



## Legislation Text

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File #: 23960, Version: 1

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### Fiscal Note

Up to 80% of the total project cost of \$125,000 is funded by USDOT/FTA with the remaining 20% to be funded with in kind local match consisting of planning salaries already in Metro's operating budget. Funding for this project is included in the 2012 Transit Division operating budget. Any costs associated with the 13(c) agreement are included in the Transit Division operating budget.

### 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 5304 funds are available for planning projects. The State of Wisconsin is eligible to secure Planning funds and to pass them through to local transit properties for projects. Metro will use these funds to conduct a Transit Fleet Analysis Project.

**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 planning 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 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.

| PROJECT DESCRIPTION  | TOTAL COST  | FTA SHARE   | LOCAL SHARE |
|----------------------|-------------|-------------|-------------|
| Fleet Analysis Study | \$ 125,000. | \$ 100,000. | \$ 25,000.  |