Metropolitan Transportation Commission

July 22, 2020 Agenda Item 7b

MTC Resolution No. 4420, Revised

Subject: Programming of \$507.6 million of FTA formula funds from the

Coronavirus Aid, Relief, and Economic Security (CARES) Act to support Bay Area transit operations in response to the COVID-19 pandemic.

Background: On Friday July 10, 2020, Caltrans staff distributed to stakeholders the

regional apportionments of the FTA Section 5311 Rural Area formula program funds allotted to the state. At the Programming and Allocations Committee (PAC) meeting on July 8, staff proposed programming Phase 2 of the region's CARES Act funds using estimated Section 5311 amounts. The final amount of \$3,453,334 is \$30,885 above our initial estimates. This additional funding has been incorporated into the final distribution shown as an attachment to this Summary Sheet, increasing operator and

MTC funding amounts proportionately.

The updated proposed Phase 2 CARES Act distribution is also reflected in

Attachment C to MTC Resolution No. 4420, Revised.

Issues: None

Recommendation: Approve MTC Resolution No. 4420, Revised.

Attachments: Revised Phase 2 CARES Act Funding Distribution Summary

Revised Proposed Expenditure of MTC Share of CARES Act

MTC Resolution No. 4420, Revised (updated with final distribution)

Therese W. McMillan

Item 7b Attachment A

Transit Operator	April 2020 MTC Resolution 4420 CARES Act Phase 1 Distribution	Proposed CARES Act Phase 2 Distribution	Total CARES Act Allocation (Phase 1 + Phase 2)	Total CARES Act Allocation Percent Share (Phase 1 + Phase 2)
AC Transit	\$80,366,395	\$33,793,809	\$114,160,204	8.95%
BART	\$251,637,050	\$125,416,405	\$377,053,455	29.56%
Caltrain	\$49,292,725	\$15,344,609	\$64,637,334	5.07%
GGBHTD	\$30,163,006	\$21,417,456	\$51,580,462	4.04%
SFMTA	\$197,190,672	\$176,592,087	\$373,782,759	29.30%
SamTrans	\$28,519,037	\$17,361,063	\$45,880,100	3.60%
VTA	\$73,023,596	\$68,552,110	\$141,575,706	11.10%
Subtotal	\$710,192,481	\$458,477,539	\$1,168,670,019	91.62%
ACE ¹	\$2,680,453	\$0	\$2,680,453	0.21%
СССТА	\$7,067,680	\$4,745,001	\$11,812,681	0.93%
City of Dixon	\$305,302	\$84,971	\$390,273	0.03%
ECCTA	\$3,891,364	\$4,133,275	\$8,024,639	0.63%
City of Fairfield	\$2,002,985	\$1,935,831	\$3,938,816	0.31%
LAVTA	\$3,501,369	\$3,317,752	\$6,819,122	0.53%
Marin Transit	\$5,438,809	\$4,737,498	\$10,176,307	0.80%
NVTA	\$2,701,734	\$1,675,538	\$4,377,271	0.34%
City of Petaluma	\$498,342	\$562,604	\$1,060,946	0.08%
City of Rio Vista	\$119,328	\$38,512	\$157,840	0.01%
SMART	\$10,375,471	\$4,577,061	\$14,952,532	1.17%
City of Santa Rosa	\$2,493,979	\$1,581,689	\$4,075,668	0.32%
Solano County Transit	\$2,590,800	\$2,941,048	\$5,531,848	0.43%
Sonoma County Transit	\$3,014,482	\$2,758,113	\$5,772,595	0.45%
Transbay Joint Powers Authority	\$0	\$583,287	\$583,287	0.05%
Union City Transit	\$922,560	\$1,023,851	\$1,946,411	0.15%
City of Vacaville	\$488,659	\$1,301,228	\$1,789,887	0.14%
WCCTA	\$2,218,204	\$1,799,643	\$4,017,847	0.31%
WETA	\$12,529,212	\$6,227,645	\$18,756,857	1.47%
Subtotal	\$62,840,733	\$44,024,546	\$106,865,279	8.38%
Total	\$773,033,213	\$502,502,085	\$1,275,535,298	100%
Regional Transit Programs/Support (1%)	\$7,808,416	\$5,075,779	\$12,884,195	N/A
GRAND TOTAL	\$780,841,629	\$507,577,864	\$1,288,419,493	N/A

Using the proposed needs-based methodology, ACE's need is met when considering the Phase 1 allocation from the MTC region (\$2.7M) and Stockton UZA contributions (\$17.5M). Future emergency funding will necessitate a review of their need and funding.

Proposed Expenditure of MTC Share of CARES Act (H.R. 748) Supplemental Federal Transit Funds

The following matrix proposes expenditure categories and funding amounts for the \$7,808,416 \$12,884,195 in CARES Act funding directed to MTC.

	Expenditure Category	Description	Funding Amount
1.	Clipper Operations	Support the implementation and operation of the Region's fare payment card. CARES Act funds are needed to replace significant revenue reductions to State Transit Assistance (STA) and Regional Measure 2 funding that support the Clipper operating budget.	\$4,200,000
2.	Regional Transit Connection (RTC) Card	An RTC Discount ID Card is made available to persons with qualifying disabilities and is used as proof of eligibility to receive discount fares on fixed-route public transit in the Bay Area. CARES Act funding will support the upgrade of data systems used to implement the program and the transfer of RTC operations to MTC.	\$1,000,000
3.	Vanpool	CARES Act funds would provide a replacement subsidy to Commute by Enterprise to support the continued operation of 130 Vanpool vehicles that have been idled due to the COVID-19 pandemic and Shelter in Place Order. Without this funding, vehicles may be permanently taken out of service and the expense to restart operations would be prohibitive. Vanpool service is viewed to be an important part of economic and mobility recovery in the wake of the pandemic.	\$ 400,000
4.	Means-based Pilot Operator Subsidy	\$8 million in STA funding had been planned to be set-aside to support the 18-month Clipper Start Means-based Transit Fare Pilot, scheduled to begin in July 2020. Due to the estimated 40 percent reduction in STA funding for FY 2020-21, CARES Act funding is proposed to keep the set aside-for the pilot whole. and continue the provision of operator subsidies for reduced fares at the originally planned level. MTC further proposes to augment planned funding for the Clipper Start program by approximately \$5.1 million to allow for the expansion of the pilot to operators beyond the four currently enrolled. For administrative ease of use, staff proposes to exchange CARES Act funds for STA Regional Coordination funds previously intended for Clipper operations, and re-direct an equal amount of those STA funds to the Means-based program.	\$1,700,000 \$6,775,779
5.	Transit Recovery Planning	CARES Act funding is proposed to support efforts related to public transit recovery necessitated by the COVID-19 crisis. Activities may include planning, surveying, public outreach, public information, and other efforts to support the work of the Blue Ribbon Transit Recovery Task Force.	\$ 508,416
		Total:	\$12,884,195

Date: April 22, 2020

W.I.: 1512

Referred By: Commission Revised: 05/27/20-C

07/22/20-C

ABSTRACT

Resolution No. 4420, Revised

This resolution approves the process, establishes the criteria, and programs projects for Federal Transit Administration (FTA) Sections 5307 Urbanized Area Formula and 5311 Rural Area formula funds apportioned to the San Francisco Bay Area pursuant to the Coronavirus Aid, Relief, and Economic Security Act (H.R. 748) for FY2019-20 Emergency Transit Operations Assistance.

This resolution includes the following attachments:

Attachment A – Principles for Distribution of CARES Act (H.R. 748) Supplemental Federal Transit Administration Formula Funds

Attachment B - FY2019-20 Emergency Transit Operations Programming Policy

Attachment C – FY2019-20 Emergency Transit Operations Program of Projects

On May 27, 2020, Attachment A was revised to incorporate proposed actions for Principle 5.

Attachments B and C were revised on July 22, 2020 to update the Policy and Programming for the Phase 2 distribution of CARES Act Emergency Transit Operations funding.

Further discussion is contained in the memoranda to the MTC Programming and Allocations Committee dated May 13, 2020 and July 8, 2020.

Date: April 22, 2020

W.I.: 1512 Referred By: Commission

San Francisco Bay Area FY2019-20 Emergency Transit Operations Programming Policy

RE:

METROPOLITAN TRANSPORTATION COMMISSION RESOLUTION NO. 4420

WHEREAS, 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.; and

WHEREAS, MTC is the designated Metropolitan Planning Organization (MPO) for the nine-county Bay Area; and

WHEREAS, the Coronavirus Aid, Relief, and Economic Security (CARES) Act (H.R. 748) has been signed into law in response to the nationwide Coronavirus pandemic, which provides supplemental appropriations for Emergency Transit Operations Assistance through the Federal Transit Administration (FTA) Section 5307 Urbanized Area and Section 5311 Rural Area formula programs; and

WHEREAS, MTC is the designated recipient of the FTA Section 5307 Urbanized Area Formula Program funds for the large urbanized areas of San Francisco-Oakland, San Jose, Concord, Antioch, and Santa Rosa, and has been authorized by the California Department of Transportation (Caltrans) to select projects and recommend funding allocations subject to state approval for the FTA Section 5307 funds for the small urbanized areas of Vallejo, Fairfield, Vacaville, Napa, Livermore, Gilroy-Morgan Hill, and Petaluma in MTC's Federal Transportation Improvement Program and for the Section 5311 funds in non- urbanized areas; and

WHEREAS, MTC has worked cooperatively with the cities, counties and transit operators in the region to establish a set of principles to guide the development of the process and methodology for the initial distribution of CARES Act supplemental federal transit funds; and which provide for adjustments for subsequent distributions, as set forth in Attachment A, which is incorporated herein as though set forth at length; and

WHEREAS, the Policy to be used for the distribution of funds is set forth in Attachment B, which is incorporated herein as though set forth at length; and

WHEREAS, the projects to be funded are set forth in the detailed project listings in Attachment C, which are incorporated herein as though set forth at length; now, therefore, be it

RESOLVED, that MTC approves FY2019-20 Emergency Transit Operations Programming Policy as set forth in Attachment B; and, be it further

RESOLVED, that MTC will use the Policy as set forth in Attachment B to program supplemental FTA Sections 5307 and 5311 formula funds appropriated in the CARES Act for Emergency Transit Operations Assistance as provided under statute; and, be it further

RESOLVED, that MTC will return to the Commission to consider and approve those criteria and factors that will be identified for and associated with Principle 5 as provided for in Attachment A, as a basis for subsequent distributions beyond the initial distribution; and, be it further

RESOLVED, that MTC adopts the FY2019-20 Emergency Transit Operations Program of Projects to be funded as set forth in Attachment C; and, be it further

RESOLVED, that the Executive Director of MTC, or their designee, is authorized and directed to modify the Program of Projects as listed in Attachment C to meet requirements of FTA, and be it further

RESOLVED, that the Executive Director of MTC, or their designee, is authorized and directed to forward a copy of this resolution to the Federal Transit Administration (FTA) or other such agencies as may be appropriate.

METROPOLITAN TRANSPORTATION COMMISSION

Scott Haggerty, Chair

The above resolution was entered into by the Metropolitan Transportation Commission at a regular meeting of the Commission held in San Francisco, California on April 22, 2020.

Date: April 22, 2020

W.I.: 1512

Referred By: Commission Revised: 05/27/20-C

07/22/20-C

Attachment A Resolution No. 4420

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Principles for Distribution of CARES Act (H.R. 748) Supplemental Federal Transit Administration Formula Funds

Principles	Proposed Action
Move quickly to distribute first allocation of funds to operators as soon as possible.	Recommend an allocation formula and distribution of an initial installment of funds for approval no later than at the regularly-scheduled MTC Commission meeting on April 22 nd .
2. Distribute funding in a manner that best addresses operators' needs arising from the COVID-19 crisis.	Pursue agreement with transit operators on a distribution framework that comes as close as possible to anticipated transit operator costs associated with COVID-19, consistent with the intent of the CARES Act to direct funding according to need. Recognize the different revenues that comprise operator budgets and that will be affected by the COVID-19 crisis.
3. Allow flexibility to enable the region to address uncertainty/changed circumstances.	Distribute the funds in multiple phases. Limit the initial distribution of funds to approximately 60% of the total funding, given the challenge of accurately predicting revenue losses. Return to the Commission in July with a second programming action to revisit the formula and make any necessary adjustments based on more accurate information on revenue losses and costs incurred from March through June, and more refined forecasts of revenue impacts through the remainder of 2020.
4. Address urbanized area (UZA) constraints associated with federal funds with a needs-based funding distribution of any COVID-19 supplemental state funds.	Because the federal funds are apportioned to the region by UZAs (5 large and 7 small), there may be limitations in how well a regionwide formula can distribute funds in accordance with operators' actual needs. MTC should take this into consideration in distributing any potential supplemental emergency state funds provided to the region that are under MTC discretion to best achieve a 'needs-based' distribution of the combined state and federal COVID-19 supplemental funds.

5. Future distribution(s) – beyond the initial phase – will be subject to a comprehensive COVID-19 recovery strategy that considers any recommended regional adjustments to ensure network connectivity, financial sustainability, and transportation system equity.

Each operator will develop and provide MTC with a COVID-19 recovery strategy. The recovery strategies will consider a) right sizing the services, including criteria for reinstating any service reductions undertaken; b) financial sustainability, including assumptions and rationale regarding how quickly and to what level ridership will recover; and c) how equity/lifeline services are being addressed, including identification of the most transit dependent riders and prioritization of their needs.

The proposed actions for this principle will be further guided by the work and direction of the Blue Ribbon Transit Recovery Task Force.

Date: April 22, 2020

W.I.: 1512

Referred By: Commission Revised: 07/22/20-C

Attachment B

Resolution No. 4420

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San Francisco Bay Area FY2019-20 Emergency Transit Operations Assistance Programming Policy

> Metropolitan Transportation Commission Bay Area Metro Center 375 Beale Street, Suite 800 San Francisco, CA 94105

I. About the Policy

a. Background: The FY2019-20 Emergency Transit Operations Assistance Programming Policy applies to the programming of supplemental Federal Transit Administration Section 5307 Urbanized Area and 5311 Rural Area formula program funds apportioned to the San Francisco Bay Area in FY2019-20, pursuant to the Coronavirus Aid, Relief, and Economic Security (CARES) Act (H.R. 748).

This policy contains the rules for establishing a program of projects for eligible transit operators in the San Francisco Bay Area Region.

On March 27, 2020, the President signed the CARES Act into law, providing supplemental appropriations for emergency transit operations in response to the global Coronavirus pandemic. These supplemental appropriations were provided via existing FTA Section 5307 and 5311 formula programs, and follow many of the same statutory guidelines and requirements. However, the funds are explicitly eligible for use for operating assistance and capital expenses related to transit operator response to the Coronavirus pandemic.

b. Goals & Objectives: The goal of this policy is to provide emergency operating assistance to transit operators to mitigate lost fare revenues, reduced sales tax revenues, and other lost revenues, and increased costs associated with the Coronavirus pandemic; recognizing distinctions between initial responses to the crisis, and recovery efforts emerging from it;

II. The Policy

a. FTA Funds

- i. Federal Eligibility: In addition to the typical eligibility for capital and operating projects for the FTA Section 5307 Urbanized Area and FTA Section 5311 Rural Area Formula Programs as described in detail in MTC Resolution Nos. 4036, Revised (5311 Program Policy), and 4242, Revised (Transit Capital Priorities Policy), the CARES Act also makes these funds "available for the operating expenses of transit agencies related to the response to a coronavirus public health emergency as described in section 319 of the Public Health Service Act, including, beginning on January 20, 2020, reimbursement for operating costs to maintain service and lost revenue due to the coronavirus public health emergency, including the purchase of personal protective equipment, and paying the administrative leave of operations personnel due to reductions in service." Further, the CARES Act provides this supplemental funding up to a 100% Federal share.
- ii. Regional Eligibility: Transit operators are required to submit annual reports to the National Transit Database (NTD). Service factors reported in large urbanized areas partially determine the amounts of FTA Section 5307 funds generated in the region. An operator is eligible to be programmed and apply to FTA for funds only in designated UZAs, as outlined in Table 1 below. Eligibility is based on geographical operations and 2018 self-reported NTD information and may be broader than the UZA eligibility for the Transit Capital Priorities (TCP) Program (MTC Resolution No. 4242, Revised) typically used for distribution of FTA formula funds, in which

certain operator agreements are recognized. Additionally, MTC is an eligible recipient in each UZA in the region.

Table 1. Urbanized Area Eligibility

Urbanized	Eligible Transit Operators [†]		
Area			
San Francisco-	Alameda-Contra Costa Transit District (AC Transit), Altamont Corridor Express		
Oakland	(ACE)*, San Francisco Bay Area Rapid Transit District (BART), Peninsula Corridor		
	Joint Powers Board (Caltrain), Fairfield and Suisun Transit (FAST)*, Golden Gate		
	Bridge, Highway & Transportation District (GGBHTD), Marin County Transit		
	District (Marin Transit)*, MTC, San Francisco Municipal Transportation Authority		
	(SFMTA), San Mateo County Transit District (SamTrans), Santa Clara Valley		
	Transportation Authority (VTA), Solano County Transit (SolTrans)*, Sonoma-Marin		
	Area Rail Transit (SMART)*, City of Union City (Union City Transit)*, Water		
	Emergency Transportation Authority (WETA)*, Western Contra Costa Transit		
	Authority (WestCAT)*		
San Jose	AC Transit, ACE*, Caltrain, MTC, VTA		
Concord	ACE*, BART, Central Contra Costa Transit Authority (CCCTA)*, Eastern Contra		
	Costa Transit Authority (ECCTA/Tri Delta Transit)*, Livermore-Amador Valley		
	Transit Authority (LAVTA)*, MTC, SolTrans*		
Antioch	BART, ECCTA/Tri Delta Transit*, MTC		
Santa Rosa	GGBHTD, MTC, Santa Rosa CityBus*, SMART*, Sonoma County Transit*		
Vallejo	FAST*, MTC, SolTrans*, WETA*		
Fairfield	FAST*, MTC, SolTrans*		
Vacaville	City of Vacaville (CityCoach)*, FAST*, MTC		
Napa	MTC, NVTA/Vine*		
Livermore	ACE*, LAVTA*, MTC		
Gilroy-Morgan	Caltrain, MTC, VTA		
Hill			
Petaluma	GGBHTD, City of Petaluma*, MTC, SMART*, Sonoma County Transit*		

[†] Eligibility based on 2018 NTD Report Data

The FTA Section 5311 Rural Area formula program provides funds to transit operators for service in non-urbanized and rural areas. Operator eligibility is determined by non-urbanized service as provided in the 2012 Regional Transit Database, as explained in MTC Resolution No. 4036, and as self-reported in 2018 NTD reporting. Operators eligible to receive Rural Area formula program funds, based on their provision of rural and non-urbanized area service are as follows:

AC Transit	FAST	SamTrans
Caltrain	LAVTA	SolTrans
CCCTA	Marin Transit	Sonoma County Transit
City of Dixon	NVTA/Vine	Vacaville CityCoach
City of Rio Vista	Petaluma	VTA
ECCTA/Tri Delta Transit		

^{*}Small Operator

Per the State Management Plan for Federal Transit Funds, Caltrans makes final determination of project eligibility for Section 5311 Rural Area Formula funds.

b. Funding Distribution Methodology

- i. <u>Regional Programming Approach</u>: The Regional Programming Approach, as described below, is designed to prioritize funds to operators based on needs. The approach assumes a regional programming perspective and constrains regional demands to the amount of funds available to the region, prior to programming funds to project. It then assigns funds from urbanized areas in the following order:
 - 1. Fund needs for operators that are restricted to receiving funds in one UZA (e.g., SFMTA, WestCAT, CCCTA, etc.).
 - 2. Fund balance of operator needs among multiple UZAs, as eligibility allows, with the objective of fully funding needs (as defined in III.a., below) due to the Coronavirus to the maximum extent possible.
 - 3. Reduce operator funding proportionately in UZAs where needs exceed available funding.
 - 4. If, after Future Phase(s) funds are programmed to address pandemic-related operator needs (further described in III.a.2. below), any remaining funds will be programmed for eligible recipients per the TCP Policy (MTC Resolution No. 4242, Revised), but using the UZA eligibility outlined in Table 1 to maintain maximum flexibility with these funds.
- ii. Phased Distribution of Funds: Funds will be distributed in two Phases:
 - 1. Phase 1: 60.6% of the region's apportionment will be assigned to operators in Phase 1. This phase is intended to roughly address estimated direct operating impacts as a result of the Coronavirus pandemic through June 30, 2020 (e.g., unrealized fare revenue as a result of decreased ridership, unrealized transit agency parking revenue, unrealized bridge toll revenue, increased expenses due to extra cleaning labor and supplies, etc.) using the methodology described in III.a.i., below.
 - 2. Phase 2: The remaining 39.4% of the region's apportionment will be assigned to operators following the Principles included in Attachment A, with emphasis on the recovery based considerations embodied in Principle 5, to be determined in consultation with regional partners and adopted by the Commission. The methodology for future phases is described in III.a.ii., below.

III. The Process

- a. The distribution of funds in Phases 1 and 2 will utilize separate methodologies in order to balance the impacts of the Coronavirus pandemic on the various operators in the region. This process recognizes the myriad revenue sources that go into different operator budgets, and seeks to provide equitable levels of funding to each across the region.
 - i. <u>Phase 1 Methodology</u>: The following process describes the methodology used to determine the funding targets to distribute the region's apportionment of CARES Act supplemental FTA funds in Phase 1:
 - 1. MTC 1% Take-down: 1% of the funds will be assigned to MTC for operating assistance.
 - 2. The remaining Phase 1 funds will be targeted to operators proportionally based on the following three factors, weighted equally, and with a floor applied such that the Small Operators, as defined above, receive an amount equal to at least 17% of their FY2019-20 operating costs:
 - a. Fare box revenues as reported in operators' FY2019-20 Transportation Development Act (TDA) Claims;
 - b. Operating costs, as reported in operators' FY2019-20 TDA Claims; and
 - c. STA Revenue-based formula qualifying revenues (PUC99314), without the AB 1107 sales tax exclusion.
 - ii. <u>Phase 2 Methodology</u>: The following process describes the methodology used to determine the funding targets to distribute the region's apportionment of CARES Act supplemental FTA funds in Future Phase(s):
 - 1. MTC 1% Take-down: 1% of the funds will be assigned to MTC for operating assistance.
 - 2. The remaining Phase 2 funds will be targeted to operators based on the funding each operator received in Phase 1 and their total anticipated revenue losses over a ten-month period. The proposed approach seeks to fully backfill operators' lost revenue due to COVID-19 through December 31, 2020 across both Phase 1 and Phase 2. Because the projected revenue loss across all operators is greater than the total CARES Act funds received, the revenue loss for each operator must be scaled down by 9.87% to allow the March to December need to fit within the available CARES Act funds across both Phase 1 and Phase 2.
 - 3. To provide additional support for operators that serve higher proportions of transit dependent customers, an "equity adjustment" has been applied to the funding distribution. 25% of an operator's forecasted revenue losses are weighted by its ridership share of very low income. Very low income is defined as under \$50,000 household income.

Revenue Loss Assumptions

Amounts shown are a percentage reduction below what the fund source generated prior to COVID-19.

March – August 2020	September – December 2020
Fares -90%	Fares -70%
Sales taxes -45%	Sales taxes -30%
BATA bridge tolls -60%	BATA bridge tolls -25%
Golden Gate Bridge tolls -60%	Golden Gate Bridge tolls -40%
SFMTA Parking -90%	SFMTA Parking -15%
SFMTA General Fund -20%	SFMTA General Fund -20%
Park n Ride revenues -90%	Park n Ride revenues -75%
State Transit Assistance -32%	State Transit Assistance -40%
State Rail Assistance -32%	State Rail Assistance -40%

- iii. <u>Funding</u>: Once operator funding targets are determined by the methodology outlined above, the Phase 1 and Phase 2 targets will be funded using the Regional Programming Model described in II.b.i, above.
- b. Annual Programming in the TIP: MTC, in cooperation with the state and eligible transit operators, is required to develop a Transportation Improvement Program (TIP) for the MTC Region. The TIP is a four-year programming document, listing federally-funded transportation projects, projects requiring a federal action, and projects deemed regionally significant. TCP programming in each year of the TIP will be financially constrained to the estimated apportionment level. Programming adjustments in the TIP will be done in consultation with eligible transit operators in the MTC region.

The CARES Act waives the typical requirement for TIP inclusion for the supplemental apportionments included in the Act used for operating assistance or to pay for capital expenses for emergency relief do not need to be included in the TIP/STIP unless the projects are for substantial functional, locational, or capacity changes. [23 CFR §§ 450.326(e)(5), 450.218(g)(5)]. Over time, MTC will work to incorporate all such funding from the CARES Act in to the TIP for fund monitoring purposes. However, inclusion in the TIP is not a precondition for receiving these funds.

c. Process for Programming Revisions & Amendments: The principles, policy, and associated programming (Attachments A, B, and C to this resolution) will be revised at a later date to include Future Phase funding amounts for operators and to include more detail on the FTA Section 5311 process, as needed, once provided by Caltrans. MTC will consider revisions to an operator's programming as requested.

d. Grant Applications:

i. <u>FTA Section 5307 Programs</u>: Each operator is expected to complete their own Federal grant application using FTA's Transit Award Management System (TrAMS). MTC staff will review grant applications and submit concurrence letters or other required materials to FTA on behalf of project sponsors as needed.

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ii. <u>FTA Section 5311 Program</u>: Operators are responsible for working with Caltrans, the designated recipient and grantee for the Section 5311 program, to respond to calls for projects and submit required materials to access these funds. MTC will assist with the Regional Agency/Transportation Planning Agency (TPA) Certifications and Assurances and any other documentation, as needed.

Date: April 22, 2020 W.l.: 1512
Referred by: Commission Revised: 07/22/20-C

Attachment C Resolution No. 4420 Page 1 of 1

FY2019-20 Emergency Transit Operations Program of Projects

TIP ID	Operator	Project Description	Total FTA Program*	FTA Section 5307	FTA Section 5311
		Apportionments	1,288,419,493	1,283,243,071	5,176,422
Regional Ti	ransit Programs/Support				
REG190001	MTC	CARES Act-eligible Projects	12,884,195	12,884,195	
		Available for Programming	1,275,535,298	1,270,358,876	5,176,422
Phase 1 Pro	ogramming				
ALA190023	AC Transit	CARES Act-eligible Projects	80,366,395	80,366,395	
ALA190024	ACE ¹	CARES Act-eligible Projects	2,680,453	2,680,453	
ALA190025	BART	CARES Act-eligible Projects	251,637,050	251,637,050	
SM-190011	Caltrain	CARES Act-eligible Projects	49,292,725	49,292,725	
CC-190013	CCCTA	CARES Act-eligible Projects	7,067,680	7,067,680	
SOL190018	City of Dixon	CARES Act-eligible Projects	305,302	-	305,302
CC-190014	ECCTA	CARES Act-eligible Projects	3,891,364	3,891,364	
SOL190020	City of Fairfield	CARES Act-eligible Projects	2,002,985	2,002,985	
MRN190014	GGBHTD	CARES Act-eligible Projects	30,163,006	30,163,006	
ALA190026	LAVTA Marin Transit	CARES Act-eligible Projects	3,501,369	3,501,369	220.772
MRN190013 NAP190005	Marin Transit NVTA	CARES Act-eligible Projects CARES Act-eligible Projects	5,438,809 2,701,734	5,199,037 2,461,683	239,772 240,051
SON190008	City of Petaluma	CARES Act-eligible Projects	498,342	498,342	240,051
SOL190019	City of Rio Vista	CARES Act-eligible Projects	119,328	490,342	119,328
SF-190007	SFMTA	CARES Act-eligible Projects	197,190,672	197,190,672	119,320
SM-190010	SamTrans	CARES Act-eligible Projects	28,519,037	28,341,472	177,565
SON190009	City of Santa Rosa	CARES Act-eligible Projects	2,493,979	2,493,979	177,303
SOL190021	Solano County Transit	CARES Act-eligible Projects	2,590,800	2,590,800	
SON190007	Sonoma County Transit	CARES Act-eligible Projects	3,014,482	2,464,786	549,696
SON190010	SMART	CARES Act-eligible Projects	10,375,471	10,375,471	0.10,000
ALA190027	Union City Transit	CARES Act-eligible Projects	922,560	922,560	
SOL190022	City of Vacaville	CARES Act-eligible Projects	488,659	488,659	
SCL190038	VTA	CARES Act-eligible Projects	73,023,596	72,932,222	91,374
CC-190015	WCCTA	CARES Act-eligible Projects	2,218,204	2,218,204	
VAR190008	WETA	CARES Act-eligible Projects	12,529,212	12,529,212	
		Phase 1 Program Total	773,033,213	771,310,125	1,723,088
		Fund Balance	502,502,085	499,048,751	3,453,334
Phase 2 Pro	ogramming				
ALA190023	AC Transit	CARES Act-eligible Projects	33,793,809	33,793,809	
ALA190025	BART	CARES Act-eligible Projects	125,416,405	125,416,405	
SM-190011	Caltrain	CARES Act-eligible Projects	15,344,609	15,344,609	
CC-190013	CCCTA	CARES Act-eligible Projects	4,745,001	4,745,001	
SOL190018	City of Dixon	CARES Act-eligible Projects	84,971	-	84,971
CC-190014	ECCTA	CARES Act-eligible Projects	4,133,275	4,133,275	
SOL190020	City of Fairfield	CARES Act-eligible Projects	1,935,831	1,935,831	
MRN190014	GGBHTD	CARES Act-eligible Projects	21,417,456	21,417,456	
ALA190026	LAVTA	CARES Act-eligible Projects	3,317,752	3,317,752	
MRN190013	Marin Transit	CARES Act-eligible Projects	4,737,498	1,407,647	3,329,852
NAP190005	NVTA	CARES Act-eligible Projects	1,675,538	1,675,538	
SON190008	City of Petaluma	CARES Act-eligible Projects	562,604	562,604	
SOL190019	City of Rio Vista	CARES Act-eligible Projects	38,512	-	38,512
SF-190007	SFMTA	CARES Act-eligible Projects	176,592,087	176,592,087	
SM-190010	SamTrans	CARES Act-eligible Projects	17,361,063	17,361,063	
SON190009	City of Santa Rosa	CARES Act-eligible Projects	1,581,689	1,581,689	
SOL190021	Solano County Transit	CARES Act-eligible Projects	2,941,048	2,941,048	
SON190007	Sonoma County Transit	CARES Act-eligible Projects	2,758,113	2,758,113	
NEW SON190010	Transbay Joint Powers Authorit SMART	CARES Act-eligible Projects CARES Act-eligible Projects	583,287	583,287	
ALA190027	Union City Transit	CARES Act-eligible Projects CARES Act-eligible Projects	4,577,061 1,023,851	4,577,061 1,023,851	
SOL190027	City of Vacaville	CARES Act-eligible Projects CARES Act-eligible Projects	1,301,228	1,301,228	
SCL190022 SCL190038	VTA	CARES Act-eligible Projects CARES Act-eligible Projects	68,552,110	68,552,110	
CC-190038	WCCTA	CARES Act-eligible Projects CARES Act-eligible Projects	1,799,643	1,799,643	
VAR190008	WETA	CARES Act-eligible Projects	6,227,645	6,227,645	
.7111100000		Phase 2 Program Total	502,502,085	499,048,751	3,453,334
	T-4-1 5	<u>-</u>			
	ı otal Prog	gramming (Phase 1 + Phase 2)	1,288,419,493	1,283,243,071	5,176,422
		Fund Balance	-	-	-

Notes:

^{1.} Programming for ACE equal to 50% of the calculated need; remaining 50% will be funded from the San Joaquin Region. Using the proposed needs-based methodology, ACE's need is met when considering the Phase 1 allocation from the MTC region (\$2.7M) and Stockton UZA contributions (\$17.5M). Future emergency funding will necessitate a review of their need and funding.

COMMISSION AGENDA ITEM 7b

Metropolitan Transportation Commission Programming and Allocations Committee

July 8, 2020 Agenda Item 4b - 20-0728

MTC Resolution No. 4420, Revised

Subject:

Programming of \$507.5 million of FTA formula funds from the Coronavirus Aid, Relief, and Economic Security (CARES) Act to support Bay Area transit operations in response to the COVID-19 pandemic.

Background:

The Bay Area is receiving nearly \$1.3 billion in supplemental Federal Transit Administration (FTA) Urbanized Area Formula (Section 5307) and Rural Area Formula (Section 5311) program funds to support transit agency operations impacted by COVID-19 through the CARES Act (signed on March 27, 2020). MTC is responsible for programming the region's FTA Section 5307 program funds and for working with Caltrans for programming of regional Section 5311 program funds.

The \$1.3 billion in total CARES Act funding is being distributed in 2 phases to allow for the provision of immediate relief as well as to preserve flexibility to more accurately match and reconcile revenue losses. In April 2020, the Commission approved the first Phase 1 distribution of approximately \$781 million in federal funds to Bay Area transit agencies, equivalent to 61% of the region's CARES Act funding. This month, a Phase 2 distribution proposal for approximately \$507 million, the remaining 39% balance of the CARES funding, is being presented for action. It is important to emphasize, the CARES Act funds will only stabilize the transit systems – more funding will be needed to address the significant financial challenges faced by transit as a result of the COVID-19 pandemic.

CARES Act Distribution Principles and Operator Recovery Strategies

The first distribution of CARES Act funding was guided by four principles developed in consultation with transit operators. Principles 1 through 4 dealt with the need to act quickly to provide transit operators with funding to address revenue losses, yet retain flexibility in the distribution process to address changing circumstances. Principle 5 applies to the distribution of Phase 2 funds, which is to be guided by transit operator recovery strategies with consideration given to network connectivity, financial sustainability, and transportation system equity.

In early June, transit operators submitted their recovery strategies to MTC. In response to the statewide shelter in place order, transit operators have been focused on retaining routes for the most vulnerable and transit dependent and have been monitoring ridership to make necessary adjustments as needed. The recovery strategies indicate that the transit operators will continue to develop plans, but they are still operating under significant uncertainty. In summary the recovery plans outline the following:

• Financial Sustainability – There is insufficient funding to support pre-COVID service levels, and significant funding uncertainty makes it difficult to develop operating budgets and service plans. Operators are Page 2 of 5

- using the CARES Act funds to retain their labor forces, however, labor comprises about two-thirds of operator budgets and long term sustainability of current staff levels is uncertain.
- Network Connectivity Rapidly changing schedules and different service change processes and timelines, make coordination challenging between systems. As service stabilizes, it will be easier to coordinate on connectivity.
- Equity Operators focused on retaining service on routes that serve
 essential services and vulnerable populations and when restoring
 service plan to prioritize high demand routes that tend to serve the same
 vulnerable populations. Some agencies have enhanced non-fixed route
 solutions (on demand, taxi voucher, shuttle) to ensure access for transit
 dependent riders.

Phase 2 Distribution Framework: 5307 funding

Guided by the Blue Ribbon Transit Recovery Task Force and in close consultation with transit operators, staff are proposing to distribute the Phase 2 CARES Act funding in a manner that takes into account the funding each operator received in Phase 1 and their total anticipated revenue losses over a ten-month period. The proposed approach is summarized below:

- Seek to fully backfill operators' lost revenue due to COVID-19 through December 31, 2020 across both Phase 1 and Phase 2.
- Use a consistent set of revenue loss assumptions for all operators across two time periods (March to August 2020 and September to December 2020) to determine a monthly revenue loss amount
- "True-Up" total anticipated revenue loss over the ten-month period of March to December and calculate the total amount of CARES Act funding an operator needs across both Phase 1 and Phase 2.
- Because the projected revenue loss across all operators of \$1.42 billion is greater than the total CARES Act funds of \$1.288 billion, the revenue loss for each operator must be scaled down by 9.87% to allow the March to December need to fit within the available CARES Act funds across both Phase 1 and Phase 2.

Equity Adjustment

To provide additional support for operators that serve higher proportions of transit dependent customers, the staff proposal contains the application of an "equity adjustment" in the distribution formula:

• 25% of an operator's forecasted revenue losses are weighted by its ridership share of very low income. Very low income is defined as under \$50,000 household income.

Revenue Loss Assumptions

The following assumptions guided staff's calculations of revenue loss for use in the distribution approach described above. These assumptions were refined through discussions with the region's transit operators. Although significant uncertainty remains, they represent a reasonable expectation of the impacts of COVID-19 on revenue generation. Amounts shown are a percentage reduction below what the fund source generated prior to COVID-19.

March – August 2020	September – December 2020
Fares -90%	Fares -70%
Sales taxes -45%	Sales taxes -30%
BATA bridge tolls -60%	BATA bridge tolls -25%
Golden Gate Bridge tolls -60%	Golden Gate Bridge tolls -40%
SFMTA Parking -90%	SFMTA Parking -15%
SFMTA General Fund -20%	SFMTA General Fund -20%
Park n Ride revenues -90%	Park n Ride revenues -75%
State Transit Assistance -32%	State Transit Assistance -40%
State Rail Assistance -32%	State Rail Assistance -40%

FTA Urbanized Area Eligibility: The Transit Capital Priorities Policy (MTC Resolution 4242, Revised), through which FTA Section 5307 funds are typically distributed, provides a limited urbanized area (UZA) eligibility based on several factors:

- FTA guidance
- National Transit Database (NTD) reporting
- Geographic service area
- Negotiated agreements among operators

Similar to Phase 1, the Phase 2 proposal would program CARES Act funds to operators on the broadest possible eligibility based on NTD reporting and geographic service areas in order to meet the principle of programming funds on the basis of need. This methodology preserves a spirit of fairness and equity among the operators so that all operator needs can be met as best possible.

Final Distribution: 5311 Funding

As the Designated Recipient of approximately \$95 million in CARES Act FTA Section 5311 funds for transit services in rural areas, Caltrans is responsible for applying for and distributing these funds to operators throughout the state in coordination with appropriate stakeholders, including MTC. In an April 10, 2020 letter to Section 5311 recipients and partners, Caltrans announced a round 1 statewide distribution of 5311 funds equal to approximately 30% of the total available statewide. These amounts were reflected in the April programming action, treating the Section 5307 and Section 5311 funds as two pieces of the regional strategy to provide emergency transit operating relief. The second round of Caltrans' Section 5311 distribution is expected be made in coordination with MPOs like MTC, and the estimated regional share of the

state's apportionment (approximately \$3.4 million) is included in the total Phase 2 distribution proposed in this item. For both the round 1 distribution and any future rounds, operators will need to work with Caltrans directly for access to and use of those funds.

Expenditure of MTC Regional Transit Program CARES Act Funding

As stated above, 1% of the total CARES Act funding is proposed to be directed to MTC to support its Regional Transit Programs. In the Phase 1 distribution, MTC received about \$7.8 million, and is proposed to receive approximately \$5 million in Phase 2.

In June, the Programming and Allocations Committee approved the expenditure plan for the Phase 1 MTC Regional Transit Program CARES Act funding. Expenditures included backfilling lost revenue to support the Clipper program and the Clipper Start Means-Based Pilot program, implementation of the Regional Transit Connection card, and support for Vanpool services and transit recovery planning. Staff is proposing to amend the expenditure plan to direct MTC's Phase 2 share towards the Clipper Start Means-Based Pilot. The funding will allow for the expansion of the pilot to include operators beyond the four originally enrolled in the pilot. Expansion of the means-based pilot addresses equity in a forward-looking manner by making transit service more affordable for low-income riders.

The revised expenditure plan for MTC's share of the CARES Act funds, incorporating Phase 2, is shown in Attachment B to this summary.

Blue Ribbon Transit Recovery Task Force

One of the initial Task Force responsibilities was to guide the next CARES Act distribution formula and identify the categories to be funded. Over the course of three Task Force meetings, the members provided input and feedback for the proposed distribution. In parallel with the Task Force meetings, MTC staff consulted directly with the transit agencies to develop and refine the proposed distribution. Staff incorporated the feedback from the transit operators and the Task Force to the degree possible given the constraints.

After hearing comments and concerns from each other as well as public and stakeholder comments at the June 29 Task Force meeting, a majority of the Task Force members voted to support (some supported with reservations) the proposed staff recommendation. A small subset of the Task Force members were reticent to support the proposed distribution and two members voted to block the proposal because of a fundamental disagreement with the proposal. In particular, VTA believes the sales tax assumptions proposed are not conservative enough; that sales tax decreases will be more severe and hence the financial impact to VTA is more than what staff is projecting based on the consistent set of revenue loss assumptions. Staff has considered these concerns and has taken this into account in balancing the assumptions for the multitude

of revenue sources that are factors in the distribution formula. Staff believes the assumptions proposed are the best available given the uncertainties.

Issues:

Sales Tax Assumption Concerns: At the June 29 Blue Ribbon Transit Recovery Task Force meeting, several members raised fundamental concerns with the MTC staff proposal. In particular, VTA would like the distribution formula revised to reflect more conservative assumptions on sales tax decreases in the future.

Equity Considerations Should be Forward Looking: As the shelter in place orders begin to ease, more information will become available on populations that are reliant on public transportation in the post-COVID-19 environment. At the June 29 Blue Ribbon Transit Recovery Task Force meeting, members advised that this "forward-looking" equity information should be used to inform future funding decisions, network planning, and transformative actions.

Need for Additional Emergency Funds for Transit: The transit operators and the Task Force agree that more funding is needed to ensure a financial sustainable, connected and equitable transit system going forward. Operators are expected to reach a financial cliff absent additional funding given the likely severity and duration of the pandemic.

Final 5311 Apportionment: As of the writing of this memorandum, the final regional distribution methodology for the state's apportionment of FTA Section 5311 Rural Area Formula Program funds has not been released by Caltrans; it is anticipated to be provided mid- to late-July. When the final distribution and programming methodology is provided by Caltrans, the Executive Director is authorized and directed by MTC Resolution No. 4420 to modify the programming of the region's CARES Act funds to meet FTA requirements, including fiscal constraint. Staff will return to the Commission as appropriate to take any additional needed action or to provide an update on the program.

Recommendation: Refer MTC Resolution No. 4420, Revised, to the Commission for approval

Attachment: Attachment A: Phase 2 CARES Act Funding Distribution Summary

Attachment B: MTC CARES Act Expenditure Plan, Revised

MTC Resolution No. 4420, Revised (Attachment A)

Therese W. McMillan

Item 4b Attachment A

Transit Operator	April 2020 MTC Resolution 4420 CARES Act Phase 1 Distribution	Proposed CARES Act Phase 2 Distribution	Total CARES Act Allocation (Phase 1 + Phase 2)	Total CARES Act Allocation Percent Share (Phase 1 + Phase 2)
AC Transit	\$80,366,395	\$33,791,067	\$114,157,462	8.95%
BART	\$251,637,050	\$125,407,348	\$377,044,397	29.56%
Caltrain	\$49,292,725	\$15,343,056	\$64,635,781	5.07%
GGBHTD	\$30,163,006	\$21,416,217	\$51,579,223	4.04%
SFMTA	\$197,190,672	\$176,583,108	\$373,773,780	29.30%
SamTrans	\$28,519,037	\$17,359,961	\$45,878,998	3.60%
VTA	\$73,023,596	\$68,548,709	\$141,572,305	11.10%
Subtotal	\$710,192,481	\$458,449,465	\$1,168,641,945	91.62%
ACE ¹	\$2,680,453	\$0	\$2,680,453	0.21%
СССТА	\$7,067,680	\$4,744,717	\$11,812,397	0.93%
City of Dixon (5311)*	\$305,302	\$84,961	\$390,263	0.03%
ECCTA	\$3,891,364	\$4,133,082	\$8,024,446	0.63%
City of Fairfield	\$2,002,985	\$1,935,736	\$3,938,721	0.31%
LAVTA	\$3,501,369	\$3,317,589	\$6,818,958	0.53%
Marin Transit	\$5,438,809	\$4,737,254	\$10,176,062	0.80%
NVTA	\$2,701,734	\$1,675,433	\$4,377,166	0.34%
City of Petaluma	\$498,342	\$562,579	\$1,060,920	0.08%
City of Rio Vista (5311)*	\$119,328	\$38,508	\$157,836	0.01%
SMART	\$10,375,471	\$4,576,702	\$14,952,173	1.17%
City of Santa Rosa	\$2,493,979	\$1,581,591	\$4,075,570	0.32%
Solano County Transit	\$2,590,800	\$2,940,915	\$5,531,715	0.43%
Sonoma County Transit	\$3,014,482	\$2,757,974	\$5,772,456	0.45%
Transbay Joint Powers Authority	\$0	\$583,273	\$583,273	0.05%
Union City Transit	\$922,560	\$1,023,804	\$1,946,364	0.15%
City of Vacaville	\$488,659	\$1,301,185	\$1,789,844	0.14%
WCCTA	\$2,218,204	\$1,799,546	\$4,017,750	0.31%
WETA	\$12,529,212	\$6,227,194	\$18,756,406	1.47%
Subtotal	\$62,840,733	\$44,022,044	\$106,862,776	8.38%
Total	\$773,033,213	\$502,471,508	\$1,275,504,722	100%
Regional Transit Programs/Support (1%)	\$7,808,416	\$5,075,470	\$12,883,886	N/A
GRAND TOTAL	\$780,841,629	\$507,546,979	\$1,288,388,608	N/A

^{*}Phase 2 amounts for operators eligible for FTA Section 5311 funds are estimated. Caltrans expects to release FTA Section 5311 programming amounts before mid-July which will determine exact amounts.

¹ Using the proposed needs-based methodology, ACE's need is met when considering the Phase 1 allocation from the MTC region (\$2.7M) and Stockton UZA contributions (\$17.5M). Future emergency funding will necessitate a review of their need and funding.

Item 4b Attachment A

Transit Operator	April 2020 MTC Resolution 4420 CARES Act <u>Phase 1</u> Distribution Operator % Share	Proposed CARES Act <u>Phase 2</u> Distribution Operator % Share	Total CARES Act Allocation Percent Share (Phase 1 + Phase 2)	
AC Transit	10.40%	6.72%	8.95%	
BART	32.55%	24.96%	29.56%	
Caltrain	6.38%	3.05%	5.07%	
GGBHTD	3.90%	4.26%	4.04%	
SFMTA	25.51%	35.14%	29.30%	
SamTrans	3.69%	3.45%	3.60%	
VTA	9.45%	13.64%	11.10%	
Subtotal	91.87%	91.24%	91.62%	
ACE ¹	0.35%	0.00%	0.21%	
СССТА	0.91%	0.94%	0.93%	
City of Dixon	0.04%	0.02%	0.03%	
ECCTA	0.50%	0.82%	0.63%	
City of Fairfield	0.26%	0.39%	0.31%	
LAVTA	0.45%	0.66%	0.53%	
Marin Transit	0.70%	0.94%	0.80%	
NVTA	0.35%	0.33%	0.34%	
City of Petaluma	0.06%	0.11%	0.08%	
City of Rio Vista	0.02%	0.01%	0.01%	
SMART	1.34%	0.91%	1.17%	
City of Santa Rosa	0.32%	0.31%	0.32%	
Solano County Transit	0.34%	0.59%	0.43%	
Sonoma County Transit	0.39%	0.55%	0.45%	
Transbay Joint Powers Authority	0.00%	0.12%	0.05%	
Union City Transit	0.12%	0.20%	0.15%	
City of Vacaville	0.06%	0.26%	0.14%	
WCCTA	0.29%	0.36%	0.31%	
WETA	1.62%	1.24%	1.47%	
Subtotal	8.13%	8.76%	8.38%	
Total	100%	100%	100%	

¹Using the proposed needs-based methodology, ACE's need is met when considering the Phase 1 allocation from the MTC region (\$2.7M) and Stockton UZA contributions (\$17.5M). Future emergency funding will necessitate a review of their need and funding.

Proposed Expenditure of MTC Share of CARES Act (H.R. 748) Supplemental Federal Transit Funds

The following matrix proposes expenditure categories and funding amounts for the \$7,808,416 \$12,883,886 in CARES Act funding directed to MTC.

	Expenditure Category	Description	Funding Amount
1.	Clipper Operations	Support the implementation and operation of the Region's fare payment card. CARES Act funds are needed to replace significant revenue reductions to State Transit Assistance (STA) and Regional Measure 2 funding that support the Clipper operating budget.	\$4,200,000
2.	Regional Transit Connection (RTC) Card	An RTC Discount ID Card is made available to persons with qualifying disabilities and is used as proof of eligibility to receive discount fares on fixed-route public transit in the Bay Area. CARES Act funding will support the upgrade of data systems used to implement the program and the transfer of RTC operations to MTC.	\$1,000,000
3.	Vanpool	CARES Act funds would provide a replacement subsidy to Commute by Enterprise to support the continued operation of 130 Vanpool vehicles that have been idled due to the COVID-19 pandemic and Shelter in Place Order. Without this funding, vehicles may be permanently taken out of service and the expense to restart operations would be prohibitive. Vanpool service is viewed to be an important part of economic and mobility recovery in the wake of the pandemic.	\$ 400,000
4.	Means-based Pilot Operator Subsidy	\$8 million in STA funding had been planned to be set-aside to support the 18-month Clipper Start Means-based Transit Fare Pilot, scheduled to begin in July 2020. Due to the estimated 40 percent reduction in STA funding for FY 2020-21, CARES Act funding is proposed to keep the set aside-for the pilot whole. and continue the provision of operator subsidies for reduced fares at the originally planned level. MTC further proposes to augment planned funding for the Clipper Start program by approximately \$5.1 million to allow for the expansion of the pilot to operators beyond the four currently enrolled. For administrative ease of use, staff proposes to exchange CARES Act funds for STA Regional Coordination funds previously intended for Clipper operations, and re-direct an equal amount of those STA funds to the Means-based program.	\$1,700,000 \$6,775,470
5.	Transit Recovery Planning	CARES Act funding is proposed to support efforts related to public transit recovery necessitated by the COVID-19 crisis. Activities may include planning, surveying, public outreach, public information, and other efforts to support the work of the Blue Ribbon Transit Recovery Task Force.	\$ 508,416
		Total:	\$12,883,886

MTC Resolution No. 4420, Revised has been updated and is attached to Commission agenda item 7b Summary Sheet dated July 22, 2020.





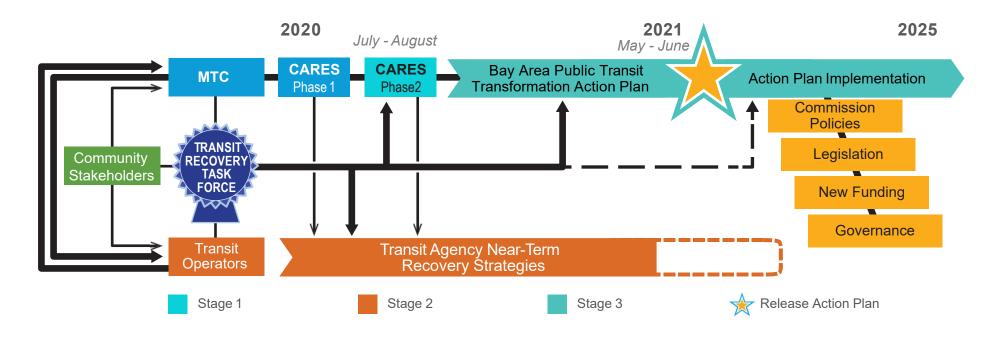
BLUE RIBBON

BLUE RIBBON TRANSIT RECOVERY TASK FORCE

- Appointed by Commission in May 2020 to guide the Bay Area's transit system recovery in response to the COVID-19 pandemic
- 32 members composed of representatives from the State, MTC Commission, transit operators, and stakeholder groups
- Purpose:
 - Guide the expedited distribution of CARES Act Phase 2 funds.
 - Safety, network connectivity, financial sustainability, and transportation system equity will be important considerations.
 - By mid-2021, submit a Bay Area Public Transit Transformation Action Plan to the Commission.
 The Plan should identify actions needed to re-shape the region's transit system into a more
 connected, more efficient, and more user-focused mobility network across the entire Bay Area and
 beyond.

TASK FORCE TIMELINE





TASK FORCE MEETING TOPICS



Meeting 1 - May 29, 2020

- Task Force Framework
- Task Force Member Perspectives

Meeting #2 - June 15, 2020

- Transit Operator Safety Plan Outline
- Operator Recovery Strategy Review
- CARES Act Distribution Options

Meeting #3 - June 29, 2020

- Near Term Recovery
- Transit Operator Safety Plan
- Network Connectivity Planning
- CARES Act Funding Proposal

Meeting #4 - July 20, 2020

 Launch discussion of Phase 3 Transformative Action Plan

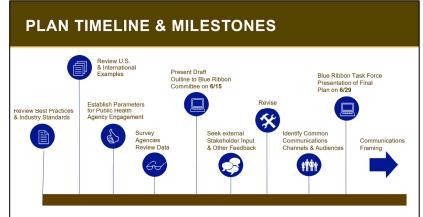


OPERATOR HEALTH & SAFETY PLAN



- Region's Transit Operators are Working in Coordination to Develop and Implement a Health & Safety Plan that will:
 - Establish comprehensive shared protocols to reduce risks for employees and passengers
 - Unite Voices of Bay Area Transit Agencies
 - Leverage Available Data
 - Curate Best U.S. / International Practices
 - Collaborate with Local Public Health Agencies
 - Launch Common / Scalable Standards
 - Review Customer Journey & Health-Vulnerable Passengers
 - Create Common Approach for Communications
 - Establish Simplified Metrics & Reporting





NEAR-TERM COMMITMENTS



Understand near-term rider needs, especially for vulnerable populations

- Transit operators are conducting agency specific polls and surveys*
- Identify funding for multiagency polling and customer surveys
- Operators to indicate priorities for additional data needs – such as O-D/demographic survey to assist with service planning and recovery

*see separate document on list of surveys

Communications Campaign

- Actions being taken to make the system healthy for riders and employees
- Implement coordinated messaging effort to welcome riders back

Quarterly Reporting and Updates

 As services are adjusted by operators, monitor connectivity and minimize gaps

Related Regional Collaboration

- Clipper START
- Fare Integration Study
- Seamless Mobility
- Caltrans Strategic
 Partnerships Transit Grant
- Bay Bridge Forward
- BATA Focus Group







- Move quickly to distribute the first allocation of funds to operators as soon as possible
- Distribute funding in a manner that **best addresses operators' needs** arising from the COVID-19 crisis
- Allow flexibility to enable the region to address uncertainty/changed circumstances
- Address urbanized area (UZA) constraints associated with federal funds with a needs-based funding distribution of any COVID-19 supplemental state funds
- Future distribution(s) will be subject to a comprehensive COVID-19 recovery strategy for each operator that considers any recommended regional adjustments to ensure network connectivity, lifeline service needs, and financial sustainability.

CARES ACT PROPOSED APPROACH

Phase 1 — \$781 million

Distribution Approach

- 33% based on percentage share of FY 2020 -21 State Transit Assistance Revenue-Based Formula (inc. AB 1107 sales tax)
- 33% Based on percentage share of farebox revenue
- 33% based on percentage share of FY 2019-20 Operating Costs

Phase 2 (Proposed) — \$508 million

Distribution Approach

- Seeks to fully backfill operators' lost revenue due to COVID-19 through a horizon of 12/31/2020 across both Phase 1 and Phase 2
- Able to meet 90% of estimated need through 12/2020
- Includes a "true up" as the approach looks at the total anticipated revenue loss over the ten month period of 3/2020 to 12/3030 and calculates the total amount of CARES Act funding an operator needs across both Phase 1 and Phase 2
- Uses a consistent set of revenue loss assumptions for all operators across two time periods (March to August 2020 and September to December 2020) to determine a monthly revenue loss amount

EQUITY CONSIDERATIONS

Equity adjustment is applied by weighting 25% of an operator's projected revenue losses to its ridership share of **very low income** (under \$50,000 income per household) passengers.

CARES Act
Bay Area Total = \$1.3 billion

CARES Act Phase 1 Distribution \$781 million April 2020 (MTC Res. 4420)

UMNES MUL. # 1,200,300,000

CARES Act Phase 2
Distribution
\$508 million
Target: July 2020

BART: \$377,044,397

SFMTA: \$373,773,780

VTA: \$141,572,305

AC Transit: \$114,157,462

Caltrain: \$64,635,781

Golden Gate Transit + Ferry: \$51,579,223

SamTrans: \$45,878,998

WETA: \$18,756,406

SMART: \$14,952,173

MTC Regional Programs: \$12,883,886 =

County Connection: \$11,812,397 =

Marin Transit: \$10,176,062 =

Tri Delta Transit: \$8,024,446 -

LAVTA: \$6,818,958 -

Sonoma County Transit: \$5,772,456 -

Soltrans: \$5,531,715 -

NVTA: \$4,377,166 -

Santa Rosa CityBus: \$4,075,570 -

WestCAT: \$4,017,750 -

FAST: \$3.938.721 -

ACE: \$2,680,453 -

Union City Transit: \$1,946,364 -

Vacaville City Coach: \$1,789,844 -

vacaville City Coach. \$1,709,044

Petaluma Transit: \$1,060,920 -

TJPA: \$583,273 -

City of Dixon: \$390,263 —

City of Rio Vista: \$157,836 -

EQUITY IN ACTION – CLIPPER START



Current Program:

- An 18-month pilot program for 4 Transit Operators (BART, Caltrain, GGBHTD, SFMTA) to provide a transit fare discount to eligible riders based on income
- Anticipated launch date July 15, 2020
- Operators and MTC set aside funding to fund the subsidy

Request:

Consider expanding pilot program to include additional transit operators



Next Steps:

- Confirm interest and participation from transit operators
- CARES Act regional funds could help subsidize additional operators for pilot period.
- Additional follow-up needed on:
 - Clipper System changes
 - Policy & Funding Identification of new regional funding sources
 - Implementation Timing, outreach and program management updates 11

CONSISTENT REVENUE LOSS ASSUMPTIONS



- Revised assumptions (in italics) since last meeting, based on newest data, slightly more optimistic*
- Unprecedented uncertainty remains a challenge
- Use of consistent assumptions across all operators allows for CARES Act distribution options to be considered on a level playing field
- Amounts shown below are a % reduction below what the fund source generated prior to COVID-19.

March - August 2020

- Fares -90%
- Sales taxes -45%
- BATA bridge tolls -60%
- Golden Gate Bridge tolls -60%
- SFMTA Parking -90%
- SFMTA General Fund -20%
- Park n Ride revenues -90%
- State Transit Assistance -32%
- State Rail Assistance -32%

September - December 2020

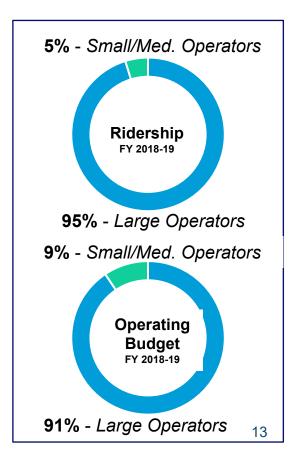
- Fares -70%
- Sales taxes -30%
- BATA bridge tolls -25%
- Golden Gate Bridge tolls -40%
- SFMTA Parking -15%
- SFMTA General Fund -20%
- Park n Ride revenues -75%
- State Transit Assistance -40%
- State Rail Assistance -40%

^{*}Although a majority of transit operators support these assumptions as a basis for the distribution, they are not uniformly supported by all.

CARES ACT PROPOSED DISTRIBUTION

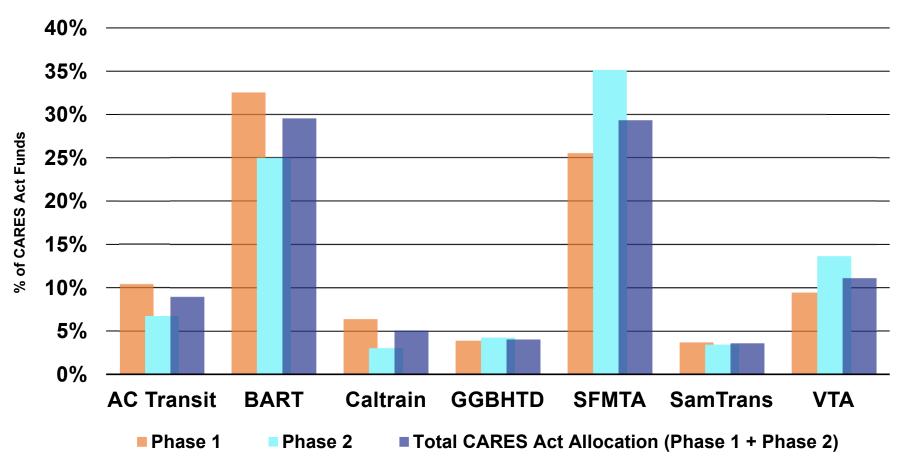


Transit Operator	Total CARES Act Allocation (Phase 1 + Phase 2)	Total CARES Act Allocation % Share (Phase 1 + Phase 2)
AC Transit	\$114,157,462	8.9%
BART	\$377,044,397	29.6%
Caltrain	\$64,635,781	5.1%
Golden Gate Transit + Ferry	\$51,579,223	4.0%
SFMTA	\$373,773,780	29.3%
SamTrans	\$45,878,998	3.6%
VTA	\$141,572,305	11.1%
Large Operator Total	\$1,168,641,945	91.6%
Small/Medium Operator Total	\$106,862,776	8.4%
Regional Transit Programs/Support	\$12,883,886	1% (off the top)
GRAND TOTAL	\$1,288,388,608	100%



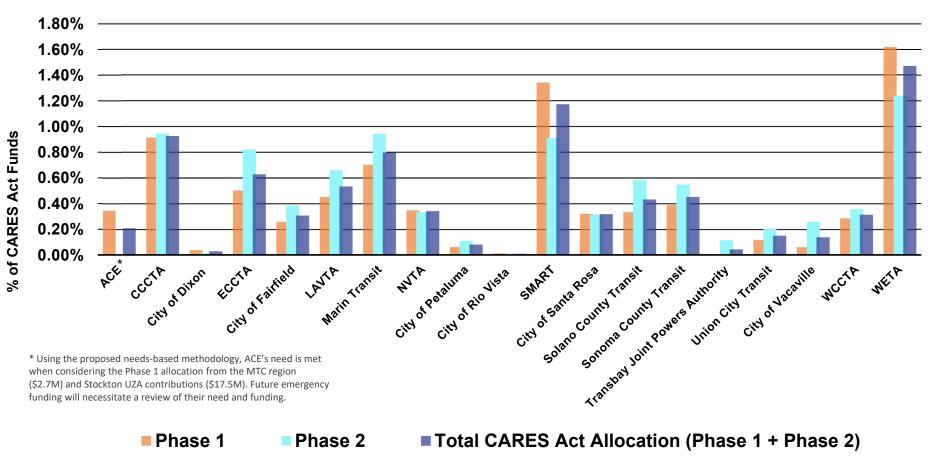
CARES ACT % SHARES BY PHASE





CARES ACT % SHARES BY PHASE, CONT.



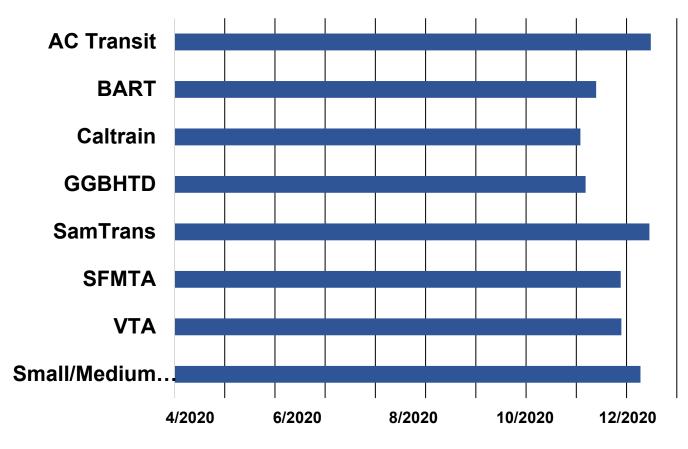


IS THERE A FINANCIAL "CLIFF"?



How many months of revenue loss will the CARES Act backfill?

Note: Different length of bars reflects impact of equity adjustment, CARES Act covers 8.7 months of revenue loss region-wide



- Revenue loss is estimated, unprecedented uncertainty
- Agencies have reduced operating costs so CARES Act funding should stretch longer than shown here
- Recovery strategies restore service as demand returns
- HEROES Act, INVEST in America Act, FTA Formula funds, and state funding all present opportunities for further revenue loss backfills based on need



From: Andrea Hyde

Sent: Tuesday, July 7, 2020 12:02 PM **To:** MTC Info; Jeannie Bruins

Subject: July 8th MTC Programming and Allocations Committee Meeting Item 4b

External Email

Good afternoon,

Please see below a letter I am sending on behalf of Sarita Kohli, AACI President & CEO.

July 8, 2020 MTC Programming and Allocations Committee Info@bayareametro.gov

Re: Agenda Item 4b: MTC Resolution No. 4420, Revised. Coronavirus Aid, Relief, and Economic Security (CARES) Act (H.R. 748) - Emergency Transit Assistance Programming.

Dear Chair Josefowitz and Programming and Allocations Committee Members,

I urge the MTC Programming and Allocations Committee to recommend the "Conservative" assumptions not the "Somewhat Optimistic" assumptions be used to calculate the second payment of CARES Act funding.

The COVID-19 pandemic has drastically impacted the most vulnerable populations in immeasurable ways. One of the most important aspects of daily life is that of local reliable public transit, specifically for low-income, transit-dependent community members such as essential workers, working poor, and seniors. Basic needs such as getting to work, going to the grocery store, and access to childcare and healthcare services are dependent on these local transit programs.

The Valley Transportation Authority (VTA) provides bus and light rail service across Santa Clara County, and yet has received less funding than all other transit agencies during the CARES Act funding distribution. The bus and light rail service provided by VTA serves to safely transport community members locally to access essential services across the county. Therefore, this mode of transportation is crucial and necessary for transit-dependent community members.

We are in strong disagreement with staff's recommendation to proceed with the proposed distribution of funds. As our leaders request the public to act conservatively during the COVID-19 pandemic by wearing a mask, social distancing, washing hands, etc., we ask that MTC take a conservative approach to the distribution revenue assumptions of the 2nd round of CARES Act funding. There is a discrepancy in the current allocation assumptions, using an optimistic forecast during a time when the pandemic has called for a more cautious approach.

With the current more optimistic assumptions, VTA will receive \$7 million dollars less than using the more conservative sales tax assumption. That \$7 million can translate into 30 to 40 positions lost.

During this time when equity is an especially critical topic, the demand to provide necessary services to those who need them most is nonnegotiable. Under this moral standing, we respectfully ask that you reconsider the decision to support staff's recommendation.

Sincerely,

Sarita Kohli President & CEO AACI

ANDREA HYDE

Advocacy Lead AACI 2400 Moorpark Ave., Ste. 300 San Jose, CA 95128 P: (408) 833-9377 www.aaci.org



July 8, 2020
MTC Programming and Allocations Committee
Info@bayareametro.gov

Re: Agenda Item 4b: MTC Resolution No. 4420, Revised. Coronavirus Aid, Relief, and Economic Security (CARES) Act (H.R. 748) - Emergency Transit Assistance Programming.

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Sincerely,

Aaron Morrow Member of Committee for Transportation Mobility and Accessibility Chair Public Policy Advocate for Persons with Disabilities Santa Clara County



COMMISSION AGENDA ITEM 7b
PAC Agenda Item 4b Written Public Comment:
AFSCME (Cruz)

Council 57

80 Swan Way, Suite 110 Oakland CA 94621-1438 Phone 510-577-9694 Fax 510-383-9613 www.afscme57.org

July 6, 2020

Metropolitan Transportation Commission Programming and Allocations Committee Bay Area Metro Center 375 Beale Street San Francisco, CA94105

Dear Chairperson Nick Josefowitz, Vice Chair Carol Dutra-Vernaci and committee members:

AFSCME Local 3993 members, proud BART employees, and AFSCME Council 57, are writing to support the existing Phase 2 CARES funding proposal as outlined in MTC Resolution Number 4420. We support this staff proposal as it addresses farebox revenue and sales tax loss, and equity. We believe any other changes would result in losses to our agency at BART and our members.

Thank you for your consideration in this matter.

Respectfully,

Sal Cruz

President AFSCME 3993

Kim Carter Martinez
Political and Legislative Director
AFSCME Council 57

From: Steve Jovel

Sent: Tuesday, July 7, 2020 3:47 PM **To:** MTC Info; Jeannie Bruins

Subject: July 8th MTC Programming and Allocations Committee Meeting Item 4b

External Email

July 8, 2020

MTC Programming and Allocations Committee Info@bayareametro.gov

Re: Agenda Item 4b: MTC Resolution No. 4420, Revised. Coronavirus Aid, Relief, and Economic Security (CARES) Act (H.R. 748) - Emergency Transit Assistance Programming.

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With the current more optimistic assumptions, VTA will receive \$7 million dollars less than using the more conservative sales tax assumption. That \$7 million can translate into 30 to 40 positions lost.

During this time when equity is an especially critical topic, the demand to provide necessary services to those who need them most is nonnegotiable. Under this moral standing, we respectfully ask that you reconsider the decision to support staff's recommendation.

Sincerely,

Steve Jovel
AFSCME VTA Chapter and Local 101 President

Dear Chair Josefowitz, Vice Chair Dutra-Vernaci, and fellow MTC Programming and Allocations Committee members.

My name is Cathy Adams. I am President and CEO of the Alameda Chamber of Commerce. I would like to address item 4B on your agenda for the July 8th MTC Programming and Allocations Committee meeting. The Oakland African American Chamber represents members throughout the City of Oakland, ranging from mom and pop grocers and restaurants to large employers like Clorox and Blue Shield of California. Many of our residents traditionally relied on the AC Transit service to get around the city of Oakland and get to San Francisco for work and pleasure. Currently, the service has been the backbone of transit and critical for essential worker travel during this pandemic.

We know that the current pandemic has drastically impacted businesses across the economy, including transit agencies. AC Transit has taken a tremendous financial hit due to foregoing fare collection and social distancing which helps to keep the passengers and operators safe during the pandemic. They may likely continue to suffer financially due to reduced sales tax revenues as well.

We recognize that all of our public transit agencies have been impacted by the current pandemic and our fear is that AC Transit may have to reduce its service even more due to shrinking revenues. Given the current economic climate, the proposed \$33.8 million that is being proposed for MTC to allocate to AC Transit will provide a lifeline for the transit agency during these difficult times and mitigate the need to reduce service for the foreseeable future. Furthermore, this allocation will help to sustain and stabilize service levels that so many of our chamber and community members and patrons rely on to keep our local economy going as we move through the pandemic.

I fully support the allocation to AC Transit. Please provide this necessary funding to AC Transit so that our residents are not left stranded. Thank you so much for your consideration.

Cathy Adams



Dear Chair Josefowitz, Vice Chair Dutra-Vernaci, and fellow MTC Programming and Allocations Committee members,

My name is Madlen Saddik. I am President and CEO of the Alameda Chamber of Commerce. I would like to address item 4B on your agenda for the July 8th MTC Programming and Allocations Committee meeting. The Alameda Chamber represents members throughout the City of Alameda, ranging from mom and pop grocers and restaurants to large employers like The North Face and Telecare. Many of our residents traditionally relied on the AC Transit service to get around the city of Alameda and to Oakland and San Francisco for work and pleasure. Currently, the service has been the backbone of transit and critical for essential worker travel during this pandemic.

We know that the current pandemic has drastically impacted businesses across the economy, including transit agencies. AC Transit has taken a tremendous financial hit due to foregoing fare collection and social distancing which helps to keep the passengers and operators safe during the pandemic. They may likely continue to suffer financially due to reduced sales tax revenues as well.

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I fully support the allocation to AC Transit. Please provide this necessary funding to AC Transit so that our residents are not left stranded. Thank you so much for your consideration.

Kindest regards,

Yours in Commerce and Community Gratefully Madlen Saddik President & CEO

Office: (510) 522-0414 Mobile: (650) 954-0848

Email: madlen@alamedachamber.com Web: www.alamedachamber.com From: Haleema Bharoocha

Sent: Tuesday, July 7, 2020 4:50 PM

To: MTC Info

Subject: Public Comment: MTC Programming and Allocations Committee Item 4B

External Email

Good morning Chair Josefowitz, Vice Chair Dutra-Vernaci, and fellow MTC Programming and Allocations Committee members.

My name Haleema Bharoocha. I am the Advocacy Manager for Alliance for Girls. I'm here to speak to item 4B on your agenda. Our young people rely heavily on AC Transit services to ensure that they get to school and work every day. In particular, girls and gender expansive youth rely on public transportation as a means of accessing resources in their community. It is critical for these services to continue being offered and that these services have a gender equity lens to ensure the safety and access of riders who are girls and gender expansive youth.

We know that the current pandemic has drastically impacted business' across the economy, including transit agencies. AC Transit and other transit agencies have taken a tremendous financial hit due to foregoing fare collection and will likely continue to suffer financially due to reduced sales tax revenues. The proposed \$33.8 million that is being proposed for MTC to allocate to AC Transit will provide a lifeline to the service that will help sustain the service for the foreseeable future. This will help to preserve the level of service that so many of our families and our rely on to keep our local economy going. If AC Transit does not receive this funding, we fear that it will have to reduce its service levels, and our local business community that is already struggling will find itself in even more dire straits. These funds are critical to keep service running. AC Transit provides service to those in our community with the highest needs and who truly depend on their service.

- 74% of their riders have incomes of less than \$50,000
- 75% are people of color
- 43% don't have access to a car

In addition, Alliance for Girls, youth researchers have launched a COVID-19 Rapid Response research initiative in March 2020. As of today, 353 girls and gender expansive youth up to age 24 in CA responded, many are in Alameda County. About 12% of girls and gender expansive youth shared that they need or do not have access to public transportation during COVID-19. These funds will allow AC Transit to continue serving the most marginalized in our community and ensure that our youth have access to resources, jobs, etc in their community.

Thank you for your consideration.

Best,

Haleema Bharoocha

Advocacy Manager
Alliance for Girls
1203 Preservation Park Way, Suite 200
Oakland, CA 94612
510.629.9464
408.796.8758 (Cell - Preferred)
www.alliance4girls.org

COMMISSION AGENDA ITEM 7b PAC Agenda Item 4b Written Public Comment: Alliance for the Girls (Bharoocha)

Pronouns: She/Her/Hers

*"Girls" refers to gender-expansive youth (cis girls, trans girls, non-binary youth, gender non-conforming youth, gender queer youth and any girl-identified youth).

Help us understand the needs of girls during the COVID-19 crisis. Share this survey with girls up to age 24 in California.

Tell us how COVID-19 is impacting you! If you provide programs/services to girls, please <u>take **3 minutes** to share how COVID-19 is impacting you and your youth</u>. Your insights will inform our advocacy to ensure girls and girls' programs are prioritized in COVID-19 responses.

COMMISSION AGENDA ITEM 7b PAC Agenda Item 4b Written Public Comment: BLET (Kenny)

Brotherhood of Locomotive Engineers and Trainmen

A Division of the Rail Conference of the International Brotherhood of Teamsters

Amtrak General Committee of Adjustment Amtrak/KCS/KRSV/Caltrain

1985 Highway 34, Suite A7A-1, Mailbox 11

Wall, NJ 07719

Telephone: (732) 275-8206 Fax: (732) 275-8188

E-Mail: bletgca@optonline.ne

Mark B. Kenny General Chairman

Via Electronic & First Class Mail

July 2, 2020

Commissioner Nick Josefowitz, Chair Programming and Allocations Committee Metropolitan Transportation Commission Bay Area Metro Center 375 Beale St., Suite 800 San Francisco, CA 94105-2066

Dear Chair Josefowitz:

In view of the absolute certainty that the extent of funding allocated to Caltrain will not be sufficient to maintain service through the end of the year, thereby placing our members in clear economic jeopardy, the Brotherhood of Locomotive Engineers & Trainmen (BLET) strongly urges you to support the Blue Ribbon Task Force's recommended tranche 2 CARES Act allocations.

As you well know, Caltrain is an essential transit service for thousands of riders that continue to rely on the system to meet their daily mobility needs. As more and more sectors of the Bay Area's economy open up, a growing amount of survey data suggests that former riders will eventually return to the system. However, absent sufficient funding from tranche 2 of the CARES Act, there is a strong likelihood Caltrain will need to shut down before the ridership returns. Such a circumstance would clearly create a critical and wholly unacceptable gap in the Bay Area's transit network, stranding riders that depend on the system, and leaving hundreds of the system's workers without a job, including BLET members working in Caltrain service.

To prevent this, the Metropolitan Transportation Commission should be using CARES funds as they were intended: to protect jobs and preserve service as long as possible. The best way to do this is to base CARES allocations on the actual losses that agencies experience. Caltrain is set to receive \$15 million, but that will not cover the system's fare revenue losses unless ridership returns to an average of 30% of normal levels by the end of the year, which is incredibly unlikely.

The other allocation options evaluated by MTC were still worse. They would have provided Caltrain with even less revenue and would have dramatically increased the likelihood that Caltrain will shut down and lay off workers in the fall.

According to the most recent economic data, sales tax revenues are recovering faster than MTC's assumptions and ridership is recovering more slowly. If the MTC assumptions prove to be inaccurate, swift steps will be needed to provide additional support to the fare dependent agencies like Caltrain to preserve them as critical services that are essential to the region's recovery efforts.

In view of the facts stated above, and the clear economic harm that will come to BLET members if sufficient funding is not provided to Caltrain, we sincerely hope that your office will take the appropriate steps to ensure that the recommended tranche 2 CARES Act allocations are provided as asked herein. Thank you for your time, attention, and hopefully your cooperation in this critically important matter.

Respectfully,

Mark B. Kenny, General Chairman

Cc: Members, Metropolitan Transportation Commission

Members, Peninsula Corridor Joint Powers Board of Directors

- D. R. Pierce, National President
- E. L. Pruitt, First Vice President
- S. J. Bruno, National Secretary Treasurer
- J. P. Tolman, Vice President & National Legislative Representative
- J. P. Louis, Vice President
- T. A. Pontolillo, Director of Research & Assistant to the President

Executive Committee, Amtrak GCA

- R. K. Snow, Chairman, California State Legislative Board
- D. J. Vincenzini, Local Chairman, Division 65

BROTHERHOOD OF **LOCOMOTIVE ENGINEERS** AND **TRAINMEN**

DENNIS R. PIERCE National President

7061 East Pleasant Valley Road Independence, Ohio 44131



Phone: 216.241.2630 Fax: 216.241.6516 www.ble-t.org

VIA ELECTRONIC MAIL (NJOSEFOWITZ@SPUR.ORG)

July 6, 2020

Commissioner Nick Josefowitz, Chair Programming and Allocations Committee Metropolitan Transportation Commission Bay Area Metro Center 375 Beale St., Suite 800 San Francisco, CA 94105-2066

Dear Sir:

The Brotherhood of Locomotive Engineers and Trainmen, a division of the Rail Conference of the International Brotherhood of Teamsters ("BLET"), is the duly certified or recognized collective bargaining representative under the Railway Labor Act, as amended, for the class or craft of locomotive engineer employed by Class I Carriers and the crafts and classes of conductors and trainmen on Texas Mexican Railway, as well as numerous other freight, passenger and commuter rail carriers, and of various classes and crafts on many smaller freight railroads. The classes or crafts of employees represented at Caltrain by the BLET are those who will be directly affected by how the funding mandated by Congress in the CARES Act is allocated.

BLET urges you to support the Blue Ribbon Task Force's recommended tranche 2 CARES Act allocations, with the understanding that the amount allocated to Caltrain will not be sufficient to maintain service through the end of the year.

Caltrain is an essential transit service for thousands of riders that continue to rely on the system to meet their mobility needs. As the Bay Area's sectors of the economy open up, a growing amount of survey data suggests that former riders will eventually return to the system. Without sufficient funding from tranche 2 of the CARES Act, there is a strong likelihood that Caltrain would need to cease operations before ridership levels have an opportunity to return. This would create a transportation gap in the Bay Area's transit network, stranding riders that depend on the system, and leaving hundreds of the system's workers without a job. Railroad workers, including BLET members, would have their careers threatened and possibly lost due to misallocation of funding. This would be devastating for workers' jobs and their families, and the broader economy in California's Bay Area region.

To prevent this, the Metropolitan Transportation Commission should distribute CARES funds as they were intended: to protect jobs and preserve service as long as possible. The best way to do

Commissioner Nick Josefowitz

(2)

July 6, 2020

this is to base CARES allocations on the actual losses that agencies experience. Caltrain is set to receive \$15 million, but that will not cover the system's fare revenue losses unless ridership returns to an average of 30% of normal levels by the end of the year, which is incredibly unlikely.

The other allocation options evaluated by MTC were worse. They would have provided Caltrain with even less revenue and would have dramatically increased the likelihood that Caltrain will shut down and lay off workers in the Fall.

According to the most recent economic data, sales tax revenues are recovering faster than MTC's assumptions and ridership is recovering more slowly. If the MTC assumptions prove to be inaccurate, swift steps will be needed to provide additional support to the fare dependent agencies like Caltrain to preserve them as critical services that are essential to the region's recovery efforts.

Thank you for the opportunity to comment.

Respectfully submitted,

National President

cc: W. Charles (wcharles@bayareametro.gov)

Seamus Murphy (murphys@samtrans.com)

E. L. Pruitt, First Vice President

S. J. Bruno, National Secretary-Treasurer

J. P. Tolman, Vice President and National Legislative Representative

J. P. Louis, Vice President

M. B. Kenny, Chairman, Amtrak GCA

R. K. Snow, Chairman, California SLB

From: Singh Family

Sent: Tuesday, July 7, 2020 3:56 PM

To: MTC Info

Subject: July 8th MTC Programming and Allocations Committee Meeting Item 4b

External Email

Dear Chair Josefowitz and Programming and Allocations Committee Members,

I urge the MTC Programming and Allocations Committee to recommend the "Conservative" assumptions not the "Somewhat Optimistic" assumptions be used to calculate the second payment of CARES Act funding.

The COVID-19 pandemic has drastically impacted the most vulnerable populations in immeasurable ways. One of the most important aspects of daily life is that of local reliable public transit, specifically for low-income, transit-dependent community members such as essential workers, working poor, and seniors. Basic needs such as getting to work, going to the grocery store, and access to childcare and healthcare services are dependent on these local transit programs. The Valley Transportation Authority (VTA) provides bus and light rail service across Santa Clara County, and yet has received less funding than all other transit agencies during the CARES Act funding distribution. The bus and light rail service provided by VTA serves to safely transport community members locally to access essential services across the county. Therefore, this mode of transportation is crucial and necessary for transit-dependent community members. We are in strong disagreement with staff's recommendation to proceed with the proposed distribution of funds. As our leaders request the public to act conservatively during the COVID-19 pandemic by wearing a mask, social distancing, washing hands, etc., we ask that MTC take a conservative approach to the distribution revenue assumptions of the 2nd round of CARES Act funding. There is a discrepancy in the current allocation assumptions, using an optimistic forecast during a time when the pandemic has called for a more cautious approach.

With the current more optimistic assumptions, VTA will receive \$7 million dollars less than using the more conservative sales tax assumption. That \$7 million can translate into 30 to 40 positions lost.

During this time when equity is an especially critical topic, the demand to provide necessary services to those who need them most is nonnegotiable. Under this moral standing, we respectfully ask that you reconsider the decision to support staff's recommendation.

Sincerely, Yadwinder Brar Santa Clara County Resident

City of Palo Alto

Office of the Mayor and City Council

July 2, 2020

Commissioner Scott Haggerty, Chair Metropolitan Transportation Commission Bay Area Metro Center 375 Beale St., Suite 800 San Francisco, CA 94105-2066

Dear Chair Haggerty:

We urge you to support the Blue Ribbon Task Force's recommended tranche 2 CARES Act allocations, with the understanding that the amount allocated to Caltrain will not be sufficient to maintain service through the end of the year.

Caltrain is an essential transit service for thousands of riders that continue to rely on the system to meet their mobility needs. As more and more sectors of the Bay Area's economy open up, a growing amount of survey data suggests that former riders will eventually return to the system. Without sufficient funding from tranche 2 of the CARES Act, there is a strong likelihood that Caltrain will need to shut down before they do so. This would create an unacceptable gap in the Bay Area's transit network, stranding riders that depend on the system, and leaving hundreds of the system's workers without a job.

To prevent this, the Metropolitan Transportation Commission should be using CARES funds as they were intended: to protect jobs and preserve service as long as possible. The best way to do this is to base CARES allocations on the actual losses that agencies experience. Caltrain is set to receive \$15 million, but that will not cover the system's fare revenue losses unless ridership returns to an average of 30% of normal levels by the end of the year, which is incredibly unlikely.

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Sincerely,

Docusigned by:

Linau Fine

E8DA2E71AE0849C...

Adrian Fine

Mayor, City of Palo Alto

Cc: Members, Metropolitan Transportation Commission
Members, Peninsula Corridor Joint Powers Board of Directors

COMMISSION AGENDA ITEM 7b PAC Agenda Item 4b Written Public Comment: City of San Carlos (Maltbie)

CITY OF SAN CARLOS
OFFICE OF THE CITY MANAGER



600 ELM STREET SAN CARLOS, CA 94070 (650) 802-4228 CITYOFSANCARLOS.ORG

July 2, 2020

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Sincerely,

Cc: Members, Metropolitan Transportation Commission

Members, Peninsula Corridor Joint Powers Board of Directors



Maya Esparza

Monday, July 6, 2020

MTC Programming and Allocations Committee Info@bayareametro.gov

Re: Agenda Item 4b: MTC Resolution No. 4420, Revised. Coronavirus Aid, Relief, and Economic Security (CARES) Act (H.R. 748) - Emergency Transit Assistance Programming.

Dear Chair Josefowitz and Programming and Allocations Committee Members,

I urge the MTC Programming and Allocations Committee to recommend the "Conservative" assumptions not the "Somewhat Optimistic" assumptions be used to calculate the second payment of CARES Act funding.

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With the current more optimistic assumptions, VTA will receive \$7 million dollars less than using the more conservative sales tax assumption. That \$7 million can translate into 30 to 40 positions lost.

During this time when equity is an especially critical topic, the demand to provide necessary services to those who need them most is nonnegotiable. Under this moral standing, we respectfully ask that you reconsider the decision to support staff's recommendation.

Sincerely,

Maya Esparza

City of San Jose, Councilmember, District 7



OFFICE OF THE MAYOR

330 West 20th Avenue San Mateo, California 94403-1338 Telephone (650) 522-7048 FAX: (650) 522-7041 www.cityofsanmateo.org

July 2, 2020

Commissioner Scott Haggerty, Chair Metropolitan Transportation Commission Bay Area Metro Center 375 Beale St., Suite 800 San Francisco, CA 94105-2066

Dear Chair Haggerty:

We urge you to support the Blue Ribbon Task Force's recommended tranche 2 CARES Act allocations, with the understanding that the amount allocated to Caltrain will not be sufficient to maintain service through the end of the year.

Caltrain is an essential transit service for thousands of riders that continue to rely on the system to meet their mobility needs. As more and more sectors of the Bay Area's economy open up, a growing amount of survey data suggests that former riders will eventually return to the system. Without sufficient funding from tranche 2 of the CARES Act, there is a strong likelihood that Caltrain will need to shut down before they do so. This would create an unacceptable gap in the Bay Area's transit network, stranding riders that depend on the system, and leaving hundreds of the system's workers without a job.

To prevent this, the Metropolitan Transportation Commission should be using CARES funds as they were intended: to protect jobs and preserve service as long as possible. The best way to do this is to base CARES allocations on the actual losses that agencies experience. Caltrain is set to receive \$15 million, but that will not cover the system's fare revenue losses unless ridership returns to an average of 30% of normal levels by the end of the year, which is incredibly unlikely.

The other allocation options evaluated by MTC were worse. They would have provided Caltrain with even less revenue and would have dramatically increased the likelihood that Caltrain will shut down and lay off workers in the fall.

COMMISSION AGENDA ITEM 7b PAC Agenda Item 4b Written Public Comment: City of San Mateo (Goethais)

According to the most recent economic data, sales tax revenues are recovering faster than MTC's assumptions and ridership is recovering more slowly. If the MTC assumptions prove to be inaccurate, swift steps will be needed to provide additional support to the fare dependent agencies like Caltrain to preserve them as critical services that are essential to the region's recovery efforts.

Sincerely,

Joe Goethals, Mayor

City of San Mateo

Cc: Members, Metropolitan Transportation Commission

Members, Peninsula Corridor Joint Powers Board of Directors

CALIFORNIA S

CITY COUNCIL 2020

RICHARD GARBARINO, MAYOR
MARK ADDIEGO, VICE MAYOR
KARYL MATSUMOTO, COUNCILMEMBER
MARK NAGALES, COUNCILMEMBER
BUENAFLOR NICOLAS, COUNCILMEMBER

MIKE FUTRELL, CITY MANAGER

July 2, 2020

OFFICE OF THE MAYOR

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The other allocation options evaluated by MTC were worse. They would have provided Caltrain with even less revenue and would have dramatically increased the likelihood that Caltrain will shut down and lay off workers in the fall.

According to the most recent economic data, sales tax revenues are recovering faster than MTC's assumptions and ridership is recovering more slowly. If the MTC assumptions prove to be inaccurate, swift steps will be needed to provide additional support to the fare dependent agencies like Caltrain to preserve them as critical services that are essential to the region's recovery efforts.

Sincerely,

Cc: Members, Metropolitan Transportation Commission

Members, Peninsula Corridor Joint Powers Board of Directors



Dear Chair Josefowitz, Vice Chair Dutra-Vernaci, and fellow MTC Programming and Allocations Committee members.

My name is Regina Jackson. I am the President & CEO of the East Oakland Youth Development Center (EOYDC). I would like to address item 4B on your agenda for the July 8th MTC Programming and Allocations Committee meeting. Many of EOYDC's families and youth traditionally relied on AC Transit service to get to school, after school programs an youth centers, for work and for pleasure. Currently, the service has been the backbone of transit and critical for essential worker travel during this pandemic.

We know that the current pandemic has drastically impacted businesses across the economy, including transit agencies. AC Transit has taken a tremendous financial hit due to foregoing fare collection and social distancing which helps to keep the passengers and operators safe during the pandemic. They may likely continue to suffer financially due to reduced sales tax revenues as well.

We recognize that all of our public transit agencies have been impacted by the current pandemic and our fear is that AC Transit may have to reduce its service even more due to shrinking revenues. Given the current economic climate, the proposed \$33.8 million that is being proposed for MTC to allocate to AC Transit will provide a lifeline for the transit agency during these difficult times and mitigate the need to reduce service for the foreseeable future. Furthermore, this allocation will help to sustain and stabilize service levels that so many of our chamber and community members and patrons rely on to keep our local economy going as we move through the pandemic.

AC Transit provides service to those in our community with the highest needs and who truly depend on their service. 74% of their riders have incomes of less than \$50,000, 75% are people of color, 43% don't have access to a car. These funds will allow them to continue serving them.

I fully support the allocation to AC Transit. Please provide this necessary funding to AC Transit so that our residents are not left stranded. Thank you so much for your consideration.

Kindest regards,

Regina Jackson

From: Terry Christensen

Sent: Tuesday, July 7, 2020 12:58 PM **To:** MTC Info; Jeannie Bruins

Subject: July 8th MTC Programming and Allocations Committee Meeting Item 4b

External Email

July 8, 2020

MTC Programming and Allocations Committee

Info@bayareametro.gov

Re: Agenda Item 4b: MTC Resolution No. 4420, Revised. Coronavirus Aid, Relief, and Economic Security (CARES) Act (H.R. 748) - Emergency Transit Assistance Programming.

Dear Chair Josefowitz and Programming and Allocations Committee Members,

I urge the MTC Programming and Allocations Committee to recommend the "Conservative" assumptions not the "Somewhat Optimistic" assumptions be used to calculate the second payment of CARES Act funding.

The COVID-19 pandemic has drastically impacted the most vulnerable populations in immeasurable ways. One of the most important aspects of daily life is that of local reliable public transit, specifically for low-income, transit-dependent community members such as essential workers, working poor, and seniors. Basic needs such as getting to work, going to the grocery store, and access to childcare and healthcare services are dependent on these local transit programs.

The Valley Transportation Authority (VTA) provides bus and light rail service across Santa Clara County, and yet has received less funding than all other transit agencies during the CARES Act funding distribution. The bus and light rail service provided by VTA serves to safely transport community members locally to access essential services across the county. Therefore, this mode of transportation is crucial and necessary for transit-dependent community members.

We are in strong disagreement with staff's recommendation to proceed with the proposed distribution of funds. As our leaders request the public to act conservatively during the COVID-19 pandemic by wearing a mask, social distancing, washing hands, etc., we ask that MTC take a conservative approach to the distribution revenue assumptions of the 2nd round of CARES Act funding. There is a discrepancy in the current allocation assumptions, using an optimistic forecast during a time when the pandemic has called for a more cautious approach.

With the current more optimistic assumptions, VTA will receive \$7 million dollars less than using the more conservative sales tax assumption. That \$7 million can translate into 30 to 40 positions lost.

During this time when equity is an especially critical topic, the demand to provide necessary services to those who need them most is nonnegotiable. Under this moral standing, we respectfully ask that you reconsider the decision to support staff's recommendation.

Sincerely,

Terry Christensen

Executive Director, Friends of Five Wounds Trail Communications Director, BART Transit Village Advocates Professor Emeritus, San Jose State University



PROFESSIONAL & TECHNICAL ENGINEERS, LOCAL 21, AFL-CIO An Organization of Professional, Technical, and Administrative Employees

July 7, 2020 MTC Programming and Allocations Committee Info@bayareametro.gov

Re: Agenda Item 4b: MTC Resolution No. 4420, Revised. Coronavirus Aid, Relief, and Economic Security (CARES) Act (H.R. 748) - Emergency Transit Assistance Programming.

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COMMISSION AGENDA ITEM 7b
PAC Agenda Item 4b Written Public Comment:
IFPTE Local 21 (Young)

With the current more optimistic assumptions, VTA will receive \$7 million dollars less than using the more conservative sales tax assumption. That \$7 million can translate into 30 to 40 positions lost.

During this time when equity is an especially critical topic, the demand to provide necessary services to those who need them most is nonnegotiable. Under this moral standing, we respectfully ask that you reconsider the decision to support staff's recommendation.

Sincerely,

Stanley Young Representative/Organizer IFPTE Local 21, South Bay Office syoung@ifpte21.org

www.ifpte21.org

From: Tejvir Kaur

Sent: Tuesday, July 7, 2020 3:57 PM

To: MTC Info

Subject: July 8th MTC Programming and Allocations Committee Meeting Item 4b

External Email

Dear Chair Josefowitz and Programming and Allocations Committee Members,

I urge the MTC Programming and Allocations Committee to recommend the "Conservative" assumptions not the "Somewhat Optimistic" assumptions be used to calculate the second payment of CARES Act funding.

The COVID-19 pandemic has drastically impacted the most vulnerable populations in immeasurable ways. One of the most important aspects of daily life is that of local reliable public transit, specifically for low-income, transit-dependent community members such as essential workers, working poor, and seniors. Basic needs such as getting to work, going to the grocery store, and access to childcare and healthcare services are dependent on these local transit programs. The Valley Transportation Authority (VTA) provides bus and light rail service across Santa Clara County, and yet has received less funding than all other transit agencies during the CARES Act funding distribution. The bus and light rail service provided by VTA serves to safely transport community members locally to access essential services across the county. Therefore, this mode of transportation is crucial and necessary for transit-dependent community members. We are in strong disagreement with staff's recommendation to proceed with the proposed distribution of funds. As our leaders request the public to act conservatively during the COVID-19 pandemic by wearing a mask, social distancing, washing hands, etc., we ask that MTC take a conservative approach to the distribution revenue assumptions of the 2nd round of CARES Act funding. There is a discrepancy in the current allocation assumptions, using an optimistic forecast during a time when the pandemic has called for a more cautious approach.

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During this time when equity is an especially critical topic, the demand to provide necessary services to those who need them most is nonnegotiable. Under this moral standing, we respectfully ask that you reconsider the decision to support staff's recommendation.

Sincerely, Tejvir Kaur

Santa Clara County Resident

From: Eddie Chan

Sent: Tuesday, July 7, 2020 2:21 PM **To:** Jeannie Bruins; MTC Info

Subject: Letter Regarding July 8th MTC Programming and Allocations Committee Meeting Item 4b

External Email

Dear Chair Josefowitz and Programming and Allocations Committee Members,

On behalf of North East Medical Services (NEMS) and over 70,000 patients we serve, I am writing to urge the MTC Programming and Allocations Committee to recommend the "Conservative" assumptions not the "Somewhat Optimistic" assumptions be used to calculate the second payment of CARES Act funding. NEMS serves thousands of patients in the SF Bay Area, many of whom are low-income, immigrants, or prefer to be served in a language other than English, and many of our patients rely on public transportation to access our clinics.

The COVID-19 pandemic has drastically impacted the most vulnerable populations in immeasurable ways. One of the most important aspects of daily life is that of local reliable public transit, specifically for low-income, transit-dependent community members such as essential workers, working poor, seniors – many of which are our patients.

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The bus and light rail service provided by VTA serves to safely transport community members locally to access essential services across the county. Therefore, this mode of transportation is crucial and necessary for transit-dependent community members. **During these challenging times, it is critical that all public transportation systems be adequately funded, including the VTA.** We respectfully ask that you reconsider the decision to support staff's recommendation.

Sincerely, Eddie Chan

Eddie Chan

President & CEO



2171 Junipero Serra Blvd Daly City, CA 94014 Tel. (415) 391-9686 x5905

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From: Andrey Chow

Sent: Tuesday, July 7, 2020 11:31 AM **To:** MTC Info; Jeannie Bruins

Subject: Letter Regarding July 8th MTC Programming and Allocations Committee Meeting Item 4b

External Email

Dear Chair Josefowitz and Programming and Allocations Committee Members,

On behalf of North East Medical Services (NEMS) and the over 70,000 patients we serve, I am writing to urge the MTC Programming and Allocations Committee to recommend the "Conservative" assumptions not the "Somewhat Optimistic" assumptions be used to calculate the second payment of CARES Act funding. NEMS serves thousands of patients in the San Francisco Bay Area—including more than 10,000 Santa Clara County residents—many of whom are low-income, immigrants, or prefer to be served in a language other than English, and many of our patients rely on public transportation to access our clinics.

The COVID-19 pandemic has drastically impacted the most vulnerable populations in immeasurable ways. One of the most important aspects of daily life is that of local, reliable public transit, specifically for low-income, transit-dependent community members such as essential workers, working poor, seniors – many of which are our patients.

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Sincerely,

Andrey Chow
Director of Programs & Administration
North East Medical Services

Andrey Chow

Director of Programs & Administration



2171 Junipero Serra Blvd
Daly City, CA 94014
Tel. (415) 352-5004 | (415) 391-9686 x5904
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From: Zinnia Dong

Sent: Tuesday, July 7, 2020 10:33 AM **To:** MTC Info; Jeannie Bruins

Subject: Letter Regarding July 8th MTC Programming and Allocations Committee Meeting Item 4b

Importance: High

External Email

Dear Chair Josefowitz and Programming and Allocations Committee Members,

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Sincerely, Zinnia Dong

Zinnia Dong

Project Coordinator II



2171 Junipero Serra Blvd Daly City, CA 94014 Tel. (415) 391-9686 x5939

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From: Jessica Ho

Sent: Tuesday, July 7, 2020 10:23 AM **To:** MTC Info; Jeannie Bruins

Subject: Letter Regarding July 8th MTC Programming and Allocations Committee Meeting Item 4b

Importance: High

External Email

Dear Chair Josefowitz and Programming and Allocations Committee Members,

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Sincerely, Jessica J. Ho

Jessica Ho

Government Affairs & Community Liaison



Cell: 415-509-5353

Phone: (415) 391-9686 x5942

www.nems.org

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From: Kat (Kathryn) Huang

Sent: Tuesday, July 7, 2020 1:50 PM **To:** MTC Info; Jeannie Bruins

Subject: Letter Regarding July 8th MTC Programming and Allocations Committee Meeting Item 4b

External Email

Dear Chair Josefowitz and Programming and Allocations Committee Members,

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Sincerely, Kat Huang

Kat (Kathryn) Huang

Project Administrator



2171 Junipero Serra Blvd Daly City, CA 94014 Tel. (415) 391-9686 x7696

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COMMISSION AGENDA ITEM 7b PAC Agenda Item 4b Written Public Comment:
North East Medical Services

Health Care From The Heart

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From: Jerry Jew

Sent: Tuesday, July 7, 2020 10:43 AM **To:** MTC Info; Jeannie Bruins

Subject: Letter Regarding July 8th MTC Programming and Allocations Committee Meeting Item 4b

External Email

Dear Chair Josefowitz and Programming and Allocations Committee Members,

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Sincerely,

Jerry

Jerry Jew, MD, MBA

Chief Strategy Officer



2171 Junipero Serra Blvd Daly City, CA 94014 Tel. (415) 362-5882 | (415) 391-9686 x5304

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From: Jacey Laborte

Sent:Tuesday, July 7, 2020 10:29 AMTo:Jeannie Bruins; MTC InfoSubject:Letter of Support for VTA

External Email

Dear Chair Josefowitz and Programming and Allocations Committee Members,

On behalf of North East Medical Services (NEMS) and over 70,000 patients we serve, I am writing to urge the MTC Programming and Allocations Committee to recommend the "Conservative" assumptions not the "Somewhat Optimistic" assumptions be used to calculate the second payment of CARES Act funding. NEMS serves thousands of patients in the SF Bay Area, many of whom are low-income, immigrants, or prefer to be served in a language other than English, and many of our patients rely on public transportation to access our clinics.

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Sincerely, /s/ Jacey G. Laborte

Jacey Laborte

Clinic Operations Manager



1033 Clement Street San Francisco, CA 94118 Tel. (415) 213-1970 | (415) 391-9686 x7730

www.nems.org

Health Care From The Heart

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From: Katie (Kathryn) Landis

Sent: Tuesday, July 7, 2020 10:36 AM

To: MTC Info; Jeannie Bruins

Subject: Letter Regarding July 8th MTC Programming and Allocations Committee Meeting Item 4b

Importance: High

External Email

Dear Chair Josefowitz and Programming and Allocations Committee Members,

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Sincerely, Katie Landis

Katie (Kathryn) Landis

Project Coordinator II



2171 Junipero Serra Blvd Daly City, CA 94014 Tel. (415) 391-9686 x5930

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From: Meagan Lee

Sent: Tuesday, July 7, 2020 10:44 AM

To: MTC Info

Subject: Letter Regarding July 8th MTC Programming and Allocations Committee Meeting Item 4b

External Email

Dear Chair Josefowitz and Programming and Allocations Committee Members,

On behalf of North East Medical Services (NEMS) and over 70,000 patients we serve, I am writing to urge the MTC Programming and Allocations Committee to recommend the "Conservative" assumptions not the "Somewhat Optimistic" assumptions be used to calculate the second payment of CARES Act funding. NEMS serves thousands of patients in the SF Bay Area, many of whom are low-income, immigrants, or prefer to be served in a language other than English, and many of our patients rely on public transportation to access our clinics.

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Sincerely,

Meagan Lee

Meagan Lee

Administrative Assistant



1520 Stockton Street San Francisco, CA 94133 Tel. (415) 391-9686 x5951

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From: Lynn Liu

Sent: Tuesday, July 7, 2020 2:21 PM **To:** MTC Info; Jeannie Bruins

Subject: Letter Regarding July 8th MTC Programming and Allocations Committee Meeting Item 4b

External Email

Dear Chair Josefowitz and Programming and Allocations Committee Members,

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Sincerely,

Lynn Liu, M.D.

Lynn Liu, MD

Medical Director/Care Delivery Director



1870 Lundy Ave San Jose, CA 95131 Tel. (415) 391-9686 x8752

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From: Lauren Nenning

Sent: Tuesday, July 7, 2020 2:23 PM **To:** MTC Info; Jeannie Bruins

Subject: Letter Regarding July 8th MTC Programming and Allocations Committee Meeting Item 4b

External Email

Dear Chair Josefowitz and Programming and Allocations Committee Members,

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Sincerely,

Lauren Nenning

Lauren Nenning

Project Coordinator II



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From: Kathleen Sheung

Sent: Tuesday, July 7, 2020 11:01 AM **To:** MTC Info; Jeannie Bruins

Subject: Letter Regarding July 8th MTC Programming and Allocations Committee Meeting Item 4b

Importance: High

External Email

Dear Chair Josefowitz and Programming and Allocations Committee Members,

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Sincerely, Kathleen Sheung

Kathleen Sheung

Community Programs Manager



2171 Junipero Serra Blvd Daly City, CA 94014 Tel. (415) 352-5003 | (415) 391-9686 x5903

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From: Kenneth Tai

Sent: Tuesday, July 7, 2020 12:35 PM **To:** MTC Info; Jeannie Bruins

Subject: Letter Regarding July 8th MTC Programming and Allocations Committee Meeting Item 4b

External Email

Dear Chair Josefowitz and Programming and Allocations Committee Members,

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Sincerely, Kenneth Tai, MD

Kenneth Tai, MD

Chief Health Officer



1520 Stockton Street San Francisco, CA 94133 Tel. (415) 391-9686 x5309

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COMMISSION AGENDA ITEM 7b PAC Agenda Item 4b Written Public Comment:
North East Medical Services

Health Care From The Heart

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From: Amy Tang

Sent: Tuesday, July 7, 2020 11:32 AM **To:** MTC Info; Jeannie Bruins

Subject: Letter Regarding July 8th MTC Programming and Allocations Committee Meeting Item 4b

External Email

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Sincerely,

Amy Tang

Amy Tang, MD

Director of Immigrant Health



1520 Stockton Street San Francisco, CA 94133 Tel. (415) 391-9686 x5880

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From: Jeanie Ye

Sent: Tuesday, July 7, 2020 10:49 AM **To:** MTC Info; Jeannie Bruins

Subject: July 8th MTC Programming and Allocations Committee Meeting Item 4b

External Email

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Transportation is a barrier to health services. Numerous patients in Santa Clara County responded to our Patient Satisfaction Survey and stated they will travel on the bus to our clinics. Some patients will travel 2-3 hours one way! Yet, they will still travel to NEMS because we provide comprehensive and linguistically competent health care services to patients. If transportation is affected, it drastically affects our patient population. It takes away patient's individuality and independence; therefore, heavily relying on patient's family members.

The bus and light rail service provided by VTA serves to safely transport community members locally to access essential services across the county. Therefore, this mode of transportation is crucial and necessary for transit-dependent community members. **During these challenging times, it is critical that all public transportation systems be adequately funded, including the VTA.** We respectfully ask that you reconsider the decision to support staff's recommendation.

Sincerely,

Jeanie

Jeanie Ye

Compliance & Programs Coordinator



2171 Junipero Serra Blvd Daly City, CA 94014 Tel. (415) 391-9686 x5919

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From: Diana Kawasaki-Yee

Sent: Tuesday, July 7, 2020 1:41 PM **To:** MTC Info; Jeannie Bruins

Subject: Letter Regarding July 8th MTC Programming and Allocations Committee Meeting Item 4b

Follow Up Flag: Follow up Flag Status: Completed

External Email

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Sincerely, Diana Kawasaki-Yee

Diana Kawasaki-Yee

Chief Operating Officer



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Kimberly Ward

Sent: Tuesday, July 7, 2020 3:15 PM

To: MTC Info

Subject: Agenda Item 4b: MTC Resolution No. 4420, Revised. Coronavirus Aid, Relief, and Economic Security

(CARES) Act (H.R. 748) - Emergency Transit Assistance Programming.

External Email

Dear Chair Josefowitz and Programming and Allocations Committee Members,

I urge the MTC Programming and Allocations Committee to recommend the "Conservative" assumptions not the "Somewhat Optimistic" assumptions be used to calculate the second payment of CARES Act funding.

The COVID-19 pandemic has drastically impacted the most vulnerable populations in immeasurable ways. One of the most important aspects of daily life is that of local reliable public transit, specifically for low-income, transit-dependent community members such as essential workers, working poor, and seniors. Basic needs such as getting to work, going to the grocery store, and access to childcare and healthcare services are dependent on these local transit programs.

The Valley Transportation Authority (VTA) provides bus and light rail service across Santa Clara County, and yet has received less funding than all other transit agencies during the CARES Act funding distribution. The bus and light rail service provided by VTA serves to safely transport community members locally to access essential services across the county. Therefore, this mode of transportation is crucial and necessary for transit-dependent community members.

We are in strong disagreement with staff's recommendation to proceed with the proposed distribution of funds. As our leaders request the public to act conservatively during the COVID-19 pandemic by wearing a mask, social distancing, washing hands, etc., we ask that MTC take a conservative approach to the distribution revenue assumptions of the 2nd round of CARES Act funding. There is a discrepancy in the current allocation assumptions, using an optimistic forecast during a time when the pandemic has called for a more cautious approach.

With the current more optimistic assumptions, VTA will receive \$7 million dollars less than using the more conservative sales tax assumption. That \$7 million can translate into 30 to 40 positions lost.

During this time when equity is an especially critical topic, the demand to provide necessary services to those who need them most is nonnegotiable. Under this moral standing, we respectfully ask that you reconsider the decision to support staff's recommendation.

Sincerely,

-brendan g. nystedt

Dear Chair Josefowitz and Commissioners,

The intent of this letter is to substantiate and elaborate on the comments I made about VTA's justification for increased CARES Act Funding Tranche II, specifically that decreased Santa Clara County sales tax revenues are impacting **projects other than bus and light rail operations.**

Background

VTA's local funding sources consists of three $\frac{1}{2}$ cent sales tax measures each generating approximately \$240M/year and one 1/8 cent measure generating approximately \$60M/year for BART operations **pre COVID**

The three ½ cent measures consist of the following:

- 1976 Measure B which established the VTA
- 2000 Measure A which was passed to support multiple projects including the BART extension to Santa Clara, Caltrain, ACE, Capitol Corridor, Dumbarton Rail and bus and light rail operations. See attached 2000 Measure A full text page 3 Fund Operating and Maintenance Cost for Increased Bus, Rail and Paratransit Service
- 2016 Measure B which includes \$500M (\$15M/year) for bus operations to serve vulnerable, underserved, and transit dependent populations throughout the county and \$1.5B for BART Phase II

The problem is with the 2000 Measure A, a <u>deliberately</u> poorly-written measure which overpromised and continues to underdeliver anything other than a consultant orgy for the Fremont to Santa Clara BART extension project. See attached 2008-2009 SANTA CLARA COUNTY CIVIL GRAND JURY REPORT SANTA CLARA VALLEY TRANSPORTATION AUTHORITY TAKING THE PUBLIC FOR A RIDE (page 4)

"VTA has clearly established BART as the priority project in an environment in which the county is experiencing an unprecedented financial crisis, a deep recession, uncertain credit markets and declining sales tax revenue, all of which are expected to remain into the foreseeable future."

June 13 2020

VTA opens <u>HALF</u> of the Fremont to Santa Clara BART extension (AKA "Phase I")

10 years late and \$1B over budget at a cost of \$10M/rider (+/-350 average daily exits at Milpitas and Berryessa). See attached December 2019 2000 MEASURE A TRANSIT IMPROVEMENT PROGRAM report

ATTACHMENT B

2000 MEASURE A TRANSIT IMPROVEMENT PROGRAM

									Хp	enditure	es a	as of Dec	em	ber 2019
Project		Total Planned Funding (in			n \$M)			Incurred through Dec 2019 (in \$M)						
		stimate 1		Others	M	easure A		TBD		Others	М	easure A		Total
1 - Extend BART from Fremont through Milpitas to Downtown San Jose and the Santa Clara Caltrain Station														
1-1 BART SV Program Development, Implementation & Warm Springs	\$	435.9	\$	243.6 ²	\$	192.3	\$	-	\$	243.6 ²	\$	190.6	\$	434.2
1-2 BART SV Corridor Establishment and Maintenance (CEM)	\$	470.5	\$	172.5	\$	298.0	\$	-	\$	157.0	\$	293.1	\$	450.1
1-3 BART Silicon Valley Berryessa Extension	\$	2,421.3	\$	1,288.3	\$	1,133.0	\$	-	\$	1,167.9	\$	962.2	\$	2,130.1
1-4 BART Silicon Valley Santa Clara Extension 3	\$	5,581.0	\$	4,581.0	\$	1,000.04	\$	-	\$	162.3	\$	112.1	\$	274.4
1-5 BART Core System Modifications (BCS)	\$	264.8	\$	69.8	\$	195.0	\$	-	\$	60.4	\$	103.6	\$	164.1
1-6 BART Other Supporting Projects	\$	100.1	\$	8.9	\$	91.2	\$	-	\$	8.0	\$	86.9	\$	94.9
Total	\$	9,273.6	\$	6,364.1	\$	2,909.5	\$	-	\$	1,799.2	\$	1,748.6	\$	3,547.8

Line 1-3 "BART Silicon Valley Berryessa Extension" corresponds to the FTA Standard Cost Categories as reported to the VTA Board by VTA staff (and imbedded consultants)

Standard Cost Category Description		FFGA Estimate A	1	Incurred to Date (Apr. '20)	F	cst at Cmpl (FAC)* B	FFG A Est - FAC Variance (A - B)**	
	In I	Millions						
10 Guideway and Track Elements	s	416.1	\$	327.6	\$	327.8	88.3	
20 Stations, Stops, Terminals, & Intermodal	s	250.3	s	227.1	\$	229.6	20.7	
30 Support Facilities: Yards, Shops, Admin. Bldgs	s	46.5	\$	28.0	\$	32.4	14.1	
40 Sitework & Special Conditions	\$	220.1	\$	223.2	\$	251.3	(31.2)	
50 Systems	s	260.7	s	273.8	\$	314.6	(53.9)	
60 ROW, Land and Existing Improvements	\$	261.0	\$	164.3	\$	168.0	93.0	
70 Vehicles	\$	174.3	\$	31.1	\$	109.7	64.6	
80 Professional Services	s	548.3	\$	641.8	\$	698.2	(149.9)	
90 Unallocated Contingency	\$	40.2	\$	-	\$	44.7	(4.5	
100 Finance Charges	\$	112.5	\$	150.6	\$	153.8	(41.3)	
Concurrent Non-Project Activities	s	91.3	\$	84.8	\$	91.3	-	
Total Project Cost	\$	2,421.3	\$	2,152.3	\$	2,421.3	(0	

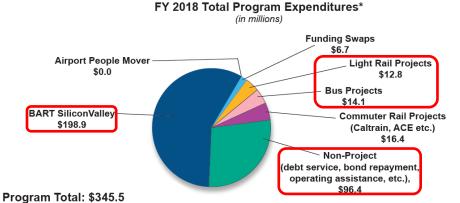
Line 80 "Professional Services" (\$698.2M) is 27% over budget and exceeds Line 10 "Guideway and Track Elements" (\$327.8M) and Line 20 "Stations, Stops, Terminals, & Intermodal" (\$229.6M) Total \$557.4M by a whopping \$140.8M

Bus and Light Rail expenditure

Line 14 of the December 2019 2000 MEASURE A TRANSIT IMPROVEMENT PROGRAM report shows that, in the 20 years following the passage of the Measure, \$474.2M was expended on Bus, Rail and Paratransit services vs. \$3,547.8M expended on the Fremont to Santa Clara BART extension (line 1 above)



COMPREHENSIVE ANNUAL REPORT TO THE PUBLIC FY 2018



*Expenditures were grouped by category. Individual project details are available in the CWC Comprehensive Annual Report.

https://www.vta.org/sites/default/files/2019-08/cwc_comprehensive-annual-report_fy18.pdf

June 19 2020

11 years after the 2008-2009 <u>TAKING THE PUBLIC FOR A RIDE</u> Grand Jury report, the June 19th Board meeting presentation exemplifies <u>IDENTICAL</u> issues <a href="http://santaclaravta.iqm2.com/Citizens/Detail Communication.aspx?Frame=&MeetinglD=3129&MediaPosition=&ID=1265&CssClass="http://santaclaravta.iqm2.com/Citizens/Detail Communication.aspx?Frame=&MeetinglD=3129&MediaPosition=&ID=3129

Slide 11 Cost Estimates

- Line 80 Professional Services: \$1.269B

Cost Estimate

FTA Standard Cost Category	Description	Estimate (\$M YOE)	
10	Guideway & Track Elements	\$1,623	
20	Stations, Stops, Terminals, Intermodal	\$1,667	
30	Support Facilities: Yards, Shops, Admin. Bldgs	\$278	
40	Sitework & Special Conditions	\$198	
50	Systems	\$471	
	Construction Subtotal:	\$4,237	
60	ROW, Land, Existing Improvements	\$318	
70	Vehicles	\$205	
80	Professional Services	\$1,269	
90	Unallocated Contingency	\$262	Notes: SCC 10-80 include
100	Finance Charges	\$246	Allocated Contingency
	Subtotal:	\$6,537	SCC 80 includes
	Investment to Date: Legacy & Historical Costs (2003- 2020) (Environmental, Planning, Community Outreach, Project Management, Conceptual Engineering)	\$323	Design- Build services Includes 2.72% escalation
	Total:	\$6,860	44
ity Line	item costs may be slightly adjusted before final submission wi	thout impact on Total Cos	, 11

Slide 12 Source of funds

- 2000 Measure A Sales Tax: \$1.854B (\$854M more than in December 2019)
- 2016 Measure B Sales Tax: \$1.831B

BART Phase II Capital Plan: Source of Funds

Year of Expenditure (YOE) \$ millions	Amount
Federal - FTA Expedited Project Delivery Grant (25%)	\$1,714
Non-Federal (75%)	\$5,145
State/TIRCP Grant	\$750
State/TCRP Grant	\$161
Transit Oriented Development/P3	\$175
2000 Measure A Sales Tax	\$1,854
2016 Measure B Sales Tax	\$1,831
Regional Measure 3	\$375
TOTAL SOURCES OF FUNDS	\$6,860

- All expenses and revenues are expressed in year-of-expenditure (YOE) dollars
- UCLA's June 2020 forecast of Santa Clara County taxable sales applied



Slide 6 Benefits of Expedited Project Delivery (EPD)

- No evaluation ratings required for Project Justification

Benefits of EPD

- No approvals required prior to award of grant; only 120-day review period
- · No evaluation ratings required for Project Justification
- · Phase II is the first and only project accepted into program to date



6

Conclusion:

MTC needs to verify that sales tax impacts reported by VTA actually impact bus, light rail and paratransit operations to qualify for CARES Act funding.

Respectfully submitted for your consideration.

Sincerely,

Roland Lebrun

Attachments

2000 Measure A full text 2008-2009 SANTA CLARA COUNTY CIVIL GRAND JURY REPORT December 2019 2000 MEASURE A TRANSIT IMPROVEMENT PROGRAM report

CC

MTC Commission Blue Ribbon Transit Recovery Task Force Commissioners VTA Board of Directors

COMPLETE TEXT OF 2000 MEASURE A

Shall the Board of Directors of Santa Clara Valley Transportation Authority (VTA) be authorized to enact a retail transactions and use tax ordinance imposing (a) a tax for the privilege of selling tangible personal property at retail upon every retailer in Santa Clara County, the territory of VTA; such tax to be at the rate of one-half of one percent of the gross receipts of the retailer from the sale of all tangible personal property sold by him at retail in the territory of VTA, and (b) a complimentary tax upon the storage, use, or other consumption in Santa Clara County, the territory of VTA; such tax to be at the rate of one-half of one percent of the sales price of the property whose storage, use, or other consumption is subject to the tax, such taxes to be imposed for a period not to exceed 30 years, and to take effect only upon the expiration of the current County of Santa Clara 1996 Measure B ½ cent sales tax in April, 2006, and to be used only to:

• Extend BART from Fremont through Milpitas to Downtown San Jose and the Santa Clara Caltrain Station, specifically,

To build a BART Extension from Fremont to Milpitas, San Jose and Santa Clara with a major connection to the Tasman Light Rail line at the Milpitas BART Station. In San Jose to include a BART subway section with stations at San Jose State University, the new San Jose City Hall, Downtown San Jose at Market Street, San Jose Arena and the Diridon Multimodal Station connecting to Caltrain, ACE, Amtrak, the Vasona Light Rail line and the VTA bus service. In Santa Clara, to serve Santa Clara University, and the Caltrain Station with a people mover connection to San Jose International Airport.

• Provide Connections from San Jose International Airport to BART, Caltrain and the VTA Light Rail, specifically,

To build a people mover rail line connecting the airport passenger terminals directly with BART, Caltrain and the VTA Light Rail line.

• Extend Light Rail from Downtown San Jose to the East Valley by

Building a Downtown/East Valley Light Rail line from Downtown San Jose serving the new San Jose City Hall and San Jose University, out Santa Clara Street to Capitol Avenue to join the Capitol Light Rail line then south to Eastridge Shopping Center.

• Purchase Low Floor Light Rail Vehicles, specifically

To better serve disabled, seniors and others; purchase an additional 20 low floor light rail vehicles to join the 30 low floor vehicles now being constructed for the new Tasman, Capitol and Vasona Light Rail lines and 50 new low floor vehicles to replace VTA's existing 50 light rail vehicles.

Improve Caltrain: Double Track to Gilroy and Electrify from Palo Alto to Gilroy

Extend the Caltrain double track from the San Jose Tamien Station through Morgan Hill to Gilroy. Provide VTA's funds for the partnership with San Francisco and San Mateo counties to electrify Caltrain from San Francisco to Gilroy.

• Increase Caltrain Service, specifically

Purchase new locomotive train sets for increased Caltrain service in Santa Clara County from Gilroy to Palo Alto and provide additional facilities to support the increased service.

• Construct a New Palo Alto Intermodal Transit Center

In partnership with the City of Palo Alto and Stanford University, design and construct a new parkway and underpass for University Avenue from the campus to downtown Palo Alto to improve bicycle, pedestrian and transit access to the campus, Palo Alto Caltrain station and downtown Palo Alto. Upgrade passenger facilities at the historic Palo Alto Caltrain Station; upgrade transit facilities for VTA, SAMTRANS, Dumbarton Express and the Stanford Marguerita and Palo Alto shuttle services.

• Improve Bus Service in Major Bus Corridors

For VTA Line 22 (Palo Alto to Eastridge Center) and the Stevens Creek Boulevard Corridor, purchase new low floor articulated buses. Improve bus stops and major passenger transfer points and provide bus queue jumping lanes at intersections to permit buses quick access along the corridors.

• Upgrade Altamont Commuter Express (ACE)

Provide VTA's matching funds for additional train sets, passenger facilities and service upgrades for the ACE Commuter Service from San Joaquin and Alameda Counties.

• Improve Highway 17 Express Bus Service

Provide VTA's share of funds for the partnership with the Santa Cruz County Transit District for additional buses and service upgrades for the Highway 17 Express Bus Service.

• Connect Caltrain with Dumbarton Rail Corridor

Provide VTA's share of matching funds for a partnership with Alameda and San Mateo counties for the rebuilding of the Dumbarton Rail Corridor to connect to Caltrain and train sets for this new service conditioned on Alameda and San Mateo County's funding.

• Purchase Zero Emission Buses and Construct Service Facilities

Provide funds to supplement federal funds to expand and replace existing VTA diesel bus fleet from current size of just over 500 vehicles to 750 vehicles with the new zero emission buses and to provide maintenance facilities for this new, clean vehicle propulsion system. All new buses to be low floor for easier boarding by seniors and the disabled.

• Develop New Light Rail Corridors

Provide capital funds for at least two new future light rail corridors to be determined by Major Investment Studies (MIS). Potential corridors include: Sunnyvale/Cupertino; Santa Teresa/Coyote Valley; Downtown/East Valley Connection to Guadalupe Line; Stevens Creek Boulevard; North County/Palo Alto; Winchester/Vasona Junction; and, initial study of BART connection from Santa Clara through Palo Alto to San Mateo County.

• Fund Operating and Maintenance Cost for Increased Bus, Rail and Paratransit Service

Provide revenue to ensure funding, to at least 2014, and possibly longer, of the following: the new Tasman East, Capitol and Vasona Light Rail Lines, the commuter rail connection to BART, expanded paratransit services, expanded bus fleet of 750 vehicles, the Downtown/East Valley Light Rail line operations, which can commence in 2008, and the BART extension to San Jose which can commence operations by 2010;

all subject to the following mandatory requirements:

• The Tax Must Expire 30 Years After Implementation

If approved by the voters, this half-cent sales tax must expire 30 years after implementation. The tax will be imposed for the period commencing April 1, 2006, when current tax expires and terminate on March 31, 2036. The length of this tax <u>cannot</u> be extended without a vote - and the approval - of the residents of Santa Clara County.

• An Independent Citizen's Watchdog Committee Must Review All Expenditures.

The Independent Citizen's Watchdog Committee will consist of private citizens, <u>not elected officials</u>, who comprise the VTA's Citizen's Advisory Committee. Responsibilities of the Citizen's Watchdog Committee are:

- Public Hearings and Reports: The Committee will hold public hearings and issue reports on at least an annual basis to inform Santa Clara County residents how the funds are being spent. The hearings will be held in full compliance with the Brown Act, California's open meeting law with information announcing the hearings wellpublicized and posted in advance.
- Annual Independent Audits: An annual audit conducted by an Independent Auditor will be done each fiscal year to ensure tax dollars are being spent in accordance with the intent of this measure.
- Published Results of Audits and Annual Reports: The Committee must publish the results of the Independent Auditor and the Annual Report in local newspapers. In addition, copies of these documents must be made available to the public at large.

such authorization being pursuant to the provisions of Section 100250 et seq. of the Public Utilities Code and Sections 7251 et seq. of the Revenue and Taxation Code.



SANTA CLARA VALLEY TRANSPORTATION AUTHORITY TAKING THE PUBLIC FOR A RIDE

Summary

The Santa Clara Valley Transportation Authority (VTA) is a multi-billion dollar enterprise whose scope encompasses all matters of transportation, both public and private in Santa Clara County, and influences transportation decisions throughout the San Francisco Bay Region and the State of California. In the past five years, a number of reports have been issued that are critical of VTA. These reports raised issues related to organizational focus, project planning and monitoring, financial uncertainty and governance. This Grand Jury decided to investigate how VTA is doing with respect to these issues.

Recent events demonstrate that there remains a lack of responsiveness and accountability to the public. Existing policies and procedures have been corrupted, circumvented, or otherwise rendered ineffective. VTA has failed time and again to encourage dialog, has obscured facts and occasionally even stifled debate. The more one learns about how VTA executes its mission, the lower the confidence level in the Board's ability to manage the agency.

This report details specific examples of these concerns and recommends actions that can be implemented rapidly and easily. Unless the issues raised in this report and previous reports are corrected, the VTA will remain unaccountable to the residents of Santa Clara County and will fail to fulfill its broad obligations.

Background

This section provides an overview of the VTA Board, committee structure and membership, and recent ballot measures that provide funding for VTA programs. Many of the issues in this report relate to VTA's management of 2000 Measure A and other ballot measures.

VTA Board Organization

The VTA Board of Directors has 12 voting members, five alternates and two ex-officio members. The allocation of Board representation is generally based on population. The 12 voting members include five San Jose City Council members and two County Supervisors.

The remaining five voting members are chosen by the other 14 cities, based on a complex inter-city agreement that expires in 2009.

- One city council member rotating between Gilroy, Milpitas and Morgan Hill
- One city council member rotating between Campbell, Cupertino, Los Gatos, Monte Sereno and Saratoga
- Three city council members chosen from Sunnyvale, Santa Clara, Los Altos, Los Altos Hills, Mountain View, and Palo Alto

Board members serve a term of two years. At any one point in time, nine cities are not represented.

VTA Committee Structure

The VTA Board of Directors has four standing committees: Administration and Finance Committee, Audit Committee, Congestion Management and Planning Committee and Transit Planning and Operations. Each committee is composed of at least four Board members.

There are five Advisory Committees that support the work of the Board of Directors: Policy Advisory Committee (PAC), Technical Advisory Committee (TAC), Committee for Transit Accessibility, Bicycle and Pedestrian Advisory Committee and Citizens Advisory Committee (CAC). The CAC also serves as the 2000 Measure A Citizens Watchdog Committee (CWC).

This report will focus on the Citizen's Advisory Committee because of its dual role. The committee has 17 members, none of whom may be elected officials. These citizenvolunteers are selected as follows:

- Six members represent geographic areas.
 - San Jose chooses two.
 - o The County Board of Supervisors chooses one.
 - Los Altos, Los Altos Hills, Mountain View, Palo Alto Santa Clara and Sunnyvale choose one.
 - Campbell, Cupertino, Los Gatos, Monte Sereno and Saratoga choose one.
 - Gilroy, Milpitas and Morgan Hill choose one.
- Six members are selected by the Administration & Finance Committee from nominations submitted by advocacy groups or received at large, representing each of the following:
 - o senior citizens
 - disabled persons

- mass transit users
- environmentalists
- bicyclists
- o pedestrians
- One member is chosen by each of the following:
 - Silicon Valley Leadership Group
 - o Homebuilders Association of Northern California
 - National Association of Industrial and Office Properties
 - South Bay AFL-CIO Labor Council
 - Santa Clara County Chamber of Commerce Coalition

Each nominee must be approved by the Board.

2000 Measure A

In 2000, the voters of Santa Clara County approved a new $\frac{1}{2}$ cent sales tax, to take effect on April 1, 2006 (the day after the expiration of the 1996 Measure B $\frac{1}{2}$ cent sales tax), for a term of 30 years (to March 31, 2036). The proceeds from this tax were to be used only to:

- Extend BART from Fremont through Milpitas to Downtown San Jose and the Santa Clara Cal-train Station;
- Connect San Jose International Airport to BART, Caltrain and light rail;
- Extend light rail from downtown San Jose to the east valley;
- Purchase low floor light rail vehicles;
- Improve Caltrain: double track to Gilroy and electrify from Palo Alto to Gilroy;
- Increase Caltrain service (new locomotives and additional facilities to improve service);
- Construct a new Palo Alto Intermodal Transit Center;
- Improve bus service in major bus corridors;
- Upgrade Altamont Commuter Express;
- Improve Highway 17 express bus service;
- Connect Caltrain with Dumbarton Rail Corridor;
- Purchase zero emission buses and construct service facilities;
- Develop new light rail corridors;
- Fund operating and maintenance costs for increased bus, rail and paratransit service.

Measure A also provided for an independent Citizens Watchdog Committee (CWC) to review the VTA's expenditures on the projects. It specified that this CWC would consist of private citizens, not elected officials (the underline was in the official ballot text), and that this committee would be comprised of the existing VTA Citizen's Advisory Committee (CAC). The CWC responsibilities are:

- Hold public hearings and issue reports, on at least an annual basis, to inform citizens how funds were spent
- Perform annual independent audits each fiscal year to ensure tax dollars were spent in accordance with the intent of the measure
- Publish the audits and annual reports in local newspapers with document copies available to the public at large.

2000 Measure A Today

VTA has clearly established BART as the priority project in an environment in which the county is experiencing an unprecedented financial crisis, a deep recession, uncertain credit markets and declining sales tax revenue, all of which are expected to remain into the foreseeable future. One project was completed in 2004 (the purchase of low-floor light rail vehicles) using funds borrowed prior to the inception of sales tax collection. Active work is being carried out on Bus Rapid Transit along key corridors such as Alum Rock, as well as Caltrain enhancements in South County.

The Eastridge light rail extension, which is shovel-ready, is on hold. Measure A tax revenue is no longer allocated to this project. It may potentially qualify for federal funds as part of a future stimulus package. To this end, VTA is revising the Environmental Impact Reports to meet federal guidelines. This is the only work being done on this project at this time.

The fate of the rest of the projects remains uncertain.

November, 2008 Ballot Measures

In August, 2008, the VTA Board placed three measures on the ballot for the November, 2008 Election.

Measure B authorized a 1/8 cent sales tax to support operation of the BART extension to San Jose/Santa Clara. The tax is to begin only after sufficient funding from the state and federal governments is secured to match local funds to construct the 16.1 mile BART extension.

Measure C was an advisory vote. It asked the voters to approve the Valley Transportation Plan (VTP) 2035 – a long-range transportation plan. Under 1976 Measure B, the electorate must approve a long-range transportation plan at least every six years.

Measure D was to amend the 1976 Measure B to vest approval of the long-range transportation plan in the 2000 Measure A Citizens Watchdog Committee. This would save the cost of placing an approval measure on the ballot every six years.

All three measures passed.

Recent Reports on VTA

Recently, investigations of VTA governance and financial management have resulted in three separate reports:

- 2003-2004 Santa Clara County Civil Grand Jury: "Inquiry Into the Board Structure and Financial Management of the Valley Transportation Authority"
- "Santa Clara Valley Transportation Authority Organizational and Financial Assessment," Hay Group, March 2007
- "Santa Clara Valley Transportation Authority: It Has Made Several Improvements in Recent Years, but Changes Are Still Needed." July 2008 Report 2007-129, California State Auditor

The 2003-2004 Santa Clara County Civil Grand Jury investigated VTA's Board structure and financial management. It concluded that the VTA "Board is too large, too transient, and too occupied with other duties to provide direction and effective oversight to the staff in running VTA." It also concluded that the VTA Board "has proceeded with a transit capital improvement plan that cannot accomplish all that was promised in Measure A."

With the advent of a new General Manager, the VTA commissioned the Hay Group to assess and evaluate the effectiveness of its governance and organizational structures, financial capacity and performance against goals and objectives. The Hay Group report found that the Board faces

"a number of significant challenges that need to be addressed in order for the board to satisfy its responsibilities and function effectively as a regional decisionmaking body."

Moreover, the Hay Group concluded that the Advisory Committees

"have found their opportunity to help shape and recommend policy has been diminished" (and that they do not) "have a mission with clear goals and objectives articulated."

The Hay Group also found that

"VTA does not have the financial capacity to meet its goals and objectives over the coming decade." The Hay Group report proposed a comprehensive overhaul of VTA's organization and practices.

The State Auditor's report noted that VTA has attempted to improve its governance structure. However, the State Auditor concluded that VTA has not enhanced the operation of its five advisory committees and has not completely changed the way it engages the advisory committees in the deliberative process as stated below:

"Thus, even as VTA attempts to reform its governance structure, it continues to follow a practice the Hay Group report specifically criticized; namely, advisory committees do not have an opportunity to consider policy and plans in the early stages of development so they can provide meaningful input to VTA staff and the board. Consequently, VTA continues to miss opportunities to gather diverse ideas and build regional consensus for its proposals."

Discussion

Role of the VTA Board in VTA Management

<u>Board Composition</u>. Much has been said and written about the composition of the VTA Board over the past five years. The 2003-2004 Grand Jury report found that the VTA Board was "too political" and recommended a change in the structure. The VTA rejected this recommendation. The Hay Report made a number of recommendations that would improve the VTA Board's ability to exercise its responsibilities with "reasonable care and loyalty."

<u>Lack of Regional Focus</u>. VTA board members do not always take a regional perspective or focus on what is best for the county as a whole. Interviews with board members yielded unsolicited complaints that other board members support VTA projects only for their local area. No one felt they were guilty of the behavior themselves, just their fellow members.

City Representation. As the largest city in the county, San Jose, with five members on the Board, dominates the Board. These individuals can and frequently do serve multiple terms. The same applies to the two members from the County Board of Supervisors. In contrast, the 14 remaining cities are dispersed in three groupings, subject to a rotation within each grouping every two years. The practical result is that acquired transportation knowledge and experience tends to vest in the two members from the county and the five members from San Jose. On the other hand, members from the other cities are termed out every two years, resulting in the loss of accumulated transportation knowledge and experience unless these cities reach a collective agreement. Recently, the West Valley cities made a separate agreement to allow one member city (Cupertino) to continue on the Board when their term expired.

For a Board that is pledged to have a countywide outlook irrespective of city boundaries, the current structure of representation does not promote this ideal and lends itself to the question of just where allegiances should lie.

A governance proposal from a subcommittee (established by the Board) charged with updating how Board members are chosen from the 14 cities in the county (other than San Jose) resulted in petty bickering between north county and south county representatives, heavy-handed repression by VTA staff and was ultimately shuffled to the Audit and Finance Committee for burial. A resolution is required by the end of 2009 when the current scheme expires.

<u>Lack of Transportation Experience.</u> Recent reports on VTA governance have documented that new board members have no previous experience in the transportation arena. Board members' terms are for two years and may or may not be renewed. By the time a Board member is familiar with the issues facing VTA their term is expiring. As a consequence, the VTA Board is not effective in directing VTA staff or making well-informed decisions.

Overwhelming Information. The voluminous board packets provided by VTA staff are frequently several hundred pages and contain information that require many hours of review by the board members before the meeting. Most board members work full time, which leaves them very little time to review the material in the packet. Some members stay up late at night to review the packet the night before the meeting. An exception is the City of San Jose, and Board of Supervisors, who have full-time, paid staff to review and distill the information. The other cities have part-time city council members with no support staff to help with VTA activities.

<u>Staff Driven.</u> All of the above issues contribute to the fact that VTA remains an organization that is frequently referred to as "staff driven." Meeting agendas are prepared by VTA staff with input from the Board chairperson. In some cases, the chairperson follows a "script" prepared by VTA staff. Interviews with VTA board and committee members revealed that independent thinking was discouraged. Board members appear unwilling or unable to bring up items for discussion that are not prescreened by the staff. Hence, the VTA Board has frequently been referred to as a "rubber stamp" for policy proposals formulated by the VTA staff.

Role of Advisory Committees in VTA Governance

<u>Token committees</u>. Both the Hay Report and the State Auditor Report took the VTA to task for poor use of its Advisory Committees. This Grand Jury uncovered examples that support this conclusion. These committees exist to advise the Board on policy or technical issues. One of the key criticisms is that the Advisory Committees are presented with items to review only after the Board and/or staff has already made a decision. Thus, the Advisory Committee is only asked to bless the decision after the fact. VTA's attitude toward these committees has ranged from ignoring their existence entirely to retaliation for independent thinking. During interviews some board members were unable to identify committee members or even the names of the committees. One advisory committee member, responding to the question of whether the Board provided direction to the committee, said "The Board does not even know we exist."

Board – Committee Communication. The VTA Board communicates with the advisory committees through an intermediary – the VTA staff. The VTA staff sets the work plan and agenda for advisory committee meetings based on the staff requirements for upcoming Board meetings. The output from the advisory committee meetings is communicated back to the Board by the Board "accepting" the minutes of the advisory committee meeting, usually as part of the consent agenda. Recently, the chairperson of the Citizens Advisory Committee (along with the chairperson of the Policy Advisory Committee) has been invited to make a short presentation at each board meeting – essentially reading the details of the minutes of the previous CAC and PAC meetings to board members who have not been able to read them.

PAC and CAC: Committee views not valued. The Grand Jury saw little evidence that the opinions of PAC and CAC are well considered and play any role of significance in the decisions made by the VTA Board. VTA staff channels issues to the advisory committee most appropriate to handle that issue, such as the Bicycle-Pedestrian Advisory Committee or the Committee on Transit Accessibility. Membership of both of these committees includes individuals interested in their particular area. On the other hand, the Policy Advisory Committee (PAC) and Citizen Advisory Committee (CAC) are more broad-based. PAC is the only place in VTA governance where there is equal representation for each city without an overwhelming advantage to San Jose. It frequently serves as a breeding ground for new Board members. The role of PAC and CAC is to review and comment on policy proposed by VTA staff before that policy is brought before the VTA Board.

The VTA Board has recently formed ACE, the Advisory Committee Enhancement Committee, to develop a new structure and methodology by which the Advisory Committees can start to provide some form of useful service to the Board.

Role of the CAC/CWC in VTA Governance

<u>CAC vs. CWC.</u> The CAC advises the Board on matters of VTA policy. The CAC may only consider matters referred to it by the Board or General Manager/staff. The CAC was chartered by 2000 Measure A as an Independent Citizen's Watchdog Committee (CWC) for the 2000 Measure A funds.

The same group of citizens is assigned to both committees.

The CAC has no independent duties and no authority to take actions that bind VTA or the Board. The CAC does not have the authority to communicate to the public. On the other hand, the same people, serving as the CWC, <u>have the duty</u> to communicate to the public, hold hearings, issue reports, conduct an independent annual audit, and publish the results directly to the public without review or approval by the Board or staff.

Since the passage of Measure D in November, 2008, the CWC also has the responsibility to review the VTA long-range transportation plan every six years.

CWC Performance

Since its inception in July, 2006 the CWC has issued three reports to the public:

- A report summarizing Measure A activity up to June, 2006 (3 pages)
- A report summarizing Measure A activity for FY2007 ending June 2007
 (3 pages)
- An audit for FY2007 performed by the VTA auditor (VTD), as opposed to a special, independent auditor retained by the CWC.

In addition, VTA Staff released an audit for FY2008 performed by the VTA auditor (VTD) without review or approval by the CWC. The "independent" audit by the auditor retained by the CWC is yet to be published. The FY2008 status report is yet to be published.

The CWC reports to the public have been neither comprehensive, timely nor complete.

What's Wrong with the Citizens Watchdog Committee?

There are several issues with the CAC/CWC combination that greatly reduce the effectiveness of this body when operating as the CWC. Under the structure provided by the original ballot measure, the CAC/CWC does not function independently or as a watchdog committee.

- The members of the CAC/CWC interviewed all stated they work for the VTA Board. This is a reasonable position for a CAC member, but not when acting in the capacity of a CWC member. The very nature of an "independent watchdog committee" is to "oversee" actions of the board for the citizens of Santa Clara County.
- 2. CAC/CWC members are approved by the VTA Board, compromising independence of thought and action.
- 3. Some CAC/CWC members are former VTA Board members, former Policy Advisory Committee members and/or former elected officials in the county. One interviewee referred to the committee as the "Board Retirement Plan Committee."
- Many CAC/CWC members complained and confirmed that the VTA staff shows them little or no respect. The VTA staff does not return their calls or answer their questions.
- 5. Just as the Board members are overwhelmed by the Board packet, many committee members interviewed referenced needing to set aside up to ten hours to prepare for meetings.

- Members of the committee do not control their own agenda. The agenda for CAC/CWC meetings is set by VTA staff, along with input from the CAC/CWC chairperson.
- 7. Committee members, in their CAC capacity, represent various stakeholders in the county and advise the Board on issues involving their particular areas of interest. They are then expected to switch hats during the course of a single monthly meeting and perform CWC functions that should be seen as both independent and vital to the public interest as a whole, not to specific stakeholders. A conflict of interest is present, whether actual or perceived, in the discharge of their duties as a member of the CWC. The public deserves a watchdog function free of bias. The public expects a sentinel guard dog, not a lapdog.

The conflict and problems with the CAC/CWC combination are not surprising given that the by-laws for this CWC were written by VTA staff, incorporated into the existing CAC bylaws and approved by the Board.

Revenue and Expenditure Plan Update Cancelled

In June, 2006 the Board approved a comprehensive 30-year Revenue and Expenditure Plan for all projects identified in 2000 Measure A. During 2008, an update to this plan was scheduled. Sometime between June 19, 2008 and August 7, 2008, this update was cancelled and a decision was made to place an additional tax on the November, 2008 ballot.

The plan projected sales tax revenue at \$10.58B from Measure A and noted that additional revenue sources would be necessary, not all of which were identified. An additional sales tax of ½ cent was proposed to the voters in November, 2006 but was rejected. In its first full year of collections (FY2007), Measure A 2000 brought in \$161.4 Million. In its second full year, ending in FY2008, the collections dropped slightly to \$160.5 Million.

The total program cost was projected to be \$21.57B (in year of expenditure dollars). Notably, the single largest project was BART, which alone accounted for \$6.2B in estimated year of expenditure dollars.

Figure 1: A portion of the 2000 Measure A Revenue and Expenditure Plan prepared in 2006

Fiscal Year Notes	Project Costs in \$2003	Escalated Project Costs
Beginning Balance		
REVENUES		
1. Measure A 1/2-cent Sales Tax (2005 Midpoint)	5,404,457	\$ 10,582,278
2.TCRP	507,428	\$ 648,567
3. Federal New Starts	560,157	\$ 750,000
4.Prop 42 STIP	111,214	\$ 147,285
5.2002 Note/2003/2004/2005 Bond Proceeds	469,283	\$ 474,048
6. Net Add'l Measure A Bonds (1)	2,422,167	\$ 3,648,000
7. Net New VTA Bonds (2)	1,073,646	\$ 1,659,600
7A. NEW: Short-term financing	145,438	\$ 201,000
8. VTA, Other Funding (Includes new 1/4-cent Tax) (3)	1,133,021	\$ 2,037,827
8A. Other partners	1,092,574	\$ 1,738,728
9.Other Funds	17,889	\$ 18,172
10. Interest Earnings on Avg Bal (1.5%)	9,976	\$ 15,523
Total Revenue	\$ 12,947,251	\$ 21,921,028

In order to begin Measure A programs in advance of tax collection, VTA issued anticipation bonds. \$445M in proceeds from bond sales, which has to be repaid from Measure A revenue, was already on the books before a single dollar of tax was collected. By June 30, 2008 Measure A long-term debt was still \$371.8M. Debt service cost over the life of Measure A was projected to be in excess of \$2B in the 2006 Revenue and Expenditure Plan.

At its April, 2008, meeting, VTA General Manager Michael Burns introduced the proposed process and guidelines to update the 2000 Measure A Revenue and Expenditure Plan. Concurrently, the Board was in the process of making key decisions on the BART project, the Eastridge light rail extension, and the Caltrain double-track to Gilroy. Approval of the updated Revenue and Expenditure plan was tentatively set for September 4, 2008.

In an April 28, 2008, San Jose Mercury News article, Mr. Burns advised that his agency relied on overly optimistic scenarios that it could fund the \$20+ Billion in transit improvements. He conceded that the current expenditure plan does not work and that it was clear that all projects could not be afforded.

At its June 11, 2008 meeting, the Downtown East Valley Policy Advisory Board was told by VTA staff that the Capitol Light Rail Extension to Eastridge had completed the design phase but was being suspended pending the updated Revenue and Expenditure plan. Particularly noteworthy was the fact that VTA staff suspended the project without prior Board authorization.

In a memo to the Downtown East Valley Policy Advisory Board dated June 19, 2008, the General Manager reconfirmed the schedule of the planned update to the Revenue and Expenditure Plan.

At the August 7, 2008 VTA Board meeting, several significant events occurred:

- Mr. Burns advised that the Light-Rail Extension to Eastridge "has not been stopped but that there is not enough money to complete all of the Measure A projects. . ." The Board "reaffirmed" its support for the project and recommended continuation of planning and design activities. However, property acquisition, utility relocation construction and completion of bid documents for construction contracts were not authorized.
- Measure B to increase sales tax by 1/8 cent to be used for BART operating costs was placed on the November ballot.
- The staff presented a report to the Board supporting the sufficiency of the 1/8 cent tax proposal to cover the projected deficit in BART operating costs. The conclusion was based on a new 30-year sales tax revenue estimate. This report also provided sufficient information to update the revenue estimate in the new Revenue and Expenditure Plan.

The September, 2008, scheduled presentation of the update to the Revenue and Expenditure Plan was not delivered and never rescheduled. The VTA Board made no effort to determine the status of the plan or if there would be significant disruption or cancellation of Measure A projects. As a consequence, the public was not informed of the 2000 Measure A 30-year financial situation before the November 2008 election.

At a Board Workshop on December 4, 2008, approximately one month after the election, and in the face of sales tax revenue uncertainty, it was decided to forego a full 30-year plan for Measure A and to focus on a two-year capital expenditure plan. The two-year capital expenditure plan is to be made available in June 2009. It is expected to include capital expenditures for the BART extension and two other programs – BRT (Bus Rapid Transit) on the Alum Rock corridor and certain Caltrain enhancements in South County including double tracking to Gilroy. A notable exception in the preliminary documentation is the absence of any funding for the light rail to Eastridge program which appears to have become totally dependent on unidentified federal funding.

Since that time the VTA staff has responded to pressure from the Board and agreed to provide a ten-year outlook. This plan has yet to be delivered.

If the 30-year Revenue and Expenditure Plan had been updated as planned, it likely would have shown that if the BART extension were built as planned, the remaining 2000 Measure A projects would require massive additional investment by the state and federal government plus additional sales tax revenue from Santa Clara County.

2008 Measure B passed by approximately 700 votes above the 2/3 threshold required for passage. If the updated Revenue and Expenditure Plan had been readily available to the public, Measure B might not have passed. The VTA had sufficient time and information to complete this update and made a deliberate decision not to publish it prior to the election. The public deserves an explanation.

Light Rail to Eastridge Project Status

According to the Measure A Semi-Annual Report (internal) dated June, 2008, this project was to receive \$276.8M of its \$334.3M cost (83%) from Measure A tax revenue. Now that virtually all Measure A tax revenue is being reserved for the shortened BART extension project, the light rail to Eastridge project has been put on hold until other funding sources can be identified. The only work currently being done on the light rail to Eastridge project is to modify the completed EIR to meet federal standards in the hope of receiving federal stimulus or other transportation funding in 2010.

Use of 2000 Measure A Funds for Non-Measure A Projects Puts Measure A Projects at Risk

The VTA Board has approved the exchange (swap) of approximately \$107M of Measure A funds for use on non-Measure A programs in exchange for a payback from anticipated State Transportation Improvement (STIP) funds at a future time. The payback from the state depends on state approval of two Measure A projects for state (STIP) funding, approval that is not guaranteed, especially in difficult budgetary times. In addition, these programs are low on the Measure A priority list and may never be built.

Board approval of the swap was granted in two separate votes in February, 2007 and December, 2007. As of June, 2008, approximately \$9M of Measure A sales tax revenue had been spent on non-Measure A programs. At the same time, the 2000 Measure A program was over \$361M in debt, having issued bonds to pay for project development in advance of the receipt of sales tax revenue.

There was no prior discussion or notification to the Citizen Watchdog Committee. The CWC was informed after the fact in a report from VTA staff.

One key Citizen Watchdog Committee duty is to certify to the public that Measure A funds are only spent on Measure A projects. The CWC needs to make an informed decision about what constitutes spending on 2000 Measure A projects and determine whether the fund exchange meets the CWC's definition of legitimate spending. Furthermore, the CWC is obligated to inform the public of the fund exchange and expenditures in its reports to the public.

At its February 11, 2009 meeting, a discussion regarding the CWC's responsibilities in this area was initiated by a CWC member and stifled by VTA staff in attendance by reminding the CWC members of the limitations in their responsibilities. The CWC did agree to ask their auditor to "assist the committee in its fiduciary role." At and following this meeting two members of the CWC resigned, leaving a total of five vacancies.

November 2008 Ballot Measures

Several relevant facts should be noted with respect to the November, 2008 ballot measures:

- VTP 2035 Transportation Plan was first presented to the public eight days after the November, 2008 Election. At the time of the election, the voters were voting to approve a plan that none of them had seen. The plan was formally published in January, 2009.
- Measures C & D were approved for the ballot as part of the Consent Agenda. There was no debate or discussion regarding these Measures.
- Measures C & D were not discussed at any Advisory Committee meetings prior to the vote of the VTA Board.
- The Citizens Watchdog Committee was unaware that the VTA Board was proposing to add responsibility to review and approve the long-range transportation plan every six years. It should also be noted that the CWC ceases to exist on June 30, 2036.
- The tax amount for Measure B (1/8%) was approved for the ballot on August 7, 2008, after selected Board members were briefed on a private poll conducted by Silicon Valley Leadership Group regarding opinions of the electorate with respect to additional tax for transportation purposes. The poll indicated that a ¼% tax would not pass while a 1/8% tax might pass. VTA contracted with a private firm (AECOM) to justify the 1/8% level as sufficient. The report was delivered to the Board on August 4, 2008.

These items taken as a whole provide a picture of a Board that is rushed, overwhelmed and out of touch.

2008 Measure B Sales Tax – Promised 16.1 Miles, Delivering 2.2 Miles

Of particular concern is that VTA intends to start collection of the Measure B tax while only completing a shortened version of the BART extension to Berryessa. The \$750M federal funding that was planned to trigger the Measure B sales tax will now be used only to fund the first 2.2 miles with additional yet-unidentified funding required to complete the entire extension.

The ballot wording specifically refers to funding for the entire 16.1 mile BART extension. At the August 7 board meeting, Michael Burns, VTA General Manager, said ". . . taxpayers would not be responsible to pay the tax unless there was a fully funded project."

The rationale and financial analysis behind the tax were based on the costs and ridership associated with the full BART extension. The Board should ensure that this tax is not collected until full funding is identified for the entire 16.1 mile BART extension.

Conclusion

Reports cited earlier document that the Board has not lived up to its responsibilities. Following its own investigation, this Civil Grand Jury concurs with these reports.

In reaching this conclusion, the Grand Jury has found that:

- The Board tolerates behaviors that do not encourage informed public debate about transportation and transit issues facing the county.
- VTA staff develops plans internally with little or no public (or Board) input at the early stages. Information relevant to these plans is carefully controlled.
- The Board has taken a passive role, allowing VTA staff to control the Board, the CAC/CWC, other advisory committees and the public at large to minimize any influence or change of its internally developed ideas.

It is critical that citizens of Santa Clara County reach an informed consensus on transportation and transit policy. These are issues upon which reasonable minds can, and do, disagree. Free and open debate is essential to reaching a consensus. The VTA has, however, failed time and again to encourage such debate; to the contrary, VTA has obscured the facts and occasionally even stifled debate.

The recommendations of this report provide steps to enable the public, through the Board and through the CAC/CWC and other advisory committees, to regain the position of providing early, influential input into the VTA planning process.

Findings and Recommendations

Finding 1a

The term "watchdog" is a misnomer. The structure and composition of the CWC called for in 2000 Measure A, as well as how the CWC responsibilities are interpreted by VTA staff and the Board, prevents the CWC from performing its duties effectively.

Finding 1b

Although arguably the CWC may have technically complied with the minimum functions specified in Measure A, the CWC is failing the public by not providing reliable information to make intelligent decisions regarding transit in the county.

Recommendation 1a

The CWC should reevaluate its scope and expand its functions beyond the minimum standards stated in 2000 Measure A and operate as a true "watchdog" committee.

Recommendation 1b

The Board should provide the CWC with independent advisors, including legal counsel, to assist them in this effort.

Finding 2

The CWC is not *independent*. CWC members are appointed or have their appointment approved by the VTA board, the very people they are charged with overseeing. In other transportation agencies in California, citizen oversight bodies are appointed and/or approved by independent third parties (See Appendix A).

Recommendation 2a

The Grand Jury recognizes that the assignment of members of the CAC as the CWC is part of existing law and cannot be changed without a new ballot measure. However, the Board is at liberty to change the CAC bylaws and hence change who approves membership in this combined committee. The Grand Jury recommends that the Board change the bylaws so that the selection process is conducted by, and selections approved by an independent third party.

Recommendation 2b

Former elected officials should not be allowed to sit on the Citizens Advisory Committee to eliminate the possibility of bias from prior responsibilities.

Recommendation 2c

The CWC should have its own staff, independent of VTA staff, to set meeting agendas, coordinate project investigations, write reports and do other tasks assigned to the CWC.

Finding 3

The CWC is not in control of its own agenda. CWC bylaws do not explicitly allow members to participate in setting the agenda for their own meeting. Other VTA committees such as the Policy Advisory Committee have this explicit right. The CWC chairperson reviews the staff-proposed agenda in advance and can suggest changes. Other members only view the agenda when formally published.

Recommendation 3

The bylaws should be amended to allow the CWC to prepare and set their own agenda without involvement of VTA Staff. If VTA Staff wishes to place an agenda item, they should consult with the CWC Chairperson, not the other way around.

Finding 4a

While meeting the minimum requirements, CWC reports to the public have not been comprehensive, timely, or complete. The CWC has published only two three-page status reports since its inception in July 2006. The financial audit for FY 2007 (June 2007) was conducted by an independent auditor retained by VTA staff, not an independent auditor retained by the CWC. In FY 2008, audits of 2000 Measure A expenditures will be conducted by BOTH an independent auditor retained by VTA and an independent auditor retained by the CWC.

The CWC has failed to take the opportunity to file more frequent reports on Measure A 2000 expenditures, such as monthly or quarterly reports.

Finding 4b

The CWC has failed to inform the public that the 2000 Measure A sales tax revenue is not sufficient to complete all of the Measure A programs, and federal and state funding has not been identified to fill the gap. This has been clear to VTA management for some time.

Recommendation 4a

CWC should independently decide on report frequency and content without VTA Staff involvement and supervision.

Recommendation 4b

No Recommendation.

Finding 5

The VTA staff has forced its own perspective on the CWC regarding committee roles and responsibilities. VTA staff dictates have stifled independent thinking on the part of CWC members.

Recommendation 5

The Board should direct VTA staff to revise its training materials and memoranda to include best practices of other transit agency watchdog committees and encourage the CWC to establish its own priorities and responsibilities. See Appendix A.

Finding 6

Board workplans and meeting agendas are developed primarily by VTA staff.

Recommendation 6

The VTA Board should prepare its own agendas and workplans. The Chairperson of the Board should consult with Board members, standing and advisory committees and VTA staff to formulate the agenda.

Finding 7

With the exception of members from San Jose and the County, Board members have inadequate staff support to fully participate in Board activities. The volume of information supplied to Board members can serve to obscure key issues that deserve focus.

Recommendation 7

The VTA Board should have its own staff, independent of VTA staff, to set meeting agendas, do project investigations, write reports, publish minutes and do other tasks required by the Board.

Finding 8

Both the Hay Report and the State Auditor Report recommended that the VTA Board make every effort to insure that new board members have transportation experience by appointing new members with previous transportation experience and reappointing members for multiple terms. Nevertheless the Mayor of San Jose recently appointed two new board members to represent San Jose who have no previous transportation experience.

Recommendation 8

New VTA Board members must have transit knowledge. The VTA Board should require at least one full year on the PAC or another VTA advisory committee prior to being appointed to the Board.

Finding 9

VTA failed to provide an updated Measure A Revenue and Expenditure Plan per their published schedule. As a result, voters were deprived of critical information necessary to make an informed decision regarding 2008 Measure B, an additional 1/8 cent sales tax to fund operating costs for a BART extension to San Jose / Santa Clara. The VTA had sufficient time and information to complete this update and made a deliberate decision not to publish it prior to the election. As a result, voters were never told that full funding for the BART extension would jeopardize the completion of the other Measure A projects.

Recommendation 9a

The VTA Board should explain why these facts were withheld from the public.

Recommendation 9b

In future elections, the VTA Board should ensure that VTA staff provides the public with a comprehensive explanation of the ramifications of each measure, including the impact on both capital and operating funds, projections and budgets, as well as the effect on other projects.

Finding 10

VTA effectively suspended the shovel-ready light rail extension to Eastridge, without informing the VTA Board or the CWC in advance. Additionally, they used evasive language to prevent the Board and the public from understanding the true status ("reaffirming" support) of the project. The people of East Valley deserve better from the representatives of San Jose on the VTA Board.

Recommendation 10a

The Board should amend the CAC/CWC bylaws to provide the CWC with the authority to review and make recommendations regarding any changes to the priority and status of all 2000 Measure A programs. This is a specific request over and above the responsibilities assigned by the 2000 Measure A ballot wording.

Recommendation 10b

The staff should not make unilateral changes regarding Measure A projects without prior CWC review and Board approval. Specific procedures should be put into place to assure that the VTA Board has reviewed and approved all changes to the scope, funding and schedule of Measure A projects before VTA staff proceeds.

Finding 11

The VTA Board approved Measure C and D to be placed on the November 2008 ballot as part of the consent agenda and without prior review by advisory committees. This occurred on the day prior to the deadline for the submittal of ballot measures for the November 2008 election.

Recommendation 11

The Board should ensure that ballot measures are submitted for Board approval on the regular agenda (never the consent agenda) after thorough review and discussion at both advisory and standing committee meetings.

Finding 12

The Board put 2008 Measure D on the ballot, assigning the responsibility for citizen review of future VTA long-range strategic plans to the CWC, without notifying the CWC of its intent to do so. In addition, the CWC will cease to exist on June 30, 2036, leaving the subsequent responsibility for review of the long-range plan in limbo.

Recommendation 12

The hastily implemented Measure D needs to be rethought before 2036. The Board should assign the responsibility for reviewing the long-range strategic plan to an organization that will remain in existence permanently.

Finding 13

The Board allowed Measure C to be placed on the November 2008 ballot asking voter approval of the VTP2035 plan when neither the Board nor the public had seen a draft of the full plan.

Recommendation 13

The Board should ensure that VTA's long range strategic plans are thoroughly reviewed and vetted by the public prior to being offered for approval by whatever body is deemed responsible.

Finding 14

Measure A funds were used on non-Measure A projects. The Measure A fund exchange violates the 2000 Measure A ballot requirement that 2000 Measure A revenue was to be spent only on 2000 Measure A programs. But VTA believes it is entitled to use these funds for other programs as long as repayment is certain. It appears that there is in fact repayment uncertainty. Even though the initial \$50M swap was approved in February 2007, the CWC certified (over the chairperson's signature) in the FY 2007 2000 Measure A Status Report that all Measure A revenue was spent only on Measure A programs. It is clear that the CWC does not fully understand its responsibility with respect to this requirement.

Recommendation 14

The Board should give the CWC the opportunity to review all 2000 Measure A fund transfers. The CWC should point out such usage of funds to the public in their reports. The CWC should make a public decision whether this usage of funds is consistent with the intention of the voters with respect to 2000 Measure A.

Finding 15

Measure B on the 2008 Ballot approved a 1/8 cent sales tax for BART operations. Tax collection is slated to start when the BART project receives full federal and state funding. However, VTA intends to start collecting this tax when only the first 2.2 miles of the BART project are funded, not the complete project.

Recommendation 15

The Board should consider the intention of the voters as well as the specifics of the ballot measure when considering this issue. This tax should only be collected when funding for the full 16.1 mile BART extension is obtained from the state and federal government.

	Santa Clara County CAC/CWC - Current	Santa Clara County Measure B CWC 1996	Orange County (Transportation Oversight Committee)	ACTIA (Alameda County Transportation Improvement Agency)
Total Members	17	17	11	17
Composition of Committee	Six citizens at large from Cities and County Groupings (2 from San Jose, 3 from all other cities, one from County of Santa Clara); Six citizens from community interests groups (senior citizens, disabled persons, mass transit users, environmentalists, pedestrians, bicyclists); Five citizens from Business and Labor Groups (Silicon Valley Leadership Group, Homebuilders Association of Northern California, Building Owners and Managers Association – Silicon Valley (BOMA-SV), South Bay AFL-CIO Labor Council, Santa Clara County Chamber of Commerce Coalition).	Ten District Representatives, two from each of the five supervisorial districts. Seven Organization Representatives, one from each of the seven different organizations specified by the Measure. (California Taxpayers Association, the San Jose Silicon Valley Chamber of Commerce, the Sierra Club, the South Bay Labor Council, the Silicon Valley Manufacturing Group, the Greenbelt Alliance, and the Building and Construction Trades Council).	Two members from each supervisorial district and the Auditor-Controller who serves as chairman of the committee. As mandated by the Ordinance, the Grand Jurors Association of Orange County Oversight Committee Selection Panel is under contract to solicit, collect, review applications from potential candidates Criteria includes ability to participate in meetings as maintained by time and meeting requirements, demonstrated interest and history of participation in community activities, with special emphasis on transportation-related activities, lack of conflict of interest with respect to the expenditure of the sales tax revenue generated by Measure M. Currently elected or appointed by city, district, county, state or federal officials are not eligible to serve.	Ten members shall be atlarge, two each representing the five supervisorial districts in Alameda County. Seven of the members shall be nominated by the seven organizations specified in the Expenditure Plan, viz., Alameda County Taxpayers' Association, Sierra Club, Alameda County Labor Council, Alameda County Economic Development Alliance for Business, Alameda County Paratransit Advisory Panel, East Bay Bicycle Coalition, and League of Women Voters. Qualification for Membership. Each CWC member shall be a resident of Alameda County. A CWC member shall not (a) be an elected official at any level of government; or (b) be a public employee of any agency that oversees or benefits from the proceeds of the Measure B Tax, or (c) have any economic interest in any Project or Program.

	Santa Clara County CAC/CWC - Current	Santa Clara County Measure B CWC 1996	ACTIA (Alameda County Transportation Improvement Agency)	
How Appointed	No member of the Board of Directors or alternate, Policy Advisory Committee member or alternate, or other elected public official shall be appointed to the Committee. Committee members may not be employed by a Member Agency they represent. VTA employees are not eligible for membership. Members shall be appointed as follows, with effort made to reflect the ethnic, gender, and geographic diversity of the County: City and County Groupings: Citizens at large as appointed by groupings as defined by the VTA Administrative Code. Community Interests: appointed by Administration and Finance Committee from nominations submitted by advocacy groups or received at large, one for each category. Business and Labor Groups: appointed by each organization. Board of Directors ratifies each appointment of all members of the committee.	District Representatives: by League of Women Voters or in absence of League, the Grand Jury. Organization Representatives: selected by nominating organization.	Grand Jurors Association of Orange County (GJAOC), which has formed a five-member Taxpayers Oversight Committee Selection Panel to conduct an extensive recruitment program. The panel screens all applications, conducts interviews and recommends potential candidates for membership on the Taxpayers Oversight Committee once a year as terms expire. The GJAOC is made up of former grand jurors who have a continuing concern for good government and whose purpose is to promote public understanding of the functions and purpose of the grand jury. The GJAOC is a neutral body serving the interests of the Taxpayers of Orange County. New members are chose by lottery from among the finalists at a meeting of the OCTA.	Of ten at-large, one of the two nominated by a member of the Board of Supervisors in their own district and one of the two selected by the Alameda County Mayors' Conference. Of the seven organizations, the organizations each select one subject to approval by the ACTIA Board.

	Santa Clara County CAC/CWC - Current	Santa Clara County Measure B CWC 1996	Orange County (Transportation Oversight Committee)	ACTIA (Alameda County Transportation Improvement Agency)
Length of Term	Committee members shall be appointed for a continuous term, serving until resignation or replacement by their appointing organization or the Board of Directors	District Representatives: 2 years; Organization Representatives: unlimited term	Each member, with the exception of the Auditor-Controller, is appointed for a term of three years. However, any member appointed to replace a member who has resigned or been removed will serve only the balance of such member's unexpired term, and no person shall serve as a member for a period in excess of six consecutive years.	Two years.
How Often They Meet	Monthly	Monthly	Bi-Monthly	At least once per quarter.
Reports Generated	Once at Year (CWC)	Yearly at required by Measure. Monthly as generated by practice.	Quarterly Progress Reports are generated.	
Available Staff	VTA	Board of Supervisors	Local Transportation Authority	
Agenda Set	Items may be referred for inclusion on an agenda by: (1) the Board of Directors; (2) the General Manager; (3) the Committee Chairperson; and (4) the Committee, with a quorum present and upon the affirmative vote of a majority of the members present.	The Chair shall prepare the agenda for each Committee meeting.	Independent Committee by Ordinance.	Any member three weeks prior to meeting or agreement by chair.

	Santa Clara County CAC/CWC - Current	Santa Clara County Measure B CWC 1996	Orange County (Transportation Oversight Committee)	ACTIA (Alameda County Transportation Improvement Agency)
Agenda Set continued	The secretary shall prepare the agenda for each meeting in consultation with VTA staff and the chairperson. The secretary may withhold placement on the agenda of any matter which is not timely received, lacks sufficient information or is in need of staff review and report prior to Committee consideration.			
Board of Directors Meetings	The chairperson shall preside at all meetings of the Committee and represent the Committee before the Board of Directors. Except when acting in its capacity as the Citizen's Watchdog Committee as specified in the 2000 Measure A Transit Sales Tax ballot, the Committee shall serve in an advisory capacity to the Board of Directors. It shall have no independent duties and no authority to take actions that bind VTA or the Board of Directors. The Committee shall not have the authority to communicate externally and all communications by the Committee shall be to and through the Board of Directors.	The Chair shall attend, or appoint another Committee member to attend, meetings of the County Board of Supervisors at which expenditure of the Measure B sales tax revenues represents an action item.		Communicating from time to time to the ACTIA Board by resolution suggestions and concerns pertinent to the administration and expenditure of Measure B funds.

	Santa Clara County CAC/CWC - Current	Santa Clara County Measure B CWC 1996	ACTIA (Alameda County Transportation Improvement Agency)	
By-Law Amendments	Majority of its total membership and with the approval of the Board of Directors.	Majority vote of the Committee at any meeting.	No formal by-laws.	Bylaws may be amended, repealed or altered, in whole or in part, by a resolution adopted at a duly-constituted CWC meeting at which a quorum is present.

COMMISSION AGENDA ITEM 7b PAC Agenda Item 4b Written Public Comment: Roland Lebrun

PASSED and ADOPTED by the Santa (May, 2009.	Clara County Civil Grand Jury on this 7 th day of
Dan Kawashiras	
Don Kawashima Foreperson	
Mary Nassau Secretary	-

<u>ATTACHMENT B</u>

2000 MEASURE A TRANSIT IMPROVEMENT PROGRAM

Expenditures as of December														
Project	_ ا	Total				Funding (in leasure A	n \$N	(I) TBD		Incurred t Others			019	
1 - Extend BART from Fremont through Milpitas to Downtown San Jose and the		stimate ¹ Ita Clara Ca		Others in Station		easure A		IBD		Otners	IVI	easure A		Total
1-1 BART SV Program Development, Implementation & Warm Springs	\$	435.9	\$	243.6 ²		192.3	\$	-	\$	243.6 ²	\$	190.6	\$	434.2
1-2 BART SV Corridor Establishment and Maintenance (CEM)	\$	470.5	\$	172.5	\$	298.0	\$	-	\$	157.0	\$	293.1	\$	450.1
1-3 BART Silicon Valley Berryessa Extension	\$	2,421.3	\$	1,288.3	\$	1,133.0	\$	-	\$	1,167.9	\$	962.2	\$	2,130.1
1-4 BART Silicon Valley Santa Clara Extension ³	\$	5,581.0	\$	4,581.0	\$,	\$	-	\$	162.3	\$	112.1	\$	274.4
1-5 BART Core System Modifications (BCS)	\$	264.8	\$	69.8	\$	195.0	\$	-	\$	60.4	\$	103.6	\$	164.1
1-6 BART Other Supporting Projects	\$	100.1	\$	8.9	\$	91.2	\$	-	\$	8.0	\$	86.9	\$	94.9
Total	\$	9,273.6	_	6,364.1	\$	2,909.5	\$	-	\$	1,799.2	\$	1,748.6	\$	3,547.8
2 - Provide Connections from Mineta San Jose International Airport to BART, Ca Mineta San Jose Airport People Mover (APM) ⁵	1	800.0	T T	nt Rail	ф	5.0	\$	795.0	\$		÷	2.1	4	2.1
	\$	800.0	\$	-	\$	5.0	Þ	795.0	Þ	-	\$	2.1	\$	2.1
3 - Extend Light Rail From Downtown San Jose to the East Valley Capitol Exp. Way Eastridge Light Rail Extn (CELR) Environmental/Eng	\$	67.4	\$	5.9	\$	61.5	\$	_	\$	5.9	\$	61.5	\$	67.4
CELR Phase I - Pedestrian Improvements	\$	19.0	\$	16.0	\$	3.0	\$	-	\$	16.0	\$	3.0	\$	19.0
CELR Phase I - Eastridge Transit Center	\$	60.6	\$	26.9	\$	33.7	\$	-	\$	26.9	\$	33.5	\$	60.3
Eastridge to BART Regional Connector Project ⁶	\$	468.0	\$	139.4	\$	308.2	\$	20.4	\$	0.7	\$	20.2	\$	20.9
Total	\$	615.0	\$	188.2	\$	406.4	\$	20.4	\$	49.5	\$	118.1	\$	167.6
4 - Purchase Low-Floor Light Rail Vehicles														
70 Low-Floor Light Rail Vehicles	\$	200.6	\$	200.6	\$	5 - 7	\$	-	\$	200.6	\$	- 7	\$	200.6
5 - Improve Caltrain: Double Track to Gilroy and Electrify from Palo Alto to Gilro	оу													
Caltrain South County Capacity Improvements 8	\$	17.2	\$	14.9	\$	2.3	\$	-	\$	14.9	\$	2.3	\$	17.2
Caltrain Electrification (VTA Share)	\$	108.1	\$	26.4 ⁹	\$	81.7	\$	-	\$	26.4	\$	58.2	\$	84.6
Total	\$	125.3	\$	41.3	\$	84.0	\$	-	\$	41.3	\$	60.5	\$	101.8
6 - Increase Caltrain Service														
Caltrain Service Upgrades/Caltrain Improvement Plan	\$	18.5	\$	- 0.4	\$	18.5	\$	-	\$	-	\$	17.3	\$	17.3
Caltrain Mountain View Parking Structure ¹⁰ Blossom Hill Pedestrian Grade Separation	\$ \$	1.0 11.2	\$	0.4 10.0	\$	0.6	\$	-	\$	0.1 10.0	\$	0.2	\$ \$	0.3 11.2
Caltrain Safety Enhancements	\$	16.7	\$	0.1	\$	1.2 16.6	\$	-	\$	0.1	\$	1.2 15.7	\$	15.8
Santa Clara Station Pedestrian Underpass Extension	\$	10.7	\$	10.0	\$	0.7	\$	-	\$	10.0	\$	0.7	\$	10.7
Santa Clara and San Jose Diridon Station Upgrade	\$	12.2	\$	-	\$	12.2	\$	-	\$	-	\$	12.2	\$	12.2
Bike Sharing Pilot Project	\$	0.8	\$	0.6	\$	0.2	\$	-	\$	0.6	\$	0.2	\$	0.8
Total	\$	71.1	\$	21.2	\$	50.0	\$	-	\$	20.8	\$	47.6	\$	68.4
7 - Construct a New Palo Alto Intermodal Transit Center														
Palo Alto Intermodal Transit Center 11	\$	0.2	\$	0.2	\$	0.0	\$	-	\$	0.2	\$	0.0	\$	0.2
8 - Improve Bus Service in Major Bus Corridors														
BRT Alternative Analysis/ BRT Strategic Plan	\$	2.2	\$	0.7	\$	1.5	\$	-	\$	0.7	\$	1.5	\$	2.2
Alum Rock - Santa Clara Bus Rapid Transit	\$	143.4	\$	89.4	\$	54.0	\$	-	\$	94.2	\$	47.2	\$	141.5
Stevens Creek Bus Rapid Transit	\$	151.0	\$	0.8	\$	3.6	\$	146.6	\$	0.6	\$	3.1	\$	3.7
El Camino Real Rapid Bus Stop Improvements 12 Procurement of BRT Articulated Buses	\$	24.1	\$	10.2	\$	24.1	\$	-	\$	10.2	\$	10.5	\$	10.5 32.7
Modifications to Chaboya and North Division for BRT Buses	\$	33.8 14.5	\$	19.2	\$	14.7 14.5	\$	-	\$	19.2	\$	13.5 2.6	\$	2.6
Money Counting Facility Replacement	\$	0.1	\$	_	\$	0.1	\$	-	\$	_	\$	0.1	\$	0.1
De Anza College Transit Center Improvement	\$	0.3	\$	-	\$	0.3	\$	-	\$	-	\$	0.3	\$	0.3
Stevens Creek Rapid 523 Bus Stop Improvements	\$	3.9	\$	0.2	\$	3.7	\$	-	\$	0.2	\$	3.2	\$	3.4
Stelling Road Bus Stop Improvement	\$	1.9	\$	0.6	\$	1.3	\$	-	\$	0.6	\$	1.2	\$	1.8
Total	\$	375.3	\$	110.9	\$	117.7	\$	146.6	\$	115.6	\$	83.3	\$	198.8
9 - Upgrade Altamont Commuter Express (ACE)														
Upgrade ACE	\$	-	\$	-	\$	- 13	\$	-	\$	-	\$	_ 13	\$	-
10 - Improve Highway 17 Express Bus Service														
Highway 17 Bus Service Improvements	\$	2.5	\$	-	\$	2.5	\$	-	\$	-	\$	2.5	\$	2.5
11 - Connect Caltrain with Dumbarton Rail Corridor														
Dumbarton Rail Corridor 14	\$	2.3	\$	-	\$	2.3	\$	-	\$	-	\$	2.3	\$	2.3
12 - Purchase Zero-Emission Buses and Construct Service Facilities		447	_	44.4	_	2.2	_		_	11.4		2.2	_	147
3 Zero Emission Buses (Pilot Program)	\$	14.7 4.8	\$	11.4 2.4	\$	3.2	\$	-	\$	11.4 2.4	\$	3.2 2.4	\$	14.7 4.8
Zero Emission Buses Facility Improvements	\$		\$		\$	2.4	\$		\$ \$		\$		\$	
Total 13 - Develop New Light Rail Corridors	\$	19.4	\$	13.9	\$	5.6	\$	-	*	13.9	\$	5.6	\$	19.4
New Rail Corridors Study	\$	3.0	\$	-	\$	3.0	\$	-	\$	-	\$	1.5	\$	1.5
Light Rail Systems Analysis	\$	1.7	\$	-	\$	1.7	\$	-	\$	-	\$	1.7	\$	1.7
Southern Light Rail Express	\$	1.1	\$	-	\$	1.1	\$	-	\$	-	\$	1.1	\$	1.1
LRT Extension to Vasona Junction	\$	1.7	\$	-	\$	1.7	\$	-	\$	-	\$	1.7	\$	1.7
Winchester LR Double Track & Platform Extn	\$	0.8	\$	-	\$	0.8	\$	-	\$	-	\$	0.8	\$	0.8
SR 85 Major Transit Investment Study	\$	2.0	\$	1.4	\$	0.6	\$	-	\$	0.4	\$	0.6	\$	1.0
Total	\$	10.3	\$	1.4	\$	8.9	\$	-	\$	0.4	\$	7.4	\$	7.7
14 - Fund Operating and Maintenance Cost for Increased Bus, Rail and Paratran	1													
Fund Operating and Maintenance Costs	\$	1,465.8	\$	-	\$	1,465.8	\$	-	\$	-	\$	474.2	\$	474.2
Other Expenditures														
Debt Service on Current Bonds (includes principal, interest & other bond costs)	\$	1,859.5	\$	-	\$	1,859.5	\$	-	\$	-	\$	374.0	\$	374.0
Fund Exchange Payments 15	\$	122.5 425.0	\$	-	\$	122.5 425.0	\$	-	\$	-	\$	114.6	\$	114.6
Future Bond Financing Cost Miscellaneous Operating Expenses	\$	34.5	\$	-	\$	425.0 34.5	\$	-	\$	-	\$	- 11.7	\$ \$	11.7
Total	\$	2,441.5	\$		\$		\$		\$	_	\$	500.3	\$ \$	500.3
GRAND TOTAL	+ -		i i	6 941 7	-	,		962.0	Ė	2 241 5	-			
ONAIRD TOTAL	Ф	15,403.1	Þ	J, 74 1./	Ð	1,477.4	φ	70Z.U	₽	4,41.5	Ð	J,UJZ.4	φ	J, 273.7

Current estimate as of Dec 2019.

Includes \$8M in State-Local Partnership Program (SLPP) and \$111.4M in Traffic Congestion Relief Program (TCRP) grant funds designated directly to BART.

Estimate includes 4-stations, 6 miles

⁴ Does not include unallocated contingency or financing costs

⁵ Completed studies of Automated Transit Guideway system.

Construction Phase Cost Estimate last updated Dec 2019

Project funded through a Board approved fund exchange between Santa Clara County, VTA and Measure A. Measure A costs incurred for this item reflected as a portion of Debt Service.

 $^{^{\}it 8}$ Completed fiber optic cable relocation of the northern segment (5.3 miles).

 $^{^{9}}$ $\,$ Includes \$26.4M in Prop 1A CTC grant funds designated directly to Caltrain.

¹⁰ Completed conceptual design.

¹¹ Completed project studies.

¹² Planned funding reflects current project definition and scope which is subject to refinement

¹³ Included in Santa Clara and San Jose Diridion Station Upgrade.

Completed preliminary design, ridership studies and conceptual estimates.

Payments related to exchange of State Transportation Improvement Program(STIP) and Measure A funding approved by the Board in June 2007, December 2007 and November 2013.



28 N. FIRST STREET SUITE 1000 SAN JOSE, CA 95113 TEL: 408-279-1775 FAX: 408-279-1904 WWW.SJDOWNTOWN.COM

July 6, 2020

MTC Programming and Allocations Committee

Re: Agenda Item 4b: MTC Resolution No. 4420, Revised. Coronavirus Aid, Relief, and Economic Security (CARES) Act (H.R. 748) - Emergency Transit Assistance Programming

Dear Chair Josefowitz and Programming and Allocations Committee Members,

On behalf of the 2000 business and property owners in downtown San Jose, SJDA urges the MTC Programming and Allocations Committee to recommend the "Conservative" assumptions not the "Somewhat Optimistic" assumptions be used to calculate the second payment of CARES Act funding.

The COVID-19 pandemic has drastically impacted the most vulnerable populations in immeasurable ways. One of the most important aspects of daily life is that of local reliable public transit, specifically for low-income, transit-dependent community members such as essential workers, working poor, and seniors. Basic needs such as getting to work, going to the grocery store, and access to childcare and healthcare services are dependent on these local transit programs.

The Valley Transportation Authority (VTA) provides bus and light rail service across Santa Clara County, and yet has received less funding than all other transit agencies during the CARES Act funding distribution. The bus and light rail service provided by VTA serves to safely transport community members locally to access essential services across the county. Therefore, this mode of transportation is crucial and necessary for transit-dependent community members.

We are in strong disagreement with staff's recommendation to proceed with the proposed distribution of funds. As our leaders request the public to act conservatively during the COVID-19 pandemic by wearing a mask, social distancing, washing hands, etc., we ask that MTC take a conservative approach to the distribution revenue assumptions of the 2 nd round of CARES Act funding.

With the current more optimistic assumptions, VTA will receive \$7 million dollars less than using the more conservative sales tax assumption. That \$7 million can translate into 30 to 40 positions lost.

During this time when equity is an especially critical topic, the demand to provide necessary services to those who need them most is non negotiable. Under this moral standing, we respectfully ask that you reconsider the decision to support staff's recommendation.

Sincerely,

Scott Knies

Executive Director

From: Burton, Janice

Sent: Tuesday, July 7, 2020 3:26 PM **To:** MTC Info; Jeannie Bruins

Subject: July 8th MTC Programming and Allocations Committee Meeting Item 4b

External Email

July 8, 2020 MTC Programming and Allocations Committee Info@bayareametro.gov

Re: Agenda Item 4b: MTC Resolution No. 4420, Revised. Coronavirus Aid, Relief, and Economic Security (CARES) Act (H.R. 748) - Emergency Transit Assistance Programming.

Dear Chair Josefowitz and Programming and Allocations Committee Members,

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Sincerely,

Janice Burton

Graphic Designer II
Santa Clara Valley Transportation Authority

July 6, 2020

Nick Josefowitz, Chair MTC Programming and Allocations Committee Metropolitan Transportation Bay Area Metro Center 375 Beale Street, Suite 800 San Francisco, CA 94105

Re: CARES Act Second Tranche Methodology

Dear Chair Josefowitz:

In these difficult times, more than ever, we need to continue working together to assure vital transit service in the Bay Area particularly for the transit dependent. The CARES Act emergency funding is insufficient to make the operators in the Bay Area whole for the loss revenue and increased costs we are experiencing. I also realize what a difficult task it is to allocate aide in a fair and equitable manner across two dozen operators.

As the Programming and Allocations Committee considers the recommendation of the Blue Ribbon Transit Recovery Task Force concerning the second payment of CARES Act funds to transit operators, I wish to share the following observations.

For over forty years the citizens of Santa Clara County have supported public transit and regional connectivity. We passed local sales taxes to support transit operations, an increase to the Bay Area Bridge Tolls, the extension of BART to Silicon Valley and many major capital projects. We rely on a dedicated ½ cent sales tax to support transit operations and paratransit service. We are proud of our continued local support for transit and especially its role in providing an essential service to the working poor, our senior citizens, students and those requiring paratransit services as their main form of mobility. Reliance on local sales tax more than fare returns is not a value judgment or a question of efficiency, rather it is a policy decision to provide the best transit service; especially to those most in need of public transit.

That is why I am extremely disquieted by a funding allocation that assumes a slower recovery of fare box returns than sales tax returns. This creates a situation where transit operators, more dependent on sales tax returns, receive less than they should under an equitable distribution. This is particularly unfortunate because these operators carry large numbers of the most vulnerable members of the public. As mentioned at the Task Force meeting by several members, social justice is an important consideration for this allocation.

The recommendation before you makes assumptions over two time periods for calendar year 2020. The first six month period is from March – August. The second, shorter, four month period is from September – December. Staff's original proposal – which the Task Force did not see – provided a more reasonable assumption of sales tax recovery than what was approved at

the Task Force meeting. As presented to the operators prior to the Task Force meeting, these were titled by MTC staff as Conservative and Somewhat Optimistic.

Conservative Assumption

Somewhat Optimistic

March – August Fares 90% reduction Sales Tax 50% reduction March - August Fares 90% reduction Sales Tax 45% reduction

September – December Fares 75% reduction Sales Tax 35% reduction September – December Fares 70% reduction Sales Tax 30%

I believe the Conservative Assumption above is a more reasonable and equitable assumption. In reality the decline in sales tax is significantly greater than this assumption. VTA's <u>actual</u> reduction of sales tax for the month of March is 57%. In addition, we commissioned UCLA to provide a forecast for the balance of the year. UCLA's Base Case (the midpoint between conservative and best case) anticipates a 60% sales tax decline.

In recent days we have seen no indication that the pandemic is receding. Most reasonable experts are anticipating that we will continue to see an impact on our economy and our ridership. That is why I cannot support using an unrealistic assumption regarding sales tax. I acknowledge this will have a negative impact on certain large operators. Nevertheless, that impact is negligible on each but a major difference to VTA.

I ask the Committee to recommend to the full Commission that staff's Conservative Assumption be used to distribute the CARES Act Second Tranche to the operators. Thank you for your time and consideration of this request.

Sincerely,

Nuria I. Fernandez

General Manager and CEO

cc: Programming and Allocations Committee

MTC Commissioners VTA Board of Directors Therese McMillan, MTC



Background

CARES Act March 27, 2020

- \$1.3 Billion to support transit in Bay Area
- Fund operating losses due to pandemic
- Purpose: Continue providing transit service
- Need to allocate funds quickly

MTC Role

- Designated recipient for Bay Area 5307 & 5311 funds
- Design allocations based on 5 Principles
- Divided funds into two payments





MTC Actions

Established 5 Principles for fund distribution

Approved first payment on April 22nd

 Agreed that 2nd payment would be subject "True Up" based on:

 Total actual revenue loss (if available) or forecasted revenue loss from all sources

- Inaccuracies in 1st payment
- Consideration of Social Justice
- Revised payment model to reflect other income sources





Blue Ribbon Transit Recovery Task Force

Received results from 1st Payment to operators

Original model disadvantaged some operators

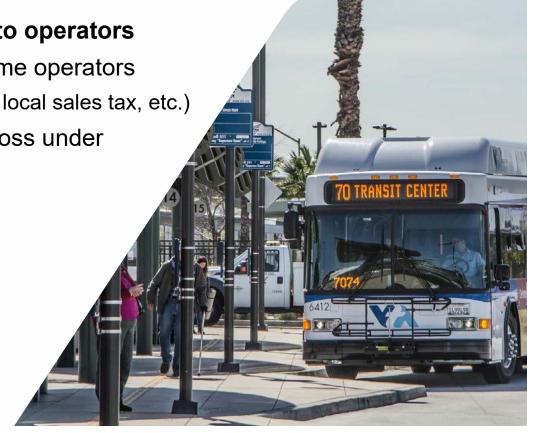
Different revenue streams (parking, local sales tax, etc.)

 One operator received less than loss under original model

Heard updates on:

- Transit Recovery Plans
- Health & Safety on Transit Plans





2nd Payment Proposal to Operators

Added revenue sources important to Operators

Parking, General Fund, Bridge Tolls,
 State Rail Assistance, Local Sales Tax

Formula for Social Justice based on:

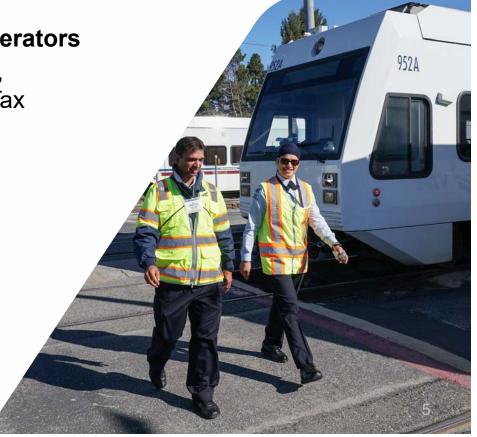
Ridership income <\$50,000

Two Alternatives:

"Alternative 1 Conservative"

"Alternative 2 Somewhat Optimistic"





CARES ACT PHASE 2 Distribution Revenue Assumption Comparison



Conservative

March - August 2020

Fares – 90%
Sales taxes – 50%
BATA bridge tolls – 60%
Golden Gate Bridge tolls – 60%
SFMTA Parking – 90%
SFMTA General Fund – 20%
Park n Ride revenues – 90%
State Transit Assistance – 32%
State Rail Assistance – 32%

Sept. 2020 - December 2020

Fares – 75%

Sales taxes – 35%

BATA bridge tolls – 30%

Golden Gate Bridge tolls – 40%

SFMTA Parking – 20%

SFMTA General Fund – 20%

Park n Ride revenues – 75%

State Transit Assistance – 40%

State Rail Assistance – 40%

Somewhat Optimistic

March - August 2020

Fares – 90%

Sales taxes – 45%

BATA bridge tolls – 60%

Golden Gate Bridge tolls – 60%

SFMTA Parking – 90%

SFMTA General Fund – 20%

Park n Ride revenues – 90%

State Transit Assistance – 32%

State Rail Assistance – 32%

Sept. 2020 - December 2020

Fares – 70%
Sales taxes – 30%
BATA bridge tolls – 25%
Golden Gate Bridge tolls – 40%
SFMTA Parking – 15%
SFMTA General Fund – 20%
Park n Ride revenues – 75%
State Transit Assistance – 40%
State Rail Assistance – 40%

Challenge

- March August = 6 months
 - 0% Change to Fares Reduction
 - 5% Change to Sales Tax Reduction
- September December = 4 months
 - 5% Change to Fares Reduction
 - 5% Additional Change to Sales Tax Reduction
- Significant impact to Sales Tax Projection

Sales Tax - VTA

March Actual 57% reduction vs
MTC's Optimistic estimate 45%

UCLA Forecast April to June
60% Decline
vs
MTC's Optimistic 45%



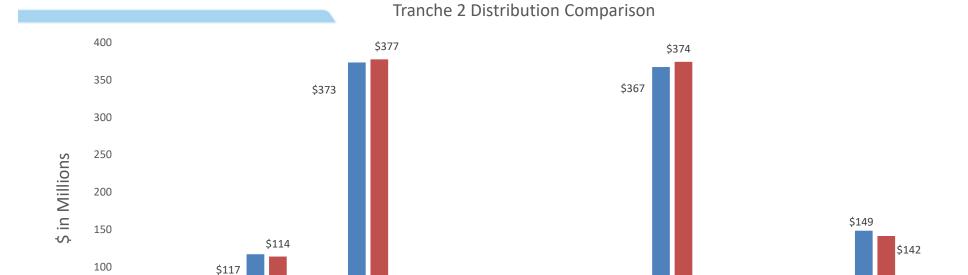
\$48

SFMTA

\$46

SamTrans

Alternatives



\$65

Caltrain

\$63

■ Conservative

BART

AC Transit

\$52

GGBHTD

■ Somewhat Optimistic

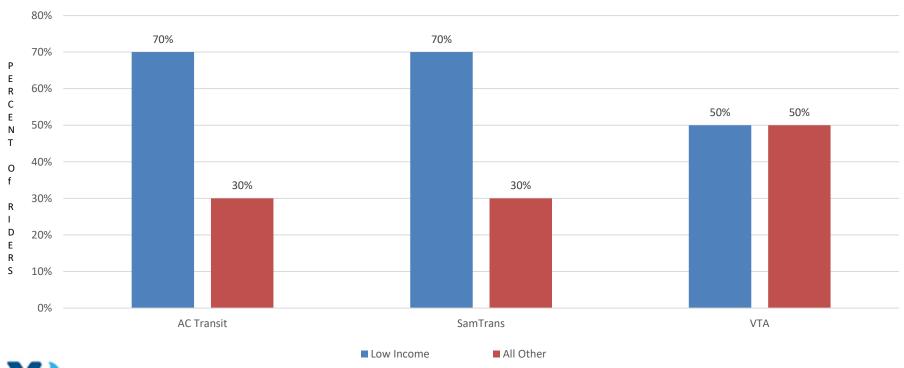
\$50



50

VTA

Social Justice





Request

Support Conservative vs Somewhat Optimistic Forecast

No Transit Operator is made whole in either assumption

Current information on pandemic is not cause for optimism

 Impact on Sales Tax dependent operators is significant

Provides reasonable middle ground on complex forecast



From: Kaur, Navdeep

Sent: Tuesday, July 7, 2020 3:52 PM

To: MTC Info

Subject: July 8th MTC Programming and Allocations Committee Meeting Item 4b

External Email

Dear Chair Josefowitz and Programming and Allocations Committee Members,

I urge the MTC Programming and Allocations Committee to recommend the "Conservative" assumptions not the "Somewhat Optimistic" assumptions be used to calculate the second payment of CARES Act funding.

The COVID-19 pandemic has drastically impacted the most vulnerable populations in immeasurable ways. One of the most important aspects of daily life is that of local reliable public transit, specifically for low-income, transit-dependent community members such as essential workers, working poor, and seniors. Basic needs such as getting to work, going to the grocery store, and access to childcare and healthcare services are dependent on these local transit programs.

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With the current more optimistic assumptions, VTA will receive \$7 million dollars less than using the more conservative sales tax assumption. That \$7 million can translate into 30 to 40 positions lost.

During this time when equity is an especially critical topic, the demand to provide necessary services to those who need them most is nonnegotiable. Under this moral standing, we respectfully ask that you reconsider the decision to support staff's recommendation.

Sincerely,

Navdeep Kaur

Public Communications Specialist II

Santa Clara Valley Transportation Authority

3331 North First Street, Building B

San Jose, CA 95134-1927

Phone 408-321-5841



Navdeep Kaur SEIU Local 521 From: HANIET BOURSHROCKN
Sent: Tuesday, July 7, 2020 3:50 PM

To: MTC Info

Subject: July 8th MTC Programming and Allocations Committee Meeting Item 4b

External Email

Dear Chair Josefowitz and Programming and Allocations Committee Members,

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COMMISSION AGENDA ITEM 7b PAC Agenda Item 4b Written Public Comment: SEIU Local 21 (Bourshrockn)

Sincerely,

Haniet Bourshrockn

Vice Chairperson SEIU Local 521-VTA Chapter

Kimberly Ward

From: Tammy Dhanota <Tammy.Dhanota@seiu521.org>

Sent: Tuesday, July 7, 2020 3:10 PM

To: MTC Info

Subject: July 8th MTC Programming and Allocations Committee Meeting Item 4b

External Email

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Sincerely,

Tammy Dhanota SEIU Local 521 Region 1 Vice President **From:** Garcia, Robin

Sent: Tuesday, July 7, 2020 3:42 PM

To: MTC Info

Subject: July 8th MTC Programming and Allocations Committee Meeting Item 4b

External Email

Dear Chair Josefowitz and Programming and Allocations Committee Members,

I urge the MTC Programming and Allocations Committee to recommend the "Conservative" assumptions not the "Somewhat Optimistic" assumptions be used to calculate the second payment of CARES Act funding.

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Sincerely,

Robin Garcia SEIU Local 521 July 6, 2020

Commissioner Nick Josefowitz, Chair Programming and Allocations Committee Metropolitan Transportation Commission Bay Area Metro Center 375 Beale St., Suite 800 San Francisco, CA 94105-2066

Dear Chair Josefowitz:

As agencies representing transit riders throughout the Bay Area we support the Metropolitan Transportation Commission's (MTC) Blue Ribbon Task Force (BRTF) decision to recommend the attached funding plan for the second tranche of the Coronavirus Aid, Relief, and Economic Security (CARES) Act funds. In order to meet the needs of our riders and employees and to comply with the purposes of the CARES Act, it is imperative that the allocation be made now.

This is a time of unprecedented challenges for every transit agency as we all struggle to support our riders and preserve our employment base. Each of us clearly needs additional funds beyond CARES and we must work together to advocate at the state and federal level to secure them. For now, allocating these funds as quickly as possible is essential and it should be done using the BRTF recommendation, which was developed by MTC staff in consultation with all of the Bay Area's transit agencies.

The assumptions used to develop the BRTF recommendation are not optimistic. They represent a conservative approach that acknowledges that regardless of source, the impacts on transit agency revenues will be severe. The recommendation also makes important and thoughtful adjustments based on equity that reflect the focus that we must have on serving the most vulnerable members of our rider communities.

The recommendation also acknowledges that, unless additional revenues can be secured, some of our systems will once again face critical shortfalls more quickly than others. In light of the unprecedented challenges that we all face, and that our riders face, we must accept these risks and we must work as hard as we can together to avoid them.

It is important to emphasize that all of our agencies are staunchly committed to protecting the health of both our riders and our employees, including front line workers. We are continuing to provide personal protection equipment (PPE) to our workers and are undertaking other recommended practices to ensure a safe working environment.

None of us can say for certain what revenues, ridership and driving behaviors will look like moving forward. MTC staff did a remarkable job balancing sets of conflicting data to fashion the adopted recommendation. It strikes a good balance and it is critical for every agency that all the funds be distributed as quickly as possible. We look forward to continuing our work together to ensure the viability of public transit in the Bay Area especially for those that depend on it the most.

Sincerely,

Michael Hursh, General Manager Alameda-Contra Costa Transit

Rumai

District

Robert Powers, General Manager San Francisco Bay Area

Rapid Transit District (BART)

Jim Hartnett, General Manager/Executive Director San Mateo County Transit District/Caltrain

Rick Ramacier, General Manager **County Connection**

Jeanne Krieg Chief Executive Officer Tri Delta Transit

Manager City of Fairfield

Denis Mulligan, General Manager Golden Gate Bridge, Highway and Transportation District

Michael S. Tree General Manager Livermore Amador Valley Transport Authority

Nancy Whelan, General Manager Marin Transit

Diane Feinstein

Interim Transportation

Para E. Whelan

Kate Miller **Executive Director** Napa Valley Transport Authority

Jared Hall Transit Manager Petaluma Transit Rachel Ede **Deputy Director** City of Santa Rosa Transportation and Public Works

Jeffrey Tumlin, General Manager San Francisco Municipal Transportation Agency

Farhad Mansourian, General Manager Sonoma-Maria Area Rail Transit Beth Kranda Executive Director Solano County Transit

(Blef FAMIL

Bryan Albee Transit Systems Manager Sonoma County Transit

that IM

Joan Malloy City Manager Union City Transit

Gar Malley

Lori DaMassa Management Analyst II Transit Coordinator City of Vacaville

Charles Anderson General Manager Western Contra Costa Transit Authority Nina Rannells, Executive Director Water Emergency Transportation Authority

hira Pannells

From: David Sorrell

Sent: Tuesday, July 7, 2020 4:40 PM

To: MTC Info

Subject: [Programming-Allocations Committee] Agenda Item 4B - Comments to Support AC Transit

External Email

Good afternoon Programming and Allocations Committee Members,

My name is David Sorrell and I am the Transportation Demand Management Administrator and Mobility Manager for the University of California, Berkeley campus. I am writing in regards to section 4B of the Programming Committee's July 8 agenda, in support of AC Transit.

UC Berkeley is fortunate to have a great partner in AC Transit for providing adequate and frequent service to the campus. Nearly 40,000 students rely on the AC Transit Student EasyPass to easily access destinations throughout Berkeley and beyond with the District's 151 bus routes. Our employees and students use AC Transit as a sustainable, efficient, and inexpensive way to get around; as the District's bus service is critical to the university's sustainability goals to reduce emissions, traffic congestion, and parking demand.

A financially healthy AC Transit is essential to our efforts to keep the UC Community running, especially as the new school year is approaching. We look forward to continuing our fruitful, mutual relationship with AC Transit in the future.

Thank you!

--

David Sorrell, MS

Mobility & Alternative Transportation Manager and Transportation Demand Management Administrator UC Berkeley Parking & Transportation Department 1995 University Avenue, Suite 325, Berkeley CA 94720-5746

Office Cell: 510.610.4226

D.Sorrell@Berkeley.edu (email is faster than phone)

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Director At-Large – <u>Association for Commuter Transportation, NorCal Chapter</u> Board Member – <u>Seamless Bay Area</u>





COMMISSION AGENDA ITEM 7b PAC Agenda Item 4b Written Public Comment: Unity Council (Iglesias)

Metropolitan Transportation Commission Bay Area Metro Center 375 Beale Street, Suite 800 San Francisco, CA 94105-2066

July 7th, 2020

Dear Chair Josefowitz, Vice Chair Dutra-Vernaci, and fellow MTC Programming and Allocations Committee members,

My name is Chris Iglesias. I am the Executive Director of The Unity Council. I would like to address item 4B on your agenda for the July 8th MTC Programming and Allocations Committee meeting. Many of The Unity Council's families traditionally relied on AC Transit service to get to school, after school programs and youth centers, to work and to fun places. Currently, the service has been the backbone of transit and critical for essential worker travel during this pandemic.

We know that the current pandemic has drastically impacted businesses across the economy, including transit agencies. AC Transit has taken a tremendous financial hit due to foregoing fare collection and social distancing which helps to keep the passengers and operators safe during the pandemic. They may likely continue to suffer financially due to reduced sales tax revenues as well.

We recognize that all of our public transit agencies have been impacted by the current pandemic and our fear is that AC Transit may have to reduce its service even more due to shrinking revenues. Given the current economic climate, the proposed \$33.8 million that is being proposed for MTC to allocate to AC Transit will provide a lifeline for the transit agency during these difficult times and mitigate the need to reduce service for the foreseeable future. Furthermore, this allocation will help to sustain and stabilize service levels that so many of our chamber and community members and patrons rely on to keep our local economy going as we move through the pandemic.

AC Transit provides service to those in our community with the highest needs and who truly depend on their service. 74% of their riders have incomes of less than \$50,000, 75% are people of color, 43% don't have access to a car. These funds will allow them to continue serving them.

I fully support the allocation to AC Transit. Please provide this necessary funding to AC Transit so that our residents are not left stranded. Thank you so much for your consideration.

Kindest regards,

Chris Iglesias,

Chief Executive Officer

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United Seniors of Oakland and Alameda County

Empowering Seniors ♦ Enriching Youth ♦ Enhancing Community
7200 Bancroft Avenue, Suite #270, Oakland, CA 94605 P: (510)729-0852 Fax: (510)729-0796

July 7, 2020

Dear Chair Josefowitz, Vice Chair Dutra-Vernaci, and fellow MTC Programming and Allocations Committee members.

My name is Chonita Chew. I am the Travel Trainer with the United Seniors of Oakland and Alameda County (USOAC). I would like to address item **4B** on your agenda for the July 8th MTC Programming and Allocations Committee meeting. USOAC represents seniors throughout the county of Alameda. Many of our seniors traditionally relied on AC Transit service to get around the county to senior centers, doctor appointments, leisure and much more. Currently, the service has been the backbone of transit and critical for essential worker travel during this pandemic.

We know that the current pandemic has drastically impacted businesses across the economy, including transit agencies. AC Transit has taken a tremendous financial hit due to foregoing fare collection and social distancing which helps to keep the passengers and operators safe during the pandemic. They may likely continue to suffer financially due to reduced sales tax revenues as well.

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I fully support the allocation to AC Transit. Please provide this necessary funding to AC Transit so that our residents are not left stranded. Thank you so much for your consideration.

Kindest regards,

Chonita Chew, Travel Trainer & Community Organizer

July 8, 2020 MTC Programming and Allocations Committee Info@bayareametro.gov

Re: Agenda Item 4b: MTC Resolution No. 4420, Revised. Coronavirus Aid, Relief, and Economic Security (CARES) Act (H.R. 748) - Emergency Transit Assistance Programming.

Dear Chair Josefowitz and Programming and Allocations Committee Members,

I urge the MTC Programming and Allocations Committee to recommend the "Conservative" assumptions not the "Somewhat Optimistic" assumptions be used to calculate the second payment of CARES Act funding.

The COVID-19 pandemic has drastically impacted the most vulnerable populations in immeasurable ways. One of the most important aspects of daily life is that of local reliable public transit, specifically for low-income, transit-dependent community members such as essential workers, working poor, and seniors. Basic needs such as getting to work, going to the grocery store, and access to childcare and healthcare services are dependent on these local transit programs.

The Valley Transportation Authority (VTA) provides bus and light rail service across Santa Clara County, and yet has received less funding than all other transit agencies during the CARES Act funding distribution. The bus and light rail service provided by VTA serves to safely transport community members locally to access essential services across the county. Therefore, this mode of transportation is crucial and necessary for transit-dependent community members.

We are in strong disagreement with staff's recommendation to proceed with the proposed distribution of funds. As our leaders request the public to act conservatively during the COVID-19 pandemic by wearing a mask, social distancing, washing hands, etc., we ask that MTC take a conservative approach to the distribution revenue assumptions of the 2nd round of CARES Act funding. There is a discrepancy in the current allocation assumptions, using an optimistic forecast during a time when the pandemic has called for a more cautious approach.

With the current more optimistic assumptions, VTA will receive \$7 million dollars less than using the more conservative sales tax assumption. That \$7 million can translate into 30 to 40 positions lost.

During this time when equity is an especially critical topic, the demand to provide necessary services to those who need them most is nonnegotiable. Under this moral standing, we respectfully ask that you reconsider the decision to support staff's recommendation.

Sincerely,

Vietnamese-American Professional Women's Association of Silicon Valley

Contact: vapwsv@gmail.com
Website: www.vapw.org

July 8, 2020 MTC Programming and Allocations Committee Info@bayareametro.gov

Re: Agenda Item 4b: MTC Resolution No. 4420, Revised. Coronavirus Aid, Relief, and Economic Security (CARES) Act (H.R. 748) - Emergency Transit Assistance Programming.

Dear Chair Josefowitz and Programming and Allocations Committee Members,

On behalf of the undersigned members of the Transportation Justice Alliance, we urge the MTC Programming and Allocations Committee to recommend the "Conservative" assumptions not the "Somewhat Optimistic" assumptions be used to calculate the second payment of CARES Act funding.

The COVID-19 pandemic has drastically impacted the most vulnerable populations in immeasurable ways. One of the most important aspects of daily life is that of local reliable public transit, specifically for low-income, transit-dependent community members such as essential workers, working poor, and seniors. Basic needs such as getting to work, going to the grocery store, and access to childcare and healthcare services are dependent on these local transit programs.

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During this time when equity is an especially critical topic, the demand to provide necessary services to those who need them most is nonnegotiable. Under this moral standing, we respectfully ask that you reconsider the decision to support staff's recommendation.

Sincerely,

Salvador Bustamante, Executive Director Latinos United for a New America

Rev. Ray Montgomery, Executive Director **People Acting in Community Together**

Maria Noel Fernandez, Campaign Director Silicon Valley Rising

Ben Field, Executive Officer **South Bay Labor Council**

Derecka Mehrens, Executive Director Working Partnerships USA

COMMISSION AGENDA ITEM 7b

Program. and Alloc. Committee Agenda Item 4b Written Public Comment:
City of Fremont (Fong)

From: Shawn Fong

Sent: Tuesday, July 7, 2020 6:24 PM

To: MTC Info

Subject: Support for the CARES Act Funding Allocation for AC Transit

External Email

Dear Chair Josefowitz, Vice Chair Dutra-Vernaci, and fellow MTC Programming and Allocations Committee members,

My name is Shawn Fong and I am the Program Manager for the City of Fremont's Ride-On Tri-City! Program. In my capacity with the City of Fremont, I oversee a comprehensive transportation and mobility service program for seniors and people with disabilities living in Southern Alameda County.

I am writing to address item 4B on your agenda for July 8th MTC Programming and Allocations Committee meeting and to support the allocation of CARES Act Funding for AC Transit.

Since 2008, Fremont's Ride-On Tri-City! Program has been teaching seniors and people with disabilities in Fremont, Newark and Union City how to ride AC Transit buses. Through a partnership with MTC, our program distributes Clipper Cards to seniors who are 65 years of age or older and has to date distributed 8,590 senior Clipper Cards and taught older adults how to use their cards on AC Transit buses. Our mobility management program has played an important role in educating community members about public transit and supporting their use of AC Transit. When a senior housing development in our community was opened a year and a half ago with no transit access for the residents and the neighbors in the surrounding area, the City worked collaboratively with AC Transit to implement a bus route to provide transit access to these low-income seniors and their neighbors. Many of the clients we serve through our program are transit dependent and low-income and depend on AC Transit's services to get to the doctor, stores, school, work and social services.

AC Transit plays a central role in my personal life as well. My family lives in Oakland and we are all AC Transit riders: my 9 year old son got his Clipper card the same month he turned 5, my spouse regularly uses AC Transit's transbay service to get to her job in San Francisco and my brother, who is disabled, has been relying on AC Transit to get to and from his job at Luckys for the past 16 years. For my brother in particular, AC Transit has been essential to his ability to be independent and to stay connected to his community.

We know that the current pandemic has wreaked havoc on all of the public transit agencies in the Bay Area. Sales tax revenue and other sources of funding have dropped dramatically and put the operations of many transit agencies in peril. Our community is worried that shrinking revenues may lead to AC Transit service cuts, leaving folks without a way to get to their jobs, grocery stores and other needed destinations.

The proposed \$33.8 million allocation to AC Transit is essential to AC Transit's ability to continue providing much needed transportation services and to weather these difficult times. This additional funding can help prevent cuts to bus routes that many of our residents rely upon for their day-to-day needs.

Please provide this crucial funding to AC Transit so that our community has the lifeline it needs to get to work, school, and other places. Thank you so much for your consideration.

Sincerely, Shawn Fong

Shawn Fong, MSW

Program Manager, Ride-On Tri-City! Mobility & Transportation Services

City of Fremont Human Services Department 3300 Capitol Ave., Building B, Fremont, CA 94537

Phone: (510) 574-2033 Fax: (510) 574-2054

sfong@fremont.gov







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COMMISSION AGENDA ITEM 7b

Program. and Alloc. Committee Agenda Item 4b Written Public Comment:

Community Health Partnership (Alvarado)

From: Cathryn Hyde

Sent: Tuesday, July 7, 2020 7:49 PM **To:** MTC Info; Jeannie Bruins

Subject: July 8th MTC Programming and Allocations Committee Meeting Item 4b

External Email

July 8, 2020

MTC Programming and Allocations Committee Info@bayareametro.gov

Re: Agenda Item 4b: MTC Resolution No. 4420, Revised. Coronavirus Aid, Relief, and Economic Security (CARES) Act (H.R. 748) - Emergency Transit Assistance Programming.

Dear Chair Josefowitz and Programming and Allocations Committee Members,

I urge the MTC Programming and Allocations Committee to recommend the "Conservative" assumptions not the "Somewhat Optimistic" assumptions be used to calculate the second payment of CARES Act funding.

The COVID-19 pandemic has drastically impacted the most vulnerable populations in immeasurable ways. One of the most important aspects of daily life is that of local reliable public transit, specifically for low-income, transit-dependent community members such as essential workers, working poor, and seniors. Basic needs such as getting to work, going to the grocery store, and access to childcare and healthcare services are dependent on these local transit programs.

The Valley Transportation Authority (VTA) provides bus and light rail service across Santa Clara County, and yet has received less funding than all other transit agencies during the CARES Act funding distribution. The bus and light rail service provided by VTA serves to safely transport community members locally to access essential services across the county. Therefore, this mode of transportation is crucial and necessary for transit-dependent community members.

We are in strong disagreement with staff's recommendation to proceed with the proposed distribution of funds. As our leaders request the public to act conservatively during the COVID-19 pandemic by wearing a mask, social distancing, washing hands, etc., we ask that MTC take a conservative approach to the distribution revenue assumptions of the 2nd round of CARES Act funding. There is a discrepancy in the current allocation assumptions, using an optimistic forecast during a time when the pandemic has called for a more cautious approach.

With the current more optimistic assumptions, VTA will receive \$7 million dollars less than using the more conservative sales tax assumption. That \$7 million can translate into 30 to 40 positions lost.

During this time when equity is an especially critical topic, the demand to provide necessary services to those who need them most is non-negotiable. Under this moral standing, we respectfully ask that you reconsider the decision to support staff's recommendation.

COMMISSION AGENDA ITEM 7b
Program. and Alloc. Committee Agenda Item 4b Written Public Comment:
Community Health Partnership (Alvarado)

Dolores Alvarado, CEO Community Health Partnership

(submitted by)

Cathryn Ming Hyde

Advocacy & External Relations Manager Community Health Partnership 1401 Parkmoor Avenue, Suite 200 San Jose, CA 95126

Phone: 408.579.6014





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From: Ray Bramson

Sent: Tuesday, July 7, 2020 7:22 PM **To:** MTC Info; Jeannie Bruins

Subject: July 8th MTC Programming and Allocations Committee Meeting Item 4b

External Email

Dear Chair Josefowitz and Programming and Allocations Committee Members,

On behalf of Destination: Home, a public-private partnership dedicated to ending homelessness in Santa Clara County, I urge the MTC Programming and Allocations Committee to recommend the "Conservative" assumptions not the "Somewhat Optimistic" assumptions be used to calculate the second payment of CARES Act funding.

The COVID-19 pandemic has drastically impacted the most vulnerable populations in immeasurable ways. One of the most important aspects of daily life is that of local reliable public transit, specifically for low-income, transit-dependent community members such as essential workers, working poor, and seniors. Basic needs such as getting to work, going to the grocery store, and access to childcare and healthcare services are dependent on these local transit programs.

The Valley Transportation Authority (VTA) provides bus and light rail service across Santa Clara County, and yet has received less funding than all other transit agencies during the CARES Act funding distribution. The bus and light rail service provided by VTA serves to safely transport community members locally to access essential services across the county. Therefore, this mode of transportation is crucial and necessary for transit-dependent community members, including homeless and formerly homeless adults and families.

We are in strong disagreement with staff's recommendation to proceed with the proposed distribution of funds. As our leaders request the public to act conservatively during the COVID-19 pandemic by wearing a mask, social distancing, washing hands, etc., we ask that MTC take a conservative approach to the distribution revenue assumptions of the 2nd round of CARES Act funding. There is a discrepancy in the current allocation assumptions, using an optimistic forecast during a time when the pandemic has called for a more cautious approach.

With the current more optimistic assumptions, VTA will receive \$7 million dollars less than using the more conservative sales tax assumption. That \$7 million can translate into 30 to 40 positions lost.

During this time when equity is an especially critical topic, the demand to provide necessary services to those who need them most is nonnegotiable. Under this moral standing, we respectfully ask that you reconsider the decision to support staff's recommendation.

Sincerely,

--

Ray Bramson

Chief Operating Officer
Destination: Home
www.destinationhomesv.org
@DSTNHome

COMMISSION AGENDA ITEM 7b PAC Agenda Item 4b Written Public Comment:

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No. A1054

Dated: 07/07/2020

To WHOM IT MAY CONCERN

This letter is to state that senior citizens regularly use AC Transit Bus service for coming to Gurdwara Sahib during weekdays and weekends. AC Transit Bus Service is not only used for coming to Gurdwara Sahib but also is being used by residents in this area. Any discontinuation of the Bus Service in this route will cause hardship to senior citizens of our community. You are requested to continue this service. Thanks for your consideration.

Please feel free to contact me if you may have any questions at 510-673-8454.

TJ Dhami

Member

Gurdwara Sahib, San Francisco Bay Area, Fremont.



INDIAN HEALTH CENTER OF SANTA CLARA VALLEY

1333 Meridian Avenue, San Jose, CA 95125

July 8, 2020

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MTC Programming and Allocations Committee Info@bayareametro.gov

Re: Agenda Item 4b: MTC Resolution No. 4420, Revised. Coronavirus Aid, Relief, and Economic Security (CARES) Act (H.R. 748) - Emergency Transit Assistance Programming.

Dear Chair Josefowitz and Programming and Allocations Committee Members,

I urge the MTC Programming and Allocations Committee to recommend the "Conservative" assumptions not the "Somewhat Optimistic" assumptions be used to calculate the second payment of CARES Act funding.

The COVID-19 pandemic has drastically impacted the most vulnerable populations in immeasurable ways. One of the most important aspects of daily life is that of local reliable public transit, specifically for low-income, transit-dependent community members such as essential workers, working poor, and seniors. Basic needs such as getting to work, going to the grocery store, and access to childcare and healthcare services are dependent on these local transit programs.

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We are in strong disagreement with staff's recommendation to proceed with the proposed distribution of funds. As our leaders request the public to act conservatively during the COVID-19 pandemic by wearing a mask, social distancing, washing hands, etc., we ask that MTC take a conservative approach to the distribution revenue assumptions of the 2nd round of CARES Act funding. There is a discrepancy in the current allocation assumptions, using an optimistic forecast during a time when the pandemic has called for a more cautious approach.

With the current more optimistic assumptions, VTA will receive \$7 million dollars less than using the more conservative sales tax assumption. That \$7 million can translate into 30 to 40 positions lost.

During this time when equity is an especially critical topic, the demand to provide necessary services to those who need them most is nonnegotiable. Under this moral standing, we respectfully ask that you reconsider the decision to support staff's recommendation.

Sincerely,

Sonya M. Tetnowski Chief Executive Officer July 8, 2020 MTC Programming and Allocations Committee Info@bayareametro.gov

Re: Agenda Item 4b: MTC Resolution No. 4420, Revised. Coronavirus Aid, Relief, and Economic Security (CARES) Act (H.R. 748) - Emergency Transit Assistance Programming.

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During this time when equity is an especially critical topic, the demand to provide necessary services to those who need them most is nonnegotiable. Under this moral standing, we respectfully ask that you reconsider the decision to support staff's recommendation.

Sincerely, Walter Wilson, Silicon Valley Minority Business Consortium MTC Advisory Committee Member From: Steve Ongerth

Sent: Sunday, July 05, 2020 2:37 PM **To:** MTC Info <info@bayareametro.gov>

Subject: Blue Ribbon Transit Recovery Task Force Commen

External Email

Dear Public Comment,

Dear Commissioners,

The COVID-19 pandemic has put the health and lives of transit workers, other essential workers, and transit-dependent riders at grave risk. This immediate threat also affects the longer-term recovery of transit ridership and agencies. Until state-of-the-art protections are in place across all our transit agencies, the future of public transportation in the Bay Area is in jeopardy.

While operators may be coordinating to share best practices, MTC must do more to protect the lives of transit workers and riders. MTC must approve consistent health and safety standards across agencies, require ongoing reporting, and ensure that these standards are met.

This is a time for each of us to step up in ways we are not used to doing. This is the moment for MTC to take a leadership role that ensures worker and rider safety, and inspires rider confidence in transit systems across the Bay.

Sincerely, Steve Ongerth From: Eileen Richardson - PHC [mailto:eileen@peninsulahcc.org]

Sent: Wednesday, July 08, 2020 2:54 PM **To:** MTC-ABAG Info <info@bayareametro.gov> **Cc:** Jeannie Bruins <jbruins@losaltosca.gov>

Subject: July 8th MTC Programming and Allocations Committee Meeting Item 4b

External Email

Re: Agenda Item 4b: MTC Resolution No. 4420, Revised. Coronavirus Aid, Relief, and Economic Security (CARES) Act (H.R. 748) - Emergency Transit Assistance Programming.

Dear Chair Josefowitz and Programming and Allocations Committee Members,

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Sincerely, Eileen Richardson

EILEEN RICHARDSON

EXECUTIVE DIRECTOR
33 Encina Avenue, Suite 103
Palo Alto, CA 94301

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From: Luisa Buada

Sent: Wednesday, July 8, 2020 10:18 AM

To: MTC Info
Cc: Jeannie Bruins

Subject: July 8th MTC Programming and Allocations Committee Meeting Item 4b

External Email

July 8, 2020 MTC Programming and Allocations Committee Info@bayareametro.gov

Re: Agenda Item 4b: MTC Resolution No. 4420, Revised. Coronavirus Aid, Relief, and Economic Security (CARES) Act (H.R. 748) - Emergency Transit Assistance Programming.

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During this time when equity is an especially critical topic, the demand to provide necessary services to those who need them most is nonnegotiable. Under this moral standing, we respectfully ask that you reconsider the decision to support staff's recommendation.

Thank you for your consideration and support,

Luisa Buada, RN BSN MPH Chief Executive Officer South County Community Health Center, Inc. Dba: Ravenswood Family Health Network 1885 Bay Road

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