

**SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
TFCA Bicycle Rack Grant Agreement**

This TFCA Bicycle Rack Grant Agreement (“Agreement”) is made as of October 6, 2009 between the Santa Clara Valley Transportation Authority (VTA) and City of Milpitas (GRANTEE).

This Agreement is made with reference to the following facts:

- A. VTA, in its capacity as the Congestion Management Agency for Santa Clara County, has received an allocation from the Bay Area Air Quality Management District (BAAQMD) under the Transportation Fund for Clean Air Regional (60%) Fund Program for the purchase of bicycle racks.
- B. VTA desires to place these bicycle racks on public and private property within Santa Clara County to serve bicycle riders and to encourage the use of bicycle transportation.
- C. GRANTEE is willing to accept and assume ownership of the bicycle rack(s) and, as necessary, to distribute such bicycle racks under the conditions set forth herein.

Now, therefore, in consideration of their mutual covenants, the parties agree:

- 1. VTA grants to GRANTEE complete title and ownership interest in 12 single Inverted U-style racks.
- 2. GRANTEE agrees to assume ownership of the rack(s) and to ensure their maintenance in good condition for the useful life of the rack(s).
- 3. GRANTEE shall arrange with VTA to pick up the rack(s) at VTA’s storage yard at a mutually agreeable time.
- 4. GRANTEE agrees to provide VTA photos of installed bike rack(s) with the BAAQMD decal(s) provided by VTA attached to each rack.
- 5. GRANTEE hereby assumes full and complete responsibility for the installation, maintenance and use of the subject bike rack(s), and waives any claims for injury or damage against VTA that may arise therefrom. GRANTEE further agrees to hold harmless VTA, its officers, employees and agents, against any claim, liability, loss, expense or damage, including reasonable attorney’s fees and costs, with respect to injury or death to any person or damage to any property arising from or related to the installation, maintenance and use of the bicycle rack(s) by the GRANTEE, its licensees, assignees, lessees, invitees, or agents.
- 6. Each person whose signature appears below represents that he or she is duly authorized to enter into the Agreement on behalf of the party indicated below.

**Property Owner or Facility Manager:
City of Milpitas**

**Santa Clara Valley Transportation
Authority (VTA)**

Greg Armendariz
City Engineer & Public Works Director
455 E. Calaveras Blvd.
Milpitas, CA 95035
408-586-3317

Michael T. Burns, General Manager

Approved as to Form:

Counsel