



## Legislation Text

---

File #: 60964, Version: 1

---

### Fiscal Note

The proposed resolution authorizes Metro to submit a grant application to the Department of Transportation for a series of grant programs referred to as the Super Grant package. In their request, Metro will seek \$12.6 million in federal funds for the following projects:

1. Fixed Route Transit Coach Replacement: \$5.1m (Capital Cost)
2. Preventative Maintenance Cost: \$308k (Operating)
3. Leased Space at Metro Headquarters: \$1.1m (Operating)

The local match for these funds is \$10.1m. The federal funding and local match for the operating costs from this grant are included in Metro's 2020 Adopted Budget. Capital funding for Transit Coach Replacements will be applied to future capital budgets.

### Title

Authorizing the Transit General Manager to file an application for a Section 5307, 5337 & 5339 Super Grant, public transit capital, capital maintenance, and capital planning 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 associated 13 (c) agreement with Teamsters Local No. 695.

### Body

#### PREAMBLE

Under the Urbanized Area Formula program of 49 United States Code 5307, funds are made available for capital and operating assistance and transportation-related planning projects. As an urbanized area, the City of Madison receives from the U.S. Congress an apportionment for use by Madison Metro. Metro will use its funds for capital leasing, preventive maintenance costs, and capital costs for low-floor buses as included in the Transit Division capital and operating budgets.

Under Sections 5337 and 5339 (formerly known as Section 3 of the Federal Transit Act, as amended), capital funds are available for transit system capital improvements. Metro will use these funds to purchase buses to replace older buses still in service. The local share is funded in the Metro Capital budget.

**WHEREAS**, FTA has been delegated authority to award 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 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 and planning assistance on behalf of the City of Madison with FTA 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 FTA 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 FTA will contain indemnification provisions negotiated by and acceptable to Metro staff, the City Attorney and the Risk Manager.
6. 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.
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 document "2020 Super Grant Budget."