METROPOLITAN
TRANSPORTATION
COMMISSION

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Memorandum

TO: Operations Committee DATE: February 6, 2015

FR: Executive Director

RE: MTC Resolution No. 4171 - Transit Emergency Service Contingency Fund Policy and Guidelines

This memorandum requests the Committee to refer Resolution No. 4171, establishing a Transit Emergency Service Contingency Fund Policy and Guidelines (Policy) to support regional emergency transportation response, to the Commission for approval.

Background
Lessons learned from regional events such as the San Francisco Oakland Bay Bridge eyebar failure, and the West Oakland structure fire affecting San Francisco Bay Area Rapid Transit (BART) have revealed a need to establish an emergency fund reserve to support the resiliency of the region's public transit service following a localized event or regional disaster. The proposed policy will address the lack of a dedicated funding source for emergency transit operations and will assist in promoting regional transportation network functionality following a transportation emergency.

Transit Emergency Service Contingency Fund Policy and Guidelines
At the February 11, 2015 Programming and Allocations Committee (PAC) meeting, staff will propose, through an amendment of Resolution 3837, the establishment of the Transit Emergency Service Contingency Fund in the allocation policy for the State Transit Assistance (STA) Population-Based Funds. The fund will be established over a period of three fiscal years by the set-aside of three equal "off the top" apportionments of STA Population-Based funds starting in FY 2015-16, until a $1,000,000 balance is reached. In future years, should the balance fall below $1,000,000, funds shall be apportioned in the next fiscal year to restore the full balance, subject to the annual apportionment limit.

In parallel, this committee is being asked to refer for approval the policy and guidance to govern use of the Transit Emergency Service Contingency Fund through Resolution 4171. The proposed Transit Emergency Service Contingency Fund Policy and Guidelines (attached), developed in partnership with the Transit Finance Working Group, define eligible emergency response incidents or events and establishes reimbursement processes and procedures related to the Transit Emergency Service Contingency Fund. The policy set forth in the proposed resolution excludes any expenditure related to a transit operator labor stoppage and would be used primarily for emergency events.

Recommendation
Staff recommends this Committee refer Resolution No. 4171, the Transit Emergency Service Contingency Fund Policy and Guidelines, to the Commission for approval.

Steve Heminger

SH:NT

Date: February 25, 2015
W.I.: 1229
Referred by: Operations Committee

ABSTRACT

Resolution No. 4171

This resolution establishes the Transit Emergency Service Contingency Fund Policy and Guidelines. The resulting Transit Emergency Service Contingency Fund source is established per Resolution 3837, as revised on February 25, 2015, through the allocation of State Transit Assistance (STA) funds, to support the resiliency of the region's public transit service following a localized event or regional disaster. Discussion of this resolution is contained in the Executive Director's Memorandum dated February 6, 2015.

Date: February 25, 2015
W.I.: 1229
Referred by: Operations Committee

RE: Transit Emergency Service Contingency Fund Policy and Guidelines

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION NO. 4171

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, pursuant to Government Code Section 66505, the Commission has appointed an Executive Director who, subject to the direction of the Commission, has charge of administering the affairs of the Commission; and

WHEREAS, pursuant to the Executive Director's duties in administering the affairs of the Commission, the Executive Director, among other things, may execute emergency contracts and purchase orders for goods and services necessary to carry out the statutory purposes of the Commission and funding agreements with other public agencies for the distribution and receipt of funds following an emergency; and

WHEREAS, funds for certain emergency contracts, purchase orders and funding agreements are programmed by the Commission with the adoption of Resolution 3837, as revised on February 25, 2015, to establish the Transit Emergency ServiceContingency Fund allocation for State Transit Assistance (STA) Population-Based funds (Public Utilities Code Section 99313); now, therefore, be it

RESOLVED, that MTC adopts the policies and guidelines applicable to the Transit Emergency Service Contingency Fund stated in Attachment A to this resolution, attached hereto and incorporated herein as though set forth at length, to support regional transportation response.

METROPOLITAN TRANSPORTATION COMMISSION

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Chair

The above resolution was entered into by the
Metropolitan Transportation Commission
at a regular meeting of the Commission held
in Oakland, California, on February 25, 2015

Attachment A

Transit Emergency Service Contingency Fund (the "Fund") Policy and Guidelines

1. A "Qualifying Incident/Event" must meet the following criteria:

- Impacted Operator(s) has exhausted all other means to recover costs including exercising the San Francisco Transit Operators Mutual Aid Agreement.
- Event impacts mobility within a major regional corridor.
- Event disrupts the morning and/or evening commute period when travel demand is highest. Examples include the San Francisco Oakland Bay Bridge Eyebar Failure and the West Oakland structure fire affecting Bay Area Rapid Transit (BART) service. Any expenditure related to a transit operator labor stoppage is excluded.

2. Time Period to be Covered:

- During and in responding to a "qualifying incident", the MTC Emergency Operation Center (EOC) Director or designated staff will make a determination as to the period covered and the project/transit operator that would be eligible to claim funds under this policy.
- Transit Operators must develop long-term solutions beyond the immediate response period; this funding is not intended to cover long-term solutions.

3. Eligible Claimants

- Agencies eligible to claim State Transit Assistance (STA) funds per PUC 99313 and they go through the normal STA process.

4. Process Approval and Eligible Expenses

- Expenses must be approved either by the MTC Executive Director or MTC Deputy Executive Director before expenses are incurred.
- Expenses must meet STA Population-based eligibility requirements and shall be based on the following:
    - Operating costs for deployed transit services, including services contracted by transit operator.
    - Service redeployment if the cost of modified service exceeds normal operating costs.
    - Fare revenue losses due to operating a modified service/schedule.
    - Additional labor costs (e.g. standby ferry crew, bus drivers, maintenance/engineering).

5. Cost Recovery Conditions

- If liability for reimbursement can be attributed to a third party (e.g. insurance carrier), it is expected that claimants who seek assistance under the Policy will also pursue reimbursement from the third party as well. If the incident is eventually declared a state or federal disaster, it is also expected that claimants will seek reimbursement from the appropriate state or federal agency and return equivalent STA funds to the Fund upon receipt of state or federal reimbursement.

6. Process for Reimbursement

- Claimants of STA funding through the Policy will submit proof of expenses to MTC for reimbursement. Upon approval of the invoice by MTC Staff, MTC will allocate STA funds to reimburse the claimant through the normal allocation process.