

Agenda Report

May 19, 2014

TO: Honorable Mayor and City Council

FROM: Department of Transportation

SUBJECT: **Authorization to Execute a Memorandum of Understanding with the Los Angeles County Metropolitan Transportation Authority (Metro) for the Proposition A Discretionary Incentive Grant Program**

RECOMMENDATION:

It is recommended that the City Council:

1. Find that the execution of the Proposition A Discretionary Incentive Grant Program Memorandum of Understanding (MOU) with the Los Angeles County Metropolitan Transportation Authority (Metro) is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061 (b) (3); and
2. Authorize the City Manager to execute a MOU with Metro for the Proposition A Discretionary Incentive Grant Program for funding generated by reporting Pasadena Area Rapid Transit System data for Fiscal Year 2011; the City is eligible to receive \$219,256 for the current fiscal year; signed authorization of this MOU must be submitted to Metro by June 30, 2014 and an invoice must be submitted by December 31, 2014; and
3. Authorize the City Manager to execute future anticipated MOU's with Metro for subsequent annual funding marks for the Proposition A Discretionary Incentive Grant Program.

BACKGROUND:

In Fiscal Year 2001 the Department of Public Works & Transportation (now the Department of Transportation) began collecting and reporting financial and operating statistics for the Pasadena Area Rapid Transit System (ARTS) to the Los Angeles County Metropolitan Transportation Authority (Metro) under the Proposition A Discretionary Incentive Grant Program. Since this time, the Department of Transportation has collected and submitted National Transit Database (NTD) statistics annually through Metro to the Federal Transportation Administration (FTA). Metro reports data collected from approximately a dozen Local Return Transit Operators to the FTA and receives federal funding based on the data. Metro uses Proposition A Discretionary funds to reimburse the Local Return

Transit Operators. This program increases the amount of federal funding to the region and allows Local Return Transit Operators an opportunity to receive regional money for transit services.

COUNCIL POLICY CONSIDERATION:

The proposed action is consistent with the following goal of the Strategic Plan: Maintain Fiscal Responsibility and Stability – the Memorandum of Understanding (MOU) enables the City to invoice the Los Angeles County Metropolitan Transportation Authority (Metro) for funding under the Proposition A Discretionary Incentive Program; these funds are used by the Pasadena Area Rapid Transit System (ARTS).

ENVIRONMENTAL ANALYSIS:

The project has been reviewed for compliance with the California Environmental Quality Act (CEQA) and is exempt per Section 15061 (b) (3). The project is covered by the general rule that CEQA only applies to projects that have the potential for causing a significant effect on the environment. The proposed project is an MOU to allow Metro to reimburse the City with Proposition A funds for local transit operations related to the continuation of existing service operated by the Pasadena Area Rapid Transit System (ARTS). The MOU will not result in any significant change in services or physical changes in the environment.

FISCAL IMPACT:

The Pasadena Area Rapid Transit System (ARTS) program is funded primarily through Proposition C Sales Tax, Fund 209. The program's Fiscal Year 2014 budget includes the \$219,256 in anticipated revenue (Fund 209, Revenue Account 6547) that this Memorandum of Understanding (MOU) will generate.

Respectfully submitted,

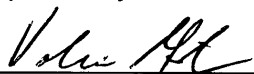


FREDERICK C. DOCK

Director

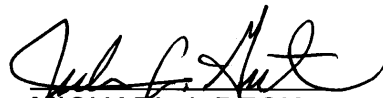
Department of Transportation

Prepared by:



Valerie Gibson
Transit Manager

Approved by:



En _____
MICHAEL J. BECK
City Manager

**PROPOSITION A DISCRETIONARY INCENTIVE GRANT PROGRAM
MEMORANDUM OF UNDERSTANDING
FOR COLLECTING AND REPORTING DATA FOR THE
NATIONAL TRANSIT DATABASE
FOR REPORT YEAR 2011**

This Memorandum of Understanding (MOU) is entered into as of May 22, 2013 by and between Los Angeles County Metropolitan Transportation Authority ("LACMTA") and the Pasadena (the "City").

WHEREAS, on November 14, 1980, the voters of the County of Los Angeles approved by majority vote Proposition A, an ordinance establishing a one-half percent sales tax for public transit purposes; and

WHEREAS, at its September 26, 2001 meeting, the LACMTA authorized payment of Proposition A Discretionary Incentive funds to each participating agency in an amount equal to the Federal funds generated for the region by each agency's reported data; and

WHEREAS, at its June 20, 2012 meeting, LACMTA approved the FY 2012-13 transit fund allocations, which included funds to make payments to all cities that voluntarily reported NTD data for FY 2010-11; and

WHEREAS, the City has been a participant in LACMTA's Consolidated National Transit Database (NTD) Reporters Random Sampling Program for Fiscal Year (FY) 2010-11 and has voluntarily submitted NTD data to the LACMTA for FY 2010-11 which successfully passed independent audit without findings; and

WHEREAS, the City has requested funds under the Proposition A Discretionary Incentive Program for collecting and reporting data for the NTD from the FY 2010-11 Report Year (the "Project"); and

WHEREAS, at its April 22, 2010 meeting, LACMTA approved the status of the City as "Tier 2 Operator" to receive Proposition A Growth Over Inflation (GOI) funds for three years beginning FY2011 to FY2013, which shall reduce the Project funds by the same ratio as of the actual Proposition A GOI funding made available over the full amount of Proposition A GOI funds; and

WHEREAS, on May 2, 2013, the Federal Transit Administration (FTA) published in the Federal Register the FY 2012-13 Apportionments, Allocations, and Program Information including unit values for the data reported to the NTD; and

WHEREAS, the parties desire to agree on the terms and conditions for payment for the Project.

NOW, THEREFORE, LACMTA and the City hereby agree to the following terms and procedures:

ARTICLE 1. TERM

- 1.0 This Memorandum of Understanding ("MOU") will be in effect from **July 1, 2012**, through **June 30, 2014** at which time all unused funds shall lapse.

ARTICLE 2. STANDARDS

- 2.0 To receive payment for the submittal of the FY 2010-11 NTD statistics, the City warrants that it:
- A. Adhered to the Federal Guidelines for collecting and Reporting NTD statistics;
 - B. Prepared and submitted the FY 2010-11 **ANNUAL NTD REPORT** of the City's fixed-route and/or demand response transit service to the LACMTA on or before **September 30, 2011**;
 - C. Allowed the LACMTA to assign an independent auditor to review the submitted FY 2010-11 NTD statistics for conformity in all material respects with the accounting requirements of the FTA as set forth in its applicable Uniform System of Accounts.

ARTICLE 3. PAYMENT OF FUNDS TO CITY

- 3.0 LACMTA shall pay the City for collecting and reporting FY 2010-11 NTD statistics. LACMTA shall pay the City for submitting the FY 2010-11 **ANNUAL NTD REPORT** for the applicable transit services as follows:

MOTOR BUS SERVICE

For City's motor bus service, LACMTA shall pay an amount equal to the 593,831 revenue vehicle miles reported by the City multiplied by the FTA unit value of \$.4133927 per revenue vehicle mile, plus the 3,729,471 passenger miles reported by the City squared, divided by the \$3,541,065 operating cost reported by the City, multiplied by the FTA unit value of \$.0090958 less the cost of the \$12,593 in audits paid by LACMTA, and less the \$49,364 Tier 2 Operators' deduction. See Attachment A for detail.

- 3.1 The City shall submit one invoice to LACMTA prior to **December 31, 2014**, in the amount of **\$219,256** in order to receive its payment described above.

3.2 INVOICE BY CITY:

Send invoice with supporting documentation to:

Los Angeles County Metropolitan Transportation Authority
Accounts Payable
P. O. Box 512296
Los Angeles, CA 90051-0296
accountspayable@metro.net

Re: LACMTA MOU# MOU.PAIPAS13 M.S. Pari Ahmadi (99-24-4)

ARTICLE 4. CONDITIONS

- 4.0 The City agrees to comply with all requirements specified by the FTA guidelines for reporting NTD statistics.
- 4.1 The City understands and agrees that LACMTA shall have no liability in connection with the City's use of the funds. The City shall indemnify, defend, and hold harmless LACMTA and its officers, agents, and employees from and against any and all liability and expenses including defense costs and legal fees and claims for damages of any nature whatsoever, arising out of any act or omission of the City, its officers, agents, employees, and subcontractors in performing the services under this MOU.
- 4.2 The City is not a contractor, agent or employee of LACMTA. The City shall not represent itself as a contractor, agent or employee of LACMTA and shall have no power to bind LACMTA in contract or otherwise.
- 4.3 The City agrees that expenditure of the Proposition A Discretionary Incentive funds will be used for projects that meet the eligibility, administrative, audit and lapsing requirements of the Proposition A and Proposition C Local Return guidelines most recently adopted by the LACMTA Board.
- 4.4 These expenditures will be subject to **AUDIT** as part of LACMTA's annual Consolidated Audit.

ARTICLE 5. REMEDIES

- 5.0 LACMTA reserves the right to terminate this MOU and withhold or recoup funds if it determines that the City has not met the requirements specified by the FTA for collecting and submitting NTD statistics through LACMTA.

ARTICLE 6. MISCELLANEOUS

- 6.0 This MOU constitutes the entire understanding between the parties, with respect to the subject matter herein.

- 6.1 The MOU shall not be amended, nor any provisions or breach hereof waived, except in writing signed by the parties who agreed to the original MOU or the same level of authority.

ARTICLE 7. CONTACT INFORMATION

- 7.0 LACMTA's Address:
Los Angeles County Metropolitan Transportation Authority
One Gateway Plaza
Los Angeles, CA 90012
Attention: Pari Ahmadi (99-24-4)
- 7.1 City's Address:
Pasadena
221 East Walnut Street, Suite 199
Pasadena, CA 91101
Attn: Valerie Gibson
vgibson@cityofpasadena.net

IN WITNESS WHEREOF, the City and LACMTA have caused this MOU to be executed by their duly authorized representatives on the date noted below:

CITY:
City of Pasadena

Los Angeles County Metropolitan
Transportation Authority

MICHAEL J. BECK
City Manager

By: _____
Arthur T. Leahy
Chief Executive officer

Date: _____

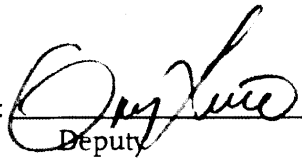
Date: _____

APPROVED AS TO FORM:

APPROVED AS TO FORM:

JOHN F. KRATTLI
County Counsel

By: _____
Legal Counsel

By:  _____
Deputy

Date: _____

Date: 7/12/13

Jurisdiction	MOU NUMBER	Mode	Number of Vehicles	Total Vehicle Miles	Total Vehicle Hours	Total Vehicle Revenue Miles	Total Vehicle Revenue Hours	Total Passenger Trips	Total Passenger Miles	Total Operating Costs	Total Farebox Revenue	Total Net Contract Encumbrance	\$ from YRM	Strom Operating Cost	Total Generated	Cost of Audit	Total (\$ Due before Tier II)	Tier II Operator Deduction	Total (\$ Due Re Jurisdiction)
1 Altamira	MOU PAIALHAM13	MB	8	168,933	18,000	173,573	16,797	583,862	1,387,682	871,461	137,592	733,869	71,754	20,099	91,853	4,113	87,740		87,740
2 Altamira	MOU PAIALHAM13	DR	7	152,002	16,127	123,085	13,994	52,717	137,064	767,556	-	767,556	50,892	223	51,105	2,286	48,817		48,817
3 Arisera	MOU PAIAR13	DR	7	31,009	3,647	15,437	2,365	9,134	16,945	157,368	-	157,368	6,369	21	6,391	286	6,104		6,104
4 Azusa	MOU PAIAZU13	DR	5	111,865	9,772	105,971	9,309	37,915	143,493	1,229,467	-	1,229,467	120,124	43,808	152	43,980	1,969	41,991	41,991
5 Baldwin Park	MOU PAIBLDR13	MB	6	298,141	16,712	272,776	24,547	227,406	540,466	1,051,750	-	1,051,750	151,800	903,950	112,764	2,517	115,276	5,362	110,114
6 Baldwin Park	MOU PAIBLDR13	DR	7	53,629	5,406	44,801	4,947	17,216	57,929	273,738	-	273,738	1,959	136	1,658	136	18,694	837	17,857
7 Bell Gardens	MOU PAIBELLGAR13	MB	3	101,208	9,674	96,467	9,250	225,635	536,277	572,824	-	572,824	50,901	52,123	39,876	4,567	44,445	1,990	42,455
8 Bell Gardens	MOU PAIBELLGAR13	DR	3	71,135	7,858	63,291	7,091	59,521	129,623	654,666	-	654,666	31,171	623,495	26,164	233	26,397	1,182	25,215
9 Bellflower	MOU PAIBELLFLR13	MB	2	76,027	5,194	74,496	5,070	91,731	218,021	301,726	-	301,726	32,814	268,912	30,796	1,433	32,229	1,443	30,786
10 Bellflower	MOU PAIBELLFLR13	DR	2	40,604	4,195	43,566	3,826	13,839	45,755	228,796	-	228,796	19,827	217,969	18,010	63	18,093	810	17,283
11 Burbank	MOU PAIBUR13	MB	11	298,457	23,744	239,687	20,032	271,903	646,244	1,454,861	-	1,454,861	68,843	1,366,018	99,699	2,611	101,700	4,554	97,146
12 Calabasas	MOU PAICALBAS13	MB	9	156,306	8,155	137,646	7,052	180,969	422,111	766,109	-	766,109	27,763	740,348	56,902	2,110	59,012	2,441	56,569
13 Calabasas	MOU PAICALBAS13	DR	2	20,612	1,477	16,767	1,306	1,829	13,855	79,733	-	79,733	2,400	6,931	22	6,953	311	6,642	6,642
14 Carson	MOU PAICAR13	DR	4	167,472	9,408	167,472	8,408	47,091	214,913	744,766	-	744,766	50,367	698,399	89,232	559	89,791	3,125	86,666
15 Carson Circuit	MOU PAICAR13	MB	6	405,961	11,847	392,596	29,366	644,828	1,127,268	2,111,648	-	2,111,648	237,698	1,873,950	149,895	10,112	198,006	7,160	190,846
16 Carson MS Shuttle	MOU PAICAR13	MB	1	74,267	1,345	70,499	1,211	8,671	41,084	171,996	-	171,996	2,950	131,045	6,437	35	8,472	379	8,093
17 Carrizo	MOU PAICER13	MB	7	124,615	23,367	76,965	27,431	198,442	476,692	1,436,619	-	1,436,619	90,991	1,346,528	116,224	1,409	119,633	5,357	114,276
18 Carrizo	MOU PAICER13	DR	3	57,850	5,972	39,580	5,273	10,667	77,932	291,531	-	291,531	11,164	286,367	16,362	23	16,385	734	15,651
19 Compton	MOU PAICOMP13	MB	5	153,245	12,584	137,654	11,520	295,558	767,469	814,948	-	814,948	121,103	733,845	66,868	4,906	61,894	2,772	59,122
20 Covina	MOU PAICOV13	DR	4	75,519	7,830	63,466	5,069	18,187	58,961	225,798	-	225,798	7,777	320,021	74,936	96	25,932	1,124	23,808
21 Cudahy - L	MOU PAICUD13	MB	1	35,322	3,267	33,977	3,220	170,660	266,353	158,935	-	158,935	-	158,935	14,046	4,661	19,707	836	17,889
22 Cudahy - R	MOU PAICUD13	DR	1	11,962	1,609	9,800	1,238	2,380	7,009	97,000	-	97,000	-	97,000	4,074	5	4,079	163	3,896
23 Downey	MOU PAIDOW13	MB	7	193,122	15,406	169,689	13,907	269,245	639,917	1,399,552	-	1,399,552	110,476	1,289,076	79,148	2,661	72,410	3,264	69,146
24 Downey	MOU PAIDOW13	DR	6	109,619	12,434	95,114	8,264	31,773	101,267	875,311	-	875,311	5,026	810,287	35,186	107	35,292	1,598	33,712
25 Duarte	MOU PAIDUAR13	MB	2	83,966	7,036	82,232	6,648	233,333	554,573	634,306	-	634,306	604,509	33,994	4,409	38,403	1,720	36,683	36,683
26 El Monte	MOU PAIEMO13	MB	7	263,612	24,665	246,125	23,649	749,519	1,771,806	1,375,779	-	1,375,779	266,145	1,109,634	20,758	122,508	5,496	117,018	117,018
27 El Monte	MOU PAIEMO13	DR	6	69,507	9,670	67,535	8,415	28,918	117,989	1,036,139	-	1,036,139	12,641	1,023,498	36,186	11	36,208	24,621	24,621
28 Glendale	MOU PAIGL13	MB	29	880,659	93,375	634,750	90,753	2,724,121	6,474,555	7,038,583	-	7,038,583	579,770	6,459,813	145,080	54,164	399,244	17,878	381,366
29 Glendale	MOU PAIGL13	DR	7	29,846	2,831	26,443	2,606	10,321	24,530	247,765	-	247,765	4,233	243,532	11,758	22	11,780	529	11,253
30 Glendale	MOU PAIGLN13	DR	7	115,458	15,808	104,538	12,949	23,715	52,173	816,064	-	816,064	11,260	804,804	43,215	30	43,246	1,937	41,309
31 Huntington Park	MOU PAIHUNPK13	MB	5	203,678	19,720	200,463	19,160	439,787	1,045,250	831,659	-	831,659	153,321	678,340	82,870	11,949	94,819	4,746	90,073
32 LACDPW-Avalado Heights	MOU PAIDHW13	MB	1	40,945	4,096	37,298	3,681	73,810	170,428	246,192	-	246,192	13,528	186,664	19,419	1,988	16,817	753	16,064
33 LACDPW-East Valinda	MOU PAIDVW13	MB	1	69,906	4,374	59,601	3,869	122,966	293,516	213,446	-	213,446	27,093	186,356	24,639	3,671	25,310	1,268	27,042
34 LACDPW-EIA	MOU PAIDW13	MB	6	267,662	11,696	250,414	29,938	1,241,837	2,913,906	1,264,726	-	1,264,726	202,864	1,061,862	102,519	62,754	166,273	7,448	158,827
35 LACDPW-EIA	MOU PAIDW13	DR	7	123,327	11,260	103,107	9,650	252,249	76,473	484,776	-	484,776	10,131	474,645	42,624	119	42,742	1,974	40,768
36 LACDPW-King Medical/Wilflower	MOU PAIDW13	MB	3	103,572	11,260	103,107	10,908	147,869	161,499	757,521	-	757,521	34,350	723,176	43,364	1,462	42,661	1,930	40,731
37 LACDPW-S Whittier	MOU PAIDW13	MB	2	122,069	9,244	106,425	8,700	209,601	498,108	495,008	-	495,008	38,799	456,209	47,925	4,556	48,484	2,171	46,313
38 Lawndale	MOU PAILAW13	MB	2	107,020	3,055	65,482	1,391	69,667	159,442	196,630	-	196,630	37,506	159,124	35,336	828	15,968	1,611	14,356
39 Lynwood	MOU PAILYN13	MB	4	151,543	15,912	142,559	13,492	367,049	672,404	775,664	-	775,664	66,988	698,676	58,931	8,915	67,846	3,019	64,819
40 Malibu	MOU PAIMAL13	DR	7	50,492	1,339	49,492	1,339	1,225	74,944	216,070	-	216,070	7,894	208,216	27,353	241	27,594	1,077	22,517
41 Manhattan Beach	MOU PAIMAN13	DR	3	49,941	6,717	44,919	5,796	16,831	66,517	551,600	-	551,600	5,706	546,444	18,599	71	18,670	836	17,835
42 Maywood	MOU PAIMAY13	DR	2	48,337	6,095	44,194	5,610	40,605	67,217	166,904	-	166,904	29,810	146,089	18,269	112	18,382	623	17,759
43 Monterey Park	MOU PAIMONPK13	MB	6	250,247	29,435	221,740	18,693	369,469	878,134	1,055,257	-	1,055,257	59,967	1,001,390	91,666	6,647	4,402	93,010	93,010
44 Monterey Park	MOU PAIMONPK13	DR	4	44,333	4,995	43,261	4,670	18,668	44,205	466,789	-	466,789	-	466,789	16,652	36	16,690	747	15,942
45 Pasadena	MOU PAIPAS13	MB	10	621,694	94,301	593,831	52,680	1,509,160	3,726,471	3,541,065	-	3,541,065	510,019	3,031,046	245,485	35,727	261,213	12,593	248,620
46 Pasadena	MOU PAIPAS13	DR	5	127,931	11,026	105,219	9,765	28,055	116,353	477,899	-	477,899	47,899	430,000	43,997	267	43,733	1,967	41,766
47 Rosemead	MOU PAIROSE13	MB	7	83,242	8,350	80,219	8,064	98,846	234,865	438,066	-	438,066	23,647	414,414	33,163	1,162	34,314	1,537	32,777
48 Rosemead	MOU PAIROSE13	DR	1	64,702	9,877	56,462	9,068	10,817	57,193	380,506	-	380,506	5,267	385,769	23,341	32	23,373	1,047	22,327
49 Santa Fe Springs	MOU PAISANTF13	DR	2	20,410	1,916	17,261	1,641	6,913	25,845	237,332	-	237,332	-	237,332	7,136	26	7,163	267	6,896
50 South Gate	MOU PAISOUTHG13	MB	2	21,246	1,746	19,270	1,616	49,636	106,470	82,430	-	82,430	14,773	7,868	1,156	9,124	461	8,153	8,153
51 South Gate	MOU PAISOUTHG13	DR	9	188,990	12,497	189,956	12,497	99,778	252,374	1,653,256	-	1,653,256	42,793	1,610,500	78,130	567	78,697	3,524	75,168
52 South Pasadena	MOU PAISOPAS13	MB	2	19,545	1,559	18,723	1,503	8,315	19,763	166,665	-	166,665	-	166,665	7,740	21	7,761	348	7,414
53 South Pasadena	MOU PAISOPAS13	DR	5	35,018	3,725	26,981	3,078	9,601	24,090	254,469	-	254,469	4,492	249,977	11,158	21	11,179	501	10,678
54 West Covina	MOU PAIWC13	MB	4	179,106	12,326	169,884	11,773	193,755	246,456	940,218	-	940,218	49,203	891,015	69,723	1,023	79,756	3,164	76,592
55 West Covina	MOU PAIWC13	DR	5	161,769	8,299	83,565	7,274	22,594	102,443	526,977	-	526,977	12,038	514,939	34,553	292	34,845	1,560	33,285
56 West Hollywood	MOU PAIWH13	MB	4	94,619	-	81,632	-	10,560	62,116	147,636	-	147,636	7,593	140,043	33,746	252	33,998	1,222	32,776
LADOT	MOU PAIADOT13	MB	137	3,436,072	338,576	3,007,341	113,279	15,797,550	21,504,949	26,670,349	-	26,670,349	2,992,966	22,696,681	1,266,016	167,980	\$ 1,475,296	\$ 67,497	1,358,499
LADOT	MOU PAIADOT13	DR	78	664,676	62,665	615,941	61,754	135,954	629,744	3,791,375	-	3,791,375	94,466	3,714,679	9				