



Item 8C

*City of Ceres • City of Hughson • City of Modesto • City of Newman • City of Oakdale • City of Patterson  
City of Riverbank • City of Turlock • City of Waterford • County of Stanislaus*

**Attached is the Staff Report for Item 8C.**

**It is being provided under separate cover  
as it was not included in the Agenda Package  
previously distributed on February 10, 2012.**



City of Ceres • City of Hughson • City of Modesto • City of Newman • City of Oakdale • City of Patterson  
City of Riverbank • City of Turlock • City of Waterford • County of Stanislaus

**TO:** Policy Board Staff Report  
Resolution

**THROUGH:** Vince Harris, Executive Director *VH*

**FROM:** Vince Canales, Finance Director *VC*  
Robin Whitehead, Budget & Grants Coordinator

**DATE:** February 1, 2012

**SUBJECT:** Transportation Development Act (TDA) Transit Apportionments  
and Allocations for FY 2011/12: City of Modesto Claim

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**Recommendation**

**By Resolution:**

Adopt Resolution 11-45, to approve the FY 2011/12 Local Transportation Funds (LTF) apportionment and allocations for the City of Modesto.

**Background**

StanCOG is the designated Regional Transportation Planning Agency, as defined in the Transportation Development Act of 1971, for the Stanislaus region. It is StanCOG's responsibility to administer the two types of TDA funds: Local Transportation Funds (LTF), which are derived from the ¼ cent retail sales tax and State Transit Assistance (STA) funds, which are derived from sales tax on gasoline and diesel fuel. STA funds may only be used for public transit. LTF funds are primarily intended for public transit. However, LTF funds may be used for other purposes (for example, street and road purposes) provided there are no unmet transit needs, which are reasonable to meet, in the jurisdiction.

In the Stanislaus region, TDA funds are distributed in accordance with the Transit Cost Sharing Procedures. The Transit Cost Sharing Procedures consist of three steps: 1) Approval of the initial LTF estimates and apportionments for the fiscal year; 2) Determine the LTF needed for transit; 3) Determine the amount available for other purposes.

Step 1. The current LTF amount provided by the County Auditor-Controller for FY 11/12 is \$14,300,000. The current total STA amount for apportionment from the State Controller is \$3,068,246. (Approved by the Policy Board on October 19, 2011)

Step 2. Staff convened the first Transit Cost Sharing Committee for FY 2011/12 on April 25, 2011. At the meeting, the committee recommended that \$2,432,885 of STA and \$12,030,421 of LTF be allocated for the six transit claims. Of the \$12,030,421 in LTF, the City of Modesto's draft transit claim represented \$5,864,267.

On August 17, 2011, the StanCOG Policy Board approved five transit claims and an LTF amount of \$6,166,154 for those claims. The City of Modesto only submitted a draft claim and did not submit a transit claim for Policy Board approval at that time. Also in August, StanCOG received a revised total STA estimate from the State Controller's Office. The State Controller revised the total STA estimate for the Stanislaus region from \$2,432,885 to \$3,068,246. On October 19, 2011, the Policy Board apportioned this additional STA for transit use in FY 2011/12.

TDA Calculations

|                               |              |
|-------------------------------|--------------|
| LTF Estimate                  | \$14,300,000 |
| TDA Administration            | (\$160,000)  |
| 3% Transportation Planning    | (\$429,000)  |
| Remaining LTF Funds           | \$13,711,000 |
| <br>                          |              |
| 2% Bike/Ped                   | (\$274,220)  |
| Total LTF Available to Region | \$13,436,780 |
| <br>                          |              |
| STA 99313 Funds               | \$2,872,356  |
| Total TDA Available to Region | \$16,309,136 |

The City of Modesto advised StanCOG staff that these additional STA 99313 funds were needed for transit operations in the current year in addition to Modesto's "maximum transit share" of the LTF.

Based on the need to approve a transit claim for the City of Modesto, StanCOG staff convened a second transit cost sharing committee meeting on December 12, 2011. Staff submitted Modesto's claim to the Transit Cost Sharing Committee (TCSC), the Citizens Advisory Committee and the Management and Finance Committee for consideration.

**Discussion**

Modesto's FY 2011/12 transit claim requests total TDA funding of \$8,581,520 summarized as follows:

| Description           | STA PUC 99313 | STA PUC 99314 | LTF         | Total TDA   |
|-----------------------|---------------|---------------|-------------|-------------|
| Modesto Transit Claim | \$2,872,256   | \$164,848     | \$5,544,316 | \$8,581,520 |

The Transit Cost Sharing Procedures (TCSP) provide a limit referred to as a "maximum transit share", on the total amount of TDA funds a city or county may receive off-the-top for their transit claim. This limit is based on the jurisdiction's population. Based on the total TDA available, and the City of Modesto's population, Modesto's "maximum transit share" is \$6,667,056 calculated as follows.

|  |                    |
|--|--------------------|
| Total TDA Available to the Region  | \$16,309,136       |
| Modesto Population Percentage  | 39.8685%           |
| Modesto Population Share of TDA  | <u>\$6,502,208</u> |
| Modesto's STA PUC 99314  |                    |
| (Allocated to the individual transit operator)                           | + \$164,848        |
| Maximum Transit Share – <b>Unadjusted</b> for<br>Additional Service Area | <u>\$6,667,056</u> |

At the TCSC meeting, Modesto requested that their maximum possible transit share be increased to reflect the fact that Modesto provides transit services to residents of other jurisdictions. The calculation increases Modesto's maximum transit share from 39.8685% to 51.6071% of the total TDA available (Refer to Schedule 1).

|   |                    |
|---|--------------------|
| Total TDA Available to the Region   | \$16,309,136       |
| Higher Population Transit Share Percent   | 51.6071%           |
| Modesto Transit Share from TDA Available  | <u>\$8,416,672</u> |
| Modesto's STA PUC 99314   |                    |
| (Allocated to the individual transit operator)                                  | + \$164,848        |
| Maximum Possible Transit Share – <b>Adjusted</b> for<br>Additional Service Area | <u>\$8,581,520</u> |

|   |             |
|---|-------------|
| Modesto Transit Claim Request for TDA Funds | \$8,581,520 |
|---|-------------|

Below is a listing of the City of Modesto's FY 2011/12 transit claim by Public Utilities Code:

| <u>Purpose</u>                    | <u>Source</u>      | <u>Amount</u>       |
|-----------------------------------|--------------------|---------------------|
| Transit                           | STA-99313/99314    | \$ 3,037,204        |
| Transit - MAX                     | LTF-99262          | 3,542,186           |
| Transit - DAR                     | LTF-99262          | 1,775,148           |
| Amtrak                            | LTF-99400(b,c,d,e) | 38,162              |
| Transit Center                    | LTF-99400(b,c,d,e) | 182,125             |
| Alternative Transp. (Ridesharing) | LTF-99262          | <u>6,695</u>        |
|                                   |                    | <b>\$ 8,581,520</b> |

The rules governing the requested allocations require the adopting resolution to contain the following specific findings:

- (1) The claimants' proposed expenditures are in conformity with the Regional Transportation Plan.
- (2) The levels of passenger fares and charges are sufficient to enable all claimants to meet the requirements of Public Utilities Code Sections 99268.2, 99268.3, 99268.4, 99268.5, and 99268.9, as may be applicable to the claimant.

**Modesto:** During FY 2010/11, Modesto requested that the StanCOG Policy Board approve a revised City of Modesto combined system Modesto Area Express and Dial-A-Ride farebox recovery ratio of 15%. On November 17, 2010, the StanCOG Policy Board approved Modesto's request for a combined farebox recovery ratio of 15%. Modesto's claim estimates that fares will be 20% of operating costs for the fixed route and 8% for the DAR. The fixed route and DAR services show a proposed combined farebox ratio of 17% for FY 2011/12.

- (3) The claimants are making full use of federal funds available under the Federal Safe, Accountable, Flexible, Efficient Transportation Equity Act.
- (4) The sum of each claimant's allocations from the State Transit Assistance Fund and from the Local Transportation Fund does not exceed the amount each claimant is eligible to receive during the fiscal year.
- (5) Priority consideration has been given to claims to offset reductions in federal operating assistance and the unanticipated increases in the cost of fuel, to enhance existing public transportation services, and to meet high priority regional, countywide, public transportation needs.
- (6) The operators have made a reasonable effort to implement the productivity improvements recommended pursuant to Public Utilities Code Section 99244.
- (7) Certifications have been made by the California Highway Patrol within the last 13 months verifying that the operators are in compliance with Section 1808.1 of the Vehicle Code, as required by Public Utilities Code Section 99251.
- (8) The operators are in compliance with the eligibility requirements of Public Utilities Code section 99314.6.

### **COMMITTEE ACTIONS**

#### Transit Cost Sharing Committee (TCSC) Meeting December 12, 2011

As required under Step 2, the Transit Cost Sharing Committee will review transit claims as explained in Section 3 of the TCSP. These claims are then submitted to the Policy Board for approval.

At the December TCSC meeting, a motion was made to approve Modesto's transit claim. The following table reports the vote taken on the City of Modesto transit claim.

**TCSC Vote City of Modesto Claim**

| <b>Jurisdiction</b>  | <b>Vote to Approve</b> | <b>Vote Not to Approve</b> | <b>Absent</b> |
|----------------------|------------------------|----------------------------|---------------|
| City of Ceres        | <b>X</b>               |                            |               |
| City of Hughson      | <b>X</b>               |                            |               |
| City of Newman       |                        |                            | <b>X</b>      |
| City of Modesto      | <b>X</b>               |                            |               |
| City of Oakdale      | <b>X</b>               |                            |               |
| City of Patterson    | <b>X</b>               |                            |               |
| City of Riverbank    | <b>X</b>               |                            |               |
| City of Turlock      | <b>X</b>               |                            |               |
| City of Waterford    | <b>X</b>               |                            |               |
| County of Stanislaus | <b>X</b>               |                            |               |

Of the nine jurisdictions represented, the vote was unanimous to approve the City of Modesto's transit claim for FY 2011/12.

#### Citizens Advisory Committee (CAC)

At the CAC there was no individual vote on Modesto's claim. The six individual members present at the CAC meeting were asked to consider approval of several claims including Modesto's. This staff report is only related to Modesto's claim; however, for information purposes staff has provided the CAC action. During the meeting, CAC member Hollstein commented that Modesto is receiving 51% of the available TDA and as a result, StanCOG's other jurisdictions are not receiving their fair share of the TDA funds. The action taken was to approve the group of claims as a single motion. The following vote was recorded at the meeting.

**CAC Vote to Approve All Revised Transit Claims as a single Motion**

| <b>Member</b> | <b>Vote to Approve</b> | <b>Vote Not to Approve</b> | <b>Absent</b> |
|---------------|------------------------|----------------------------|---------------|
| Hollstein     |                        | X                          |               |
| Bonrepos      |                        | X                          |               |
| Bostwick      |                        |                            | X             |
| Axtell        |                        | X                          |               |
| McFadon       |                        |                            | X             |
| Lustgarten    | X                      |                            |               |
| Calkins       | X                      |                            |               |
| Esther        | X                      |                            |               |

Management and Finance Committee (MFC)

At the MFC meeting, committee members took action on the City of Modesto’s transit claim. Staff is presenting the vote taken on the City of Modesto’s transit claim.

**MFC Vote on City of Modesto Transit Claim Approved 10-0**

| <b>Jurisdiction</b>  | <b>Vote to Approve</b> | <b>Vote Not to Approve</b> | <b>Absent</b> |
|----------------------|------------------------|----------------------------|---------------|
| City of Ceres        | X                      |                            |               |
| City of Hughson      | X                      |                            |               |
| City of Newman       | X                      |                            |               |
| City of Modesto      | X                      |                            |               |
| City of Oakdale      | X                      |                            |               |
| City of Patterson    | X                      |                            |               |
| City of Riverbank    | X                      |                            |               |
| City of Turlock      | X                      |                            |               |
| City of Waterford    | X                      |                            |               |
| County of Stanislaus | X                      |                            |               |

Based on the results of the votes recorded by the three different committees, staff is presenting the City of Modesto’s FY 2011/12 transit claim for approval.

**Additional Information**

As additional information, staff has provided Schedules 2 and 3. Schedule 2 is a detailed calculation of the transit CAPs for each transit operator. The transit CAP is then compared to the operators request for TDA funds. Schedule 3 provides the same information as Schedule 2. However, Schedule 3 reflects Modesto’s request to increase their CAP amount based on serving residents of other jurisdictions.

**ISSUES RAISED**

Over the course of several months, interested jurisdictions have raised several issues. Legal counsel has been significantly involved and has reviewed and provided direction with respect to this Staff Report, and specifically this section.

In addition, staff has had numerous discussions with the interested jurisdictions and last week convened a conference call with StanCOG legal counsel, and two interested jurisdictions and their respective legal counsel to discuss several of the issues raised.

### Late Claim

The TCSP identifies 3 steps in which TDA funds are administered, which included a proposed timeline. StanCOG attempts to follow this timeline. StanCOG uses this timeline as guidance to administer TDA funds as best as it can with the information as it becomes available. This year has raised some challenges with respect to the availability of information. Specifically this year, as the Board is aware, the LTF and STA estimate was revised. (Note: StanCOG has convened a committee which prepared a protocol for delivery and receipt of Auditor-Controller estimates.)

Modesto only submitted a draft claim and did not submit a claim for Board approval, as the Policy Board had several issues before it regarding a revised Auditor-Controller estimate. The TCSP does not contain a mandate for timing, nor express language for rejecting claims that are not filed by a date certain. All actions taken by the Board to date have been with an understanding that Modesto had not made its transit claim.

This staff report and possible action by the Policy Board is to address Modesto's transit claim for the 2011/12 fiscal year.

### Administration of TDA Funds in Steps

The TCSP identifies 3 steps for administration of TDA funds: apportionment, allocation, and distribution.

The first step is to apportion as identified on page 1 of this Staff Report. Within the first step is the procedure for determining the "maximum transit share". As noted above, the maximum transit share is based on population and the maximum transit share may only be increased if a jurisdiction is serving a population outside its jurisdiction.

The Transit Cost Sharing Procedure provides that you calculate the maximum transit shares by local government and that, [t]his dollar figure may only be exceeded if residents of other jurisdictions are also being served, in which case the maximum transit shares could increase to match the higher population level.

The entire text of this provision is provided below:

*Step 1 will also calculate the maximum transit shares by local government. This will be calculated based on their population percentage of the entire country. Under the approved transit cost sharing criteria, these percentages, applied to the total in number 5, is an absolute limit to the transit funds that may be received off the top by a given city or the country. This dollar figure may only be exceeded if residents of other jurisdictions are also being served, in which case the maximum transit share could increase to match the higher population level.*

Although, the calculations are generally done in steps, this provision does not preclude the maximum transit share from being exceeded anytime the information becomes available and/or

the appropriate calculations are made for jurisdictions serving residents outside its own jurisdiction.

Substantial Change in Claim and Population Percentage

The issue has been raised that Modesto’s FY 11/12 claim and percentage is higher than that of previous years. Below is Modesto’s claim and percentage for the last 3 years.

|           | CLAIM       | %        |
|-----------|-------------|----------|
| 2009/2010 | \$6,571,678 | 51.7622% |
| 2010/2011 | \$7,864,015 | 51.7622% |
| 2011/2012 | \$8,581,520 | 51.6071% |

Both the TCSP and the Transportation Development Act provide for exceedances of the maximum transit share in accordance with the recognition that jurisdictions may provide services outside their boundary. Government Code Section 99231(f) provides for apportionment “[w]here a transit district, ... or a county or city, provides public transportation service beyond its boundaries....”

Nothing in either the TCSP or the TDA preclude a jurisdiction from receiving its fair share of transit dollars, even if that resolution exceeding the maximum transit share if the additional population calculation is not done within step one. There is no basis to reject an otherwise valid claim on the rationale that the calculation was not completed in step one.

STA Funds to Reduce LTF Need

Under Section 9 of the Transit Cost Sharing Procedures in order to facilitate transit cost sharing, the procedures provide that Modesto will claim the 99313 STA funds but will not benefit financially as it will reduce their need for off-the-top LTF. The simplified example below defines this provision.

|                 | Example 1 | Example 2 | Example 3 |
|-----------------|-----------|-----------|-----------|
| Modesto Need    | 10        | 15        | 10        |
| Available LTF   | 10        | 10        | 10        |
| STA 99313 Funds | 5         | 5         | 5         |

Example 1: **ALLOWED** Modesto can only claim 5 of LTF and 5 of STA to meet its need of 10, and 5 LTF would be available to the Region for other purposes.

Example 2: **ALLOWED** Modesto would claim 10 LTF and 5 STA to meet its need of 15.

Example 3: **PROHIBITED** Modesto claim 10 LTF and keep 5 of STA. This is prohibited as Modesto has financially benefitted as it took more than it needed as it failed to reduce its LTF off the top need. (Note: For actual figures of need and LTF/STA claim see page 2)



### Revised STA to be Paid in Spring

Section 9 of the TCSP also provides that should a revised STA estimate be received, those funds will be allocated in subsequent TDA apportionment process the following spring.

This year, and historically consistent, the STA estimate was revised and the Policy Board in October revised the STA Apportionment accordingly. (Note: the STA amount is reflected in the total TDA claim made by Modesto for FY 11/12 as contained in this staff report and recommendation.) It has been the Policy Board's direction to apportion and distribute funds expeditiously, as such staff has apportioned STA fund when revised immediately and not in the following spring.

This language and issue, along with other issues is under consideration by the Transit Cost Sharing revision/protocol/update Committee and the recommended revisions to the TCSP will be back before this Board with all of the recommended language.

### Transit Need

The primary focus of TDA funds is dedicated to transit. As identified within the Transit Cost Sharing Procedures background, the Transit Cost Sharing is intended to make the best use of LTF by allowing these funds to be pooled together and transit costs paid off the top. Only after transit costs are paid, are funds available for "other" purposes.

Modesto has identified transit costs and has now claimed available transit funds. To date, Modesto has covered its current expenditures this year. Modesto has indicated that without full payment under the claim they will have a substantial transit cost shortfall.

### Attachments

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SCHEDULE 1

PREPARED BY CITY OF MODESTO

**FY 2011/12 TDA Cap for Transit Agencies**

Assumes \$14.3 million total LTF for FY2011/12

**TDA Available:**

|               |                      |
|---------------|----------------------|
| LTF Estimate  | \$ 13,436,780        |
| STA PUC 99313 | \$ 2,872,356         |
| <b>Total</b>  | <b>\$ 16,309,136</b> |

| City/Service Area                           | A<br>City/Service Area<br>Population | B<br>Transit System<br>Service Area<br>Population | C<br>Percent<br>of Total County<br>Population | D<br>TDA Cap per<br>Population @<br>\$16,309,136 | E<br>STA<br>PUC 99314 | F<br>Total<br>Available |
|---|--------------------------------------|---|---|--|-----------------------|-------------------------|
| City of Ceres                               | 43,219                               | 55,962 see note                                   | 10.5472%                                      | \$ 1,720,165                                     | \$ -                  | \$ 1,720,165            |
| City of Modesto<br>MAX & MADAR Service Area | 211,536                              | 273,819 see note                                  | 51.6071%                                      | \$ 8,416,672                                     | \$ 164,848            | \$ 8,581,520            |
| City of Turlock                             | 71,181                               | 71,181  | 13.4156%                                      | \$ 2,187,968                                     | \$ 10,554             | \$ 2,198,522            |
| Cit of Riverbank                            | 22,201                               |   |   |  |                       |                         |
| City of Oakdale                             | 19,854                               |   |   |  |                       |                         |
| ROTA Service Area Total                     | 51,228 see note                      |   | 9.6550%                                       | \$ 1,574,651                                     | \$ -                  | \$ 1,574,651            |
| ROTA Service Area                           |                                      |   |   |  |                       |                         |
| Stanislaus County                           | 115,418                              |   |   |  |                       |                         |
| Hughson                                     | 6,240                                |   |   |  |                       |                         |
| Newman                                      | 10,824                               |   |   |  |                       |                         |
| Patterson                                   | 21,251                               |   |   |  |                       |                         |
| Waterford                                   | 8,860                                |   |   |  |                       |                         |
| <b>TOTALS</b>                               | <b>StarT Total</b><br><b>530,584</b> | <b>162,593</b>                                    | <b>30.6442%</b>                               | <b>\$ 4,997,797</b>                              | <b>\$ 20,488</b>      | <b>\$ 5,018,285</b>     |

**Notes:**

May 2010 DOF population estimate for January 1, 2010

Service area population includes population within demand response service area or within 1/2 mile radius of a fixed route.

ROTA service area population increased by 31.17% to reflect the increase in Oakdale and Riverbank's city population from 2000 to 2009.

MAX & MADAR service area population increased by 10% to reflect the increase in Modesto's city population from 2000 to 2009.

Ceres transit service area population outside Ceres city limits increased by 23.7% to reflect the increase in Ceres' city population from 2000 to 2009.

SCHEDULE 2

STANISLAUS COUNCIL OF GOVERNMENTS  
 CALCULATION OF TRANSIT CAP AMOUNTS BASED ON STRAIGHT POPULATION SHARES  
 FY 11/12

| Transit Operator             | Col (1)<br>Population % | Col (2)<br>Maximum Transit Share % | Col (3)<br>STA PUC 99313 + LTF | Col (4)<br>Add STA PUC 99314 | Col (5)<br>Transit CAP Amount | Col (6)<br>TDA Transit Claim | Col (7)<br>Under/(Over) Unadjusted CAP |
|------------------------------|-------------------------|------------------------------------|--------------------------------|------------------------------|-------------------------------|------------------------------|--|
| Ceres                        | 8.1456%                 | 8.1456%                            | 1,328,477                      | -                            | 1,328,477                     | 875,784                      | 452,693 (a)                            |
| Modesto                      | 39.8685%                | 39.8685%                           | 6,502,208                      | 164,848                      | 6,667,056                     | 8,581,520                    | (1,914,464) (b)                        |
| Turlock                      | 13.4156%                | 13.4156%                           | 2,187,968                      | 10,554                       | 2,198,522                     | 1,201,842                    | 996,680 (a)                            |
| County (unincorporated)      | 21.7530%                |                                    |                                |                              |                               |                              |  |
| Hughson                      | 1.1761%                 |                                    |                                |                              |                               |                              |  |
| Newman                       | 2.0400%                 |                                    |                                |                              |                               |                              |  |
| Patterson                    | 4.0052%                 |                                    |                                |                              |                               |                              |  |
| Waterford                    | 1.6698%                 |                                    |                                |                              |                               |                              |  |
| Subtotal County Service Area |                         | 30.6441%                           | 4,997,788                      | 20,488                       | 5,018,276                     | 3,507,612                    | 1,510,664 (a)                          |
| Oakdale                      | 3.7419%                 |                                    |                                |                              |                               |                              |  |
| Riverbank                    | 4.1843%                 |                                    |                                |                              |                               |                              |  |
| Subtotal ROTA Service Area   |                         | 7.9262%                            | 1,292,695                      | -                            | 1,292,695                     | 466,466                      | 826,229 (a)                            |
| Totals                       | 100.00%                 | 100.00%                            | 16,309,136                     | 195,890                      | 16,505,026                    | 14,633,224                   |  |

The amount of TDA available for the region to share is the total of Column 3. Currently the amount is \$16,309,136 (LTF of \$13,436,780 + STA PUC 99313 of \$2,872,356).

Column 3 multiplies the \$16,309,136 by the percentages in Column 2, the unadjusted service areas. Column 3 sets the majority of the transit CAP amounts. However, there is a small remaining amount of STA yet to allocate. The TDA separates STA into two sections: STA PUC 99313 and STA PUC 99314. The STA PUC 99314 is a small amount and is designated by State Controller specifically to the operator. Therefore, STA PUC 99314 is not available as part of the region-wide pot. Column 4, STA PUC 99314, shows how the State Controller allocated those funds to the specific operators in Stanislaus. Column 5 adds Columns 3 and 4 together to determine the ultimate CAP.

If the five operators claimed their initial service area allocation for transit, then 100% of the TDA would be committed to transit based on the percentages in column 2.

NOTES:

- (a) TDA transit claims currently approved by the Policy Board
- (b) City of Modesto's current request for TDA funds in their FY 11/12 transit claim awaiting Policy Board approval

SCHEDULE 3

STANISLAUS COUNCIL OF GOVERNMENTS  
 CALCULATION OF TRANSIT CAP AMOUNTS BASED ADDITIONAL SERVICE AREA CALCULATED BY MODESTO  
 FY 11/12

| Transit Operator             | Col (1)<br>Population % | Col (2)<br>Higher Population Level % | Col (3)<br>STA PUC 99313 + LTF | Col (4)<br>Add STA PUC 99314 | Col (5)<br>Transit CAP Amount | Col (6)<br>TDA Transit Claim | Col (7)<br>Under/(Over) Adjusted CAP |
|------------------------------|-------------------------|--------------------------------------|--------------------------------|------------------------------|-------------------------------|------------------------------|--------------------------------------|
| Ceres                        | 8.1456%                 | 8.1456%                              | 1,328,477                      | -                            | 1,328,477                     | 875,784                      | 452,693                              |
| Modesto                      | 39.8685%                | 51.6071%                             | 8,416,672                      | 164,848                      | 8,581,520                     | 8,581,520                    | 0                                    |
| Turlock                      | 13.4156%                | 13.4156%                             | 2,187,968                      | 10,554                       | 2,198,522                     | 1,201,842                    | 996,680                              |
| County (unincorporated)      | 21.7530%                |                                      |                                |                              |                               |                              |                                      |
| Hughson                      | 1.1761%                 |                                      |                                |                              |                               |                              |                                      |
| Newman                       | 2.0400%                 |                                      |                                |                              |                               |                              |                                      |
| Patterson                    | 4.0052%                 |                                      |                                |                              |                               |                              |                                      |
| Waterford                    | 1.6698%                 |                                      |                                |                              |                               |                              |                                      |
| Subtotal County Service Area |                         | 30.6441%                             | 4,997,788                      | 20,488                       | 5,018,276                     | 3,507,612                    | 1,510,664                            |
| Oakdale                      | 3.7419%                 |                                      |                                |                              |                               |                              |                                      |
| Riverbank                    | 4.1843%                 |                                      |                                |                              |                               |                              |                                      |
| Subtotal ROTA Service Area   |                         | 7.9262%                              | 1,292,695                      | -                            | 1,292,695                     | 466,466                      | 826,229                              |
| Totals                       | 100.0000%               | 111.7386%                            | 18,223,600                     | 195,890                      | 18,419,490                    | 14,633,224                   |                                      |

NOTES:

(a) The total of Column 2 is now 111.74%, which is greater than 100%. In addition, please note that the revised cap amount of \$18,419,490 exceeds the amount available of \$16,505,026. Therefore, if every operator requested its CAP amount, it would be impossible to pay the City of Modesto their additional requested service area. However, the other operators did not claim up to their CAP amount. Based on the current approved claims from the other four operators, and the City of Modesto's current request of TDA funding, an amount of \$1,578,802 would be remaining for other purposes.

|  |                 |
|--|-----------------|
| Total TDA available from Schedule 2, Column 5 Total                      | 16,505,026.00   |
| Less TDA transit claims requested by the operators                       | (14,633,224.00) |
| Less amount allocated for the Paratransit Inc.                           | (143,000.00)    |
| Less Regional Transit Projects   | (43,000.00)     |
| Less amount set-aside for possible transit study for the Stanislaus Regi | (107,000.00)    |
| Amount available for Other Purposes FY 11/12                             | 1,578,802.00    |

**STANISLAUS COUNCIL OF GOVERNMENTS**

**RESOLUTION 11-45**

**RESOLUTION APPROVING TRANSPORTATION DEVELOPMENT ACT  
APPORTIONMENTS AND ALLOCATIONS FOR FY 2011/12:  
CITY OF MODESTO CLAIM**

WHEREAS, the Stanislaus Council of Governments (StanCOG) is a Regional Transportation Planning Agency and a Metropolitan Planning Organization, pursuant to State and Federal designation; and

WHEREAS, StanCOG has been designated as the Regional Transportation Planning Agency with the responsibility to administer the Transportation Development Act (TDA), including the apportionment and allocation of the Local Transportation Fund (LTF) and the State Transit Assistance (STA) Fund; and

WHEREAS, the City of Modesto, has submitted a transit claim for FY 2011/12 in conformance with all applicable rules and regulations; and

WHEREAS, the City of Modesto, has submitted a resolution from their governing board showing that their transit claim was approved.

NOW, THEREFORE, BE IT RESOLVED, that the following findings are substantiated by the Staff Report and other evidence presented to the Policy Board:

- (1) The claimants' proposed expenditures are in conformity with the Regional Transportation Plan.
- (2) The levels of passenger fares and charges are sufficient to enable all claimants to meet the requirements of Public Utilities Code Sections 99268.2, 99268.3, 99268.4, 99268.5, and 99268.9, as may be applicable to the claimant.
- (3) The claimants are making full use of federal funds available under the Federal Safe, Accountable, Flexible, Efficient Transportation Equity Act.
- (4) The sum of each claimant's allocations from the State Transit Assistance Fund and from the Local Transportation Fund does not exceed the amount each claimant is eligible to receive during the fiscal year.
- (5) Priority consideration has been given to claims to offset reductions in federal operating assistance and the unanticipated increases in the cost of fuel, to enhance existing public transportation services, and to meet high priority regional, countywide, public transportation needs.
- (6) The operators have made a reasonable effort to implement the productivity improvements recommended pursuant to Public Utilities Code Section 99244.

- (7) Certifications have been made by the California Highway Patrol within the last 13 months verifying that the operators are in compliance with Section 1808.1 of the Vehicle Code, as required by Public Utilities Code Section 99251.
- (8) The operators are in compliance with the eligibility requirements of Public Utilities Code section 99314.6.

BE IT FURTHER RESOLVED, the City of Modesto's FY 2011/12 transit claim is hereby approved and the apportionments and allocations for the following purposes and amounts are approved:

| <u>Purpose</u>                    | <u>Source</u>      | <u>Amount</u> |
|-----------------------------------|--------------------|---------------|
| Transit                           | STA-6730a          | \$ 3,037,204  |
| Transit - MAX                     | LTF-99262          | 3,542,186     |
| Transit - DAR                     | LTF-99262          | 1,775,148     |
| Amtrak                            | LTF-99400(b,c,d,e) | 38,162        |
| Transit Center                    | LTF-99400(b,c,d,e) | 182,125       |
| Alternative Transp. (Ridesharing) | LTF-99262          | <u>6,695</u>  |
|                                   |                    | \$ 8,581,520  |

BE IT FURTHER RESOLVED, that the Executive Director, or the Policy Board Chair, or his designee, is authorized to issue allocation and disbursement instructions to the County Auditor.

The foregoing Resolution was introduced at a regular meeting of the Stanislaus Council of Governments on the 15th day of February 2012. A motion was made and seconded to adopt the foregoing Resolution. Motion carried and the Resolution was adopted.

MEETING DATE: February 15, 2012

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WILLIAM O'BRIEN, CHAIR

ATTEST:

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VINCENT J. HARRIS, EXECUTIVE DIRECTOR