

1 [Grant of Federal Funds]

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3 **Resolution authorizing the Municipal Transportation Agency, through its Director of**
4 **Transportation (or his designee), to accept and expend \$22,570,000 in STIP funds from**
5 **the State of California, or if transferred to the Federal Transit Administration, as part of**
6 **FY 2007/2008 federal section 5307 or section 5309 fixed guideway funds, for**
7 **construction of the Muni Metro East Maintenance and Operations Facility, excluding**
8 **administrative overhead costs.**

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10 WHEREAS, AB3090 allows an agency to use local funds to advance a project in an
11 earlier year than the date presently programmed in the State Transportation Improvement
12 Program (STIP), and get reimbursed with STIP funds at a later date; and

13 WHEREAS, On August 5, 2004, the CTC adopted the 2004 STIP, with an amendment
14 approving the AB 3090 reimbursement transaction for the Municipal Transportation Agency's
15 (MTA's) Metro East Maintenance and Operations Facility Project (the "Project"); and

16 WHEREAS, In the 2004 STIP, the State programmed a reimbursement in the amount
17 of \$22,570,000 for the Project in Fiscal Year 2007/2008 ("AB 3090 Reimbursement Funds");
18 and

19 WHEREAS, Once these AB 3090 Reimbursement Funds are appropriated by the
20 State, they will either be awarded directly from State STIP funds or transferred to the Federal
21 Transit Administration for inclusion in either MTA's FY 2007/2008 Section 5307 or Section
22 5309 Fixed Guideway Formula Grant apportionments; and

23 WHEREAS, On November 1, 2005, the MTA Board adopted Resolution No. 05-167,
24 which approved an agreement between the City and the San Francisco County Transportation
25 Authority (SFCTA) ("AB 3090 Loan Agreement"), in which SFCTA agreed to loan \$22,570,000

1 in Proposition K funds to MTA to allow the Project to proceed in advance of receiving the AB
2 3090 Reimbursement Funds, which agreement was approved by the Board of Supervisors on
3 January 10,2006; and

4 WHEREAS, Under the AB 3090 Loan Agreement, MTA will reimburse the SFCTA with
5 the AB3090 Reimbursement Funds; and

6 WHEREAS, The Secretary of Transportation is authorized to make monies available
7 pursuant to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for
8 Users (SAFETEA-LU) for mass transportation projects; and

9 WHEREAS, The MTA is an eligible claimant for FTA Capital Assistance projects under
10 SAFETEA-LU Sections 5307 and 5309; and

11 WHEREAS, Section 5307 is a formula-apportioned resource that may be used for any
12 eligible planning or capital purpose; and

13 WHEREAS, Section 5309 Fixed Guideway is a formula-apportioned resource that may
14 be used to build fixed guideway systems or modernize and enhance existing fixed guideway
15 systems, including repairing and purchasing rolling stock to operate as part of the fixed
16 guideway system; and

17 WHEREAS; The grant contract for financial assistance will impose certain obligations
18 upon the applicant, including providing the local share of project costs; and

19 WHEREAS, The local share of project costs will be funded using a variety of sources,
20 including San Francisco County Sales Taxes (Prop K) and Regional Measure 2 (Bridge Toll)
21 funds; and

22 WHEREAS, The U.S. Department of Transportation (DOT) requires that in connection
23 with the filing of an application for federal assistance, the applicant give an assurance that it
24 will comply with Title VI of the Civil Rights Act of 1964 and DOT requirements implementing
25 that Act; and

1 WHEREAS, It is the goal of the applicant that disadvantaged business enterprises
2 (DBEs) be utilized to the fullest extent possible in connection with this project and that
3 definitive procedures be established and administered, consistent with federal law, to ensure
4 that DBEs have the maximum possible opportunity to compete for contracts, supplies,
5 equipment contracts, or consultant and other services; and

6 WHEREAS, The MTA Director of Transportation (or his designee) must execute
7 agreements to complete transfer of the funds; and

8 WHEREAS, There is no allowance for indirect costs; now, therefore, be it

9 RESOLVED, That the Board of Supervisors hereby waives inclusion of indirect costs in
10 the grant budget; and, be it

11 FURTHER RESOLVED, That on behalf of the City and County of San Francisco, the
12 MTA is authorized to accept and expend \$22,570,000 in STIP funds from the State of
13 California, or if transferred to the Federal Transit Administration, as part of FY 2007/2008
14 federal Section 5307 or Section 5309 fixed guideway funds, for the Muni Metro East
15 Maintenance and Operations Facility Project.

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17 **RECOMMENDED:**

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GAVIN NEWSOM
Mayor

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EDWARD HARRINGTON
Controller