

Metropolitan Transportation Commission Programming and Allocations Committee

February 12, 2014

Resolution Nos. 4086, Revised and 4098, Revised

Subject: Revision to the FY2013-14 Fund Estimate and the FY2013-14 Regional Measure 2 (RM2) Operating Program related to the 2013 BART Strikes.

Background: This item revises the FY2013-14 Fund Estimate and the FY2013-14 RM2 Operating program to program funding to various operators for the cost of additional services provided during the 2013 Bay Area Rapid Transit (BART) strikes.

At its June 2013 meeting, the Commission approved reimbursement of special services provided by transit agencies during the July strike from the balance of BART's FY2013-14 State Transit Assistance (STA) revenue-based funds and uncommitted FY2013-14 Regional Measure 2 operating funds. Further, at its September 2013 meeting, the Commission set aside an additional \$1.5 million in RM2 operating funds for termination and/or cancellation fees as well as additional transit services during the October strike.

Staff requested that transit operators submit estimates of costs incurred for additional services that they provided during the July and October strikes. Based on information provided, staff recommends amending the FY2013-14 Fund Estimate to re-direct approximately \$1.9 million of BART's STA revenue based apportionment to various operators to reimburse them for these costs.

Staff also proposes to amend the FY2013-14 RM2 operating program to include \$759,409 for shuttle cancellation fees incurred by BART.

Staff will allocate these funds to the operators, consistent with the revised Fund Estimate and RM2 Operating Program, following submission and review of invoices.

In addition, this item reflects approval of changes made to the FY2013-14 Fund Estimate's Lifeline funding under this committee's agenda item 2g.

Recommendation: Refer MTC Resolution No. 4086, Revised and 4098, Revised to the Commission for approval.

Attachments: MTC Resolution No. 4086, Revised -- Attachment A, page 15 of 16
MTC Resolution No. 4098, Revised – Attachment A

Date: February 27, 2013
W.I.: 1511
Referred by: PAC
Revised: 07/24/13-C
09/25/13-C
02/26/14-C

ABSTRACT

Resolution No. 4086, Revised

This resolution approves the FY 2013-14 Fund Estimate, including the distribution and apportionment of Transportation Development Act (TDA), State Transit Assistance (STA), Assembly Bill (AB) 1107 sales tax, and transit-related bridge toll funds.

This resolution was revised on July 24, 2013, to reflect actual receipts of TDA and AB 1107 funds in FY 2012-13, the rescission actions that were necessary to match FY 2012-13 allocations to the actual receipts, and the allocations of excess funds for FY 2012-13 per operator's requests.

This resolution was revised on September 25, 2013, to reflect actual receipts of FY 2012-13 STA program funds, and to update apportionment shares based on information provided by the State Controller's Office.

This resolution was revised on February 26, 2014 to assign \$1.9 million of BART's STA Revenue-Based funds to the reimbursement of various operators for costs incurred as a result of the 2013 Bay Area Rapid Transit (BART) strikes and to re-assign \$1.7 million of Lifeline funds to "JARC Funding Restoration".

Further discussion of this action is contained in the summary sheets dated February 13, 2013, July 10, 2013, September 11, 2013, and February 12, 2014.

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Date: February 27, 2013
W.I.: 1511
Referred by: PAC

RE: Determination of Transportation Development Act (TDA) Area Apportionments and Proposed Distribution of Operating Funds for FY 2013-14

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION NO. 4086

WHEREAS, the Metropolitan Transportation Commission (MTC) is the regional transportation planning agency for the San Francisco Bay Area pursuant to Government Code Section 66500 *et seq.*; and

WHEREAS, the Transportation Development Act (TDA), Public Utilities Code (PUC) Sections 99200 *et seq.*, provides that funds are made available from the Local Transportation Fund (LTF) for various transportation purposes; and

WHEREAS, pursuant to 21 California Code of Regulations Section 6620, the County Auditor for each of the nine counties in the Bay Area has submitted the revised and new TDA fund estimates for FY 2012-13 and FY 2013-14 as shown in Attachment A to this resolution, attached hereto and incorporated herein as though set forth at length; and

WHEREAS, MTC is required to determine and advise all prospective claimants, prior to March 1 each year, of all area apportionments from the LTF for the following fiscal year pursuant to 21 California Code of Regulations Section 6644; and

WHEREAS, all area apportionments of TDA funds for the 2013-14 fiscal year are shown in Attachment A to this resolution, attached hereto and incorporated herein as though set forth at length; and

WHEREAS, MTC has prepared a proposed distribution of operating assistance funds, including TDA, State Transit Assistance (STA) pursuant to Public Utilities Code § 99310 *et seq.*, the twenty-five percent (25%) of the one-half cent transaction and use tax collected pursuant to PUC Section 29142.2 (AB 1107), and estimates of certain toll bridge revenues (SHC §§ 30910 *et seq.*), in order to provide financial information to all prospective claimants to assist them in developing budgets in a timely manner; and

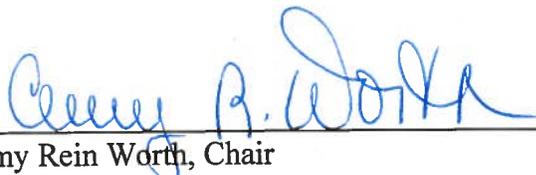
WHEREAS, the proposed distribution of such operating assistance funds is also shown in Attachment A; now, therefore, be it

RESOLVED, that MTC approves the area apportionments of TDA funds, and the proposed distribution of operating assistance funds for the 2013-14 fiscal year as shown in Attachment A, subject to the conditions noted therein; and, be it further

RESOLVED, that MTC intends to allocate operating assistance funds for the 2013-14 fiscal year, based on the area apportionments of TDA funds, the proposed distribution of operating assistance funds and upon the receipt of appropriate claims from eligible claimants; and, be it further

RESOLVED, that Attachment A may be revised by the MTC Executive Director or his designee to reflect funds returned to the Local Transportation Fund and expired capital allocations or by approval of the MTC Programming and Allocations Committee, except that any significant changes shall be submitted to the full Commission for approval.

METROPOLITAN TRANSPORTATION COMMISSION



Amy Rein Worth, Chair

The above resolution was approved by the Metropolitan Transportation Commission at a regular meeting of the Commission held in Oakland, California, on February 27, 2013.

**FY 2013-14 FUND ESTIMATE
TDA & STA FUND SUBAPPORTIONMENT FOR ALAMEDA & CONTRA COSTA COUNTIES
& IMPLEMENTATION OF OPERATOR AGREEMENTS**

Attachment A
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ARTICLE 4.5 & STA PARATRANSIT SUBAPPORTIONMENT				
Apportionment Jurisdictions	Alameda		Contra Costa	
	Article 4.5	STA Paratransit	Article 4.5	STA Paratransit
Total Available	\$3,064,511	\$1,183,252	\$1,979,764	\$837,526
AC Transit	\$2,765,540	\$1,069,632	\$537,785	\$249,090
LAVTA	\$115,407	\$72,649		
Pleasanton	\$62,794			
Union City	\$120,770	\$40,970		
CCCTA			\$854,915	\$348,869
ECCTA			\$450,825	\$183,969
WCCTA			\$136,239	\$55,596

IMPLEMENTATION OF OPERATOR AGREEMENTS				
Fund Source	Apportionment Jurisdictions	Claimant	Amount¹	Program
Total Available BART STA Revenue-Based Funds			\$39,378,171	
STA Revenue-Based	BART	AC Transit	(3,600,000)	Transfer Payment ²
STA Revenue-Based	BART	AC Transit	(3,024,547)	Funds Held in Escrow, FYs 11 - 13 ³
STA Revenue-Based	BART	CCCTA	(651,196)	BART Feeder Bus
STA Revenue-Based	BART	LAVTA	(472,393)	BART Feeder Bus
STA Revenue-Based	BART	ECCTA	(2,117,053)	BART Feeder Bus
STA Revenue-Based	BART	WCCTA	(1,992,390)	BART Feeder Bus
STA Revenue-Based	BART	Various Operators	(1,910,000)	2013 BART Strike Reimbursement
Total Payment			(13,767,579)	
Remaining BART STA Revenue-Based Funds			\$25,610,592	
Total Available BART TDA Article 4 Funds			\$328,692	
TDA Article 4	BART-Alameda	LAVTA	(75,584)	BART Feeder Bus
TDA Article 4	BART-Contra Costa	WCCTA	(253,107)	BART Feeder Bus
Total Payment			(328,692)	
Remaining BART TDA Article 4 Funds			\$0	
Total Available SamTrans STA Revenue-Based Funds			\$6,119,462	
STA Revenue-Based	SamTrans	BART	(801,024)	SFO Operating Expense
Total Payment			(801,024)	
Remaining SamTrans STA Revenue-Based Funds			\$5,318,438	
Total Available Union City TDA Article 4 Funds			\$6,164,496	
TDA Article 4	Union City	AC Transit	(116,699)	Union City service
Total Payment			(116,699)	
Remaining Union City TDA Article 4 Funds			\$6,047,797	

1. Amounts assigned to the claimants in this page will reduce the funds available for allocation in the corresponding apportionment jurisdictions by the same amounts.
2. Subject to the terms of a new agreement currently under negotiation between BART and AC Transit.
3. Funds being held in reserve pending additional discussion between AC Transit and BART and the recommendations of the Transit Sustainability Project.

**FY 2013-14 FUND ESTIMATE
STA Spillover Funding Agreement Per Resolution 3814**

*Attachment A
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PROPOSITION 1B TRANSIT FUNDING PROGRAM -- POPULATION BASED SPILLOVER DISTRIBUTION

Apportionment Category	MTC Resolution 3814	%	FY 2007-08	FY 2009-13	MTC Res-3925	FY 2013-14
	Spillover Payment Schedule		Spillover Distribution	Spillover Distribution	(STP/CMAQ Funding)	Remaining
Lifeline	10,000,000	16%	1,028,413	0	8,971,587	0
Small Operators / North Counties	3,000,000	5%	308,524	0	2,691,476	0
BART to Warm Springs	3,000,000	5%	308,524	0	0	2,691,476
eBART	3,000,000	5%	308,524	0	0	2,691,476
SamTrans	43,000,000	69%	4,422,174	0	19,288,913	19,288,913
TOTAL	\$62,000,000	100%	\$6,376,158	\$0	\$30,951,976	\$24,671,866

Date: May 22, 2013
W.I.: 1255
Referred by: PAC
Revised: 02/26/14-C

ABSTRACT

Resolution No. 4098, Revised

This resolution adopts the Regional Measure 2 (RM2) Operating Assistance Program for FY2013-14.

Further discussion of this action is contained in the Programming and Allocations Committee Summary Sheet dated May 8, 2013.

This resolution was revised on February 26, 2014 to assign \$759,409 to the Bay Area Rapid Transit (BART) district for reimbursement of shuttle cancellation fees incurred as a result of the 2013 BART strikes.

Further discussion of this action is contained in the summary sheet attached to MTC Resolution 4086, Revised, dated February 12, 2014.

Date: May 22, 2013
W.I.: 1255
Referred by: PAC

RE: Adoption of FY2013-14 RM2 Operating Assistance Program

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION NO. 4098

WHEREAS, the Metropolitan Transportation Commission (MTC) is the regional transportation planning agency for the San Francisco Bay Area pursuant to California Government Code § 66500 et seq.; and

WHEREAS, Streets and Highways Code Sections 30950 *et seq.* created the Bay Area Toll Authority (“BATA”), which is a public instrumentality governed by the same board as that governing MTC; and

WHEREAS, on March 2, 2004, voters approved Regional Measure 2, which increased the toll for all vehicles on the nine State-owned toll bridges in the San Francisco Bay Area by \$1.00, with this extra dollar funding various transportation projects within the region that have been determined to reduce congestion or to make improvements to travel in the toll bridge corridors, as identified in SB 916 (Chapter 715, Statutes of 2004), commonly referred as Regional Measure 2 (“RM2”); and

WHEREAS, RM2 establishes the Regional Traffic Relief Plan and identifies specific projects eligible to receive RM2 funding for operating assistance as identified in Sections 30914(d)(3) & (4) of the California Streets and Highways Code; and

WHEREAS, BATA shall fund the projects of the Regional Traffic Relief Plan by bonding or transfers to MTC; and

WHEREAS, RM2 assigns administrative duties and responsibilities for the implementation of the Regional Traffic Relief Plan to MTC; and

WHEREAS, MTC has developed guidelines for the programming and use of the RM2 funds for operating support of transit projects, and

WHEREAS, these guidelines state that MTC will adopt a project specific budget for RM2 operating funds prior to the beginning of each fiscal year, now, therefore be it

RESOLVED, that MTC adopts a program that establishes RM2 operating subsidy amounts for FY2013-14, as outlined in Attachment A and incorporated herewith as though set forth at length.

METROPOLITAN TRANSPORTATION COMMISSION

Amy Rein Worth, Chair

The above resolution was entered into by the Metropolitan Transportation Commission at a regular meeting of the Commission held in Oakland, California on May 22, 2013.

FY 2013-14 RM-2 Operating Assistance Program -- Streets and Highways Code 30914(d)

Project #	Project Name	Operator	Route	Programmed (1,3)	Notes
1	Richmond Bridge Express Bus	Golden Gate Transit	Route 40	2,195,925	
2	Napa VINE Service	NCTPA	Vallejo Intermodal Express Bus	390,000	
3	Express Bus North	SolTrans	Route 78	510,226	
		SolTrans	Route 80	511,873	
		SolTrans	Route 85	201,741	
		ECCTA	Route 300	531,835	
		Fairfield/Suisun Transit	Route 40	184,072	
		Fairfield/Suisun Transit	Route 90	526,963	
		Golden Gate Transit	Route 72x	101,264	
		Golden Gate Transit	Route 101	195,339	
		WestCat	Route JPX	249,294	
		BART	2013 Strike - Bus Service Fees	419,000	
			Total	3,431,608	
4	Express Bus South	AC Transit	Route F	890,865	
		AC Transit	Route LA	146,761	
		AC Transit	Route NL/BA	2,678,379	
		AC Transit	Route NX1	91,779	
		AC Transit	Route NX2	88,191	
		AC Transit	Route O	779,077	
		AC Transit	Route P	385,034	
		AC Transit	Route U - Dumbarton Corridor	311,238	
		AC Transit	Route W	56,580	
		CCCTA	Route 96X	145,339	
		LAVTA	Tri-Valley Rapid	580,836	
		WestCat	Hercules LYNX/JX	317,950	
		BART	2013 Strike - Bus Service Fees	27,000	
			Total	6,499,029	
5	Dumbarton Bus	AC Transit	Routes DB	1,382,828	
			Route DB1	1,284,148	
		BART	2013 Strike - Bus Service Fees	313,409	
			Total	2,980,385	
6	Ferry Service	WETA	Alameda Harbor Bay	1,582,000	
		WETA	Alameda/Oakland	2,569,000	
		WETA	Vallejo	7,844,000	
		WETA	South San Francisco	3,305,000	
			Total	15,300,000	
7	Owl Service	AC Transit	Route 800	665,771	
		AC Transit	Route 801	667,852	
		MUNI	Route 14	187,501	
		SamTrans	Route 397	305,876	
			Total	1,827,000	
8	MUNI Metro 3rd Street	SF MUNI	Metro 3rd Street extension	2,500,000	
9	AC Transit Rapid Bus Corridor	AC Transit	Enhanced Bus Service in the Berkeley/Oakland/San Leandro Corridor	3,000,000	
10	Clipper	MTC	Operations	890,000	
11	WETA planning	WETA	Planning and operations	3,000,000	
			Grand Total	42,013,947	

RM2 Marketing Assistance Program (2)

Project Name	Operator	Description	Programmed (3)	Notes
Clipper®	MTC	Public Information and Marketing	1,900,000	
511 Real Time Transit	MTC	Public Information and Marketing	200,000	
		Grand Total	2,100,000	

- Notes:
1. The amounts listed reflect the RM-2 base subsidy, with certain projects subject to a 1.5% annual escalation rate through FY2007-08. Escalation was suspended starting in FY2008-09 until BATA RM2 receipts surpass the amounts budgeted to fund the legislative operating projects.
 2. Marketing assistance programs are funded with RM2 toll revenue receipts pursuant to Streets and Highways Code 30914(f) and are outside of the 38% limit on operating funding as described in Streets and Highways Code 30914(d).
 3. Amounts shown are subject to approval of the FY 2013-14 BATA Budget