

## RESOLUTION 2012-07

### ULSTER COUNTY TRANSPORTATION COUNCIL

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

**WHEREAS**, the Poughkeepsie-Dutchess Transportation Council (PDCTC), Orange County Transportation Council (OCTC), and the Ulster County Transportation Council (UCTC) have been designated by the Governor of the State of New York as the Metropolitan Planning Organizations (MPO) responsible, together with the State, for the comprehensive, continuing, and cooperative transportation planning processes for their respective counties; and,

**WHEREAS**, the Mid-Hudson Valley Transportation Management Area (TMA) is comprised of the PDCTC, OCTC and UCTC planning areas; and,

**WHEREAS**, in accordance with Federal regulations, the TMA Memorandum of Understanding, the collectively adopted 5307 Methodology policy, and based on continuing staff coordination, the three TMA Transportation Councils are responsible for allocation of Federal Transit Administration (FTA) Section 5307/5340 funds for the Poughkeepsie-Newburgh Large Urban Area, also known as UZA 89; and,

**WHEREAS**, the three TMA Transportation Councils have considered the planning factors under 23 USC 134 (f)(1)(A-G) in reaching consensus in the methodology supporting the sub-allocation of Section 5307 Urbanized Area Formula funds apportioned to UZA 89 for the transit services within the three counties, regional transit services as provided by the Metropolitan Transportation Authority (MTA) and inter-county bus services; and

**WHEREAS**, Section 5307 formula funds were apportioned by the FTA to UZA 89, which funds are being subsequently allocated by the three TMA Transportation Councils for various transit and park & ride projects in each county; and,

**WHEREAS**, the allocation resolutions of the three TMA Transportation Councils include a *whereas* clause stating that in order to facilitate and effectuate NYSDOT sponsorship of the various park and ride projects, the TMA Transportation Councils in which these projects are located may request that the Federal Transit Administration administratively transfer the necessary funds to the Federal Highway Administration so that NYSDOT may directly undertake the respective projects; and,

**WHEREAS**, in the Federal Transit Administration notice published in the Federal Register on January 11, 2012 it states that the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA-LU) continues provisions in 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,



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**WHEREAS**, the January 11, 2012 Federal Register notice continues with specific instructions for transfers from FTA to FHWA whereby an MPO can submit a written request to the FTA regional office for a transfer of FTA Section 5307 formula funds (apportioned to a UZA 200,000 and over in population) to 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**, the notice continues by stating that in making this request the MPO must certify that: (1) Notice and opportunity for comment and appeal has been provided to affected transit providers; (2) the funds are not needed for capital investments required by the Americans with Disabilities Act, and (3) local transit needs are being addressed; and,

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

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

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

**WHEREAS**, local transit needs are being addressed, in part through these very projects and this transfer request; and,

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

**WHEREAS**, in consultation with FTA Region II, it has been requested that the TMA Transportation Councils coordinate on their requests with the Region to the extent practicable; now therefore be it,

**RESOLVED**, that the Ulster County Transportation Council hereby requests that the Federal Transit Administration administratively transfer the Section 5307 funds as programmed on the UCTC TIP for the Route 32 / New Paltz Park & Ride Lot Relocation (PIN 8823.41), the Kingston Park & Ride Lot Improvement (PINs 8823.43 & 8TO456) and the Saugerties Park & Ride Lot Improvement (PIN 8823.43) to the Federal Highway Administration so that NYSDOT may directly undertake the respective projects; and, be it further,

**RESOLVED**, that the staff of the Ulster County Transportation Council is hereby requested and authorized to prepare and submit the written request for such transfer, including such other information as may be necessary and in coordination with the other TMA Transportation Councils, to the Regional Administrator for the Federal Transit Administration, Region II.

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**ULSTER COUNTY TRANSPORTATION COUNCIL**

**CERTIFICATE**, the undersigned, duly qualified and acting Secretary of the Transportation Council, certifies that the foregoing is a true and correct copy of a resolution adopted by a vote on March 14, 2012.

\_\_\_\_\_  
Date

By \_\_\_\_\_  
William J. Gorton, P.E., Acting Secretary,  
Ulster County Transportation Council

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