

LIVERMORE AMADOR VALLEY TRANSIT AUTHORITY

STAFF REPORT

SUBJECT: Approval of Resolutions Authorizing Staff to Apply for TDA, STA, RM2 and RM3 funds for Fiscal Year 2025-2026

FROM: Tamara Edwards, Director of Finance

DATE: April 22, 2025

Action Requested

Review and recommend to the Board of Directors approval of the following resolutions:

1. Resolution 15-2025 of the Board of Directors of the Livermore Amador Valley Transit Authority authorizing the filing of a claim with the Metropolitan Transportation Commission (MTC) for Allocation of Transportation Development Act (TDA) Article 4.0, State Transit Assistance (STA), Regional Measure 2 (RM 2), and Regional Measure 3 (RM3) for Fiscal Year 2025-2026
2. Resolution 16-2025 of the Board of Directors of the Livermore Amador Valley Transit Authority Authorizing the filing of a claim with the Metropolitan Transportation Commission for Allocation of Transportation Development Act Article 4.5 Funds for the Fiscal Year 2025-2026

These resolutions authorize staff to file applications with the MTC for the 2025-2026 Fiscal Year.

Background

Attached for your review and approval are the annual resolutions authorizing LAVTA's Executive Director (or designee) to file a claim with MTC for TDA Article 4.0, 4.5, and STA funds for Fiscal Year 2025-2026. These resolutions are required as part of MTC's annual claim submittal. The funds requested in the claim are limited to the amount allocated to LAVTA, based on a prescribed apportionment formula. On an annual basis, LAVTA is required to resolve support for the submission of applications for Regional Measure 2 and Regional Measure 3 operating assistance in connection with providing service to the BRT service. MTC has advised LAVTA that the inclusion of provisions relevant to RM2 and RM3 can be included in the TDA and STA resolutions for ease of submission.

Discussion

Attached to this report is the MTC staff report which accompanied their estimate and gives background information on the various funding sources and the bases for this year's estimates:

Budget Considerations

The next step will be to prepare a detailed capital and operating budget within the available revenues.

Recommendation

Staff recommends that the Finance and Administration Committee recommend that the Board of Directors approve the Resolution 15-2025 and Resolution 16-2025 authorizing the filing of a claim with MTC for Allocation of TDA Article 4.0, 4.5, STA, RM2, and RM3 Funds for Fiscal Year 2025-2026.

Attachments:

1. February 26, 2025, Fund Estimate from MTC
2. Resolution 14-2025
3. Resolution 15-2025

FY2024-25 TDA Revenue Estimate		FY2025-26 TDA Revenue Estimate	
FY2024-25 Generation Estimate Adjustment		FY2025-26 County Auditor's Generation Estimate	
1. Original County Auditor Estimate (Feb. 24)	104,539,854	13. County Auditor Estimate	90,853,416
2. Revised Estimate (Feb. 25)	89,953,877	FY2025-26 Planning and Administration Charges	
3. Revenue Adjustment (Lines 2-1)	(14,585,977)	14. MTC Administration (0.5% of Line 13)	454,267
FY2024-25 Planning and Administration Charges Adjustment		15. County Administration (0.5% of Line 13)	454,267
4. MTC Administration (0.5% of Line 3)	(72,930)	16. MTC Planning (3.0% of Line 13)	2,725,602
5. County Administration (Up to 0.5% of Line 3) ⁴	(72,930)	17. Total Charges (Lines 14+15+16)	3,634,136
6. MTC Planning (3.0% of Line 3)	(437,579)	18. TDA Generations Less Charges (Lines 13-17)	87,219,280
7. Total Charges (Lines 4+5+6)	(583,439)	FY2025-26 TDA Apportionment By Article	
8. Adjusted Generations Less Charges (Lines 3-7)	(14,002,538)	19. Article 3.0 (2.0% of Line 18)	1,744,386
FY2024-25 TDA Adjustment By Article		20. Funds Remaining (Lines 18-19)	85,474,894
9. Article 3 Adjustment (2.0% of Line 8)	(280,051)	21. Article 4.5 (5.0% of Line 20)	4,273,745
10. Funds Remaining (Lines 8-9)	(13,722,487)	22. TDA Article 4 (Lines 20-21)	81,201,149
11. Article 4.5 Adjustment (5.0% of Line 10)	(686,124)		
12. Article 4 Adjustment (Lines 10-11)	(13,036,363)		

TDA APPORTIONMENT BY JURISDICTION										
Column	A	B	C=Sum(A:B)	D	E	F	G	H=Sum(C:G)	I	J=Sum(H:I)
Apportionment Jurisdictions	6/30/2024 Balance (w/o interest)	FY2023-24 Interest	6/30/2024 Balance (w/ interest) ¹	FY2023-25 Outstanding Commitments ²	FY2024-25 Transfers/ Refunds	FY2024-25 Original Estimate	FY2024-25 Revenue Adjustment	6/30/2025 Projected Carryover	FY2025-26 Revenue Estimate	FY2025-26 Available for Allocation
Article 3	7,947,155	310,327	8,257,482	(8,283,141)	0	2,007,165	(280,051)	1,701,454	1,744,386	3,445,840
Article 4.5	173,317	13,931	187,248	(4,327,294)	0	4,917,555	(686,124)	91,385	4,273,745	4,365,130
SUBTOTAL	8,120,472	324,258	8,444,730	(12,610,435)	0	6,924,720	(966,175)	1,792,839	6,018,131	7,810,970
Article 4										
AC Transit										
District 1	257,874	56,692	314,567	(52,098,533)	0	60,180,711	(8,396,745)	0	52,436,116	52,436,116
District 2	67,810	15,019	82,828	(13,813,874)	0	15,957,528	(2,226,482)	0	13,768,141	13,768,141
BART ³	570	114	684	(87,601)	0	101,010	(14,093)	0	86,923	86,923
LAVTA	32,228,413	830,069	33,058,482	(29,636,638)	0	13,382,358	(1,867,180)	14,937,022	11,624,472	26,561,494
Union City	10,181,834	454,071	10,635,906	(3,358,323)	0	3,811,933	(531,862)	10,557,654	3,285,496	13,843,150
SUBTOTAL	42,736,502	1,355,965	44,092,467	(98,994,969)	0	93,433,540	(13,036,363)	25,494,676	81,201,149	106,695,825
GRAND TOTAL	\$50,856,974	\$1,680,223	\$52,537,197	(\$111,605,404)	\$0	\$100,358,260	(\$14,002,538)	\$27,287,515	\$87,219,280	\$114,506,795

1. Balance as of 6/30/24 is from the MTC FY2023-24 Audit, and it contains both funds available for allocation and funds that have been allocated but not disbursed.

2. The outstanding commitments figure includes all unpaid allocations as of 6/30/24, and FY2024-25 allocations as of 1/31/25.

3. Details on the proposed apportionment of BART funding to local operators are shown on page 15 of the Fund Estimate.

4. Unclaimed County Administration charges will be redistributed as carryover for apportionment jurisdictions.

RESOLUTION NO. 14-2025

RESOLUTION OF THE BOARD OF DIRECTORS OF THE LIVERMORE AMADOR VALLEY TRANSIT AUTHORITY AUTHORIZING THE FILING OF A CLAIM WITH THE METROPOLITAN TRANSPORTATION COMMISSION FOR ALLOCATION OF TRANSPORTATION DEVELOPMENT ACT ARTICLE 4.0, STATE TRANSIT ASSISTANCE, REGIONAL MEASURE 2, AND REGIONAL MEASURE 3 FUNDS FOR FISCAL YEAR 2025-2026

WHEREAS, the Transportation Development Act (TDA), (Pub. Utilities Code 992200 et. seq. provides for the disbursement of funds from the Local Transportation Fund of the County of Alameda for use by eligible claimants for the purpose of providing local transit service in the cities of Dublin, Livermore and Pleasanton; and

WHEREAS, pursuant to the provisions of the TDA, and pursuant to the applicable rules and regulations thereunder (21 Cal Adm. Code 660 et. seq.), a prospective claimant wishing to receive an allocation from the Local Transportation Funds shall file its claim with the Metropolitan Transportation Commission; and

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

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

WHEREAS, the Livermore Amador Valley Transit Authority is an eligible claimant for TDA and STA funds pursuant to PUC Section 99260 and Article 4 funds pursuant to PUC Section 99260A, as attested by the Livermore Amador Valley Authority's opinion of counsel dated April 2, 2025; and

WHEREAS, TDA funds from the Local Transport Fund of Alameda County and STA funds will be required by claimant in Fiscal Year 2025-2026 for transit service;

WHEREAS, LAVTA is an eligible sponsor of transportation project(s) in Regional Measure 2, Regional Traffic Relief Plan funds; and

WHEREAS, LAVTA is an eligible sponsor of transportation project(s) in Regional Measure 3, Expenditure Plan; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors as follows:

1. That the Executive Director or his designee is authorized to execute and file an appropriate TDA/STA claim together with all necessary supporting documents, with the Metropolitan Transportation Commission for allocation of TDA/STA funds in Fiscal Year 2025-2026; and be it further resolved

2. That a copy of this Resolution be transmitted to the Metropolitan Transportation Commission in conjunction with the filing of the claim; and the Metropolitan Transportation Commission be requested to grant the allocation of funds as specified herein; and be it further resolved
3. That LAVTA, and its agents shall comply with the provisions of the Metropolitan Transportation Commission's, "Regional Measure 2 Regional Traffic Relief Plan Policies and Procedures," (MTC Resolution No. 3636, Amended April 28, 2010); and be it further resolved
4. That LAVTA, and its agents shall comply with the provisions of the Metropolitan Transportation Commission's "Regional Measure 3 Policies and Procedures," (MTC Resolution No. 4404, Amended October 25, 2023); and be it further resolved
5. That LAVTA certifies that the project is consistent with the Regional Transportation Plan (RTP) and is in compliance with the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.); and be it further resolved
6. That LAVTA approves the updated Operating Assistance Proposal, attached to this resolution; and be it further resolved
7. That LAVTA approves the certification of assurances, attached to this resolution; and be it further resolved
8. That there is no pending or threatened litigation which might in any way adversely affect the proposed project, or the ability of LAVTA to deliver such project; and be it further resolved
9. That LAVTA indemnifies and holds harmless MTC, its Commissioners, representatives, agents, and employees from and against all claims, injury, suits, demands, liability, losses, damages, and expenses, whether direct or indirect (including any and all costs and expenses in connection therewith), incurred by reason of any act or failure to act of LAVTA, its officers, employees or agents, or subcontractors or any of them in connection with its performance of services under this allocation of RM2 and RM3 funds; and be it further resolved
10. That LAVTA authorizes its Executive Director, or his designee to execute and submit an allocation request for operating or planning costs for Fiscal Year 2025-2026 with MTC for Regional Measure 2 funds, and Regional Measure 3 funds, for the project, purposes and amounts included in the project application attached to this resolution; and be it further resolved
11. That the Executive Director, or his designee is hereby delegated the authority to make non-substantive changes or minor amendments to the OAP as he/she deems appropriate.

PASSED AND ADOPTED this 5th day of May 2025.

Evan Branning, Chair

ATTEST:

Christy Wegener, Executive Director

RESOLUTION NO. 15-2025

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE LIVERMORE
AMADOR VALLEY TRANSIT AUTHORITY AUTHORIZING THE FILING OF
A CLAIM WITH THE METROPOLITAN TRANSPORTATION COMMISSION
FOR ALLOCATION OF TRANSPORTATION DEVELOPMENT ACT ARTICLE
4.5 FUNDS FOR THE FISCAL YEAR 2025-2026**

WHEREAS, the Transportation Development Act (TDA), Pub Util. Code 99200 et. seq. provides for the disbursement of funds from the Local Transportation Funds of the County of Alameda for use by eligible claimants for the purpose of providing local transit service in the cities of Dublin and Livermore; and

WHEREAS, pursuant to the provisions of the TDA, and pursuant to the applicable rules and regulations thereunder (21 Cal Adm. Code 660 et. seq.), a prospective claimant wishing to receive an allocation from the Local Transportation Funds shall file its claim with the Metropolitan Transportation Commission; and

WHEREAS, TDA funds from the Local Transportation Fund of Alameda County will be required by claimant in Fiscal Year 2025-2026 for paratransit services; and

WHEREAS, the Livermore Amador Valley Transit Authority is an eligible claimant for TDA funds pursuant to PUC Section 99275 funds as attested by the Livermore Amador Valley Transit Authority's opinion of counsel dated April 2, 2025; and

RESOLVED, that the Executive Director or his/her designee is authorized to execute and file an appropriate TDA/STA claim together with all necessary supporting documents with the Metropolitan Transportation Commission for an allocation of TDA funds in Fiscal Year 2025-2026; and be it further

NOW, THEREFORE, LET IT BE RESOLVED, that a copy of this Resolution be transmitted to the Metropolitan Transportation Commission in conjunction with the filing of the claim; and the Metropolitan Transportation Commission be requested to grant the allocations of funds as specified herein.

PASSED AND ADOPTED this 5th day of May 2025.

Evan Branning, Chair

ATTEST:

Christy Wegener, Executive Director