

# Metropolitan Transportation Commission Programming and Allocations Committee

November 13, 2013

Item Number 2g

## Update on Status of Federal Transit Administration Grants

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**Subject:** At the Programming and Allocations Committee's September 11 and October 9, 2013 meetings, staff reported on a plan to resolve the stalemate over potential conflicts between the California Public Employees' Pension Reform Act of 2013 (PEPRA) and federal transit labor protections (commonly referred to as "Section 13c"). The plan is now being put into action: the lawsuit over the U.S. Department of Labor's (DOL) decertification of a grant for the Sacramento Regional Transit District has been filed in federal court, and the Governor has signed AB 1222, which temporarily exempts transit employees from PEPRA while the suit is adjudicated. However, the recent federal government shutdown prevented DOL from certifying and FTA from awarding the other pending grants.

Since the federal government reopened, DOL has begun to certify grants, but as of October 29, FTA has not yet awarded any of the pending Bay Area grants. Staff anticipates that the remaining grants for the region will be awarded over the next few weeks. However, funds which lapsed because the grant was not awarded by the end of the federal fiscal year on September 30 will not be awarded unless FTA agrees to restore the lapsed funds to the region. For your information, attached is a letter from MTC's Executive Director to the FTA Administrator requesting restoration of the lapsed funds. Staff is also preparing a protest of DOL's failure to certify MTC's Lifeline Transportation Program grant before \$1.9 million in FTA funds lapsed.

**Issues:** None.

**Recommendation:** This is an informational item.

**Attachments:** Letter to FTA Administrator



**METROPOLITAN  
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November 6, 2013

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Mr. Peter Rogoff  
Administrator, Federal Transit Administration  
East Building  
1200 New Jersey Avenue, SE  
Washington, DC 20590

**Re: Request for Reapportionment of Lapsed Funds**

Dear Administrator Rogoff:

We are writing to request that you reapportion \$10.2 million in Federal Transit Administration funds to the MTC region and designated operators. These funds lapsed on September 30, 2013 as a result of the Department of Labor's (DOL) delay in certifying grants due to concerns that they were in violation of federal transit labor protections (commonly referred to as "Section 13c") because of California's enactment of the Public Employees' Pension Reform Act of 2013 (PEPRA). A list of the affected grants is attached.

As you know, Governor Brown signed AB 1222 (Bloom) last month to exempt for at least one year public transit agencies from PEPRA while the issue is reviewed by the courts in a case filed by the Sacramento Regional Transit District. As such, all of the grants that lapsed as a result of this issue should now be able to obtain DOL certification. Given that the cause of the lapse was beyond the control of the sponsoring agencies, we look forward to the reapportionment of the funds as soon as possible so the projects can advance without further delay.

The lapsed funds include about \$8.3 million for bus replacements, signage and station improvements, radio replacement and preventive maintenance, for the Alameda-Contra Costa Transit District, Bay Area Rapid Transit District, Golden Gate Bridge & Transportation District, SamTrans, and the Santa Clara Valley Transportation Authority, among others.

In addition, almost \$2 million of the funds were for MTC's Lifeline Transportation Program, which included grants to local governments and social service providers to provide transportation services in the region's low-income communities. In particular, this loss of funding presents a major hardship for these agencies and the people they serve. It is worth noting that the MTC grant was submitted to FTA in May 2013, which ordinarily would have allowed for ample time for review and award before the end of the Federal Fiscal Year.

Request for Reapportionment of Lapsed Funds

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Thank you for your consideration of this request. If you have any questions, please contact our Washington D.C. representative Tom Bulger at 202-775-0079 or [tbulger825@aol.com](mailto:tbulger825@aol.com).

Sincerely,



Steve Heminger  
Executive Director

FTA Grants with Lapsing Funds for San Francisco Bay Area as of September 30, 2013

Grantee Name	Grant #	Estimated Obligation Amount	Date of Lapse (earliest date if mix of years)	9/30/13 Lapsing Amount	FTA Program/ Fund Source	Project for Which Funds are Lapsing
SANTA CLARA VALLEY TRANSPORTATION AUTHORITY	CA-04-0258	\$7,390,000	9/30/2013	\$3,640,000	5309 Bus	Bus replacements
SAN MATEO COUNTY TRANSIT DISTRICT	CA-04-0221-00	\$8,450,000	9/30/2013	\$3,500,000	5309 Bus	San Carlos Transit Center
METROPOLITAN TRANSPORTATION COMMISSION	CA-37-X177-00	\$4,214,416	9/30/2013	\$1,866,750	5316	Lifeline Trans. Program (detail below)
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT	CA-04-0212-00	\$4,138,000	9/30/2013	\$970,000	5309 Bus	Signage/Station Improvements
SANTA ROSA, CITY OF	CA-37-X170-00	\$249,123	9/30/2013	\$124,214	5316	Lifeline Transportation Program
ALAMEDA-CONTRA COSTA TRANSIT DISTRICT	CA-37-X187-00	\$54,367	9/30/2013	\$45,986	5316	Lifeline Transportation Program
SANTA CLARA VALLEY TRANSPORTATION AUTHORITY	CA-90-Z051	\$36,704,357	9/30/2013	\$27,350	5307	Preventive maintenance
GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT	CA-90-Y963-00	\$1,675,106	9/30/2013	\$17,513	5307	Radio replacement
<b>Total</b>		<b>\$62,875,369</b>		<b>\$10,191,813</b>		

Lifeline Transportation Program Projects Included in MTC Grant CA-37-X177

Sponsor	Project	Federal Funding		
		FY2011	FY2012	Total
Cycles of Change	Neighborhood Bicycle Centers / "Bike-go-Round"	\$ 405,000		\$ 405,000
City of Oakland	Oakland Broadway Shuttle	280,806	\$ 442,194	723,000
San Leandro Transportation Management Organization	San Leandro "LINKS" Shuttle		336,000	336,000
City of Alameda Public Works	Estuary Crossing Shuttle Service Extension		187,957	187,957
City of Concord	Monument Neighborhood Shuttle	100,902	60,747	161,649
Contra Costa County Employment and Human Services Dept.	KEYs Auto Loan Program	53,394	76,106	129,500
Contra Costa County Employment and Human Services Dept.	Taxi Referral Program	64,580	83,252	147,832
City of Richmond	Easy Go		140,000	140,000
Peninsula Family Services	Ways to Work Auto Loans	246,556	128,444	375,000
City of East Palo Alto	Weekday Community Shuttle	38,857	84,511	123,368
City of East Palo Alto	Weekday Evening Shuttle	24,212	52,660	76,872
San Mateo Human Services Agency	Taxi Vouchers for Low Income Program Participants	18,898	41,102	60,000
City of East Palo Alto	Weekend Shuttle	18,759	40,798	59,557
Outreach & Escort, Inc.	Family Transportation Services	545,116	464,886	1,010,002
MTC	Administration & Technical Assistance	69,670	209,009	278,679
<b>Total</b>		<b>\$ 1,866,750</b>	<b>\$ 2,347,666</b>	<b>\$ 4,214,416</b>

■ Funds lapsing 9/30/2013