



## Legislation Text

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**File #:** 65856, **Version:** 1

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### Fiscal Note

The proposed resolution authorizes Metro Transit to submit a final grant application for its share of the American Rescue Plan (ARP) Act. Under the federal program, Madison Metro was allotted \$30,006,405. Appropriation of these funds will occur through a subsequent resolution to amend the 2021 adopted budget or reflected in the agency's future budget requests.

In total, Metro Transit is expected to receive \$69,488,516 in federal rescue funds. This includes:

- \$24,498,820 from the Coronavirus Aid, Relief, and Economic Security Act (CARES). Resolution 61291 authorized the Transit General Manager to apply for CARES funds in 2020.
- \$30,006,405 in ARP funding included in this proposed resolution
- \$14,983,291 from the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA). Authorization to apply for these funds is being considered through Resolution 65854.

### Title

Authorizing the Transit General Manager to file an application for ARP Act Stimulus Section 5307 Grant for public transit 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 the associated 13 (c) agreement with Teamsters Local No. 695.

### Body

#### PREAMBLE

The American Rescue Plan (ARP) Act of 2021, signed into law on March 11, 2021 are made available for 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 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 \$30.46 billion to recipients of urbanized area and rural area formula funds, with \$26.1 billion to large and small urban areas and \$317.2 million to rural areas and tribes. Based on the 5307 program urban area calculations, the City of Madison was apportioned \$30,006,405.

**WHEREAS**, Previously through the Coronavirus Aid, Relief, and Economic Security (CARES) Act, the City of Madison was apportioned \$24,498,820.

**WHEREAS**, Resolution 61291 authorizing the application for the CARES Act Stimulus Section 5307 grant was adopted on August 4, 2020.

**WHEREAS**, Previously through the Coronavirus Response and Relief Supplemental Appropriations Act of 2021 (CRRSAA), the City of Madison was apportioned \$14,983,291

**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 operating assistance for the American Rescue Plan (ARP) Act of 2021 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 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.