

# APPENDIX A – 24

## *Regional Policies: Project Funding and Specific Funding Programs*

**San Francisco Bay Area Transit Capital Priorities  
(FTA Sections 5307, 5337 and 5339)  
Process and Criteria  
for FY 2016-17 thru FY 2012019-20  
MTC Resolution No. 4242**



Date: July 27, 2016  
W.I.: 1512  
Referred By: PAC

ABSTRACT

Resolution No. 4242

This resolution approves the process and establishes the criteria for programming:

- Federal Transit Administration (FTA) Sections 5307 Urbanized Area Formula, 5337 State of Good Repair, and 5339 Bus & Bus Facilities formula funds apportioned to the San Francisco Bay Area in FY2016-17 through FY2019-20,
- Federal Highway Administration STP and CMAQ funds dedicated to Transit Capital Rehabilitation and Transit Priorities projects by the One Bay Area Grant Program (MTC Resolution Nos. 4035 and 4202), and
- Bridge tolls and other regional revenues dedicated to transit capital projects by the Core Capacity Challenge Grant Program (MTC Resolution 4123), and
- Proceeds of financing required to advance future FTA or STP/CMAQ revenues to fund annual TCP or CCCGP programs of projects.

This resolution includes the following attachment:

Attachment A - San Francisco Bay Area Transit Capital Priorities Process and Criteria  
for FY2016-17 through FY2019-20

Further discussion of the Transit Capital Priorities Policy is contained in the MTC Programming and Allocations Committee Summary Sheet dated July 13, 2016.

Date: July 27, 2016  
W.I.: 1512  
Referred By: PAC

RE: San Francisco Bay Area Transit Capital Priorities Process and Criteria for FY2016-17 through FY2019-20

METROPOLITAN TRANSPORTATION COMMISSION  
RESOLUTION NO. 4242

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

WHEREAS, MTC is the designated Metropolitan Planning Organization (MPO) for the nine-county Bay Area and is required to prepare and endorse a Transportation Improvement Program (TIP) which includes a list of priorities for transit capital projects; and

WHEREAS, MTC has worked cooperatively with the cities, counties and transit operators in the region to establish a process and a set of criteria for the selection of transit capital projects to be included in the TIP; and

WHEREAS, the process and criteria to be used in the selection and ranking of projects are set forth in Attachment A, which is incorporated herein as though set forth at length; now, therefore, be it

RESOLVED, that MTC approves the Transit Capital Priorities (TCP) Process and Criteria as set forth in Attachment A; and, be it further

RESOLVED, that MTC will use the process and criteria to program Federal Transit Administration (FTA) Sections 5307, 5337 and 5339 funds or any successor programs for FY2016-17 through FY2019-20, Federal Highway Administration STP and CMAQ funds dedicated to Transit Capital Rehabilitation and Transit Priorities projects by the One Bay Area Grant Program (MTC Resolution Nos. 4035 and 4202), bridge tolls and other regional revenues dedicated to transit capital projects by the Core Capacity Challenge Grant Program (MTC Resolution 4123), and proceeds of financing required to advance future FTA or STP/CMAQ revenues to fund annual TCP programs of projects to finance transit projects in the San Francisco Bay Area region; and, be it further

RESOLVED, that the Executive Director of MTC is authorized and directed to forward a copy of this resolution to the Federal Transit Administration (FTA), and such agencies as may be appropriate.

METROPOLITAN TRANSPORTATION COMMISSION



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Dave Cortese, Chair

The above resolution was entered into by the Metropolitan Transportation Commission at a regular meeting of the Commission held in San Francisco, California on July 27, 2016.

Date: July 27, 2016  
W.I.: 1512  
Referred By: PAC

Attachment A  
Resolution No. 4242  
Page 1 of 45

**San Francisco Bay Area Transit Capital Priorities Process Criteria for FY2016-17 through  
FY2019-20**

**For Development of the FY2016-17 through FY2019-20  
Transit Capital Priorities and Transit Performance Initiative Project Lists**

Metropolitan Transportation Commission  
Bay Area Metro Center  
375 Beale Street, Suite 800  
San Francisco, CA 94105

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## **I. BACKGROUND**

The Transit Capital Priorities (TCP) Process and Criteria applies to the programming of:

- Federal Transit Administration (FTA) Sections 5307 Urbanized Area Formula, 5337 State of Good Repair, and 5339 Bus & Bus Facilities formula funds apportioned to the San Francisco Bay Area in FY2016-17 through FY2019-20,
- Federal Highway Administration STP and CMAQ funds dedicated to Transit Capital Rehabilitation and Transit Priorities projects by the One Bay Area Grant Program (MTC Resolution Nos. 4035 and 4202), and
- Bridge tolls and other regional revenues dedicated to transit capital projects by the Core Capacity Challenge Grant Program (MTC Resolution No. 4123), and
- Financing required to advance future FTA or STP/CMAQ revenues to fund annual TCP or CCCGP programs of projects.

The FY2016-17 through FY2019-20 TCP Criteria are the rules, in part, for establishing a program of projects for eligible transit operators in the San Francisco Bay Area Region's large urbanized areas (UA) of San Francisco/Oakland, San Jose, Concord, Santa Rosa, and Antioch; and the small urbanized areas of Vallejo, Fairfield, Vacaville, Napa, Livermore, Gilroy-Morgan Hill, and Petaluma.

On December 4, 2015, President Obama signed the Fixing America's Surface Transportation (FAST) Act into law. The FAST Act provides funding authorizations for FY2016 through FY2020. The Act maintains the same FTA formula programs as the previous authorization, Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21). The FAST Act includes few modifications to FTA programs or policies. These modifications have been included in the TCP Criteria as appropriate.

As of the date of the adoption of the TCP Process and Criteria, FTA has not yet issued revised guidance for the implementation of the its programs that reflects changes to the programs made by the FAST Act. MTC and the Partnership will revisit and recommend updates to the policy if required to conform to future FTA rules and guidance.

In December 2013, MTC adopted Resolution No. 4123 for the Transit Core Capacity Challenge Grant Program (CCCGP), which establishes a policy commitment of approximately \$7.4 billion in federal, state, regional and local funds to high-priority transit capital projects that will improve the capacity and state of good repair of transit services in the urban core of the region. The CCCGP will determine the TCP program amounts for certain projects and sponsors. A more detailed description of the CCCGP is provided on Page 37 of Attachment A to this resolution.

## II. GOALS AND OBJECTIVES

The goal of the TCP Process and Criteria is to fund transit projects that are most essential to the region and consistent with Plan Bay Area, the region's current long-range Regional Transportation Plan (RTP), and Plan Bay Area 2040, the updated RTP currently under development. The TCP Process and Criteria also implements elements of the Transit Sustainability Project recommendation (MTC Resolution No. 4060). Among the region's objectives for the TCP Process and Criteria are to:

*Fund basic capital requirements:* All eligible projects are to be considered in TCP Process and Criteria score order, with emphasis given to the most essential projects that replace and sustain the existing transit system capital plant. MTC will base the list of eligible replacement and expansion projects on information provided by the transit operators in response to a call for projects, or on information provided through the CCCGP. Operator-proposed projects should be based on Short Range Transit Plan (SRTP) service objectives or other board-approved capital plans. Also, after FTA publishes and adopts the final Transit Asset Management (TAM) rule, requests for replacement/rehabilitation of assets should be consistent with FTA-required Transit Asset Management (TAM) plans. All projects not identified as candidates for the TCP Program are assumed to be funded by other fund sources and are so identified in operators' SRTPs or capital plans.

*Maintain reasonable fairness to all operators:* Tests of reasonable fairness are to be based on the total funding available to each operator over a period of time, the level and type of service provided, timely obligation of prior year grants, and other relevant factors. (A proportional share distributed to each operator is specifically not an objective.)

*Complement other MTC funding programs for transit:* MTC has the lead responsibility in programming regional Surface Transportation Program (STP) and Congestion Mitigation-Air Quality (CMAQ) funds, and State Transportation Improvement Program (STIP) funds. Transit capital projects are also eligible for funding under these federal and state programs. Development of the TCP Program of Projects ("TCP Program") will complement the programming of STP, CMAQ, and STIP funds to maximize the financial resources available in order to fund the most essential projects for the San Francisco Bay Area's transit properties.



### **III. FTA FORMULA FUNDS**

#### **A. TCP Application Process**

The Transit Finance Working Group (TFWG) serves as the forum for discussing the TCP Process and Criteria, the TCP POP, and other transit programming issues. Each transit operator in the MTC region is responsible for appointing a representative to staff the Transit Finance Working Group (TFWG). The TFWG serves in an advisory capacity to the MTC Partnership Technical Advisory Committee (PTAC). All major policy revisions and programming-related decisions are to be reviewed with PTAC. In general, the MTC Programming and Allocations Committee and the full Commission take action on the TCP Program and any other transit-related funding programs after the TFWG and PTAC has reviewed them.

#### **Capital Program Submittal**

For the purposes of programming, project sponsors will submit requests for funding in accordance with detailed instructions in MTC's call for projects. The level of detail must be sufficient to allow for MTC to screen and score the project.

#### **Board Approval**

MTC requires that operators seek board approval prior to programming projects in the TIP. The board resolution for FY2016-17 through FY2019-20 programming should be submitted by January 11, 2017, the planned date when the Programming and Allocations Committee will consider the proposed program. If a board resolution cannot be provided by this date due to board meeting schedule constraints, applicants should indicate in a cover memo with their application when the board resolution will be adopted. Appendix 1 is a sample resolution of board support.

#### **Opinion of Counsel**

Project sponsors have the option of including specified terms and conditions within the Resolution of Local Support as included in Appendix 1. If a project sponsor elects not to include the specified language within the Resolution of Local Support, then the sponsor shall provide MTC with a current Opinion of Counsel stating that the agency is an eligible sponsor of projects for the FTA Section 5307, 5337, 5339, and/or STP/CMAQ programs; that the agency is authorized to perform the project for which funds are requested; that there is no legal impediment to the agency applying for the funds; and that there is no pending or anticipated litigation which might adversely affect the project or the ability of the agency to carry out the project. A sample format is provided in Appendix 2.

#### **Screening projects**

MTC staff will evaluate all projects for conformance with the Screening Criteria (Section III) below. Certain requirements must be met for a project to reach the scoring stage of the Transit Capital Priorities process. Operators will be informed by MTC staff if a project has failed to meet the screening criteria, and will be given an opportunity to submit additional information for clarification.

### **Scoring projects**

MTC staff will only score those projects that have passed the screening process. Based on the score assignment provided in Table 6, MTC staff will inform operators of the score given to each project. Operators may be asked to provide additional information for clarification.

### **Programming Projects/Assigning projects to fund source**

Projects passing screening and scoring criteria will be considered for programming in the TCP Program in the year proposed, however, projects will only be programmed in the Transportation Improvement Program (TIP) if the following conditions are met: 1) funding is available in the year proposed, and 2) funds can be obligated by the operator in the year proposed. Project fund sources will be assigned by MTC staff and will be based on project eligibility and the results of the Multi-County Agreement model.

### **FTA Public Involvement Process and the TIP**

*FTA Public Involvement Process:* To receive an FTA grant, a grant applicant must meet certain public participation requirements in development of the FTA programs. As provided for in FTA Circular 9030.1E (revised January 16, 2014), FTA considers a grantee to have met the public participation requirements associated with the annual development of the Program of Projects when the grantee follows the public involvement process outlined in the FHWA/FTA planning regulations for the TIP. In lieu of a separate public involvement process, MTC will follow the public involvement process for the TIP.

*Annual Programming in the TIP:* MTC, in cooperation with the state and eligible transit operators, is required to develop a TIP for the MTC Region. The TIP is a four-year programming document, listing federally funded transportation projects, projects requiring a federal action, and projects deemed regionally significant. TCP programming in each year of the TIP will be financially constrained to the estimated apportionment level. Programming adjustments in the TIP will be done in consultation with eligible transit operators in the MTC region.

### **Changes to the Transit Capital Priorities Program**

Each year after FTA releases apportionments for its formula funding programs, the preliminary TCP Program for the year will be revised if necessary to fit within the available revenues. The annual program revisions and corresponding amendment to the TIP is referred to as the Program of Projects (POP) Amendment, and finalizes the program for the year.

As part of the POP amendment, project sponsors may also request discretionary amendments to the preliminary program that conform to the TCP Process and Criteria programming policies. Discretionary amendments may be allowed only in certain circumstances. The following general principles govern changes:

- Amendments are not routine. Any proposed changes will be carefully studied.
- Amendments are subject to MTC and TFWG review.

- Amendments which adversely impact another operator's project will not be included without the prior agreement of other operators to the change.
- Amendments will be acceptable only when proposed changes are within the prescribed financial constraints of the TIP.
- Emergency or urgent projects will be considered on a case-by-case basis as exceptions.

Operators proposing the change must provide relevant information to substantiate the urgency of the proposed amendment. Projects that impede delivery of other projects will be considered only if an agreement can be reached between the affected operators for deferring or eliminating the affected projects from consideration.

Following the POP Amendment for the FY2017-18 program, the program for the final two years, FY2018-19 and FY2019-20, will be reopened and project sponsors will be able to make revisions to the preliminary program that conform to TCP Process and Criteria programming policies in advance of the POP amendment for FY2018-19.

### **Funding Shortfalls**

If final apportionments for the FTA formula programs come in lower than MTC has previously estimated, MTC staff will first redistribute programming to other urbanized areas with surplus apportionments in which the projects are eligible, and, second, negotiate with operators to constrain project costs or defer projects to a future year. If sufficient resolution is not possible, MTC will consider additional information, including project readiness, prior funding (if the project is a phased multi-year project), whether the project had been previously deferred, and the amount of federal funds that each of the concerned operators received in recent years, before making reductions to programming. As a final option for closing any shortfalls, staff may institute an across-the-board reduction in programming, proportionally allocated within each affected urbanized area.

### **Project Review**

Each operator is expected to complete their own Federal grant application using FTA's Transit Award Management System (TrAMS). MTC staff will review grant applications and submit concurrence letters to FTA on behalf of project sponsors as needed.

### **Program Period**

The TCP Criteria will be used to develop a program of projects for FY2016-17 through FY2019-20 FTA Formula Funds. The number of years covered by each TCP policy update is generally aligned with the years covered by the current federal authorization, and the region typically adopts multi-year programs to help operators with multi-year capital budgeting, and to help the region take a longer-term view of capital replacement needs. With the passage of the FAST Act, MTC is able to develop a four-year policy program to support multi-year capital planning. While the FAST Act is a five-year authorization (FY2016 through FY2020), the TCP Program will cover four years, as the first year of FAST was programmed under the previous TCP Program.

**TCP Policy and Program Development Schedule**

To the extent possible, the region will adhere to the schedule proposed in the table below in developing the FY2016-17 through FY2019-20 TCP program. If a change in the schedule is required, MTC will notify participants of the TCP program development process in a timely fashion.

<b>TCP Policy / Programming</b>	<b>Start Date</b>	<b>Finish/Due Date</b>
TFWG TCP Policy Discussions	March 2016	June 2016
TCP Policy to PAC/Commission	July, 2016	
Call for projects	late July, 2016	September, 2016
Preliminary TCP Program to TFWG	November, 2016	
Preliminary TCP Program to PAC/Commission	January, 2017	
Preliminary TCP Program TIP amendment to PAC/Commission	January, 2017	

**B. Project Eligibility**

**Federal Requirements and Eligibility**

**Federal and State Legislation**

Projects selected will conform to the requirements of the FAST Act, Clean Air Act Amendments of 1990 (CAAA), the California Clean Air Act (CCAA), and the Americans with Disabilities Act (ADA). Project sponsors shall agree to comply with federal law, including all applicable requirements of the FAST Act, CAAA, ADA, Section 504 of the Rehabilitation Act, and Title VI of the Civil Rights Act of 1964, in implementing their Projects.

**Intelligent Transportation Systems (ITS) Architecture Policy**

Project sponsors will be required to meet the Federal Transit Administration’s National ITS Architecture Policy as established by FTA Federal Register Notice Number 66 FR 1455 published January 8, 2001 and as incorporated by the regional architecture policy which can be accessed at: <http://mtc.ca.gov/our-work/operate-coordinate/intelligent-transportation-systems-its>.

**1% Security Policy**

Project sponsors are also required to meet the FTA 1% security set-aside provisions as established in the FY2004-05 Certifications and Assurances, FTA Federal Register Notice Number 69 FR 62521 published on October 26, 2004, and as it may be refined by FTA in future notifications. An updated circular (FTA Circular 9030.1E - January 16, 2014) includes additional certification requirement by designated recipients at the urbanized area level. As the designated recipient, MTC will review the grant applications for each appropriations year for compliance and certification to FTA. The security programming may not apply to all eligible operators in a UA, depending on need for security projects. Refer to the applicable FTA circulars for additional information.

### **Program Eligibility**

Program eligibility is based on the statutory eligibility for the FTA Section 5307, 5337 and 5339 programs. Following are the program eligibility for each of the three funding programs authorized by the FAST Act. If revisions to eligibility for these programs are adopted as part of reauthorizing legislation of FTA circulars or other guidance issued by FTA, the region will consider conforming amendments to the TCP Process and Criteria.

*FTA Section 5307 Urbanized Area Federally Defined Program Eligibility (Statutory Reference: 49USC5307):* Capital projects; planning; job access and reverse commute projects; and operating costs of equipment and facilities for use in public transportation in urbanized areas with a population of fewer than 200,000, and, in certain circumstances, in urbanized areas with a population greater than 200,000. Eligible capital projects include—

- (A) acquiring, constructing, supervising, or inspecting equipment or a facility for use in public transportation, expenses incidental to the acquisition or construction (including designing, engineering, location surveying, mapping, and acquiring rights-of-way), payments for the capital portions of rail trackage rights agreements, transit-related intelligent transportation systems, relocation assistance, acquiring replacement housing sites, and acquiring, constructing, relocating, and rehabilitating replacement housing;
- (B) rehabilitating a bus;
- (C) remanufacturing a bus;
- (D) overhauling rail rolling stock;
- (E) preventive maintenance;
- (F) leasing equipment or a facility for use in public transportation
- (G) a joint development improvement that meet specified requirements
- (H) the introduction of new technology, through innovative and improved products, into public transportation;
- (I) the provision of nonfixed route paratransit transportation services in accordance with section 223 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12143), under specified circumstances;
- (J) establishing a debt service reserve to ensure the timely payment of principal and interest on bonds issued by a grant recipient to finance an eligible project
- (K) mobility management; and
- (L) associated capital maintenance.

*FTA Section 5337 State of Good Repair Federally Defined Program Eligibility (Statutory Reference: 49USC5337):* Capital projects to maintain fixed guideway and high intensity motorbus public transportation systems in a state of good repair, including projects to replace and rehabilitate—

- (A) rolling stock;

- (B) track;
- (C) line equipment and structures;
- (D) signals and communications;
- (E) power equipment and substations;
- (F) passenger stations and terminals;
- (G) security equipment and systems;
- (H) maintenance facilities and equipment;
- (I) operational support equipment, including computer hardware and software;  
and
- (J) development and implementation of a transit asset management plan.

The term ‘fixed guideway’ means a public transportation facility:

- (A) using and occupying a separate right-of-way for the exclusive use of public transportation;
- (B) using rail;
- (C) using a fixed catenary system;
- (D) for a passenger ferry system; or
- (E) for a bus rapid transit system.

The term ‘high intensity motorbus’ means public transportation that is provided on a facility with access for other high-occupancy vehicles.

*FTA Section 5339 Bus and Bus Facilities Federally Defined Program Eligibility (Statutory Reference: 49USC5339): Capital projects—*

- (1) to replace, rehabilitate, and purchase buses and related equipment; and
- (2) to construct bus-related facilities.

## **Regional Requirements and Eligibility**

### **Urbanized Area Eligibility**

Transit operators are required to submit annual reports to the National Transit Database. Service factors reported in large urbanized areas partially determine the amounts of FTA Section 5307, 5337 and 5339 funds generated in the region. MTC staff will work with members of the Partnership to coordinate reporting of service factors in order to maximize the amount of funds generated in the region and to determine urbanized area eligibility. An operator is eligible to claim FTA funds only in designated urbanized areas as outlined in Table 1 below. Eligibility is based on geographical operations, NTD reporting, and agreements with operators.

**Table 1. Urbanized Area Eligibility**

Urbanized Area	Eligible Transit Operators
San Francisco-Oakland	AC Transit, ACE, BART, Caltrain, GGBHTD, Marin County Transit District, SFMTA, SamTrans, Union City Transit, Water Emergency Transportation Authority, WestCAT
San Jose	ACE, Caltrain, VTA
Concord	ACE, BART, CCCTA, LAVTA
Antioch	BART, ECCTA
Santa Rosa	GGBHTD, Santa Rosa City Bus, Sonoma County Transit
Vallejo	Napa Vine on behalf of American Canyon, Solano County Transit
Fairfield	Fairfield-Suisun Transit
Vacaville	Vacaville Transit
Napa	Napa VINE
Livermore	ACE, LAVTA
Gilroy-Morgan Hill	Caltrain, VTA
Petaluma	GGBHTD, Petaluma Transit, Sonoma County Transit

- (i) Altamont Commuter Express (ACE) is eligible to claim funds in four of the San Francisco Bay Area’s urbanized areas according to Federal Transit Administration statute. ACE has entered into an agreement with other operators eligible to claim funds in the San Jose UA, which prevents ACE from claiming funds in that UA. Likewise, ACE has also determined that they will be reporting their Livermore area revenue miles in the Stockton UA and have elected not to seek funding from the Livermore UA. The project element that the Regional Priority Model would apportion to these two urbanized areas will be deducted from the total amount of their capital request. ACE operates on track privately owned by Union Pacific. Requests for track rehabilitation, maintenance, and or upgrades for funding in the San Francisco-Oakland and Concord UAs will be assessed for eligibility upon review of the ACE and Union Pacific agreement.
- (ii) Santa Rosa City Bus and Sonoma County will apportion Santa Rosa urbanized area funding in accordance with an updated agreement that took effect in FY2014 (58% Santa Rosa City Bus and 42% Sonoma County).
- (iii) Golden Gate Bridge and Highway Transportation District (GGBHTD) is eligible to claim funds in the Santa Rosa Urbanized Areas. However, as a result of an agreement between the operators and discussion with the TFWG, GGBHTD will not claim funds from the Santa Rosa UA at this time. However, should it become advantageous to the region for GGBHTD to report revenue miles in the Santa Rosa UA and thereby claim funds in that UA, agreements between the operators will be re-evaluated. Golden Gate is an eligible claimant for funds in the Petaluma UA, and in years where extensive capital needs in other urbanized areas in the region is high; Golden Gate’s projects could be funded in the Petaluma UA.

- (iv) Funding agreements between operators in the San Jose and Gilroy-Morgan Hill UAs are subject to the conditions outlined in the Caltrain Joint Powers Board Agreement and any agreements negotiated between the Board and MTC.
- (v) MTC staff will review the Comprehensive Agreement between the Santa Clara Valley Transportation Authority (VTA) and the San Francisco Bay Area Rapid Transit District (BART) in connection with the proposed Santa Clara County BART Extension and any related agreements (Comprehensive Agreement) with VTA and BART staff, and will recommend to the Commission how to incorporate these understandings into the TCP policy elements of the Comprehensive Agreement pertaining to urbanized area eligibility and programming for replacement and rehabilitation of capital assets associated with Santa Clara County BART extensions.

### **Eligibility for New Operators**

New operators will be required to meet the following criteria before becoming eligible for TCP funding:

- The operator provides public transit services in the San Francisco Bay Area that are compatible with the region's Regional Transportation Plan.
- The operator is an FTA grantee.
- The operator has filed NTD reports for at least two years prior to the first year of programming, e.g., has filed an NTD report for 2015 services and intends to file a report for 2016 to be eligible for FY 2016-17 TCP funding.
- The operator has executed a Cooperative Planning Agreement with MTC.
- The operator has submitted a current SRTP or other board-approved capital plan to MTC.

### **Screening Criteria**

A project must conform to the following threshold requirements before the project can be scored and ranked in the TCP Program's project list. Screening criteria envelops three basic areas. The following subheadings are used to group the screening criteria.

- Consistency Requirements;
- Financial Requirements;
- Project Specific Requirements;

*Consistency Requirements:* The proposed project must be consistent with the currently adopted Regional Transportation Plan (RTP). Smaller projects must be consistent with the policy direction of the RTP, as the RTP does not go into a sufficient level of detail to specifically list them.

The proposed project must be consistent with the requirements of MTC's Transit Coordination Implementation Plan as set forth in MTC Resolution 3866.



Projects near or crossing county boundaries must be consistent/complementary with the facility (or proposed facility) in the adjacent county.

Projects must be included in an operator's Short Range Transit Plan or other board-approved capital plan, or in an adopted local or regional plan (such as Congestion Management Programs, Countywide transportation plans pursuant to AB3705, the Seaport and Airport Plans, the State Implementation Plan, the Ozone Attainment Plan, the Regional Transportation Plan, and local General Plans). Also, after FTA publishes and adopts the final Transit Asset Management (TAM) rule, requests for replacement/rehabilitation of assets should be consistent with TAM plans required by the final TAM rule.

*Financial Requirements:* The proposed project has reasonable cost estimates, is supported by an adequate financial plan with all sources of funding identified and a logical cash flow, and has sensible phasing. Transit operators must demonstrate financial capacity, to be documented in the adopted TIP, as required by the FTA. All facilities that require an ongoing operating budget to be useful must demonstrate that such financial capacity exists.

*Project Specific Requirements:* All projects must be well defined. There must be clear project limits, intended scope of work, and project concept. Planning projects to further define longer range federally eligible projects are acceptable. Examples of projects include:

- Replacement/rehab of one revenue vehicle sub-fleet or ferry vessel; a sub-fleet is defined as the same bus size, manufacturer, and year; or any portion of a train set that reaches the end of its useful life at a common time.
- Train control or traction power replacement/rehab needs for a given year.
- Fixed guideway replacement/rehab needs for a given year (e.g., track replacement and related fixed guideway costs, ferry fixed guideway connectors).

All projects must be well justified, and have a clear need directly addressed by the project. All assets that would be replaced or rehabilitated must be included in the Regional Transit Capital Inventory (RTCI), a database of all transit capital assets in the region. Vehicle replacement projects, in particular, must identify the specific vehicles being replaced as listed in the RTCI.

A proposed project includes an implementation plan that adequately provides for any necessary clearances and approvals. The proposed project must be advanced to a state of readiness for implementation in the year indicated. For this requirement, a project is considered to be ready if grants for the project can be obligated within one year of the award date; or in the case of larger construction projects, obligated according to an accepted implementation schedule.

**Asset Useful Life**

To be eligible for replacement or rehabilitation, assets must meet the following age requirements in the year of programming:

**Table 2. Useful Life of Assets**

Heavy-Duty Buses, other than Over-the-Road-Coaches*	12 years (or 500,000 miles in service)
Over-the-Road-Coaches*	14 years (or 500,000 miles in service)
Medium-Duty Buses*	10 years (or 500,000 miles in service)
* (or an additional 5 years for buses rehabilitated with TCP funding)	
Van <sup>1</sup>	4, 5, or 7 years, depending on type
Light Rail Vehicle (LRV)	25 years
Electric Trolleybus	15 years
Heavy Railcar <sup>2</sup>	25 years
(or an additional 20 years for railcars rehabilitated with TCP funding)	
Locomotive	25 years
(or an additional 20 years for locomotives rehabilitated with TCP funding)	
Heavy/Steel Hull Ferries	30 years
(or an additional 20 years for ferries rehabilitated with TCP funding)	
Lightweight/Aluminum Hull Ferries <sup>3</sup>	25 years
Used Vehicles <sup>4</sup>	Varies by type
Tools and Equipment	10 years
Service Vehicle	7 years
Non-Revenue Vehicle	7 years
Track	Varies by track type
Overhead Contact System/3 <sup>rd</sup> Rail Facility	Varies by type of OCS/3 <sup>rd</sup> rail
	Varies by facility and component replaced

*Notes:*

- 1) A paratransit van is a specialized van used in paratransit service only such as service for the elderly and handicapped. Three general categories of vans are acceptable in Transit Capital Priorities: Minivans, Standard Conversion Vans, and Small Medium-Duty Coaches. The age requirements for each type are 4, 5, and 7 years respectively.
- 2) *Includes Caltrain and ACE commuter rail and BART urban rail cars.*
- 3) *Lightweight ferries will not generally last beyond a 25-year useful life. Propulsion and major component elements of lightweight ferries can be replaced in TCP without extending the useful life beyond its anticipated useful life of 25 years.*
- 4) *Used vehicles are eligible to receive a proportionate level of funding based on the type of vehicle and number of years of additional service. (See “used vehicle replacement” Section IV, Definition of Project Categories).*

**Early Replacement Programming Requests**

Requests to program vehicle replacement funds one or two years prior to the first eligible year in order to advance procurements or to replace vehicles with higher than normal maintenance costs will be considered if the proposal has minimal impacts on other operators and can be accommodated within the region’s fiscal constraints.

Exceptions for replacement of assets prior to the end of their useful life may be considered only if an operator has secured FTA approval for early retirement, which must occur before the annual apportionment has been released.

### **Compensation for Deferred Replacement (Bus Replacement beyond Minimum Useful Life)**

Operators that voluntarily replace buses or vans beyond the minimum federally eligible useful life specified in Table 2 will be eligible for either of two financial compensations:

Option 1. Operators receive all of the savings, but need to apply the savings to capital replacement and rehab projects (Score 10-16).

Option 2. Operators receive half of the savings to the region created by later replacement of vehicles, which may be programmed to lower scoring eligible projects.

Savings to the region are calculated based on the pricelist cost and minimum useful life of the vehicle type. For example, if replacement of a bus with a 12-year useful life and a \$600,000 replacement cost (federal share) is deferred for two years, the savings to the region would be  $2/12 \times \$600,000 = \$100,000$ . Under Option 1, the operator would receive \$100,000 for eligible Score 10-16 capital projects. Under Option 2, the operator would receive \$50,000, which could be programmed for any eligible project. The region would retain the other \$50,000 in savings to be programmed to other needs in accordance with the TCP policy. Operators may choose between Option 1 and Option 2.

For operators that are proposing to take advantage of the bus replacement compensation, the vehicles being replaced must be older than the age requirements listed above. It is the operator's responsibility to ensure that vehicle replacement requests beyond the minimum useful life maintain a state of good repair for the assets. Requests to activate this policy option should be noted when transmitting project applications to MTC.

### **Project Funding Caps**

In order to prevent committing a significant portion of the programming to an operator in any one year, the following annual funding ceilings for projects are established:

Revenue vehicle replacement projects cannot exceed \$20 million for buses or \$30 million for rail car or ferry vessel replacement and rehabilitation projects, in the aggregate, for all funding programs. If the cost of the vehicle procurement exceeds the annual cap, the difference will be programmed in subsequent years subject to availability of funds.

Fixed guideway replacement and rehabilitation projects in the aggregate cannot exceed the amounts specified for each fixed guideway (FG) operator in Table 3. The total amount of the caps is \$120 million (3% escalation) based on the updated CIP projections. Each operator's cap is based on its share of the updated fixed guideway need projections included in the adopted Plan Bay Area 2040 RTP, with a floor applied so that no operator's cap is reduced by more than 5% from their prior cap.

When developing the proposed TCP programs for FY2016-17 through FY2019-20, the fixed guideway caps may be increased or decreased proportionally, depending on the aggregate demand for Score 16 projects compared to projected revenues. Operators have

the option of submitting contingent fixed guideway programming requests equal to 20% of the operator’s cap, in addition to requests for programming the cap amount. The contingent requests will be programmed if the program’s fiscal balance allows the region to increase the caps.

Additionally, in an attempt to better align FG needs and FG cap programming, in the call for projects for this program, operators may request more than their annual cap in a particular year if the increase is offset by a lower request in another year (i.e. as long as the total requested for FG projects over the four-year program does not exceed the annual cap times four). When developing the program, staff will attempt to program FG caps as requested. However, in order to balance needs across operators within each UA, programming may be adjusted to match available funds and project needs.

**Table 3. Fixed Guideway Caps**

<b>FG Operator</b>	<b>Project Category</b>	<b>Fixed Guideway Cap</b>
ACE	All Eligible FG Categories	\$1,490,000
BART	All Eligible FG Categories	50,211,000
Caltrain	All Eligible FG Categories	14,393,000
GGBHTD	All Eligible FG Categories	5,108,000
SFMTA	All Eligible FG Categories	34,026,000
VTA	All Eligible FG Categories	8,529,000
WETA	All Eligible FG Categories	6,642,000

The cap amount may be programmed to any projects that are eligible for FTA Section 5337 funding and that fall into one of the following categories:

- Track/Guideway Replacement/Rehabilitation
- Traction Power Systems Replacement/Rehabilitation
- Train Control/Signaling Replacement/Rehabilitation
- Dredging
- Ferry Fixed Guideway Connectors Replacement/Rehabilitation
- Ferry Major Component Replacement/Rehabilitation
- Ferry Propulsion Replacement/Rehabilitation
- Cable Car Infrastructure Replacement/Rehabilitation
- Wayside or Onboard Fare Collection Equipment Replacement/Rehabilitation for Fixed Guideway vehicles

Programming for all projects that fall within these categories must be within the operator’s cap amount with the exception of fixed guideway infrastructure projects included in the CCCGP program of projects. Such projects may be funded with a combination of fixed guideway cap funds and additional TCP funds above the operator’s fixed guideway cap.

Operators may request a one-year waiver to use fixed guideway cap funds for other capital needs that are not included in one of the eligible project categories listed above if the operator can demonstrate that the other capital needs can be addressed by the one-year waiver, or that the use of fixed guideway cap funds is part of a multi-year plan to address the other capital needs. The operator must also demonstrate that the waiver will have minimal impact on the operator's ability to meet its fixed guideway capital needs.

Other replacement projects cannot exceed \$5 million. This cap applies to non-vehicle and non-fixed guideway Score 16 projects, including communications systems, bus fare collection equipment (fixed guideway wayside fare collection equipment is covered under the fixed guideway caps), and bus emission reduction devices; and lower scoring replacement projects. Vehicle rehabilitation projects that are treated as Score 16 because the life of the asset is being extended (see Asset Useful Life above) are also subject to this cap. Exceptions to this cap include those projects included in the CCCGP. Replacement of Clipper® fare collection equipment that is centralized under MTC will be treated as a separate project for each operator whose Clipper® equipment is being replaced, including MTC for the replacement of back-end equipment and systems, for the purposes of applying this project funding cap. If project costs exceed the cap, the difference will not automatically be programmed in subsequent years; the region will assess its ability to program additional funding year-by-year based on projected revenues and demand for other Score 16 needs.

Expansion or enhancement projects cannot exceed \$3.75 million.

Vanpool Support Program programming cannot exceed the amount of apportionments per UA generated by vanpool reporting to the NTD.

As part of the development of the program, project caps may be increased or decreased on an annual basis in order to better match programming to available revenues, subject to negotiation and agreement among operators and MTC.

Exceptions to these annual funding ceilings will be considered by MTC and the TFWG on a case-by-case basis after evaluating programming requested through the call for projects, and the region's estimated fiscal resources. For large rehabilitation programs, MTC may conduct negotiations with the appropriate sponsor to discuss financing options and programming commitments.

### **Bus-Van Pricelist**

Requests for funding for buses and vans cannot exceed the prices in the Regional Bus-Van Pricelist for each year of the TCP program as shown in Tables 4 through 7. If an operator elects to replace vehicles with vehicles of a different fuel type, the price listed for the new fuel type vehicle applies, e.g., if an operator is replacing diesel buses with diesel-electric hybrid buses, the operator may request funds up to the amount listed for hybrid buses.

The pricelist is based on a survey of prices paid by operators in the Bay Area, and was initially developed for the FY2014-15 program. Since FY2014-15, the prices have been

escalated using the Producer Price Index (PPI) for buses. This escalation rate is noted in the tables. After FY2017-18, the pricelists for FY2018-19 and FY2019-20 may be revised using more current PPI data and other information.

Note that the bus prices do not include allowances for radios and fareboxes; they will be considered a separate project under the TCP policy. The price of electronic fareboxes varies approximately between \$10,000 and \$14,000 whereas the price of radios varies from \$1,000 to \$5,000. Requests for funding radios and fareboxes should be within the price range mentioned above. Requests above these ranges will require additional justification. Fareboxes for/on fixed guideway vehicles will be funded out of the operators' fixed guideway cap amounts (see Table 3). Operators are expected to include Clipper® wiring and brackets in all new buses, so the buses are Clipper®-ready without requiring additional expenses.

### **Compensation for Cost Effective Bus Purchases**

Under this element of the TCP policy, operators that request less than the full pricelist amount for vehicle replacements would be eligible for either of two financial compensations:

Option 1\* Operators receive all of the savings, but need to apply the savings to capital replacement and rehab projects (Score 10-16).

Option 2\* Operators receive half of the savings to the region created by cost effective vehicle purchases, which may be programmed to lower scoring (below score 10) eligible projects, including preventive maintenance.

The intent of this policy element is to ensure that the region's limited funds can cover more of the region's capital needs while targeting funding to the vehicles most in need of replacement.

\*If the amount of federal apportionments received does not allow us to fully program all Score 16 projects, MTC reserves the right to reduce the percentage of savings that would go back to the operator.

### **Zero-Emission Buses**

With zero-emission buses (ZEBs) just starting to be commercially available, there is little history to use for developing pricelist amounts, and while increasing sales of ZEBs is expected to lead to lower prices, the rate of price decline is difficult to predict.

Therefore, the projected prices for ZEBs will be developed by the operator based on the best available information, and a justification for the projected price will be submitted together with the operator's TCP programming request. If the justification does not adequately support the projected price, the programmed amount will be subject to negotiation between MTC staff and the operator.

The programmed amount for ZEBs will be 82% of the projected price (or negotiated price), except as noted below. If an operator requests funds for ZEBs through the TCP

Process and Criteria, the operator will agree to make a good faith effort to obtain other non-TCP funds, such as FTA Lo-No funds, FTA Section 5339 Discretionary Program funds, CARB Heavy Duty Zero Emission Pilot Project funds, California Energy Commission funds, county sales tax funds, or other local funds for at least the difference between the projected price for ZEBs and the TCP Process and Criteria pricelist price for a comparable diesel-electric hybrid bus. If the operator is successful in securing non-TCP funds, the TCP request for ZEBs will be reduced by the amount of non-TCP funds secured.

**Table 4: Regional Bus-Van Pricelist, FY2016-17**

Vehicle Type	Total	Federal	Local	Federal %	Local %
Minivan Under 22'	\$52,000	\$42,640	\$9,360	82%	18%
Cut-Away/Van, 4 or 5-Year, Gas	\$89,000	\$72,980	\$16,020	82%	18%
Cut-Away/Van, 4 or 5-Year, Diesel	\$109,000	\$89,380	\$19,620	82%	18%
Cut-Away/Van, 4 or 5-Year, CNG	\$123,000	\$100,860	\$22,140	82%	18%
Cut-Away/Van, 7-Year, Gas	\$123,000	\$100,860	\$22,140	82%	18%
Cut-Away/Van, 7-Year, Diesel	\$152,000	\$124,640	\$27,360	82%	18%
Cut-Away/Van, 7-Year, CNG	\$172,000	\$141,040	\$30,960	82%	18%
Transit Bus 30' Diesel	\$478,000	\$391,960	\$86,040	82%	18%
Transit Bus 30' CNG	\$529,000	\$433,780	\$95,220	82%	18%
Transit Bus 30' Hybrid	\$735,000	\$602,700	\$132,300	82%	18%
Transit Bus 35' Diesel	\$493,000	\$404,260	\$88,740	82%	18%
Transit Bus 35' CNG	\$544,000	\$446,080	\$97,920	82%	18%
Transit Bus 35' Hybrid	\$735,000	\$602,700	\$132,300	82%	18%
Transit Bus 40' Diesel	\$537,000	\$440,340	\$96,660	82%	18%
Transit Bus 40' CNG	\$621,000	\$509,220	\$111,780	82%	18%
Transit Bus 40' Hybrid	\$780,000	\$639,600	\$140,400	82%	18%
Over the Road 45' Diesel	\$625,000	\$512,500	\$112,500	82%	18%
Articulated 60' Diesel	\$872,000	\$715,040	\$156,960	82%	18%
Articulated 60' Hybrid	\$1,068,000	\$875,760	\$192,240	82%	18%

Notes:

Prices escalated 1.23% annually over FY2015-16, rounded to the nearest \$1,000.

For buses with dual-side doors, add \$50,000 to Total (\$41,000 Federal, \$9,000 Local).

For vehicle procurements more than 20 in number, 5% of the cost of the buses can be added to the pricelist amounts to account for soft costs.



**Table 5: Regional Bus-Van Pricelist, FY2017-18**

<b>Vehicle Type</b>	<b>Total</b>	<b>Federal</b>	<b>Local</b>	<b>Federal %</b>	<b>Local %</b>
Minivan Under 22'	\$53,000	\$43,460	\$9,540	82%	18%
Cut-Away/Van, 4 or 5-Year, Gas	\$90,000	\$72,800	\$16,200	82%	18%
Cut-Away/Van, 4 or 5-Year, Diesel	\$110,000	\$90,200	\$19,800	82%	18%
Cut-Away/Van, 4 or 5-Year, CNG	\$125,000	\$102,500	\$22,500	82%	18%
Cut-Away/Van, 7-Year, Gas	\$125,000	\$102,500	\$22,500	82%	18%
Cut-Away/Van, 7-Year, Diesel	\$154,000	\$126,280	\$27,720	82%	18%
Cut-Away/Van, 7-Year, CNG	\$174,000	\$142,680	\$31,320	82%	18%
Transit Bus 30' Diesel	\$484,000	\$396,880	\$87,120	82%	18%
Transit Bus 30' CNG	\$536,000	\$439,520	\$96,480	82%	18%
Transit Bus 30' Hybrid	\$744,000	\$610,080	\$133,920	82%	18%
Transit Bus 35' Diesel	\$499,000	\$409,180	\$89,820	82%	18%
Transit Bus 35' CNG	\$551,000	\$451,820	\$99,180	82%	18%
Transit Bus 35' Hybrid	\$744,000	\$610,080	\$133,920	82%	18%
Transit Bus 40' Diesel	\$544,000	\$446,080	\$97,920	82%	18%
Transit Bus 40' CNG	\$629,000	\$515,780	\$113,220	82%	18%
Transit Bus 40' Hybrid	\$790,000	\$647,800	\$142,200	82%	18%
Over the Road 45' Diesel	\$633,000	\$519,060	\$113,940	82%	18%
Articulated 60' Diesel	\$883,000	\$724,060	\$158,940	82%	18%
Articulated 60' Hybrid	\$1,081,000	\$886,420	\$194,580	82%	18%

Notes:

Prices escalated 1.23% annually over FY2016-17 prices, rounded to the nearest \$1,000.

For buses with dual-side doors, add \$50,000 to Total (\$40,000 Federal, \$10,000 Local).

For vehicle procurements more than 20 in number, 5% of the cost of the buses can be added to the pricelist amounts to account for soft costs.

**Table 6: Regional Bus-Van Pricelist, FY2018-19**

Vehicle Type	Total	Federal	Local	Federal %	Local %
Minivan Under 22'	\$ 54,000	\$ 44,280	\$ 9,720	82%	18%
Cut-Away/Van, 4 or 5-Year, Gas	\$ 91,000	\$ 74,620	\$ 16,380	82%	18%
Cut-Away/Van, 4 or 5-Year, Diesel	\$ 111,000	\$ 91,020	\$ 19,980	82%	18%
Cut-Away/Van, 4 or 5-Year, CNG	\$ 127,000	\$ 104,140	\$ 22,860	82%	18%
Cut-Away/Van, 7-Year, Gas	\$ 127,000	\$ 104,140	\$ 22,860	82%	18%
Cut-Away/Van, 7-Year, Diesel	\$ 156,000	\$ 127,920	\$ 28,080	82%	18%
Cut-Away/Van, 7-Year, CNG	\$ 176,000	\$ 144,320	\$ 31,680	82%	18%
Transit Bus 30' Diesel	\$ 490,000	\$ 401,800	\$ 88,200	82%	18%
Transit Bus 30' CNG	\$ 543,000	\$ 445,260	\$ 97,740	82%	18%
Transit Bus 30' Hybrid	\$ 753,000	\$ 617,460	\$ 135,540	82%	18%
Transit Bus 35' Diesel	\$ 505,000	\$ 414,100	\$ 90,900	82%	18%
Transit Bus 35' CNG	\$ 558,000	\$ 457,560	\$ 100,440	82%	18%
Transit Bus 35' Hybrid	\$ 753,000	\$ 617,460	\$ 135,540	82%	18%
Transit Bus 40' Diesel	\$ 551,000	\$ 451,820	\$ 99,180	82%	18%
Transit Bus 40' CNG	\$ 637,000	\$ 522,340	\$ 114,660	82%	18%
Transit Bus 40' Hybrid	\$ 800,000	\$ 656,000	\$ 144,000	82%	18%
Over-the-Road 45' Diesel	\$ 641,000	\$ 525,620	\$ 115,380	82%	18%
Articulated 60' Diesel	\$ 894,000	\$ 733,080	\$ 160,920	82%	18%
Articulated 60' Hybrid	\$ 1,094,000	\$ 897,080	\$ 196,920	82%	18%

Notes:

Prices escalated 1.23% annually over FY2017-18 prices, rounded to the nearest \$1,000.

For buses with dual-side doors, add \$50,000 to Total (\$41,000 Federal, \$9,000 Local).

For vehicle procurements more than 20 in number, 5% of the cost of the buses can be added to the pricelist amounts to account for soft costs.

**Table 7: Regional Bus-Van Pricelist, FY2019-20**

Vehicle Type	Total	Federal	Local	Federal %	Local %
Minivan Under 22'	\$ 55,000	\$ 45,100	\$ 9,900	82%	18%
Cut-Away/Van, 4 or 5-Year, Gas	\$ 92,000	\$ 75,440	\$ 16,560	82%	18%
Cut-Away/Van, 4 or 5-Year, Diesel	\$ 112,000	\$ 91,840	\$ 20,160	82%	18%
Cut-Away/Van, 4 or 5-Year, CNG	\$ 129,000	\$ 105,780	\$ 23,220	82%	18%
Cut-Away/Van, 7-Year, Gas	\$ 129,000	\$ 105,780	\$ 23,220	82%	18%
Cut-Away/Van, 7-Year, Diesel	\$ 158,000	\$ 129,560	\$ 28,440	82%	18%
Cut-Away/Van, 7-Year, CNG	\$ 178,000	\$ 145,960	\$ 32,040	82%	18%
Transit Bus 30' Diesel	\$ 496,000	\$ 406,720	\$ 89,280	82%	18%
Transit Bus 30' CNG	\$ 550,000	\$ 451,000	\$ 99,000	82%	18%
Transit Bus 30' Hybrid	\$ 762,000	\$ 624,840	\$ 137,160	82%	18%
Transit Bus 35' Diesel	\$ 511,000	\$ 419,020	\$ 91,980	82%	18%
Transit Bus 35' CNG	\$ 565,000	\$ 463,300	\$ 101,700	82%	18%
Transit Bus 35' Hybrid	\$ 762,000	\$ 624,840	\$ 137,160	82%	18%
Transit Bus 40' Diesel	\$ 558,000	\$ 457,560	\$ 100,440	82%	18%
Transit Bus 40' CNG	\$ 645,000	\$ 528,900	\$ 116,100	82%	18%
Transit Bus 40' Hybrid	\$ 810,000	\$ 664,200	\$ 145,800	82%	18%
Over-the-Road 45' Diesel	\$ 649,000	\$ 532,180	\$ 116,820	82%	18%
Articulated 60' Diesel	\$ 905,000	\$ 742,100	\$ 162,900	82%	18%
Articulated 60' Hybrid	\$ 1,107,000	\$ 907,740	\$ 199,260	82%	18%

Notes:

Prices escalated 1.23% annually over FY2018-19 prices, rounded to the nearest \$1,000.

For buses with dual-side doors, add \$50,000 to Total (\$41,000 Federal, \$9,000 Local).

For vehicle procurements more than 20 in number, 5% of the cost of the buses can be added to the pricelist amounts to account for soft costs.

## Project Definition and Scoring

### Project Scoring

All projects submitted to MTC for TCP programming consideration that have passed the screening process will be assigned scores by project category as indicated in Table 6.

**Table 6. Project Scores**

<b>Project Category/Description</b>	<b>Project Score</b>
<b>Debt Service</b>	<b>17</b>
Debt service – repayment of financing issued against future FTA revenues. Debt service, including principal and interest payments, for any financing required to advance future FTA or STP revenues to fund annual TCP or CCCGP programs of projects will be treated as score 17.	
<b>Revenue Vehicle Replacement</b>	<b>16</b>
Vehicle Replacement - replacement of a revenue vehicle at the end of its useful life (see Asset Useful Life above). Vehicles previously purchased with revenue sources other than federal funds are eligible for FTA formula funding as long as vehicles meet the replacement age. Vehicles are to be replaced with vehicles of similar size (up to 5’ size differential) and seating capacity, e.g., a 40-foot coach replaced with a 40-foot coach and not an articulated vehicle. If an operator is electing to purchase smaller or larger buses (above or below a 5’ size differential), or do a sub-fleet reconfiguration, the replacement sub-fleet will have a comparable number of seats as the vehicles being replaced. Paratransit vehicles can be replaced with the next larger vehicle providing the existing vehicle is operated for the useful life period of the vehicle that it is being upgraded to. Any other significant upgrade in size will be considered as vehicle expansion and not vehicle replacement. For urgent replacements not the result of deferred maintenance and replacement of assets 20% older than the usual replacement cycle (e.g., 12 or 16 years for buses depending on type of bus), a project may receive an additional point.	
<b>Revenue Vehicle Rehabilitation</b>	<b>16</b>
Vehicle Rehabilitation - major maintenance, designed to extend the useful life of a revenue vehicle (+5 years for buses, +20 years for railcars, +20 years for locomotives, +20 years for heavy hull ferries). Rehabilitation of historic railcars, which have, by definition, extended useful lives, is included in this category.	
<b>Core Capacity Challenge Grant Program Projects</b>	<b>16</b>
Projects proposed for TCP funding in the CCCGP (MTC Resolution No. 4123) that are not otherwise Score 16.	
<b>Used Vehicle Replacement</b>	<b>16</b>
Used Vehicle Replacement - replacement of a vehicle purchased used (applicable to buses, ferries, and rail cars) is eligible for federal, state, and local funding that MTC administers. Funds in this category include FTA Section 5307, STP, CMAQ, STIP, and Net Toll Revenues. However, funding for replacement of the used vehicle will be limited to a proportionate share of the total project cost, equal to the number of years the used vehicle is operated beyond its standard useful life divided by its standard useful life (e.g., if a transit property retained and operated a used transit bus for 5 years, it is eligible to receive 5/12 <sup>th</sup> of the allowable programming for the project).	

<b>Fixed Guideway Replacement / Rehabilitation</b>	<b>16</b>
<p>Rehabilitation/Replacement Fixed Guideway - projects replacing or rehabilitating fixed guideway equipment at the end of its useful life, including rail, guideway, bridges, traction power systems, wayside train control systems, overhead wires, cable car infrastructure, and computer/communications systems with a primary purpose of communicating with or controlling fixed guideway equipment. Projects in this category are subject to fixed guideway project caps.</p>	
<b>Ferry Propulsion Systems</b>	<b>16</b>
<p>Ferry Propulsion Replacement—projects defined as the mid-life replacement and rehabilitation of ferry propulsion systems in order that vessels are able to reach their 25-year useful life. Projects in this category are subject to fixed guideway project caps.</p>	
<b>Ferry Major Component</b>	<b>16</b>
<p>Ferry Major Components—projects associated with propulsion system, inspection, and navigational equipment required to reach the full economic life of a ferry vessel. Projects in this category are subject to fixed guideway project caps.</p>	
<b>Ferry Fixed Guideway Connectors</b>	<b>16</b>
<p>Ferry Fixed Guideway Connectors—floats, gangways, and ramps associated with the safe moorage and boarding of passengers to/from ferry vessels. Projects in this category are subject to fixed guideway project caps.</p>	
<b>Revenue Vehicle Communication Equipment</b>	<b>16</b>
<p>Communication Equipment – Includes on-board radios, radio base stations, and computer/communications systems with a primary purpose of communicating with and/or location/navigation of revenue vehicles, such as GPS/AVL systems.</p>	
<b>Non-Clipper® Fare Collection/Fareboxes</b>	<b>16</b>
<p>Revenue vehicle and wayside fare equipment are eligible for replacement as score 16. The maximum programming allowance for revenue vehicle fare equipment purchased separately from revenue vehicles is outlined in Section III, Project Funding Caps, providing the fare equipment is not replaced prior to the 12-year replacement cycle for buses. Fare equipment must be compatible with the Clipper® fare collection system.</p>	
<b>Clipper®</b>	<b>16</b>
<p>Clipper® - replacement of Clipper® fare collection equipment and systems.</p>	
<b>Bus Diesel Emission Reduction Devices</b>	<b>16</b>
<p>Bus diesel emission reduction devices or device components required to meet or exceed California Air Resources Board requirements, including first-time retrofits, upgrades, replacements and spares. Devices or components must be installed on buses that will remain in service for at least five (5) years following year programming in order to be treated as Score 16. Only spares up to 10% of the operator's current device inventory will be treated as Score 16. Bus diesel emission device projects treated as Score 16 require a 50% local match. Devices or components installed on buses scheduled to be replaced within five (5) years of programming, and spares in excess of 10% of the operator's inventory, will be treated as Preventive Maintenance (Score 9). See Section V. Programming Policies, Bus Diesel Emission Reduction Device Funding Program.</p>	

<b>Vanpool Support Program</b>	<b>16</b>
Turnkey vanpool services contracted by MTC. This program will have eligibility beginning FY2019-20, and is subject to funding cap at levels no greater than the projected apportionments generated by vanpool reporting in the urbanized area.	
<b>Safety</b>	<b>15</b>
Safety/Security - projects addressing potential threats to life and/or property. The project may be maintenance of existing equipment or new safety capital investments. Includes computer/communications systems with a primary purpose of communicating with/controlling safety systems, including ventilation fans, fire suppression, fire alarm, intruder detection, CCTV cameras, and emergency “blue light” phones. Adequate justification that the proposed project will address safety and/or security issues must be provided. The TFWG will be provided an opportunity to review proposed projects before a project is programmed funds in a final program. Projects that contribute to a 1% security requirement will be considered Score 16.	
<b>ADA/Non Vehicle Access Improvement</b>	<b>14</b>
ADA - capital projects needed for <i>ADA compliance</i> . Does not cover routine replacement of ADA-related capital items. Project sponsor must provide detailed justification that the project is proposed to comply with ADA. Subject to TFWG review.	
<b>Fixed/Heavy Equipment, Maintenance/Operating Facilities</b>	<b>13</b>
Fixed/Heavy equipment and Operations/Maintenance facility - replacement/rehabilitation of major maintenance equipment, generally with a unit value over \$10,000; replacement/rehabilitation of facilities on a schedule based upon the useful life of the components.	
<b>Station/Intermodal Stations/Parking Rehabilitation</b>	<b>12</b>
Stations/Intermodal Centers/Patron Parking Replacement/Rehab - replacement/rehabilitation of passenger facilities. Includes computer/communications systems with a primary purpose of communicating with/controlling escalators or elevators, and public address or platform display systems at stations or platforms.	
<b>Service Vehicles</b>	<b>11</b>
Service Vehicles - replacement/rehabilitation of non-revenue and service vehicles based on useful life schedules.	
<b>Tools and Equipment</b>	<b>10</b>
Tools and Equipment - maintenance tools and equipment, generally with a unit value below \$10,000.	
<b>Administrative Computer Systems and Office Equipment</b>	<b>9</b>
Office Equipment - computers, copiers, fax machines, etc. Includes administrative - MIS, financial, HR, scheduling, transit asset management, and maintenance management systems.	
<b>Preventive Maintenance</b>	<b>9</b>
Preventive Maintenance - ongoing maintenance expenses (including labor and capital costs) of revenue and non-revenue vehicles that do not extend the life of the vehicle. This includes mid-life change-out of tires, tubes, engines and transmissions that do not extend the life of the vehicle beyond the twelve years life cycle. Preventive Maintenance may be treated as Score 16 under certain circumstances; see Section V. Programming Policies, Preventive Maintenance Funding.	

<b>Operational Improvements/Enhancements</b>	<b>8</b>
Operational Improvement/Enhancements - any project proposed to improve and/or enhance the efficiency of a transit facility.	
<b>Operations</b>	<b>8</b>
Operations—costs associated with transit operations such as the ongoing maintenance of transit vehicles including the cost of salaries. See Section V, Limited Use of FTA Funds for Operating Purposes.	
<b>Expansion</b>	<b>8</b>
Expansion - any project needed to support expanded service levels.	

### **C. Programming Policies**

#### **Project Apportionment Model for Eligible Urbanized Areas**

There are four elements that need to be considered to determine operators' urbanized area apportionment: multi-county agreements, high-scoring capital needs, the 10% ADA set-aside amounts, the Lifeline set-aside amounts, and the Unanticipated Costs Reserve. The Regional Priority Model, as explained in paragraph (a), establishes funding priority for apportioning high-scoring capital projects to eligible urbanized areas. Funding may be limited by multi-county agreements as explained in paragraph (b) below. Eligible programming revenues are net of the 10% ADA set-aside discussed in paragraph (c) below, and the Vehicle Procurement Reserve, if any, described at the end of this section.

- a) *Regional Priority Programming Model:* The 2000 Census changes to the region's urbanized areas made numerous operators eligible to claim funds in more than one urbanized area. This has necessitated a procedure for apportioning projects to eligible urbanized areas. The *Regional Priority Model*, as described below, was fashioned to prioritize funds for the replacement of the region's transit capital plant, while minimizing the impact of the 2000 Census boundary changes. The 2010 Census did not result in any major changes to the region's urbanized areas.

The model assumes a regional programming perspective and constrains regional capital demand to the amount of funds available to the region, prior to apportioning projects to urbanized areas. It then apportions projects to urbanized areas in the following order:

- i. Funds are apportioned first for operators that are the exclusive claimant in a single UA (e.g., LAVTA, Fairfield, etc.)
  - ii. Fund projects for operators that are restricted to receiving funds in one urbanized area (e.g., SFMTA, AC, WestCAT, CCCTA, etc.)
  - iii. Fund balance of operator projects among multiple urbanized areas, as eligibility allows, with the objective of fully funding as many high scoring projects as possible.
  - iv. Reduce capital projects proportionately in urbanized areas where need exceeds funds available.
  - v. Fund lower scoring projects (additional programming flexibility) to operators in urbanized areas where apportionments exceed project need.
- b) *Multi-County Agreements:* For some operators, urbanized area (UA) apportionments are guided by multi-county agreements. Aside from the acknowledged agreements, funds are apportioned based on the regional priority model.

There are three specific agreements that are being honored under the negotiated multi-county agreement model: the Caltrain Joint Powers Board Agreement, the



Altamont Commuter Express (ACE) Cooperative Services Agreement and the Sonoma County-Santa Rosa City Bus Agreement.

Consideration for future agreements will include representation from each interested county, interested transit property, or an appointed designee, and be approved by all operators in the affected UA and MTC.

- c) *10% ADA Paratransit Service Set-Aside*: The FAST Act caps the share of each urbanized area's Section 5307 apportionment that can be programmed for ADA paratransit service operating costs at 10%. An amount equal to 10% of each participating urbanized area's FTA Section 5307 apportionment will be set-aside to assist operators in defraying ADA paratransit operating expenses. The purpose of this set-aside is to ensure that in any one year, a transit operator can use these funds to provide ADA service levels necessary to maintain compliance with the federal law, without impacting existing levels of fixed route service. ADA set-aside programmed to small UA operators will not impact eligible programming amounts in large UAs.

The formula for distributing the 10% ADA operating set-aside among the eligible operators in each UA is based on the following factors:

- (i) Annual Demand Response (DR) Operating Expenses (40%),
- (ii) Annual Demand Response (DR) Ridership (40%), and
- (iii) Annual Overall Ridership (20%).

Table 7 shows the percentages by operator and urbanized area for FY 2016-17 and FY2017-18 (Data Source: NTD, Year: 2014). The table will be used for the preliminary program for FY2018-19 and FY2019-20, and will be revised based on updated NTD data after FY2017-18.

**Table 7: ADA Set-aside Amounts by Urbanized Area and Operator**

**New Formula – ADA Set-Aside Percentages by Urbanized Area and Operator**

Operator	San Francisco-Oakland	San Jose	Concord	Antioch	Vallejo	Livermore	Gilroy-MH	Petaluma
AC Transit	31.3%							
ACE	0.1%		1.8%					
BART	13.1%		32.6%	13.3%				
Caltrain	0.3%	3.7%						
CCCTA			56.8%					
Fairfield-Suisun Transit	Not Applicable							
GGBHTD <sup>4</sup>	0.5%							
LAVTA			8.8%			100.0%		
Marin County Transit <sup>4</sup>	0.7%							
Napa VINE					17.9%			
Petaluma Transit								77.9%
SamTrans	14.4%							
SFMTA	36.4%							
SolTrans					82.1%			
Sonoma City Transit	Not Applicable							
SR City Bus	Not Applicable							
Tri-Delta				86.7%				
Union City	1.1%							
Vacaville	Not Applicable							
VTA		96.3%					100.0%	
WestCat	2.1%							
WETA	0.1%							
<b>Total</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>

Notes:

- 1) Updated with 2014 NTD reporting
- 2) Urbanized Areas not shown are not participating in 10% ADA set-aside policy.
- 2) Formula based on three factors weighted as shown: a) Operator's Annual Demand Response Expenses (40%); b) Operators Demand Response Ridership (40%); and c) Operator's Annual Overall Ridership (20%)
- 3) To calculate funding amounts, multiply 10% of related urbanized area revenue estimate against percentages shown for operators in that urbanized area.
- 4) GGBHTD share split with Marin County Transit per agreement between the two operators. 40/60 split.
- 5) If operator was eligible for funds in multiple UA's, we used GIS spatial analysis to calculate percentage of operator's share (based on no. of stops) in each UA.

An operator may use its share of the FTA Section 5307 set-aside for other Score 16 projects if the operator can certify that:

- Their ADA paratransit operating costs are fully funded in its proposed annual budget;
- For jointly-funded paratransit services, operators' FTA Section 5307 ADA set-aside shares have been jointly considered in making decisions on ADA service levels and revenues.

If MTC is satisfied with the operator's certification, the operator may re-program its set-aside for any Score 16 project(s), including those projects funded under FG caps. To ensure that the Section 5307 10% set-aside funding is duly considered for annual ADA paratransit needs, there will be no multi-year programming of the 10% ADA set-aside to capital-only purposes.

- d) *Lifeline Set-Aside*: MAP-21 eliminated the Job Access and Reverse Commute (JARC) program (Section 5316) and combined JARC functions and funding with the Urbanized Area Formula (Section 5307) and the Non-urbanized Area Formula (Section 5311) programs. JARC projects were made eligible for 5307 funding, and 3.07% of 5307 appropriations are apportioned by the JARC low-income formula. However, there are no minimum or maximum amounts that can be programmed for JARC projects.

The region has historically used JARC funds apportioned to large urbanized areas to support the Lifeline program. In recognition of the changes to the JARC program and the continued need for funding for the Lifeline program:

- The first priority for 5307 funds apportioned by the JARC formula is the Lifeline program;
- In the FY2016-17 through FY2019-20 Section 5307 programs, funds will be set aside for the Lifeline program based on an analysis of the amount of apportionments in each UA that is apportioned by the low-income formula;
- Section 5307 funds programmed for JARC projects shall be subject to the Lifeline Program guidelines in effect for that year of programming, rather than to the TCP Policies, provided such projects are consistent with federal laws and regulations related to Section 5307.

- e) *Unanticipated Costs Reserve*: Unanticipated costs, such as capital improvements required to comply with new regulations, can be difficult to accommodate in the TCP program after the preliminary program has been developed and adopted. To improve the region's ability to provide funding to meet such unanticipated costs, a reserve of approximately \$2 million of TCP funds will be set aside before developing the preliminary programs for FY2016-17 through FY2019-20. The reserve will be set aside from all urbanized areas proportional to each urbanized area's projected apportionments in each program. Any proposals to program from the reserve will be reviewed with the Transit Finance Working Group. Any

Unanticipated Cost Reserve funds that are not programmed will roll over and be available for programming in the following year.

### **Limited Use of FTA Funds for Operating Purposes**

FTA permits the use of FTA Section 5307 small urbanized funds to be used for operating purposes. For operators eligible to claim in both large and small urbanized areas, the amount of funds used for operating will be deducted from the amount of capital claimed in the large UA.

MAP-21 provided new eligibility for small and medium-sized bus operators in large urbanized areas to use Section 5307 funds for operating assistance. For operators with up to 75 buses, 75% of the urbanized area's apportionment attributable to the operator (as measured by vehicle revenue hours) may be programmed for operating assistance. For operators with 76 to 100 buses, 50% of the urbanized area's apportionment attributable to the operator (as measured by vehicle revenue hours) may be programmed for operating assistance. Eligible operators may request operating assistance up to the maximum eligible amount, but operating assistance will be programmed only after higher scoring projects in the urbanized area are funded. Operating assistance requests will be treated at Score 8 in the programming process (see Table 6 Project Scores above).

### **Specified Urbanized Area Flexibility**

In urbanized areas with only one transit operator (Fairfield, Vacaville, Napa) greater flexibility for funding lower scoring projects will be allowed, providing that other operators in the region are not impacted. These operators will also be allowed to use funds for operating, without reduction of funding for capital projects, providing that capital is adequately maintained and replaced on a reasonable schedule as outlined in each operator's SRTP or other board-approved capital plan, and in accordance with goals outlined in the RTP for maintaining the region's capital plant (maintenance of effort).

### **Associated Transit Improvements**

The FAST act eliminated the requirement that 1% of the FTA section 5307 apportionments in large urbanized areas be programmed for Associated Transit Improvements (formerly referred to as transit enhancements). However, designated recipients must still submit an annual report listing projects carried out in the preceding year with these funds as part of the Federal fiscal year's final quarterly progress report in TrAMS. The report should include the following elements:

- (A) Grantee name;
- (B) UZA name and number;
- (C) FTA project number;
- (D) Associated transit improvement category;
- (E) Brief description of improvement and progress towards project implementation;
- (F) activity line item code from the approved budget; and
- (G) Amount awarded by FTA for the project. The list of associated transit improvement categories and activity line item (ALI) codes may be found in

the table of Scope and ALI codes in TrAMS. To assist MTC staff in preparing this report, grantees should continue to identify associated transit improvement projects that will receive funding from the Urbanized Area Formula Program.

### **Preventive Maintenance Funding**

Preventive maintenance will be considered a Score 9 funding priority in Transit Capital Priorities, unless the conditions for one of the following four policy elements are met, in which case preventive maintenance will be treated as Score 16. For an individual operator to make use of preventive maintenance funding, other operators in the region must be able to move forward with planned capital replacement. It is the intent of this policy that funding for preventive maintenance will not increase the region's transit capital shortfall.

- a) *Funding Exchange*: Operators who wish to exchange a capital project for preventive maintenance funding in order to use their local or state funds to ease federal constraints or strictly as a financing mechanism may do so providing that the replacement asset funded with local funds is comparable to the asset being replaced and is maintained in service by the purchasing operator for its full useful life as outlined in Section V. The Funding Exchange element can be applied to lower scoring capital projects as well as preventive maintenance. Operators using the Funding Exchange element must certify in writing that the assets will be replaced with non-federal funds.
- b) *Capital Exchange*: In this option, an operator could elect to remove an eligible capital project from TCP funding consideration for the useful life of the asset in exchange for preventive maintenance funding. The funding is limited to the amount of capital funding an operator would have received under the current TCP policy in a normal economic climate. If an operator elects to replace the asset - removed from regional competition for funding under these provisions - earlier than the timeline established for its useful life, the replacement will be considered an expansion project. Operators using the Capital Exchange element will be limited to two years preventive maintenance funding within a 12-year period.
- c) *Negotiated Agreement within an Urbanized Area*: In the third option, an operator may negotiate with the other operators in the affected urbanized areas to receive an amount of preventive maintenance funding, providing that a firewall is established between the affected urbanized area(s) and all other urbanized areas. This will ensure that other operators' high-scoring capital replacement projects are not jeopardized.
- d) *Budgetary Shortfalls*: Requests for preventive maintenance to meet budgetary shortfalls will be considered on a case-by-case basis if a fiscal need can be demonstrated by the requesting operator based on the guidelines outlined below. MTC must declare that a fiscal need exists to fund preventive maintenance where such action would displace higher scoring capital projects ready to move forward in a given fiscal year. A fiscal need can be declared if the following conditions exist:

- An operator must demonstrate that all reasonable cost control and revenue generation strategies have been implemented and that a residual shortfall remains.
- An operator can demonstrate that the shortfall, if not addressed, would result in a significant service reduction.

The Commission will consider the severity of the shortfall and the scope and impact of the service cuts in determining whether fiscal need exists. Operators establishing a fiscal need must also adhere to the following four requirements in order to be eligible to receive funding for preventive maintenance:

- i. Operators must successfully show a board approved bridging strategy that will sustain financial recovery beyond the year for which preventive maintenance is requested.
- ii. The bridging strategy should not rely on future preventive maintenance funding to achieve a balanced budget. In other words, should a service adjustment be required to balance the budget over the long run, preventive maintenance should not be invoked as a stopgap to inevitable service reductions.
- iii. Funds programmed to preventive maintenance should not be considered as a mechanism to sustain or replenish operating reserves.
- iv. Operators requesting FTA formula funds will be limited to two years preventive maintenance funding within a 12-year period.

The requesting operator will enter into an MOU with MTC or other formal agreement or action, such as Board approvals, and if applicable, with other transit properties affected by the preventive maintenance agreement. The agreement or actions will embody the four eligibility requirements outlined above as well as any other relevant terms and conditions of the agreement.

### **Bus Diesel Emission Reduction Device Funding Program**

MTC provided approximately \$14 million in CMAQ funds in FY2003-04 and FY2004-05 to assist with the procurement of approximately 1,600 bus emission reduction devices to help operators meet California Air Resources Board (CARB) requirements. The devices or their components may need to be replaced periodically. New upgraded devices also provide greater NO<sub>x</sub> reduction benefits than the original devices.

In response to the need to install or replace bus diesel emission reduction devices to comply with CARB requirements, the Transit Capital Priorities policy includes a bus emission reduction device funding program. The elements of this policy attempt to strike a balance between facilitating operators' ability to remain in compliance with CARB requirements and to exceed those requirements by achieving greater NO<sub>x</sub> reductions on the one hand, and making the most effective use of the region's limited capital funds on the other. The elements of bus emission reduction device replacement program are:

- Requests to replace bus emission reduction devices or device components in order to maintain compliance with or exceed CARB requirements, including first-time

retrofits, upgrades, replacements and spares, will be treated as Score 16 projects, subject to the following requirements:

- Devices or components must be installed on buses that are scheduled to remain in service for at least five (5) years from year of programming. Devices or components to be installed on buses that are scheduled to be replaced prior to the specified years will be treated as Preventive Maintenance (Score 9).
- Requests to procure spare devices or components up to 10% of the operators' current device inventory will be treated as Score 16. Spare devices or components in excess of 10% of the inventory will be treated as Preventive Maintenance (Score 9)
- Projects treated as Score 16 under the bus emission reduction device funding program require a 50% local match, rather than the standard 20%. The intent of this element is to encourage cost-effective use of the region's limited capital funding, and to align with the original policy for procuring the devices, which had the regional contribution to NO<sub>x</sub> reduction and the local contribution for PM reduction.
- Participation in the program is entirely voluntary. It is the responsibility of each operator to determine the best approach to achieving and maintaining compliance with CARB requirements.

### **Vehicle Procurement Reserves**

The TCP Program may reserve funds for future programming for major vehicle replacement/procurement projects (e.g. BART, SFMTA, Caltrain). The programming of such reserves will be based on the cash-flow needs of the projects and available revenue streams.

### **Grant Spend-down Policy**

This policy conditions new programming on the expenditure of prior year grants in order to direct the region's limited funds to the projects most in need of additional resources and accelerate the delivery of TCP projects.

The focus of this policy is on fixed guideway (FG) projects, as vehicle procurement projects are generally completed in a timely manner. Each year, MTC staff will calculate the balance of older FG grants from TrAMS data in consultation with each operator. The goal amounts will be compared against TrAMS grant balances for the appropriate grants in September of each year to determine if the goals have been met. The policy establishes a target for spending a specified percentage of the grant balance each year. Table 8 below explains the spend-down goals for each program year.

If the goals for each operator are met, the full FG cap amounts specified for that operator in the relevant section above will be programmed, subject to funding availability. However, if the target is not met, staff will defer the FG funding for those operators not meeting their goals proportionate to the percentage of the prior-year grants unexpended.

If the goal is then met in subsequent years, the full FG cap would be programmed, subject to funding availability. Additionally, operators will have the opportunity to request deferred FG cap amounts in later years, subject to meeting their grant spend-down goals and availability of funding. Programming of these deferred caps will be treated as a lower priority than other Score 16 projects.

Fixed guideway programming for FY2016-17 will be based on an analysis of grant spending in September of 2016. The preliminary program for FY2017-18 through FY2019-20 will include the full cap amounts, but will be conditioned on meeting the grant spend-down goals in the appropriate year. Should an operator not meet its target in a given year, the FG cap amount in the preliminary program would be reduced accordingly in that year's POP amendment.

**Table 8: FY2016-17 to FY2019-20 Program Grant Spend-Down Policy**

Program Year	Basis for Balance	Spend-Down Target	Spend-Down Period
FY2015-16	Undisbursed balance of FG grants awarded FY2011-12 or earlier, as of 9/ 2014	1/3 of balance	9/2014 to 9/2015
FY2016-17		½ of remaining balance, as of 9/2015	9/2015 to 9/2016
FY2017-18		Remaining balance, as of 9/2016	9/2016 to 9/2017
FY2018-19	Undispersed balance of FG grants awarded FY2014-15 or earlier, as of 9/2017	½ of balance	9/2017 to 9/2018
FY2019-20		Remaining balance, as of 9/2018	9/2018 to 9/2019

**Joint Procurements**

In recognition of the policy direction of the Transit Sustainability Project Resolution No. 4060, before TCP funds are programmed for revenue vehicles, non-revenue vehicles, communications and vehicle location systems, fare collection equipment, bus emission reduction devices, computer systems, including management information systems and maintenance/asset management systems, or other equipment, operators must evaluate and pursue, as appropriate, opportunities for joint procurements and integrated operations with other operators. The “Compensation for Cost Effective Bus Purchases” that was introduced into the TCP Policy with the prior update will provide operators an extra incentive to pursue joint procurement opportunities. MTC will coordinate discussions if requested.

**Transit Asset Management**

The FAST Act requires FTA funding recipients to develop transit asset management (TAM) plans that include capital asset inventories, condition assessments, and investment prioritizations. Additionally recipients need to report on the condition of their system and performance targets. FTA is expected to issue a final rule implementing TAM requirements within the term of this policy. The region is likely positioned to meet the new TAM requirements due to development of the Regional Transit Capital Inventory (RTCI) and the use of FTA's TERM model to assess asset conditions and project capital



needs. In order to effectively comply with the new TAM requirements and improve the region's TAM practices, MTC will:

- \* Propose revisions to this policy as needed to meet the requirements of FTA's final TAM rule; and
- \* Evaluate proposed TAM system projects being submitted under the TCP and work with operators to consider consistency with regional TAM system plans.

**Transit Core Capacity Challenge Grant Program: Resolution No. 4123**

The Transit Core Capacity Challenge Grant program (CCCGP) makes a policy commitment of approximately \$7.4 billion in federal, state, regional and local funds over the FY2014-15 to FY2029-30 period to high-priority transit capital projects that will improve the capacity and state of good repair of transit services in the urban core of the region.

The \$7.4 billion Core Capacity Challenge Grant program:

- \* Focuses on the SFMTA, BART, and AC Transit – the three transit operators that carry 80% of the region's passengers as well as more than three-quarters of the minority and low-income passengers.
- \* Leverages regional discretionary funds and local contributions, including proposed Cap and Trade revenue.
- \* Accelerates and solidifies funding for fleet replacement projects, and identifies new funding for key enhancement projects.
- \* Requires that the participating operators meet the performance objectives of the Transit Sustainability Project.

TCP programming for all projects identified in the CCCGP will be consistent with the funding amounts, local match requirements and other terms and conditions specified in MTC Resolution No. 4123.

All projects proposed for TCP funding in the CCCGP that are not otherwise Score 16 will be treated as Score 16. CCCGP fixed guideway infrastructure projects included in the CCCGP program of projects may be funded with a combination of fixed guideway cap funds and additional TCP funds above the operator's fixed guideway cap. Programming for CCCGP projects is based on cash flow needs, funding availability, and other policy elements.

In order to meet cash flow needs of the CCCGP and other TCP projects in years in which project funding needs exceed the region's annual FTA apportionments, financing may be required to advance future FTA/STP revenues. Debt service, including principal and interest payments, for any such financing will be treated as Score 17.

**Financing**

MTC staff, working with financial and legal advisors, and transit operator staff through the Partnership's Transit Finance Working Group, has been developing plans to finance one or more transit capital projects by borrowing against future Federal Transit

Administration (FTA) formula funds. The projects would be funded all or in part with proceeds of the financing, rather than annual FTA apportionments programmed through the Transit Capital Priorities (TCP) program. A portion of the region's apportionments would be used to make debt service payments. The objective of financing is to accelerate the funding and delivery of critical capital projects by advancing FTA funds from future years when annual apportionments are projected to exceed high-priority needs, to the next four-year TCP programming cycle, when needs are projected to exceed annual apportionments.

The need for financing was anticipated when MTC adopted the Core Capacity Challenge Grant Program (Resolution 4123) in 2013, which established a \$7.5 billion, 16-year funding framework for a set of key projects designed to increase capacity and improve the state of good repair of transit service in the urban core of the region, including fleet replacement and expansion for BART, SFMTA and AC Transit, and related infrastructure projects. The Core Capacity funding plan includes \$3.5 billion in FTA and other federal funds, of which a portion would be advanced through financing to accelerate completion of the projects.

The specific terms of any financing would be subject to agreements between the operator and MTC, MTC, the operator, and FTA, and MTC and bondholders. Debt service, including principal and interest payments, will have the highest priority among programming needs and will receive a Score 17 in developing the program. Debt service will be paid from apportionments in the same urbanized area(s) in which the operator whose project(s) are being financed is eligible. It is expected that any debt would be repaid over a 10-15 year period.

### **Vanpool Reporting & Programming**

Vanpool service providers under contract to MTC will report vanpool miles and other data to NTD starting in NTD Reporting Year 2018 (i.e., starting with vanpool services provided from July 2017 through June 2018). As part of the development of the TCP program, starting with the FY2019-20 program, staff will present to TFWG an analysis of the projected amount of 5307 apportionments generated in each urbanized area by vanpool mileage reporting (5307 apportionments are based on NTD data from two years earlier, i.e., data reported to NTD in Reporting Year 2018 will be used to calculate apportionments for FY20). Staff will propose to include in the TCP program, starting with the FY2019-20 program, 5307 funds for the Vanpool Support Program.

The amount proposed for programming from each urbanized area will not exceed the projected apportionments generated by vanpool reporting in the urbanized area. Any apportionments that are generated by vanpool reporting but are not programmed for the Vanpool Support Program will be available for programming to transit operator projects following the TCP programming guidelines. Staff anticipates submitting its own 5307 grants to FTA to request funds programmed for the Vanpool Support Program, but may elect to ask one or more transit operators to request the funds on MTC's behalf, and enter into a pass-through agreement with MTC.

#### **IV. ONE BAY AREA GRANT PROGRAM TRANSIT CAPITAL PROGRAM**

The Commission's Cycle 2 / One Bay Area Grant Program (OBAG 1) Program Project Selection Criteria and Programming Policy for FY2012-13 through FY 2016-17, MTC Resolution No. 4035, Revised, included \$201 million in STP/CMAQ funding for transit capital needs, including Clipper® Fare Collection Media, Transit Capital Rehabilitation, and the Transit Performance Initiative (TPI) Program. Specific projects are included in Attachment B-1 to MTC Resolution No. 4035, Revised.

The Commission's One Bay Area Grant Program Second Round (OBAG 2) Project Selection Criteria and Programming Policy for FY2017-18 through FY 2021-22, MTC Resolution No. 4202, Revised, includes \$189 million in STP/CMAQ funding for transit priorities, including BART car replacement and expansion, replacement of Clipper equipment and development of Clipper 2.0, and the TPI Program. Specific projects will be included in Attachment B-1 to MTC Resolution No. 4202, Revised.

This section specifies the programming policies for OBAG 1 and OBAG 2 funds for TPI and TCP projects.

##### **Transit Performance Initiative**

Under OBAG 1, this program includes investment and performance incentive elements. The investment element implements transit supportive investments in major transit corridors that can be carried out within two years. The focus is on making cost-effective operational improvements on significant trunk lines which carry the largest number of passengers in the Bay Area including transit signal prioritization, passenger circulation improvements at major hubs, and boarding/stop improvements. Under OBAG 1 (FY2012-13 through FY2016-17), a total of \$82 million has been made available for this program.

The incentive program provided financial rewards to transit agencies that improve ridership and/or productivity. For FY2012-13, \$15 million was distributed based on each operator's share of ridership based on final audited FY2010-11 ridership figures. For FY2013-14 through FY2015-16, \$15 million was available annually based on a formula distribution factoring in ridership increase, passenger per hour increase, and ridership. The incentive program is proposed to be discontinued after FY2015-16, as OBAG 2 funding is proposed to be focused on transit capital needs and as the incentive program was generally found to not be as effective as was hoped in incentivizing productivity improvements.

##### **Transit Capital Priorities**

OBAG 1 and OBAG 2 funds that are not programmed for Transit Performance Initiative projects are programmed for transit capital replacement and rehabilitation projects to supplement the FTA funds in the Transit Capital Priorities program. STP/CMAQ funds for TCP projects from OBAG 1 were programmed in the TCP programs for FY2012-13 through FY2015-16. STP/CMAQ funds for TCP projects from OBAG 2 will be programmed in the TCP program for FY2016-17 through FY2019-20. OBAG 2 funds for

TCP projects will be programmed using the same policies and procedures as used for the FTA formula funds, as specified in Section III. FTA Formula Funds, with priority given to Score 16 projects that meet the eligibility criteria for STP or CMAQ, and that cannot be fully funded with FTA funds within the program's fiscal constraints.

## APPENDIX 1 – BOARD RESOLUTION

*Sample Resolution of Board Support  
FTA Section 5307, 5337, and 5339, and Surface Transportation Program Project Application*

Resolution No. \_\_\_\_\_

**AUTHORIZING THE FILING OF AN APPLICATION FOR FTA FORMULA PROGRAM AND SURFACE TRANSPORTATION PROGRAMS FUNDING FOR (project name) AND COMMITTING THE NECESSARY LOCAL MATCH FOR THE PROJECT(S) AND STATING THE ASSURANCE OF (name of jurisdiction) TO COMPLETE THE PROJECT**

**WHEREAS**, Fixing America’s Surface Transportation (FAST, Public Law 114-94) continues and establishes new Federal Transit Administration formula programs (23 U.S.C. §53) and continues the Surface Transportation Program (23 U.S.C. § 133); and

**WHEREAS**, pursuant to FAST, and the regulations promulgated there under, eligible project sponsors wishing to receive Federal Transit Administration (FTA) Section 5307 Urbanized Area, Section 5337 State of Good Repair, or Section 5339 Bus and Bus Facilities (collectively, FTA Formula Program) grants or Surface Transportation Program (STP) grants for a project shall submit an application first with the appropriate metropolitan transportation planning organization (MPO), for review and inclusion in the MPO’s Transportation Improvement Program (TIP); and

**WHEREAS**, the Metropolitan Transportation Commission is the MPO for the San Francisco Bay region; and

**WHEREAS**, (applicant) is an eligible project sponsor for FTA Formula Program or STP funds; and

**WHEREAS**, (applicant) wishes to submit a grant application to MTC for funds from the FY2016-17 through FY2015-16 FTA Formula Program or STP funds, for the following project(s):

(project description) .

**WHEREAS**, MTC requires, as part of the application, a resolution stating the following:

- 1) the commitment of necessary local matching funds of at least 20% for FTA Formula Program funds, and 11.47% for STP funds; and
- 2) that the sponsor understands that the FTA Formula Program and STP funding is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded from FTA Formula Program or STP funds; and

- 3) the assurance of the sponsor to complete the project as described in the application, and if approved, as programmed in MTC's TIP; and
- 4) that the sponsor understands that FTA Formula Program funds must be obligated within three years of programming and STP funds must be obligated by January 31 of the year that the project is programmed for in the TIP, or the project may be removed from the program.

**NOW, THEREFORE, BE IT RESOLVED** by (governing board name) that (applicant) is authorized to execute and file an application for funding under the FTA Formula Program and/or Surface Transportation Program in the amount of (\$request) for (project description); and

**BE IT FURTHER RESOLVED** that (governing board) by adopting this resolution does hereby state that:

- 1) (applicant) will provide (\$ match amount) in local matching funds; and
- 2) (applicant) understands that the FTA Formula Program and STP funding for the project is fixed at ( \$ actual amount), and that any cost increases must be funded by the (applicant) from local matching funds, and that (applicant) does not expect any cost increases to be funded with FTA Formula Program and Surface Transportation Program funds; and
- 3) (project name) will be built as described in this resolution and, if approved, for the amount shown in the Metropolitan Transportation Commission (MTC) Transportation Improvement Program (TIP) with obligation occurring within the timeframe established below; and
- 4) The program funds are expected to be obligated by January 31 of the year the project is programmed for in the TIP; and
- 5) (applicant) will comply with FTA requirements and all other applicable Federal, State and Local laws and regulations with respect to the proposed project; and

**BE IT FURTHER RESOLVED\***, that (agency name) is an eligible sponsor of projects in the program for FTA Formula Program and STP funds; and

**BE IT FURTHER RESOLVED\***, that (agency name) is authorized to submit an application for FTA Formula Program and STP funds for (project name); and

**BE IT FURTHER RESOLVED\***, that there is no legal impediment to (agency name) making applications for FTA Formula Program and STP funds; and

**BE IT FURTHER RESOLVED\***, that there is no pending or threatened litigation which might in any way adversely affect the proposed project, or the ability of (agency name) to deliver such project; and

**BE IT FURTHER RESOLVED**, that (agency name) agrees to comply with the requirements of MTC's Transit Coordination Implementation Plan as set forth in MTC Resolution 3866; and

**BE IT FURTHER RESOLVED** that a copy of this resolution will be transmitted to the MTC prior to MTC programming the FTA Formula Program or Surface Transportation Program funded projects in the Transportation Improvement Program (TIP); and

**BE IT FURTHER RESOLVED** that the MTC is requested to support the application for the project described in the resolution and to program the project, if approved, in MTC's TIP.

**\* Not required if opinion of counsel is provided instead.**

## APPENDIX 2 – OPINION OF COUNSEL

*Sample Opinion of Legal Counsel  
FTA Section 5307, 5337, 5339 and STP Project Application*

(Date)

To: Metropolitan Transportation Commission  
Fr: (Applicant)  
Re: Eligibility for FTA Section 5307 Program, FTA 5337 State of Good Repair Program, FTA 5339 Bus and Bus Facilities Program, and Surface Transportation Program (STP)

This communication will serve as the requisite opinion of counsel in connection with the application of (Applicant) for funding from the FTA Section 5307, 5337 or 5339 programs, or STP, made available pursuant to the Fixing America's Surface Transportation federal transportation authorization (FAST, Public Law 114-94) or successor legislation.

1. (Applicant) is an eligible sponsor of projects for the FTA Section 5307, 5337 or 5339 programs, or the STP program.
2. (Applicant) is authorized to submit an application for FTA Section 5307, 5337 or 5339 funding, or STP funding for (project).
3. I have reviewed the pertinent state laws and I am of the opinion that there is no legal impediment to (Applicant) making applications FTA Section 5307, 5337 or 5339 program funds, or STP funds. Furthermore, as a result of my examinations, I find that there is no pending or threatened litigation which might in any way adversely affect the proposed projects, or the ability of (Applicant) to carry out such projects.

Sincerely,

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Legal Counsel

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Print name



***Optional Language to add to the Resolution for Local Support***

Project sponsors have the option of consolidating the ‘Opinion of Legal Counsel’ within the Resolution of Local Support, by incorporating the following statements into the Resolution of Local Support:

***Resolved, that (agency name) is an eligible sponsor of projects in the FTA Formula Program and STP Programs; and be it further***

***Resolved, that (agency name) is authorized to submit an application for FTA Formula Program and STP funds for (project name); and be it further***

***Resolved, that there is no legal impediment to (agency name) making applications for FTA Formula Program and STP funds; and be it further***

***Resolved, that there is no pending or threatened litigation which might in any way adversely affect the proposed project, or the ability of (agency name) to deliver such project; and be it further***

If the above language is not provided within the Resolution of Local Support, an Opinion of Legal Counsel is required as provided (Appendix 2).