



## Legislation Details (With Text)

**File #:** 67431      **Version:** 1      **Name:** 2020 Section 5339b Discretionary Grant Application  
**Type:** Resolution      **Status:** Passed  
**File created:** 9/14/2021      **In control:** TRANSPORTATION COMMISSION  
**On agenda:** 10/5/2021      **Final action:** 10/5/2021  
**Enactment date:** 10/12/2021      **Enactment #:** RES-21-00690

**Title:** Authorizing the Transit General Manager to file an application for a Section 5339 Buses and Bus Facilities 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.

**Sponsors:** Keith Furman, Grant Foster, Barbara Harrington-McKinney, Charles Myadze, Nasra Wehelie

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
10/5/2021	1	COMMON COUNCIL	Adopt	Pass
9/27/2021	1	FINANCE COMMITTEE	Return to Lead with the Recommendation for Approval	Pass
9/22/2021	1	TRANSPORTATION COMMISSION	Refer	
9/22/2021	1	TRANSPORTATION COMMISSION	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	
9/21/2021	1	COMMON COUNCIL	Refer	Pass
9/14/2021	1	Metro Transit	Referred for Introduction	

### Fiscal Note

The proposed resolution authorizes the application and execution of a grant agreement for \$4.7 million in funds from the U.S. Department of Transportation. These funds will be utilized within the Bus Rapid Transit capital program to purchase new 60-foot articulated buses, upgrades to accommodate larger buses, and associated roadway improvements. These funds and any local match are included within the 2022 Executive Budget for the Transportation Department within the E-W Bus Rapid Transit capital program.

### Title

Authorizing the Transit General Manager to file an application for a Section 5339 Buses and Bus Facilities 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

#### PREAMBLE

The Section 5339 Buses and Bus Facilities Discretionary program provides funding to state and local governmental authorities for the purchase or lease of transit buses as well as acquisition, construction, and leasing of required supporting facilities. Under 49 U.S.C. 5339 (b)/FAST Act Section 3017, \$454.6 million in funds were made available for this program. The City of Madison was awarded \$4,676,760 to purchase new 60-foot articulated buses, upgrade a maintenance facility to accommodate the larger buses and add associated roadway improvements.

**WHEREAS**, The United States Department of Transportation recently awarded the City of Madison's Metro Transit Division a highly competitive Section 5339 Buses and Bus Facilities Discretionary grant to support the purchase of three new 60-foot articulated buses, upgrade a maintenance facility to accommodate the larger buses and add associated roadway improvements; and

**WHEREAS**, Resolution 60021 passed on March 31, 2020 Supporting Madison Metro's 5339b Grant Application to Federal Transit Administration indicated that "if the Federal Transit Administration awards the City of Madison a grant of up to \$5 million for articulated buses and bus priority treatment measures, the City of Madison would provide the match funds required, up to \$2.5 million"; 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 assistance for the Section 5339 Buses and Bus Facilities Discretionary Grant program on behalf of the City of Madison with FTA for Federal assistance authorized by 49 U.S.C. 5339 (b)/FAST Act Section 3017, 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.