

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

**Consumer Protection and Enforcement Division
Transportation Licensing and Analysis Branch**

**RESOLUTION TL-19138
June 23, 2022**

RESOLUTION

**RESOLUTION AWARDING LOCAL ACCESS FUND ADMINISTRATORS AND
CORRESPONDING ACCESS FUND GRANTS FOR FUNDING YEAR 2022-2023 FOR
THE TNC ACCESS FOR ALL PROGRAM.**

SUMMARY

This resolution approves Local Access Fund Administrators (LAFAs) and their corresponding Access Fund awards for Funding Year 2022-2023. The following entities will serve as a LAFA and administer the TNC Access for All Program locally for their respective county(ies): Contra Costa Transportation Authority (Contra Costa), Fresno Council of Governments (Fresno), Los Angeles County Metropolitan Transportation Authority (Los Angeles), San Diego Association of Governments (San Diego), San Luis Obispo Council of Governments (San Luis Obispo), Santa Barbara County Associations of Government (Santa Barbara), Santa Cruz County Regional Transportation Commission (Santa Cruz), Solano Transportation Authority (Solano), Transportation Agency for Monterey County (Monterey), and Ventura County Transportation Commission (Ventura). Collectively, the total authorized Access Fund amount is \$5,575,576.05.

BACKGROUND

On September 22, 2018, Governor Brown signed Senate Bill (SB) 1376 (Hill) or the *Transportation Network Company (TNC) Access for All Act*, into law.¹ This legislation directed the California Public Utilities Commission to establish a program relating to accessibility for persons with disabilities, including wheelchair users who need a wheelchair-accessible

¹ SB 1376 is codified in Public Utilities (Pub. Util.) Code § 5440.5.

vehicle (WAV).² The purpose of the TNC Access for All Program is to incentivize the expansion and improvement of on-demand WAV transportation service for people with disabilities in California. On February 21, 2019, the Commission opened Order Instituting Rulemaking (R.) 19-02-012 to implement SB 1376. This proceeding is divided into five tracks: Track 1 culminated in D.19-06-033, Track 2 culminated in D.20-03-007, Track 3 culminated in D.21-03-005, Track 4 culminated in D.21-11-004, and Track 5 is open.

A. Access Fund and Offset Process

In Decision (D.) 19-06-033, the Commission required TNCs to collect an “access fee” in the amount of \$0.10 for each TNC trip and to remit the total fees collected to the Commission on a per geographic area and quarterly basis beginning the third quarter of 2019. The fees collected from TNCs are then deposited in the Commission’s TNC Access for All Fund (“Access Fund”) for distribution to “Access Providers” that establish on-demand transportation programs or partnerships to meet the needs of persons with disabilities, including wheelchair users who need a WAV, in each geographic area.

There are two mechanisms to meet the overall goal of the Access for All Program: (1) through TNCs’ investments, and (2) through local Access Providers. In the first mechanism, TNCs invest Access Fee revenue to expand or improve on-demand WAV service in each county. In return, they can file “offset” requests on a quarterly basis with the Commission. Approval of their request allows the TNCs to keep some of the Access Fee revenue they collect, equal to the amount they invest in WAV service in a particular county in a particular quarter, so long as the WAV service meets performance requirements set by the Commission.

In the second mechanism, the Commission sets aside the remaining moneys not claimed by TNCs in the offset process, which can then be distributed to local Access Providers through Local Access Fund Administrators (LAFAs). LAFAs identify Access Providers as entities that can provide on-demand WAV service but require additional financial resources to do so.

B. Access Providers and Local Access Fund Administrators (LAFAs)

P.U. Code Section 5440.5(a)(1)(C) provides that the Commission “shall distribute funds in the Access Fund on a competitive basis to access providers that establish on-demand transportation programs or partnerships to meet the needs of persons with disabilities, including wheelchair users who need a WAV, in the geographic areas selected...”

² Public Utilities (Pub. Util.) Code Section 5431(b) defines “wheelchair accessible vehicle” or “WAV” to mean a vehicle equipped with a ramp or lift capable of transporting non-folding motorized wheelchairs, mobility scooters, or other mobility devices.

Additionally, Section 5440.5(3)(c) allows the Commission to hire an independent entity to administer the program locally within the geographic areas defined in D.19-06-033 (counties). This independent entity was named as an Access Fund Administrator (AFA) in D.20-03-007, and then renamed as Local Access Fund Administrator (LAFA) in D.21-03-005 to draw a distinction from the Statewide Access Fund Administrator (SAFA). The SAFA will be another entity charged with administering programs in areas where there is no LAFA. “AFA” is now used to refer to LAFAs and the SAFA, collectively.

The primary role of an AFA, including a LAFA, is to administer the Access for All program in the geographic area(s) within its jurisdiction. Specifically, D.20-03-007 tasks AFAs with developing local WAV programs and distributing Access Fund moneys to Access Providers in accordance with criteria adopted by the Commission. To serve as an AFA, the applicant must be able to perform the following responsibilities identified in D.20-03-007, D.21-03-005, and D.21-11-004 including:

1. Establish a submission process for the Access Provider application
2. Select Access Providers to receive Access Fund moneys based on criteria adopted by the Commission
3. Distribute Access Fund moneys to selected access providers
4. Submit a consolidated Quarterly Report to the Commission based on the Quarterly Reports submitted by Access Providers
5. Submit on a quarterly basis the amount of Access Funds requested by and distributed to Access Providers in a quarter and a brief description of the progress made by selected Access Providers and any compliance or other challenges encountered
6. Submit an annual certification that Access Fund moneys will be expended and distributed in accordance with the requirements established by the CPUC

Recognizing that they are “best equipped and positioned to administer the Access Fund,” in D.20-03-007, the Commission limited the eligibility of potential LAFAs to the following entities: Metropolitan Planning Organizations (MPOs), Regional Transportation Planning Agencies (RTPAs), and County Transportation Commissions (CTCs). With four exceptions, the CTCs, RTPAs, and MPOs are all single-county entities (see Attachment 1 for a complete list of entities eligible to serve as LAFAs).³ Moreover, except for El Dorado and Placer

³ The four exceptions are the following: AMBAG (Association of Monterey Bay Area Governments) consists of 3 counties: Monterey, San Benito and Santa Cruz. MTC (Metropolitan Transportation Commission) consists of 9 counties: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma. SACOG (Sacramento Area Council of Governments) consists of 6 counties: El Dorado, Placer, Sacramento, Sutter, Yolo and Yuba). SCAG (Southern California Association

counties, no county spans more than one MPO or RTPA. Most of these two counties are under the jurisdiction of the Sacramento Area Council of Governments while small portions are under the Tahoe Metropolitan Planning Organization (TMPO) of Nevada.

For these multi-county MPOs, the individual RTPA or local CTC with jurisdiction over each member county shall be eligible to apply as a LAFA for that geographic area. Each geographic area may only be served by a single LAFA. In the event overlapping eligible entities apply to become a LAFA for the same area, the MPO will be given preferential consideration, followed by the county-level RTPA or CTC.

C. LAFA Program Guidelines

As directed in D.20-03-007, CPED Staff developed program guidelines that included the application and selection process for potential LAFAs. On February 15, 2022, CPED released the Access for All Program Overview & Requirements V.1.2 (“Program Requirements”) specifying the Commission’s procedures for selecting LAFAs; the operational, fiscal, and reporting requirements for entities serving as LAFAs; and the requirements for Access Providers chosen to provide on-demand transportation to meet the needs of persons with disabilities.

All LAFA applicants are required to submit a complete application, which must include the following:

1. **MPO / RTPA / CTC information form** – This provides Staff with the correct and up to date information related to the applicants.
2. **Certification of program requirements** – This certifies that the LAFA will follow the Program Requirements and must be signed by the Executive Director or other Director.
3. **Notarized Affidavit** – This serves as an attestation that all the information, statements and representations made in the application by the entity are true and correct. This includes a commitment to comply with the Commission’s Rules of Practice and Procedure and statutes, including Public Utilities Code Sections 2108 and 2111 (which lay out the penalties for non-compliance with CPUC orders), and to submit quarterly and annual reports as outlined in the Program Requirements.
4. **Payee Data Record form (STD 204)** – This ensures that the approved LAFA receives payments from the CPUC which can be downloaded [here](#).

of Governments) consists of 6 counties: Imperial, Los Angeles, Orange, Riverside, San Bernardino and Ventura.

Templates for each of these required application documents (Agency Information, Certification of Program Requirements, and Notarized Affidavit) can be downloaded from the CPUC website [here](#).

D. LAFA Application Review and Approval

CPED Staff reviews each application to ensure completeness and that appropriate signatures and notarizations are included. Once Staff determines that the application is complete, Staff then drafts a Resolution to seek the Commission's approval of the selected LAFA(s) and the corresponding Access Fund amounts to be disbursed. After the Commission approves the Resolution, Staff initiates the disbursement process with CPUC's Fiscal Office.

E. Consent Form and Board Resolution

Once the Commission approves the Resolution, all LAFA(s) are required to submit the following items to the Commission for review 15 days after the Resolution becomes effective in order for Commission staff to initiate the distribution process of the Access Funds to the LAFAs. Failure to submit by the due date may delay distribution of funding.

1. **Consent Form** – this ensures the LAFA agrees to comply with all grant terms, conditions, and requirements set forth in the Resolution. This process is required annually from all parties, including current LAFA(s) renewing their status.
2. **Board Resolution** - this is an approval from the applicant's governing board authorizing the entity to serve as the LAFA. This process is only required once for each LAFA and must be signed by the Board Chair.

LAFAs' full approval and the disbursement of awarded Access Funds shall be conditional on the submission of their respective consent form and their board's resolution. The Commission will consider Consent Form and Board Resolutions submitted more than 15 days after the Resolution becomes effective, but disbursement of Access Funds may be delayed after September 30th for such LAFAs.

Templates for each of these required documents (Consent Form and Board Resolution) can be downloaded from the CPUC website [here](#).

FUNDING YEAR 2022-2023: LAFA APPLICATIONS

CPED received a total of 10 LAFA applications. The applicants included four MPOs, two RTPAs, and four CTCs. None of the applicants compete to serve the same geographic area. Of the 10, 8 are existing LAFAs from Funding Year 2021-2022.

Table 1 below lists the LAFAs that applied for Funding Year 2022-2023. Staff reviewed these applications based on the required documents enumerated above for completeness and whether they conform to the language provided in the templates. Staff confirmed the eligibility of the applicants and determined that all ten applications submitted by the LAFAs listed below were complete and in compliance with Program Requirements.

Table 1: List of LAFA Applicants for Funding Year 2022-23

LAFA Applicants	Entity Type	Geographic Areas Covered
Contra Costa Transportation Authority	CTC	Contra Costa
Fresno Council of Governments	MPO	Fresno
Los Angeles County Metropolitan Transportation Authority	CTC	Los Angeles
San Diego Association of Governments	MPO	San Diego
San Luis Obispo County of Government	MPO	San Luis Obispo
Santa Barbara County Associations of Government	MPO	Santa Barbara
Santa Cruz County Regional Transportation Commission	RTPA	Santa Cruz
Solano Transportation Authority	CTC	Solano
Transportation Agency for Monterey County	RTPA	Monterey
Ventura County Transportation Commission	CTC	Ventura

FUNDING AWARD

SB 1376 requires the Commission to “allocate moneys in the Access Fund for use in each geographic area in a manner that is proportional to the percent of the Access Fund fees originating in that geographic area.” After taking into account approved TNC offsets and exemptions between Q3 2020 and Q2 2021 (the funding period for Funding Year 2022-23), the remaining balance in the Access Fund was allocated by county. The balance for each county shall be the maximum funding available for the corresponding approved LAFA responsible for that county.

In Table 2, Staff recommend the following funding awards for each approved LAFA; these amounts include the corresponding 15% authorized by the Commission to cover LAFAs’ administrative costs, which is broken out separately in Table 3:

Table 2: Access Fund Amounts Awarded Per LAFA Applicant (Total Funding Year 22-23)

Approved LAFA	Total Access Funding
Contra Costa Transportation Authority	\$204,388.35
Fresno Council of Governments	\$136,950.50
Los Angeles County Metropolitan Transportation Authority	\$2,624,863.68
San Diego Association of Governments	\$1,798,113.00
San Luis Obispo County of Government	\$42,968.42
Santa Barbara County Associations of Government	\$192,838.38
Santa Cruz County Regional Transportation Commission	\$134,587.00
Solano Transportation Authority	\$76,570.57
Transportation Agency for Monterey County	\$70,506.99
Ventura County Transportation Commission	\$293,789.16
TOTAL	\$5,575,576.05

Table 3: Portion of the Total Approved Access Funding Allowed for Administrative Costs (Funding Year 22-23)

Approved LAFA	Allowance for Administrative Costs
Contra Costa Transportation Authority	\$30,658.25
Fresno Council of Governments	\$20,542.58
Los Angeles County Metropolitan Transportation Authority	\$393,729.55
San Diego Association of Governments	\$269,716.95
San Luis Obispo County of Government	\$6,445.26
Santa Barbara County Associations of Government	\$28,925.76
Santa Cruz County Regional Transportation Commission	\$20,188.05
Solano Transportation Authority	\$11,485.59
Transportation Agency for Monterey County	\$10,576.05
Ventura County Transportation Commission	\$44,068.37
TOTAL	\$836,336.41

COMPLIANCE REQUIREMENTS

All approved LAFAs are required to comply with the rules detailed in the Access for All Program Requirements which are available on our website [here](#).

AUDITS

Pursuant to Public Utilities Code 314.6 (a), the Commission has the right to conduct any necessary audit, verification, and discovery during the Program's implementation to ensure that Access Fund moneys are spent in accordance with Commission requirements. D.20-03-007 authorizes Staff to retain an independent entity to monitor and audit the collection and expenditure of Access Fund moneys. For this reason, contracts with Access Providers and records such as files, invoices, and other related documentation shall be retained and made available to CPUC upon request for the duration of the program and for three (3) years from the date of final Access Provider funding liquidation. Although an audit of Access Providers is not required, it is the responsibility of LAFAs to determine whether Access Providers are eligible to receive future funding.

COMMENTS

In compliance with Public Utilities Code §311(g), a notice shall be emailed on May 20, 2022, informing all parties on the R.19-02-012 Service List of the availability of the draft Resolution at the Commission's website at <http://www.cpuc.ca.gov/documents/>. The comment period for this draft resolution is being shortened pursuant to Public Utilities Code section 311(g)(2) and CPUC Rules of Practice and Procedure, Rule 14.6(a)(7). Accordingly, comments on this draft resolution must be submitted no later than **June 9, 2022**. This letter also informed parties that the final Resolution adopted by the Commission will be posted and available at the same website.

No comments received.

FINDINGS OF FACT

1. In D.20-03-007, the Commission identified Metropolitan Planning Organizations (MPOs), Regional Transportation Planning Agencies (RTPAs) and County Transportation Commissions (CTCs) as eligible to serve as Local Access Fund Administrators (LAFAs).
2. Per D.20-03-007, D.21-03-005, and D.21-11-004 LAFAs shall administer the Access for All Program funds locally within their respective geographic areas or counties to Access Providers who provide on-demand WAV transportation to meet the needs of persons with disabilities.
3. CPED Staff received LAFA applications from the following entities in a timely manner before the April 1, 2022 deadline:
 - i. Contra Costa Transportation Authority (Contra Costa)

- ii. Fresno Council of Governments (Fresno)
 - iii. Los Angeles County Metropolitan Transportation Authority (Los Angeles)
 - iv. San Diego Association of Governments (San Diego)
 - v. San Luis Obispo Council of Governments (San Luis Obispo)
 - vi. Santa Barbara County Associations of Government (Santa Barbara)
 - vii. Santa Cruz County Regional Transportation Commission (Santa Cruz)
 - viii. Solano Transportation Authority (Solano)
 - ix. Transportation Agency for Monterey County (Monterey)
 - x. Ventura County Transportation Commission (Ventura)
4. Based on its review, CPED Staff has determined that these applicants meet the eligibility requirements and submitted the required documents.
5. To receive funding by September 30, 2022, the following applicants will have until July 8, 2022 to submit their Board Resolution and Consent Form to CPED Staff:
- i. Contra Costa Transportation Authority (Contra Costa)
 - ii. Fresno Council of Governments (Fresno)
 - iii. Los Angeles County Metropolitan Transportation Authority (Los Angeles)
 - iv. San Diego Association of Governments (San Diego)
 - v. San Luis Obispo Council of Governments (San Luis Obispo)
 - vi. Santa Barbara County Associations of Government (Santa Barbara)
 - vii. Santa Cruz County Regional Transportation Commission (Santa Cruz)
 - viii. Solano Transportation Authority (Solano)
 - ix. Transportation Agency for Monterey County (Monterey)
 - x. Ventura County Transportation Commission (Ventura)

THEREFORE, IT IS ORDERED THAT:

1. All applicants shall be conditionally approved as LAFAs; the disbursement of their Access Fund award is contingent on the submittal of their Board Resolution and Consent Form by July 8, 2022. Submittals after that date will be considered on a case-by-case basis, which may delay funding distribution.
2. The Commission conditionally approves the Local Access Fund Administrators (LAFAs) endorsed by CPED Staff and shall award the following amounts for the 2022-2023 Funding Year provided that each conditionally approved LAFA submits its Consent Form and Board Resolution by July 8, 2022 to be considered for funding distribution by September 30, 2022:
 - i. \$204,388.35 to the Contra Costa Transportation Authority (Contra Costa)
 - ii. \$136,950.50 to the Fresno Council of Governments (Fresno)
 - iii. \$2,624,863.68 to the Los Angeles County Metropolitan Transportation Authority (Los Angeles)

- iv. \$1,798,113 to the San Diego Association of Governments (San Diego)
 - v. \$42,968.42 to the San Luis Obispo Council of Governments (San Luis Obispo)
 - vi. \$192,838.38 to the Santa Barbara County Associations of Government (Santa Barbara)
 - vii. \$134,587 to the Santa Cruz County Regional Transportation Commission (Santa Cruz)
 - viii. \$76,570.57 to the Solano Transportation Authority (Solano)
 - ix. \$70,506.99 to the Transportation Agency for Monterey County (Monterey)
 - x. \$293,789.16 to the Ventura County Transportation Commission (Ventura)
3. LAFAs must complete and execute the Consent Form agreeing to the conditions set forth in this Resolution and email it to tncaccess@cpuc.ca.gov within 15 calendar days from the date of the adoption of this Resolution (due July 8, 2022). Failure to submit the Consent Form within 15 calendar days from the adoption date of this Resolution will render the award null and void.
 4. If fully approved, a total of \$5,575,576.05 for these LAFAs shall be paid out of the Access Fund in accordance with the Program Requirements.
 5. Payments to the LAFA shall be in accordance with the process outlined in the Program Requirements which can be accessed on the CPUC website [here](#).
 6. Approved LAFAs must comply with all guidelines, requirements, and conditions associated with the Access for All Program awards as specified in D.20-03-007, D.21-03-005, D.21-11-004, the Program Requirements, and this Resolution.
 7. Upon termination of its role as a LAFA, an approved LAFA must return unused Access Fund moneys to the Commission by following the process outlined in the “Unused Funds” section of the Program Requirements.
 8. An approved LAFA shall remain approved throughout the Funding Year until such time as its own withdrawal, breach of this agreement, or Access for All Program termination. In the event of a previous withdrawal, breach of agreement, or Program termination and in the event that the LAFA is interested in being re-approved for future Funding Years, the LAFA shall apply again by submitting the full Application, including the Certification, Affidavit, and Payee Data Record, and Consent Form and Board Resolution following the Commission’s award. An approved LAFA that is interested in continuing in its role for the 23-24 Funding Year shall inform CPED Staff of such intentions no later than April 1, 2023 (the same day LAFA applications are due).

This Resolution is effective today.

I hereby certify that this Resolution was adopted by the California Public Utilities Commission at its regular meeting on June 23, 2022. The following Commissioners approved it:

/s/ RACHEL PETERSON

Rachel Peterson
Executive Director

ALICE REYNOLDS

President

CLIFFORD RECHTSCHAFFEN

GENEVIEVE SHIROMA

DARCIE HOUCK

JOHN REYNOLDS

Commissioners

ATTACHMENT 1

ELIGIBLE LOCAL ACCESS FUND ADMINISRATORS

LIST OF ELIGIBLE LOCAL ACCESS FUND ADMINISTRATORS (LAFAs)
As of the issuance of this Draft Resolution TL-19138

Entity	Entity Type	County Type	Geographic Areas Covered
Association of Monterey Bay Area Governments (AMBAG)	MPO	Multi county	Monterey San Benito Santa Cruz
Butte County Association of Governments (BCAG)	MPO, RTPA	Single county	Butte
Fresno Council of Governments (FresnoCOG)	MPO, RTPA	Single county	Fresno
Kern Council of Governments (KCOG)	MPO, RTPA	Single county	Kern
Kings County Association of Governments (KCAG)	MPO, RTPA	Single county	Kings
Madera County Transportation Commission (Madera CTC)	MPO, RTPA	Single county	Madera
Merced County Association of Governments (MCAG)	MPO, RTPA	Single county	Merced
Metropolitan Transportation Commission (MTC)	MPO, RTPA	Multi county	Alameda Contra Costa Marin Napa San Francisco San Mateo Santa Clara Solano Sonoma
Sacramento Area Council of Governments (SACOG)	MPO, RTPA	Multi county	El Dorado Placer Sacramento Sutter Yolo Yuba
San Diego Association of Governments (SANDAG)	MPO, RTPA	Single county	San Diego
San Joaquin Council of Governments (SJCOG)	MPO, RTPA	Single county	San Joaquin
San Luis Obispo Council of Governments (SLOCOG)	MPO, RTPA	Single county	San Luis Obispo
Santa Barbara County Association of Governments (SBCAG)	MPO, RTPA	Single county	Santa Barbara
Shasta County Regional Transportation Planning Agency (SCRTPA)	MPO, RTPA	Single county	Shasta

Entity	Entity Type	County Type	Geographic Areas Covered
Southern California Association of Governments (SCAG)	MPO, RTPA	Multi county	Imperial Los Angeles Orange Riverside San Bernardino Ventura
Stanislaus Council of Governments (StanCOG)	MPO, RTPA	Single county	Stanislaus
Tahoe Metropolitan Planning Organization (TMPO)	MPO, RTPA	Multi county (some parts only)	El Dorado Placer
Tulare County Association of Governments (TCAG)	MPO, RTPA	Single county	Tulare
Calaveras County COG	RTPA	Single county	Calaveras
Humboldt County AOG	RTPA	Single county	Humboldt
Lake County Area Planning Council	RTPA	Single county	Lake
Mendocino COG	RTPA	Single county	Mendocino
Tuolumne County Transportation Council	RTPA	Single county	Tuolumne
Del Norte LTC	RTPA	Single county	Del Norte
Modoc CTC	RTPA	Single county	Modoc
Siskiyou County LTC	RTPA	Single county	Siskiyou
Tehama County LTC	RTPA	Single county	Tehama
Trinity County LTC	RTPA	Single county	Trinity
Nevada CTC	RTPA	Single county	Nevada
Inyo County LTC	RTPA	Single county	Inyo
Mono LTC	RTPA	Single county	Mono
Alpine LTC	RTPA	Single county	Alpine
Amador CTC	RTPA	Single county	Amador
Mariposa LTC	RTPA	Single county	Mariposa
Sierra LTC	RTPA	Single county	Sierra
Plumas CTC	RTPA	Single county	Plumas
Colusa CTC	RTPA	Single county	Colusa
Lassen CTC	RTPA	Single county	Lassen
Glenn CTC	RTPA	Single county	Glenn