



## Legislation Text

File #: 13917, Version: 2

### Fiscal Note

Funds under this grant will be used to support the 2009 Transit Division Capital Stimulus budget. 100% of the total project cost of \$ 9,502,302 is funded by USDOT/FTA. 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. Please see the attached document "2009 Urbanized Area Capital Assistance ARRA Stimulus Grant Budget Version 2."

### Title

SUBSTITUTE - Authorizing the Transit General Manager to file an application for Urbanized area Capital Assistance formula, public transit Stimulus ARRA (American Recovery & Reinvestment Act) capital 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 American Recovery and Reinvestment Act of 2009, capital funds are made available for transit systems Capital Assistance under the Urbanized Area Formula program of 49 United States Code 5307. 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 costs of replacement of up to 4 low-floor Paratransit buses, replacement of up to 18 Hybrid Fixed-Route Buses, replacement of one accessible Van for the City of Stoughton, additional security equipment, and transit enhancements purchase of additional signage as included in the 2009 Transit Division Stimulus budget.

**WHEREAS**, FTA has been delegated authority to award Federal financial assistance for a transportation project; 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 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.