



NAPA VALLEY TRANSPORTATION AUTHORITY Board Agenda Letter

TO: NVTA Board of Directors
FROM: Kate Miller, Executive Director
REPORT BY: Justin Paniagua, Senior Financial/Policy Analyst
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SUBJECT: Resolution No. 19-11 Authorizing the Filing with the Metropolitan Transportation Commission (MTC) for Allocation for Transportation Development Act (TDA), Regional Measure 2 (RM 2), and State Transit Assistance Funds (STA) for Fiscal Year (FY) 2019-20

RECOMMENDATION

That the Napa Valley Transportation Authority (NVTA) Board approve Resolution No. 19-11 (Attachment 1) authorizing the filing of a claim with the Metropolitan Transportation Commission (MTC) for allocation for Transportation Development Act (TDA) funds Articles 4, 4.5, and 8, Regional Measure 2 (RM 2) funds, and State Transit Assistance (STA) funds for Fiscal Year (FY) 2019-20.

OTHER OPTIONS FOR CONSIDERATION

Option #1 (staff recommendation): Authorize the filing of a claim with the Metropolitan Transportation Commission.

Option #2: Do not authorize the filing of a claim with the Metropolitan Transportation Commission. This would result in a short-term budgetary shortfall and a long-term cash flow issue and fiscal crisis if not approved in the current fiscal year.

Option #3: Modify the amount requested. The amounts requested are consistent with budget actions previously approved by the NVTA Board. Changes to the amounts proposed would result in budgetary changes and potential cash flow challenges.

COMMITTEE RECOMMENDATION

None

EXECUTIVE SUMMARY

Napa Valley Transportation Authority (NVTA) is required to receive annual approval to file a claim and receive allocations for Transportation Development Act (TDA), Regional Measure 2 (RM 2), and State Transit Assistance (STA) funds. Resolution No. 19-11 authorizes NVTA to file a claim with MTC for the yearly allocation of these fund sources.

PROCEDURAL REQUIREMENTS

1. Staff Report
2. Public Comment
3. Motion, Second, Discussion and Vote

FISCAL IMPACT

Is there a Fiscal Impact? Yes, approval authorizes NVTA to allocate funds which make up 69% of FY 2019-20 budgeted revenues.

Is it currently budgeted? Yes

Future fiscal impact: None

Consequences if not approved: If this claim is not submitted to the MTC, NVTA will not be able to receive TDA, STA, and RM 2 funds that have been included in the FY 2019-20 operating and capital budgets. If these funds are not available, alternative funding sources will need to be identified to support the operating budget and/or services will need to be reduced or eliminated.

STRATEGIC GOALS MET BY THIS PROPOSAL

Goal 1 – Serve the transportation needs of the entire community regardless of age, income, or ability.

Goal 2 – Improve system safety in order to support all modes and serve all users.

Goal 3 – Use taxpayer dollars efficiently.

Goal 4 – Support Napa County's economic vitality

Goal 5 – Minimize the energy and other resources required to move people and goods

Goal 6 – Prioritize the maintenance and rehabilitation of the existing system

CEQA REQUIREMENTS

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (California Environmental Quality Act (CEQA) Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

The Metropolitan Transportation Commission is the regional transportation planning agency for the San Francisco Bay Area pursuant to Government Code Sections 66500 et seq. and is responsible for administering TDA, STA, and RM 2 funds. The TDA (Public Utilities Code §§99200 et seq.) provides for the disbursement of funds from the Local Transportation Fund (LTF) of the County for use of approved transit projects. Prospective Bay Area applicants wishing to receive an allocation from the LTF for any transit-related purposes must file an annual claim with MTC.

On May 16, 2018 the Board approved NVTA's bi-annual budget for fiscal years 2018-19 and 2019-20. Resolution No. 19-11 would give NVTA executive director to request allocation of TDA, STA, and RM 2 funds.

SUPPORTING DOCUMENTS

Attachment: (1) Resolution No. 19-11

RESOLUTION No. 19-11

**A RESOLUTION OF THE
NAPA VALLEY TRANSPORTATION AUTHORITY (NVTA)
AUTHORIZING THE FILING WITH THE
METROPOLITAN TRANSPORTATION COMMISSION (MTC)
FOR ALLOCATION FOR TRANSPORTATION DEVELOPMENT ACT (TDA),
REGIONAL MEASURE 2 (RM 2), AND STATE TRANSIT ASSISTANCE (STA)
FUNDS FOR FISCAL YEAR (FY) 2019-20**

WHEREAS, the Transportation Development Act (TDA), (Public Utilities Code 99200 *et seq.*), provides for the disbursement of funds from the Local Transportation Fund (LTF) of the County of Napa for use by eligible applicants for the purpose of community transit services (PUC 99275), support of public transportation (PUC 99260), exclusive service to elderly and handicapped (PUC 99260.7), planning contributions, construction of facilities, acquisition of real property and transit capital (PUC 99262), public or special group transportation (PUC 99400(c)), administrative and planning cost with respect to transportation services under contract (PUC 99400(d)), and capital expenditures to acquire vehicles and equipment for transportation services (PUC 99400(e)); and

WHEREAS, pursuant to the provisions of the TDA, and pursuant to the applicable rules and regulations thereunder (21 Cal. Code of Regs. 6600 *et seq.*) a prospective applicant wishing to receive an allocation from the Local Transportation Fund (LTF) shall file its claim with MTC; and

WHEREAS, the State Transit Assistance (STA) fund is created pursuant to Public Utilities Code 99310 *et seq.*; and

WHEREAS, the STA fund makes funding available pursuant to Public Utilities Code 99313.6 for allocation to eligible applicants to support approved transit projects; and

WHEREAS, NVTA is an eligible applicant for TDA and/or STA funds pursuant to the California PUC Code Chapter 4, Articles 4, 4.5 and/or 8, and for certain local transportation funds under Article 3, pursuant to the NVTA Joint Powers Agreement; and

WHEREAS, TDA funds from the Local Transportation Fund of Napa County and STA funds will be required in FY 2019-20 for eligible applicants for the purpose of community transit services (PUC 99275), support of public transportation (PUC 99260), exclusive service to elderly and handicapped (PUC99260.7), planning contributions, acquisition of real property, construction of facilities, transit capital expenditures (PUC 99262), public or special group transportation (PUC 99400(c)), administrative and planning cost with respect to transportation services under contract (PUC 99400(d)), and

capital expenditures to acquire vehicles and related equipment for transportation services (PUC 99400(e));and

WHEREAS, SB 916 (Chapter 715, Statutes 2004), commonly referred to as Regional Measure 2 (RM 2), identified projects eligible to receive funding under the Regional Traffic Relief Plan; and

WHEREAS, MTC is responsible for funding projects eligible for RM 2 funds, pursuant to Streets and Highways Code Section 30914(c) and (d); and

WHEREAS, MTC has established a process whereby eligible transportation project sponsors may submit allocation requests for RM 2 funding; and

WHEREAS, allocations to MTC must be submitted consistent with procedures and conditions as outlined in RM 2 Policy and Procedures; and

WHEREAS, NVTA is an eligible sponsor of transportation project(s) in RM 2, Regional Traffic Relief Plan funds:

NOW THEREFORE BE IT RESOLVED, that NVTA and its agents shall comply with the provisions of the MTC's RM 2 Policy Guidance (MTC Resolution No. 3636); and

BE IT FURTHER RESOLVED, to the full extent permitted by law, that NVTA shall indemnify and hold harmless MTC, its Commissioners, representatives, agents, and employees from and against all claims, injury, suits, demands, liability, losses, damages, and expenses, whether direct or indirect (including any and all costs and expenses in connection therewith), to the extent that they arise out of, pertain to, or relate to the negligent acts of omissions of NVTA its officers, employees or agents, or subcontractors or any of them in connection with its performance of professional services under this allocation of RM 2 funds which constitute negligence, recklessness, or willful misconduct. In addition to any other remedy authorized by law, so much of the funding due under this allocation of RM 2 funds as shall reasonably be considered necessary by MTC may be retained until disposition has been made of any claim for damages; and

BE IT FURTHER RESOLVED, that NVTA shall, if it receives any revenues or profits from any non-governmental use of property (or project) ensure that those revenues or profits shall be used exclusively for the public transportation services for which the project was initially approved, either for capital improvements or maintenance and operational costs; otherwise MTC is entitled to a proportionate share equal to MTC's percentage participation in the project(s); and

BE IT FURTHER RESOLVED, that the Executive Director or her designee is authorized to execute and file appropriate TDA, RM 2, and STA applications together with all necessary supporting documents with MTC for an allocation of TDA, RM 2, and STA funds in FY 2019-20; and

BE IT FURTHER RESOLVED, that a copy of this resolution be transmitted to MTC in conjunction with the filing of the claim; and MTC be requested to grant the allocations of funds as specified herein.

Passed and Adopted the 17th day of July, 2019.

Chris Canning, NVTA Chair

Ayes:

Nays:

Absent:

ATTEST:

Karalyn E. Sanderlin, NVTA Board Secretary

APPROVED AS TO FORM:

DeeAnne Gillick, NVTA Legal Counsel