

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

**RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE
METROPOLITAN TRANSPORTATION COMMISSION FOR
ALLOCATION OF TRANSPORTATION DEVELOPMENT ACT/STATE
TRANSIT ASSISTANCE FUNDS FOR CITY OF PETALUMA TRANSIT SERVICES FOR FY 23/24
AND FINDING THIS ITEM IS EXEMPT FROM CEQA PURSUANT TO CEQA GUIDELINES
SECTIONS 15378, 15301, AND 15061**

WHEREAS, the Transportation Development Act (TDA) (California Public Utilities Code §99200 et seq.), provides for the disbursement of funds from the Local Transportation Fund (LTF) of the County of Sonoma for use by eligible applicants for the purpose of fixed route and paratransit service; and

WHEREAS, pursuant to the provisions of the TDA, and pursuant to the applicable rules and regulations thereunder (21 Cal. Code of Regs. §6600 et. seq.), a prospective applicant wishing to receive an allocation from the LTF shall file its claim with the Metropolitan Transportation Commission; and

WHEREAS, the State Transit Assistance (STA) Fund is created pursuant to Public Utilities Code, Section 99310 et seq.; and

WHEREAS, TDA funds from the LTF for Sonoma County and STA funds will be required by the City of Petaluma in Fiscal Year 23/24 for fixed route and paratransit service; and

WHEREAS, the City of Petaluma is an eligible applicant for TDA and/or STA funds, pursuant to Public Utilities Sections 99260, 99260(a), and 99400, as attested by the opinion of counsel Exhibit A, attached; 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), however if this was a project it will be exempt pursuant to CEQA Guidelines Section 15301 as minor changes to existing facilities.

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

1. The above recitals are declared to be true and correct and are hereby made findings of the City Council.
2. 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). The contemplated use of the funds will require its own analysis for CEQA compliance. But likely consists of the operation, maintenance, and/or minor alteration of existing public facilities pursuant to CEQA Guidelines Section 15301, including facilities of publicly owned utilities used to provide public transit services, and involves negligible or no expansion of use beyond that currently existing as of the time of the Council consideration and, accordingly, this project is exempt from the requirements of CEQA in accordance with section 15061, subdivision (b) of the CEQA Guidelines.

3. The City Manager is authorized to execute and file appropriate TDA/STA applications, together with all necessary supporting documents, with the Metropolitan Transportation Commission for an allocation of TDA and STA funds in FY 23/24.
4. Staff is directed to transmit a copy of this signed Resolution to the Metropolitan Transportation Commission, including the Opinion of Counsel attached to and made a part of this Resolution as Exhibit A in conjunction with the filing of the claim; and the Metropolitan Transportation Commission is requested to grant the allocation of funds as specified in the claim.

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

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 1st day of May 2023, by the following vote:

Approved as to
form:

City Attorney

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

City Clerk

Mayor