

**RESOLUTION NO. 2108-07**

**A RESOLUTION OF THE TOWN OF WINDSOR TOWN COUNCIL  
AUTHORIZING THE FILING OF AN APPLICATION FOR FEDERAL SURFACE  
TRANSPORTATION PROGRAM (STP) AND/OR CONGESTION MITIGATION AND AIR  
QUALITY IMPROVEMENT (CMAQ) FUNDING AND COMMITTING THE  
NECESSARY NON-FEDERAL MATCH AND STATING THE  
ASSURANCE TO COMPLETE THE PROJECT**

**WHEREAS**, Town of Windsor (herein referred as APPLICANT) is submitting an application to the Metropolitan Transportation Commission (MTC) for \$309,000.00 in funding from the federal Surface Transportation Program (STP) and/or Congestion Mitigation and Air Quality Improvement (CMAQ) program for the Windsor Road Pedestrian and Bicycle Gap Closure Project (herein referred as PROJECT) for the MTC Regional Bicycle & Pedestrian Program – county share (herein referred as PROGRAM); and

**WHEREAS**, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA) (Public Law 109-59, August 10, 2005) continues 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 SAFETEA, and the regulations promulgated thereunder, eligible project sponsors wishing to receive federal Surface Transportation Program and/or Congestion Mitigation and Air Quality Improvement Program (STP/CMAQ) funds for a project shall submit an application first with the appropriate Metropolitan Planning Organization (MPO), for review and inclusion in the MPO's Transportation Improvement Program (TIP); and

**WHEREAS**, the Metropolitan Transportation Commission (MTC) is the MPO for the nine counties of the San Francisco Bay region; and

**WHEREAS**, MTC has adopted a Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) that sets out procedures governing the application and use of STP/CMAQ funds; and

**WHEREAS**, APPLICANT is an eligible project sponsor for STP/CMAQ funds; and

**WHEREAS**, as part of the application for STP/CMAQ funding, MTC requires a resolution adopted by the responsible implementing agency stating the following:

1. The commitment of necessary local matching funds of at least 11.47%; and
2. That the sponsor understands that the STP/CMAQ funding is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional STP/CMAQ funds; and
3. That the project will comply with the procedures specified in Regional Project Funding Delivery Policy (MTC Resolution No.3606, revised); and
4. The assurance of the sponsor to complete the project as described in the application, and if approved, as included in MTC's TIP; and

5. That the project will comply with all the project-specific requirements as set forth in Regional Bicycle & Pedestrian Program.

**NOW, THEREFORE, BE IT RESOLVED** that (APPLICANT) is authorized to execute and file an application for funding under the Surface Transportation Program (STP) and Congestion Mitigation and Air Quality Improvement Program (CMAQ) of SAFETEA for (PROJECT); and be it further

**RESOLVED** that the APPLICANT by adopting this resolution does hereby state that:

1. APPLICANT will provide \$ 42,000 in non-federal matching funds; and
2. APPLICANT understands that the STP/CMAQ funding for the project is fixed at the MTC approved programmed amount, and that any cost increases must be funded by the APPLICANT from other funds, and that APPLICANT does not expect any cost increases to be funded with additional STP/CMAQ funding; and
3. APPLICANT understands the funding deadlines associated with these funds and will comply with the provisions and requirements of the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, as revised); and
4. PROJECT will be implemented as described in the complete application and in this resolution and, if approved, for the amount programmed in the MTC federal TIP; and
5. APPLICANT and the PROJECT will comply with the requirements as set forth in Regional Bicycle & Pedestrian Program; and therefore be it further

**RESOLVED** that APPLICANT is an eligible sponsor of STP/CMAQ funded projects; and be it further

**RESOLVED** that APPLICANT is authorized to submit an application for STP/CMAQ funds for the PROJECT; and be it further

**RESOLVED** that there is no legal impediment to APPLICANT making applications for the funds; and be it further

**RESOLVED** that there is no pending or threatened litigation that might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT; and be it further

**RESOLVED** that APPLICANT authorizes its Executive Director, General Manager, or designee to execute and file an application with MTC for STP/CMAQ funding for the PROJECT as referenced in this resolution; and be it further

**RESOLVED** that a copy of this resolution will be transmitted to the MTC in conjunction with the filing of the application; and be it further

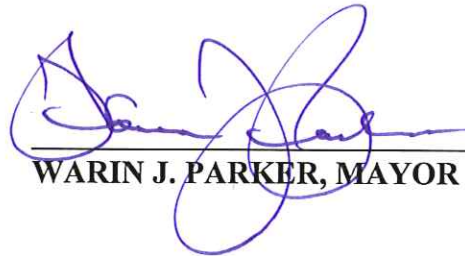
**RESOLVED** that the MTC is requested to support the application for the PROJECT described in the resolution and to include the PROJECT, if approved, in MTC's TIP.



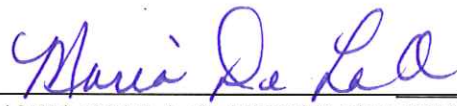
**NOW THEREFORE BE IT RESOLVED**, that the Town Council of the Town of Windsor approves the application to the Metropolitan Transportation Commission for funding under the Regional Bicycle and Pedestrian Project Program's.

**PASSED, APPROVED AND ADOPTED** this 1st day of August 2007, by the following vote:

**AYES: COUNCILMEMBERS ALLEN, FUDGE, SALMON AND  
MAYOR PARKER**  
**NOES: NONE**  
**ABSTAIN: NONE**  
**ABSENT: COUNCILMEMBER GOBLE**

  
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**WARIN J. PARKER, MAYOR**

**ATTEST:**

  
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**MARIA DE LA O, TOWN CLERK**

