Resolution authorizing the Municipal Transportation Agency, through its Director of Transportation (or his designee), to accept and expend $22,570,000 in STIP funds from the State of California, or if transferred to the Federal Transit Administration, as part of FY 2007/2008 federal section 5307 or section 5309 fixed guideway funds, for construction of the Muni Metro East Maintenance and Operations Facility, excluding administrative overhead costs.

WHEREAS, AB3090 allows an agency to use local funds to advance a project in an earlier year than the date presently programmed in the State Transportation Improvement Program (STIP), and get reimbursed with STIP funds at a later date; and

WHEREAS, On August 5, 2004, the CTC adopted the 2004 STIP, with an amendment approving the AB 3090 reimbursement transaction for the Municipal Transportation Agency's (MTA's) Metro East Maintenance and Operations Facility Project (the "Project"); and

WHEREAS, In the 2004 STIP, the State programmed a reimbursement in the amount of $22,570,000 for the Project in Fiscal Year 2007/2008 ("AB 3090 Reimbursement Funds"); and

WHEREAS, Once these AB 3090 Reimbursement Funds are appropriated by the State, they will either be awarded directly from State STIP funds or transferred to the Federal Transit Administration for inclusion in either MTA's FY 2007/2008 Section 5307 or Section 5309 Fixed Guideway Formula Grant apportionments; and

WHEREAS, On November 1, 2005, the MTA Board adopted Resolution No. 05-167, which approved an agreement between the City and the San Francisco County Transportation Authority (SFCTA) ("AB 3090 Loan Agreement"), in which SFCTA agreed to loan $22,570,000...
in Proposition K funds to MTA to allow the Project to proceed in advance of receiving the AB
3090 Reimbursement Funds, which agreement was approved by the Board of Supervisors on
January 10, 2006; and

WHEREAS, Under the AB 3090 Loan Agreement, MTA will reimburse the SFCTA with
the AB3090 Reimbursement Funds; and

WHEREAS, The Secretary of Transportation is authorized to make monies available
pursuant to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for
Users (SAFETEA-LU) for mass transportation projects; and

WHEREAS, The MTA is an eligible claimant for FTA Capital Assistance projects under
SAFETEA-LU Sections 5307 and 5309; and

WHEREAS, Section 5307 is a formula-apportioned resource that may be used for any
eligible planning or capital purpose; and

WHEREAS, Section 5309 Fixed Guideway is a formula-apportioned resource that may
be used to build fixed guideway systems or modernize and enhance existing fixed guideway
systems, including repairing and purchasing rolling stock to operate as part of the fixed
guideway system; and

WHEREAS; The grant contract for financial assistance will impose certain obligations
upon the applicant, including providing the local share of project costs; and

WHEREAS, The local share of project costs will be funded using a variety of sources,
including San Francisco County Sales Taxes (Prop K) and Regional Measure 2 (Bridge Toll)
funds; and

WHEREAS, The U.S. Department of Transportation (DOT) requires that in connection
with the filing of an application for federal assistance, the applicant give an assurance that it
will comply with Title VI of the Civil Rights Act of 1964 and DOT requirements implementing
that Act; and
WHEREAS, It is the goal of the applicant that disadvantaged business enterprises (DBEs) be utilized to the fullest extent possible in connection with this project and that definitive procedures be established and administered, consistent with federal law, to ensure that DBEs have the maximum possible opportunity to compete for contracts, supplies, equipment contracts, or consultant and other services; and

WHEREAS, The MTA Director of Transportation (or his designee) must execute agreements to complete transfer of the funds; and

WHEREAS, There is no allowance for indirect costs; now, therefore, be it

RESOLVED, That the Board of Supervisors hereby waives inclusion of indirect costs in the grant budget; and, be it

FURTHER RESOLVED, That on behalf of the City and County of San Francisco, the MTA is authorized to accept and expend $22,570,000 in STIP funds from the State of California, or if transferred to the Federal Transit Administration, as part of FY 2007/2008 federal Section 5307 or Section 5309 fixed guideway funds, for the Muni Metro East Maintenance and Operations Facility Project.

RECOMMENDED:

GAVIN NEWSOM
Mayor

EDWARD HARRINGTON
Controller

NATHANIEL P. FORD, SR.
Executive Director/CEO
Resolution authorizing the Municipal Transportation Agency, through its Director of Transportation (or his designee), to accept and expend $22,570,000 in STIP funds from the State of California, or if transferred to the Federal Transit Administration, as part of FY 2007/2008 federal section 5307 or section 5309 fixed guideway funds, for construction of the Muni Metro East Maintenance and Operations Facility, excluding administrative overhead costs.

August 15, 2006 Board of Supervisors — ADOPTED
   Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
   Excused: 1 - Alioto-Pier
I hereby certify that the foregoing Resolution was ADOPTED on August 15, 2006 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

Mayor Gavin Newsom