

§ 6633.8. Extension of Service Excluded.

In determining a claimant's compliance with the fare and local support ratios in Sections 6633.2, 6633.5 and 6633.9, the fare revenues and operating cost attributable to an extension of public transportation services, as defined in Section 6619.1, shall be excluded if all of the following conditions are met:

(a) The extension of services has been in operation for less than two full fiscal years. The two-year extension of services exclusion applies until two years after the end of the fiscal year in which the extension of services was put into operation.

(b) The claimant submits a report on the extension of services to the transportation planning agency and, where applicable, to the county transportation commission ~~or metropolitan transit development board~~, within 90 days after the end of the fiscal year. The report shall include, but not be limited to, the following information:

(1) A description of the area served and the routes included.

(2) The amount of fare revenues generated by the extension and the method used to derive that amount.

(3) The amount of the operating cost for the extension and the method used to allocate costs between the extension of services and the claimant's other services.

Note: Authority cited: Section 99241, Public Utilities Code. Reference: Sections 99241, 99268.8, Public Utilities Code.

§ 6633.9. Noncompliance with Required Revenue Ratio.

(a) If an operator or transit service claimant fails to maintain, for a fiscal year, the ratio of fare revenues to operating cost it is required to maintain in accordance with Section 6633.2 and 6633.5, and if it is not the first year for which the claimant has failed to maintain that ratio which is considered the one time grace year, the claimant's eligibility to receive Transportation Development Act funds would be determined as follows:

(1) In the fiscal year that the claimant fails to maintain the required ratio which is the noncompliance year, there is no change in its eligibility.

(2) In the subsequent fiscal year or determination year there is no change in eligibility, however the audited amount of the difference between the required and actual fare revenue to operating cost ratio as reported in the claimant's fiscal and compliance audit for the fiscal year for which the required ratio was not met must be determined.

(3) In the third or penalty year, the operator's or transit service claimant's eligibility to receive monies from the local transportation and state transit assistance funds shall be reduced, for one year only, by the amount of the difference between the required fare revenues and the actual fare revenues for the fiscal year that the required ratio was not maintained.

(4) A claimant subject to the penalty in this section shall demonstrate to the transportation planning agency, or the county transportation commission ~~or the San Diego Metropolitan Transit Development Board~~ how it will achieve the required ratio during any penalty year.

§ 6655.3. Funds Reserved for Community Transit Services.

The transportation planning agency may reserve moneys in the fund for claims filed pursuant to Article 4.5 of the Act without designating the claimants to receive allocations from the amount. However, any amount so reserved ~~which~~ that either the transportation planning agency, or the county transportation commission ~~or the metropolitan transit development board~~ later finds may be used to better advantage for Article 4 purposes shall cease to be available for Article 4.5 purposes and shall be restored to the apportionments determined in accordance with Section 6644

§ 6711. Regional Entity.

"Regional entity" means each transportation planning agency designated by the Director pursuant to Section 29532 of the Government Code, each county transportation commission created by Division 12 (commencing with Section 130000) of the Public Utilities Code, ~~and the San Diego Metropolitan Transit Development Board.~~

Note: Authority and reference cited: Section 99241, Public Utilities Code.

§ 6712. Area of Regional Entity.

The "area" of a regional entity means:

(a) For a county transportation commission, all of the area within the county in which the commission is created, pursuant to Public Utilities Code Section 130050.

~~(b) For the San Diego Metropolitan Transit Development Board, the area within the jurisdiction of the board, as that area is defined by Public Utilities Code Sections 120052 and 120054.~~

(e b) For a transportation planning agency, the area for which it is the designated agency pursuant to Government Code Section 29532, but excluding those areas also under the jurisdiction of the county transportation commissions ~~or the San Diego Metropolitan Transit Development Board.~~

Note: Authority and reference cited: Section 99241, Public Utilities Code.

§ 6732. Claim Filing.

A claimant wishing to receive an allocation from a regional entity's state transit assistance fund at the beginning of the fiscal year shall file an annual claim with the regional entity, in accordance with the rules and regulations established by the transportation planning agency, or in the absence of such rules and regulations at least 90 days prior to the beginning of the fiscal year. Claims may also be filed at any time before the close of the fiscal year. However, claims that are not filed 90 days prior to the beginning of the fiscal year shall be considered only for such moneys as may remain unallocated and available in the state transit assistance fund after action is taken on claims earlier submitted.

~~If the regional entity is the San Diego Metropolitan Transit Development Board, the claimant shall also file a copy of the claim on the same day with the transportation planning agency.~~ If the regional entity is a local transportation commission within the area of a multicounty regional agency, the claimant shall file a copy of the claim on the same day with the regional agency. Claims on the funds of different regional entities shall be filed separately.

The claim shall be filed in the form prescribed by the regional entity and shall include the fiscal year for which funds are claimed and the amounts claimed for the purposes identified in each of the subdivisions of sections 6730 and 6731.

Note: Authority cited: Section 99241, Public Utilities Code. Reference: Sections 99241, 99261 and 99314.5, Public Utilities Code; and Section 29532.4, Government Code.

§ 6751. Audit of State Transit Assistance Fund.

Each regional entity shall submit to the State Controller, annually and within 180 days after the end of the fiscal year, a report of a fiscal and compliance audit of the financial statements of its state transit assistance fund. If the regional entity is a county transportation commission ~~or the San Diego Metropolitan Transit Development Board~~, a copy of the audit report shall be transmitted at the same time to the transportation planning agency. The audit shall be conducted in accordance with generally accepted auditing standards by the State Controller or by a certified public accountant or public accountant who is not an officer or employee of the regional entity or of any city, county, or operator within the area of the regional entity and shall include a determination of compliance with the Act and the administrative rules and regulations. If the regional entity and the county auditor so agree, the audits of the local transportation fund (pursuant to Section 6661) and the state transit assistance fund may be conducted by the same auditor and may be submitted together in one audit report to the State Controller and to the transportation planning agency. The State Controller shall not authorize the payment of any allocation to a regional entity that is delinquent in its submission of a fiscal audit report.

The financial statements shall be prepared in accordance with generally accepted accounting principles. The statements shall include, but not be limited to

- (a) a balance sheet,
- (b) a statement of the revenues and expenditures during the fiscal year,
- (c) a statement of changes in the fund balance, and
- (d) supplemental schedules as necessary to list or identify
 - (1) the net amounts allocated and net amounts disbursed during the fiscal year for each of the allocation purposes specified in Sections 6730 and 6731,
 - (2) any portion of the fund balance that is allocated or reserved,
 - (3) any interest or other income earned by investment of the fund during the fiscal year,
 - (4) any amounts included in the fund balance that are apportioned to an operator pursuant to Section 6721, and
 - (5) any amounts that have been transferred or that have been received as a result of a transfer as authorized by Section 99313.1.

All fiscal and accounting records and other supporting papers related to the state transit assistance fund shall be maintained for a minimum of four fiscal years following the close of the fiscal year and shall be available for inspection and audit by the State Controller.

Note: Authority cited: Section 99241, Public Utilities Code. Reference: Sections 99241, 99245, 99313, 99313.6, 99314 and 99314.5, Public Utilities Code; and Section 16304, Government Code.