



COMMUNITY & ECONOMIC DEVELOPMENT OFFICE

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Date: December 12, 2012

To: Burlington Board of Finance and City Council

Cc: Peter Owens, CEDO Director
Steve Goodkind, Public Works Director
Richard Haesler, Assistant City Attorney

From: Kirsten Merriman Shapiro, Special Projects Manager, CEDO

Re: City Transfer of FTA Grant #VT-03-0047 to CCTA

The City and CCTA are proposing to transfer a Federal Transit Administration (“FTA”) discretionary grant entitled, “Burlington Transit Facilities, Vermont” in the amount of \$2,427,184 from the City to CCTA. CCTA will use the grant to expand CCTA’s facilities and resources that serve the City’s and the region’s transportation needs.

At the December 12, 2012 City Council Transportation, Energy and Utility Committee (TUEC) meeting the CCTA provided brief presentation about how the grant would help them to continue to grow to meet customer demand and better serve Burlington. CCTA ridership has grown by more than 70% since 2001. CCTA has an opportunity to expand adjacent to its current facility at 15 Industrial Parkway and the transfer of this grant will facilitate that expansion. The TUEC unanimously supported the resolution in your packets that authorizes the Mayor and staff to enter into a Memorandum of Understanding for the transfer of the grant from the city to CCTA.

We are requesting that the Board of Finance and City Council address this request concurrently and pass the resolution in your packets at your December 17, 2012 meetings.

CCTA would prefer a concurrent action by the Board of Finance and City Council because Council approval will set a number of critical things into action:

- a) The City can then notify the Federal Transit Administration (FTA) of this change. This will allow CCTA to submit changes to the grant agreement, obtain a real estate appraisal, an appraisal review, amend the RPC TIP, and develop NEPA (federal environmental permit) documentation for FTA consideration. When these items are completed to the satisfaction of the FTA, they will allow CCTA to purchase of the property with federal funds. These are long lead time activities, each taking months. Although we will do them concurrently, they do require time to meet all the federal requirements that come with the funding. The sooner we begin, the sooner we can complete the project and be sure the federal funds are kept in our area as intended.
- b) Providing CCTA the comfort to begin working with the property owner, at its own risk since federal funds will not become available for months due to the lead time on the above requirements. CCTA's Board is Meeting on Tuesday December 18th. This project is will be discussed at that meeting.
- c) Additionally, CCTA has met with the three residential neighbors. They were all supportive of CCTA purchasing the property at 1 Industrial Parkway. CCTA was pleased to learn that CCTA is a preferred neighbor among the universe of potential users of property in an industrial park that happens to be adjacent to a residential neighborhood.

CCTA, DPW and CEDO Staff will be available at the December 17, 2012 meetings to answer any questions.

BURLINGTON TRANSIT FACILITIES AND SERVICES
MEMORANDUM OF UNDERSTANDING WITH
CHITTENDEN COUNTY TRANSPORTATION AUTHORITY
RE ASSIGNMENT OF FTA GRANT NUMBER VT-03-047

In the year Two Thousand Twelve.....

Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, the City secured a 2004 Federal Transit Administration (“FTA”) discretionary grant entitled, “Burlington Transit Facilities, Vermont,” with grant number VT-03-0047, approved on September 25, 2008, in the amount of \$2,427,184 (the “Grant”); and

WHEREAS, the City had initially intended to use the Grant to develop a South End Transit Center (“SETC”) but a variety of delays, including, but not limited, to a legal challenge to the City’s claim of clear title to a portion of the property contemplated for development of the SETC has stalled the project and consequently the City has reassessed its overall transportation needs; and

WHEREAS, the Grant is likely to expire if not used soon; and

WHEREAS, the Chittenden County Transportation Authority (CCTA) provides regional transit services and, with the cooperation of the City, is in the process of expanding its station in downtown Burlington in order to be able to provide improved public transportation facilities and services to the City; and

WHEREAS, the City and CCTA have determined that expansion of public transportation facilities and services is critical to the City’s sustainable economic growth and CCTA's ability to serve both Burlington and the region; and

WHEREAS, the expansion of public transportation services within the City is encouraged by the City Transportation Plan, the Burlington Municipal Development Plan, the Legacy Project Plan, and the Climate Action Plan; and

WHEREAS, due to the evolution of the City’s needs and the facilities and services required to serve those needs since the grant application was originally prepared and approved, the City has determined that the City’s transit goals would be best served by assisting CCTA in expanding the facilities and resources that CCTA will have available to serve the City’s and the region’s transportation needs; and

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42 BURLINGTON TRANSIT FACILITIES AND SERVICES
43 MEMORANDUM OF UNDERSTANDING WITH
44 CHITTENDEN COUNTY TRANSPORTATION
45 AUTHORITY RE ASSIGNMENT OF FTA GRANT
46 NUMBER VT-03-047
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48 WHEREAS, because the City and CCTA, together with other stakeholders, have been successful
49 in increasing ridership for CCTA's bus services; and

50 WHEREAS, the increased ridership, together with continuing demands for transit services that
51 minimize the impact on the environment, has put a strain on the capacity of CCTA's current facility on
52 Industrial Parkway and CCTA's current fleet of buses; and

53 WHEREAS, CCTA would like to acquire additional buses and expand that facility, at its current
54 property or at a nearby or alternate site, in order to provide additional space and improved facilities for
55 storage, maintenance, parts, and parking for its drivers; and

56 WHEREAS, the City wishes to assign the Grant to CCTA to allow CCTA to acquire additional
57 buses and expand the facilities that it will need to maintain and service its expanded bus fleet (together,
58 the "Project"); and

59 WHEREAS, the current balance of the Grant is \$2,338,068 and the City has been exploring the
60 option of assigning the balance of the Grant to CCTA and is now prepared to enter into a Memorandum of
61 Understanding (see attached) with CCTA to accomplish same; and

62 WHEREAS, as contemplated by the Memorandum of Understanding, the City and CCTA will
63 cooperate in obtaining any necessary consent from the FTA for assignment of the Grant; and

64 WHEREAS, provided that the FTA consents to said assignment; upon the assignment of the Grant
65 by the City to CCTA, the City will maintain no rights to, or liabilities under, FTA Project # VT-03-0047,
66 the Grant, or any and all funds awarded to the City by the FTA pursuant to the Grant, beyond the rights
67 and responsibilities defined in the Memorandum of Understanding;

68 NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes Mayor Miro
69 Weinberger to executed the attached Memorandum of Agreement with CCTA, and any and all grant
70 assignment documents with the FTA and/or CCTA consistent therewith, subject to the review and
71 approval of the City Attorney.

MEMORANDUM OF UNDERSTANDING
Burlington Transit Facilities and Services

This Memorandum of Understanding (the "Agreement") is entered into as of the ____ day of _____, 2012, by and between the City of Burlington, a Vermont municipal corporation, including all City departments (collectively, the "City"), and the Chittenden County Transportation Authority ("CCTA"), a Vermont municipal corporation.

Background

- A. CCTA provides regional transit services and, with the cooperation of the City, is in the process of expanding its station in downtown Burlington in order to be able to provide improved public transportation facilities and services to the City.
- B. The City and CCTA have determined that expansion of public transportation facilities and services is critical to the City's sustainable economic growth and CCTA's ability to serve both Burlington and the region.
- C. The expansion of public transportation services within the City is encouraged by the City Transportation Plan, the Burlington Municipal Development Plan, the Legacy Project Plan, and the Climate Action Plan.
- D. The City has secured a 2004 Federal Transit Administration ("FTA") discretionary grant entitled, "Burlington Transit Facilities, Vermont," with grant number VT-03-0047, approved on September 25, 2008, in the amount of \$2,427,184 (the "Grant"). The current balance of the Grant is \$2,338,068. The Grant is likely to expire if not used soon.
- E. The City had initially intended to use the Grant to develop a South End Transit Center. Due to the evolution of the City's needs and the facilities and services required to serve those needs since the grant application was originally prepared and approved, the City has determined that the City's transit goals would be best served by assisting CCTA in expanding the facilities and resources that CCTA will have available to serve the City's and the region's transportation needs.
- F. The City and CCTA, together with other stakeholders, have been successful in increasing ridership for CCTA's bus services. The increased ridership, together with continuing demands for transit services that minimize the impact on the environment, has put a strain on the capacity of CCTA's current facility on Industrial Parkway and CCTA's current fleet of buses. CCTA would like to acquire additional buses and expand that facility, at its current property or at a nearby or alternate site, in order to provide additional space and improved facilities for storage, maintenance, parts, and parking for its drivers.
- G. The City wishes to assign the Grant to CCTA to allow CCTA to acquire additional buses and expand the facilities that it will need to maintain and service its expanded bus fleet (together, the "Project").

Agreement

In consideration of the background summarized above, and the mutual promises set forth in this Agreement, the City and CCTA agree as follows.

GRANT

1. The City will assign the balance of the Grant to CCTA. The City and CCTA will cooperate in obtaining any necessary consent from FTA. Upon the assignment of the Grant by the City to CCTA, and provided that the FTA consents, the City will maintain no rights to, or liabilities under, FTA Project # VT-03-0047, the Grant, or any and all funds awarded to the City by the FTA pursuant to the Grant, beyond the rights and responsibilities defined in this Agreement.
2. The City will submit the appropriate documentation to the FTA and obtain any necessary approvals from the FTA to assign the project to CCTA.
3. CCTA will be responsible for obtaining other funding or meeting any other requirements for the Project through means determined by CCTA. Except as may be otherwise agreed, the City will not be responsible for additional funding for the Project beyond that incurred as a member of CCTA.
4. Provided that it has obtained all necessary consents from the FTA, CCTA shall have the discretion to use the Grant, in whole or in part, for the expansion of its operations and maintenance facilities or the acquisition of buses, or both.
5. CCTA will comply with all local, state, and federal laws in the implementation of the Project.

IN WITNESS WHEREOF, the duly authorized representatives of the City and CCTA have executed this Agreement as of the date set forth above.

CITY OF BURLINGTON

**CHITTENDEN COUNTY
TRANSPORTATION AUTHORITY**

By: _____
Miro Weinberger, Mayor

By: _____
Bill Watterson, General Manager

Duly Authorized

Duly Authorized