



Legislation Text

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Fiscal Note

The proposed resolution authorizes Metro Transit to submit a final grant application for its share of the CARES Act Stimulus program. Under the federal program, Madison Metro was allotted \$24,498,820. Under the proposed grant application Metro will pass on a portion of these funds to partner communities in the urbanized area (Sun Prairie-\$37k and Monona-\$5k).

The remaining City share of the grant will be used for Metro's operating and capital budgets in 2020 and 2021. This resolution does not propose amending the budget, a subsequent resolution will be introduced authorizing the use of these funds in 2020. Use of these funds in 2021 will be reflected in the Executive Budget.

Title

Authorizing the Transit General Manager to file an application for CARES Act Stimulus Section 5307 Grant for public transit capital and operating assistance in response to the COVID-19 pandemic with U.S. Department of Transportation and authorizing the Mayor and the City Clerk to execute the associated grant agreement with USDOT and subrecipient agreements with entities included as pass through funds and the associated 13 (c) agreement with Teamsters Local No. 695

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PREAMBLE

The Coronavirus Aid, Relief, and Economic Security (CARES) Act, signed by President Donald J. Trump on March 27, 2020 are made available for capital and operating assistance to help the nation's public transportation systems respond to the Coronavirus Disease 2019 (COVID-19). As an urbanized area, the City of Madison receives from the U.S. Congress an apportionment based on the Section 5307 program for use by Madison Metro. Metro will use its funds for operating assistance and capital costs and pass through funds to the City of Sun Prairie and Monona to help supplement the loss of revenue due to this pandemic by covering transportation related costs as eligible through the Section 5307 program.

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

WHEREAS, FTA is allocating \$25 billion to recipients of urbanized area and rural area formula funds, with \$22.7 billion to large and small urban areas and \$2.2 billion to rural areas. Based on the 5307 program urban area calculations, the City of Madison was apportioned \$24,498,820.

WHEREAS, Funding will be provided at a 100-percent federal share, with no local match required, and will be available to support capital, operating, and other expenses generally eligible under those programs to prevent, prepare for, and respond to COVID-19.

WHEREAS, Operating expenses incurred beginning on January 20, 2020 for all rural and urban recipients, even those in large urban areas, are also eligible, including operating expenses to maintain transit services as well as paying for administrative leave for transit personnel due to reduced operations during an emergency.

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 operating assistance for the Coronavirus Aid, Relief, and Economic Security (CARES) Act 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 the Mayor and City Clerk are authorized to execute grant agreements for the aforementioned Applications
4. That the agreements with FTA will contain indemnification provisions negotiated by and acceptable to Metro staff, the City Attorney and the Risk Manager.
5. 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.
6. That the Mayor of the City of Madison may execute Subrecipient Agreements with subrecipients for the purposes of disbursing CARES Act funding.
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.