

Date: June 24, 2009  
Referred by: PAC

ABSTRACT  
Resolution No. 3900

This resolution approves the allocation of fiscal year 2009-10 Transportation Development Act Article 4, Article 4.5 and Article 8 funds to claimants in the MTC region.

Discussion of the allocations made under this resolution is contained in the Summary Sheets and/or Executive Director Memoranda presented to the Programming and Allocations Committee on June 10, 2009.

Date: June 24, 2009  
Referred by: PAC

Re: Allocation of Fiscal Year 2009-10 Transportation Development Act Article 4, Article 4.5 and Article 8 Funds to Claimants in the MTC Region

METROPOLITAN TRANSPORTATION COMMISSION  
RESOLUTION NO. 3900

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, the Mills-Alquist-Deddeh Act (“Transportation Development Act” or “TDA”), Public Utilities Code Section 99200 et seq., makes certain retail sales tax revenues available to eligible claimants for public transportation projects and purposes; and

WHEREAS, MTC is responsible for the allocation of TDA funds to eligible claimants within the MTC region; and

WHEREAS, claimants in the MTC region have submitted claims for the allocation of fiscal year 2009-10TDA funds; and

WHEREAS, Attachment A to this resolution, attached hereto and incorporated herein as though set forth at length, lists the amounts of and purposes for the fiscal year 2009-10allocations requested by claimants, and is from time-to-time revised; and

WHEREAS, this resolution, including the revisions to Attachment A and the sum of all allocations made under this resolution, are recorded and maintained electronically by MTC; and

WHEREAS, Attachment B to this resolution, attached hereto and incorporated herein as though set forth at length, lists the required findings MTC must make, as the case may be, pertaining to the various claimants to which funds are allocated; and

WHEREAS, the claimants to which funds are allocated under this resolution have certified that the projects and purposes listed and recorded in Attachment A are in compliance with the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), and with the State Environmental Impact Report Guidelines (14 California Code of Regulations Section 15000 et seq.); now, therefore, be it

RESOLVED, that MTC approves the findings set forth in Attachment B to this resolution; and, be it further

RESOLVED, that MTC approves the allocation of fiscal year 2009-10 TDA funds to the claimants, in the amounts, for the purposes, and subject to the conditions, as listed and recorded on Attachment A to this resolution; and, be it further

RESOLVED, that pursuant to 21 California Code of Regulations Sections 6621 and 6659, a certified copy of this resolution, along with written allocation instructions for the disbursement of TDA funds as allocated herein, shall be forwarded to the county auditor of the county in which each claimant is located.

METROPOLITAN TRANSPORTATION COMMISSION

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Scott Haggerty, Chair

The above resolution was approved by the Metropolitan Transportation Commission at a regular meeting of the Commission held in Oakland, California, on June 24, 2009.

ALLOCATION OF TRANSPORTATION DEVELOPMENT ACT ARTICLE 4, 4.5 and 8 FUNDS  
 DURING FISCAL YEAR 2009-10

Claimant	Project Description	Allocation Amount	Alloc. Code	Approval Date	Apportionment Area/Footnotes
<b>5801 - 99233.7, 99275 Comm Transit Serv- Operations</b>					
AC Transit	Community Transit	2,012,685	01	06/24/09	Alameda County
	<b>Subtotal</b>	<b>2,012,685</b>			
<b>5802 - 99260A Transit - Operations</b>					
AC Transit	Transit Operating	29,519,631	02	06/24/09	AC Transit Ala.Co. D1 [See Note 1]
AC Transit	Transit Operating	7,555,865	03	06/24/09	AC Transit Ala.Co. D2 [See Note 1]
AC Transit	Transit Operating	5,879,025	04	06/24/09	AC Transit C.C.Co. D1 [See Note 1]
CCCTA	Transit Operating	13,530,641	05	06/24/09	CCCTA
Golden Gate	Transit Operating	4,351,200	06	06/24/09	Golden Gate - Sonoma [See Note 1]
Golden Gate	Transit Operating	9,429,168	07	06/24/09	Golden Gate - Marin [See Note 1]
LAVTA	Transit Operating	7,035,792	08	06/24/09	LAVTA
Sonoma County Transit	Transit Operating	5,662,806	09	06/24/09	Sonoma County
WCCTA	Transit Operating	2,058,530	10	06/24/09	WCCTA
Tri Delta Transit	Transit Operating	7,948,521	11	06/24/09	ECCTA
	<b>Subtotal</b>	<b>92,971,179</b>			
<b>5807 - 99400C General Public - Operating</b>					
Petaluma	Transit Operating	1,253,100	12	06/24/09	Petaluma
Sonoma County Transit	Transit Operating	1,120,896	13	06/24/09	NCTPA
	<b>Subtotal</b>	<b>2,373,996</b>			
<b>TOTAL</b>		<b>97,357,860</b>			

**Note:**

(1) Disbursements beyond September 30, 2009 conditioned upon submittal and approval of a plan that describes the schedule and strategy to replace pre-paid fare media with TransLink.

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Attachment B  
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ALLOCATION OF FISCAL YEAR 2009-10  
TRANSPORTATION DEVELOPMENT ACT  
ARTICLE 4, ARTICLE 4.5 AND ARTICLE 8  
FUNDS TO CLAIMANTS IN THE MTC REGION

**FINDINGS**

The following findings pertain, as the case may be, to claimants to which Transportation Development Act funds are allocated under this resolution.

**Transportation Development Act Article 4 Funds**

Public Utilities Code § 99268 et seq.

1. That each claimant has submitted, or shall have submitted prior to the disbursement of funds, copies, to MTC and to appropriate agencies, of all required State Controller's reports and fiscal audit reports prepared in accordance with Public Utilities Code §§ 99243 and 99245; and
2. That the projects and purposes for which each claimant has submitted an application for TDA Article 4 funds to MTC are in conformance with MTC's Regional Transportation Plan (21 California Code of Regulations § 6651), and with the applicable state regulations (21 California Code of Regulations § 6600 et seq.), and with the applicable MTC rules and regulations; and
3. That each claimant has submitted to MTC as part of its application for TDA Article 4 funds a budget indicating compliance with the 50% expenditure limitation of Public Utilities Code § 99268, or with the applicable fare or fares-plus-local-support recovery ratio requirement (Public Utilities Code §§ 99268.2, 99268.3, 99268.4, 99268.12, or 99270.5), as so attested to by the claimant's chief financial officer; and
4. That the sum of each claimant's total allocation of Transportation Development Act and State Transit Assistance funds does not exceed the amount that the claimant is eligible to receive, in accordance with the calculations prescribed by 21 California Code of Regulations § 6633.1, or § 6634; and

5. That pursuant to Public Utilities Code § 99233.7 funds available for purposes stated in TDA Article 4.5 can be used to better advantage by a claimant for purposes stated in Article 4 in the development of a balanced transportation system.

**Transportation Development Act Article 4.5 Funds**

Public Utilities Code § 99275

1. That each claimant has submitted, or shall have submitted prior to the disbursement of funds, copies, to MTC and to appropriate agencies, of all required State Controller's reports and fiscal audit reports prepared in accordance with Public Utilities Code §§ 99243 and 99245; and

2. That the projects and purposes for which each claimant has submitted an application for TDA Article 4.5 funds to MTC are in conformance with MTC's Regional Transportation Plan (21 California Code of Regulations § 6651), and with the applicable state regulations (21 California Code of Regulations § 6600 *et seq.*), and with the applicable MTC rules and regulations, including MTC Resolution No. 1209, Revised; and

3. That in accordance with Public Utilities Code § 99275.5(c), MTC finds that the projects and purposes for which each claimant has submitted an application for TDA Article 4.5 funds to MTC, responds to a transportation need not otherwise met in the community of the claimant; that the services of the claimant are integrated with existing transit services, as warranted; that the claimant has prepared and submitted to MTC an estimate of revenues, operating costs and patronage for the fiscal year in which TDA Article 4.5 funds are allocated; and that the claimant has submitted a budget indicating compliance with the applicable fare or fares-plus-local-match recovery ratio requirement (as set forth, respectively, in Public Utilities Code § 99268.5 or MTC Resolution No. 1209, Revised), as so attested to by the claimant's chief financial officer; and

4. That the sum of each claimant's total allocation of Transportation Development Act and State Transit Assistance funds does not exceed the amount that the claimant is eligible to receive, in accordance with the calculations prescribed by 21 California Code of Regulations § 6634; and

5. That each claimant is in compliance with Public Utilities Code §§ 99155 and 99155.5, regarding user identification cards.

**Transportation Development Act Article 8 Transit Funds**

Public Utilities Code §§ 99400(c), 99400(d) and 99400(e)

1. That each claimant has submitted, or shall have submitted prior to the disbursement of funds, copies, to MTC and to appropriate agencies, of all required State Controller's reports and fiscal audit reports prepared in accordance with Public Utilities Code §§ 99243 and 99245; and
2. That the projects and purposes for which each claimant has submitted an application for TDA Article 8 funds to MTC are in conformance with MTC's Regional Transportation Plan (21 California Code of Regulations § 6651), and with the applicable state regulations (21 California Code of Regulations § 6600 et seq.), and with the applicable MTC rules and regulations, including MTC Resolution No. 1209, Revised; and
3. That each claimant has submitted to MTC as part of its application for TDA Article 8 funds a budget indicating compliance the applicable fare or fares-plus-local-match recovery ratio requirement (as set forth, respectively, in Public Utilities Code §§ 99268.5, 99268.12, or MTC Resolution No. 1209, Revised), as so attested to by the claimant's chief financial officer; and
4. That the sum of each claimant's total allocation of Transportation Development Act and State Transit Assistance funds does not exceed the amount that the claimant is eligible to receive, in accordance with the calculations prescribed by 21 California Code of Regulations § 6634.

Date: June 24, 2009  
Referred by: PAC

ABSTRACT

Resolution No. 3902

This resolution approves the allocation of fiscal year 2009-10 AB 1107 half-cent sales tax funds to AC Transit.

Discussion of the allocations made under this resolution are contained in the Summary Sheets and/or Executive Director Memoranda presented to the Programming and Allocations Committee on June 10, 2009.

Date: June 24, 2009  
Referred by: PAC

Re: Allocation of Fiscal Year 2009-10 "AB 1107" Half-Cent Sales Tax Funds

METROPOLITAN TRANSPORTATION COMMISSION

RESOLUTION NO. 3902

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, Public Utilities Code Section 29142.2(b) provides that, after deductions for certain administrative expenses, twenty-five percent (25%) of the proceeds from the one-half cent transactions and use tax collected within the San Francisco Bay Area Rapid Transit District (hereinafter referred as "AB 1107" funds), shall, on the basis of regional priorities established by MTC, be allocated by MTC to the City and County of San Francisco for the Municipal Railway ("Muni") and to the Alameda-Contra Costa Transit District ("AC Transit"), for transit services; and

WHEREAS, Muni and/or AC Transit has submitted a request for the allocation of fiscal year 2009-10 AB 1107 funds for transit service projects and purposes in accordance with the regional priorities established by MTC; and

WHEREAS, Attachment A to this resolution, attached hereto and incorporated herein as though set forth at length, lists the amounts of and purposes for the fiscal year 2009-10 allocations requested by Muni and/or AC Transit, and is from time-to-time revised; and

WHEREAS, this resolution, including the revisions to Attachment A and the sum of all allocations made under this resolution, are recorded and maintained electronically by MTC; and

WHEREAS, Attachment B to this resolution, attached hereto and incorporated herein as though set forth at length, lists findings pertaining to the allocations made under this resolution to Muni and/or AC Transit, as the case may be; and

WHEREAS, Muni and/or AC Transit has certified that its projects and purposes listed and recorded in Attachment A are in compliance with the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), and with the State Environmental

Impact Report Guidelines (14 California Code of Regulations Section 15000 et seq.); now, therefore, be it

RESOLVED, that MTC finds that the projects and purposes as listed and recorded in Attachment A are in conformance with MTC's Regional Transportation Plan; and, be it further

RESOLVED, that MTC approves the allocation of fiscal year 2009-10 funds under this resolution to Muni and/or AC Transit, in the amounts, for the purposes, and subject to the conditions, as listed and recorded on Attachment A.

METROPOLITAN TRANSPORTATION COMMISSION

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Scott Haggerty, Chair

The above resolution was approved by the Metropolitan Transportation Commission at a regular meeting of the Commission held in Oakland, California, on June 24, 2009.

Date: June 24, 2009  
Referred by: PAC

Attachment A  
MTC Resolution No. 3902  
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ALLOCATION OF AB 1107 FUNDS  
DURING FISCAL YEAR 2009-10

<b>Claimant</b>	<b>Project Description</b>	<b>Fare Ratio Percentage</b>		<b>Allocation Amount</b>	<b>Alloc. Code</b>	<b>Approval Date</b>
		<b>FY 08-09</b>	<b>FY 09-10</b>			
AC Transit	Transit Operations	43.5%	53.5%	50% of deposits to MTC's AB 1107 account.	01	06/24/09

Date: June 24, 2009  
Referred by: PAC

Attachment B  
Resolution No. 3902  
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ALLOCATION OF FISCAL YEAR 2009-10  
AB 1107 FUNDS

**FINDINGS**

The following findings pertain to the allocation of funds under this resolution to the San Francisco Municipal Transportation Agency (SFMTA) and/or AC Transit, as the case may be.

	<i>AC Transit</i>
1. In accordance with Public Utilities Code §29142.4(a), the operator is a participating member of the Bay Area Partnership, Partnership Transit Coordinating Committee, established by MTC and which serves the function of a regional transit coordinating council.	YES
2. In accordance with Public Utilities Code §29142(c), the operator has complied with the transit system standards established by MTC pursuant to Government Code §66517.5.	YES
3. In accordance with Public Utilities Code § 29142.5, MTC may consider local support revenues in excess of the operator's base amount as fare revenues, as long as by doing so it will enable the operator to maintain or improve vital transit service within a coordinated fare structure. The audited financials submitted by the claimant for FY 2007-08 and included in the proposed FY 2009-10 budget demonstrate a fare ratio of greater than 33 percent when considering other local excess revenue.	YES