



City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 10 Ordinance/Resolution# 11-041 Council District:

For Meeting of August 16, 2010
(Adoption Date)

TITLE: A RESOLUTION AUTHORIZING THE TRANSIT ADMINISTRATOR TO EXECUTE AN AWARD OF SECTION 5309 CAPITAL FUNDS FROM THE FEDERAL TRANSIT ADMINISTRATION IN THE AMOUNT OF \$146,700 REQUIRING A CITY MATCH OF \$30,047 FOR THE PURPOSE OF BUYING PARATRANSIT VEHICLES IN FY 2012.

PURPOSE(S) OF ACTION:

This Resolution would permit the Transit Administrator to accept and thereby execute a Section 5309 capital funding award upon notice from the Federal Transit Administration (FTA) for \$146,700. This award is the unobligated remainder of a Federal Fiscal Year 2008 apportionment awarded under the Federal SAFETEA-LU legislation. These funds are planned for the purchase of paratransit vans in FY 2012. It is anticipated that this award will be released in mid-August 2010. These funds will lapse if not accepted by August 30, 2010.

Drafter and Staff Contact: Michael J. Bartholomew		Department: Public Services/Transit		Phone: 541-2500	
Department	Signature	Phone	Department	Signature	Phone
Department Director		528-3477	Budget		541-2107
Other			Assistant City Manager		541-2271
Legal		541-2128	City Manager		541-2076

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

On June 7, 2010, Council approved Resolution 10-302 permitting the Transit Section to apply for expiring Section 5307 funding in the amount of \$146,700. The Transit Section requested to obligate these funds into a project for paratransit vans in FY 2012. This project has been vetted through the MPO process and is included in the State Transportation Improvement Program (STIP).

These funds will be used for replacement of paratransit vehicles in FY 2012.

The funds requested for this grant are the unobligated balance of some Section 5309 funds apportioned to the City of Las Cruces in Federal Fiscal Year 2008. The awarded grant must be executed before the end of August 2010. If those funds are not obligated by that date, they will be lost. FTA anticipates this award will be released by mid August 2010. Once the funds are obligated into a specific project, there will be no specific deadline to get these funds expended. The \$146,700 in federal funds require a 20% local match of \$30,047, making a total grant project of \$176,747.

SUPPORT INFORMATION:

1. Resolution
2. Exhibit "A" – Detail of Section 5309 grant awarded by the FTA.

SOURCE OF FUNDING:

Is this action already budgeted? Will be budged in FY 2012	Yes	<input type="checkbox"/>	See fund summary below
	No	<input checked="" type="checkbox"/>	If No, then check one below:
	<i>Budget Adjustment Attached</i>	<input type="checkbox"/>	Expense reallocated from:
		<input type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)
		<input type="checkbox"/>	Proposed funding is from fund balance in the Fund.
Does this action create any revenue? Yes, in FY 2012 will be \$146,700	Yes	<input checked="" type="checkbox"/>	
	No	<input type="checkbox"/>	There is no new revenue generated by this action.

FUND SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
Transit Fund 5920	TBD FY 2012 budget	\$176,747	n/a	n/a	n/a

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this Resolution will enable staff to execute an award of \$146,700 in Federal Transit Administration Section 5309 (capital) funding before it expires on August 30, 2010 for the purpose of acquiring replacement paratransit vehicles in FY 2012.
2. Vote "No"; and not approve the Resolution which will result in these funds lapsing.
3. Vote to "Amend"; and provide alternative direction to staff. Any delay in obligating these funds will result in the lapsing of these funds.
4. Vote to "Table"; this would result in the loss of these funds.

REFERENCE INFORMATION

The resolution(s) and/or ordinance(s) listed below are only for reference and are not included as attachments or exhibits.

1. **Resolution No. – 10-302** - (June 7, 2010) City Council approved for staff to apply for expiring FTA capital funding for the purpose of purchasing paratransit vans in FY 2012.

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RESOLUTION NO. 11-041

A RESOLUTION AUTHORIZING THE TRANSIT ADMINISTRATOR TO EXECUTE AN AWARD OF SECTION 5309 CAPITAL FUNDS FROM THE FEDERAL TRANSIT ADMINISTRATION IN THE AMOUNT OF \$146,700 REQUIRING A CITY MATCH OF \$30,047 FOR THE PURPOSE OF BUYING PARATRANSIT VEHICLES IN FY 2012.

The City Council is informed that:

WHEREAS, in Resolution 10-302 on June 7, 2010, the City Council authorized Transit Staff to apply to the Federal Transit Administration (FTA) for expiring Section 5309 funding for the purpose of acquiring paratransit vehicles for the Transit Section; and

WHEREAS, staff did submit an application for these funds and now requires authorization to accept an award of funds; and

WHEREAS, FTA anticipates this grant as requested to be released for the final obligation by the City by mid August, 2010; and

WHEREAS, the amount of the award will be \$146,700 and will require a local match of \$30,047 for a total grant project of \$73,413; and

WHEREAS, this grant will need to be obligated by the end of August 2010 because these funds are lapsing; and

WHEREAS, the City of Las Cruces wishes to apply these grants funds to purchase paratransit vehicles; and

WHEREAS, a project for paratransit vehicles is included in the State Transportation Improvement Program (STIP); and

WHEREAS, a funding for this project would be budgeted in FY 2012.

NOW, THEREFORE, Be it resolved by the governing body of the City of Las Cruces:

(I)

THAT City Staff are hereby authorized to execute and obligate a grant from the Federal Transit Administration upon notice of award for remaining Section 5309 funds in the amount of \$146,700 requiring a local match of \$30,047 for a total grant project of \$176,747 to be used for paratransit vehicles in Transit Operations.

(II)

THAT City Staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE AND APPROVED this _____ day of _____, 2010.

(SEAL)

APPROVED:

Mayor

ATTEST:

City Clerk

VOTE:

Mayor Miyagishima: _____
Councillor Silva: _____
Councillor Connor: _____
Councillor Pedroza: _____
Councillor Small: _____
Councillor Sorg: _____
Councillor Thomas: _____

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:



City Attorney

DOT**FTA**

U.S. Department of Transportation

Federal Transit Administration

Application

Recipient ID:	1580
Recipient Name:	CITY OF LAS CRUCES
Project ID:	NM-04-0017-00
Budget Number:	1 - Budget Pending Approval
Project Information:	Capital--Rolling Stock (paratransit van)

Part 1: Recipient Information

Project Number:	NM-04-0017-00
Recipient ID:	1580
Recipient Name:	CITY OF LAS CRUCES
Address:	P.O. Box 20000 , LAS CRUCES, NM 88004 9002
Telephone:	(575) 541-2500
Facsimile:	(575) 541-2545

Union Information

Recipient ID:	1580
Union Name:	STEELWORKERS UNION
Address 1:	
Address 2:	
City:	, 00000 0000
Contact Name:	
Telephone:	() -
Facsimile:	() 0-0000
E-mail:	
Website:	

Recipient ID:	1580
Union Name:	UNITED STEELWORKERS OF AMERICA, AFL-CIO/CLC
Address 1:	1880 N. Solano
Address 2:	
City:	Las Cruces, NM 88001

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Contact Name:	David Carrillo
Telephone:	(505) -52-3-94
Facsimile:	
E-mail:	dlcarrillo@las-cruces.org
Website:	

Part 2: Project Information

Project Type:	Grant	Gross Project Cost:	\$176,747
Project Number:	NM-04-0017-00	Adjustment Amt:	\$0
Project Description:	Capital--Rolling Stock (paratransit van)	Total Eligible Cost:	\$176,747
Recipient Type:	City	Total FTA Amt:	\$146,700
FTA Project Mgr:	Eddie Chavarria 817-978-0548	Total State Amt:	\$0
Recipient Contact:	Mike Bartholomew, Transit manager	Total Local Amt:	\$30,047
New/Amendment:	None Specified	Other Federal Amt:	\$0
Amend Reason:	Initial Application	Special Cond Amt:	\$0
Fed Dom Asst. #:	20500	Special Condition:	None Specified
Sec. of Statute:	5309-2	S.C. Tgt. Date:	None Specified
State Appl. ID:	None Specified	S.C. Eff. Date:	None Specified
Start/End Date:	Jul. 01, 2012 - Jun. 30, 2013	Est. Oblig Date:	None Specified
Recvd. By State:	Jun. 15, 2010	Pre-Award Authority?:	Yes
EO 12372 Rev:	Not Applicable	Fed. Debt Authority?:	No
Review Date:	None Specified	Final Budget?:	No
Planning Grant?:	NO		
Program Date (STIP/UPWP/FTA Prm Plan) :	Oct. 02, 2009		
Program Page:	8		
Application Type:	Electronic		
Supp. Agreement?:	No		
Debt. Delinq. Details:			

Urbanized Areas

UZA ID	UZA Name
353520	LAS CRUCES, NM

Congressional Districts

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State ID	District Code	District Official
35	2	Harry Teague

Project Details

To purchase three (3) replacement paratransit cutaway vans with 5309 bus funding provided in FY08 in earmark NM-E2008-BUSP-0859. We are requesting to obligate the remaining unobligated \$147,500 for the purpose of purchasing paratransit vans in FY2012.

Projects related to this submission are on page 11 of the NM-STIP, Control # TL00012.

Earmarks**Earmark Details**

Earmark ID	Earmark Name	Orig. Balance	Amount Applied
E2008-BUSP-0859	Para-Transit Van Replacemen	\$470,400	\$146,700

Number of Earmarks: 1

Total Amount Applied: \$146,700

Date Sent for Release: 7/16/2010 11:51:27 AM

Date Released:

Security

No information found.

Part 3: Budget**Project Budget**

	<u>Quantity</u>	<u>FTA Amount</u>	<u>Tot. Elig. Cost</u>
<u>SCOPE</u>			
111-00 BUS - ROLLING STOCK	4	\$146,700.00	\$176,747.00
<u>ACTIVITY</u>			
11.12.15 BUY REPLACEMENT VAN	4	\$146,700.00	\$176,747.00
Estimated Total Eligible Cost:			\$176,747.00
Federal Share:			\$146,700.00
Local Share:			\$30,047.00

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OTHER (Scopes and Activities not included in Project Budget Totals)NoneSOURCES OF FEDERAL FINANCIAL ASSISTANCE

<u>UZA ID</u>	<u>Accounting Classification</u>	<u>FPC</u>	<u>FY</u>	<u>SEC</u>	<u>Previously Approved</u>	<u>Amendment Amount</u>	<u>Total</u>
353520	2008.25.04.31.2	00	2010	04	\$0.00	\$0.00	\$0.00
Total Previously Approved:							\$0.00
Total Amendment Amount:							\$0.00
Total from all Funding Sources:							\$0.00

Alternative Fuel Codes

11.12.15	BUY REPLACEMENT VAN	Diesel Fuel
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Extended Budget Descriptions

11.12.15	BUY REPLACEMENT VAN	4	\$146,700.00	\$176,747.00
Purchase three (3) new paratransit cutaway vans for vehicle replacement.				

Changes since the Prior BudgetUnable to find change amount information.**Part 4. Milestones**

11.12.15 BUY REPLACEMENT VAN 4 \$146,700 \$176,747

	<u>Milestone Description</u>	<u>Est. Comp. Date</u>
1.	RFP/IFB OUT FOR BID	Aug. 01, 2012
	RFB for 3 replacement Dial-a-Ride vans	
2.	CONTRACT AWARDED	Oct. 01, 2012
3.	FIRST VEHICLE DELIVERED	Apr. 30, 2013
4.	ALL VEHICLES DELIVERED	Apr. 30, 2013
5.	CONTRACT COMPLETE	May. 30, 2014

Part 5. Environmental Findings

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PRJBUD Project Budget 4 \$146,700 \$176,747

Finding No. 1 - Class II(c)**C17 - Purchase of vehicles**

The purchase of vehicles by the applicant where the use of these vehicles can be accommodated by existing facilities or by new facilities which themselves are within a CE.

11100 BUS - ROLLING STOCK 4 \$146,700 \$176,747

Finding No. 1 - Class II(c)**C17 - Purchase of vehicles**

The purchase of vehicles by the applicant where the use of these vehicles can be accommodated by existing facilities or by new facilities which themselves are within a CE.

111215 BUY REPLACEMENT VAN 4 \$146,700 \$176,747

Finding No. 1 - Class II(c)**C17 - Purchase of vehicles**

The purchase of vehicles by the applicant where the use of these vehicles can be accommodated by existing facilities or by new facilities which themselves are within a CE.

Part 6: Fleet StatusFixed Route

		<u>Before</u>	<u>Change</u>	<u>After</u>
I.	Active Fleet			
	A. Peak Requirement	12	0	12
	B. Spares	5	0	5
	C. Total (A+B)	17	0	17
	D. Spare Ratio (B/A)	41.67%	0.00%	41.67%
II.	Inactive Fleet			
	A. Other	0	0	0
	B. Pending Disposal	0	0	0
	C. Total (A+B)	0	0	0
III.	Total (I.C and II.C)	17	0	17

These are replacement paratransit vehicles involving no expansion of service.

Paratransit

		<u>Before</u>	<u>Change</u>	<u>After</u>
I.	Active Fleet			
	A. Peak Requirement	13	0	13
	B. Spares	5	1	6
	C. Total (A+B)	18	1	19
	D. Spare Ratio (B/A)	38.46%	0.00%	46.15%
II.	Inactive Fleet			
	A. Other	0	0	0
	B. Pending Disposal	0	0	0
	C. Total (A+B)	0	0	0
III.	Total (I.C and II.C)	18	1	19

With Purchase we will expand paratransit by one route at peak service and increase the spares from 4 to 5 vans. Four vans will be replacement and 2 will be expansion.

Part 7. FTA Comments

General Review

Comment Title:	New Comment
Comment By:	Tony Ogboli
Date Created:	Jun. 10, 2010
Date Updated:	Jun. 10, 2010
Ref Section:	Unknown
Comment:	Budget for ALI 11.12.15 Buy Replacement Van for total eligible cost is not matching up to the 80/20 ratio. The total Eligible cost should be \$183,375 total with a local match in the amount 36,675.

Comment Title:	New Comment
Comment By:	Tony Ogboli
Date Created:	Jun. 11, 2010
Date Updated:	None Specified
Ref Section:	Unknown
Comment:	6/11/2010. Grantee is applying for 83% federal share of the total vehicle cost.(These are revenue vehicles and they have been able to purchase these lift-equipped vehicles at an 83/17 match)

Comment Title:	New Comment
Comment By:	William Jones

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Date Created:	Jun. 15, 2010
Date Updated:	None Specified
Ref Section:	Unknown
Comment:	I have reviewed the Civil Rights requirements and concur with this portion of the project application

Conditions of Award

Comment Title:	DOL Certification
Comment By:	Erica Matos
Date Created:	Jul. 15, 2010
Date Updated:	Jul. 15, 2010
Ref Section:	Unknown
Comment:	This award of Federal financial assistance is subject to the terms and conditions set forth in the U.S. Department of Labor's certification letter dated July 12 , 2010, to the Federal Transit Administration with respect to this numbered grant, including any attachments to the letter, which are fully incorporated herein by reference.

Comments to DOL

Comment Title:	New Comment
Comment By:	Tony Ogboli
Date Created:	Jun. 11, 2010
Date Updated:	Jun. 15, 2010
Ref Section:	Unknown
Comment:	<p>LAPSING.</p> <p>The Federal Transit Administration's (FTA) projected timetable for acting upon the subject grant is 35 days from the date of this application. In order to meet the timetable, Department of Labor certification is requested not later than two weeks prior to that date. Please establish a time schedule for negotiations pursuant to 29 DFR 215.3(d). Based on the time deadlines in the 12/7/95, DOL guidelines, please advise us of the 49 USC sec 5333(b) terms and conditions for inclusion in the grant contract.</p> <p>Person to notify at FTA: Tony Ogboli, Community Planner 819 Taylor Street Room 8A36 Forth Worth, TX 79102 Phone 817-978-0566 tony.ogboli@dot.gov</p> <p>Grantee Contact: Mike Bartholomew, RoadRUNNER Transit Administrator City of Las Cruces, NM Phone (575) 541-2500</p>

Part 8: Results of Reviews

The reviewer did not find any errors

Part 9: Agreement

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**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL TRANSIT ADMINISTRATION**

**GRANT AGREEMENT
(FTA G-16, October 1, 2009)**

On the date the authorized U.S. Department of Transportation, Federal Transit Administration (FTA) official's electronic signature is entered for this Grant Agreement, FTA has Awarded Federal assistance in support of the Project described below. Upon Execution of this Grant Agreement by the Grantee named below, the Grantee affirms this FTA Award, and enters into this Grant Agreement with FTA. The following documents are incorporated by reference and made part of this Grant Agreement:

- (1) "Federal Transit Administration Master Agreement," FTA MA(16), October 1, 2009,
<http://www.fta.dot.gov/documents/16-Master.pdf>
- (2) The Certifications and Assurances applicable to the Project that the Grantee has selected and provided to FTA, and
- (3) Any Award notification containing special conditions or requirements, if issued.

FTA OR THE FEDERAL GOVERNMENT MAY WITHDRAW ITS OBLIGATION TO PROVIDE FEDERAL ASSISTANCE IF THE GRANTEE DOES NOT EXECUTE THIS GRANT AGREEMENT WITHIN 90 DAYS FOLLOWING THE DATE OF THIS FTA AWARD SET FORTH HEREIN.

FTA AWARD

FTA hereby awards a Federal grant as follows:

Project No: NM-04-0017-00

Grantee: CITY OF LAS CRUCES

Citation of Statute(s) Authorizing Project: 49 USC 5309 - Bus and Bus Facilities (FY2006 forward)

Estimated Total Eligible Cost (in U.S. Dollars): \$176,747

Maximum FTA Amount Awarded [Including All Amendments] (in U.S. Dollars): \$146,700

Amount of This FTA Award (in U.S. Dollars): \$146,700

Maximum Percentage(s) of FTA Participation:

Percentages of Federal participation are based on amounts included in the Approved Project Budget, modified as set forth in the text following the Project Description.

U.S. Department of Labor Certification of Public Transportation Employee Protective Arrangements:

Original Project Certification Date: 7/12/2010

Project Description:

Capital--Rolling Stock (paratransit van)

The Project Description includes information describing the Project within the Project Application submitted to FTA, and the Approved Project Budget, modified by any additional statements displayed in this Grant Agreement, and, to the extent FTA concurs, statements in other documents including Attachments entered into TEAM-Web.

Special Provision. Text Messaging While Driving.

In accordance with Executive Order No. 13513, Federal Leadership on Reducing Text Messaging While Driving, October 1, 2009, 23 U.S.C.A. § 402 note, and DOT Order 3902.10, Text Messaging While Driving December 30, 2009, the Grantee is encouraged to comply with the terms of the following Special Provision.

a. Definitions. As used in this Special Provision:

(1) "Driving" means operating a motor vehicle on a roadway, including while temporarily stationary because of traffic, a traffic light, stop sign, or otherwise. "Driving" does not include being in your vehicle (with or without the motor running) in a location off the roadway where it is safe and legal to remain stationary.

(2) "Text Messaging" means reading from or entering data into any handheld or other electronic device, including for the purpose of short message service texting, e-mailing, instant messaging, obtaining navigational information, or engaging in any other form of electronic data retrieval or electronic data communication. The term does not include the use of a cell phone or other electronic device for the limited purpose of entering a telephone number to make an outgoing call or answer an incoming call, unless the practice is prohibited by State or local law.

b. Safety. The Grantee is encouraged to:

(1) Adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers including policies to ban text messaging while driving-

(a) Grantee-owned or Grantee-rented vehicles or Government-owned, leased or rented vehicles;

(b) Privately-owned vehicles when on official Project related business or when performing any work for or on behalf of the Project; or

(c) Any vehicle, on or off duty, and using an employer supplied electronic device.

(2) Conduct workplace safety initiatives in a manner commensurate with the Grantee's size, such as:

(a) Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and

(b) Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

(3) Include this Special Provision in its subagreements with its subrecipients and third party contracts and also encourage its subrecipients, lessees, and third party contractors to comply with the terms of this Special Provision, and include this Special Condition in each subagreement, lease, and third party contract at each tier financed with Federal assistance provided by the Federal Government.

This award of Federal financial assistance is subject to the terms and conditions set forth in the U.S. Department of Labor's certification letter dated July 12, 2010, to the Federal Transit Administration with respect to this numbered grant, including any attachments to the letter, which are fully incorporated herein by reference.