

Date: December 15, 1982
W.I.: 1002-30-01
W.A.: 6048R
Referred by: WPPRC
Revised: 04/27/83
10/12/84
04/10/87

ABSTRACT

Resolution No. 1209, Revised

Subject

This resolution updates MTC policy regarding Paratransit Coordinating Councils, sets forth rules and regulations as adopted by the Commission to implement SB 573 (Chapter 241, Statutes of 1982), and supersedes MTC Resolution No. 679 immediately and Resolution No. 1170 with FY 1983-84 allocations.

This resolution was revised on April 27, 1983 to clarify the definition of "operating cost", and to set forth MTC policy on Maximum allocation of TDA Article 4.5 funds, as noted in Attachment B.

This resolution was revised on October 12, 1984 to further revise and clarify the definitions of "operating cost" and "local match" and to set forth MTC policy on carryover of TDA Article 4.5 funds, as noted in Attachment B.

This resolution was revised on April 10, 1987 to further revise and clarify the definitions of "operating cost", "local match" and "service extensions" and the rules regarding local match for special transportation service claimants, local match for other claimants, and noncompliance with local match requirements, as noted in Attachment B.

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Re: Rules and Regulations Regarding Performance Criteria, Local Match Requirements, and Fare Recovery Ratios for TDA Claimants

METROPOLITAN TRANSPORTATION COMMISSION

RESOLUTION NO. 1209

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, the Transportation Development Act (TDA), Public Utilities Code (PUC) Sections 99200 et seq., makes funds available for various transportation purposes; and

WHEREAS, certain TDA funds may be made available to claimants for community transit services pursuant to PUC Sections 99275 et seq. (Article 4.5); and

WHEREAS, certain TDA funds are available to certain cities and counties pursuant to PUC Section 99400(c) (Article 8 transit) to contract with specific entities for public transportation or for transportation services for any group determined by MTC to require special transportation assistance; and

WHEREAS, in considering claims for community transit services and Article 8 transit purposes, MTC is required to determine that the claims are in compliance with applicable state TDA regulations (21 Cal. Admin. Code Sections 6600 et seq.) and with MTC rules and regulations relative to TDA; and

WHEREAS, PUC Sections 99275.5 and 99405(c), amended effective June 9, 1982 (Chapter 241, Statutes of 1982) authorize an alternative to the farebox recovery ratios of Public Utilities Code Sections 99268.3, 99268.4, 99268.5, or 99268.9 as the case may be, for Article 4.5 claims and Article 8 transit claims, by permitting a finding of compliance with regional, countywide or county sub-area performance criteria, local match requirements, or fare recovery ratios adopted by a resolution of the applicable transportation planning agency; and

WHEREAS, PUC Sections 99275.5 and 99405(c) also specify that if the applicable transportation planning agency has adopted performance criteria, local match requirements, or fare recovery ratios, the rules and regulations of the transportation planning agency shall apply, and PUC Sections 99205.7, 99241, 99247(a), and 99268.8 shall not apply; and

WHEREAS, MTC adopted interim fare recovery rates rules and regulations for FY 1982-83 as set forth in Resolution No. 1170; and

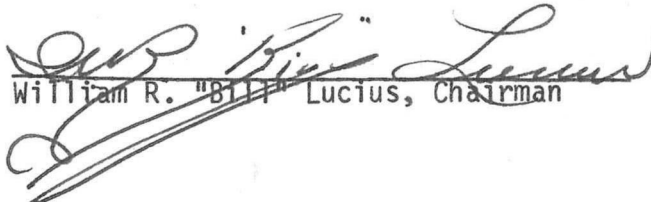
WHEREAS, MTC desires to adopt rules and regulations governing performance criteria, local match requirements and fare recovery ratios by January 1983 for claims beginning in fiscal year 1983-84; now, therefore, be it

RESOLVED, that MTC adopts the policy statements regarding Paratransit Coordinating Councils as set forth in Attachment A, incorporated herein as though set forth at length, which supersedes Resolution No. 679; and, be it further

RESOLVED, that MTC adopts the rules and regulations as set forth in Attachment B, incorporated herein as though set forth at length, for claims and allocations applicable to TDA Article 4.5 claimants and Article 8 transit claimants, and which supersedes Resolution No. 1170, effective as to claims for funds allocated after June 30, 1983; and, be it further

RESOLVED, that Attachments A and B may be amended from time to time upon the approval of MTC's Work Program and Plan Revision Committee.

METROPOLITAN TRANSPORTATION COMMISSION


William R. "Bill" Lucius, Chairman

The above resolution was entered into by the Metropolitan Transportation Commission at a regular meeting of the Commission held in Oakland, California on December 15, 1982.

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MTC Policies Related to Paratransit Coordinating Councils

The following provisions shall be applicable for TDA Article 4.5 claimants (PUC Sections 99275 et seq.) and Article 8 transit claimants (PUC Sections 99400(c) and (d)) effective immediately:

Role and Responsibilities of Paratransit Coordinating Councils:

A. Membership: Membership on the PCCs shall include representatives of paratransit providers, relevant public agencies including public transit operators, and paratransit users, including, but not limited to, the elderly, handicapped, minority and low-income, as well as representatives of urbanized and nonurbanized areas of the county. The executive committees of the PCCs, where they exist, shall reflect the diverse membership of the PCCs.

MTC staff will review the charter and organizational structure of each county's PCC to determine that appropriate groups are represented on the PCC and its executive committee.

B. Setting Priorities for Transportation Services: Priorities for transportation services (funded under Article 4.5 or Article 8) shall be developed by the PCCs for their respective counties and their communities. The PCCs shall consider the local and regional AB 120 Action Plans and the transit service recommendations of the Minority Transit Needs Assessment Project (MTNAP) as they develop priorities for transportation needs in their counties. MTC's policy is to encourage the use of Article 4.5 and Article 8 transit funds for coordinated services to meet the general transportation needs of persons eligible for service.

C. Submission of Claims to Paratransit Coordinating Councils: All claimants for Article 4.5 and Article 8 transit funds shall participate in their county Paratransit Coordinating Council. Copies of all claims for TDA Article 4.5 or Article 8 transit funds and the quarterly and annual reports that claimants are required to submit to MTC shall also be submitted by the claimants to the appropriate PCC for their review and recommendations to MTC. Copies of all applications for UMTA Section 16(b)(2) and Section 18 funds and any other requests for funds for paratransit services shall also be forwarded to the appropriate PCC(s) for their review and recommendations to MTC.

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D. Review of Claims by Paratransit Coordinating Councils: Each PCC shall review all applications for TDA Article 4.5 and Article 8-transit funds according to its priorities for service. Each PCC shall present to MTC its recommendations for the allocation of Article 4.5 and Article 8 transit monies. These recommendations are advisory and not binding on MTC. MTC staff shall include the PCC recommendations with the staff evaluations presented to MTC's Grant Review and Allocations Committee.

Each PCC shall also review and make recommendations regarding priorities for UMTA Section 16(b)(2) applications and requests for UMTA Section 18 funds and any other requests for funds for paratransit services.

E. Coordination of Paratransit Services: Each Paratransit Coordinating Council shall address coordination of paratransit services within the county. Such coordination shall, to the maximum extent possible, involve the coordination of TDA-funded services with non-TDA-funded paratransit services. Coordination efforts shall include, but not be limited to, those activities described in the Social Service Transportation Improvement Act, Government Code Sections 15950 et seq. Each PCC shall develop definitions and policies regarding comparable fares and comparable services.

F. Coordination with Transit Services: Paratransit services shall complement and interface with transit services whenever possible. This coordination of paratransit services with fixed-route, public transit is especially important in areas where paratransit can provide transfers to regional trunkline transit service. Each Paratransit Coordinating Council shall address coordination between paratransit services and fixed-route services as part of their planning effort.

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The following provisions shall be applicable for TDA Article 4.5 claimants (PUC Sections 99275 et seq.) and Article 8 transit claimants (PUC Sections 99400(c) and (d)), effective with claims for FY 1983-84.

I. Definitions:

A. "Special Transportation Services" are intended to serve those population groups who cannot use existing conventional fixed-route, public transit services and facilities for any of the following reasons:

- The traveler, because of age or disability (as determined by the local PCC priority process), cannot use existing public transit.
- Local public transit service is not otherwise available in the area or for the trip required.
- The majority of route miles are within the nonurbanized area of a nonurbanized county, as determined by the 1980 federal census.

Standards and definitions for determining whether a program qualifies as a "special transportation service" shall be adopted by each county's PCC, subject to review by MTC's Grant Review and Allocations Committee at the time claims are considered for approval.

B. "Operating Cost" means all costs in the operating expense object classes exclusive of the costs in the depreciation and amortization expense object class of the Uniform System of Accounts and Records adopted by the State Controller pursuant to PUC Section 99243 and exclusive of all direct costs for providing charter services and exclusive of all vehicle lease costs and exclusive of the costs of the following, for which, notwithstanding 21 Cal. Admin. Code Section 6634(e), MTC may allocate Article 4.5 and Article 8-transit funding:

- a) a performance audit;
- b) special planning studies or demonstration projects, including those funded with State Transit Assistance (STA) funds); and

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- c) Paratransit Coordinating Council staffing for purposes such as planning and administration: however, other planning and administration costs funded under PUC Section 99275 and 99400(d) shall not be excluded.

For the purpose of determining a transit service claimant's compliance with its local match requirement, "operating cost" shall also exclude liability and casualty insurance premiums and payments in settlement of claims arising out of the transit service claimant's liability. This exclusion shall remain effective only until June 30, 1991 and shall not apply for purposes of determining a claimant's maximum eligibility for TDA/STA funds.

In the case of a transit service claimant that is allocated funds for payment to an entity which is under contract with it to provide transportation services, "operating cost" also includes the amount of the fare revenues that are received by the entity providing the services and not transferred to the claimant.

The above definition shall apply in lieu of PUC Section 99247(a) and 99268.17 and 21 Cal. Admin. Code 6611.1.

C. "Local Match" means the revenue object classes 401, 402, and 403 as specified in Section 630.12 of Title 49 of the Code of Federal Regulations, as now or as may hereafter be amended, and private contributions, funds available under the Older Americans Act of 1965 (as amended) or through agreement with a Regional Center for persons with developmental disabilities (referenced in Welfare and Institutions Code Sections 4620 et seq.), and local support revenues in revenue account object classes 406, 408, 409 (excluding funds allocated under the Transportation Development Act or the State Transit Assistance Program), 410, 413.991, 430 and 440 of the Uniform System of Accounts and Records adopted by the Controller pursuant to PUC Section 99243, as now or as hereafter may be amended.

Contributed services reported under revenue object class 430 shall be considered local match only to the extent that the value of these services is reported as a contra account for expense. Contributed services of a paid employee of the transit service claimant or another entity shall be valued at a rate not to exceed the hourly wage of that employee for the number of hours that can be verified by the annual independent audit. Contributed services of a volunteer shall be valued at a rate not to exceed the federal minimum wage for the number of hours that can be verified by the annual independent fiscal audit.

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The above definition shall apply in lieu of PUC Section 99205.7.

D. Service Extensions: The required ratio of local match to operating cost prescribed by this resolution shall not apply to an extension of transportation services until two years after the end of the fiscal year in which the extension of services was put into operation. As used in this section, "extension of transportation services" shall include additions of geographical areas or route miles, or improvements in service frequency or hours of service greater than 25 percent of the route total, or the addition of new days of service, and for transit service claimants also includes the addition of a new type of service, such as van, taxi, or bus. Within 90 days after the end of each year of implementation, the claimant shall submit to MTC a report on the extension of public transportation services, including, but not limited to, the area served, the revenues generated, and the cost to provide the extended services.

In addition, for a claimant that is designated a consolidated transportation service agency (CTSA), coordination activities undertaken to implement an action plan to meet the legislative intent expressed in Section 15951 of the Government Code shall be considered an extension of public transportation services. Such coordination activities are limited to activities initiated after designation as a CTSA which include ongoing coordination with non-TDA-funded social service transportation services as well as TDA claimants. Any questions concerning whether an activity falls within the above limits shall be resolved by MTC.

The above definition shall apply in lieu of PUC Section 99268.8.

E. "Community" is defined as a population group sharing common interests within a geographic area.

II. General Rules:

A. For Special Transportation Service Claimants: The maximum contribution of TDA and STA funds to a special transportation service (as defined above) claimant shall be 90% of total operating costs (as defined above). For any fiscal year, at least 10% of the operating cost of a special transportation service shall be provided with local match revenues (as defined above).

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B. Other Claimants: All claimants for TDA Article 4.5 or Article 8 transit funds that are determined by MTC to not qualify as special transportation services shall be considered as providers of general transportation. The maximum contribution of TDA and STA funds for such general transportation shall be 80% of total operating costs (as defined above). For any fiscal year, at least 20% of the operating cost of a general transportation service shall be provided with local match revenues (as defined above).

However, for a transit service claimant providing general transportation in a county with a population of 500,000 or less and serving an urbanized area, MTC may set the maximum contribution of TDA and STA funds for the service at no more than 85% and the local match requirement at not less than 15% if a finding is made pursuant to PUC Section 99268.12.

C. Noncompliance with Local Match Requirements: Noncompliance with the above stated local match provisions during Fiscal Year 1983-84 1986-87 or future fiscal years shall result in a reduction in the claimant's eligibility to receive TDA and STA by the amount of the difference between the required local match and the actual local match, as prescribed by PUC Section 99268.9 and 21 Cal. Admin. Code Section 6633.9.

D. Fare Coordination: Comparable fares shall be charged for comparable services throughout each county.

E. Separability: If a claimant is responsible for more than one type or area of service, the claimant may request that these rules may be applied separately or collectively to the services provided by the claimant. However, quarterly and annual reports shall be submitted for each service.

F. Maximum Allocation of TDA Article 4.5 Funds: It is MTC policy that, pursuant to PUC Code Section 99233.7, 5 percent of the funds available shall be allocated, in those counties with eligible claimant(s), for community transit purposes. Unused funds made available for Article 4.5 purposes in one year shall be reserved in the Local Transportation Fund for use in subsequent years for Article 4.5 purpose

