

**Metropolitan Transportation Commission
Programming and Allocations Committee**

February 11, 2009

Item Number 2e

MTC Resolution No. 3620, Revised

Subject: Revise MTC Resolution No. 3620 on Delegated Authority

Background: The Commission has delegated the authority to allocate funds under \$1 million per project to the Executive Director without Commission approval. The Executive Director reports on the delegated authority allocations quarterly to the Commission. This authority is granted under Resolution No. 3620.

The delegation of allocation authority does not currently include changes to project-specific conditions that are sometimes imposed on project sponsors as a part of an allocation (or after allocation) for Regional Measure 2 projects. Generally, these conditions are imposed to ensure efficient delivery of the project. Further, existing delegated authority does not allow minor scope revisions. This revision would broaden the delegated authority policy to allow the Executive Director to approve project-specific conditions and non-material scope changes in addition to the defined allocation limits.

Issues: None.

Recommendation: Refer MTC Resolution No. 3620, Revised to the Commission for approval.

Attachments: MTC Resolution No. 3620, Revised

Date: March 24, 2004
W.I.: 1514
Referred by: PAC
Revised: 05/25/05-C
02/25/09-C

ABSTRACT

Resolution No. 3620, Revised

This Resolution adopts policies and provisions delegating authority to the MTC Executive Director to approve the allocation and rescission of funds over which MTC has allocation authority, up to the amounts prescribed in Attachment A of this resolution. This resolution supercedes MTC Resolution No. 774.

This resolution was revised on May 25, 2005 to add Regional Measure 2 as a fund source covered under the delegated authority policy.

This resolution was revised on February 25, 2009 to include project condition changes under Regional Measure 2 as an eligible activity under the delegated authority policy.

Further discussion of this action is contained in the MTC Executive Director's memorandum to the Programming and Allocations Committee dated March 3, 2004 and the Programming and Allocations Summary Sheets dated May 11, 2005 and February 11, 2009.

Date: March 24, 2004
W.I.: 1514
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Attachment A
Resolution No. 3620
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DELEGATION OF AUTHORITY TO THE MTC EXECUTIVE DIRECTOR
TO APPROVE THE ALLOCATION AND RESCISSION OF FUNDS
OVER WHICH MTC HAS ALLOCATION AUTHORITY

Policies and Provisions

1. The policies and provisions of this resolution pertain to the fund types, purposes, and limits shown in Table 1 below.
2. All actions by the Executive Director under this delegation of authority must comply and be consistent with, and result in the furtherance of, MTC policies and programs pertaining to each fund type shown in Table 1. All allocation and rescission actions by the Executive Director under this delegation of authority must be in accordance with the provisions, requirements and conditions enumerated in the applicable California Code of Regulations, Public Utilities Code, or Streets and Highways Code under which each fund type shown in Table 1 is allocated, including but not limited to all necessary findings.
3. The policies adopted under this resolution do not preclude the Executive Director, acting under either his/her discretion, or upon direction from the Programming and Allocations Committee, from submitting to the Committee a recommended allocation or rescission that is within the limits shown in Table 1.
4. "Allocation" as used in the delegation of authority to the Executive Director is defined as an action that results in the issuance of an Allocation Instruction. Further, under the delegation of authority, the Executive Director may impose, remove, or modify project-specific conditions and make non-material scope changes to Regional Measure 2 projects in order to ensure efficient project delivery.
5. The Executive Director, or individual designated by the Executive Director, must provide quarterly reports to the Programming and Allocations Committee with detail on the allocations approved under delegated authority during the preceding quarter.

Table 1

Fund Type		Delegated Authority Limits	
Statutory Reference	Allocation Reference & Eligible Purposes	Allocation	Rescission
PUC § 99233.3	Transportation Development Act (TDA) <i>Article 3:</i> projects benefiting bicyclists and/or pedestrians (capital, planning and safety programs).	\$1,000,000	Unlimited if requested by claimant
PUC § 99268 <i>et seq.</i>	<i>Article 4:</i> general public and senior/disabled transit (operating and capital).	1,000,000	
PUC § 99275	<i>Article 4.5:</i> community and senior/disabled transit (operating and capital).	1,000,000	
PUC § 99400	<i>Article 8:</i> general public, community and senior/disabled transit (operating, planning and capital); streets and roads (subject to finding of no unmet transit needs).	1,000,000	
PUC § 99313	State Transit Assistance (STA) <i>Population-Based:</i> general public, community and senior/disabled transit (operating and capital); MTC regional coordination projects (operating and capital).	\$1,000,000	Unlimited if requested by claimant
PUC § 99314	<i>Revenue Based:</i> general public, community and senior/disabled transit (operating and capital).	\$1,000,000	
S&H § 30892	“Net Toll Revenues” (“AB 664”): non-federal match to designated MTC Transit Capital Priorities projects (capital).	\$1,000,000	Unlimited if requested by claimant
S&H § 30914(a)(4)	“90% Rail Extension Reserves” : rail transit extension and improvement to reduce traffic on SFOBB (capital)	\$1,000,000	Unlimited if requested by claimant
S&H §§ 30913, 30914	“2% Bridge Toll Revenues” : rapid water transit systems (capital, operating, planning, acquisition).	\$1,000,000	Unlimited if requested by claimant
S&H §§ 30913, 30914	“5% State Fund Revenues” : transit (including water transit) intended to reduce traffic on state-owned bridges (operating and capital).	\$1,000,000	Unlimited if requested by claimant
PUC § 29142.2(b)	“AB 1107” : BART, AC Transit, S.F. Muni (operating)	\$1,000,000	Unlimited if requested by claimant
S&H §§ 30914(c) & (d)	“RM 2 Bridge Tolls” ; specific capital projects and programs and transit operating assistance that have been determined to reduce congestion or to make improvements to travel in the toll bridge corridors, as identified in SB 916 (Chapter 715, Statutes of 2004).	\$1,000,000	Unlimited if requested by claimant

“PUC” is Public Utilities Code; “S&H” is Streets and Highways Code; and “SFOBB” is San Francisco Oakland Bay Bridge.

* For Regional Measure 2 funding, “Claimant” refers to the project sponsors and implementing agencies as indicated in Streets and Highways Code §§ 30914(c) & (d)