

Date: May 26, 2010  
W.I.: 1512  
Referred by: PAC

ABSTRACT

Resolution No. 3963

This resolution establishes the conditions for the exchange of San Francisco Municipal Transportation Agency (SFMTA) unrestricted operating funds with regional Surface Transportation Program (STP) / Congestion Mitigation and Air Quality Improvement (CMAQ) program funds in San Francisco. An agreement for the conditions of this exchange of funds between MTC and SFMTA is included.

The resolution includes the following attachments:

Attachment A – Funding Exchange Agreement

Attachment B – SFMTA Repayment Schedule

Further discussion of this action is contained in the Programming and Allocation summary sheet dated May 12, 2010.

Date: May 26, 2010  
W.I.: 1512  
Referred by: PAC

RE: Agreement to Exchange San Francisco Municipal Transportation Agency (SFMTA) Unrestricted Operating Funds with regional Surface Transportation Program (STP) / Congestion Mitigation and Air Quality Improvement (CMAQ) program funds

Metropolitan Transportation Commission  
Resolution No. 3963

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

WHEREAS, MTC is the designated Metropolitan Planning Organization (MPO) for the nine-county San Francisco Bay Area region; and

WHEREAS, the San Francisco Municipal Transportation Agency (SFMTA) is the transit agency responsible for administering San Francisco's Parking Pricing Program for the City/County of San Francisco hereinafter referred to as the "Project"; and

WHEREAS, SFMTA has requested the assistance of MTC to expedite the Parking Pricing Program by providing either Surface Transportation Program or Congestion Mitigation and Air Quality Improvement (STP/CMAQ) program funds available now in exchange for Unrestricted Funds including possible operating or Parking Revenues available in future years; and

WHEREAS, SFMTA has agreed to repay MTC for the STP/CMAQ funds requested pursuant to the terms set forth in an agreement between MTC and SFMTA; and

WHEREAS, the agreement is substantially in the form set forth in Attachment A to this resolution, attached hereto and incorporated herein as though set forth at length; now, therefore, be it

RESOLVED, that MTC approves the advancement and exchange of STP/CMAQ funds with SFMTA Unrestricted Funds for the purposes, and within the maximum amount established, and subject to the conditions, set forth in Attachment A; and, be it further

RESOLVED, that Attachment B sets forth the agreed-upon funding amounts for the exchange, and that the Executive Director may amend Attachment B within the limits set forth in Attachment A; and, be it further

RESOLVED, that the repaid Unrestricted Funds shall be placed into an exchange account for the programming of projects at the discretion of the Commission; and, be it further

RESOLVED, that MTC's Executive Director is authorized to execute Attachment A, and to make non-substantive changes or minor amendments as deemed appropriate: and, be it further

RESOLVED, that upon execution of Attachment A by the signatory agencies, MTC staff shall implement the exchange of the STP/CMAQ funds with SFMTA Unrestricted Funds.

METROPOLITAN TRANSPORTATION COMMISSION

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Scott Haggerty, Chair

This resolution was entered into by the Metropolitan Transportation Commission at a regular meeting of the Commission held in Oakland, California, on May 26, 2010.

Date: May 26, 2010  
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MTC Resolution No. 3963  
Attachment A  
Page 1 of 4

**Agreement for the Exchange of San Francisco Municipal Transportation Agency (SFMTA) Unrestricted Operating Funds with Regional Congestion Mitigation and Air Quality Improvement (CMAQ) Program Funds for the SF Park Parking Pricing Program in San Francisco**

This AGREEMENT is entered into on the 26th day of May 2010, by and between the SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY, a public entity of the State of California, hereinafter referred to as "AGENCY", and the METROPOLITAN TRANSPORTATION COMMISSION, hereinafter referred to as "MTC".

Recitals

- (1) AGENCY is the sponsoring agency for the SFPark Parking Pricing Program in the city/county of San Francisco hereinafter referred to as "PROJECT".
- (2) PROJECT is a demonstration of a package of smart parking management policies and technologies at over 16,000 San Francisco parking spaces and 20 SFMTA parking garages.
- (3) AGENCY has requested the assistance of MTC to expedite the project by providing \$22.0 million in Congestion Mitigation and Air Quality Improvement (CMAQ) program funds hereinafter referred to as "CMAQ FUNDS" available now in exchange for unrestricted Operating Funds including possible Parking Revenue funds hereinafter referred to as "UNRESTRICTED FUNDS" available in future years.
- (4) MTC is eligible to program and disburse apportioned CMAQ FUNDS.
- (5) AGENCY and MTC desire to proceed with the funding exchange immediately, as nothing in this agreement adversely affects the obligation of CMAQ FUNDS to other programmed projects in the MTC region in federal fiscal year 2009-10 prior to the April 30 obligation deadline.
- (6) AGENCY and MTC mutually desire to specify herein the terms and conditions under which MTC is to provide CMAQ FUNDS to AGENCY, in exchange for Agency's assignment of UNRESTRICTED FUNDS to be repaid to MTC.

Now, therefore, in consideration of the mutual covenants contained herein, the parties hereto agree as follows:

Section I

MTC AGREES:

- (1) To perform the necessary funding transactions within its authority to implement the exchange of funds.
- (2) To explore options for the obligation of the federal CMAQ funds without non-federal matching funds.
- (3) Upon execution of this agreement, to provide up to a maximum total of \$22.0 million of MTC apportioned CMAQ FUNDS including Obligation Authority (OA) to AGENCY for implementation of PROJECT, contingent upon the availability of federal apportionment and Obligation Authority.

Section II

AGENCY AGREES:

- (1) To indemnify and hold harmless MTC, its Commissioners, representatives, agents, and employees from and against all claims, injury, suits, demands, liability, losses, damages, and expenses, whether direct or indirect (including any and all costs and expenses in connection therewith), incurred by reason of any act or failure to act of AGENCY, its officers, employees or agents, or subcontractors or any of them in connection with its performance of PROJECT under this Agreement.
- (2) To reimburse MTC for CMAQ FUNDS provided to AGENCY by paying UNRESTRICTED FUNDS to MTC as outlined in the payment schedule of Attachment B. Payments are to be paid to MTC annually over a five-year period starting in 2011 with the first payment due by June 30, 2011 and the final payment due by June 30, 2015. Annual payments are due by June 30 of each year.
- (3) To pay interest at the simple annual rate of three (3) percent on the unpaid balance remaining after June 30, 2012 as listed in the payment schedule of Attachment B.
- (4) To pay interest at the simple annual rate of five (5) percent for any unpaid balance, including interest, greater than the amounts listed on the repayment schedule outlined in Attachment B including any balance remaining after June 30, 2015.
- (5) To provide required non-federal funds as a match to the CMAQ FUNDS provided by MTC, should other options be unavailable.
- (6) To meet all federal, state and regional project funding delivery requirements associated with the CMAQ FUNDS.

- (7) To comply with the requirements of MTCs Transit Coordination Implementation Plan as set forth in MTC Resolution 3866.
- (8) To provide a quarterly written schedule for key milestones: written confirmation of acceptance of 511 Parking System Requirements; network connection for data transfer; draft test data feed; final test data feed; and live production feed.
- (9) To provide test and production parking data feeds using Java Messaging Service (JMS) and adhere to the requirements stipulated in the 511 “System Requirements for UPP (Urban Partnership Program) Parking” document.
- (10) If developed, to provide space turnover data for all SFPark parking facilities. Turnover data would be an addition to the data set defined in the 511 “System Requirements for UPP (Urban Partnership Program) Parking” document
- (11) To support the integration and installation of TransLink® equipment at parking garages as part of the TransLink® parking garage pilot, including defining the interface to the DataPark system by June 15, 2010.

### Section III

#### IT IS MUTUALLY AGREED:

- (1) This Agreement shall terminate upon the satisfaction of AGENCY’s obligation to reimburse MTC with UNRESTRICTED FUNDS including interest, as outlined in Section II of this Agreement.
- (2) Nothing in this Agreement shall preclude AGENCY from making principal and interest payments in advance of the schedule or in excess of the amounts outlined in Attachment B, thus reducing the balance remaining.
- (3) CMAQ FUNDS provided and programmed to PROJECT under this agreement and subsequently de-obligated from PROJECT shall be made available to AGENCY for eligible activities within its jurisdiction in the year of de-obligation.
- (4) MTC reserves the right to withhold from AGENCY future formula discretionary funds otherwise going to AGENCY, after consultation with AGENCY, and AGENCY agrees to accept such withholding if AGENCY fails to meet its obligation to reimburse MTC with UNRESTRICTED FUNDS including interest, as specified in Section II of this Agreement.
- (5) This Agreement shall bind and benefit the parties hereto and their heirs, successors, and permitted assigns.

SAN FRANCISCO MUNICIPAL  
TRANSPORTATION AGENCY

METROPOLITAN TRANSPORTATION  
COMMISSION

By: \_\_\_\_\_  
Nathaniel Ford, Executive Director

By: \_\_\_\_\_  
Steve Heminger, Executive Director

Approved as to form and procedure:

Approved as to form and procedure:

\_\_\_\_\_  
Attorney

\_\_\_\_\_  
Attorney

**Agreement for Exchange of SFMTA Operating/Parking Revenues with federal STP/CMAQ funds  
for the SF PARK Parking Pricing Program Project  
5-Year Exchange, annual principal and interest payments at 3% interest rate starting in 3rd Year  
SFMTA Funding Exchange Payment Schedule - PROPOSED  
May 26, 2010**

<b>Exchange Fund Source</b>	<b>Duration:</b>	<b>5</b>	<b>Exchange Funding Years and Payment Dates</b>						
	<b>Rate:</b>	<b>3%</b>	<b>Initial Loan</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>	<b>TOTAL</b>
	<b>INT Payback:</b>	<b>3</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	

<i>30-Jun-2010</i>	<i>30-Jun-2011</i>	<i>30-Jun-2012</i>	<i>30-Jun-2013</i>	<i>30-Jun-2014</i>	<i>30-Jun-2015</i>
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<b>Exchange Funds Provided by MTC</b>							
STP/CMAQ	22,000,000						22,000,000
<b>Cummulative Total:</b>	<b>22,000,000</b>						<b>22,000,000</b>

<i>30-Jun-2010</i>	<i>30-Jun-2011</i>	<i>30-Jun-2012</i>	<i>30-Jun-2013</i>	<i>30-Jun-2014</i>	<i>30-Jun-2015</i>
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<b>Exchange Funds Provided by SFMTA</b>							
SFMTA Operating/Parking Revenues - Principal	0	4,400,000	4,400,000	4,270,601	4,398,719	4,530,680	22,000,000
SFMTA Operating/Parking Revenues - Interest	0	No Payment	No Payment	396,000	267,882	135,920	799,802
<b>Total Payment:</b>	<b>0</b>	<b>4,400,000</b>	<b>4,400,000</b>	<b>4,666,601</b>	<b>4,666,601</b>	<b>4,666,601</b>	<b>22,799,802</b>
<b>Cummulative Total:</b>	<b>0</b>	<b>4,400,000</b>	<b>8,800,000</b>	<b>13,466,601</b>	<b>18,133,202</b>	<b>22,799,802</b>	<b>22,799,802</b>