

Resolution 2017-11

**REQUEST ADMINISTRATIVE TRANSFER SECTION 5307 FUNDING FROM
FEDERAL TRANSIT ADMINISTRATION TO FEDERAL HIGHWAY
ADMINISTRATION**

WHEREAS, the Orange County Transportation Council (OCTC) has been designated by the Governor of the State of New York as the Metropolitan Planning Organization responsible, together with the State, for the comprehensive, continuing, and cooperative transportation planning process for Orange County; and

WHEREAS, the Federal transportation law, Fixing America's Surface Transportation Act (FAST Act), continues provisions from the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA-LU), the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) and TEA-21 that expanded modal choice options in transportation funding by including substantial flexibility to transfer funds between FTA and FHWA formula program funding categories; and,

WHEREAS, to transfer funds from the FTA to the FHWA an MPO can submit a written request to the FTA regional office for a transfer of FTA Section 5307 formula funds to the FHWA based on approved use of the funds for highway purposes, as determined by the designated recipient under Section 5307 and contained in the Governor's approved State Transportation Improvement Program; and,

WHEREAS, that in making this request the MPO must certify that: (1) Americans with Disabilities Act (ADA) needs have been met, (2) notice and opportunity for comment and appeal have been provided to affected transit providers, and (3) local funds used for the non-federal match are eligible to provide assistance for either highway or transit projects; and,

WHEREAS, the Orange County Transportation Council does wish to request such a transfer; and,

WHEREAS, the Orange County Transportation Council has programmed the projects related to the subject transfer funds onto the TIP and STIP; and,

WHEREAS, the funds are not needed for capital investments required by the Americans with Disabilities Act; and,

WHEREAS, notice and opportunity to comment and appeal has been provided by the Orange County Transportation Council in advance of the programming of these projects onto the TIP and STIP; and,

WHEREAS, the New York State Department of Transportation matching funds being used for the non-federal match are eligible to provide transit project assistance; and,

NOW, THEREFORE BE IT RESOLVED, that the Orange County Transportation Council hereby requests that the Federal Transit Administration administratively transfer the Section 5307 funds as programmed on the OCTC TIP for Orange County Park and Ride Paving and Rehabilitation (PIN 8823.56) to the Federal Highway Administration so that NYSDOT may directly undertake the respective project; and, be it further,

RESOLVED, that the staff of the Orange County Transportation Council is hereby requested and authorized to prepare and submit the written request for such transfer to the Regional Administrator for the Federal Transit Administration, Region II.

CERTIFICATE: The undersigned duly qualified Secretary of the Orange County Transportation Council certifies that the foregoing is a true and correct copy of a resolution adopted by the voting members of the Council on August 15, 2017.

Date: _____

By: _____

Todd B. Westhuis, P.E., Secretary
Orange County Transportation Council