

**Metropolitan Transportation Commission  
Programming and Allocations Committee**

July 12, 2023

Agenda Item 2g - 23-0978

**MTC Resolution No. 3620, Revised**

---

**Subject:**

Revision to MTC Resolution No. 3620 to expand Delegated Authority for the Executive Director to approve certain allocations and rescissions to include Regional Measure 3 funding.

**Background:**

Under MTC Resolution No. 3620, the Executive Director holds the authority to allocate funds under \$1 million from sources including Transportation Development Act (TDA), State Transit Assistance (STA), Regional Measure 2 (RM2), and select other bridge tolls.

As the Regional Measure 3 (RM3) program rollout continues, the Commission could be presented with numerous requests for allocations and allocation revisions of a small dollar amount each month. To focus the efforts of the Committee and to make the RM3 allocation process more efficient, staff proposes to expand the existing delegated authority to include RM3 funds. This approach is consistent with that of Regional Measure 2 (RM2), where the Executive Director has held delegated authority to allocate funds under \$1 million since 2005. The RM3 Delegation of Authority process will follow the RM2 precedent in that staff will bring the initial allocation for any RM3 capital project to the Commission for approval, regardless of amount. Thereafter, allocations of up to \$1 million would be eligible to be approved under delegated authority.

For rescission actions, staff proposes that the Executive Director would have delegated authority to approve these at any amount if requested by a claimant, which is also in line with the approach for RM2. Rescissions occur from time to time when priorities shift for a claimant or they realize that funds are not needed at the original level estimated.

Consistent with the current delegated authority policy, the Executive Director would continue to provide the Commission with a quarterly report on all delegated authority allocations and rescissions. As always, in the case of both the proposed delegated allocation authority and rescission authority, any items of a sensitive nature or that are otherwise of interest to the Commission – irrespective of dollar amount – would be brought to the Committee for input and action.

**Issues:**

None identified.

**Recommendations:**

Refer MTC Resolution No. 3620, Revised to the Commission for approval.

**Attachments:**

- MTC Resolution No. 3620, Revised



---

Andrew B. Fremier

Date: March 24, 2004  
W.I.: 1514  
Referred by: PAC  
Revised: 05/25/05-C  
02/25/09-C  
07/26/23-C

ABSTRACT

Resolution No. 3620, Revised

This Resolution adopts policies and provisions delegating authority to the MTC Executive Director to approve the allocation and rescission of funds over which MTC has allocation authority, up to the amounts prescribed in Attachment A of this resolution. This resolution supercedes MTC Resolution No. 774.

This resolution was revised on May 25, 2005 to add Regional Measure 2 as a fund source covered under the delegated authority policy.

This resolution was revised on February 25, 2009 to include project condition changes under Regional Measure 2 as an eligible activity under the delegated authority policy.

This resolution was revised on July 26, 2023 to add Regional Measure 3 (RM3) as a fund source covered under the delegated authority policy and to include project condition changes under Regional Measure 3 as an eligible activity under the delegated authority policy.

Further discussion of this action is contained in the MTC Executive Director's memorandum to the Programming and Allocations Committee dated March 3, 2004 and the Programming and Allocations Summary Sheets dated May 11, 2005, February 11, 2009, and July 12, 2023.

Date: March 24, 2004  
W.I.: 1514  
Referred by: PAC

Re: Delegation of authority to the MTC Executive Director to approve the allocation and rescission of funds over which MTC has allocation authority.

METROPOLITAN TRANSPORTATION COMMISSION  
RESOLUTION NO. 3620

WHEREAS, pursuant to Government Code section 66500 *et seq.* the Metropolitan Transportation Commission (“MTC”) is the regional transportation planning agency for the San Francisco Bay Area; and

WHEREAS, MTC Resolution No. 774, adopted in March of 1980, sets forth certain conditions under which the MTC Executive Director may administratively approve changes in a prior allocation up to the amount of ten thousand dollars; and

WHEREAS, MTC endeavors to increase the threshold for administrative approval to minimize the budgetary and opportunity costs associated with the allocation of funds; now, therefore, be it

RESOLVED, that MTC adopts the policies and provisions stated in Attachment A to this resolution, attached hereto and incorporated herein as though set forth at length, stating the amounts and purposes for which the MTC Executive Director, or an MTC Deputy Director so designated by the Executive Director, is hereby granted delegated authority for the approval of the allocation and rescission of any of the fund types referenced above; and, be it further


RESOLVED, that the delegated authority herein granted to the MTC Executive Director, or Deputy Director so designated by the Executive Director, shall include the authority to make findings as established in Attachment B, which is incorporated herein as though set forth at length; and, be it further

RESOLVED, that MTC Resolution No. 774 is hereby superceded by this resolution; and, be it further

RESOLVED, that Attachment A may be amended from time to time by the Commission, as it deems appropriate, to address new or revised funding types not referenced specifically in the text of this resolution.

RESOLVED, that Attachment B may be amended from time to time by the Commission, as it deems appropriate, to address new or revised findings required by the funding types referenced in Attachment A.

METROPOLITAN TRANSPORTATION COMMISSION



---

Steve Kinsey, Chair

The above resolution was adopted by the Metropolitan Transportation Commission at a regular meeting of the Commission held in Oakland, California, on March 24, 2004.

Date: March 24, 2004  
W.I.: 1514  
Referred by: PAC  
Revised: 05/25/05-C  
02/25/09-C  
07/26/23-C

Attachment A  
Resolution No. 3620  
Page 1 of 3

DELEGATION OF AUTHORITY TO THE MTC EXECUTIVE DIRECTOR  
TO APPROVE THE ALLOCATION AND RESCISSION OF FUNDS  
OVER WHICH MTC HAS ALLOCATION AUTHORITY

Policies and Provisions

1. The policies and provisions of this resolution pertain to the fund types, purposes, and limits shown in Table 1 below.
2. All actions by the Executive Director under this delegation of authority must comply and be consistent with, and result in the furtherance of, MTC policies and programs pertaining to each fund type shown in Table 1. All allocation and rescission actions by the Executive Director under this delegation of authority must be in accordance with the provisions, requirements and conditions enumerated in the applicable California Code of Regulations, Public Utilities Code, or Streets and Highways Code under which each fund type shown in Table 1 is allocated, including but not limited to all necessary findings.
3. The policies adopted under this resolution do not preclude the Executive Director, acting under either his/her discretion, or upon direction from the Programming and Allocations Committee, from submitting to the Committee a recommended allocation or rescission that is within the limits shown in Table 1.
4. "Allocation" as used in the delegation of authority to the Executive Director is defined as an action that results in the issuance of an Allocation Instruction. Further, under the delegation of authority, the Executive Director may impose, remove, or modify project-specific conditions and make non-material scope changes to Regional Measure 2 and Regional Measure 3 projects in order to ensure efficient project delivery.
5. The Executive Director, or individual designated by the Executive Director, must provide quarterly reports to the Programming and Allocations Committee with detail on the allocations approved under delegated authority during the preceding quarter.

Table 1

Fund Type		Delegated Authority Limits	
Statutory Reference	Allocation Reference & Eligible Purposes	Allocation	Rescission
PUC § 99233.3	<b>Transportation Development Act (TDA)</b> <i>Article 3:</i> projects benefiting bicyclists and/or pedestrians (capital, planning and safety programs).	\$1,000,000	Unlimited if requested by claimant
PUC § 99268 <i>et seq.</i>	<i>Article 4:</i> general public and senior/disabled transit (operating and capital).	1,000,000	
PUC § 99275	<i>Article 4.5:</i> community and senior/disabled transit (operating and capital).	1,000,000	
PUC § 99400	<i>Article 8:</i> general public, community and senior/disabled transit (operating, planning and capital); streets and roads (subject to finding of no unmet transit needs).	1,000,000	
PUC § 99313	<b>State Transit Assistance (STA)</b> <i>Population-Based:</i> general public, community and senior/disabled transit (operating and capital); MTC regional coordination projects (operating and capital).	\$1,000,000	Unlimited if requested by claimant
PUC § 99314	<i>Revenue Based:</i> general public, community and senior/disabled transit (operating and capital).	\$1,000,000	
S&H § 30892	<b>“Net Toll Revenues”</b> (“AB 664”): non-federal match to designated MTC Transit Capital Priorities projects (capital).	\$1,000,000	Unlimited if requested by claimant
S&H § 30914(a)(4)	<b>“90% Rail Extension Reserves”</b> : rail transit extension and improvement to reduce traffic on SFOBB (capital)	\$1,000,000	Unlimited if requested by claimant
S&H §§ 30913, 30914	<b>“2% Bridge Toll Revenues”</b> : rapid water transit systems (capital, operating, planning, acquisition).	\$1,000,000	Unlimited if requested by claimant
S&H §§ 30913, 30914	<b>“5% State Fund Revenues”</b> : transit (including water transit) intended to reduce traffic on state-owned bridges (operating and capital).	\$1,000,000	Unlimited if requested by claimant
PUC § 29142.2(b)	<b>“AB 1107”</b> : BART, AC Transit, S.F. Muni (operating)	\$1,000,000	Unlimited if requested by claimant
S&H §§ 30914(c) & (d)	<b>“RM 2 Bridge Tolls”</b> ; specific capital projects and programs and transit operating assistance that have been determined to reduce congestion or to make improvements to travel in the toll bridge corridors, as identified in SB 916 (Chapter 715, Statutes of 2004).	\$1,000,000	Unlimited if requested by claimant

“PUC” is Public Utilities Code; “S&H” is Streets and Highways Code; and “SFOBB” is San Francisco Oakland Bay Bridge.

\* For Regional Measure 2 funding, “Claimant” refers to the project sponsors and implementing agencies as indicated in Streets and Highways Code §§ 30914(c) & (d). For Regional Measure 3 funding, “Claimant” refers to the project sponsors and implementing agencies as indicated in Streets and Highways Code §§ 30914.7(a) & (c).

Fund Type		Delegated Authority Limits	
Statutory Reference	Allocation Reference & Eligible Purposes	Allocation	Rescission
S&H §§ 30914.7(a) & (c)	<b>“RM 3 Bridge Tolls”</b> ; specific capital projects and programs and transit operating assistance that have been determined to reduce congestion or to make improvements to travel in the toll bridge corridors, as identified in SB 595 (Chapter 650, Statutes of 2017).	\$1,000,000	Unlimited if requested by claimant

“PUC” is Public Utilities Code; “S&H” is Streets and Highways Code; and “SFOBB” is San Francisco Oakland Bay Bridge.

\* For Regional Measure 2 funding, “Claimant” refers to the project sponsors and implementing agencies as indicated in Streets and Highways Code §§ 30914(c) & (d). For Regional Measure 3 funding, “Claimant” refers to the project sponsors and implementing agencies as indicated in Streets and Highways Code §§ 30914.7(a) & (c).



Date: March 24, 2004  
W.I.: 1514  
Referred by: PAC  
Revised: 05/25/05-C  
07/26/23-C

Attachment B  
Resolution No. 3620, Revised  
Page 1 of 7

DELEGATION OF AUTHORITY TO THE MTC EXECUTIVE DIRECTOR  
TO APPROVE THE ALLOCATION AND RESCISSION OF FUNDS  
OVER WHICH MTC HAS ALLOCATION AUTHORITY

Findings Pertaining to Allocations Made Under Delegated Authority

The following findings pertain, as the case may be, to claimants to which Transportation Development Act State, Transit Assistance funds, and/or Bridge Toll funds are allocated.

Transportation Development Act Article 3 Funds - PUC § 99233.3

1. That each claimant has submitted, or shall have submitted prior to the disbursement of funds, copies, to MTC and to appropriate agencies, of all required State Controller's reports and fiscal audit reports prepared in accordance with PUC §§ 99243 and 99245; and
2. That the projects and purposes for which claimants have submitted applications for TDA Article 3 funds to MTC are in conformance with MTC's Regional Transportation Plan (21 Cal. Code of Regs. § 6651), and with the applicable state regulations (21 Cal. Code of Regs. § 6600 *et seq.*), and with applicable MTC rules and regulations, including MTC Resolution No. 875, Revised (Public Utilities Code § 99401); and
3. That the projects and purpose for which claimants have submitted applications for TDA Article 3 funds to MTC are consistent with the countywide priorities in the county in which the claimant is located, for projects and purposes benefiting bicyclists and pedestrians; and
4. That the claimants to which funds are allocated under this resolution have certified that the projects and purposes 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.*).

Transportation Development Act Article 4 Funds - PUC § 99268 *et seq.*

1. That each claimant has submitted, or shall have submitted prior to the disbursement of funds, copies, to MTC and to appropriate agencies, of all required State Controller's reports and fiscal audit reports prepared in accordance with PUC §§ 99243 and 99245; and
2. That the projects and purposes for which each claimant has submitted an application for TDA Article 4 funds to MTC are in conformance with MTC's Regional Transportation Plan (21

Cal. Code of Regs. § 6651), and with the applicable state regulations (21 Cal. Code of Regs. § 6600 et seq.), and with the applicable MTC rules and regulations; and

3. That each claimant has submitted to MTC as part of its application for TDA Article 4 funds a budget indicating compliance with the 50% expenditure limitation of PUC § 99268, or with the applicable fare or fares-plus-local-support recovery ratio requirement (PUC §§ 99268.2, 99268.3, 99268.4, 99268.12, or 99270.5), as so attested to by the claimant's chief financial officer; and
4. That the sum of each claimant's total allocation of Transportation Development Act and State Transit Assistance funds does not exceed the amount that the claimant is eligible to receive, in accordance with the calculations prescribed by 21 Cal. Code of Regs. § 6633.1, or § 6634; and
5. That pursuant to PUC § 99233.7 funds available for purposes stated in TDA Article 4.5 can be used to better advantage by a claimant for purposes stated in Article 4 in the development of a balanced transportation system; and
6. That the claimants to which funds are allocated under this resolution have certified that the projects and purposes 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.).

#### Transportation Development Act Article 4.5 Funds - PUC § 99275

1. That each claimant has submitted, or shall have submitted prior to the disbursement of funds, copies, to MTC and to appropriate agencies, of all required State Controller's reports and fiscal audit reports prepared in accordance with PUC §§ 99243 and 99245; and
2. That the projects and purposes for which each claimant has submitted an application for TDA Article 4.5 funds to MTC are in conformance with MTC's Regional Transportation Plan (21 Cal. Code of Regs. § 6651), and with the applicable state regulations (21 Cal. Code of Regs. § 6600 et seq.), and with the applicable MTC rules and regulations, including MTC Resolution No. 1209, Revised; and
3. That in accordance with PUC § 99275.5(c), MTC finds that the projects and purposes for which each claimant has submitted an application for TDA Article 4.5 funds to MTC, responds to a transportation need not otherwise met in the community of the claimant; that the services of the claimant are integrated with existing transit services, as warranted; that the claimant has prepared and submitted to MTC an estimate of revenues, operating costs and patronage for the fiscal year in which TDA Article 4.5 funds are allocated; and that the claimant has submitted a budget indicating compliance with the applicable fare or fares-plus-local-match recovery ratio requirement (as set forth, respectively, in PUC § 99268.5 or MTC Resolution No. 1209, Revised), as so attested to by the claimant's chief financial officer; and

4. That the sum of each claimant's total allocation of Transportation Development Act and State Transit Assistance funds does not exceed the amount that the claimant is eligible to receive, in accordance with the calculations prescribed by 21 Cal. Code of Regs. § 6634; and
5. That each claimant is in compliance with PUC §§ 99155 and 99155.5, regarding user identification cards; and
6. That the claimants to which funds are allocated under this resolution have certified that the projects and purposes 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.).

Transportation Development Act Article 8 Transit Funds - PUC § 99400

1. That each claimant has submitted, or shall have submitted prior to the disbursement of funds, copies, to MTC and to appropriate agencies, of all required State Controller's reports and fiscal audit reports prepared in accordance with PUC §§ 99243 and 99245; and
2. That the projects and purposes for which each claimant has submitted an application for TDA Article 8 funds to MTC are in conformance with MTC's Regional Transportation Plan (21 Cal. Code of Regs. § 6651), and with the applicable state regulations (21 Cal. Code of Regs. § 6600 et seq.), and with the applicable MTC rules and regulations, including MTC Resolution No. 1209, Revised; and
3. That each claimant has submitted to MTC as part of its application for TDA Article 8 funds a budget indicating compliance the applicable fare or fares-plus-local-match recovery ratio requirement (as set forth, respectively, in PUC §§ 99268.5, 99268.12, or MTC Resolution No. 1209, Revised), as so attested to by the claimant's chief financial officer; and
4. That the sum of each claimant's total allocation of Transportation Development Act and State Transit Assistance funds does not exceed the amount that the claimant is eligible to receive, in accordance with the calculations prescribed by 21 Cal. Code of Regs. § 6634; and
5. That the claimants to which funds are allocated under this resolution have certified that the projects and purposes 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.).

Transportation Development Act Article 8 Streets and Roads Funds - PUC § 99400

1. That each claimant has submitted, or shall have submitted prior to the disbursement of funds, copies, to MTC and to appropriate agencies, of all required State Controller's reports and fiscal audit reports prepared in accordance with PUC §§ 99243 and 99245; and

2. That the projects and purposes for which each claimant has submitted an application for TDA Article 8 funds to MTC are in conformance with MTC's Regional Transportation Plan (21 Cal. Code of Regs. § 6651), and with the applicable state regulations (21 Cal. Code of Regs. § 6600 et seq.), and with the applicable MTC rules and regulations; and
3. That for purposes of reviewing claims for TDA Article 8 streets and roads funds, MTC has, pursuant to Public Utilities Code § 99401.5(c), adopted a definition of "unmet transit needs" and "unmet transit needs that are reasonable to meet," and procedures and criteria for making findings of unmet transit needs that are reasonable to meet (MTC Resolution No. 2380, Revised); and
4. That the jurisdictions within the county of the claimant, in conjunction with the county's Paratransit Coordinating Council, have identified unmet transit needs and developed a program to address those needs, and have made available to MTC the county transportation plan to provide a basis for revising appropriate portions of MTC's Regional Transportation Plan; and
5. That in accordance with Public Utilities Code § 99401.5(d), MTC has determined, as the case may be, that within the jurisdiction of the claimant, there are no unmet transit needs, or that there are no unmet transit needs that are reasonable to meet, or that there are unmet transit needs, including those that are reasonable to meet; and
6. That the claimants to which funds are allocated under this resolution have certified that the projects and purposes 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.).

State Transit Assistance Funds - PUC §§ 99313 and 99314

1. That each claimant has submitted, or shall have submitted prior to the disbursement of funds, copies, to MTC and to appropriate agencies, of all required State Controller's reports and fiscal audit reports prepared in accordance with PUC §§ 99243 and 99245; and
2. That the projects and purposes for which each claimant has submitted an application for TDA Article 8 funds to MTC are in conformance with MTC's Regional Transportation Plan (21 Cal. Code of Regs. § 6651), and with the applicable state regulations (21 Cal. Code of Regs. § 6600 et seq.), and with the applicable MTC rules and regulations; and
3. That each claimant has submitted to MTC as part of its application for TDA Article 4 funds a budget indicating compliance with the 50% expenditure limitation of PUC § 99268, or with the applicable fare or fares-plus-local-support recovery ratio requirement (PUC §§ 99268.2, 99268.3, 99268.4, 99268.12, or 99270.5), or with the applicable fare or fares-plus-local-match recovery ratio requirement (as set forth, respectively, in PUC §§ 99268.5, 99268.12, or

MTC Resolution No. 1209, Revised), as so attested to by the claimant's chief financial officer; and

4. That each claimant is making full use of federal funds available under the Transportation Equity Act for the 21<sup>st</sup> Century ("TEA-21"), as amended; and
5. That the sum of each claimant's allocation of Transportation Development Act and State Transit Assistance funds does not exceed the amount the claimant is eligible to receive, in accordance with the calculations prescribed by 21 Cal. Code of Regs. § 6633.1 or § 6634; and
6. That MTC has given priority consideration to claims to offset reductions in federal operating assistance and the unanticipated increase in the cost of fuel, to enhance existing public transportation services, and to meet high priority regional, countywide, or areawide public transportation needs; and
7. That each claimant has made a reasonable effort to implement the productivity improvements recommended pursuant to PUC § 99244; and
8. That each claimant is not precluded by any contract entered into on or after June 28, 1979, from employing part time drivers or from contracting with common carriers of persons operating under a franchise or license; and
9. That each claimant has submitted to MTC a copy of a certification from the California Highway Patrol verifying that the claimant is in compliance with Section 1808.1 of the Vehicle Code ("Pull Notice Program"), as required by PUC § 99251; and
10. That each claimant is in compliance with the eligibility requirements of PUC §§ 99314.6 or 99314.7; and
11. That each claimant has certified that it has entered into a joint fare revenue sharing agreement with every connecting transit operator, and that it is in compliance with MTC's Transit Coordination Implementation Plan, pursuant to Gov't Code §§ 66516 and 66516.5, PUC §§ 99314.5(c) and §99314.7, and MTC Resolution No. 3055, Revised; and
12. That the claimants to which funds are allocated under this resolution have certified that the projects and purposes 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.).

Regional Measure 2 Toll Bridge - S&H §§ 30914(c) & (d)

1. That Regional Measure 2 (RM2) establishes the Regional Traffic Relief Plan and lists specific capital projects and programs, each with respective project sponsors that are eligible to receive RM2 funding as identified in Streets and Highways Code Sections 30914(c) & (d); and

2. That MTC adopted policies and procedures for the implementation of the Regional Measure 2 Regional Traffic Relief Plan, which specifies the allocation criteria and project compliance requirements for RM2 funding (MTC Resolution No. 3636); and
3. That the allocation and reimbursement of RM2 funds are conditioned upon the claimant complying with the provisions of the Regional Measure 2 Regional Traffic Relief Plan Policy and Procedures as set forth in length in MTC Resolution 3636; and
4. That each claimant<sup>1</sup> has submitted an allocation request package and Initial Project Report (“IPR”), as required pursuant to Streets and Highway Code Section 30914(e), to MTC for review and approval for a capital or operating assistance project eligible to receive RM 2 funding as identified in Streets and Highways Code Sections 30914(c) & (d); and
5. That the claimant’s allocation and reimbursements are in accordance with each allocation’s detailed project, activities, phase, reimbursement schedule, and amount recommended for allocation by MTC staff for which the claimant is requesting RM2 funding; and
6. That each allocation is further conditioned upon project specific conditions, which must be met prior to execution of the allocation and any reimbursement of RM2 funds to the claimant; and
7. That each allocation includes MTC staff’s review of the claimant’s Initial Project Report (IPR) for this project; and that MTC approves MTC staff’s review of the claimant’s IPR for this project; and
8. That each allocation lists the cash flow of RM2 funds and complementary funding for the deliverable/useable RM2 project segment; and
9. That the claimants to which funds are allocated under this resolution have certified that the projects and purposes 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
10. That the allocation and reimbursement of RM2 funds are conditioned upon the availability and expenditure of the complementary funding; and that reimbursement of RM2 funds is subject to the availability of RM2 funding.

Regional Measure 3 Toll Bridge – S&H §§ 30914.7(a) & (c)

1. That Regional Measure 3 (RM3) establishes the Regional Measure 3 Expenditure Plan and lists specific capital and operating assistance projects programs, each with respective project sponsors that are eligible to receive RM3 funding as identified in Streets and Highways Code Sections 30914.7(a) & (c); and

---

<sup>1</sup> For Regional Measure 2 funding, “Claimant” refers to the project sponsors and implementing agencies as indicated in Streets and Highways Code §§ 30914(c) & (d)

2. That MTC adopted policies and procedures for the implementation of the Regional Measure 3 Expenditure Plan, which specifies the allocation criteria and project compliance requirements for RM3 funding (MTC Resolution No. 4404, Revised); and
3. That the allocation and reimbursement of RM3 funds are conditioned upon the claimant complying with the provisions of the Regional Measure 3 Policies and Procedures as set forth in length in MTC Resolution 4404, Revised; and
4. That each claimant<sup>2</sup> has submitted an allocation request package and Initial Project Report (“IPR”), as required pursuant to Streets and Highway Code Section 30914.7(d), to MTC for review and approval for a capital or operating assistance project eligible to receive RM3 funding as identified in Streets and Highways Code Sections 30914.7(a); and
5. That the claimant’s allocation and reimbursements are in accordance with each allocation’s detailed project, activities, phase, reimbursement schedule, and amount recommended for allocation by MTC staff for which the claimant is requesting RM3 funding; and
6. That each allocation is further conditioned upon project specific conditions, which must be met prior to execution of the allocation and any reimbursement of RM3 funds to the claimant; and
7. That each allocation includes MTC staff’s review of the claimant’s Initial Project Report (IPR) for this project; and that MTC approves MTC staff’s review of the claimant’s IPR for this project; and
8. That each allocation lists the cash flow of RM3 funds and complementary funding for the deliverable/useable RM3 project segment; and
9. That the claimants to which funds are allocated under this resolution have certified that the projects and purposes 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
10. That the allocation and reimbursement of RM3 funds are conditioned upon the availability and expenditure of the complementary funding; and that reimbursement of RM3 funds is subject to the availability of RM3 funding.

---

<sup>2</sup> For Regional Measure 3 funding, “Claimant” refers to the project sponsors and implementing agencies as indicated in Streets and Highways Code §§ 30914.7(a) & (c)