

Date: June 27, 2012  
Referred by: PAC

**ABSTRACT**  
Resolution No. 4061

This resolution approves the allocation of fiscal year 2012-13 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 Sheet presented to the Programming and Allocations Committee on June 13, 2012.

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Re: Allocation of Fiscal Year 2012-13 Transportation Development Act Article 4, Article 4.5 and Article 8 Funds to Claimants in the MTC Region

METROPOLITAN TRANSPORTATION COMMISSION  
RESOLUTION NO. 4061

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 2012-13 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 2012-13 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 2012-13 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; and, be it further

RESOLVED, that all TDA allocations are subject to continued compliance with MTC Resolution 3866, the Transit Coordination Implementation Plan.

METROPOLITAN TRANSPORTATION COMMISSION

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Adrienne J. Tissier, Chair

The above resolution was approved by the Metropolitan Transportation Commission at a regular meeting of the Commission held in Oakland, California, on June 27, 2012.

ALLOCATION OF TRANSPORTATION DEVELOPMENT ACT ARTICLE 4, 4.5 and 8 FUNDS  
DURING FISCAL YEAR 2012-13

All TDA allocations are subject to continued compliance with MTC Resolution 3866,  
the Transit Coordination Implementation Plan.

<b>Claimant</b>	<b>Project Description</b>	<b>Allocation Amount</b>	<b>Alloc. Code</b>	<b>Approval Date</b>	<b>Apportionment Area/Footnotes</b>	<b>Note</b>
<b>5802 - 99260A Transit - Operations</b>						
NCTPA	Transit Operating	3,048,000	01	6/27/2012	NCTPA	
CCCTA	Transit Operating	11,644,800	02	6/27/2012	CCCTA	
LAVTA	Transit Operating	7,093,991	03	6/27/2012	LAVTA	
WCCTA	Transit Operating	1,962,652	04	6/27/2012	WCCTA	
AC Transit	Transit Operating	35,616,458	05	6/27/2012	AC Transit D1 (Alameda)	
AC Transit	Transit Operating	9,397,635	06	6/27/2012	AC Transit D2 (Alameda)	
AC Transit	Transit Operating	5,780,273	07	6/27/2012	AC Transit D1 (Contra Costa)	
AC Transit	Transit Operating	2,641,435	08	6/27/2012	Alameda County	1
Petaluma	Transit Operating	1,111,932	09	6/27/2012	Petaluma	
	<b>Subtotal</b>	<b>78,297,176</b>				
<b>5803 - 99260A Transit - Capital</b>						
NCTPA	Transit Capital	1,958,100	10	6/27/2012	NCTPA	
LAVTA	Transit Capital	1,711,642	11	6/27/2012	LAVTA	
	<b>Subtotal</b>	<b>3,669,742</b>				
	<b>TOTAL</b>	<b>81,966,918</b>				

**Note:**

(1) MTC finds that these Article 4.5 funds can be used to better advantage for Article 4 purposes.

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Attachment B  
Resolution No. 4061  
Page 1 of 3

ALLOCATION OF FISCAL YEAR 2012-13  
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.