

June 22, 2010

Marin County Board of Supervisors  
3501 Civic Center Drive  
San Rafael, CA 94903

**SUBJECT:** Resolution to approve application for grant funds from the federal Surface Transportation Program (STP) and/or Congestion Mitigation and Air Quality Improvement (CMAQ) funding, to commit the necessary non-federal match, and to state the assurance to complete both the Marinwood, Greenbrae, Strawberry, and Marin City Priority Development Areas (PDAs) bicycle and pedestrian improvements and the 2011 Southern Marin Road Rehabilitation project.

Dear Board Members:

**RECOMMENDATION:** Adopt the attached resolution

**SUMMARY:** As part of their eligibility requirements for funding applications, the Metropolitan Transportation Commission (MTC) requires that the governing board approve a resolution authorizing the submittal of an application, agreeing to fund the local match, and committing to complete the work identified in the application.

The Department of Public Works has recently submitted applications to the Transportation Authority of Marin (TAM) to complete two STP/CMAQ projects based on projects designated in the Marin County Unincorporated Area Bicycle and Pedestrian Master Plan, roadways needing repair in the Pavement Management Program and grant eligibility requirements. The two STP/CMAQ projects were (1) Marinwood, Greenbrae, Strawberry, and Marin City PDAs bicycle and pedestrian improvements for \$776,000 in grant funds with a 20% local match, and (2) 2011 Southern Marin Road Rehabilitation for \$1,196,000 (\$839,000 plus \$357,000 Novato share to be paid back in 3 years) with an 11.47% local match.

Priority Development Areas are locally-identified infill development opportunity areas approved by the Association of Bay Area Governments. The rehabilitation project will improve portions of Laurel Grove Avenue (from Makin Grade Road to Sir Francis Drake Boulevard) and Ricardo Road (from Reed Boulevard to Belvedere Drive). Also there is a possibility that PDAs bicycle and pedestrian funds may increase to \$970,000 as STP/CMAQ programming is completed by TAM.

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On March 25, 2010, both projects were approved for funding by TAM and are scheduled to be forwarded to MTC for funding from STP/CMAQ Funds. The resolution is written for funds up to \$2,166,000 in case the potential increase in project funding materializes. The department has therefore prepared the attached resolution, which authorizes the Public Works Director to execute grant agreements, and designates Principal Civil Engineer Ernest Klock as the individual authorized to submit and carry out these projects. The executed Resolution is due at MTC before the end of July, 2010.

**FISCAL IMPACT:** The current budget estimates \$348,954 in local match will be required should both grant funds be awarded. The local match for Marinwood, Greenbrae, Strawberry, and Marin City PDAs bicycle and pedestrian improvements is 20% or \$194,000. The required match would increase to \$242,500 if the higher fund amount is approved by TAM. The local match is available in the current year budget. The local match for 2011 Southern Marin Road Rehabilitation project is 11.47% or \$154,954. Funds will be available in the upcoming 2010-15 Road and Bridge Rehabilitation Program. Once MTC approves the projects and confirms the funding levels with the new six-year Surface Transportation Authorization Act, our department will return to your Board to authorize the Department of Finance to increase appropriations and revenue.

<b>REVIEWED BY:</b>	<input checked="" type="checkbox"/>	Department of Finance	<input type="checkbox"/>	N/A
	<input type="checkbox"/>	County Counsel	<input checked="" type="checkbox"/>	N/A
	<input type="checkbox"/>	Human Resources	<input checked="" type="checkbox"/>	N/A

Respectfully yours,

Craig Tackabery  
Assistant Director

Attachment: Resolution

**RESOLUTION NO. 2010-\_\_**

**RESOLUTION OF THE MARIN COUNTY BOARD OF SUPERVISORS  
AUTHORIZING THE FILING OF AN APPLICATION FOR FEDERAL SURFACE  
TRANSPORTATION PROGRAM AND/OR CONGESTION MITIGATION AND AIR  
QUALITY IMPROVEMENT FUNDING AND COMMITTING THE NECESSARY NON-  
FEDERAL MATCH AND STATING THE ASSURANCE TO COMPLETE THE PROJECT**

**WHEREAS**, Marin County (herein referred to as “APPLICANT”) is submitting an application to the Metropolitan Transportation Commission (MTC) for up to \$2,166,000 in funding from the federal Surface Transportation Program (STP) and/or Congestion Mitigation and Air Quality Improvement (CMAQ) program for (1) Marinwood, Greenbrae, Strawberry, and Marin City PDAs bicycle and pedestrian improvements and (2) 2001 Southern Marin Road Rehabilitation (herein referred to as PROJECT) for the MTC Resolution, No. 3925, New Federal Surface Transportation Act (FY 2009-10, FY 2010-11 and FY 2011-12) Cycle 1 STP/CMAQ Program: Project Selection Criteria, Policy, Procedures and Programming (herein referred to as PROGRAM); and

**WHEREAS**, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA) (Public Law 109-59, August 10, 2005) continued the Surface Transportation Program (23 U.S.C. § 133) and the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149) through September 30, 2009; and

**WHEREAS**, SAFETEA has been extended pursuant to Public Law 11-118 and may be subsequently extended pending enactment of successor legislation for continued funding; and

**WHEREAS**, pursuant to SAFETEA, and the regulations promulgated thereunder, eligible project sponsors wishing to receive federal Surface Transportation Program and/or Congestion Mitigation and Air Quality Improvement Program (STP/CMAQ) funds for a project shall submit an application first with the appropriate Metropolitan Planning Organization (MPO), for review and inclusion in the MPO's Transportation Improvement Program (TIP); and

**WHEREAS**, the Metropolitan Transportation Commission (MTC) is the MPO 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 STP/CMAQ funds; and

**WHEREAS**, APPLICANT is an eligible project sponsor for STP/CMAQ funds; and

**WHEREAS**, as part of the application for STP/CMAQ funding, MTC requires a resolution adopted by the responsible implementing agency stating the following:

- 1) the commitment of necessary local matching funds of at least 11.47%; and
- 2) that the sponsor understands that the STP/CMAQ funding is fixed at the

- programmed amount, and therefore any cost increase cannot be expected to be funded with additional STP/CMAQ funds; and
- 3) that the project will comply with the procedures specified in Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised); and
  - 4) the assurance of the sponsor to complete the project as described in the application, and if approved, as included in MTC's TIP; and
  - 5) that the project will comply with all the project-specific requirements as set forth in the PROGRAM.

**NOW, THEREFORE, BE IT RESOLVED** that the APPLICANT is authorized to execute and file an application for funding for the PROJECT under the Surface Transportation Program (STP) and Congestion Mitigation and Air Quality Improvement Program (CMAQ) of SAFETEA, any extensions of SAFETEA or any successor legislation for continued funding; and be it further

**RESOLVED** that the APPLICANT by adopting this resolution does hereby state that:

1. APPLICANT will provide (\$348,954, or up to \$397,454 with increased programming) in non-federal matching funds; and
2. APPLICANT understands that the STP/CMAQ 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 STP/CMAQ funding; and
3. 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, as revised); and
4. PROJECT will be implemented as described in the complete application and in this resolution and, if approved, for the amount programmed in the MTC federal TIP; and
5. APPLICANT and the PROJECT will comply with the requirements as set forth in the program; and therefore be it further

**RESOLVED** that APPLICANT is an eligible sponsor of STP/CMAQ funded projects; and be it further

**RESOLVED** that APPLICANT is authorized to submit an application for STP/CMAQ funds 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, or designee to execute and file an application with MTC for STP/CMAQ 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 to include the PROJECT, if approved, in MTC's TIP.

**RESOLVED**, that a copy of this resolution shall be transmitted to MTC in conjunction with the filing of the APPLICANT application referenced herein.

**RESOLVED**, that the Marin County Board of Supervisors hereby:

1. Designates Principal Civil Engineer Ernest Klock of the Marin County Public Works Department as the individual authorized to submit and carry out the project.
2. Authorizes Farhad Mansourian, Director of Public Works, to execute grant agreements should funds become available.

**PASSED AND ADOPTED** at a regular meeting of the Board of Supervisors of the County of Marin held on the 22nd day of June, 2010, by the following vote:

AYES: SUPERVISORS

NOES:

ABSENT:

\_\_\_\_\_  
PRESIDENT, BOARD OF SUPERVISORS

ATTEST:

\_\_\_\_\_  
CLERK