

Date: November 28, 2007
W.I.: 1512
Referred by: PAC
Revised: 01/28/09-C
12/16/09-C
04/28/10-C

ABSTRACT

Resolution No. 3831, Revised

This resolution adopts the policy and programming for the Third Cycle CMAQ Bonus Program. The policy contains the project categories that are to be funded with FY 2008-09 Congestion Mitigation and Air Quality Improvement (CMAQ) Program funds for inclusion in the federal Transportation Improvement Program (TIP).

The resolution includes the following attachments:

Attachment A – Third Cycle Bonus Guiding Principles

Attachment B – Third Cycle Bonus Project List

Attachment B of this resolution was amended on January 28, 2009 to reflect changes associated with the 2008 Resolution 3434 Strategic Plan.

Attachment B of this resolution was amended on December 16, 2009 to reflect changes associated with the reassignment of \$35 million from the AC Transit Berkeley/Oakland/San Leandro Bus Rapid Transit project to implement restructured CMAQ eligible AC Transit bus services, subject to the conditions noted.

Attachment B of this resolution was further amended on April 28, 2010 to authorize a funding exchange to execute a portion of the \$35 million reassignment.

Further discussion of the Third Cycle CMAQ Bonus Program is contained in the MTC Executive Director's Memorandum to the Programming and Allocations Committee dated November 14, 2007, the Programming and Allocations Committee summary sheet dated January 14, 2009 and the MTC Executive Director's Memorandum to the Programming and Allocations Committee dated December 9, 2009 and April 14, 2010.

Date: November 28, 2007
W.I.: 1512
Referred By: PAC

RE: Third Cycle CMAQ Bonus Program: Policies and Programming

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION NO. 3831

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

WHEREAS, MTC is the designated Metropolitan Planning Organization for the nine-county San Francisco Bay Area region (the region) and is required to prepare and endorse a Transportation Improvement Program (TIP) which includes a list of Surface Transportation Planning (STP) and Congestion Mitigation and Air Quality Improvement Program (CMAQ) funded projects; and

WHEREAS, MTC is the designated recipient for regional STP and CMAQ funds for the San Francisco Bay Area; and

WHEREAS, MTC has developed principles guiding the policies and procedures to be used in the selection of projects to be funded with CMAQ funds for the Third Cycle CMAQ Bonus Program (23 U.S.C. Section 133), as set forth in Attachment A of this Resolution, incorporated herein as though set forth at length; and

WHEREAS, using the principles and procedures and criteria set forth in Attachment A of this Resolution, MTC, in cooperation with the Bay Area Partnership, developed a program of projects to be funded with CMAQ funds in Third Cycle CMAQ Bonus Program for inclusion in the federal Transportation Improvement Program (TIP), as set forth in Amendment B of this Resolution, incorporated herein as though set forth at length; now therefore be it

RESOLVED that MTC approves the policies and programming for the Third Cycle CMAQ Bonus Program, as set forth in Attachments A and B of this Resolution; and be it further

RESOLVED that the CMAQ funding shall be included in the federal TIP; and be it further

RESOLVED that the Executive Director is authorized to revise Attachment B as necessary to reflect the programming of projects as the projects are identified and approved by the Commission.

METROPOLITAN TRANSPORTATION COMMISSION



Bill Dodd, Chair

The above resolution was entered into by the Metropolitan Transportation Commission at the regular meeting of the Commission held in Oakland, California, on November 28, 2007

Date: October 24, 2007
W.I.: 1514
Referred By: PAC

Attachment A
MTC Resolution No. 3831
Page 1 of 1

**Guiding Principles
For the development of the Third Cycle CMAQ Bonus Program**

November 28, 2007

1. **Project Screening and Compliance with Regional and Federal Requirements:** Projects funded in the Third Cycle CMAQ Bonus program must adhere to the Third Cycle STP/CMAQ Project Selection Criteria and Programming Policies in MTC Resolution 3723 adopted by the Commission on December 21, 2005. MTC staff has performed a cursory review of projects proposed for the CMAQ Third Cycle Bonus Program to ensure 1) eligibility; 2) RTP consistency; 3) potential impacts to air quality and delivery of TCMs; and 3) project readiness. The projects are also subject to compliance with the following policy areas detailed in MTC Resolution No.3723: Federal Project Eligibility, RTP Consistency, Title VI Compliance, and Accommodations for Bicyclists, Pedestrians and Persons with Disabilities.
2. **Regional Project Delivery Policy:** The additional federal CMAQ funding is available for ready-to-go projects to best poise the region to avoid losing federal funding capacity and potentially capture more capacity. As such, obligation of the CMAQ funds must take place by December 31, 2008. Projects must otherwise meet MTC's Regional Project Delivery Policy as set forth by Resolution 3606.
3. **Local Match:** Projects funded with CMAQ funding require a non-federal local match of at least 11.47%. Project sponsors are required to provide the non-federal match, which is subject to change, as well as a Resolution of Local Support.
4. **Projects must be fully funded.** The funding provided through the Third Cycle CMAQ Bonus is a fixed amount. Any cost increases beyond this amount, or any additional funds needed for the project is the responsibility of the project sponsor.

**METROPOLITAN TRANSPORTATION COMMISSION
 SAFETEA THIRD CYCLE CMAQ BONUS Programming
 Project List*
 Attachment B**

Project Category and Title	County	Implementing Agency	Third Cycle Funding (thousand \$)
SAFETEA STP/CMAQ THIRD CYCLE BONUS PROGRAMMING			
1. Marin U.S. 101 HOV Gap Closure / PDA Plans			
Marin 101 Gap Closure - Funding Exchange	Marin	TAM	Exchange
<i>Specific Priority Development Area (PDA) Plans TBD by the Commission *</i>	TBD	TBD	\$12,500
SUBTOTAL			\$12,500
2. Golden Gate Bridge Median Barrier			
Golden Gate Bridge Median Barrier	Marin/San Francisco	GGBHTD	Swap
<i>Specific project(s) TBD by the Commission **</i>	TBD	TBD	\$20,000
SUBTOTAL			\$20,000
3. Ed Roberts Campus			
<i>Ed Roberts Campus</i>	Alameda		\$4,500
SUBTOTAL			\$4,500
4. Resolution 3434 Strategic Plan Reserve			
<i>AC Transit CMAQ Eligible New Operating Service***</i>	Alameda	AC Transit	\$17,500
<i>SFMTA Central Subway - Funding Exchange****</i>	San Francisco	SFMTA	\$17,500
SUBTOTAL			\$35,000
Third Cycle CMAQ Bonus Total			\$72,000

* Flexible funding provided by TAM in exchange for the Third Cycle CMAQ funds will be available to PDA planning activities. The programming commitments in this category are subject to the evaluation and approval of projects by the Commission.

** The GGB is ineligible to receive CMAQ funding. Therefore, the funds must be swapped with other CMAQ-eligible projects. Attachment B will be revised once the projects to receive the fund swap are identified.

*** On December 16, 2009, the Resolution 3434 strategic plan reserve funding was redirected from the AC Transit BRT to CMAQ eligible operating purposes at AC Transit's request. The programming commitments in this category are subject to the following conditions:

1. Agency Financial Review: Prior to the release of the FY2010 portion of CMAQ funding, AC Transit agrees to an independent comprehensive, financial review that considers cost control and revenue enhancement strategies to support the District's long-term financial viability. AC Transit must take the necessary steps to implement the identified strategies before the release of the requested FY2011 portion of CMAQ funding.

2. East Bay Operations Analysis: Consistent with the Commission's direction to proceed with subregional analysis of service effectiveness as part of the Transit Sustainability Project, AC Transit agrees to an independent, comprehensive operational analysis for the east bay and transbay service areas, in cooperation with BART, WestCAT, Union City, and the Water Emergency Transportation Authority. Where financially feasible, AC Transit agrees to take all reasonable steps to implement the recommendations of this analysis.

3. Address Eligibility for Fund Sources: AC Transit will demonstrate to MTC and the Federal Transit Administration that the proposed operating expenses for the restructured service are eligible for CMAQ funds. If the proposed expenses are not CMAQ eligible, AC Transit will identify another project that can use the CMAQ funds in exchange for operating funds. In the event AC Transit does not have such a project in its own capital plan, AC Transit will be responsible for obtaining the agreement of another transit operator to assist in the exchange of funds.

**** On December 16, 2009, the Commission authorized the reassignment of \$35 million in CMAQ funds from the AC Transit BRT project to the AC Transit operating budget. On April 28th, 2010, the Commission authorized \$17.5 million funding exchange between AC Transit and SFMTA to execute the initial installment of this transfer. AC Transit shall comply with the conditions related to the original transfer, listed above.