

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Safety and Enforcement Division
Rail Transit Safety Branch

Resolution ST-169
October 2, 2014

DRAFT RESOLUTION**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR, OR HIS/HER DESIGNEE, TO ENTER INTO AN AGREEMENT WITH THE FEDERAL TRANSIT ADMINISTRATION FOR FIXED GUIDEWAY PUBLIC TRANSPORTATION STATE SAFETY OVERSIGHT FORMULA GRANT PROGRAM FUNDING****Summary**

This resolution authorizes the Executive Director, or his/her designee, to take any actions necessary to enter into an agreement with the Federal Transit Administration, an agency within the United States Department of Transportation, for Fixed Guideway Public Transportation State Safety Oversight Formula Grant Fund program funding authorized by United States Code Title 49, Chapter 53 (49 U.S.C. 53).

Background

California Public Utilities Code § 99152¹ makes all fixed guideway public transportation systems in California planned, acquired, or constructed, on or

¹ Public Utilities Code §99152 states “ Any public transit guideway planned, acquired, or constructed, on or after January 1, 1979, is subject to regulations of the Public Utilities Commission relating to safety appliances and procedures. The commission shall inspect all work done on those guideways and may make further additions or changes necessary for the purpose of safety to employees and the general public. The commission shall develop an oversight program employing safety planning criteria, guidelines, safety standards, and safety procedures to be met by operators in the design, construction, and operation of those guideways. Existing industry standards shall be used where applicable. The commission shall enforce the provisions of this section.”

after 1979 subject to the regulations of the California Public Utilities Commission (CPUC or Commission).

On October 13, 1992, Governor Pete Wilson designated CPUC as the agency charged with developing and implementing safety plans for all fixed guideway transit systems in California, referred to as the State Safety Oversight Agency (SSOA) by the Federal Transit Administration (FTA).

The Rail Transit Safety Branch of the Commission's Safety and Enforcement Division is responsible for the Commission's fixed guideway public transportation safety oversight program, which includes 14 systems² in California.

49 U.S.C. 53, Section 5329(e)(6) provides for grants to eligible States to develop or carry out rail fixed guideway public transportation safety oversight programs. Grant funds may be used for program operational and administrative expenses, including employee training activities.

49 U.S.C. 53, Section 5336(h)(4) states that FTA must apportion 0.5 percent of amounts made available to provide financial assistance for urbanized areas under Section 5307 to eligible states for the State Safety Oversight Formula Grant Program. For the Federal Fiscal Year 2014-2015, the amount available to California is \$2,841,320. However, California must apply for this grant, and after FTA approves the application, California and FTA must enter into an agreement in order for FTA to award the funds.

This FTA grant provides 80% of the State's share of the program costs eligible for reimbursement, and the State is responsible for the remaining 20%. In Fiscal Year 2013-2014, the Commission's Rail Transit Safety program had expenditures

² The 14 fixed guideway public transportation systems in California are the Americana on Brand Trolley, Angel's Flight Railway Company, Bay Area Rapid Transit District, Getty Museum Automated People Mover, The Grove Trolley, Los Angeles County Metropolitan Transportation Authority, North County Transit District's Sprinter, Port of Los Angeles Red Car Line, Sacramento International Airport Automated People Mover, Santa Clara Valley Transportation Authority, San Diego Trolley Inc., San Francisco Municipal Transportation Agency, San Francisco International Airport AirTrain Automated People Mover, and Sacramento Regional Transit District.

of approximately \$2,541,550.³ The Commission's Rail Transit Safety program is currently funded through the Public Transportation Account. The FTA grant will decrease the program's demand on this account.

The FTA Master Agreement contains official FTA and other cross-cutting Federal requirements applicable to the FTA recipient and its projects. The Master Agreement is generally revised annually in October. The FTA Master Agreement is incorporated by reference and made part of each FTA grant, cooperative agreement, and amendment thereto.

The FTA grant application package requires a resolution from the applicant's governing body giving authority to file an official grant application and accept the terms of the FTA Master Agreement on behalf of the governing body. A certified copy of the authorizing resolution must be included with the grant application package.

This resolution is intended to meet the requirements described above.

Notice

On August 26, 2014 notice of availability of this proposed resolution was sent electronically to the service list, and on August 27, 2014 a notice was published in the Commission's Daily Calendar.

Comment

Public Utilities Code section 311(g)(1) requires that a draft resolution be served on all parties, and subject to a public review and comment period of 30 days or more, prior to a vote of the Commission.

³ The \$2,541,550 includes salaries, benefits, operating expenses, and equipment; however, indirect cost allocations (overheads) are not included. The FTA grant program will also reimburse for certain overhead costs.

On August 26, 2014, the Commission posted a draft copy on its website and emailed a notice of the availability of this resolution, including the website address, to all rail transit agencies under its jurisdiction and the FTA.

_____ comments were received.

THEREFORE, BE IT RESOLVED BY the California Public Utilities Commission:

1. The Executive Director, or his/her designee, is authorized to take all actions necessary on behalf of the Commission to become a grantee of Federal Transit Administration's (FTA) Fixed Guideway Public Transportation State Safety Oversight Formula Grant Fund program, authorized by United States Code Title 49, Chapter 53. Authorized actions include, and are not limited to, signing and submitting a request letter to become an FTA grantee, signing federal assistance grant or cooperative agreements on behalf of the Commission, and submitting periodic reports to the FTA on behalf of the Commission.
2. This Resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed, and adopted at a legally convened meeting of the California Public Utilities Commission held on October 2, 2014.

PAUL CLANON
Executive Director