



City of Harrisonburg, Virginia

Office of Mayor  
345 South Main Street  
Post Office Box 20031  
Harrisonburg, Virginia 22801  
(540) 432-7701/Fax (540) 432-7778

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OFFICE OF DEPT.  
OF TRANSPORTATION

**RESOLUTION**

**WHEREAS**, the Federal Transportation Administrator has been delegated authority to award Federal financial assistance for a transportation project;

**WHEREAS**, the grant or cooperative agreement for Federal financial assistance will impose certain obligations upon the Applicant, and may require the Applicant to provide the local share of the project cost;

**WHEREAS**, the Applicant has or will provide all annual certifications and assurances to the Federal Transit Administration required for the project;

**NOW, THEREFORE, BE IT RESOLVED BY HARRISONBURG CITY COUNCIL**

1. That the Director of Public Transportation is authorized to execute and file an application for Federal assistance on behalf of City of Harrisonburg with the Federal Transit Administration for Federal assistance authorized by 49 U.S.C. chapter 53, Title 23, United States Code, or other Federal statutes authorizing a project administered by the Federal Transit Administration. The Applicant is the Designated Recipient to apply for Urbanized Area Formula Program assistance.
2. That the Director of Public Transportation is authorized to execute and file with its applications the annual certifications and assurances and other documents the Federal Transportation Administration requires before awarding a Federal assistance grant or cooperative agreement.
3. That the Director of Public Transportation is authorized to execute grant and cooperative agreements with the Federal Transit Administration on behalf of the City of Harrisonburg.

The undersigned Clerk of the City Council hereby certifies that the foregoing is a true, correct and complete copy of a resolution duly adopted by a majority of the members of the Council present and voting during the meeting duly called and held on November 11, 2003, and that such resolution has not been repealed, revoked, rescinded or amended, but is in full force and effect on the date hereof. A summary of the members present or absent at such meeting, and the recorded vote with respect to the foregoing resolution, is set forth below:

Member Name	Voting				
	Present	Absent	Yes	No	Abstaining
Joseph G. Fitzgerald	<u>Yes</u>	_____	<u>Aye</u>	_____	_____
Larry M. Rogers	<u>Yes</u>	_____	<u>Aye</u>	_____	_____
Carolyn W. Frank	<u>Yes</u>	_____	<u>Aye</u>	_____	_____
Hugh J. Lantz	<u>Yes</u>	_____	<u>Aye</u>	_____	_____
Dorn W. Peterson	<u>Yes</u>	_____	<u>Aye</u>	_____	_____

WITNESS my hand and the seal of the City this November 11, 2003.

*Therese Ryan CMC*  
 Clerk, City Council of the City of Harrisonburg,  
 Virginia

(SEAL)

OPINION OF COUNSEL

signed by  
Attorney  
T. H. Miller, Jr  
11-03

CITY OF HARRISONBURG  
DEPARTMENT OF PUBLIC TRANSPORTATION  
475 East Washington St.  
Harrisonburg, VA 22802

Dear Director of Public Transportation:

This communication will serve as the requisite opinion of counsel to be filed with the Federal Transit Administration, United States Department of Transportation, in connection with the application of City of Harrisonburg Department Of Public Transportation for Federal transportation assistance authorized by

49 U.S.C. chapter 53; title 23 United States Code; and other Federal statutes authorizing activities administered by the Federal Transit Administration.

The Applicant intends to use this opinion to qualify for Urbanized Area Formula Program assistance authorized by 49 U.S.C. § 5307, and is the Designated Recipient as defined at 49 U.S.C. § 5307(a).

Citations to laws, regulations, etc. establishing the legal authority of the Director of Transportation to carry out transportation projects for which Federal assistance is sought is set forth below:

1. The Director of Public Transportation is authorized by Harrisonburg City Council Resolution dated November 11, 2003 to provide and assist transportation by executing annual certifications and assurances and other documents the Federal Transportation Administration requires and executing grant and cooperative agreements with the Federal Transportation Administration.
2. The authority of the City of Harrisonburg Department of Public Transportation to provide funds for the local share of the project

is set forth in Harrisonburg City Council Resolution dated April 22, 2003.


3. I have reviewed the pertinent Federal, state, and local laws, and I have concluded that

there is no legal impediment to your filing an application for the project for which

City of Harrisonburg Department Of Public Transportation seeks assistance.

Furthermore, as a result of my examination, I find that there is no pending or threatened litigation or other action which might in any way adversely affect the proposed project or the capability of the Director of Public Transportation to carry out the project.

Sincerely,



Thomas H. Miller

City Attorney