANT (for a transit project only) agrees to comply with the requirements of  
6 MTC's Transit Coordination Implementation Plan as set forth in MTC Resolution  
7 3866; and
- 7 6. APPLICANT and the PROJECT will comply with the requirements as set forth in the  
8 program; and therefore be it further

9 **RESOLVED** that APPLICANT is an eligible sponsor of STP/CMAQ funded projects;  
10 and be it further

11 **RESOLVED** that APPLICANT is authorized to submit an application for STP/CMAQ  
12 funds for the PROJECT; and be it further

13 **RESOLVED** that there is no legal impediment to APPLICANT making applications for  
14 the funds; and be it further

15 **RESOLVED** that there is no pending or threatened litigation that might in any way  
16 adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT;  
17 and be it further

18 **RESOLVED** that APPLICANT authorizes its Executive Director, General Manager, or  
19 designee to execute and file an application with MTC for STP/CMAQ funding for the PROJECT as  
20 referenced in this resolution; and be it further

21 **RESOLVED** that a copy of this resolution will be transmitted to the MTC in  
22 conjunction with the filing of the application; and be it further

23 **RESOLVED** that the MTC is requested to support the application for the PROJECT  
24 described in the resolution and to include the PROJECT, if approved, in MTC's TIP.

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Joanne Wile, MAYOR