

GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT

RESOLUTION NO. 2009-047

**AUTHORIZE FILING AN APPLICATION WITH
THE METROPOLITAN TRANSPORTATION COMMISSION
FOR FY 09/10 TRANSPORTATION DEVELOPMENT ACT (TDA),
STATE TRANSIT ASSISTANCE (STA) AND REGIONAL MEASURE 2 (RM2)
FUNDS TO SUPPORT BUS, FERRY AND PARATRANSIT SERVICES**

May 22, 2009

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 Counties of Marin and Sonoma for use by eligible claimants for the purpose of operating assistance; 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 claimant wishing to receive an allocation from LTF shall file its claim with the Metropolitan Transportation Commission (MTC); and,

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

WHEREAS, the STA program makes funds available pursuant to Public Utilities Code §99313.6 for allocation to eligible claimants to support approved transit projects; and

WHEREAS, the TDA funds from the LTF of Marin and Sonoma Counties and STA funds will be required by claimant in FY 09/10 for operating assistance; and

WHEREAS, the District is an eligible claimant for TDA and STA funds pursuant to Public Utilities Code §§ 99260, 99260.2 and 99275 as attested by the Golden Gate Bridge, Highway and Transportation District's (District's) Opinion of Counsel; and,

WHEREAS, SB916 (Chapter 715, Statutes 2004), commonly referred to as Regional Measure 2 (RM2), identified projects eligible to receive funding under the Regional Traffic Relief Plan; and,

WHEREAS, MTC is responsible for funding projects eligible RM2 funds, pursuant to Streets and Highways Code §30914(c) and (d); and,

WHEREAS, MTC has established a process whereby eligible transportation project sponsors may submit allocation requests for RM2 funding; and,

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

WHEREAS, the District is an eligible sponsor of transportation project(s) in RM2, Regional Traffic Relief Plan funds; and,

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WHEREAS, Golden Gate Transit (GGT) Bus Route 40/42 Bus Service is eligible for consideration in the Regional Traffic Relief Plan of RM2, as identified in California Streets and Highways Code §30914(d); and,

WHEREAS, GGT Bus Route 72x Express Bus Services are eligible for consideration in the Regional Traffic Relief Plan of RM2, as identified in California Streets and Highways Code §30914(d) under the Regional Express Bus North project; and,

WHEREAS, RM2 allocation requests, attached hereto in the Operating Assistance Proposals and incorporated herein as though set forth at length demonstrates a fully funded operating plan that is consistent with the adopted performance measures, as applicable, for which the District is requesting that MTC allocation of RM2 funds; and,

WHEREAS, Part 2 of the project application, attached hereto and incorporated herein as though set forth at length, includes the certification by the District of assurances required for the allocation of funds by MTC; now, therefore, be it

WHEREAS, the Finance-Auditing Committee, at its meeting of May 21, 2009 has so recommended; now therefore, be it

RESOLVED, that the District, and its agents shall comply with the provisions of MTC's Regional Measure 2 Policy Guidance (MTC Resolution No. 3636); and be it further

RESOLVED, that the District certifies that the RM2 projects are consistent with the Regional Transportation Plan (RTP); and be it further

RESOLVED, that the District approves the updated Operating Assistance Proposals, attached to this resolution; and be it further

RESOLVED, that the District approves the certifications and assurances attached to this resolution; and be it further

RESOLVED, that the District is an eligible sponsor of projects in the Regional Measure 2 Regional Traffic Relief Plan in accordance with California Streets and Highways Code §30914(d); and be it further

RESOLVED, that the District is authorized to submit applications for RM2 funds for Golden Gate Transit Bus Routes 40/42 and 72x in accordance with California Streets and Highways Code §30914(d) and the MTC Resolution 3807; and be it further

RESOLVED, that the District certifies that the projects and purposes for which RM2 funds are being requested are in compliance with the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), and with the State Environmental Impact Report Guidelines (14 California Code of Regulations Section 15000 et seq.) and, if relevant the National Environmental Policy Act (NEPA), 42 USC Section 4-1 et.seq. and the applicable regulations thereunder; and be it further

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RESOLVED, that there is no legal impediment to the District making allocation requests for RM2 funds; and be it further

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

RESOLVED, that the District indemnified and holds 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), incurred by reason of any act or failure to act of the District, its officers, employees or agents, or subcontractors or any of them in connection with its performance of services under this allocation of RM2 funds. 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

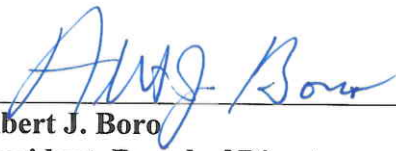
RESOLVED, that the District shall, if any revenues or profits from any non-governmental use of property (or project) that those revenues or profits shall be used exclusively for the public transportation services for which the project was initially approved, either for capital improvements or maintenance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

RESOLVED, that the Board of Directors of the District authorize the General Manager to file an application with MTC for FY 09/10 Transportation Development Act (TDA), State Transit Assistance (STA) and Regional Measure 2 (RM2) funds to support bus, ferry and paratransit services; and be it further

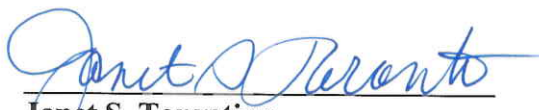
RESOLVED, that a copy of this resolution shall be transmitted to MTC in conjunction with the filing of the District's applications referenced herein.

ADOPTED this 22nd day of May, 2009, by the following vote of the Board of Directors:

AYES (17): Directors Brown, Campos, Chu, Cochran, Dufty, Elsbernd, Kerns, McGlashan, Moylan, Newhouse Segal, Pahre, Sanders, Snyder and Stroeh; Second Vice President Eddie; First Vice President Reilly; President Boro
NOES (0): None
ABSENT (2): Directors Grosboll and Sobel



Albert J. Boro
President, Board of Directors

ATTEST: 

Janet S. Tarantino
Secretary of the District