

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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Re: Delegation of authority to the MTC Executive Director to approve the allocation and rescission of funds over which MTC has allocation authority.

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION NO. 3620

WHEREAS, pursuant to Government Code section 66500 *et seq.* the Metropolitan Transportation Commission (“MTC”) is the regional transportation planning agency for the San Francisco Bay Area; and

WHEREAS, MTC Resolution No. 774, adopted in March of 1980, sets forth certain conditions under which the MTC Executive Director may administratively approve changes in a prior allocation up to the amount of ten thousand dollars; and

WHEREAS, MTC endeavors to increase the threshold for administrative approval to minimize the budgetary and opportunity costs associated with the allocation of funds; now, therefore, be it

RESOLVED, that MTC adopts the policies and provisions stated in Attachment A to this resolution, attached hereto and incorporated herein as though set forth at length, stating the amounts and purposes for which the MTC Executive Director, or an MTC Deputy Director so designated by the Executive Director, is hereby granted delegated authority for the approval of the allocation and rescission of any of the fund types referenced above; and, be it further

RESOLVED, that the delegated authority herein granted to the MTC Executive Director, or Deputy Director so designated by the Executive Director, shall include the authority to make findings as established in Attachment B, which is incorporated herein as though set forth at length; and, be it further

RESOLVED, that MTC Resolution No. 774 is hereby superceded by this resolution; and, be it further

RESOLVED, that Attachment A may be amended from time to time by the Commission, as it deems appropriate, to address new or revised funding types not referenced specifically in the text of this resolution.

RESOLVED, that Attachment B may be amended from time to time by the Commission, as it deems appropriate, to address new or revised findings required by the funding types referenced in Attachment A.

METROPOLITAN TRANSPORTATION COMMISSION

Steve Kinsey, Chair

The above resolution was adopted by the Metropolitan Transportation Commission at a regular meeting of the Commission held in Oakland, California, on March 24, 2004.

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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)