



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: R-1819-121

File ID: R-1819-121

Type: Resolution

Status: Consent Item

Version: 2

Reference: Item 32

In Control: City Council

Department: Legal Department

Cost:

File Created: 06/20/2019

File Name: Authorization for FTA Application Resolution

Final Action:

Title: RESOLUTION R-1819-121: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING THE FILING OF APPLICATIONS WITH THE FEDERAL TRANSIT ADMINISTRATION, AN OPERATING ADMINISTRATION OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION, FOR FEDERAL TRANSPORTATION ASSISTANCE AUTHORIZED BY 49 U.S.C. CHAPTER 53; TITLE 23, UNITED STATES CODE, OR OTHER FEDERAL STATUTES ADMINISTERED BY THE FEDERAL TRANSIT ADMINISTRATION.

Notes:

Agenda Date: 06/25/2019

Agenda Number:

Attachments: R-1819-121

Project Manager: Kristina Bell, Assistant City Attorney

Entered by: kristina.bell@normanok.gov

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File R-1819-121

Body

BACKGROUND: In August, 2018, University of Oklahoma (University) officials notified City staff of its desire to transfer non-campus bus services in Norman to another operator by the end of the FYE 2019 fiscal year. Since that time, City staff has worked closely with representatives from the University, the Federal Transit Administration (FTA), and the Oklahoma Department of Transportation (ODOT) to determine and work through the process of transitioning these services from the University to the City. In order for the City to be eligible to receive federal grant funding in support of these services, the City must be approved by the FTA as an eligible recipient, which requires a showing that the City has legal, financial, and technical capacity to provide these services. One of the requirements for establishing legal capacity is for City Council to adopt a resolution authorizing the City Manager to filing applications with the FTA for federal transportation assistance.

DISCUSSION: On August 28, 2018, University officials expressed in a meeting with City staff their desire to transfer non-campus bus services in Norman to another operator by the end of the FYE 2019 fiscal year. Staff relayed this message to City Council during a Study Session shortly thereafter about the concerns the University had regarding its transit service provider, Cleveland Area Rapid Transit (CART), and the short-term funding challenges and long-term operational challenges CART faced. City Council approved Contract K-1819-123 with CART on October 23, 2018, which secured the City's contribution for the current fiscal year. City Council met again in a Study Session on October 30, 2018, to discuss the long-term operational challenges and to develop a strategy for moving forward. City Council focused on three key premises: 1) Ensure there is no interruption or break in service during the transfer; 2) Maintain or improve the current level of service provided by CART; and 3) Although the City would officially be the recipient of federal funds, the City may contract with an independent third-party agency to operate the system.

Since November, 2018, City staff and University staff have worked closely with the officials from the FTA Regional 6 office located in Fort Worth, Texas. According to the FTA, the following steps would need to take place to effectuate a system transfer of operation: 1) Notice of Intent to transfer transmitted from the current operator to the FTA; 2) FTA responds to Notice of Intent; 3) New recipient or operator asks to be designated as a direct recipient; 4) New recipient seeks formal approval of FTA to become an eligible recipient of FTA grant funding; and 5) Transfer of project assets from the University to the new grant recipient.

On December 20, 2018, the University submitted its Notice of Intent to transfer bus service to FTA. Due to the holidays and the partial government shutdown, a response from FTA was not received until February 1, 2019. Since that time, City staff has been working with partners at the University, ODOT, FTA, and the Association of Central Oklahoma Governments (ACOG), to execute the necessary steps in this process.

On May 22, 2019, Governor Stitt designated the City to be the direct recipient of federal funds effective upon the date the FTA formally approves the City eligible to receive federal funds. The next two steps in the process are for the City to apply for formal approval from the FTA to be eligible to receive federal funds and then to work with the University to request that the FTA approve the transfer of project assets purchased with federal funds, including buses and other vehicles as well as open grants. As part of the City's application process, the City must show that it has legal, financial, and technical capacity to be the recipient of federal funds and to provide transit services. One of the requirements for establishing legal capacity is for City Council to adopt a resolution authorizing the City Manager and/or his or her successor or designee to apply for the FTA grant. Resolution R-1819-121 grants the City Manager the authority to execute that application and work with the FTA to execute grant and cooperative agreements.

CONCLUSION: Staff recommends approval of Resolution R-1819-121, authorizing the filing of applications with the Federal Transit Administration, as part of the required legal application process and a key aspect of completing the transfer of operations from the University to the

City.