

Memorandum

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: October 8, 2013

Reference No.: 4.12
Information Item

From: STEVEN KECK
Acting Chief Financial Officer

Prepared by: Jane E. Perez
Chief
Mass Transportation

Subject: **COMMISSION ADVICE AND CONSENT ON TRANSPORTATION DEVELOPMENT ACT (TDA) REGULATIONS**

SUMMARY:

The California Transportation Commission (Commission) is required by the Public Utilities Code (PUC) Section 99241 to give advice and consent on the Transportation Development Act (TDA) regulations, as prepared by the California Department of Transportation (Department). The regulations are updated to incorporate legislative changes and to interpret and clarify the statutes.

Caltrans is proposing to amend California Code of Regulations (CCR) Sections 6612(c), 6613.3, 6613.4, 6633(d), 6633.5, 6633.5(a), 6633.5(b), 6633.5(b)(1), 6645.1(b), and 6731(c) of the TDA. The proposed amendments to the regulations are necessary to bring the regulations into conformance with AB 2679 of the Statutes of 2012, which replaced the word “handicapped” with the term “disabled” throughout the Mills-Alquist-Deddeh Act, also known as the Transportation Development Act.

As part of the review process, the Department is providing the proposed revisions of TDA regulations to the Commission as an information item. After incorporating the Commission’s comments, the Department will return the revised guidelines to the Commission for adoption at its December 2013 meeting.

BACKGROUND:

The Mills-Alquist-Deddeh Act, better known as TDA, was enacted in 1972 by the California legislature and is administered by the Department. It provides two major sources of funding for public transportation in California implemented by Regional Transportation Planning Agencies (RTPA). These funds are for the development and support of public transportation needs that exist in California and are allocated to areas of each county based on population, taxable sales, and transit performance. First, the county Local Transportation Fund (LTF), has been in existence since 1972. Second, the State Transit Assistance (STA) fund came into existence in 1980.

TDA statutes are located under the Government Code Title 3, Division 3, Chapter 2, Article 11, and under the PUC Division 10, Part 11, Chapter 4, Articles 1-9. Additional implementing provisions can be found under the (CCR) Title 21, Chapter 3, Subchapters 2 and 2.5. The Department

publishes TDA Statutes and California Code of Regulations which is updated periodically depending on the TDA related legislative actions.

PROPOSED CHANGES:

The Department is proposing amendments to TDA regulation sections 6612(c), 6613.3, 6613.4, 6633(d), 6633.5, 6633.5(a), 6633.5(b), 6633.5(b)(1), 6645.1(b), and 6731(c), with the advice and consent of the Commission, under the authority granted by Section 99241 of the PUC, which allows the Director of Caltrans to amend, add, and repeal the regulations as statutes change. Caltrans proposes to amend sections 6612(c), 6613.3, 6613.4, 6633(d), 6633.5, 6633.5(a), 6633.5 (b), 6633.5(b)(1), 6645.1(b), and 6731(c), by replacing the word “Handicapped” with the word “Disabled”. Below is text of CCR sections identifying the areas of the proposed amendments, as reflected in underline and strikethrough.

§ 6612. Transit Service Claimant.

The term “transit service claimant” means:

- (a) A claimant that files a claim for community transit services pursuant to article 4.5 of the Act.
- (b) A claimant that files a claim for contract payments pursuant to PUC section 99400(c).
- (c) A city or county that is a member of a joint powers agency and that files a claim to provide or contract for services to elderly and ~~handicapped~~ disabled persons pursuant to PUC section 99260.7.
- (d) The County of San Diego if it files a claim for express bus service or vanpool service pursuant to PUC section 99400.6.
- (e) A county, city, or county transportation commission that files a claim for rail passenger service operation and capital improvement expenditures.
- (f) A city or county with a population of less than 5,000 that files a claim pursuant to section 99405(d).

A transit service claimant that is also an operator shall meet all requirements of TDA, the regulations for its service provided as a transit service claimant, and for its other service as if the services were provided by separate claimants.

Note: Authority cited: Section 99241, PUC. Reference: Sections 99234.9, 99241, 99260.7, 99275, 99400(c), 99400.6 and 99405(d), PUC.

§ 6613.3. Services to Elderly and ~~Handicapped~~ Disabled Persons.

The term “services to elderly and ~~handicapped~~ disabled persons” means transportation services provided using vehicles for the exclusive use of elderly and ~~handicapped~~ disabled persons.

Note: Authority and reference cited: Section 99241, PUC.

§ 6613.4. Services to the General Public.

The term “services to the general public” means transportation services other than services provided using vehicles for the exclusive use of elderly and ~~handicapped~~ disabled persons.

Note: Authority and reference cited: Section 99241, PUC.

§ 6633. Revenue Qualification.

Beginning with the 1980-81 fiscal year, each operator and transit service claimant shall qualify for funding during the fiscal year as specified in this section and in sections 6633.1 to 6633.9.

(a) An operator that began operation before July 1, 1974, may qualify under either PUC section 99268.1 (the 50-percent expenditure limitation) or 99268.2 (the fare and local support ratios), unless the operator was granted a waiver from the 50-percent expenditure limitation for 1978-79. The following operators were granted such a waiver: South Coast Area Transit (Ventura County), City of Banning, City of Auburn, and City of Napa.

(b) A transit service claimant that is filing a claim for community transit services pursuant to Article 4.5 of the Act or for contract services pursuant to PUC section 99400(c) or a city or county with a population of less than 5,000 which provides transportation services may qualify in accordance with the performance criteria, local match requirements, or fare recovery ratios adopted by the transportation planning agency or county transportation commission pursuant to PUC sections 99275.5(c)(4) and 99405(c).

(c) Except as specified in subdivisions (a) and (b), an operator or transit service claimant with services to the general public shall qualify under PUC sections 99268.3 and 99268.4 or 99268.12 (the fare and local support ratios).

(d) In addition, an operator or transit service claimant that qualifies under PUC sections 99268.2, 99268.3, or 99268.4, and that provides services to elderly and ~~handicapped~~ disabled persons, shall meet the fare ratio specified in section 6633.5.

Note: Authority cited: Section 99241, PUC. Reference: Sections 99268.1, 99268.2, 99268.3, 99268.4, 99268.5, 99268.9, 99268.12, 99275.5 and 99405, PUC.

§ 6633.5. Fare Ratio for Service to Elderly and ~~Handicapped~~ Disabled Persons.

(a) For a claimant that provides only services to elderly and ~~handicapped~~ disabled persons, the ratio of fare revenues to operating cost shall be at least ten percent or the ratio that the claimant had for the services in 1978-79, whichever is greater.

(b) For a claimant that provides both services to elderly and ~~handicapped~~disabled persons, and services to the general public, either

(1) its services to elderly and ~~handicapped~~disabled persons shall meet the fare ratio specified in subdivision (a), or

(2) its services combined shall meet the fare ratio specified in Section 6633.2(a).

Note: Authority cited: Section 99241, PUC. Reference: Section 99268.5, PUC.

§ 6645.1. Small Urbanized Areas.

If there is an operator which is serving an urbanized area in a county with population less than 500,000, the transportation planning agency or county transportation commission may establish for that operator a required ratio of fare revenue to operating cost of no less than 15 percent. Prior to setting the required ratio, the transportation planning agency or county transportation commission shall make findings specifying the reasons for its actions. The transportation planning agency or county transportation commission shall ensure that the following factors, for the jurisdiction of the claimant, have been considered in the transportation planning process:

(a) The size and density of the urban area in which the services to the general public are provided.

(b) The proportion of the operator's ridership which is transit dependent, including elderly, ~~handicapped~~disabled, and low income patrons, as appropriate.

Note: Authority cited: Section 99241, PUC. Reference: Section 99268.12, PUC.

6731. Claims of Cities, Counties or Transit Districts.

Claims may be filed for allocations from the state transit assistance fund by a city or county, or transit district for the following purposes, if it is eligible for allocations from the local transportation fund for such purposes:

(a) Payments for passenger rail service operations and capital improvements pursuant to PUC section 99400(b) and construction and maintenance of intermodal transportation facilities pursuant to PUC section 99234.9.

(b) Payment to an entity under contract with the city, county or transit district, for transportation services or payment for the claimant's related administrative and planning cost, pursuant to PUC sections 99400(c) and 99400(d).

(c) To provide or contract for transportation services to elderly and ~~handicapped~~disabled persons, if the city, county, or transit district is a member of a joint powers entity operating a public transportation system, pursuant to PUC section 99260.7.

(d) Community transit service purposes pursuant to PUC section 99275.

(e) Transportation services provided by cities or counties with populations of less than 5,000 pursuant to PUC section 99405(d).

Note: Authority cited: Section 99241, PUC. Reference: Sections 99234.9, 99260.7, 99275, 99310.5, 99313.3, 99314.5, 99400 and 99405(d), PUC.

Attachments:

1. Resolution
2. Regulation Package

**CALIFORNIA TRANSPORTATION COMMISSION
CONSENTING TO PROPOSED AMENDMENTS OF THE
TRANSPORTATION DEVELOPMENT ACT REGULATIONS**

RESOLUTION G-13-XX

- 1.1 WHEREAS, Section 99241 of the Public Utilities Code provides that the implementation of the Transportation Development Act (Act) shall be subject to the regulations adopted by the Director of the California Department of Transportation (Department), with the advice and consent of the California Transportation Commission; and,
- 1.2 WHEREAS, the Director has proposed changes to the California Code of Regulations Sections 6612(c), 6613.3, 6613.4, 6633(d), 6633.5, 6633.5(a), 6633.5(b), 6633.5(b)(1), 6645.1(b), and 6731(c) to implement amendments to the Act, and,
- 1.3 WHEREAS, the Department has mailed the proposed changes to city councils, boards of supervisors, county auditor controllers, transportation planning entities, and transit operators statewide for review and comment; and
- 1.4 WHEREAS, the Department provided a 45-day period, ending 5:00 p.m., April 12, 2013, for any interested party to request a public hearing, receiving no request within the said period.
- 2.1 NOW, THEREFORE, BE IT RESOLVED that the California Transportation Commission does hereby consent to the proposed changes to the Transportation Development Act regulations, as presented by the Director of the Department of Transportation.

TITLE 21.

Proposed Amendments to the California Code of Regulations

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- (d) The County of San Diego if it files a claim for express bus service or vanpool service pursuant to Public Utilities Code section 99400.6.
- (e) A county, city, or county transportation commission that files a claim for rail passenger service operation and capital improvement expenditures.
- (f) A city or county with a population of less than 5,000 that files a claim pursuant to section 99405(d).

A transit service claimant that is also an operator shall meet all requirements of the Act and these regulations for its service provided as a transit service claimant and for its other service as if the services were provided by separate claimants.

Note: Authority cited: Section 99241, Public Utilities Code. Reference: Sections 99234.9, 99241, 99260.7, 99275, 99400(c), 99400.6 and 99405(d), Public Utilities Code.

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(c) Except as specified in subdivisions (a) and (b), an operator or transit service claimant with services to the general public shall qualify under Public Utilities Code sections 99268.3 and 99268.4 or 99268.12 (the fare and local support ratios).

(d) In addition, an operator or transit service claimant that qualifies under Public Utilities Code sections 99268.2, 99268.3, or 99268.4, and that provides services to elderly and ~~handicapped~~ disabled persons, shall meet the fare ratio specified in section 6633.5.

Note: Authority cited: Section 99241, Public Utilities Code. Reference: Sections 99268.1, 99268.2, 99268.3, 99268.4, 99268.5, 99268.9, 99268.12, 99275.5 and 99405, Public Utilities Code.

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- (e) Transportation services provided by cities or counties with populations of less than 5,000 pursuant to Public Utilities Code section 99405(d).

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