

THIS PRINT COVERS CALENDAR ITEM NO.: 10.3

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Finance and Information Technology

BRIEF DESCRIPTION:

Authorizing the Director of Transportation, or his designee, to execute and file a claim with the Metropolitan Transportation Commission for allocation of operating assistance from Transportation Development Act, State Transit Assistance, AB1107 One-Half Cent Sales Tax, and Regional Measure 2 funds for Fiscal Year 2022 to support the operating budget.

SUMMARY:

- The SFMTA annually files a claim for operating assistance with the Metropolitan Transportation Commission (MTC).
- The SFMTA receives such operating assistance from Transportation Development Act (TDA), State Transit Assistance (STA), AB1107 One-Half Cent Sales Tax (AB1107), and Regional Measure 2 (RM2) funds administered by MTC.
- MTC requires the SFMTA to submit a resolution from its governing board authorizing the Agency to execute and file a claim for allocation of TDA, STA, AB1107, and RM2 funds.
- The SFMTA Fiscal Year (FY) 2022 Budget included TDA, STA, AB1107 and RM2 funds. The amounts to be allocated from these sources will be finalized once the MTC confirms the availability of the funds after the State budget is approved.
- This proposed action is the Approval Action as defined by S.F. Administrative Code Chapter 31.

ENCLOSURES:

1. SFMTAB Resolution

APPROVALS:

	DATE
DIRECTOR 	<u>May 10, 2021</u>
SECRETARY 	<u>May 10, 2021</u>

ASSIGNED SFMTAB CALENDAR DATE: May 18, 2021

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PURPOSE

Authorizing the Director of Transportation or his designee, to execute and file a claim with the MTC for allocation of operating assistance from the Transportation Development Act, State Transit Assistance, AB 1107 One-Half Cent Sales Tax, and Regional Measure 2 funds for Fiscal Year 2022 to support the operating budget.

STRATEGIC PLAN GOALS AND TRANSIT FIRST POLICY PRINCIPLES

The SFMTA will further the following goal of the Strategic Plan through acceptance of these funds:

- Goal 3 - Improve the environment and quality of life in San Francisco.
 - Objective 3.3: Allocate capital resources effectively.
 - Objective 3.5: Reduce capital and operating structural deficits.

This item will support the following Transit First Policy Principles:

1. To ensure quality of life and economic health in San Francisco, the primary objective of the transportation system must be the safe and efficient movement of people and goods.

DESCRIPTION

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.* 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 City and County of San Francisco (City) for use by eligible applicants for the purpose of approved transit projects. Prospective applicants wishing to receive an allocation from the LTF for any transit-related purposes must file an annual claim with MTC.

The MTC apportions TDA funds (that are held in the LTF) based on an estimate of sales tax generation for the claim year prepared by the MTC and San Francisco County auditors. STA revenue-based operating assistance comes from a State sales tax on fuel, and STA-population-based (paratransit) assistance is computed according to a formula based on the population of the area, which may be adjusted during the governor's annual budget process. The AB1107 one-half cent sales tax is based on the MTC estimates of sales tax growth generations. RM2 funds are dispensed based on the agency's request for operating allocations, subject to meeting eligibility requirements and availability of RM2 operating funds.

The SFMTA FY 2022 Operating Budget includes TDA, STA, AB1107 and RM2 funds. The exact amounts available to the SFMTA for FY 2022 will not be known until after the State budget is approved. Only the RM2 funding is restricted to funding a specific activity; the MTC has designated RM2 funds to support late night OWL operating service.

STAKEHOLDER ENGAGEMENT

On April 3, 2018 and April 21, 2020, the SFMTA Board of Directors approved the operating budget for FY 2019/FY2020 and FY 2021/FY2022, which included TDA, STA, AB1107 and RM2 funds.

ALTERNATIVES CONSIDERED

If this claim is not submitted to the MTC, the SFMTA will not be able to receive TDA, STA, AB1107 and RM2 funds that have been included in the operating budget for FY 2022. If these funds are not available, alternative funding sources would need to be identified to support the FY 2022 operating budget and/or services would need to be reduced or eliminated.

FUNDING IMPACT

MTC projects that it will distribute the following amounts to the SFMTA in FY 2022. As mentioned above, the exact amounts available are subject to approval of the State budget:

	FY 2022 MTC Allocation
TDA Funding	\$ 41,924,399
State Transit Assistance - Revenue Based	49,975,849
State Transit Assistance - Population Based (Paratransit)	3,012,914
AB 1107 funding	41,500,000
RM2 operating Assistance & Owl Service Funding	1,894,688
Total Request	\$ 138,307,850

ENVIRONMENTAL REVIEW

The Planning Department has concurred with the SFMTA’s determination that this matter is categorically exempt under CEQA as defined in CEQA Guidelines Section 21080(b) (10): Institution or increase of passenger or commuter services on highway and street rights-of-way already in use and Section 15301 Class 1: Operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public facilities.

The SFMTA’s determination is on file with the Secretary to the SFMTA Board of Directors. This proposed action is the Approval Action as defined by S.F. Administrative Code Chapter 31.

OTHER APPROVALS RECEIVED OR STILL REQUIRED

The City Attorney’s Office has reviewed this calendar item and has provided an Opinion of

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Counsel to the MTC stating that the SFMTA is eligible to receive the funds requested and that there are no legal impediments for SFMTA's use of the funds.

RECOMMENDATION

Staff recommends that the Board authorize the Director of Transportation, or his designee, to execute and file a claim with the MTC for an allocation of TDA, STA, AB1107 and RM2 funds for Fiscal Year 2022 to support the operating budget.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. _____

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 City and County of San Francisco (City) for use by eligible applicants for the purpose of approved transit projects; and

WHEREAS, Under the provisions of the TDA, and under the applicable rules and regulations promulgated pursuant to the TDA (21 Cal. Code of Regs. §§6600, *et seq.*), a prospective applicant wishing to receive an allocation from the LTF must file its claim with the Metropolitan Transportation Commission (MTC); and

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

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

WHEREAS, TDA funds from the LTF of the City and STA funds will be required by the San Francisco Municipal Transportation Agency (SFMTA) in Fiscal Year 2022 for approved transit projects; and

WHEREAS, Public Utilities Code Sections 29140, *et seq.* (AB1107) makes available 25 percent of the half-cent sales tax revenues collected in three BART counties (Alameda, Contra Costa, and San Francisco) for allocation by MTC to eligible applicants; and

WHEREAS, Pursuant to the provisions of Public Utilities Code Section 29142.2, eligible applicants for AB1107 funds include Alameda-Contra Costa Transit District, the Bay Area Rapid Transit District, and the City and County of San Francisco for its Municipal Railway system; and

WHEREAS, Regional Measure 2 (RM2) establishes the Regional Traffic Relief Plan and identifies specific capital projects and programs eligible to receive RM2 funding, including operating assistance, as identified in Section 30914 (c) and (d) and Section 30914.5 of the California Streets and Highway Code; and

WHEREAS, MTC has determined that the SFMTA complies with the requirements of Public Utilities Code Section 29142.5 and Government Code Section 66517.5; and

WHEREAS, The SFMTA is an eligible applicant for TDA, STA, AB 1107, and RM2 funds, as attested by the Opinion of Counsel submitted with this resolution; and

WHEREAS, The Planning Department has concurred with the SFMTA's determination that this matter is categorically exempt under the California Environmental Quality Act (CEQA) as defined in CEQA Guidelines Section 21080(b) (10): Institution or increase of passenger or commuter services on highway and street rights-of-way already in use and Section 15301 Class 1: Operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public facilities; and

WHEREAS, The proposed action is the Approval Action as defined by San Francisco Administrative Code Chapter 31; now, therefore be it

RESOLVED, That the SFMTA Board of Directors authorizes the Director of Transportation, or his designee, to execute and file a claim with the Metropolitan Transportation Commission for allocation of operating assistance from Transportation Development Act, State Transit Assistance, AB1107 One-Half Cent Sales Tax, and Regional Measure 2 funds for Fiscal Year 2022 to support the operating budget; and be it

FURTHER RESOLVED, That a copy of this resolution shall be transmitted to MTC in conjunction with the filing of the claim, and MTC is requested to grant the allocations of the funds as specified herein.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of May 18, 2021.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency