



Agenda Item No. 2.a.

To: Finance-Auditing Committee/Committee of the Whole
Meeting of May 11, 2006

From: Joseph M. Wire, Auditor-Controller
Celia G. Kupersmith, General Manager

Subject: **AUTHORIZE FILING AN APPLICATION WITH THE METROPOLITAN
TRANSPORTATION COMMISSION FOR FISCAL YEAR 2006/2007
REGIONAL MEASURE 2 FUNDS TO SUPPORT GOLDEN GATE
TRANSIT ROUTES 40/42, 72 AND 75 BUS SERVICES**

Recommendation

The Finance-Auditing Committee recommends that the Board of Directors authorize the General Manager or her designee to execute and submit an application, related assurances and allocation request with the Metropolitan Transportation Commission for Fiscal Year 2006/2007 Regional Measure 2 funds in the total amount \$2,455,693, to support Golden Gate Transit routes 40/42, 72 and 75 bus services.

This matter will be presented to the Board of Directors at its May 12, 2006, meeting for appropriate action.

Summary

In March 2004, voters passed Regional Measure 2 (RM2) raising the toll for all vehicles on the seven state-owned toll bridges in the San Francisco Bay Area by \$1.00. This extra dollar will fund various transportation projects within the region that have been determined to reduce congestion or to make improvements to travel in the toll bridge corridors.

Golden Gate Transit (GGT) route 40/42 San Rafael/Richmond Bridge service and routes 72 and 75 express bus services are eligible services for RM2 transit operating funds.

As a part of the Metropolitan Transportation Commission's (MTC) RM2 Regional Traffic Relief Plan Policies and Procedures, project applicants are required to adopt resolutions formally authorizing project application with MTC and providing various assurances as provided in the "Background" section of this report. This item authorizes all actions necessary in order to secure RM2 funds to support continued operation of GGT routes 40/42, 72 and 75 services in FY 06/07.

Fiscal Impact

This item authorizes application for grant funds that will provide \$2,455,693 to support ongoing GGT operations in FY 2005/2006 for bus routes 40/42 (\$2,163,473), 72 (\$149,029) and 75 (\$143,191). These grant revenues are assumed in the FY 06/07 Operating Budget and; therefore, no budget adjustment is necessary.

Background

RM2 establishes the Regional Traffic Relief Plan which identifies specific capital projects, programs, and transit services eligible to receive RM2 funding as identified in the California Streets and Highways Code. GGT route 40/42 is an eligible project identified in California Streets and Highways Code §30914(d) and, therefore, the District is eligible to claim operating support for this service which operates between the East Bay and Marin County via the Richmond-San Rafael Bridge. GGT routes 72 and 75 are also eligible projects identified in the California Streets and Highways Code §30914(c)(17) and, therefore, the District is eligible to claim operating support for these services which operate between Santa Rosa and San Francisco and Santa Rosa and San Rafael, respectively. This item authorizes application for \$2,455,693 to subsidize FY 06/07 operation of Routes 40/42, 72 and 75.

In accordance with MTC's RM2 Regional Traffic Relief Plan Policies and Procedures for receiving operating assistance, the District Board of Directors is required to adopt a resolution authorizing application for RM2 operating assistance and approving related certifications and assurances as stated below:

1. GGBH&TD and its agents shall comply with the provisions of the MTC's RM2 Policy Guidance (MTC Resolution 3636);
2. The project is consistent with the Regional Transportation Plan;
3. GGBH&TD has approved the Operating Assistance Proposal;
4. GGBH&TD is an eligible sponsor of projects in the RM2 Regional Traffic Relief Plan, in accordance with California Streets and Highways Code §30914(d);
5. GGBH&TD is authorized to submit an application for RM2 funds for Bus Route 40/42 in accordance with California Streets and Highways Code §30914(d);
6. GGBH&TD certifies that the projects and purposes for which RM2 funds are being requested are in compliance with the requirements of the California Environmental Quality Act (Public Resources Code §21000 *et seq.*) and with the State Environmental Impact Report Guidelines (14 California Code of Regulations § 15000 *et seq.*);
7. There is no legal impediment to GGBH&TD making allocation request for RM2 funds;
8. There is no pending or threatened litigation which might in any way adversely affect the proposed project or the ability of GGBH&TD to deliver such project;
9. GGBH&TD will indemnify, 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), incurred by reason of any act or failure to act of GGBH&TD, its officers, employees, agents, or subcontractors, or any of them in connection with its performance of services under this allocation of RM2 funds. In

addition to any other remedy authorized by law, so much of the funding due under this allocation of RM2 funds as shall reasonably be considered necessary by MTC may be retained until disposition has been made of any claim for damages;

10. GGBH&TD shall, if any revenues or profits from any non-governmental use of property or project 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 the MTC is entitled to a proportionate share equal to MTC's percentage participation in the project; and
11. GGBH&TD authorizes its General Manager or her designee to execute and submit an allocation request with the MTC for RM2 funds, for the project, purpose and amounts included in the project application.