

# FY 2024-25 through FY 2029-30 Transit Capital Priorities Call for Projects

## Attachment 3: Application Guide

For your reference, below is a comprehensive guide to responding to the FY 2024-25 through FY 2028-29 Transit Capital Priorities Call for Projects. This document explains each attachment included in the packet, along with detailed information on completing the project template. Any questions about responding to this Call for Projects should be directed to Margaret Doyle at [mdoyle@bayareametro.gov](mailto:mdoyle@bayareametro.gov) or at (415) 778-6743.

### Attachment 1: Transit Capital Priorities Process and Criteria

Attachment 1 is the TCP Process and Criteria as approved by the MTC Commission. Attachment 1-A summarizes recent changes to the program as well as Contained within are the policies governing the programming and project selection process.

### Attachment 2: Project Template

Project sponsors should apply for funds using the Excel project template included as **Attachment 2**. Further instructions regarding the template are included below and on **Attachment 4**. Related materials can be downloaded from MTC's website at <https://mtc.ca.gov/our-work/fund-invest/calls-projects-funding-opportunities>. Completed templates, along with all supporting documentation, should be emailed to Margaret Doyle at [mdoyle@bayareametro.gov](mailto:mdoyle@bayareametro.gov) by 5:00 p.m. on **Friday, July 19, 2024**.

**Attachment 2:** Project Template has five tabs. The first collects summary data from the other four tabs, which are for data entry. The tabs are organized by project type, as described below; further detail on all fields in the spreadsheet follows:

- **Attachment 2a: ADA, Operating Assistance, and Preventive Maintenance**

Eligible operators should enter each year's ADA operating assistance request (equal to or less than the projected set-asides in Attachment 8) here, along with any operating assistance or preventive maintenance requests.

- **Attachment 2b: Vehicle Replacements**

All vehicle replacements should be indicated in this tab (buses, vans, ferries, light rail vehicles, etc.). Indicate in the narrative box which vehicles are being replaced, where they can be found in board-approved plans, and how (if relevant) they are part of the ZEB transition for your agency. Additionally, please indicate if any of the requested vehicles were part of bus replacements deferred from FYs 2022 through 2024 due to price list issues.

- **Attachment 2c: Fixed Guideway Programming (for FG-cap eligible operators only)**

All projects that fall under fixed guideway cap programming should be listed on this tab. The tab also indicates available funding by operator, annually and across the 5-year period.

- **Attachment 2d: Facilities and Other**

Any other project types that do not fall under the first three categories should be listed here, including ZEB infrastructure requests.

There is no need to indicate which FTA funding program you are applying for, i.e., Section 5307, 5337 or 5339. Funding sources will be assigned during the program development process based on the project's eligibility for each program, projected revenues, and urbanized area constraints. See Attachment 1,

Section III B, Program Eligibility, and Section III B, Urbanized Area Eligibility for more information. See Attachment 5 for projected revenues for each program and urbanized area.

Please enter **ALL** information in the un-highlighted columns for each requested project. The amounts in the columns shaded **yellow** are calculated for you. Do not enter anything in these fields.

Agency Project Priority: Please indicate your agency's prioritization rank of each project submitted in consideration for inclusion in each year of the TCP Program. Note that project scoring will be utilized first to organize the program.

Operator: Please select the name of your agency from the drop-down list.

TIP ID: If the project is already in the TIP, please enter the TIP ID number, e.g. ALA01003. If the project is not already in the TIP, please enter "New." ADA, Operating Assistance, and Preventive Maintenance projects will auto-populate with the correct group listing for those projects.

Project Title: Please enter a short title for the project, *up to 50 characters long*. If the project is already in the TIP, please use the same title as is used in the TIP.

Project Description: Project sponsors should complete a separate line on the Excel template for each discrete project. All projects must be well defined. There must be clear project limits, an intended scope of work, and a project concept. Examples of score 16 projects include:

- Replacement/rehab of one revenue vehicle sub-fleet or ferry vessel; a sub-fleet is defined as the same bus size, manufacturer, and year; or any portion of a train set that reaches the end of its useful life at a common time.
- Train control or traction power replacement/rehab needs for a given year.
- Fixed guideway replacement/rehab needs for a given year (e.g., track replacement and related fixed guideway costs, ferry fixed guideway connectors).

The description should be sufficiently detailed to determine which FTA program(s) the project is eligible for, demonstrate that the project meets the screening criteria, and to assign a TCP score. See Attachment 1, Section III B, Program Eligibility, Section III B, Screening Criteria, and Section III B, Project Scoring for more information.

Regional Transit Capital Inventory (RTCI) Asset Class: For vehicle replacements, fixed guideway programming, and facilities/equipment requests, please enter the appropriate RTCI Asset Type Code and TRSID/NTD ID. A list of the current RTCI asset classes and corresponding RTCI Asset Type Codes, as well as your agency's TRSID, is included in Attachment 4.

TCP Score: Please enter the relevant TCP score (see Attachment 1, Section III B, Project Scoring). If you are not sure of the correct scoring category for your project, leave the score blank. MTC staff will verify all scores.

Local Match Source: Please list the source(s) of matching funds you anticipate using for the local share of project costs, e.g., AB 664, TDA, county sales tax, Prop 1B. For local match (except operating assistance) the federal amount should not exceed 80% of the total amount. For operating assistance, the federal amount should not exceed 50% of the total amount.

1% Security Set-Aside: Enter the amount of your project that could qualify as a security project in order for MTC to meet the 1% security requirement at an urbanized area level in the 5307 program. Project sponsors are required by FTA to meet the 1% security set-aside provisions. FTA requires designated recipients to comply with this requirement at an urbanized area level and for operators to comply at the individual grant level.

**Specific to the Vehicle Replacements Tab:**

Seating Capacity and Quantity: The Seating Capacity field is for revenue vehicles only. The Quantity field refers to the quantity reported in the RTCI, which may differ from the quantity being requested in the project (see Project Quantity below). This data is being requested for information and comparison purposes only, and to provide additional justification for the project.

Replacement Vehicle Type: Please use the drop-down menu to indicate the type of vehicle replacement (e.g., heavy-duty bus, light rail vehicle, etc.).

Replacement Vehicle Detail: Use the drop-down menu to indicate the detail specifically for vans and buses. For other types of vehicles, this field will be identical to the Replacement Vehicle Type field. If the type of bus or van being purchased is not currently on the pricelist (e.g., a 35' Fuel Cell Bus), please indicate the type of vehicle in the project name and select "other" for Replacement Vehicle Detail.

Project Quantity: Please enter the quantity of assets being purchased, e.g., the number of buses being procured. The quantity may differ from the total quantity reported in your asset inventory (see Regional Transit Capital Inventory Asset Class above). If you are procuring more than one type of vehicle as part of a single project, please enter the quantity of each type on a separate line.

Unit Cost – Federal: Enter the amount the amount of federal funding requested per unit, e.g., the federal share of the price for each bus. If the project is for procuring buses or vans, this amount cannot exceed the amount specified for that vehicle type in the regional bus-van pricelist (see Attachment 6). If buses or vans are projected to cost more than the pricelist amount, please indicate that in the Notes column. If you are procuring more than one type of vehicle as part of the project, please enter the federal share for each type on a separate line.

Unit Cost – Local: Enter the amount of the local matching funds per unit, e.g., the local share of the price for each bus. If you are procuring more than one type of vehicle as part of the project, please enter the local share for each type on a separate line.

Unit Cost – Total, Total Cost – Federal, Local and Total, Federal/Local Split: These amounts (shaded in yellow) are calculated for you based on the quantity and federal/local unit costs, and do not need to be entered. The Federal/Local Split columns should be checked to make sure you have entered the correct federal and matching amounts. For bus and van procurements, the split should match the 80%/20% split on the bus-van pricelist unless the total cost for the procurement is higher than the pricelist total, in which case the local share will be higher than 20% (see Attachment 6).

**Specific to the Fixed Guideway Programming Tab:**

For projects subject to fixed guideway project caps (see Attachment 7), please enter the amount of your agency's annual fixed guideway cap that you are applying to each project. The total of the amounts in this column should equal your agency's cap amount in each year (annual totals calculated at the bottom

of the sheet), unless you are using the flexibility to program additional caps in one year that are offset in another. If you are using this flexibility, please ensure that the total of your five-year FG requests do not exceed the total of your five-year FG caps. Projects in the following categories must be funded within the fixed guideway cap:

- Track/Guideway Replacement/Rehabilitation
- Traction Power Systems Replacement/Rehabilitation
- Train Control/Signaling Replacement/Rehabilitation
- Dredging
- Ferry Fixed Guideway Connectors Replacement/Rehabilitation
- Ferry Major Component Replacement/Rehabilitation
- Ferry Propulsion Replacement/Rehabilitation
- Cable Car Infrastructure Replacement/Rehabilitation
- Wayside or Onboard Fare Collection Equipment Replacement/Rehabilitation for Fixed Guideway vehicles

If you are requesting a waiver to use fixed guideway cap funds for other capital needs not included in the list above, please indicate the amount of the cap that you are applying to the non-FG project, and include a justification in your cover memo that explains how the waiver meets the conditions specified in the TCP policy (see Attachment 1, Section II B, Project Funding Caps).

Included in TAM Plan: Since FY2018-19, FTA requires projects receiving FTA Section 5337 funds to be included in a TAM Plan. In this column, indicate if the project you are requesting to be funded is included in your agency's TAM Plan.

**Detailed Notes for Exceptions and Special Cases:**

Please use the Notes column to explain any of the following that apply, or to provide other information that will help staff understand your request. You can refer to a more detailed explanation in your cover memo or a separate attachment if you prefer.

- Requests for programming that were deferred from a previous year's program;
- Requests for programming that were partially funded in a previous year's program due to annual project funding caps;
- Requests to program vehicle replacement funds prior to the first eligible year in order to advance procurements or to replace vehicles with higher than normal maintenance costs (see Attachment 1, Section III B, Asset Useful Life);
- Requests for compensation for bus replacement beyond the minimum useful life (see Attachment 1, Section III B, Compensation for Bus Replacement Beyond Minimum Useful Life);
- Requests to advance fixed guideway cap funds for future years (see Attachment 1, Section III B, Project Funding Caps);

- Requests for a one-year waiver to use fixed guideway cap funds for other capital needs that are not included in one of the eligible fixed guideway project categories listed above (see Attachment 1, Section III B, Project Funding Caps);
- Requests to program contingent fixed guideway caps (amounts involuntarily deferred in prior years or 10% contingency amounts);
- Requests for replacement of buses or vans with projected costs less than the bus-van pricelist amount (see Attachment 1, Section III B, Bus-Van Pricelist);
- Requests for compensation for cost-effective bus purchases (see Attachment 1, Section III B, Compensation for Cost Effective Bus Purchases);
- Requests for replacement of revenue vehicle types that are not listed in the bus-van pricelist, including how you estimated costs (see Attachment 1, Section III B, Bus-Van Pricelist);
- Requests to replace revenue vehicles with a different number or size of vehicles, e.g., a request to replace 10 40' buses with 12 35' buses; in such cases, please provide the total seating capacity of the old and new fleets;
- Requests to treat vehicle rehabilitation projects (including mid-life overhauls and rebuilds) as Score 16 because the life of the vehicles will be extended beyond the standard useful life (See Attachment 1, Section III B, Project Scoring);
- Requests for operating assistance for operators with 100 or fewer buses that operate in large urbanized areas (see Attachment 1, Section III C, Limited Use of FTA Funds for Operating Purposes);
- Projects that qualify as Associated Transit Improvements, formerly known as Transit Enhancements (see Attachment 1, Section III C, Associated Transit Improvements);
- Requests to treat preventive maintenance funding as Score 16 under the Funding Exchange, Capital Exchange, Negotiated Agreement or Budgetary Shortfalls elements of the TCP policy (see Attachment 1, Section III C, Preventive Maintenance Funding);
- Requests to treat replacement of bus diesel emission reduction devices, or purchase of spare devices, as Score 16 (see Attachment 1, Section III C, Bus Diesel Emission Reduction Device Funding Program);
- Requests for funding for projects that have unexpended balances from prior-year FTA grants (see Attachment 1, Section III C, Conditioning Programming on Expenditure of Prior Grants);
- Any plans or potential for procuring the requested assets through a joint procurement or piggyback with other operators (see Attachment 1, Section III C, Joint Procurements);
- Requests to procure, replace or upgrade maintenance management or asset management systems (see Attachment 1, Section III C, Transit Asset Management).
- Requests to transfer ADA set-aside funds to capital projects if the operator certifies that its ADA operating costs are covered by other funding sources.

#### **Attachment 4: Regional Capital Transit Inventory**

Attachment 4 provides operates with information needed to fill out the RCTI fields in Attachment 2. RTCI related reference files such as the updated RTCI asset type codes can also be downloaded from <https://mtcdrive.box.com/s/macfg0g20c4e489jj63la6wbkt05guxm>.

### **Attachment 5: TCP Apportionment Estimates**

Revenue estimates for the FTA formula programs included in TCP are provided in **Attachment 5**, and are used for determining amounts for the 10% ADA operating set-asides and 1% security requirements. The revenues available for programming include projected apportionments for FY 2024-25 through FY 2028-29 as well as any prior-year unprogrammed carryover funds.

Because the BIL expires on September 30, 2026, and we do not yet know the details of the next national authorization, urbanized area (UZA) amounts are based on the annual BIL authorizations, escalated from FY 2024-25 through FY 2029-30, factoring in the projected removal of the 5337 plus-up starting in FY 2026-27. In projecting revenues for the TCP programming, staff assumed that each UZA's share of the national authorization would remain constant through the life of the program.

Staff will update the revenue projections during the program development process as better information becomes available. If actual apportionments exceed or fall below the projections, additional funds can be programmed or reduced in the annual Program of Projects amendment, which reconciles the preliminary program with the apportionments, or excess funds may be carried over and programmed in the following year. Funding availability is also subject to pre-existing programming commitments and project deferments.

### **Attachment 6: Bus-Van Pricelist**

The costs for bus and van procurements, including the federal/local split, cannot exceed the prices in the regional bus-van pricelist. As development of the pricelist is ongoing, a placeholder version, which escalates the existing FYs 2020-21 through 2024-25 pricelist by 20%, is included as **Attachment 6**. Working with the Bus/Van Pricelist subcommittee of the Transit Finance Working Group, an updated list will be developed and updated as part of TCP Policy for use in the FYs 2024-25 and 2025-26 program. If an operator elects to replace vehicles with vehicles of a different fuel type, the price listed for the new fuel type vehicle applies, e.g., if an operator is replacing diesel buses with diesel-electric hybrid buses, the operator may request funds up to the amount listed for hybrid buses.

Note that bus prices do not include allowances for radios and fareboxes; operators may request funding for radios and fareboxes as a separate project from the vehicle procurement. Operators are expected to include Clipper wiring and brackets in all new buses, so that buses are Clipper-ready without requiring additional expenses.

Match Amounts: The MTC/local splits in the bus-van pricelist are uniformly 80%/20% across all vehicle types. Operators party to the Core Capacity Challenge Grant Program (MTC Resolution 4123, Revised) have an MTC/local split for vehicles of 75%/25%. All other capital projects for all operators should reflect a federal share of not more than 80%. Requests for operating assistance should reflect a federal share of not more than 50%. On the application spreadsheet, enter the appropriate amounts in the federal and local columns, and indicate the expected sources of matching funds.

### **Attachment 7: Fixed Guideway Caps**

For vehicle procurements, fixed guideway replacement/rehab projects, other replacement projects, and expansion or enhancement projects subject to the programmatic financial caps detailed in Attachment 1, Section III B, Project Funding Caps, and in **Attachment 7**, project sponsors should submit total project costs for MTC staff review. The caps will be applied by MTC staff in the programming process.

When developing the proposed TCP programs for each year, the fixed guideway caps may be increased or decreased proportionally, depending on the aggregate demand for Score 16 projects compared to

projected revenues. Each fixed guideway operator's fixed guideway cap amounts are listed in Attachment 7. Please use the project template to indicate how much of your agency's fixed guideway cap to apply to each project.

The caps are intended to be as flexible as possible, and requests to advance caps from future years will be accommodated to the extent allowed by the fiscal constraints of the program. Operators may request more than their annual cap in a particular year if the increase is offset by a lower request in another year, i.e., as long as the total amount requested for FG projects over the five years of the program does not exceed the annual cap times five. Please indicate any requests to advance or defer caps in a cover memo with your project application.

Fixed guideway cap amounts may be programmed to any of the eligible project categories listed in Attachment 1, Section III B, Project Funding Caps. Programming for all projects that fall within these categories must be within the operator's cap amount. Operators may request a one-year waiver to use fixed guideway cap funds for other capital needs that are not included in one of the eligible project categories if the operator can demonstrate that the other capital needs can be addressed by the one-year waiver, or that the use of fixed guideway cap funds is part of a multi-year plan to address the other capital needs. The operator must also demonstrate that the waiver will have minimal impact on the operator's ability to meet its fixed guideway capital needs. Requests for multi-year waivers will be considered in extenuating circumstances and must be well justified.

Prior Year FG Cap Deferrals: The portion of FG caps that were involuntarily deferred in previous years due to undispersed grant balances may be programmed in any of the years of the program if sufficient funds are available. Please indicate the dollar amount and the FG Cap project that you would like to program the prior year Cap deferrals to in the Notes section for the appropriate year. Programming of these contingent amounts is dependent on sufficient revenues, and will be treated as a lower priority than other Score 16 projects.

Voluntary deferrals from prior years may be programmed in the year agreed upon when the voluntary deferral was taken. These years and amounts are indicated on Attachment 7. If no year was previously specified, staff will make all efforts to meet the requested year of programming, and operators should indicate a first and second preference for programming.

#### **Attachment 8: ADA Set-Aside**

Attachment 8 provides ADA set-aside percentages and estimated annual amounts by UZA and operator. ADA set-aside projects should be entered in the project template. Operators can request to transfer their ADA set-aside funds to other capital projects if they certify that their ADA operating costs are covered by other funding sources. This certification will need to be provided in the form of a separate letter included as part of the application packet. This request should also be explained with appropriate detail in the corresponding notes section.

#### **Attachment 9: ZEB Infrastructure Set-Aside Deferrals**

Attachment 9 provides ZEB infrastructure set-aside amounts for operators who had deferred their FYs 22-24 formula ZEB infrastructure set-asides, showing each year's deferral and the total deferral across the three years. Operators can request these funds in FYs 25-29.

#### **Other Notes**

Asset Useful Life: Projects for normal asset replacement or rehabilitation of revenue vehicles, non-revenue vehicles, service vehicles, or maintenance tools and equipment, must meet the minimum age

requirements specified in the TCP policy (see Attachment 1, Section III B, Asset Useful Life.) However, requests to program vehicle replacement funds prior to the first eligible year in order to advance procurements or replace vehicles with higher than normal maintenance costs will be considered if the proposal has minimal impacts on other operators and can be accommodated within the region's fiscal constraints. Operators that voluntarily replace buses or vans beyond the specified minimum useful life, or request less than the full pricelist amounts, are eligible for financial compensation (see Attachment 1, Section III B, Compensation for Deferred Replacement & Compensation for Cost Effective Bus Purchases).

For vehicle replacement requests, project descriptions should include the number, type (over-the-road coach, standard bus, paratransit van, etc.), length, fuel type (diesel, gas, CNG, or hybrid), year and manufacturer for both the vehicles being replaced and the vehicles being procured.

Further, the template includes asset classification fields developed for the Regional Transit Capital Inventory to link proposed projects to the region's capital replacement and rehab needs. Providing this information will strengthen the justification for projects and improve consistency across operators.

Preventive Maintenance: Preventive maintenance will be considered a Score 9 funding priority in Transit Capital Priorities unless the conditions for one of the following four policy elements are met, in which case preventive maintenance will be treated as Score 16.

- Funding Exchange
- Capital Exchange
- Negotiated Agreement within an Urbanized Area
- Budgetary Shortfalls

See Attachment 1, Section III C, Preventive Maintenance Funding for details on each of these policy elements. For an individual operator to make use of preventive maintenance funding, other operators in the region must be able to move forward with planned capital replacement. The policy's intent is that funding for preventive maintenance will not increase the region's unfunded transit capital needs.

Operating Assistance: FTA permits the use of FTA Section 5307 small urbanized funds to be used for operating purposes. MAP-21 provided new eligibility for small and medium-sized operators in large urbanized areas to use Section 5307 funds for operating assistance. For operators with up to 75 vehicles operated in maximum service (VOMS), 75 percent of the urbanized area's apportionment attributable to the operator (as measured by vehicle revenue hours) may be programmed for operating assistance. For operators with up to 76 to 100 VOMS, 50 percent of the urbanized area's apportionment attributable to the operator (as measured by vehicle revenue hours) may be programmed for operating assistance. This allowance is anticipated to be reduced in the next surface transportation authorization. Eligible operators may request operating assistance up to the maximum eligible amount, but operating assistance will be programmed only after higher scoring projects in the urbanized area are funded. Operating assistance requests will be treated as Score 8 in the programming process.

Grant Spend-down Policy: This policy conditions new programming on the expenditure of prior-year grants in order to direct the region's limited funds to the projects most in need of additional resources and accelerate the delivery of TCP projects.

The focus of this policy is on fixed guideway (FG) projects, as vehicle procurement projects are generally completed in a timely manner. Each year, MTC staff will calculate the balance of older FG grants from TrAMS data in consultation with each operator. The goal amounts will be compared against TrAMS grant



balances for the appropriate grants in September of each year to determine if the goals have been met. The policy establishes a target for spending a specified percentage of the grant balance each year. The table below outlines the spend-down goals for each program year, and may be updated from time to time to reflect ongoing policy and program updates.

If the goals for each operator are met, the full FG cap amounts specified for that operator in the relevant section above will be programmed, subject to funding availability. However, if the target is not met, staff will defer the FG funding for those operators not meeting their goals proportionate to the percentage of the prior-year grants unexpended. If the goal is then met in subsequent years, the full FG cap would be programmed per the FG cap policy above.

In order to meet cash flow needs for various FG projects, operators may voluntarily defer cap amounts to future years, which would then be programmed as a prior-year commitment. For operators whose caps were involuntarily deferred, the following principles will guide the restoration of those cap amounts:

- In years when additional funding is available, after meeting Debt Service payment requirements, a subcommittee of the FG operators would be called to evaluate proposals to restore prior-year involuntarily deferred caps. The recommendations of this subcommittee would be subject to staff and Commission review and approval.
- Restoration of any deferred caps to an operator, whether voluntary or involuntary, would be rescinded if that operator does not meet their spend-down target in the same year.
- Operators who do not meet their spend-down target in the year of a proposed restoration or the year prior would not be eligible for cap restoration.

Fixed guideway programming for the first fiscal year of the program will be based on an analysis of spending on grants at least four years old in September of the preceding fiscal year. For example, programming for FY2024-25 funds will be based on spending of grants awarded through FY2017-18, as of September 2024. The preliminary program for the remaining years of the program will include the full cap amounts, but will be conditioned on meeting the grant spend-down goals in the appropriate year. Should an operator not meet its target in a given year, the FG cap amount in the preliminary program would be reduced accordingly in that year’s POP amendment.

**FY2024-25 to FY 2028-29 Program Grant Spend-Down Policy**

<b>Program Year</b>	<b>Basis for Balance</b>	<b>Spend-Down Target</b>	<b>Spend-Down Period</b>
FY2024-25	Undisbursed balance of FG grants awarded FFY2017-18 or earlier, as of 9/2020	Remaining balance, as of 9/2023	9/2023 to 9/2024
FY2025-26	Undisbursed balance of FG grants awarded FFY2021-22 or earlier, as of 9/2024	1/4 of balance, as of 9/2024	9/2024 to 9/2025
FY2026-27		1/3 of remaining balance, as of 9/2025	9/2025 to 9/2026
FY2027-28		1/2 of remaining balance, as of 9/2026	9/2026 to 9/2027
FY2028-29		Remaining balance, as of 9/2027	9/2027 to 9/2028

Joint Procurements: In recognition of the policy direction of the Transit Sustainability Project, before TCP funds are programmed for revenue vehicles, non-revenue vehicles, communications and vehicle location systems, fare collection equipment, bus emission reduction devices, computer systems, including management information systems and maintenance/asset management systems, or other equipment, operators must assess the opportunities for joint procurements and integrated operations with other operators. MTC will coordinate discussions as necessary.

Transit Asset Management: Requests for replacement/rehabilitation of assets should be consistent with the FTA Transit Asset Management (TAM) rule and agency TAM plans. A field is included on the project template asking operators to indicate if their request is included in their TAM plan.

Board Approval: MTC requires that operators seek board approval prior to programming projects in the TIP. The board resolution for each year's programming should be submitted no later than **November/December 2024**, the same month MTC's Programming and Allocations Committee will consider the proposed program. If a board resolution cannot be provided by this date due to board meeting schedule constraints, please indicate in a cover memo with your application when the board resolution will be adopted. Attachment 1, Appendix 1 provides a sample resolution of board support.

Opinion of Counsel: Project sponsors have the option of including specified terms and conditions within the Resolution of Local Support. If a project sponsor elects not to include the specified language within the Resolution of Local Support, then the sponsor shall provide MTC with a current Opinion of Counsel stating that the agency is an eligible sponsor of projects for the FTA formula funds; that the agency is authorized to perform the project for which funds are requested; that there is no legal impediment to the agency applying for the funds; and that there is no pending or anticipated litigation which might adversely affect the project or the ability of the agency to carry out the project. A sample format is provided in Attachment 1, Appendix 2.