



## Legislation Text

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**File #:** 11193, **Version:** 1

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### **Fiscal Note**

Up to 80% of the total project cost of \$1,196,525 is funded by USDOT/FTA with the remaining 20% to be funded with general obligation debt. Funding is included in the 2008 Transit Division capital budget. Any costs associated with the 13(c) agreement are included in the Transit Division operating budget. The City is covered under its current insurance policies. Therefore, the resolution will not result in increased premiums at this point and has no impact on cost controls.

### **Title**

Authorizing the Transit General Manager to file an application for a public transit capital grant with Wisconsin Department of Transportation and authorizing the Mayor and the City Clerk to execute the associated grant agreement with WISDOT and the associated 13 (c) agreement with Teamsters Local No. 695.

### **Body**

#### **PREAMBLE**

Under Section 5309 (formerly known as Section 3 of the Federal Transit Act, as amended), discretionary capital funds are available for Capital projects . The State of Wisconsin is eligible to secure capital funds and to pass them through to local transit properties for projects. Metro will use these funds to purchase up to four 40 ft. replacement buses.

**WHEREAS**, WISDOT has been delegated authority to award and pass through Federal financial assistance for a transportation project; and

**WHEREAS**, grants for financial assistance will impose certain obligations upon the City of Madison, including the provision of the local share of the project costs; and

**WHEREAS**, as a condition of the assistance, the City of Madison must provide all annual certifications and assurances required by FTA and WISDOT, and negotiate an agreement relating to the protection of mass transit employees under the provisions of Section 5333(b), formerly Section 13 (c) of the Federal Transit Act, as amended; and

**WHEREAS**, the U.S. Department of Transportation's Master Agreement contains a provision which requires the City to indemnify, save and hold harmless the Federal Government against any liability, including costs and expenses, resulting from any willful or intentional violation by the City of Proprietary rights, copyrights, or right of privacy, arising out of the publication, translation, reproduction, delivery, use, or disposition of any data furnished under the projects; and

**WHEREAS**, pursuant to APM 1-1, the inclusion of such a provision requires the express approval of the Common Council,

### **NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MADISON:**

1. That the Transit General Manager is authorized to execute and file applications for capital assistance on behalf of the City of Madison with WISDOT for Federal assistance authorized by Title 23 and Chapter 53 of Title 49, United States Code, or other Federal Statutes authorizing the above-mentioned projects set forth in the preamble and administered by FTA.
2. That the Transit General Manager is authorized to execute and file with such applications the annual certifications and assurances and other documents WISDOT requires before awarding a financial assistance

grant.

3. That, in accordance with 3.58 of the MGO, the Transit General Manager, in conjunction with the Affirmative Action Director, is authorized to set forth and execute affirmative disadvantaged business policies in connection with the procurement needs of the grant's projects.

4. That the Mayor and City Clerk are authorized to execute grant agreements for the aforementioned applications.

5. That the agreements with WISDOT will contain indemnification provisions negotiated by and acceptable to Metro staff, the City Attorney and the Risk Manager.

6. That the Risk Manager is instructed to purchase appropriate insurance to protect the City from the risk imposed by the indemnification provisions in the event it is concluded that such is not already covered under existing policies as an insured contract.

7. That the Mayor and City Clerk are authorized to execute agreements pursuant to Section 5333 (b) under the Federal Transit Act, as amended, between the City of Madison, Wisconsin and Drivers, Salesmen, Warehousemen, Milk Processors, Cannery, Dairy Employees and Helpers Union Local 695, affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, with reference to this grant application.

Please see the attached 2008 Section 5309 WisDOT Discretionary Funding chart for financial details.