



Agenda Item 4a

METROPOLITAN
TRANSPORTATION
COMMISSION

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Memorandum

TO: Programming and Allocations Committee
Legislation Committee

DATE: October 9, 2013

FR: Deputy Executive Director, Policy

RE: Update on Status of Federal Transit Administration Grants

Overview

At the Programming and Allocations Committee's September 11, 2013 meeting, 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"). Since that meeting, FTA awarded only one Bay Area grant (for SFMTA, which is not affected by the PEPRA issue). All of the remaining grants listed in Attachment A are still awaiting Department of Labor (DOL) certification of their protective arrangements. Unfortunately, while the plan to resolve this stalemate remains on track, it did not take effect soon enough to avoid a lapse of \$10.2 million in FTA funds for the region. Grants with lapsing funds are listed at the top of Attachment A.

The lapsed funds include about \$1.9 million for MTC's Lifeline Transportation Program, which supports projects that address mobility needs in low-income communities throughout the region. This includes \$70,000 for MTC administration and technical assistance that is included in MTC's FY2013-14 budget. Another \$170,000 for Lifeline projects submitted by Santa Rosa and AC Transit also lapsed. Lifeline projects affected by the loss of FTA funds are detailed in Attachment B.

Next Steps

Staff intends to pursue two courses of action related to the lapsed funds:

- Protest DOL's failure to certify the protective arrangements related to MTC's Lifeline grant on the grounds that the grant did not receive any objections from transit unions, and neither MTC nor any of the subrecipients has employees that are covered by Section 13c.
- Work with FTA to request that all of the lapsed funds be returned to the region for their original purposes. Otherwise, lapsed funds are lost to the region and redistributed nationally.

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Background

As part of the FTA grant approval process, Section 13c of the Federal Transit Act (49 U.S.C. § 5333(b)) requires that certain employee protective arrangements must be certified by DOL before federal transit funds can be released. For covered employees, these arrangements include preserving their rights and benefits, and continuing their collective bargaining rights. Since PEPRAs were enacted, transit unions have objected to numerous grants submitted by California operators on the grounds that PEPRAs' restrictions on pension benefits reduces their collective bargaining rights in violation of Section 13c. As a result, DOL has not certified the protective arrangements pertaining to most of the grants submitted by California transit operators, resulting in the current funding log jam.

A plan to resolve the PEPRAs dispute was announced by Governor Brown in September. Sacramento Regional Transit District (SacRT), joined by the Brown administration, is expected to file suit in federal court challenging DOL's decertification of its protective arrangements on the grounds that PEPRAs does not conflict with Section 13c requirements. After the suit is filed, the Governor will sign AB 1222, which temporarily exempts transit workers from PEPRAs while the SacRT suit is adjudicated, allowing DOL to certify the remaining protective arrangements and FTA to award the grants. If the court rules that PEPRAs does not conflict with federal labor laws, the exemption would sunset on January 1, 2015. If the court rules that PEPRAs does conflict with Section 13c, the exemption would be made permanent. The deadline for the Governor to sign AB 1222 is October 13.

Recommendation

This is an informational item.



Ann Flemer

Attachments: A. FTA Grants Status as of September 30, 2013
B. Lifeline project descriptions

Attachment A

FTA Grants for Bay Area Transit Operators Status as of September 30, 2013

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Grantee Name	Grant #	Estimated Obligation Amount	Date of Lapse (earliest date if mix of years)	9/30/13 Lapsing Amount	Notes
Grants Submitted to FTA That Include Funds That Will Lapse if Not Awarded by 9/30/13					
SANTA CLARA VALLEY TRANSPORTATION AUTHORITY	CA-04-0258	\$7,390,000	9/30/2013	\$3,640,000	Lapsing funds for bus replacements
SAN MATEO COUNTY TRANSIT DISTRICT	CA-04-0221-00	\$8,450,000	9/30/2013	\$3,500,000	Lapsing funds for San Carlos Transit Center
METROPOLITAN TRANSPORTATION COMMISSION	CA-37-X177-00	\$4,214,416	9/30/2013	\$1,866,750	Lapsing funds for Lifeline services
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT	CA-04-0212-00	\$4,138,000	9/30/2013	\$970,000	Lapsing funds for Signage/Station Improvements
SANTA ROSA, CITY OF	CA-37-X170-00	\$249,123	9/30/2013	\$124,214	Lapsing funds for Lifeline services
ALAMEDA-CONTRA COSTA TRANSIT DISTRICT	CA-37-X187-00	\$54,367	9/30/2013	\$45,986	Lapsing funds for Lifeline services
SANTA CLARA VALLEY TRANSPORTATION AUTHORITY	CA-90-Z051	\$36,704,357	9/30/2013	\$27,350	Lapsing funds for preventive maintenance
GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT	CA-90-Y963-00	\$1,675,106	9/30/2013	\$17,513	Lapsing funds for radio replacement
Subtotal		\$62,875,369		\$10,191,813	
Grants Submitted to FTA That Do Not Include Funds Lapsing 9/30/13					
SANTA CLARA VALLEY TRANSPORTATION AUTHORITY	CA-03-0818-01	\$141,766,415	9/30/2017		BART to Berryessa
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT	CA-54-0007-00	\$105,088,331	9/30/2016		Car Replacement, other capital projects
SAN MATEO COUNTY TRANSIT DISTRICT	CA-90-Z043-00	\$25,905,791	9/30/2018		Bus replacements, PM, ADA Operating Asst
ALAMEDA-CONTRA COSTA TRANSIT DISTRICT	CA-04-0264-00	\$25,000,000	9/30/2014		AC Transit BRT project
PENINSULA CORRIDOR JOINT POWERS BOARD	CA-05-0276-00	\$22,597,605	9/30/2015		Positive Train Control, track & signal rehab
PENINSULA CORRIDOR JOINT POWERS BOARD	CA-90-Z042-00	\$19,536,811	9/30/2015		Positive Train Control, vehicle rehab
SANTA CLARA VALLEY TRANSPORTATION AUTHORITY	CA-95-X149-00	\$18,540,000	N/A		Capital Expressway LRT Extension
ALAMEDA-CONTRA COSTA TRANSIT DISTRICT	CA-90-Z058	\$16,932,231	9/30/2018		Capital projects, Lifeline operating assistance
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT	CA-90-Z079	\$16,715,458	9/30/2015		Car Replacement, other capital projects
METROPOLITAN TRANSPORTATION COMMISSION	CA-34-0001	\$10,506,277	9/30/2016		Bus Replacements
ALAMEDA-CONTRA COSTA TRANSIT DISTRICT	CA-04-0263	\$7,500,000	9/30/2014		Farebox Replacement
PENINSULA CORRIDOR JOINT POWERS BOARD	CA-54-0004	\$6,641,018	9/30/2016		Track & signal rehab
MARIN COUNTY TRANSIT DISTRICT dba MARIN TRANIST	CA-90-Z068-00	\$5,544,334	9/30/2018		Bus replacements, Lifeline, ADA Operating Asst
CENTRAL CONTRA COSTA TRANSIT AUTHORITY	CA-90-Z065-00	\$3,598,803	9/30/2018		Bus replacements, Lifeline, ADA Operating Asst
SANTA CLARA VALLEY TRANSPORTATION AUTHORITY	CA-95-X243	\$4,651,740	N/A		Preventive Maintenance
CENTRAL CONTRA COSTA TRANSIT AUTHORITY	CA-58-0018-00	\$4,320,000	9/30/2014		Electric buses
SOLANO COUNTY TRANSIT	CA-90-Z045	\$3,896,096	N/A		Operating assistance
SANTA CLARA VALLEY TRANSPORTATION AUTHORITY	CA-54-0002	\$2,951,660	9/30/2016		Preventive Maintenance, rail replacement
GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT	CA-70-X016-00	\$2,400,000	N/A		Ferry Facilities Rehab
SANTA CLARA VALLEY TRANSPORTATION AUTHORITY	CA-95-X216-00	\$2,300,065	N/A		LRT Signal Priority, Stevens Creek BRT
LIVERMORE-AMADOR VALLEY TRANSIT AUTHORITY	CA-90-Z080-00	\$1,702,134	9/30/2014		PM, ADA Operating Asst
ALAMEDA-CONTRA COSTA TRANSIT DISTRICT	CA-95-X335-00	\$1,225,539	N/A		San Leandro BART Access Impr.
SOLANO COUNTY TRANSIT	CA-95-X230-00	\$1,000,000	9/30/2018		Preventive Maintenance
SANTA CLARA VALLEY TRANSPORTATION AUTHORITY	CA-05-0274-01	\$957,204	9/30/2014		Rail Replacement
SOLANO COUNTY TRANSIT	CA-04-0273	\$760,000	N/A		Bus replacement
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT	CA-05-0277-00	\$726,392	9/30/2015		Rail Rehab
SOLANO COUNTY TRANSIT	CA-90-Z083	\$272,010	9/30/2018		ADA Operating Assistance
GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT	CA-95-X252-00	\$233,728	N/A		Radio replacement
PETALUMA, CITY OF	CA-90-Z109	\$55,731	9/30/2018		Capital projects
Subtotal		\$453,325,373			
Grants Not Yet Submitted to FTA					
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT	CA-95-X236	\$50,440,000	N/A		Hayward Maintenance Center
ALAMEDA-CONTRA COSTA TRANSIT DISTRICT	CA-95-X021-00	\$10,515,624	N/A		Line 51 Corridor
SOLANO COUNTY TRANSIT	CA-90-Z078	\$7,548,695	9/30/2015		Operating Assistance, capital projects
ALAMEDA-CONTRA COSTA TRANSIT DISTRICT	CA-95-X253	\$1,802,676	N/A		Spectrum Ridership (Transit Perf. Init.)
Subtotal		\$70,306,995			
Total Grants Affected by PEPRA Issue		\$586,507,737		\$10,191,813	

Attachment B

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

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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
Total		\$ 1,866,750	\$ 2,347,666	\$ 4,214,416

 Funds lapsing 9/30/2013