State of California
DEPARTMENT OF TRANSPORTATION

California State Transportation Agency

M e m o r a n d u m

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: January 29, 2014

Reference No.: 4.14
Action 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**
RESOLUTION G-14-01

RECOMMENDATION:

The California Department of Transportation (Department) recommends the California Transportation Commission (Commission) approve the attached resolution giving its advice and consent on the attached Transportation Development Act (TDA) regulations.

ISSUE:

The 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 Department. The regulations are updated to incorporate legislative changes and to interpret and clarify the statutes. As part of the review process, the Department provided the proposed revisions of the TDA regulations to the Commission for comment at its October 2013 meeting.

The Department 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. The Department has reviewed the proposed changes with regional agencies, transit operators and affected agencies, and sent out a notice of proposed rulemaking, allowing a time period of 45 days for review, comment and/or request for public hearing.

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-14-01

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.

ISSUE MEMORANDUM

TO: MALCOLM DOUGHERTY, Director
California Department of Transportation

FROM: KOME AJISE, Deputy Director
Planning and Modal Programs
(916) 654-5368; (916) 654-6608; kome.ajise@dot.ca.gov

PREPARED BY: JANE E. PEREZ, Chief
Division of Mass Transportation
(916) 654-8144; (916) 654-9366; jane.perez@dot.ca.gov

DATE: June 24, 2013

SUBJECT: **California Transportation Commission Resolution Approving the Amending of 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)**

☑ Request for Approval ☐ For Information

☐ Request for Discussion ☑ For Signature

TRACKING NUMBER:

TIME FACTOR:

None.

BACKGROUND:

Public Utilities Code (PUC) section 99241 authorizes the California Department of Transportation (Caltrans) to adopt or amend proposed regulations in the California Code of Regulations (CCR) with the advice and consent of the California Transportation Commission

(CTC). The proposed regulatory change to 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 CCR has already gone through the 45-day public notice period and is now ready to be submitted to the CTC for approval by resolution. The proposed amendments to 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 CCR will bring the regulations into conformity with Assembly Bill 2679 which replaces the term "handicapped" with the term "disabled" throughout the act. The proposed amendments to the CCR would strike the phrase "handicapped" from 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), and replace it with the term "disabled."

DISCUSSION/PRO-CON ARGUMENTS:

Section 99241 of the UPC authorized and requires Caltrans to promulgate changes to regulations that enforce the Transportation Development Act (TDA), PUC section 99200 et seq. The existing regulations were enacted in 1979 and have been amended several times to implement federal and State statutory and regulatory authority.

The first step in this process requires Caltrans to send a public notice allowing 45 days for public comment. This process has been completed and Caltrans will now submit the proposed amendments to the CTC for approval by resolution. The amendment package to be submitted to the CTC contains the Notice of Proposed Rulemaking, the Initial Statement of Reasons, a copy of the text showing the amended sections, and a completed Notice Publication/Regulations Submission (STD 400) signed by the Caltrans Director.

EFFECT ON EXISTING LAW:

None.

ESTIMATED COST:

None.

RECOMMENDATION:

It is recommended that the Director sign the form STD 400 and approve the amendment package to be submitted to the CTC.

SUBJECT: California Transportation Commission Resolution Approving the Amending of 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)

APPROVED:

MALCOLM DOUGHERTY, Director **Date** 7/1/2013

Attachments

(1) Notice of Proposed Rulemaking
(2) Initial Statement of Reasons
(3) Proposed Amendments to the CCR
(4) STD 400, Notice Publication/Regulations Submission

TITLE 21. DEPARTMENT OF TRANSPORTATION
NOTICE OF PROPOSED RULEMAKING

TO ALL INTERESTED PERSONS:

The California Department of Transportation (Caltrans) proposes to adopt the proposed regulation described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

Caltrans has not scheduled a public hearing on this proposed action.

However, Caltrans will hold a hearing if it receives a written request for a public hearing from any interested person no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed regulatory action to Caltrans. The written comment period closed at 5:00 p.m. on April 12, 2013. Caltrans only considered comments received at Caltrans by that time. Comments were submitted to:

Gordon Arruda
The California Department of Transportation
Division of Mass Transportation
1120 'N' Street, MS 39, Room 3300
Sacramento, CA 95814

AUTHORITY AND REFERENCE

Public Utilities Code (PUC) section 99241, authorizes Caltrans to adopt proposed regulations with the advice and consent of the California Transportation Commission (CTC), which would amend and correct 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).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

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) in Title 21 of the CCR.

PUC section 99241 authorizes and requires Caltrans to promulgate regulations to enforce the Transportation Development Act (TDA) PUC sections 99200 et seq. The existing regulations were enacted in 1979 and have been amended several times to implement federal and State statutory and regulatory authority.

This proposed regulatory action will bring the regulations into conformance with amendments to California statutory law per AB 2679 of the Statutes of 2012.

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) will bring the regulations into conformity with Assembly Bill 2679 of the Statutes of 2012. Assembly Bill 2679 replaces the term *handicapped* with the term *disabled* throughout the act. The proposed amendments to the CCR would strike the phrase *handicapped* and replace it with the term *disabled* in 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 CCR.

DISCLOSURES REGARDING THE PROPOSED ACTION

Caltrans has made the following initial determinations:

- Mandate on local agencies and school districts: None.
- Costs or savings to any state agency: None.
- Cost to any local agency or school district that must be reimbursed in accordance with Government Code sections 17500 through 17630, inclusive: None.
- Other non-discriminatory costs or savings imposed on local agencies: None.
- Costs or savings in federal funding to the state: None.
- Significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.
- Cost impacts on a representative private person or business: None.

Adoption of these regulations will not:

- Create or eliminate jobs within the State of California.
- Create new businesses or eliminate existing businesses within the State of California.
- Affect the expansion of businesses currently doing business within the State of California.

Significant effect of housing costs: None.

Small Business Determination

Caltrans has determined that the proposed regulatory action will not affect small businesses. These actions affect only TPA, public transportation operators, and transit service providers.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5 subdivision (a) (13) Caltrans must determine that no reasonable alternative it considered has otherwise been identified and brought to the attention of Caltrans would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

Caltrans invites interested persons to present statements or arguments with respect to alternatives to the proposed regulatory action during the written comment period.

CONTACT PERSONS

Inquiries concerning the proposed regulatory action may be directed to:
Gordon Arruda
The California Department of Transportation
Division of Mass Transportation
1120 'N' Street, MS 39, Room 3300
Sacramento, CA 95814
Telephone: (916) 654-9396

The backup contact person for these inquiries is:
Kathleen McClaflin
The California Department of Transportation
Division of Mass Transportation
1120 'N' Street, MS39, Room 3300
Sacramento, CA 95814
Telephone: (916) 653-3186

Questions on the substance of the regulatory action may be directed to Mr. Gordon Arruda or Mrs. Kathleen McClaflin.

Please direct requests for copies of the proposed text (the "express terms") of the regulatory action, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which this rulemaking is based to Gordon Arruda at the above address.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

Caltrans will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address during regular business hours. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. Copies may be obtained by contacting Gordon Arruda at the above address and telephone number.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding any requested public hearings and considering all timely and relevant comments received, Caltrans may adopt the proposed regulations substantially as described in this notice. If Caltrans makes modifications that are sufficiently related to the originally proposed text, it will make the modified text, with changes clearly indicated, available to the public for at least 15 days before Caltrans adopts the regulations as revised. Please send requests for copies of any modified regulations to Gordon Arruda at the address indicated above. Caltrans will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Gordon Arruda at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through Caltrans' website at www.dot.ca.gov/hq/MassTrans/State-TDA.html.

INITAL STATEMENT OF REASONS

SECTION 6612.	**"Transit Service Claimant"**
SECTION 6613.3	**"Services to Elderly and Handicapped Persons"**
SECTION 6613.4	**"Services to the General Public"**
SECTION 6633	**"Revenue Qualification"**
SECTION 6633.5	**"Fare Ratio for Service to Elderly and Handicapped Persons"**
SECTION 6645.1	**"Small Urbanized Areas"**
SECTION 6731	**"Claims of Cities, Counties or Transit Districts"**

SPECIFIC PURPOSE OF THE REGULATIONS:

- Section 6612: The regulation defines the term *transit service claimant.*
- Section 6613: The regulation defines the term *services to elderly and handicapped persons.*
- Section 6613.4: The regulation defines the term *services to the general public* and states that "this is other services than those provided using vehicles for the exclusive use of elderly and handicapped persons."
- Section 6633: The regulation defines who shall qualify for funding during the fiscal year and specifically states that an operator or transit service claimant that provides services to elderly and handicapped persons shall meet the fare ratio specified in section 6633.5.
- Section 6633.5: The regulation states that, for claimants that provide only services to elderly and handicapped persons, the ratio of fare revenues to operating cost shall be at least 10 percent or the ratio that the claimant had for the services in 1978-79, whichever is greater.
- Section 6645.1: The regulation covers operators which serve 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 revenue to operating cost of no less than 15%. The transportation planning agency or county transportation commission shall ensure that the proportion of the operator's ridership which is transit dependent, including elderly, handicapped, and low income patrons has been considered as a factor.
- Section 6731: The regulation covers filing for allocation from the state transit assistance fund for certain purposes, including providing or contracting for transportation services to elderly and handicapped persons.

NECESSITY.

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.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS.

Caltrans did not rely upon any technical, theoretical, or empirical studies, reports, or documents in proposing the amendment to this regulation.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE DEPARTMENT'S REASONS FOR REJECTING THOSE ALTERNATIVES.

No other alternatives were presented to or considered by Caltrans.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESSES.

Caltrans has not identified any alternatives that would lessen any adverse impact on small businesses.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS.

The proposed amendment to the regulation will not create an economic impact on any businesses.

TITLE 21.

Proposed Amendments to the California Code of Regulations

§ 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 Public Utilities Code 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 Public Utilities Code section 99260.7.

(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.

§ 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, Public Utilities Code.

§ 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, Public Utilities Code.

§ 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 Public Utilities Code 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 Public Utilities Code 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 Public Utilities Code 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 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.

§ 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 10 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, Public Utilities Code. Reference: Section 99268.5, Public Utilities Code.

§ 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%. 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, Public Utilities Code. Reference: Section 99268.12, Public Utilities Code.

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 Public Utilities Code section 99400(b) and construction and maintenance of intermodal transportation facilities pursuant to Public Utilities Code 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 Public Utilities Code 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 Public Utilities Code section 99260.7.

(d) Community transit service purposes pursuant to Public Utilities Code section 99275.

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

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

Attachment 4

STATE OF CALIFORNIA--OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
	Z-		

For use by Office of Administrative Law (OAL) only

NOTICE | REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY: California Department of Transportation

AGENCY FILE NUMBER (If any):

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
Division of Mass Transportation	21	6612(c)	

3. NOTICE TYPE	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
[X] Notice re Proposed Regulatory Action [ ] Other	Gordon Arruda	(916) 654-9396	(916) 654-9366

OAL USE ONLY	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER	PUBLICATION DATE
	[ ] Approved as Submitted [ ] Approved as Modified [ ] Disapproved/ Withdrawn		

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S)	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
Mass Transportation	

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) **(Including title 26, if toxics related)**

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	
	ADOPT
	AMEND: 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)
TITLE(S): 21	REPEAL

3. TYPE OF FILING

- [ ] Regular Rulemaking (Gov. Code §11346)
- [ ] Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)
- [ ] Emergency (Gov. Code, §11346.1(b))
- [ ] Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.
- [ ] Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)
- [ ] Emergency Readopt (Gov. Code, §11346.1(h))
- [ ] File & Print
- [ ] Other (Specify) _____
- [X] Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
- [ ] Print Only

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

- [ ] Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))
- [ ] Effective on filing with Secretary of State
- [X] §100 Changes Without Regulatory Effect
- [ ] Effective other (Specify) _____

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

- [ ] Department of Finance (Form STD. 399) (SAM §6660)
- [ ] Fair Political Practices Commission
- [ ] State Fire Marshal
- [ ] Other (Specify) _____

7. CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional)
Gordon Arruda	(916) 654-9396	(916) 654-9366	gordon.arruda@dot.ca.gov

8. **I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.**

SIGNATURE OF AGENCY HEAD OR DESIGNEE: [signature] DATE: 7/15/13

TYPED NAME AND TITLE OF SIGNATORY: **Malcolm Dougherty, Director**

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