



RESOLUTION No. 12-13

A RESOLUTION OF THE NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY (NCTPA) AUTHORIZING THE FILING WITH THE METROPOLITAN TRANSPORTATION COMMISSION (MTC) FOR ALLOCATION FOR TRANSPORTATION DEVELOPMENT ACT (TDA), REGIONAL MEASURE 2 (RM2), AND STATE TRANSIT ASSISTANCE (STA) FUNDS FOR FY 12/13

WHEREAS, the Transportation Development Act (TDA), (Public Utilities Code 99200 *et seq.*), provides for the disbursement of funds from the Local Transportation Fund (LTF) of the County of Napa for use by eligible applicants for the purpose of community transit services (PUC 99275), support of public transportation (PUC 99260), exclusive service to elderly and handicapped (PUC 99260.7), planning contributions, construction of facilities, acquisition of real property and transit capital (PUC 99262), public or special group transportation (PUC 99400(c)), administrative and planning cost with respect to transportation services under contract (PUC 99400(d)), and capital expenditures to acquire vehicles and equipment for transportation services (PUC 99400(e)); and

WHEREAS, pursuant to the provisions of the TDA, and pursuant to the applicable rules and regulations thereunder (21 Cal. Code of Regs. 6600 *et seq.*) a prospective applicant wishing to receive an allocation from the Local Transportation Fund (LTF) shall file its claim with the Metropolitan Transportation Commission; and

WHEREAS, the State Transit Assistance (STA) fund is created pursuant to Public Utilities Code 99310 *et seq.*; and

WHEREAS, the STA fund makes funding available pursuant to Public Utilities Code 99313.6 for allocation to eligible applicants to support approved transit projects; and

WHEREAS, the Napa County Transportation and Planning Agency is an eligible applicant for TDA and/or STA funds pursuant to the California PUC Code Chapter 4, Articles 4, 4.5 and/or 8, and for certain local transportation funds under Article 3, pursuant to the NCTPA Joint Powers Agreement; and

WHEREAS, TDA funds from the Local Transportation Fund of Napa County and State Transit Assistance funds will be required in FY 12/13 for eligible applicants for the purpose of community transit services (PUC 99275), support of public transportation (PUC 99260), exclusive service to elderly and handicapped (PUC 99260.7), planning contributions, acquisition of real property, construction of facilities, transit capital

expenditures (PUC 99262), public or special group transportation (PUC 99400(c)), administrative and planning cost with respect to transportation services under contract (PUC 99400(d)), and capital expenditures to acquire vehicles and related equipment for transportation services (PUC 99400(e));and

WHEREAS, SB 916 (Chapter 715, Statutes 2004), commonly referred as Regional Measure 2, identified projects eligible to receive funding under the Regional Traffic Relief Plan; and

WHEREAS, the Metropolitan Transportation Commission (MTC) is responsible for funding projects eligible for Regional Measure 2 funds, pursuant to Streets and Highways Code Section 30914(c) and (d); and

WHEREAS, MTC has established a process whereby eligible transportation project sponsors may submit allocation requests for Regional Measure 2 funding; and

WHEREAS, allocations to MTC must be submitted consistent with procedures and conditions as outlined in Regional Measure 2 Policy and Procedures; and

WHEREAS, NCTPA is an eligible sponsor of transportation project(s) in Regional Measure 2, Regional Traffic Relief Plan funds.

NOW THEREFORE BE IT RESOLVED, that NCTPA and its agents shall comply with the provisions of the Metropolitan Transportation Commission's Regional Measure 2 Policy Guidance (MTC Resolution No. 3636); and

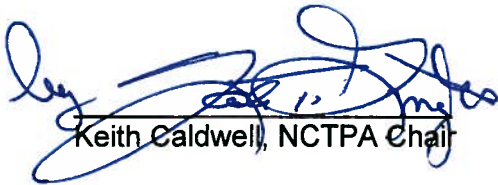
BE IT FURTHER RESOLVED, to the full extent permitted by law, that NCTPA shall indemnify and hold harmless MTC, its Commissioners, representatives, agents, and employees from and against all claims, injury, suits, demands, liability, losses, damages, and expenses, whether direct or indirect (including any and all costs and expenses in connection therewith), to the extent that they arise out of, pertain to, or relate to the negligent acts of omissions of NCTPA its officers, employees or agents, or subcontractors or any of them in connection with its performance of professional services under this allocation of RM2 funds which constitute negligence, recklessness, or willful misconduct. In addition to any other remedy authorized by law, so much of the funding due under this allocation of RM2 funds as shall reasonably be considered necessary by MTC may be retained until disposition has been made of any claim for damages; and

BE IT FURTHER RESOLVED, that NCTPA shall, if it receives any revenues or profits from any non-governmental use of property (or project) ensure that those revenues or profits shall be used exclusively for the public transportation services for which the project was initially approved, either for capital improvements or maintenance and operational costs; otherwise the Metropolitan Transportation Commission is entitled to a proportionate share equal to MTC's percentage participation in the projects(s); and

BE IT FURTHER RESOLVED, that the Executive Director or his designee is authorized to execute and file appropriate TDA, RM2, and STA applications together with all necessary supporting documents with the Metropolitan Transportation Commission for an allocation of TDA, RM2, and STA funds in FY 12/13; and

BE IT FURTHER RESOLVED, that a copy of this resolution be transmitted to the Metropolitan Transportation Commission in conjunction with the filing of the claim; and the Metropolitan Transportation Commission be requested to grant the allocations of funds as specified herein.

Passed and Adopted the 18th day of April, 2012.



Keith Caldwell, NCTPA Chair

Ayes: **GARCIA, BENNETT,
DUNSFORD, GINGLES,
KRIDER, TECHEL,
DODD, BRITTON,
DUNBAR, MOHLER**

Noes: **NONE**

Absent: **CALDWELL, WHITE**

ATTEST:



Karalyn E. Sanderlin, NCTPA Board Secretary

APPROVED:



Janice Killion, NCTPA Legal Counsel