

RESOLUTION NO. 2013 – XXX**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA AUTHORIZING THE FILING OF AN APPLICATION FOR FUNDING ASSIGNED TO THE METROPOLITAN TRANSPORTATION COMMISSION AND COMMITTING ANY NECESSARY MATCHING FUNDS AND STATING THE ASSURANCE TO COMPLETE THE PROJECT**

WHEREAS, the CITY OF CALISTOGA (herein referred to as “APPLICANT”) is submitting an application to the Metropolitan Transportation Commission (MTC) for \$580,000 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 Program (STP) funding, Congestion Mitigation and Air Quality Improvement (CMAQ) funding, Transportation Alternatives (TA) funding, and Regional Transportation Improvement Program (RTIP) funding (herein collectively referred to as REGIONAL DISCRETIONARY FUNDING) for Improvements at the Intersection at Petrified Forest Road and SR 128 (herein referred to as PROJECT) for the MTC 2014 RTIP (herein referred to as PROGRAM); and

WHEREAS, the Moving Ahead for Progress in the 21st Century Act (Public Law 112-141, July 6, 2012) and any extensions or successor legislation for continued funding (collectively, MAP 21) authorize various federal funding programs including, but not limited to the Surface Transportation 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 Program (TA) (23 U.S.C. § 213); and

WHEREAS, state statutes, including California Streets and Highways Code § 182.6 and § 182.7 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 MAP-21, 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

47 **WHEREAS**, APPLICANT is an eligible sponsor for REGIONAL
48 DISCRETIONARY FUNDING; and

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50 **WHEREAS**, as part of the application for REGIONAL DISCRETIONARY
51 FUNDING, MTC requires a resolution adopted by the responsible implementing agency
52 stating the following:

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- 54 • The commitment of any required matching funds; and
- 55 • That the sponsor understands that the REGIONAL DISCRETIONARY
56 FUNDING is fixed at the programmed amount, and therefore any cost
57 increase cannot be expected to be funded with additional REGIONAL
58 DISCRETIONARY FUNDING; and
- 59 • That the PROJECT will comply with the procedures, delivery milestones
60 and funding deadlines specified in the Regional Project Funding Delivery
61 Policy (MTC Resolution No. 3606, revised); and
- 62 • The assurance of the sponsor to complete the PROJECT as described in
63 the application, subject to environmental clearance, and if approved, as
64 included in MTC's federal Transportation Improvement Program (TIP);
65 and
- 66 • That the PROJECT will have adequate staffing resources to deliver and
67 complete the PROJECT within the schedule submitted with the project
68 application; and
- 69 • That the PROJECT will comply with all project-specific requirements as
70 set forth in the PROGRAM; and
- 71 • That APPLICANT has assigned, and will maintain a single point of contact
72 for all FHWA- and CTC-funded transportation projects to coordinate within
73 the agency and with the respective Congestion Management Agency
74 (CMA), MTC, Caltrans, FHWA, and CTC on all communications, inquiries
75 or issues that may arise during the federal programming and delivery
76 process for all FHWA- and CTC-funded transportation and transit projects
77 implemented by APPLICANT; and
- 78 • In the case of a transit project, the PROJECT will comply with MTC
79 Resolution No. 3866, revised, which sets forth the requirements of MTC's
80 Transit Coordination Implementation Plan to more efficiently deliver transit
81 projects in the region; and
- 82 • In the case of a highway project, the PROJECT will comply with MTC
83 Resolution No. 4104, which sets forth MTC's Traffic Operations System
84 (TOS) Policy to install and activate TOS elements on new major freeway
85 projects;
- 86 • In the case of an RTIP project, state law requires PROJECT be included
87 in a local congestion management plan, or be consistent with the capital
88 improvement program adopted pursuant to MTC's funding agreement with
89 the Countywide transportation agency; and

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91 **WHEREAS**, the APPLICANT is authorized to submit an application for

92 REGIONAL DISCRETIONARY FUNDING for the PROJECT; and

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94 **WHEREAS**, there is no legal impediment to APPLICANT making applications for
95 the funds; and

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97 **WHEREAS**, there is no pending or threatened litigation that might in any way
98 adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such
99 PROEJCT; and

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101 **WHEREAS**, APPLICANT authorizes its Executive Director, General Manager, or
102 designee to execute and file an application with MTC for REGIONAL DISCRETIONARY
103 FUNDING for the PROJECT as referenced in this resolution; and

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105 **WHEREAS**, MTC requires that a copy of this resolution be transmitted to the
106 MTC in conjunction with the filing of the application.

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108 **NOW, THEREFORE, BE IT RESOLVED**, that the APPLICANT is authorized to
109 execute and file an application for funding for the PROJECT for REGIONAL
110 DISCRETIONARY FUNDING under MAP-21 or continued funding; and be it further

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112 **RESOLVED**, that APPLICANT will provide any required matching funds; and be it
113 further

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115 **RESOLVED**, that APPLICANT understands that the REGIONAL
116 DISCRETIONARY FUNDING for the PROJECT is fixed at the MTC approved
117 programmed amount, and that any cost increases must be funded by the APPLICANT
118 from other funds, and that APPLICANT does not expect any cost increases to be funded
119 with additional REGIONAL DISCRETIONARY FUNDING; and be it further

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121 **RESOLVED**, that APPLICANT understands the funding deadlines associated
122 with these funds and will comply with the provisions and requirements of the Regional
123 Project Funding Delivery Policy (MTC Resolution No. 3606, revised) and APPLICANT
124 has, and will retain the expertise, knowledge and resources necessary to deliver
125 federally-funded transportation and transit projects, and has assigned, and will maintain
126 a single point of contact for all FHWA- and CTC-funded transportation projects to
127 coordinate within the agency and with the respective Congestion Management Agency
128 (CMA), MTC, Caltrans, FHWA, and CTC on all communications, inquiries or issues that
129 may arise during the federal programming and delivery process for all FHWA- and CTC-
130 funded transportation and transit projects implemented by APPLICANT; and be it further

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132 **RESOLVED**, that PROJECT will be implemented as described in the complete
133 application and in this resolution, subject to environmental clearance, and, if approved,
134 for the amount approved by MTC and programmed in the federal TIP; and be it further

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136 **RESOLVED**, that APPLICANT has reviewed the PROJECT and has adequate
137 staffing resources to deliver and complete the PROJECT within the schedule submitted

138 with the project application; and be it further

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140 **RESOLVED**, that PROJECT will comply with the requirements as set forth in
141 MTC programming guidelines and project selection procedures for the PROGRAM; and
142 be it further

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144 **RESOLVED**, that, in the case of a transit project, APPLICANT agrees to comply
145 with the requirements of MTC's Transit Coordination Implementation Plan as set forth in
146 MTC Resolution No. 3866, revised; and be it further

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148 **RESOLVED**, that, in the case of a highway project, APPLICANT agrees to
149 comply with the requirements of MTC's Traffic Operations System (TOS) Policy as set
150 forth in MTC Resolution No. 4104; and be it further

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152 **RESOLVED**, that, in the case of an RTIP project, PROJECT is included in a local
153 congestion management plan, or is consistent with the capital improvement program
154 adopted pursuant to MTC's funding agreement with the countywide transportation
155 agency; and be it further

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157 **RESOLVED**, that APPLICANT is an eligible sponsor of REGIONAL
158 DISCRETIONARY FUNDING funded projects; and be it further

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160 **RESOLVED**, that APPLICANT is authorized to submit an application for
161 REGIONAL DISCRETIONARY FUNDING for the PROJECT; and be it further

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

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

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170 **RESOLVED**, that APPLICANT authorizes its City Manager, Public Works
171 Director, or designee to execute and file an application with MTC for REGIONAL
172 DISCRETIONARY FUNDING for the PROJECT as referenced in this resolution; and be
173 it further

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

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

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183 **PASSED, APPROVED, AND ADOPTED** by the City Council of the **City of**
184 **Calistoga** at a regular meeting held this 15th day of October 2013, by the following vote:

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AYES:

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NOES:

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ABSENT:

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ABSTAIN:

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CHRIS CANNING, Mayor

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ATTEST:

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KATHY FLAMSON,

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Deputy City Clerk