



Agenda Item No. 2.a.

To: Finance-Auditing Committee/Committee of the Whole
Meeting of September 10, 2009

From: Gayle S. Prior, Director of Capital and Grant Programs
Joseph M. Wire, Auditor-Controller
Celia G. Kupersmith, General Manager

Subject: **AUTHORIZE THE FILING OF AN APPLICATION WITH THE METROPOLITAN TRANSPORTATION COMMISSION FOR REGIONAL MEASURE 2 FUNDS TO SUPPORT IMPLEMENTATION OF THE ADVANCED COMMUNICATIONS AND INFORMATION SYSTEM PROJECT**

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 (MTC) for Regional Measure 2 (RM2) funds, in the amount of \$1,655,000, to support implementation of the Advanced Communications and Information System (ACIS) project.

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 be used to 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.

The ACIS consists of a District-wide radio communications system; automatic vehicle location; new mobile data terminals installed on the transit fleet; new computer-aided bus dispatch systems; real-time information systems for customers; new software for planning, scheduling and customer services; and integration of all new services with the existing systems and information network infrastructure within the District. The real-time information systems portion of the ACIS project is eligible for funding under the RM2 program.

As a part of MTC's 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 Attachment A of this report. This item authorizes all actions necessary in order to secure RM2 funds to support implementation of the ACIS capital project.

Fiscal Impact

This item authorizes application for grant funds that will provide \$1,655,000 to support implementation of the ACIS capital project. This project and the RM2 grant funds are included in the FY 09/10 Bus Division Capital Budget.

Attachment

ATTACHMENT A

In accordance with MTC's RM2 Regional Traffic Relief Plan Policies and Procedures for receiving capital assistance, the District Board of Directors is required to adopt a resolution authorizing application for RM 2 assistance and approving related certifications and assurances as stated below:

1. GGBHTD 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. GGBHTD approves the Initial Project Report for this project;
4. GGBHTD approves the certifications and assurances, attached hereto;
5. GGBHTD is an eligible sponsor of projects in the Regional Measure 2 Regional Traffic Relief Plan, Capital Program, in accordance with California Streets and Highways Code 30914(d);
6. GGBHTD is authorized to submit an application for Regional Measure 2 funds for the Advanced Communications and Information System project in accordance with California Streets and Highways Code 30914(d);
7. GGBHTD 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 Section 21000 *et seq.*), and with the State Environmental Impact Report Guidelines (14 California Code of Regulations Section 15000 *et seq.*) and, if relevant the National Environmental Policy Act (NEPA), 42 USC Section 4-1 *et seq.* and the applicable regulations thereunder;
8. There is no legal impediment to GGBHTD making allocation requests for Regional Measure 2 funds;
9. There is no pending or threatened litigation which might in any way adversely affect the proposed project, or the ability of GGBHTD to deliver such project;
10. GGBHTD 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 GGBHTD, its officers, employees or 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;

11. GGBHTD 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 Metropolitan Transportation Commission is entitled to a proportionate share equal to MTC's percentage participation in the projects(s) are collected;
12. GGBHTD authorizes its General Manager or her designee to execute and submit an allocation request for operating or planning costs for Fiscal Year 09/10 with MTC for Regional Measure 2 funds in the amount of \$1,655,000, for the project, purposes and amounts included in the project application attached to this resolution;
13. That the General Manager or her designee is hereby delegated the authority to make non-substantive changes or minor amendments to the IPR as he/she deems appropriate;
14. A copy of this resolution shall be transmitted to MTC in conjunction with the filing of GGBHTD's application referenced herein.

CERTIFICATIONS AND ASSURANCES

Applicant certifies that, if RM2 funding was received in the prior year, it has included the RM2 costs and revenues in its general fiscal audit for that year. Applicant also assures that it will include the RM2 costs and revenues in its general fiscal audit for the year in which funds are requested.

Applicant certifies to one of the following:

1. For bus operators, that it has submitted a copy of the California Highway Patrol (CHP) certification, which was issued within the last 13 months indicating compliance with California Vehicle Code §1808.1 and Public Utility Code §99251 (CHP “pull notice system and periodic reports”).
2. For rail or ferry operators, it certifies that it is current on all inspections and certifications required by federal and state agencies.

Applicant for RM2 funds certifies that it has current SB 602 “joint fare revenue sharing agreements” in place with transit operators in the MTC region with which its service connects, and that it has submitted valid and current copies of all such agreements to MTC.

Applicant also agrees to participate in the Integrated Fare Structure and Transit Connectivity studies authorized in SB 916 (Chapter 715, Statutes of 2004).

Applicant for funds certifies that it complies with MTC's Transit Coordination Implementation Plan (MTC Resolution No. 3055, revised) and with Public Utilities Code §99314.5(c) and §99314.7).

The applicant may be asked to certify such other assurances as MTC may deem appropriate consistent with the RM2 Policies and Procedures outlined above.