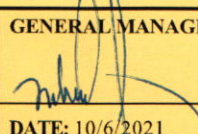
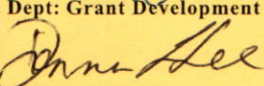

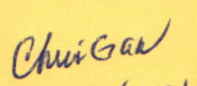
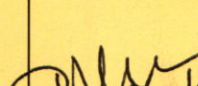




EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  10/20/21		GENERAL MANAGER ACTION REQ'D:		
DATE: 10/6/2021		BOARD INITIATED ITEM: No		
Originator/Prepared by: Donna Lee Dept: Grant Development  Signature/Date: 10/19/21	General Counsel  10/19/2021 []	Controller/Treasurer  10/19/2021 []	District Secretary []	BARC  10/19/21 []

Resolution of Local Support for the 2022 State Transportation Improvement Program

PURPOSE: To request that the Board of Directors adopts the required Resolution of Local Support and also authorizes the General Manager to execute all required documents, in order for BART to be an eligible recipient for \$1.0 million in 2022 State Transportation Improvement Program (STIP) funds. The STIP funds will be used to modernize two station elevators at the Downtown Berkeley BART Station.

DISCUSSION: The State Transportation Improvement Program (STIP) is a multi-year capital improvement program for transportation projects on and off the State Highway System. The STIP is funded with revenues from the State Highway Account and other funding sources administered by the California Transportation Commission (CTC).

Alameda County Transportation Commission (ACTC) has discretion to allocate the Alameda County share of the State's 2022 STIP Fund Estimate. ACTC has selected the Downtown Berkeley BART Station Elevator Modernization Project to receive a \$1.0 million allocation of 2022 STIP funding for the construction phase of the project. The project will modernize two (2) station elevators at the Downtown Berkeley BART Station.

An elevator modernization is the process of replacing/upgrading the critical components of the elevator in order to utilize the latest technology; increase performance and reliability; improve safety to the latest applicable standard; and update aesthetics. The Alameda County share of the 2022 STIP funds will be available to eligible projects in the outer years of the 2022 programming cycle (FY2025-26 and FY2026-27). The 2022 STIP funds allocated to the project will be federal funds, which require a minimum match of \$129,561 in non-federal funds. The total project is estimated to cost \$10 million. Federal formula funds

and BART funds have been identified to complement the 2022 STIP funds and fully fund the project.

Guidelines adopted by the Metropolitan Transportation Commission (MTC) require applicants of 2022 STIP funds to adopt a Resolution of Local Support, authorizing the submittal of an application for the 2022 STIP funds. In the event that BART is unable to meet the STIP requirements and submittal timelines, ACTC staff will recommend the \$1.0 million in 2022 STIP funds be reprogrammed to the Oakland Alameda Access project, a non-BART project.

FISCAL IMPACT: Approval of the Resolution of Local Support is an MTC requirement for the District to receive a 2022 STIP allocation in the amount of \$1.0 million. The required minimum federal local match of \$129,561 will be paid with BART funds. There is no impact to unprogrammed District Reserves.

ALTERNATIVES: Do not approve the Resolution of Local Support. If the Resolution is not approved, BART will not be eligible to receive the \$1.0 million in 2022 STIP funds for the Downtown Berkeley BART Station Elevator Modernization Project, and the funds will be reprogrammed to the Oakland Alameda Access project, a non-BART project. This will cause BART to lose the opportunity to perform critical modernization work on the two station elevators at the Downtown Berkeley BART Station.

RECOMMENDATION: Adopt the following motion.

MOTION: The BART Board of Directors approves adoption of the attached Resolution "In the Matter of the Approval of a Resolution of Local Support for a 2022 State Transportation Improvement Program Application for the Downtown Berkeley BART Station Elevator Modernization Project". The BART Board of Directors also authorizes the General Manager to execute all required documents for participation in the 2022 State Transportation Improvement Program.

**BEFORE THE BOARD OF DIRECTORS OF THE
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

In the Matter of the Approval of a
Resolution of Local Support for a 2022 State
Transportation Improvement Program
Application for the Downtown Berkeley BART
Station Elevator Modernization Project
Resolution No. _____

**Authorizing the filing of an application for funding assigned to MTC and
committing any necessary matching funds and stating assurance to complete the project**

WHEREAS, the San Francisco Bay Area Rapid Transit District (herein referred to as APPLICANT) is submitting an application to the Metropolitan Transportation Commission (MTC) for One Million Dollars (\$1,000,000) 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, and Regional Transportation Improvement Program (RTIP) funding (herein collectively referred to as REGIONAL DISCRETIONARY FUNDING) for the Downtown Berkeley BART Station Elevator Modernization Project (herein referred to as PROJECT) for the State Transportation Improvement Program (STIP) (herein referred to as PROGRAM); 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, APPLICANT 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 PROJECT 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 PROJECT as described in the application, subject to environmental clearance, and if approved, as included in MTC's federal Transportation Improvement Program (TIP); and
- that the PROJECT will have adequate staffing resources to deliver and complete the PROJECT within the schedule submitted with the project application; and
- that the PROJECT will comply with all project-specific requirements as set forth in the PROGRAM; and
- that APPLICANT 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 APPLICANT; 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 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 APPLICANT is authorized to submit an application for REGIONAL DISCRETIONARY FUNDING for the PROJECT; and

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

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

WHEREAS, APPLICANT authorizes its Executive Director, General Manager, or designee to execute and file an application with MTC for REGIONAL DISCRETIONARY FUNDING for the PROJECT 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 application.

NOW, THEREFORE, BE IT RESOLVED that the APPLICANT is authorized to execute and file an application for funding for the PROJECT for REGIONAL DISCRETIONARY FUNDING under the FEDERAL TRANSPORTATION ACT or continued funding; and be it further

RESOLVED that APPLICANT will provide any required matching funds; and be it further

RESOLVED that APPLICANT understands that the REGIONAL DISCRETIONARY 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 increases to be funded with additional REGIONAL DISCRETIONARY FUNDING; and be it further

RESOLVED that APPLICANT 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 APPLICANT 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 APPLICANT; and be it further

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

RESOLVED that APPLICANT has reviewed the PROJECT and has adequate staffing resources to deliver and complete the PROJECT within the schedule submitted with the project application; and be it further

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

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

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

RESOLVED that, in the case of an RTIP project, 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; and be it further

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

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

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

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

RESOLVED that APPLICANT authorizes its Executive Director, General Manager, City Manager, or designee to execute and file an application with MTC for REGIONAL DISCRETIONARY FUNDING for the PROJECT as referenced in this resolution; and be it further

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

RESOLVED that the MTC is requested to support the application for the PROJECT described in the resolution, and if approved, to include the PROJECT in MTC's federal TIP upon submittal by the project sponsor for TIP programming.

| **Adopted:** _____