

Date: June 23, 2010
Referred by: PAC
Revised: 07/28/10-C

ABSTRACT

Resolution No. 3950, Revised

This resolution approves the allocation of fiscal year 2010-11 Transportation Development Act Article 4, Article 4.5 and Article 8 funds to claimants in the MTC region.

This resolution was revised on July 28, 2010 to allocate TDA funds to various claimants for transit operating.

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 9, 2010 and July 14, 2010.

Date: June 23, 2010
Referred by: PAC

Re: Allocation of Fiscal Year 2010-11 Transportation Development Act Article 4, Article 4.5 and Article 8 Funds to Claimants in the MTC Region

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION NO. 3950

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 2010-11 TDA 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 2010-11 allocations 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 2010-11 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

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 23, 2010.

ALLOCATION OF TRANSPORTATION DEVELOPMENT ACT ARTICLE 4, 4.5 and 8 FUNDS
 DURING FISCAL YEAR 2010-11

Claimant	Project Description	Allocation Amount	Alloc. Code	Approval Date	Apportionment Area/Footnotes	Note
5802 - 99260A Transit - Operations						
CCCTA	Transit Operating	11,418,351	01	06/23/10	CCCTA	
LAVTA	Transit Operating	5,555,019	02	06/23/10	LAVTA	
NCTPA	Transit Operating	1,706,400	03	06/23/10	NCTPA	
Sonoma County Transit	Transit Operating	4,845,533	04	06/23/10	Sonoma County Transit	
AC Transit	Transit Operating	28,176,683	08	07/28/10	AC Transit D1	2
AC Transit	Transit Operating	7,214,860	09	07/28/10	AC Transit D2	2
AC Transit	Transit Operating	4,584,816	10	07/28/10	AC Transit C.C.Co.	2
AC Transit	Transit Operating	2,245,019	11	07/28/10	AC Transit Ala.Co.	1, 2
SFMTA	Transit Operating	30,420,372	12	07/28/10	SFMTA	2
SFMTA	Transit Operating	1,601,072	13	07/28/10	SFMTA	1, 2
Golden Gate	Transit Operating	7,764,422	14	07/28/10	GGBHTD Marin County	2
Golden Gate	Transit Operating	3,739,680	15	07/28/10	GGBHTD Sonoma County	2
ECCTA	Transit Operating	6,496,441	16	07/28/10	ECCTA	
WCCTA	Transit Operating	1,787,751	17	07/28/10	WCCTA	
	Subtotal	117,556,419				
5803 - 99260A Transit - Capital						
NCTPA	Transit Capital	4,756,874	05	06/23/10	NCTPA	
	Subtotal	4,756,874				
5813 - 99400E Contractual - Capital						
Vacaville	Transit Capital	1,274,000	06	06/23/10	Vacaville	
	Subtotal	1,274,000				
5807 - 99400C General Public - Operating						
NCTPA	Transit Operating	1,441,269	07	06/23/10	NCTPA	
	Subtotal	1,441,269				
	TOTAL	125,028,562				

Note:

- (1) MTC finds that these Article 4.5 funds can be used to better advantage for Article 4 purposes.
- (2) Disbursement of 3rd and 4th quarter payments is conditioned on continued compliance with Resolution 3866, specifically, achieving fare media transition milestones.

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Attachment B
Resolution No. 3950, Revised
Page 1 of 3

ALLOCATION OF FISCAL YEAR 2010-11
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.
5. That for purposes of reviewing each claim for TDA Article 8 streets and roads purposes, MTC has, pursuant to Public Utilities Code § 99401.5(c), adopted a definition of "unmet transit needs" and "unmet transit needs that are reasonable to meet" and procedures and criteria for making findings of unmet transit needs that are reasonable to meet (MTC Resolution No. 2380, Revised); and
6. That the County of Solano, through the countywide coordination activities of the Solano Transportation address those needs, and has made available to MTC, Solano County's long-term transportation plan and other documentation to provide a basis for revising appropriate portions of MTC's Regional Transportation Plan.

7. That in accordance with Public Utilities Code § 99401.5(d), MTC has determined that there are no unmet transit needs which are reasonable to meet within the jurisdiction of the County of Solano.