Maryland Department of Transportation
The Secretary's Office

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor

Beverley K. Swaim-Staley
Secretary

Darrell B. Mobley
Deputy Secretary

March 2, 2012

Mr. Gregory Murrill
Division Administrator
Attn: Mr. Kwame Arhin
Federal Highway Administration
10 South Howard Street, Suite 2450
Baltimore, MD 21201

Ms. Brigid Hynes-Cherin
Regional Administrator
Attn: Ms. Michele Destra
Ms. Kathleen Zubrzycki
Ms. Gail McFadden-Roberts
Federal Transit Administration
1760 Market Street, Suite 500
Philadelphia, PA 19103

RE: Amendment to the to the Fiscal Year (FY) 2011 Maryland Statewide Transportation Improvement Program (STIP) to reflect an Amendment to the FY 2011-2016 National Capital Region Transportation Planning Board (TPB) Transportation Improvement Program (TIP) to Amend One Transit Project in Montgomery County.
MDOT Control #11-70

Dear Mr. Murrill and Ms. Hynes-Cherin:

The Maryland Department of Transportation (MDOT) hereby amends the FY 2011 Maryland STIP to reflect a Montgomery County Department of Transportation project amendment to the FY 2011-2016 National Capital Region Transportation Planning Board (TPB) Transportation Improvement Program (TIP) which was approved by the TPB on February 3, 2012. This amendment is to include funding for the purchase of replacement buses for the locally operated Ride On Bus System. This project was unintentionally omitted from the original TIP submission, and the County was recently awarded a supplemental appropriation, therefore the TIP amendment request is to add a new project for $61, 253,000 using federal, state and local funds. Project details are included in the attached documentation.

The Maryland Statewide Transportation Improvement Program continues to be fiscally constrained. If you have any questions or need additional information, please do not hesitate to contact me at 410-865-1295, toll-free at 888-713-1414 or via email at mnixon@mdot.state.md.us. Thank you for your assistance.

Sincerely,

Michael W. Nixon

Michael W. Nixon
Manager, Office of Planning and Capital Programming

Attachments
cc: Ms. Lyn Erickson, Manager Federal Liaison, Office of Planning and Capital Programming, MDOT
Mr. Edgar Gonzalez, Deputy Director for Transportation Policy, Montgomery County
Ms. Heather Murphy, Deputy Director, Office of Planning and Capital Programming, MDOT
Ms. Diane Ratcliff, Director, Office of Planning, Maryland Transit Administration

MARYLAND STATEWIDE TIP F.Y. 2011-2015

MDOT STIP # 3072

SUMMARY TABLE

Project	Amendment Criteria (A/B/C)	Conformity Status	Environmental Status	Current Funding Level Federal	State	Total	Net Change Federal	State	Total
	A	N/A	N/A	0.0	0.0	0.0	12,483.0	48,770.0	61,253.0

	Administration	Area/MPO	CTP Page (with year; ex. H-22 FY2005)
Ride On Bus System	Montgomery County	TPB	N/A

Description: This project provides for the purchase of replacement buses for the Ride On fleet in accordance with the Division of Transit Serveces' bus replacement plan.

ustification

INDIVIDUAL REQUEST FORM

STIP/TIP Amendment Criteria

- A ☑ Adds new individual projects to the current STIP/TIP.
- B ☐ Increase/decrease, scope change, advance, delay, or phase change.
- C ☐ Removes or deletes individual listed project from the STIP/TIP.

Office of Planning
Maryland Department of Transportation

	Funding	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	Total
Current	Total	-	-	-	-	-	-	-
	Federal	-	-	-	-	-	-	-
	State	-	-	-	-	-	-	-
Proposed	Total	2,100.0	5,576.0	7,363.0	22,249.0	20,550.0	3,415.0	61,253.0
	Federal	1,596.0	4,461.0	1,620.0	1,557.0	1,644.0	1,605.0	12,483.0
	State	504.0	1,115.0	5,743.0	20,692.0	18,906.0	1,810.0	48,770.0
Net Change	Total	2,100.0	5,576.0	7,363.0	22,249.0	20,550.0	3,415.0	61,253.0
	Federal	1,596.0	4,461.0	1,620.0	1,557.0	1,644.0	1,605.0	12,483.0
	State	504.0	1,115.0	5,743.0	20,692.0	18,906.0	1,810.0	48,770.0

PHASE DETAIL in 000's

Current

PHASE	FY2011 Federal	FY2011 State/Loca	FY2012 Federal	FY2012 State/Local	FY2013		FY2014		FY2015		FY2016		TOTAL Federal	TOTAL State/Loca	TOTAL Total
													-	-	-
													-	-	-
													-	-	-
													-	-	-
TOTAL	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Proposed

PHASE	FY2011 Federal	FY2011 State/Loca	FY2012 Federal	FY2012 State/Loca	FY2013 Federal	FY2013 State/Loca	FY2014 Federal	FY2014 State/Loca	FY2015 Federal	FY2015 State/Loca	FY2016 Federal	FY2016 State/Loca	TOTAL Federal	TOTAL State/Loca	TOTAL Total
											-	-	-	-	-
OTH-5307	1,596.0	504.0	1,600.0	400.0	1,620.0	5,743.0	1,557.0	20,692.0	1,644.0	18,906.0	1,605.0	1,810.0	9,622.0	48,055.0	57,677.0
											-	-	-	-	-
OTH - 5309			2,861.0	715.0							-	-	2,861.0	715.0	3,576.0
							-	-	-	-	-	-	-	-	-
TOTAL	1,596.0	504.0	4,461.0	1,115.0	1,620.0	5,743.0	1,557.0	20,692.0	1,644.0	18,906.0	1,605.0	1,810.0	12,483.0	48,770.0	61,253.0

Source:

Change

PHASE	FY2011 Federal	FY2011 State/Loca	FY2012 Federal	FY2012 State/Loca	FY2013 Federal	FY2013 State/Loca	FY2014 Federal	FY2014 State/Loca	FY2015 Federal	FY2015 State/Loca	FY2016 Federal	FY2016 State/Loca	TOTAL Federal	TOTAL StateLoca	TOTAL Total
	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
OTH - 5307	1,596.0	504.0	1,600.0	400.0	1,620.0	5,743.0	1,557.0	20,692.0	1,644.0	18,906.0	1,605.0	1,810.0	9,622.0	48,055.0	57,677.0
	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
OTH - 5309	-	-	2,861.0	715.0	-	-	-	-	-	-	-	-	2,861.0	715.0	3,576.0
	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL	1,596.0	504.0	4,461.0	1,115.0	1,620.0	5,743.0	1,557.0	20,692.0	1,644.0	18,906.0	1,605.0	1,810.0	12,483.0	48,770.0	61,253.0

National Capital Region Transportation Planning Board

777 North Capitol Street, N.E., Suite 300, Washington, D.C. 20002-4290 (202) 962-3310 Fax: (202) 962-3202 TDD: (202) 962-3213

Item #5

MEMORANDUM

February 9, 2012

To: Transportation Planning Board

From: Ronald F. Kirby RFK
Director, Department of
Transportation Planning

Re: Steering Committee Actions

At its meeting of February 3, 2012, the TPB Steering Committee approved the following resolutions:

- Resolution on an amendment to the FY 2011- 2016 Transportation Improvement Program (TIP) that is exempt from the air quality conformity requirement to include funding for the purchase of replacement buses for the Ride On bus system, as requested by the Montgomery County Department of Transportation (MCDOT).

- Resolution on an amendment to the FY 2011- 2016 Transportation Improvement Program (TIP)that is exempt from the air quality conformity requirement to include funding for the Long Bridge Integrity and Capacity Study, as requested by the District of Columbia Department of Transportation (DDOT)

The TPB Bylaws provide that the Steering Committee "shall have the full authority to approve non-regionally significant items, and in such cases it shall advise the TPB of its action."

TPB SR21- 2012
February 3, 2012

NATIONAL CAPITAL REGION TRANSPORTATION PLANNING BOARD
777 North Capitol Street, N.E.
Washington, D.C. 20002

RESOLUTION ON AN AMENDMENT TO THE FY 2011- 2016 TRANSPORTATION IMPROVEMENT PROGRAM (TIP) THAT IS EXEMPT FROM THE AIR QUALITY CONFORMITY REQUIREMENT TO INCLUDE FUNDING FOR THE PURCHASE OF REPLACEMENT BUSES FOR THE RIDE ON BUS SYSTEM, AS REQUESTED BY THE MONTGOMERY COUNTY DEPARTMENT OF TRANSPORTATION (MCDOT)

WHEREAS, the National Capital Region Transportation Planning Board (TPB), which is the metropolitan planning organization (MPO) for the Washington Region, has the responsibility under the provisions of Safe, Accountable, Flexible, and Efficient Transportation Equity Act - A Legacy for Users (SAFETEA-LU) for developing and carrying out a continuing, cooperative and comprehensive transportation planning process for the Metropolitan Area; and

WHEREAS, the TIP is required by the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) as a basis and condition for all federal funding assistance to state, local and regional agencies for transportation improvements within the Washington planning area; and

WHEREAS, on November 17, 2010 the TPB adopted the FY 2011-2016 TIP; and

WHEREAS, in the attached letter of January 25, 2012, MCDOT has requested an amendment to the FY 2011-2016 TIP to include $57.677 million in Section 5307 funding, with state and local matching funds, and $3.576 million in Section 5309 funding, with local matching funds for the purchase of 60 small and 90 full-size replacement buses in the RideOn fleet, as described in the attached materials; and

WHEREAS, the replacement of buses is exempt from the air quality conformity requirement, as defined in Environmental Protection Agency (EPA) regulations "40 CFR Parts 51 and 93 Transportation Conformity Rule Amendments: Flexibility and Streamlining; Final Rule," issued in the May 6, 2005, *Federal Register;*

NOW, THEREFORE, BE IT RESOLVED THAT the Steering Committee of the National Capital Region Transportation Planning Board amends the FY 2011-2016 TIP to include $57.677 million in Section 5307 funding, with state and local matching funds, and $3.576 million in Section 5309 funding, with local matching funds for the purchase of 60 small and 90 full-size replacement buses in the RideOn fleet, as described in the attached materials.

Adopted by the Transportation Planning Board Steering Committee at its regular meeting on February 3, 2012.

DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

January 25, 2012

The Honorable Todd Turner, Chairman
National Capital Region Transportation Planning Board
Metropolitan Washington Council of Governments
777 North Capitol Street, ND, Suite 300
Washington, DC 20002-4290

Dear Chairman Turner:

The Montgomery County Department of Transportation (MCDOT) requests an amendment to the Montgomery County portion of the FY 2011-2016 Transportation Improvement Program (TIP) to include the Ride On Bus Fleet Project. The 61,253,000 Ride On Bus Fleet Project provides for the purchase of replacement buses in the Ride On fleet in accordance with the MCDOT's Division of Transit Services bus replacement plan. This funding had been programmed in previous TIPs.

This amendment reflects the addition of $2,458,537 in Federal Aid funding for the purchase of 4 additional full-size Ride On buses. The increase in Federal Aid allows Montgomery County to expand its original plan to purchase 8 buses in FY 12 to a new plan to purchase an additional 4 full size buses, for a total of 12 new buses that year.

A copy of the supplemental appropriation request to the Montgomery County Council to add $2,458,527 in Federal funds to the Ride On Bus Fleet CIP project, and amend the Montgomery County FY 2011-2016 Capital Improvement Program for this purpose, is attached. This supplemental appropriation request was transmitted to the Council on January 20, 2012. It is expected that the Council will take action on this request within six weeks of the transmittal. A copy of the State of Maryland Department of Transportation Fiscal Year 2012 Capital Grant Agreement is also attached.

MCDOT requests that this amendment be approved by the Transportation Planning Board Steering committee at its February 3, 2012 meeting. We appreciate your cooperation in this matter. If you have any questions or comments, please do not hesitate to contact Gary Erenrich, at 240-777-7156 or gary.erenrich@montgomerycountymd.gov. Of course, feel free to contact me directly.

Sincerely,

Edgar Gonzalez
Deputy Director for Transportation Policy

EG:ar

cc: Ronald Kirby, Director of Transportation, Metropolitan Washington Council of Governments

Office of the Director

101 Monroe Street, 10th Floor • Rockville, Maryland 20850 • 240-777-7170 • 240-777-7178 FAX
www.montgomerycountymd.gov
Located one block west of the Rockville Metro Station

Montgomery County

Transit

RideOn Bus System

TIP ID: **3072** Agency ID: Title: **RideOn Bus System** Complete:

Facility:
From:
To:

Source	Fed/St/Loc	Previous Funding	FY 11	FY 12	FY 13	FY 14	FY15	FY 16	Source Total
Section 5307	80/0/20			2,000 e					2,000
Section 5307	7/2/91					22,249 e			22,249
Section 5307	22/5/73				7,363 e				7,363
Section 5307	76/19/5		2,100 e						2,100
Section 5307	47/12/41							3,415 e	3,415
Section 5307	8/2/90						20,550 e		20,550
Section 5309	80/0/20			3,576 e					3,576
								Total Funds:	***61,253***

Description: This project provides for the purchase of replacement buses in the Ride On fleet in accordance with the Division of Transit Services' bus replacement plan. The FY 11-16 plan calls for the following:

FY 11: 5 full-size
FY 12: 12 full-size buses
FY 13: 8 full-size and 11 small buses
FY 14: 24 full-size and 32 small buses
FY 15: 33 full-size and 17 small buses
FY 16: 8 full-size buses

Full-size transit buses have an expected useful life of twelve years. Smaller buses have an expected useful life of five to seven years

Amendment - Add New Project **Approved on:** 2/33/2012

Amend this project into the FY 2011-2016 TIP with $61.253 million in federal (Section 5307 and Section 5309) funds with matching state and local funds.

MEMORANDUM

January 13, 2012

TO: Roger Berliner, President, County Council

FROM: Isiah Leggett, County Executive

SUBJECT: Amendment to the FY11-16 Capital Improvements Program and Supplemental Appropriation #7-S12-CMCG-2 to the FY12 Capital Budget
Montgomery County Government
Department of Transportation
Ride On Bus Fleet (No. 500821), $2,458,537

I am recommending a supplemental appropriation to the FY12 Capital Budget and amendment to the FY11-16 Capital Improvements Program in the amount of $2,458,537 for Ride On Bus Fleet (No. 500821). Appropriation for this project will fund the purchase of transit buses to support Ride On operations in Montgomery County.

This increase is needed to support an effective and efficient transportation network. The Maryland Department of Transportation has granted Montgomery County additional capital funds to purchase transit buses. The Montgomery County Department of Transportation will use capital grant funds to replace Ride On buses. New transit buses will enable Ride On to maintain a modern bus fleet. A modern bus fleet is essential to run efficient and effective transit services.

I recommend that the County Council approve this supplemental appropriation and amendment to the FY11-16 Capital Improvements Program in the amount of $2,458,537 and specify the source of funds as Federal.

I appreciate your prompt consideration of this action.

IL: cgb

Attachment: Amendment to the FY11-16 Capital Improvements Program and Supplemental Appropriation #7-S12-CMCG-2

Cc: Arthur Holmes, Jr., Director, Department of Transportation
Jennifer Hughes, Director, Office of Management and Budget

Resolution: _____
Introduced: _____
Adopted: _____

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

SUBJECT: Amendment to the FY11-16 Capital Improvements Program and Supplemental Appropriation #7-S12-CMCG-2 to the FY12 Capital Budget
Montgomery County Government
Department of Transportation
Ride On Bus Fleet (No. 500821), $2,458,537

Background

1. Section 307 of the Montgomery County Charter provides that any supplemental appropriation shall be recommended by the County Executive who shall specify the source of funds to finance it. The Council shall hold a public hearing on each proposed supplemental appropriation after at least one week's notice. A supplemental appropriation that would comply with, avail the County of, or put into effect a grant or a Federal, State or County law or regulation, or one that is approved after January 1 of any fiscal year, requires an affirmative vote of five Councilmembers. A supplemental appropriation for any other purpose that is approved before January 1 of any fiscal year requires an affirmative vote of six Councilmembers. The Council may, in a single action, approve more than one supplemental appropriation. The Executive may disapprove or reduce a supplemental appropriation, and the Council may reapprove the appropriation, as if it were an item in the annual budget.

2. Section 302 of the Montgomery County Charter provides that the Council may amend an approved capital improvements program at any time by an affirmative vote of no fewer than six members of the Council.

3. The County Executive recommends the following capital project appropriation increases:

Project Name	Project Number	Cost Element	Amount	Source of Funds
Ride On Bus Fleet	500821	Other	$2,458,537	Federal
TOTAL			$2,458,537	

4. This increase is needed to support an effective and efficient transportation network. The Maryland Department of Transportation has granted Montgomery County additional capital funds to purchase transit buses. The Montgomery County Department of Transportation will use capital grant funds to replace Ride On buses. New transit buses will enable Ride On to maintain a modern bus fleet. A modern bus fleet is essential to run efficient and effective transit services.

5. The County Executive recommends an amendment to the FY11-16 Capital Improvements Program and a supplemental appropriation in the amount of $2,458,537 for Ride On Bus Fleet (No. 500821), and specifies that the source of funds will be Federal.

6. Notice of public hearing was given and a public hearing was held.

Action

The County Council for Montgomery County, Maryland, approves the following action:

The FY11-16 Capital Improvements Program of the Montgomery County Government is amended as reflected on the attached project description form and a supplemental appropriation is approved as follows:

Project Name	Project Number	Cost Element	Amount	Source of Funds
Ride On Bus Fleet	500821	Other	$2,458,537	Federal
TOTAL			$2,458,537	

This is a correct copy of Council action.

_____

Linda M. Lauer, Clerk of the Council

Ride On Bus Fleet -- No. 500821

Category	Transportation	Date Last Modified	January 10, 2012
Subcategory	Mass Transit	Required Adequate Public Facility	No
Administering Agency	Transportation	Relocation Impact	None.
Planning Area	Countywide	Status	On-going

EXPENDITURE SCHEDULE ($000)

Cost Element	Total	Thru FY10	Rem. FY10	Total 6 Years	FY11	FY12	FY13	FY14	FY15	FY16	Beyond 6 Years
Planning, Design, and Supervision	0	0	0	0	0	0	0	0	0	0	0
Land	0	0	0	0	0	0	0	0	0	0	0
Site Improvements and Utilities	0	0	0	0	0	0	0	0	0	0	0
Construction	0	0	0	0	0	0	0	0	0	0	0
Other	103,890	29,624	13,013	61,253	2,100	5,576	7,363	22,249	20,550	3,415	0
Total	**103,890**	**29,624**	**13,013**	**61,253**	**2,100**	**5,576**	**7,363**	**22,249**	**20,550**	**3,415**	*

FUNDING SCHEDULE ($000)

Bond Premium	956	956	0	0	0	0	0	0	0	0	0
Contributions	475	0	475	0	0	0	0	0	0	0	0
Fed Stimulus (State Allocation)	6,550	0	6,550	0	0	0	0	0	0	0	0
Federal Aid	18,699	1,246	4,995	12,458	1,600	4,458	1,600	1,600	1,600	1,600	0
Mass Transit Fund	47,788	0	993	46,795	100	1,118	5,363	20,249	18,550	1,415	0
Short-Term Financing	22,682	22,682	0	0	0	0	0	0	0	0	0
State Aid	6,740	4,740	0	2,000	400	0	400	400	400	400	0
Total	**103,890**	**29,624**	**13,013**	**61,253**	**2,100**	**5,576**	**7,363**	**22,249**	**20,550**	**3,415**	**0**

DESCRIPTION

This project provides for the purchase of replacement buses in the Ride On fleet in accordance with the Division of Transit Services' bus replacement plan.

ESTIMATED SCHEDULE

The FY11-16 plan calls for the following:

FY11: 5 full-size
FY12: 12 full-size
FY13: 8 full-size and 11 small
FY14: 24 full-size and 32 small
FY15: 33 full-size and 17 small
FY16: 8 full-size

COST CHANGE

Cost change due to the reduction of federal and state funding in FY11 through FY16 and to reflect current implementation plan.

JUSTIFICATION

The full-size transit buses have an expected useful life of twelve years. Smaller buses have an expected useful life of five to seven years.

FISCAL NOTE

Reduce current revenue by $426,000 in FY11 for savings plan
Per bus costs based on current contract which expires at the end of FY11.
Replace Mass Transit funding in FY10 with Bond Premium.

OTHER DISCLOSURES

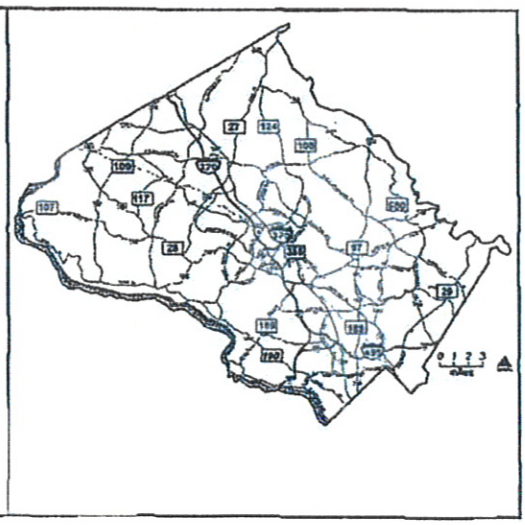
- The Executive asserts that this project conforms to the requirements of relevant local plans, as required by the Maryland Economic Growth, Resource Protection and Planning Act.
- * Expenditures will continue indefinitely.

APPROPRIATION AND EXPENDITURE DATA

Date First Appropriation	FY09	($000)
First Cost Estimate Current Scope	FY12	101,432
Last FY's Cost Estimate		121,484
Appropriation Request	FY12	1,018
Supplemental Appropriation Request		2,458
Transfer		0
Cumulative Appropriation		46,837
Expenditures / Encumbrances		36,315
Unencumbered Balance		10,522
Partial Closeout Thru	FY09	0
New Partial Closeout	FY10	0
Total Partial Closeout		0

COORDINATION

Department of General Services



STATE OF MARYLAND
DEPARTMENT OF TRANSPORTATION

FISCAL YEAR 2012
CAPITAL GRANT AGREEMENT

PROJECT NUMBERS	MO095309C2012 MO095307WC2012
PUBLIC BODY	Montgomery County Maryland
PROJECT TIME PERIOD	7/1/11-6/30/15
PROJECT DESCRIPTION	Purchase 40' Rplc Buses Purchase 40' Rplc Buses
CFDA #	20.500
ESTIMATED NET PROJECT COST	5,573,171
FEDERAL SHARE	4,458,537
STATE SHARE	0
LOCAL SHARE	1,114,634

This Grant Agreement by and between Montgomery County Maryland (hereinafter referred to as the "PUBLIC BODY" and the MARYLAND DEPARTMENT OF TRANSPORTATION (hereinafter referred to as "MDOT"), an instrumentality of the State of Maryland, and the Maryland Transit Administration (hereinafter referred to as "MTA"), a modal agency of MDOT.

WITNESSETH:

WHEREAS, pursuant to Section 2-103 (i) (2) of the Transportation Article, Annotated Code of Maryland, the Secretary of Transportation (hereinafter referred to as "the Secretary"), to the extent permitted by the State budget, is authorized to make grants-in-aid to any governmental transportation agency within the State of Maryland, including any county agency, bi-county agency, multi-jurisdictional agency or municipal agency, or any other person for any transportation related purpose; and

WHEREAS, pursuant to Section 2-103 (i) (1) of the Transportation Article, Annotated Code of Maryland, the Secretary has the authority to apply for and receive grants; and

WHEREAS, pursuant to Section 7-204(e) of the Transportation Article, Annotated Code of Maryland, the MTA has the authority to apply for and receive grants; and

WHEREAS the MTA has been designated as the recipient of Federal Transit Act grant funds to local political subdivisions to fund operating expenses associated with the provision of transportation services; and

WHEREAS, pursuant to Section 7-202(b)(2) of the Transportation Article, Annotated Code of Maryland, the Secretary has delegated to and authorized the Administrator of the MTA (hereinafter referred to as "Administrator") to be the authorized agent to act on behalf of the Secretary to administer the Federal Transit Administration (FTA)'s grant programs and to administer grants to the designated recipients; and

WHEREAS, in accordance with Maryland's Operating Assistance Program and with the public transportation programs for Maryland's urban and non-urbanized areas, the MTA will provide to qualifying local public agencies within the State of Maryland federal funds granted to the MTA by Federal Transit Administration (FTA) together with State funds to assist in financing the net costs of approved public transportation capital improvement/acquisition projects in accordance with MDOT's program pursuant to Section 2-103.3 of the Transportation Article, Annotated Code of Maryland and with MTA's program formulas; and,

WHEREAS, the PUBLIC BODY has applied to the MTA for capital assistance under the terms and conditions of the MTA's capital program to assist in providing improved transportation services, public capital improvements/acquisitions and,

WHEREAS, the MTA has applied for and received Federal Grants from the FTA under the provision of Section(s) 5307, 5311 of the Federal Transit Act, Amendments of 1991, to assist the funding of the project described above; and

WHEREAS, the MTA has reviewed the application and the supporting documents submitted by the PUBLIC BODY and has approved the application as submitted and the Secretary has agreed to make this grant; and

WHEREAS, the Secretary has authorized the Administrator (a) to execute grant agreements on behalf of the Maryland Transit Administration with the U.S. Department of Transportation for aid in the financing of operating and planning expenses and capital improvements of projects and budgets; and (b) to enter into grant agreements and award grants to sub-grantees for aid in the financing of the sub-grantees' operating and planning expenses and capital improvement projects.

The MTA HEREBY makes a grant to the PUBLIC BODY for the purpose stated herein and subject to all the conditions set forth herein. Pursuant to its delegated authority, MTA will administer the grant as provided in this Agreement. MTA is committed to carrying out the federal grant program and ensuring that all applicable federal requirements are met.

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations herein, the parties hereto agree as follows:

SECTION 1 – PURPOSE OF GRANT

The purpose of this Grant is for the undertaking of capital purchase(s), of a public transportation capital improvement/acquisition project (hereinafter referred to as the "Project") with financial assistance (hereinafter referred to as "Capital Assistance" to the PUBLIC BODY. This Grant Agreement states the terms and conditions upon which such Capital Assistance will be provided and the manner in which the Project will be undertaken to assure that the Grant is used for the intended project. The Capital Assistance under this grant consists of a combination of federal funds, as provided for in a contract executed between FTA and the MTA, and State funds provided by the MDOT and local funds provided by Montgomery County Maryland.

With respect to the federal funds provided to the MTA for the Project, the PUBLIC BODY is deemed by FTA to be a "sub-grantee".

SECTION 2 – THE PROJECT

The Project involves the purchase of capital equipment, and capital improvements/acquisitions for the transportation system of the PUBLIC BODY described on the first page of this Grant.

The PUBLIC BODY shall undertake and complete the Project substantially as described in its application, filed with and approved by the MTA and the Secretary, incorporated in this Grant by reference, and in accordance with the terms and conditions of this Grant.

SUBGRANTEE understands and agrees that the Federal Government retains a Federal interest in any real property, equipment, and supplies financed with Federal assistance (Project Property) until, and to the extent, that the Federal Government relinquishes its Federal interest in that Project Property. Title to Project Property acquired pursuant to this SUBGRANT AGREEMENT will vest upon acquisition with the SUBGRANTEE.

SECTION 3 – CAPITAL ASSISTANCE

In order to assist the PUBLIC BODY in financing the eligible net cost of its Project, such net project cost estimated to be the amount appearing on page one (1) of this Grant, the MTA will provide Capital Assistance for the period 7/1/11-6/30/15 as follows:

A. Federal funds granted to the MDOT/MTA by FTA are not to exceed 4,458,537 and,
B. State funds are not to exceed 0.

The PUBLIC BODY agrees that it will provide local public funds in an amount sufficient, together with the Capital Assistance provided by this Grant Agreement, to assure payment of the actual Net Project Cost. The local public funds shall be provided from sources other than federal funds (except approved unrestricted federal funds), receipts from the use of the Project's facilities/equipment, or revenue from the public transportation system in which such facilities/equipment are used.

SECTION 4 – NET PROJECT COST

The Net Project Cost shall be the amount of the total eligible project expenses that exceed the total eligible project income, as determined by the MTA. The estimated Net Project cost is shown on the first page of this Agreement.

SECTION 5 – THE PROJECT BUDGET

The Project Budget and Allocation of Capital Assistance is incorporated herein as Appendix A. Reallocation of Capital Assistance funds between budget items during the Project Time Period which does not increase the maximum amount of funds provided, will require prior approval by the MTA.

SECTION 6 – COMPENSATION AND METHOD OF PAYMENT

The total amount of Capital Assistance will be paid by the MTA on behalf of MDOT to the PUBLIC BODY. Payment will be made upon receipt and approval by the MTA of a Request for Payment submitted by the PUBLIC BODY in conformity with Section D, paragraph two, of the "*Guidelines for Project Administration*," which is attached as Exhibit A to this Grant Agreement.

Notwithstanding anything herein to the contrary, the MTA shall not provide the Capital Assistance described in Section 3 in the event that:

1. the PUBLIC BODY has not executed a contract for the Project as described in Appendix A within the fiscal year of the Project Budget; or
2. the PUBLIC BODY has not presented to and received approval from the MTA, of a plan obligation and expenditures of the Project in the specific case where contracting for procurement will take place after the fiscal year of the Project Budget (Appendix A); or
3. the PUBLIC BODY does not submit a Request for Payment under Section 3 of this Agreement within sixty (60) days after delivery/completion and acceptance of the Project.

SECTION 7 – CONTRACTS UNDER THIS GRANT

Prior to execution, the PUBLIC BODY shall submit to the MTA for its review and approval any third party contract proposed to be executed in accordance with this section in conformity with Section C, paragraph 2 of the "Guidelines for Project Administration," which is attached as Exhibit A to this Grant Agreement.

SECTION 8 – NO MTA OBLIGATIONS TO THIRD PARTIES

Neither MDOT nor the MTA shall be subject to any obligations or liabilities by contractors of the PUBLIC BODY or their subcontractors or any other person not a party to this Grant in connection with the performance of the Project pursuant to the provisions of this Grant without the specific consent of the MTA and MDOT and notwithstanding its concurrence in or approval of the award of any contract or subcontract or the solicitation thereof.

SECTION 9 – REPORTS AND RECORDS

The PUBLIC BODY shall submit to the MTA such progress narrative, financial and statistical reports relative to the Project in a form and at such times as prescribed by the MTA in Section D, paragraph 3 of the "Guidelines for Project Administration," which is attached as Exhibit A to this Grant Agreement.

SECTION 10 – DOCUMENTATION OF PROJECT COSTS

The PUBLIC BODY shall assure that all costs charged to the Project, including any approved services contributed by the PUBLIC BODY or others, are supported by properly executed payrolls, time records, invoices, contracts, or vouchers evidencing in detail the nature and propriety of the charges as described in Section D, paragraph 4 of the "Guidelines for Project Administration," which is attached as Exhibit A to this Grant Agreement.

SECTION 11 – PROJECT ADMINISTRATION

The PUBLIC BODY shall designate a Project Director to act on its behalf in the negotiation of matters arising out of the Grant Agreement and to assume supervisory responsibility for the administration of the Project.

The PUBLIC BODY shall administer the Project in accordance with the *Guidelines for Project Administration*, which is incorporated by reference in this Grant Agreement and attached as Exhibit A.

The Administrator of the MTA or his designee shall be the authorized agent to act on behalf of the Secretary, MDOT, and the MTA in the administration of this Grant. The Administrator's designee for the project is named in Exhibit B to this Agreement.

SECTION 12 – PROJECT SETTLEMENT AND CLOSE-OUT

The MTA may utilize a final audit of the Project to determine the final financial settlement of the Project. If it is determined, as a result of audit, that the MTA has made payments in excess of the amount provided for in Section 3 above, the PUBLIC BODY shall promptly remit to the MTA such excess amounts. PUBLIC BODY's covenant to repay such excess amounts shall survive the termination of this Agreement. The PUBLIC BODY shall retain on file all records relating to the Project for three 3) years after project settlement and closeout. The retention period starts upon notification by the MTA that the federal project has been closed out on a statewide basis regardless of the close of the project period.

SECTION 13 – FEDERAL REGULATIONS

Exhibit D, Special Section 5333 (b) Warranty, also a part of this Agreement, establishes requirements concerning the impact of the Project upon employees of the GRANTEE or other surface transportation providers.

SECTION 14 – THE GRANT AGREEMENT

This Grant Agreement consists of:

This Public Transportation Capital Grant Agreement (Section 1 – 25)
Appendix A, Project Budget and Description
Exhibit A: *Guidelines for Project Administration*
Exhibit B: Authorized Designee for the Project
Exhibit D: Special Section 5333(b)Warranty
FTA Master Agreement

SECTION 15 – APPLICABLE LAWS

The PUBLIC BODY shall comply with all applicable Federal, State and local laws in expending Grant funds and in conducting the Project.

The term of this Agreement shall commence upon signing hereof and shall terminate when all payments of the Grant, as defined in Section 2, have been paid.

SECTION 16 – SUSPENSION AND TERMINATION

MTA reserves the right to suspend or terminate all or part of the financial assistance herein provided and to terminate all or in part, if:

(a) PUBLIC BODY fails to fulfill any of the terms of this Agreement;
(b) PUBLIC BODY violates or fails any of the terms of this Agreement; or
(c) Funds are not appropriated by the General Assembly of Maryland to fund this Grant.

Termination of this Agreement will not invalidate obligations properly incurred by the PUBLIC BODY prior to the date of termination if such obligations are unable to be canceled. The acceptance of a remittance from MTA (on behalf of MDOT) of any or all funds, or the closing out of MDOT and/or MTA's financial participation under this Agreement, shall not constitute a waiver of any claim which MDOT and/or MTA may otherwise have arising out of this Agreement. If, upon termination of this Agreement, it is determined by the MDOT and/or MTA that funds are due to MDOT and/or MTA, the PUBLIC BODY shall promptly remit such amount to MTA within forty-five (45) days following written notification to the PUBLIC BODY. The PUBLIC BODY's agreement to remit any excess Grant funds to the MDOT and/or MTA shall survive the termination of this Agreement.

In addition to the MDOT and/or MTA's remedies under Section 15, MDOT and/or MTA may proceed to protect and enforce all rights available to it, buy suit in equity, action in law or by any other appropriate proceedings, any or all which may be exercised contemporaneously with each other and all of which rights and remedies shall survive termination of this Agreement.

SECTION 17 – HOLD HARMLESS

The PUBLIC BODY shall, to the extent permitted by law, defend, indemnify, and hold harmless the MDOT and MTA its officers, agents, and employees from all suits, actions, liability, or claims of liability (including reasonable attorney's fees) arising out of any negligent or intentionally tortuous act of the PUBLIC BODY or any of its agents or employees, or any injury to, or death of any person or damage to any property occurring as a direct or indirect result of the PUBLIC BODY's negligent or intentionally tortious activities in connection with the Project.

The PUBLIC BODY's indemnification under this section is subject to the availability of funds appropriated by the PUBLIC BODY for such purpose.

SECTION 18 – MARYLAND LAW

The parties hereby agree that this Agreement shall be construed in accordance with the law of the State of Maryland.

SECTION 19 - PAYMENTS

All payments hereunder by the MDOT and/or MTA to the PUBLIC BODY are subject to the budgetary and appropriation requirements of Section 3-216(d)(2) of the Transportation Article of the Annotated Code of Maryland, as amended and supplemented.

SECTION 20 – STATE DRUG AND ALCOHOL

MDOT and MTA and the PUBLIC BODY comply with the State's policy concerning drug and alcohol free workplaces, as set forth in COMAR 01.01.1989.18 and 21.11.08, and must remain in compliance throughout the term of this Agreement.

SECTION 21 – NON-DISCRIMINATION

MDOT, MTA and the PUBLIC BODY certify that they prohibit, and covenant that they will continue to prohibit discrimination on the basis of:

a. age, ancestry, color, creed, marital status, national origin, race or religious or political affiliation, belief or opinion, or sexual orientation,
b. sex or age, except when age or sex constitutes a bona fide occupational qualification; or
c. the physical or mental disability of a qualified individual with a disability.

Upon the request of the other party, MDOT, MTA or the PUBLIC BODY will submit to the other party information relating to its operating policies and procedures with regard to age, ancestry, color, creed, marital status, mental or physical disability, national origin, race, religious or political affiliation, belief or opinion or sex or sexual determination.

SECTION 22 – PROVISIONS

If any provisions of this Agreement is held to be illegal, invalid or unenforceable by a court of competent jurisdiction,

(a) such provision shall be fully severable;
(b) this Agreement shall be construed and enforced as if such illegal, invalid or unenforceable provision had never comprised a part of this Agreement; and
(c) the remaining provisions of this Agreement shall remain in full force and effect and shall not be affected by the illegal, invalid or unenforceable provision or by its severance from this Agreement.

SECTION 23 – AMENDMENTS

This Grant Agreement as described in Section 14 constitutes the entire agreement between MDOT and the PUBLIC BODY. Any amendments to this Grant Agreement, including amendments to the Project Description or the Project Budget must be made by formal amendment to the Grant Agreement, except that reallocations of funds among budget items which do not increase the total amount of the Grant shall only require prior written authorization from the MTA and the issuance of a new Project Budget.

SECTION 24 – ASSIGNMENT

This Agreement shall inure to and bind upon parties hereto, their agents, successors, and, to the extent an assignment has been approved pursuant to Section 7 of this Agreement, their assigns.

SECTION 25 – OFFER AND ACCEPTANCE

A. Execution of Grant

This Grant may be simultaneously executed in duplicate or several counterpart originals, each of which shall be deemed to be an original having identical legal effect.

B. Offer

When dated and signed by the MTA, this instrument shall constitute an offer which should be accepted by the PUBLIC BODY by execution within sixty (60) days of such date. The MTA may withdraw any offer not accepted within the above sixty (60) days period. Upon acceptance of the offer, the effective date of the Grant shall be the date on which this offer was executed by the MTA.

The MTA has duly executed this offer this 14 day of September 2011

WITNESS BY:

Ralign T. Wells
Administrator
Maryland Transit Administration

C. Acceptance

The PUBLIC BODY does hereby ratify and adopt all statements, representations, warranties, covenants and agreements contained in the Application and supporting materials submitted to it, and does hereby accept the MTA'S offer and agrees to all of the terms and conditions thereof.

This 20th day of December, 2011.

WITNESS: _____ By: _____

Title: Assistant Chief Administrative Officer

Kathleen M. Boucher
Assistant Chief Administrative Officer 12/20/11

Approved as to form and legal sufficiency:

T. Byron Smith
Assistant Attorney General
and Deputy Counsel
Maryland Transit Administration

Funds Available:

Christine Romans
Acting Chief Financial Officer
Maryland Transit Administration

D. Certificate of PUBLIC BODY'S Attorney

I, _____, acting as Attorney for the PUBLIC BODY, do hereby certify that I have examined this Grant and the proceedings taken by the PUBLIC BODY relating thereto, and find that the acceptance of the MDOT'S and MTA'S offer by the PUBLIC BODY has been duly authorized and that the execution of this grant is in all respect due and proper and in accordance with applicable State and local law and further that, in my opinion, said Grant constitutes a legal and binding obligation of the PUBLIC BODY in accordance with the terms thereof. I further certify that to the best of my knowledge, there is no legislation or litigation pending or threatened, which might affect the performance of the Project in accordance with the terms of this Grant.

Dated this _____ day of _____, 2011

By: _____

Title: _____

APPROVED AS TO
FORM AND LEGALITY
OFFICE OF COUNTY ATTORNEY
BY _____
DATE 12/8/11

EXECUTION OF GRANT AGREEMENT

There are several identical counterparts of this Grant Agreement in typewritten hard copy; each counterpart is to be fully signed in writing by the duly authorized officials of FTA or the Federal Government and the Grant Recipient, and each counterpart is deemed to be an original having identical legal effect. Upon full execution of this Grant Agreement by the Grant Recipient, the Effective Date will be the date FTA or the Federal Government awarded Federal assistance for this Grant Agreement.

The Grant Recipient, by executing this Grant Agreement, affirms this FTA Award; adopts and ratifies all statements, representations, warranties, covenants, and materials it has submitted to FTA; consents to this FTA Award; and agrees to all terms and conditions set forth in this Grant Agreement.

Executed by the Grant Recipient this 20th day of December, 2011.

ATTEST:

Signature: _____

Name (Print/Type): Lisa Austin

_____

TITLE AND ORGANIZATION

BY:

Signature: _____

Kathleen M. Boucher
Assistant Chief Administrative Off

Name (Print/Type): _____

12/20/11

Assistant Chief Administrative Officer

TITLE AND ORGANIZATION

PUBLIC BODY: Montgomery County Maryland

BUDGET NO: One (1) – Dated 10/31/2011

PROJECT NO: MO095309C2012
MO095307WC2012

PROJ. PERIOD: 7/1/11-6/30/15

CFDA #: 20.500

Program Budget
And
Allocation of Grant Funds
Fiscal Year 2012

Project No.	Description	Line Item	ESTIMATED Net Project Funds	Federal Funds	State Funds	Local Funds
MO095309C2012	Purchase 40' Rplc Buses	11.12.01	3,573,171	2,858,537	0	714,634
MO095307WC2012	Purchase 40' Rplc Buses	11.12.01	2,000,000	1,600,000		400,000
			0			
			0			
			0			
			0			
			0			
			0			
			0			
			0			
	Total		**5,573,171**	**4,458,537**	**0**	**1,114,634**

TPB SR22- 2012
February 3, 2012

NATIONAL CAPITAL REGION TRANSPORTATION PLANNING BOARD
777 North Capitol Street, N.E.
Washington, D.C. 20002

RESOLUTION ON AN AMENDMENT TO THE FY 2011- 2016 TRANSPORTATION IMPROVEMENT PROGRAM (TIP) THAT IS EXEMPT FROM THE AIR QUALITY CONFORMITY REQUIREMENT TO INCLUDE FUNDING FOR THE LONG BRIDGE INTEGRITY AND CAPACITY STUDY, AS REQUESTED BY THE DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION (DDOT)

WHEREAS, the National Capital Region Transportation Planning Board (TPB), which is the metropolitan planning organization (MPO) for the Washington Region, has the responsibility under the provisions of Safe, Accountable, Flexible, and Efficient Transportation Equity Act - A Legacy for Users (SAFETEA-LU) for developing and carrying out a continuing, cooperative and comprehensive transportation planning process for the Metropolitan Area; and

WHEREAS, the TIP is required by the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) as a basis and condition for all federal funding assistance to state, local and regional agencies for transportation improvements within the Washington planning area; and

WHEREAS, on November 17, 2010 the TPB adopted the FY 2011-2016 TIP; and

WHEREAS, in the attached letter of January 26, 2012, DDOT has requested an amendment to the FY 2011-2016 TIP to include $2.9 million in American Recovery and Reinvestment Act funds and $100,000 in private funds from CSX to examine the structural integrity of the Long Bridge and to study the feasibility of adding additional rail capacity to the bridge, as described in the attached materials; and

WHEREAS, studies are exempt from the air quality conformity requirement, as defined in Environmental Protection Agency (EPA) regulations "40 CFR Parts 51 and 93 Transportation Conformity Rule Amendments: Flexibility and Streamlining; Final Rule," issued in the May 6, 2005, *Federal Register;*

NOW, THEREFORE, BE IT RESOLVED THAT the Steering Committee of the National Capital Region Transportation Planning Board amends the FY 2011-2016 TIP to include $2.9 million in American Recovery and Reinvestment Act funds and $100,000 in private funds from CSX to examine the structural integrity of the Long Bridge and to study the feasibility of adding additional rail capacity to the bridge, as described in the attached materials.

Adopted by the Transportation Planning Board Steering Committee at its regular meeting on February 3, 2012.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF TRANSPORTATION

d. Policy, Planning and Sustainability Administration

January 26, 2012

The Honorable Todd Turner, Chairperson
National Capital Region Transportation Planning Board
Metropolitan Washington Council of Governments
777 North Capitol Street, N.E., Suite 300
Washington DC 20002-4290

Dear Chairperson Turner:

The District Department of Transportation (DDOT) requests that the FY 2011-2016 Transportation Improvement Program (TIP) be amended to include additional funding for the Long Bridge Integrity and Capacity Study. The TIP project listing for the Long Bridge Integrity and Capacity Study project is attached.

The Long Bridge, owned by CSX, carries freight and passenger rail traffic over the Potomac River between Virginia and the District of Columbia. The Long Bridge Integrity and Capacity Study will analyze the Long Bridge for structural integrity and prepare short term structural remediation requirements and analyze the necessary long-term multi-modal capacity improvements to support future transit and freight traffic.

DDOT therefore requests that the Long Bridge Integrity and Capacity Study project (TIP ID #5711) be amended as follows:

1. Change the project description to read:

   The Study will analyze the Long Bridge for structural integrity and prepare short term structural remediation requirements and analyze the necessary long-term multi-modal capacity improvements to support future transit and freight traffic.

2. Add project funding:

   The project will be funded by the American Reinvestment and Recovery Act (ARRA) grant. The project received 2.9 million dollars as well as a 100,000 dollar contribution from CSX to be distributed as follows: FY 12 = $500,000 (ARRA), $100,000 (Private); FY 13= $1.2 million (ARRA) and FY 14 = $1.2 million.

The proposed project is not adding additional capacity for motorized vehicles and does not require conformity analysis or public review and comment. The funding source has been identified, and the TIP will remain fiscally constrained. Therefore, DDOT recommends that the TPB Steering Committee approve this amendment at its February 3, 2012 meeting. We appreciate your cooperation in this matter. Should you have questions regarding this amendment, please contact Mark Rawlings at (202) 671-2234 or by e-mail at mark.rawlings@dc.gov.

Sincerely,

Samuel Zimbabwe
Associate Director, Policy, Planning and Sustainability Administration (PPSA)

cc: Eulois Cleckley, DDOT - PPSA (via e-mail)
Mark Rawlings, DDOT - PPSA (via e-mail)
Matt Brown, DDOT – Resource Management (via e-mail)
Eric Stults, DDOT – Resource Management (via e-mail)

DISTRICT OF COLUMBIA
TRANSPORTATION IMPROVEMENT PROGRAM
CAPITAL COSTS (in $1,000)

	Source	Fed/St/Loc	Previous Funding	FY 11	FY 12	FY 13	FY14	FY 15	FY 16	Source Total
Bridge										
Long Bridge Integrity & Capacity Study										
TIP ID: **5711** Agency ID:	Title: **Long Bridge Integrity & Capacity Study**								Complete:	**2011**
Facility: Long Bridge	ARRA	100/0/0			500 d	1,200 d	1,200 d			2,900
From: Virginia Interface										
To: 12th Street, SW	PRIV	0/0/100			100 d					100
									Total Funds:	***3,000***

Description: The CSX Long Bridge carries freight and passenger rail traffic over the Potomac River between Virginia and the District of Columbia. This structure is very old and needs to be thoroughly examined regarding its structural integrity. According to the Mid-Atlantic Rail Operations (MAROps) study, this two-track segment constitutes a major bottleneck for both freight and passenger rail traffic along the Northeast Corridor. The study should examine the feasibility of adding a third track to the existing structure or, if the structure needs replacement, the feasibility of replacing the old structure with a three-track bridge. Adding a bike-pedestrian connection should be considered also.

Amendment - Add Project **Approved on:** 2/3/2012

Amend this project into the FY 2011-2016 TIP with $2.9 million in ARRA funding and $100,000 from private sources (CSX).