

Date: June 23, 2010
Referred by: PAC
Revised: 07/28/10-C
09/22/10-C
10/27/10-C
11/17/10-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.

This resolution was revised on September 22, 2010 to allocate TDA funds to BART and Santa Clara Valley Transportation Authority for transit operating.

This resolution was revised on October 27, 2010 to allocate TDA funds to SamTrans for transit operating.

This resolution was revised on November 17, 2010 to allocate TDA funds to the Cities of Santa Rosa and Union City for transit operating and capital projects.

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, July 14, 2010, September 8, 2010, October 13, 2010 and November 10, 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.

Date: June 23, 2010
Referred by: PAC

Attachment A
Resolution No. 3950
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ALLOCATION OF FISCAL YEAR 2010-11
TRANSPORTATION DEVELOPMENT ACT
ARTICLE 4, ARTICLE 4.5 AND ARTICLE 8
FUNDS TO CLAIMANTS IN THE MTC REGION

INSERT MICROSOFT EXCEL DOCUMENT

Prior to Commission approval of this resolution or a revision to this resolution, the Microsoft Excel document resides on the MTC local area network at:

J:/Section/Allstaff/Resolution/Temp-res/MTC/tmp-3950.xls

Subsequent to Commission approval, the Microsoft Excel document resides on the MTC local area network at:

J:/Section/Allstaff/Resolution/RESOLUTIONS/MTC Resolutions/RES-3950.xls

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Attachment B
Resolution No. 3950, Revised
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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.

**Metropolitan Transportation Commission
Programming and Allocations Committee**

June 9, 2010

Item Number 2d

Resolution Nos. 3950, 3951, 3955, Revised and 3956

Subject: Allocation of State Transit Assistance (STA), Transportation Development Act (TDA) and Regional Measure 2 (RM2) funds to support transit operations and capital projects and revision of the RM2 Operating Assistance Program to include the RM2 marketing program.

Background: The Committee's actions this month kick off the annual allocation process. Entities requesting TDA and RM2 allocations this month that exceed the \$1 million delegated authority limit include County Connection, LAVTA, MTC, NCTPA, Sonoma County Transit, Vacaville and the Water Emergency Transportation Authority (WETA). Allocation requests less than \$1.0 million are handled separately by the Executive Director's Delegated Authority process. The allocation requests are consistent with the adopted MTC Fund Estimate (Resolution 3939 for TDA and STA funds) and the adopted RM2 Operating Program (Resolution 3955). Total allocation requests, greater than \$1.0 million, are summarized below:

Transit Operator/Claimant	Resolution No. 3950 (TDA)	Resolution No. 3951 (STA)	Resolution No. 3956 (RM2)	Total
County Connection	\$11,418,351			\$11,418,351
LAVTA	5,555,019			\$5,555,019
MTC		2,952,000	1,400,000	\$4,352,000
NCTPA	7,904,543			\$7,904,543
Sonoma County Transit	4,845,533			\$4,845,533
Vacaville	1,274,000			\$1,274,000
WETA			4,950,000	\$4,950,000
Total	\$30,997,446	\$2,952,000	\$6,350,000	\$40,299,446

Attachment A details the change in operator budgets from FY 2009-10 to FY 2010-11 as well as expected changes in service levels. As seen in recent years, the increase in operating cost percent generally exceeds the increase in service hour change. Somewhat surprisingly, most operators requesting allocations this month are proposing modest service increases in FY 2010-11.

Staff will provide an update at the July Programming and Allocations Committee meeting on the state of the economy and the economy's impact on Bay Area transit operators' finances. Staff will also recommend revisions to the FY 2010-11 Fund Estimate to reflect actual revenue generation during the current fiscal year.

In addition, staff recommends revising Resolution 3955, the RM2 Operating Assistance Program for FY 2010-11, to include the \$2.3 million for RM2 Marketing and the Clipper Launch program.

Issues: **1) Final FY 2009-10 TDA Revenues:** Based on MTC staff analysis of actual Board of Equalization sales tax payments for the last eleven months, the region, as a whole, is expected to receive about \$252 million in TDA funds during FY 2009-10, down from the original estimate of \$285 million, or a decrease of nearly 12%. TDA generations are

11% below actual generations for FY 2008-09. AB 1107 funds, which are also sales-tax-based, are expected to be about \$55 million, down from the original estimate of \$60 million, a decline of 7%. As noted above, the final revenues and companion rescissions to address the lower revenues will be presented at the July meeting.

2) STA Funds: AB 9 will lift the suspension of STA funds with \$400 million statewide available for the combined 2009-10 and 2010-11 fiscal years. It is currently anticipated that payment will be made by the end of June, however, that could be delayed due to a lack of data to calculate statewide revenue factors and/or the cash-flow implications of the payment for the state. It is possible that the state could make the payments in several increments. Most claimants have chosen to delay their allocations until July when MTC does the end-of-year revision to the Fund Estimate. This will simplify the allocation and disbursement process and should not result in a significant delay.

Recommendation: Refer MTC Resolution Nos. 3950, 3951 and 3955, Revised and 3956 to the Commission for approval.

Attachments: Table A – Transit Operator Budget Summary
MTC Resolution Nos. 3950, 3951 and 3955, Revised and 3956

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**Metropolitan Transportation Commission
Programming and Allocations Committee**

October 13, 2010

Item Number 2c

Resolution Nos. 3950, Revised and 3951, Revised

Subject: Allocation of Transportation Development Act (TDA) and State Transit Assistance (STA) to support transit operating and capital projects.

Background: Claimants requesting TDA and STA allocations this month that exceed the \$1 million delegated authority limit include the San Joaquin Regional Rail Commission (Altamont Commuter Express (ACE)), SamTrans, SFMTA and VTA. The allocation requests are consistent with the adopted MTC Fund Estimate (Resolution No. 3939 for TDA and STA funds). Total allocation requests are summarized below:

Transit Operator/Claimant	Resolution No. 3950 (TDA)	Resolution No. 3951 (STA)	Total
ACE		1,379,809	\$1,379,809
SamTrans	24,740,926	8,796,733	\$33,537,659
SFMTA		1,691,391	\$1,691,391
VTA		16,353,777	\$16,353,777
Total	\$24,740,926	\$28,221,710	\$52,962,636

SamTrans is requesting \$25 million in TDA and STA funds to support their FY 2010-11 operating budget of \$112 million, which is 1% greater than the FY 2009-10 budget. Maintenance cost increases are being offset by administration and non-vehicle maintenance cost decreases. SamTrans plans to decrease revenue vehicle hours by 3%. SamTrans raised fares on February 1, 2010, with base fares going from \$1.75 to \$2.00. SamTrans increased paratransit fares on July 1, 2010. Paratransit fares increased 50 cents to \$3.50 and the Lifeline fare increased 25 cents to \$1.75. SamTrans is also claiming \$5 million on behalf of the Peninsula Corridor Joint Powers Board to support Caltrain operations.

ACE, with concurrence from the Alameda Congestion Management Agency, is requesting capital funds for a new maintenance and layover facility. SFMTA is requesting STA Lifeline funds for ongoing transit operations. VTA is requesting STA funds to support their FY 2010-11 operating budget.

Budget information for SFMTA and VTA was provided in prior month reports.

Issues: Allocations for SamTrans, SFMTA and VTA are conditioned upon continued compliance with Resolution No. 3866, specifically achieving milestones for the transition to the ClipperSM smart card.

Recommendation: Refer MTC Resolution Nos. 3950, Revised and 3951, Revised to the Commission for approval.

Attachments: MTC Resolution Nos. 3950, Revised and 3951, Revised

**Metropolitan Transportation Commission
Programming and Allocations Committee**

November 1, 2010

Item Number 2b

Resolution No. 3950, Revised

Subject: Allocation of \$9.5 million in Transportation Development Act (TDA) funds to the Cities of Santa Rosa and Union City to support transit operating and capital projects.

Background: Claimants requesting TDA and STA allocations this month include The City of Santa Rosa for Santa Rosa CityBus and the City of Union City for Union City Transit. The allocation requests are consistent with the adopted MTC Fund Estimate (Resolution No. 3939, Revised). Total allocation requests are summarized below:

Transit Operator/Claimant	Resolution No. 3950 (TDA)
Santa Rosa	7,429,231
Union City	2,118,736
Total	\$9,547,967

Santa Rosa is requesting \$6.4 million in TDA funds to support their FY 2010-11 budget of \$12.9 million. The FY 2010-11 budget is 6% higher than the FY 2009-10 budget, due primarily to increased vehicle maintenance costs. Santa Rosa is also requesting \$1.0 million for various capital improvements (automatic vehicle locator and other technical improvements, shelter and bus stop improvements, transit mall rehabilitation, miscellaneous equipment and maintenance).

Union City is requesting \$2.1 million in TDA funds to support the FY 2010-11 operating budget. The FY 2010-11 budget of \$3.6 million is 3% higher than the FY 2009-10 budget. Union City increased fares in August of 2010 with adult fares going from \$1.50 to \$1.75. Union City's revenue vehicle hours will not change from FY 2009-10 levels.

Issues: None

Recommendation: Refer MTC Resolution Nos. 3950, Revised to the Commission for approval.

Attachments: MTC Resolution Nos. 3950, Revised