



Legislation Text

File #: 75241, Version: 1

Fiscal Note

The proposed resolution authorizes the application and execution of a grant agreement for at least \$103 million in funds from the U.S. Department of Transportation's Federal Transit Administration Small Starts grant program. These funds will be used to support construction of the East-West Bus Rapid Transit Project. The grant funds and local match are included within the 2022 and 2023 Adopted Capital Budget within the Department of Transportation.

Title

Authorizing the City of Madison and/or the Transit General Manager to file an application for a Section 5309 Small Starts Discretionary Grant with U.S. Department of Transportation and authorizing the Mayor and the City Clerk to execute the associated grant agreement with USDOT and the 13(c) agreement with Teamsters Local No. 695.

Body

The Section 5309 Small Starts Discretionary program provides funding to state and local governmental authorities for the construction of Rapid Transit projects. Under 49 U.S.C. §5309; IIJA §30005, \$4.6 billion in funds were made available for this program. The City of Madison was apportioned \$103 million to fund the East-West BRT project and may potentially offer additional funds as needed.

WHEREAS, The United States Department of Transportation recently apportioned a highly competitive Section 5309 Small Starts Discretionary grant to construct the Madison East-West BRT project; and

WHEREAS, the approved 2022 City of Madison Capital Budget included this anticipated grant and needed matching local funds; and

WHEREAS, as a condition of the assistance, the City of Madison must provide all annual certifications and assurances required by FTA 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 City of Madison and/or the Transit General Manager is authorized to execute and file applications for capital assistance for the Section 5309 Small Starts Discretionary Grant program on behalf of the City of

Madison with FTA for Federal assistance authorized by 49 U.S.C. §5309; IIJA §30005, or other Federal Statutes authorizing the above-mentioned projects set forth in the preamble and administered by FTA.

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

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

4. That while the indemnification clause increases the City's exposure to risk; the City has coverage for indemnification clauses under its current insurance policy, subject to the policy's terms and conditions.

5. 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.