SUBJECT: Resolution No. 2086, authorizing the filing and execution of an application for funding under the Federal Congestion Mitigation and Air Quality (CMAQ) Improvement Program for a Bus Catalyst Retrofit Program.

RECOMMENDED ACTION: □ Information Only ☒ Recommended Motion

Approval of Resolution No. 2086, authorizing the General Manager or his designee to file and execute applications and related agreements for funding under the Federal Surface Transportation Program and Congestion Mitigation and Air Quality Improvement Program.

Fiscal Impact:
If approved, this application will provide $6,228,900 in CMAQ funding for the District’s Bus Catalyst Retrofit Program. In addition, the District will seek Bridge Toll funds in the amount of $769,000 to meet the matching requirements of this program.

BOARD ACTION: Approved as Recommended [x] Other [ ]
Approved with Modification(s) [ ]

MOTION: PEEPLES/WALLACE to adopt Resolution No. 2086 as recommended (7-0-0-0).

Ayes: Director Peeples, Vice President Wallace, Directors Harper, Jaquez, Bischofberger, Kaplan, President Piras - 7
Noes: None – 0
Absent: None – 0
Abstain: None – 0

The above order was passed and adopted on May 1, 2003.

Rose Martinez, District Secretary
By ____________________________
Background/Discussion:

The District received approximately $3 million in funding for the retrofit of particulate traps on 378 buses, to meet the emission requirements of CARB. In order to complete the retrofit of the total fleet, the District will seek $3.6 million in additional funding from the federal 5307 program. MTC has requested operators to reduce NOx emissions to address air quality issues in the Region. Accomplishing this goal requires a more expensive piece of equipment than the particulate trap, known as a bus catalyst. To provide for the additional costs of the bus catalyst equipment, MTC has agreed to provide an additional $6.229 million in CMAQ funding, to cover the incremental costs of adding this equipment to approximately 769 buses. The funding requires an 11.47% match, or $769,000. MTC expects to allocate Bridge Toll funds to cover the matching portion if sufficient funds are available in the Bridge Toll Fund for this purpose. If Bridge Toll or other external funding is not available to cover the necessary local match, the District does not have funding to connect to the match, and would not be able to participate in the program.

A Resolution authorizing the application for these funds and agreeing to the matching fund and timeline requirements for this funding is required by MTC. The Resolution and related attachments are included with this memorandum.

Prior Relevant Board Actions/Policies:

The Board approved the initial Retrofit project as part of the application for federal funding submitted for Fiscal Year 2002.

Attachments:

Resolution No. 2086
Attachment A – Timeline

Approved by: Rick Fernandez, General Manager
Kathleen Kelly, Deputy General Manager-Service Development

Prepared by: Joan P. Martin, Manager-Capital Planning & Grant Administration

Date Prepared: April 22, 2003
ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

RESOLUTION NO. 2086

A RESOLUTION AUTHORIZING THE FILING AND EXECUTION OF APPLICATIONS AND FUNDING AGREEMENTS WITH THE METROPOLITAN TRANSPORTATION COMMISSION FOR FEDERAL SURFACE TRANSPORTATION PROGRAM AND CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM FUNDING FOR A BUS CATALYST RETROFIT PROGRAM AND COMMITTING THE NECESSARY LOCAL MATCH FOR THE PROJECT AND STATING ASSURANCE OF THE ALAMEDA-CONTRA COSTA TRANSIT DISTRICT (AC TRANSIT) TO COMPLETE THE PROJECT

WHEREAS, the Transportation Equity Act for the 21st Century (TEA 21) (Public Law 105-178, June 9, 1998) and the TEA 21 Restoration Act (Public Law 105-206, July 22, 1998) continue the Surface Transportation Program (23 U.S.C. § 133) and the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149); and

WHEREAS, pursuant to TEA 21, and the regulations promulgated thereunder, eligible project sponsors wishing to receive Surface Transportation Program or Congestion Mitigation and Air Quality Improvement Program grants for a project shall submit an application first with the appropriate metropolitan transportation planning organization (MPO), for review and inclusion in the MPO's Transportation Improvement Program (TIP); and

WHEREAS, the Metropolitan Transportation Commission is the MPO for the San Francisco Bay region; and

WHEREAS, AC TRANSIT is an eligible project sponsor for Surface Transportation Program or Congestion Mitigation and Air Quality Improvement Program funds; and

WHEREAS, AC TRANSIT wishes to submit a grant application to MTC for funds from the Surface Transportation Program or Congestion Mitigation and Air Quality Improvement Program in fiscal year 2003-04 and 2004-05 for the following project:

Bus Catalyst Retrofit Program

WHEREAS, MTC requires, as part of the application, a resolution stating the following:

1) the commitment of necessary local matching funds of at least 11.47%; and
2) that the sponsor understands that the Surface Transportation Program and Congestion Mitigation and Air Quality Improvement Program funding is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with Surface Transportation Program or Congestion Mitigation and Air Quality Improvement Program funds; and
3) the assurance of the sponsor to complete the project as described in the application, and if approved, as programmed in MTC's TIP; and
4) that the sponsor understands that funds must be obligated by September 30 of the year
that the project is programmed for in the TIP, or the project may be removed from the program.

NOW THEREFORE, the Board of Directors of the Alameda-Contra Costa Transit District does resolve as follows:

Section 1. AC TRANSIT is an eligible sponsor of projects in the STP, CMAQ, and TEA First Cycle Program.

Section 2. The General Manager, or his designee, is authorized to file and execute applications and funding agreements, and revisions, if any are required, together with all necessary supporting documents, with MTC for STP, CMAQ, and TEA First Cycle Program funds in the amount of $6,228,900, for the Bus Catalyst Retrofit Project.

Section 3. There is no legal impediment to AC TRANSIT making applications for STP, CMAQ, and TEA First Cycle Program funds, and that there is no pending or threatened litigation which might in any way adversely affect the proposed project, or the ability of AC TRANSIT to deliver such project.

Section 4. That the Alameda Contra Costa Transit District (AC Transit) Board of Directors by adopting this resolution does hereby state that:

1) AC TRANSIT will provide $769,000 in local matching funds; and

2) AC TRANSIT understands that the Surface Transportation Program and Congestion Mitigation and Air Quality Improvement Program funding for the project is fixed at $6,228,900, and that any cost increases must be funded by the AC TRANSIT from local matching funds, and

3) That AC TRANSIT does not expect any cost increases to be funded with Surface Transportation Program or Congestion Mitigation and Air Quality Improvement Program funds; and

4) The program funds are expected to be obligated by September 30 of the year the project is programmed for in the TIP.

Section 5. The Bus Catalyst Retrofit Project will be implemented as described in this resolution and, if approved, for the amount shown in the Metropolitan Transportation Commission (MTC) Transportation Improvement Program (TIP) with obligation occurring within the timeframe established below; and

Section 6. A copy of this resolution will be transmitted to MTC in conjunction with the filing of the application.

Section 7. The MTC is requested to support the application for the project described in the resolution and to program the project, if approved, in MTC's TIP.
Section 8. This resolution shall become effective immediately upon its passage by four affirmative votes of the Board of Directors.

PASSED AND ADOPTED THIS _____ day of ______ 2003.

________________________________________
Patrisha Piras, President

Attest:

________________________________________
Rose Martinez, District Secretary

I, District Secretary for the Alameda-Contra Costa Transit District, do hereby certify that the foregoing Resolution was passed and adopted at a Regular Meeting of the Board of Directors held on the _____ day of _____ 2003, by the following roll call vote:

AYES: DIRECTORS:
NOES: DIRECTORS:
ABSENT: DIRECTORS:
ABSTAIN: DIRECTORS:

________________________________________
Rose Martinez, District Secretary

Approved as to Form:

________________________________________
Kenneth C. Scheidig
General Counsel

RESOLUTION NO. 2086
Page 3 of 3
First Cycle Program - TEA-21 Reauthorization
CMAQ Call for Projects: NOx Bus Catalyst Devices
- Application -

 Please note that this application can be downloaded in Excel format at: mtc.ca.gov/funding/buscatalystdevice.htm

### Part 1: Sponsor/Agency Detail

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<th>Project Sponsor</th>
<th>ALAMEDA CONTRA COSTA TRANSIT DISTRICT (AC TRANSIT)</th>
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</thead>
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<tr>
<td>Contact Person</td>
<td>JOAN P. MARTIN</td>
</tr>
<tr>
<td>Title</td>
<td>MANAGER, CAPITAL PLANNING &amp; GRANT ADMINISTRATION</td>
</tr>
<tr>
<td>Mailing Address</td>
<td>1600 FRANKLIN STREET, OAKLAND, CA 94612</td>
</tr>
<tr>
<td>Telephone</td>
<td>(510) 891-7253</td>
</tr>
<tr>
<td>Fax</td>
<td>(510) 891-7139</td>
</tr>
<tr>
<td>E-mail Address</td>
<td><a href="mailto:jmartin@actransit.org">jmartin@actransit.org</a></td>
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**Implementing Agency (if different from Project Sponsor)**

| Contact Person | 
|----------------|---------------|
| Title          | 
| Mailing Address | 
| Telephone     | 
| Fax           | 
| E-mail Address | 

### Part 2: Project Description

**County** ALAMEDA/CONTRA COSTA

**Project Title** BUS CATALYST DEVICES

**Brief Description (Please list number of buses to be modified in the description)**

The District will retrofit approximately 727 vehicles with bus catalyst devices.

**Transportation Problem to be Addressed**

This project will complete the funding package for the District's retrofit project to reduce Nox emissions on 377 of our older buses and will cover the incremental cost for this device for an additional 350 buses. The District will seek federal 5307 funding to cover the costs of the particulate traps on the additional 350 buses.

**Project Mode:** Transit

**Project Type:** Mass Transit Bus

**Project Purpose:** Other

**UZA**

**Air Basin:** San Francisco Bay Area
Part 3: Project Funding Request

Only CMAQ funds can be applied for in this application. The financial cost estimate for the NOx element of the Bus Catalyst Devices is $9,100. This figure includes the installation costs of the device. The CMAQ funds require local funding match of 1.47% of the project cost. For each device, MTC will provide $8,100 in CMAQ funding. Project sponsors will need to provide $1,000 in state or local funding as their local match. Some operators may be able to receive AB664 funds as a local match. Operators eligible to receive AB664 matching funds are those that relieve congestion on the Southern Bridge Group (San Francisco-Oakland Bay, San Mateo-Hayward, and Dumbarton Bridges). This includes project sponsors that provide feeder service to BART. If you are requesting AB 664 funds, please specify and a determination for eligibility and fund availability will be made upon the programming of the bus catalyst devices.

Other Notes:
1. Project must be fully funded.
2. For all numbers, enter the amount needed in each program year, rounded to the nearest thousand (e.g. $1,325,250 should be entered as $1,325).
3. Use Federal fiscal years (October 1 - September 30).
4. CMAQ funds may only be requested in FY 2003-2004 and FY 2004-2005.

Federal CMAQ Funding Request ($1,000s):

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Local Match ($1,000s):

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Prior Programming

Existing TIP ID Number: __________

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<td>Total Project Cost including this Request</td>
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Part 4: Project Milestones
Part 5: Resolution of Local Support

To be submitted separately.

Part 6: Emissions Analysis

While emissions benefits calculations are required under the overall CMAQ program, projects sponsors will not need to provide one for the bus catalyst devices. MTC has performed the emissions benefit calculation for the NOx element of the bus catalyst devices.

Part 7: Particulate Matter Replacement Plan

See attachment A

Part 8: Comments

The District will need additional federal 5307 and bridge toll funding of approximately $2 Million to complete this package. We will request these funds in the next funding cycle. In the event the funding becomes available earlier than anticipated in our schedule, we would be able to complete the program earlier than indicated on the schedule.