

STAFF REPORT

SUBJECT: Approval of Resolutions Authorizing Staff to Apply for TDA, STA, and RM2 funds for Fiscal Year 2022-2023

FROM: Tamara Edwards, Director of Finance

DATE: May 2, 2022

Action Requested

Approval of the following resolutions:

1. Resolution 17-2022 of the Board of Directors of the Livermore Amador Valley Transit Authority authorizing the filing of a claim with the Metropolitan Transportation Commission (MTC) for Allocation of Transportation Development Act (TDA) Article 4.0, State Transit Assistance (STA), and Regional Measure 2 (RM 2) for Fiscal Year 2022-2023
2. Resolution 18-2022 of the Board of Directors of the Livermore Amador Valley Transit Authority Authorizing the filing of a claim with the Metropolitan Transportation Commission for Allocation of Transportation Development Act Article 4.5 Funds for the Fiscal Year 2022-2023

These resolutions authorize staff to file applications with the MTC for the 2022-2023 Fiscal Year.

Background

Attached for your review and approval are the annual resolutions authorizing LAVTA's Executive Director (or designee) to file a claim with MTC for TDA Article 4.0, 4.5, and STA funds for Fiscal Year 2022-2023. These resolutions are required as part of MTC's annual claim submittal. The funds requested in the claim are limited to the amount allocated to LAVTA, based on a prescribed apportionment formula. On an annual basis, LAVTA is required to resolve support for the submission of applications for Regional Measure 2 operating assistance in connection with the providing service to the BRT service. MTC has advised LAVTA that the inclusion of provisions relevant to RM 2 can be included in the TDA and STA resolutions for ease of submission.

Discussion

Attached to this report is the MTC staff report which accompanied their estimate and gives background information on the various funding sources and the bases for this year's estimates:

Budget Considerations

The next step will be to prepare a detailed capital and operating budget within the available revenues.

Recommendation

The Finance and Administration Committee recommends that the Board of Directors approve the attached resolutions authorizing the filing of a claim with MTC for Allocation of TDA Article 4.0, 4.5, STA, and RM2 Funds for Fiscal Year 2022-2023.

Attachments:

1. February 23, 2022 Fund Estimate from MTC
2. Resolution 17-2022 MTC for Allocation of Transportation Development Act Article 4.0
3. Resolution 18-2022 MTC for Allocation of Transportation Development Act Article 4.5

Submitted: _____

RESOLUTION NO. 17-2022

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
LIVERMORE AMADOR VALLEY TRANSIT AUTHORITY
AUTHORIZING THE FILING OF A CLAIM WITH THE
METROPOLITAN TRANSPORTATION COMMISSION FOR ALLOCATION
OF TRANSPORTATION DEVELOPMENT ACT ARTICLE 4.0, STATE
TRANSIT ASSISTANCE AND REGIONAL MEASURE 2 FUNDS FOR FISCAL
YEAR 2022-2023**

WHEREAS, the Transportation Development Act (TDA), (Pub. Utilities Code 992200 et. seq. provides for the disbursement of funds from the Local Transportation Fund of the County of Alameda for use by eligible claimants for the purpose of providing local transit service in the cities of Dublin, Livermore and Pleasanton; and

WHEREAS, pursuant to the provisions of the TDA, and pursuant to the applicable rules and regulations thereunder (21 Cal Adm. Code 660 et. seq.), a prospective claimant wishing to receive an allocation from the Local Transportation Funds shall file its claim with the Metropolitan Transportation Commission; and

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

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

WHEREAS, the Livermore Amador Valley Transit Authority is an eligible claimant for TDA and STA funds pursuant to PUC Section 99260 and Article 4 funds pursuant to PUC Section 99260A, as attested by the Livermore Amador Valley Authority's opinion of counsel dated March 29, 2022; and

WHEREAS, TDA funds from the Local Transport Fund of Alameda County and STA funds will be required by claimant in Fiscal Year 2022-2023 for transit service;

WHEREAS, LAVTA is an eligible sponsor of transportation project(s) in Regional Measure 2, Regional Traffic Relief Plan funds; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors as follows:

1. That the Executive Director or his designee is authorized to execute and file an appropriate TDA/STA claim together with all necessary supporting documents, with the Metropolitan Transportation Commission for allocation of TDA/STA funds in Fiscal Year 2022-2023; and be it further resolved
2. That a copy of this Resolution be transmitted to the Metropolitan Transportation Commission in conjunction with the filing of the claim; and

the Metropolitan Transportation Commission be requested to grant the allocation of funds as specified herein; and be it further resolved

3. That LAVTA, and its agents shall comply with the provisions of the Metropolitan Transportation Commission's, "Regional Measure 2 Regional Traffic Relief Plan Policies and Procedures," (MTC Resolution No. 3636, Amended April 28, 2010); and be it further resolved
4. That LAVTA certifies that the project is consistent with the Regional Transportation Plan (RTP) and is in compliance with the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.); and be it further resolved
5. That LAVTA approves the updated Operating Assistance Proposal, attached to this resolution; and be it further resolved
6. That LAVTA approves the certification of assurances, attached to this resolution; and be it further resolved
7. That there is no pending or threatened litigation which might in any way adversely affect the proposed project, or the ability of LAVTA to deliver such project; and be it further resolved
8. That LAVTA indemnifies and holds 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 LAVTA, its officers, employees or agents, or subcontractors or any of them in connection with its performance of services under this allocation of RM2 funds; and be it further resolved
9. That LAVTA authorizes its Executive Director, or his designee to execute and submit an allocation request for operating or planning costs for Fiscal Year 2021-2022 with MTC for Regional Measure 2 funds, for the project, purposes and amounts included in the project application attached to this resolution; and be it further resolved
10. That the Executive Director, or his designee is hereby delegated the authority to make non-substantive changes or minor amendments to the OAP as he/she deems appropriate.

PASSED AND ADOPTED this 2nd day of May 2022.

Karla Brown, Chair

ATTEST:

Tamara Edwards, Interim Executive Director

RESOLUTION NO. 18-2022

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE LIVERMORE
AMADOR VALLEY TRANSIT AUTHORITY AUTHORIZING THE FILING OF
A CLAIM WITH THE METROPOLITAN TRANSPORTATION COMMISSION
FOR ALLOCATION OF TRANSPORTATION DEVELOPMENT ACT ARTICLE
4.5 FUNDS FOR THE FISCAL YEAR 2022-2023**

WHEREAS, the Transportation Development Act (TDA), Pub Util. Code 99200 et. seq. provides for the disbursement of funds from the Local Transportation Funds of the County of Alameda for use by eligible claimants for the purpose of providing local transit service in the cities of Dublin and Livermore; and

WHEREAS, pursuant to the provisions of the TDA, and pursuant to the applicable rules and regulations thereunder (21 Cal Adm. Code 660 et. seq.), a prospective claimant wishing to receive an allocation from the Local Transportation Funds shall file its claim with the Metropolitan Transportation Commission; and

WHEREAS, TDA funds from the Local Transportation Fund of Alameda County will be required by claimant in Fiscal Year 2022-2023 for paratransit services; and

WHEREAS, the Livermore Amador Valley Transit Authority is an eligible claimant for TDA funds pursuant to PUC Section 99275 funds as attested by the Livermore Amador Valley Transit Authority's opinion of counsel dated March 29, 2022; and

RESOLVED, that the Executive Director or his/her designee is authorized to execute and file an appropriate TDA/STA claim together with all necessary supporting documents with the Metropolitan Transportation Commission for an allocation of TDA funds in Fiscal Year 2021-2022; and be it further

NOW, THEREFORE, LET IT BE RESOLVED, that a copy of this Resolution be transmitted to the Metropolitan Transportation Commission in conjunction with the filing of the claim; and the Metropolitan Transportation Commission be requested to grant the allocations of funds as specified herein.

PASSED AND ADOPTED this 2nd day of May 2022.

Karla Brown, Chair

ATTEST:

Tamara Edwards, Interim Executive Director