

# Resolution No. 2023-XXX N.C.S. of the City of Petaluma, California

## **AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR THE LOW CARBON TRANSIT OPERATIONS PROGRAM (LCTOP) AND THE EXECUTION OF THE CERTIFICATIONS AND ASSURANCES FOR THE FOLLOWING PROJECT: PURCHASE ONE REPLACEMENT ZERO-EMISSION BUS, AND FINDING THIS ITEM IS EXEMPT FROM CEQA PURSUANT TO CEQA GUIDELINES SECTIONS 15378 AND 15061**

**WHEREAS**, the City of Petaluma is an eligible project sponsor and may receive state funding from the Low Carbon Transit Operations Program (LCTOP) for transit projects; and

**WHEREAS**, the statutes related to state-funded transit projects require a local or regional implementing agency to abide by various regulations; and

**WHEREAS**, Senate Bill 862 (2014) named the Department of Transportation (Department) as the administrative agency for the LCTOP; and

**WHEREAS**, the Department has developed guidelines to administer and distribute LCTOP funds to eligible project sponsors (local agencies); and

**WHEREAS**, the City of Petaluma has previously delegated authority to execute these documents and any amendments thereto to Peggy Flynn, City Manager, or her designee; and

**WHEREAS** the proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15378, in that applying for a grant does not meet CEQA's definition of a "project," because the action does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, and because the action does not commit the City to a definite course of action (See *City of Irvine v. County of Orange* (2013) 221 Cal 4th 846, 865 County's decision to apply for state funding for potential jail expansion was not project approval); and

**WHEREAS**, any future action due to the use of the grant funds will receive its own analysis under CEQA, however, purchasing one zero-emission bus to replace an existing diesel bus, with no increase in service will likely be exempt pursuant to CEQA Guidelines Section 15061, the commonsense exemption; and

**WHEREAS**, the City of Petaluma wishes to implement the following LCTOP project(s) listed above.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Petaluma hereby:

1. Declares the above recitals to be true and correct and are incorporated herein as findings of this Resolution.
2. Finds that the proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15378, in that applying for a grant does not meet CEQA's definition of a "project," because the action does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, and because the action does not commit the City to a definite course of action (See *City of Irvine v. County of Orange* (2013) 221 Cal 4th 846, 865 County's decision to apply for state funding for potential jail expansion was not project approval). Any future action due to the use of the grant funds will receive its own analysis under CEQA. However, purchasing one zero-emission bus to replace an existing

diesel bus, with no increase in service will likely be exempt pursuant to CEQA Guidelines Section 15061, the common-sense exemption.

3. Finds that the fund recipient agrees to comply with all conditions and requirements set forth in the Certification and Assurances document and applicable statutes, regulations, and guidelines for all LCTOP-funded transit projects.
4. Authorizes the submittal of the following project nomination(s) and allocation request(s) to the Department in FY 22/23 LCTOP funds:

*Project Name:* Purchase One Zero-Emission Replacement Bus

*Amount of LCTOP funds requested:* \$168,447

*Short description of the project:* This project will replace one diesel bus, which will have reached the end of its useful life, with one zero-emission bus in FY 22/23.

*Benefit to a Priority Populations:* N/A

*Contributing Sponsors (if applicable):* Metropolitan Transportation Commission

Under the power and authority conferred upon this Council by the Charter of said City.

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**REFERENCE:**

I hereby certify the foregoing Resolution was introduced and adopted by the Council of the City of Petaluma at a Regular meeting on the 3<sup>rd</sup> day of April 2023, by the following vote:

Approved as to  
form:

\_\_\_\_\_  
City Attorney

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor