



## **Transportation Development Act Guidelines**



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# THE SACOG TRANSPORTATION DEVELOPMENT ACT GUIDELINES

## Executive Summary

The Sacramento Area Council of Governments (SACOG) Transportation Development Act (TDA) Guidelines update is intended to provide a useful reference for TDA claimants and the SACOG staff to continue to provide a clear and understandable process for the filing and administration of TDA claims now and into the future. The Transportation Development Act provides funding for public transit operators, local cities and counties for transit operations and capital projects and for local street and roadway projects and bicycle and pedestrian projects. In April 2013, the TDA Guidebook published by the California Department of Transportation was updated to reflect changes in TDA statutes and regulations since the last book was released in March 2009. The SACOG TDA Guidelines are authorized under Section 99261 of the California Public Utilities Code.

The Sacramento Area Council of Governments is the designated regional transportation planning agency responsible for administering the TDA funds for the counties of Sacramento, Sutter, Yolo and Yuba and the cities and transit operators therein. There are 23 jurisdictions that include transit providers, cities, counties and a Consolidated Transportation Services Agency (CTSA) that are eligible to receive funds through the Local Transportation Fund (LTF) and the State Transit Assistance Fund (STA). All jurisdictions are eligible for LTF in one or more of the following areas: transit operations, transit capital, pedestrian and bicycle projects (2% of Sacramento County's LTF is automatically designated for bicycle and pedestrian purposes), local TDA administration, and streets and roads projects. Eligibility for STA Funds is broken down by population of each jurisdiction (Section 99313) and by fare revenue (Section 99314) for transit operators. The amount of funding available is on SACOG's website at <https://www.sacog.org/transportation-development-act>.

Each jurisdiction is considered a claimant and is eligible to file claims with SACOG on an annual basis to fund transit operations and capital, pedestrian and bicycle projects (2% of the Sacramento County LTF), and street and road projects. The eligibility to file for streets and roads projects by a city or county is based upon the latest unmet transit needs finding. The findings are an outcome of the unmet transit needs process.

An annual unmet transit needs process is conducted by SACOG in the four county region to determine possible additional transit needs through public input and review by the Social Service Transportation Advisory Councils (SSTAC). The public comments and determinations made by the SSTAC are then brought to the SACOG Board for a final public hearing and determination as to whether the received public unmet transit needs comments fall into one of three categories. The categories are:

- There are no Unmet Transit Needs
- There are no Unmet Needs that are Reasonable to Meet
- There are Unmet Transit Needs that are Reasonable to Meet

For a claimant to fund a local roadway project with Local Transportation Funds there must be no unmet transit needs or no unmet transit needs that are reasonable to meet. Alternatively, if there are unmet transit needs that are reasonable to meet, the transit need must be fulfilled first before LTF can be used for a roadway project. Additionally, claimants must maintain the existing level of service from prior years before LTF can be spent for roadway projects. The unmet transit needs process does not apply to the State Transit Assistance Funds.

Comments are received from the public hearings, postal mail, e-mail, online, phone, fax and through walk in suggestions to the SACOG staff. The comments are compiled and ordered by transit operator and location and brought to the appropriate SSTAC serving county where the comments are relevant for consideration. The SSTAC evaluates each comment and determines if it fits the definition of an unmet transit need that is reasonable to meet. The SSTAC determinations are then brought to the SACOG Board for final review and action following the final SACOG Board public hearing to solicit feedback and unmet transit need comments not submitted previously or heard at the prior hearings.

TDA claimants are responsible for submitting the required claim documentation to SACOG. The SACOG staff then works with each claimant to prepare their claim for review and action by the SACOG Board. Once the claim resolution is voted upon and passed by the SACOG Board, SACOG staff then prepares an allocation

letter or instruction that is sent to the respective county auditor for payment to the claimant. If a claimant cannot meet the requirements outlined in these guidelines and the [http://www.dot.ca.gov/hq/MassTrans/Docs-Pdfs/STIP/TDA\\_4-17-2013.pdf](http://www.dot.ca.gov/hq/MassTrans/Docs-Pdfs/STIP/TDA_4-17-2013.pdf) SACOG staff will work with the claimant to the extent possible to resolve any issues related to statutory or regulatory compliance so that the claim can be reviewed and approved by the SACOG Board. However, many requirements cannot be resolved or implemented by SACOG staff that must be resolved and implemented by the individual claimants. The SACOG staff's first priority is to assist the claimants in obtaining funding to continue providing transit services and developing and implementing bicycle and pedestrian projects and local streets and roadway projects.

The attached TDA Guidelines is an update of the 2011 TDA Guidelines. The 2013 update to the SACOG TDA Guidelines is a simple general update to the documentation with minor changes and additions based on the April 2013 Caltrans TDA Guidebook. Staff at SACOG will provide guidance on the preparation of the plans to assist operators so that they may have their TDA claim brought to the SACOG Board in a timely manner.

The SACOG Transportation Development Act (TDA) Guidelines update is intended to be a useful reference for TDA claimants and to reflect SACOG's process for meeting the statutory and regulatory requirements contained in the Caltrans TDA Guidebook. SACOG's inclusion of the ten-year capital and operations plan is designed to increase predictability for future capital expenses and operations costs. The unmet needs process will continue to provide valuable feedback in determining the allocation of LTF in the four counties. The next TDA Guideline update will occur in FY 2018/19 or if there are significant changes to State Law or the TDA Guidebook that affect the claims process.

## **THE TRANSPORTATION DEVELOPMENT ACT**

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The Transportation Development Act (TDA)\*, administered by the Department of Transportation within the State of California Business Transportation and Housing Agency, provides two major sources for the funding of public transportation in California through regional planning and programming agencies such as the Sacramento Area Council of Governments (SACOG). The first, the county Local Transportation Fund (LTF), has been in existence since 1972. The second, the State Transit Assistance (STA) fund, came into being in 1979.

### **1. LOCAL TRANSPORTATION FUND (LTF)**

The TDA creates in each county a local transportation fund for the transportation purposes specified in the Act. Revenues to the LTF are derived from 1/4¢ of the retail sales tax collected statewide. The 1/4¢ is returned by the State Board of Equalization to each county according to the amount of sales tax collected in that county.

Payments from the LTF are made by the county auditor, but only in accordance with written allocation instructions issued in compliance with the Act by the county's Regional Transportation Planning Agency (RTPA). The RTPAs are designated by the Director of the Department of Transportation and are statutorily created agencies, councils of governments, or local transportation commissions. SACOG is the RTPA for the four counties (Sacramento, Sutter, Yolo, & Yuba) and the jurisdictions within those counties. Though the counties of Placer and El Dorado, as well as the cities within, are members of SACOG, the Placer County Transportation Planning Agency and the El Dorado County Transportation Commission administer TDA funds for those counties.

Revenues to a county's LTF must be apportioned by population to areas within the county, and allocations to claimants in a given area may not exceed the apportionment of that area. For a county without a transit district, apportionments are made for the incorporated area of each city and for the county unincorporated area. The apportionment area for the Sacramento Regional Transit District includes the entire area of the City of Sacramento and City of Rancho Cordova as well as a majority of the population of the unincorporated area of the County of Sacramento (91.7%) within the active legislative boundaries of the Regional Transit District in fiscal year 2017/18, excluding cities in the county that have retained the right to join the district at a later time.

### **Funding Order**

Funding from the LTF is a three-step process: (1) apportionment, (2) allocation, and (3) payment. Apportionment is the required division of available funds by population to jurisdictions within each county (cities and unincorporated portions of the counties).

Once funds are apportioned to a given jurisdiction, they are available only for allocation to claimants for that jurisdiction. Allocation is the discretionary action of the SACOG Board of Directors designating funds for a specific claimant for a specific purpose. Payment is authorized by the allocation instructions, which may call for payment in a lump sum, in installments, or as funds become available. Interest earned by SACOG on the moneys allocated to a claimant does not accrue to the project, but only accrue to the local transportation fund to be apportioned to future projects.

For some purposes, LTF funds may be allocated "off the top," that is, before apportionment. Allocations are made off the top to the county auditor and to SACOG to administer the Act.

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\* For the specifics of the Act, reference should be made to Transportation Development Act Statutes and California Code of Regulations for April 2013. Section numbers refer to the Public Utilities Code (Division 10, Part 11, Chapter 4, Articles 1-8) and the California Code of Regulations (Title 21, Chapter 3, Articles 1-7) which are found in the above document.

After administration fees are deducted, up to 2% of the available funds countywide may be set aside to be allocated for pedestrian and bicycle facilities anywhere in the county. These allocations are not restricted by area apportionment. Of the amount available, a city or county may expend up to 5% of its bicycle and pedestrian allocations to supplement money from other sources to fund bicycle safety education programs, as long as this amount is not used to fully fund the salary of any one person. **It is SACOG policy that the 2% allocation for pedestrian and bicycle facilities applies only to the jurisdictions of Sacramento County.**

► Similarly, up to 5% of the remaining available funds before apportionment may be set aside to be allocated under Article 4.5 of the Act for community transit services, including services for those, such as the elderly or disabled, who cannot use conventional transit services. In most counties, claims may be filed under Article 4.5 only by a Consolidated Transportation Service Agency (CTSA) designated by the TPA pursuant to the Social Service Transportation Improvement Act (AB 120, 1979). CTSAs in the SACOG area are Paratransit, Inc. (for the area within the activated boundaries of the Sacramento Regional Transit District), Sacramento County (for the remainder of Sacramento County), the Yolo County Transit Authority (for Yolo County), and the Yuba-Sutter Transit Authority (for Sutter and Yuba Counties). It is SACOG policy that 5% of the available LTF funds in the area covered by the activated boundaries of the Sacramento Regional Transit District be allocated to Paratransit, Inc., for the purpose of providing service to the elderly and disabled under Article 4.5.

SACOG may specify that moneys allocated to a claimant be reserved in the local transportation fund for future payment to the claimant for a specific capital project. No allocation shall be reserved by SACOG except in response to a claim for a specific capital project. Review Section 6648 of the Statutes and California Codes of Regulations related to the Transportation Development Act for additional requirements. Interest earned by SACOG on the moneys allocated to a claimant does not accrue to the project, but only accrue to the local transportation fund to be apportioned to future projects.

All of the remaining funds are apportioned by population and are available for allocation under Articles 4 and 8 of the Act.

Allocations under Article 4 are available to operators everywhere in the State for the support of "public transportation systems," as defined in the Act. Generally, an operator must be a city, county, or transit district; a public transportation system must be owned or controlled by the operator and provide transportation services to the general public (i.e. the system's service may not be provided only for elderly and disabled persons).

Other transit services, including services provided exclusively for elderly and disabled persons, may be funded under Article 4.5 (as described above, not subject to apportionment) or under Article 8. Generally, Article 8 is available only in small counties with less than 500,000 inhabitants as of 1970, while Article 4.5 is available to cities, counties, operators, and CTSAs in large counties, and is only available to CTSAs in small counties (see apportionment restriction areas described below).

Under various sections of Article 8, funds may be allocated to cities and counties either for transit services provided under contract or for local streets and roads, including pedestrian and bicycle facilities. The SRTD may also file a transit claim under Article 8, as well as under Article 4, for the apportionment for the incorporated and unincorporated area of Sacramento County, excluding cities in the county that have retained the right to join the district at a later time. For cities and counties, the chief distinction between Article 4.5 and Article 8 transit services, other than area availability, is that under Article 4.5 the city or county itself may operate the community transit service. Under Article 8, transit service must be provided under a contract between the city or county and a private entity, which operates the service, or in cities and counties under 5,000 population, which operate their own service.

Article 8 allocations may not be made for street and road purposes until a TPA determines, after a public hearing, analysis, and a review of the Metropolitan Transportation Plan, that there are no unmet transit needs within the jurisdiction of the claimant that are reasonable to meet with the use of TDA funds. In the SACOG area, annual unmet transit needs findings are made for Yuba, Sutter, and Yolo Counties, the area of Sacramento County outside of the Sacramento Regional Transit District, and for the SRTD. Unmet

needs findings in Placer County and El Dorado County are made by the Placer County Transportation Planning Agency and the El Dorado County Transportation Commission respectively.

Claims for streets and roads may include those purposes necessary and convenient to the development, construction, and maintenance of the city or county's streets and highways network, including planning and contributions to the transportation planning process, acquisition of real property, and construction of facilities and buildings. The claimant may not use LTF for more than 50% of the amount of a capital project unless that project has been found to be not inconsistent with SACOG's Metropolitan Transportation Plan.

Claims for pedestrian and bicycle facilities and bicycle safety education programs may also be funded under Article 8. SACOG requires that jurisdictions making bicycle and pedestrian claims certify that the requested amounts and purposes are consistent with adopted Capital Improvement Programs.

#### *Apportionments in Sacramento County*

There is an apportionment restriction in the Act that applies to the Sacramento Regional Transit District. In this area, the apportionment may only be allocated for public transportation, 5% of this amount goes to community transit services, and 2% for pedestrian and bicycle facilities purposes. The apportionment may not be used for streets and roads purposes. Outside of the SRTD within Sacramento County, the apportionment not needed for public transit purposes or the 2% that goes to pedestrian and bicycle facilities, if a determination is made by SACOG that the funds are not needed for bicycle and pedestrian purposes, can be used for streets and roads purposes. SACOG apportions LTF in the RT District to Sacramento Regional Transit District for public transportation, to Paratransit, Inc. for community transportation services, and to the City and the County of Sacramento for pedestrian and bicycle purposes. (Section 99232)

Cities within the County of Sacramento which are outside the activated boundaries of the Sacramento Regional Transit District (Citrus Heights, Elk Grove, Folsom, Galt and Isleton) but which provide transit service or contract with the district for transit service may also file claims for streets and roads purposes, provided that SACOG makes a finding of "no unmet transit needs reasonable to meet". The County of Sacramento may also file a claim under Article 8 for streets and roads projects, however it will not be approved unless SACOG determines at a public hearing for which 30 days' notice has been given, that there are no unmet transit needs in the unincorporated county or SRTD as defined by SACOG's adopted unmet transit needs finding process (See below, 4. Unmet Transit Needs Finding Process). In the case of these five cities, if it is determined that LTF monies are needed for public transportation services; no less than 25% of the apportionment shall be allocated for that purpose. (Section 99232.5)

Appendix A lists the LTF allocation purposes and priorities that are allowable under TDA law and SACOG policy for the SACOG-area jurisdictions and operators.

## **2. STATE TRANSIT ASSISTANCE PROGRAM (STA)**

The State Transit Assistance (STA) program was created under Chapter 161 of the Statutes of 1979 (SB 620) The program provides a second source of Transportation Development Act (TDA) funding for transportation planning, public transportation, and community transit purposes as specified by the Legislature. Unlike LTF, STA funds may not be allocated for fund administration, streets, roads, or pedestrian/bicycle facility purposes.

STA funds are derived from a statewide excise tax on diesel fuel at a rate that generates the equivalent of the previous sales tax on gasoline and the statewide sales tax on diesel fuel both of which are deposited in the Transportation, Planning and Development account. This is based on legislation passed in March 2010 (Assembly Bills 6 and 9). The March 2010 changes to the Statutes may be subject to further modification based on the interpretation of Propositions 22, 25 and 26, which were passed in the November 2010 election. SB 508 signed by the Governor in October 2015 amended STA compliance requirements. The future of the STA fund is not certain and SACOG recommends transit claimants take into account the uncertainty of this funding source.

STA funds are derived from the Statewide excise tax on use fuel (diesel), which is deposited in the Transportation Planning and Development Account in the State Transportation Fund. The money is appropriated to the State Controller for allocation by formula to each regional planning entity such as SACOG. The formula allocates 50% of the funds based on the population of the region compared to the population of the state, and the remaining 50% is allocated according to the prior-year proportion of regional transit operator revenues compared with statewide transit operator revenues. STA allocations are deposited in each regional entity's STA fund. The process for allocation and payment of funds from the STA fund is similar to that for LTF.

Legislation passed in 2015 and amended in 2017 requires that operators receiving STA funds must meet either of the following efficiency standard. The passing of Senate Bill 1 (SB1) in 2017 will increase available STA funding. At the time of this guideline revision, the new State STA guidelines have not been released. There will be revisions of this section as information becomes available.

(1)The operator's total operating cost per revenue vehicle hour in the latest year for which audited data are available does not exceed the sum of the preceding year's total operating cost per revenue vehicle hour and an amount equal to the product of the percentage change in the State of California Consumer Price Index for the same period multiplied by the preceding year's total operating cost per revenue vehicle hour [Section 99314.6(a)(1)]; and

(2)The operator's average total operating cost per revenue vehicle hour in the latest three years for which audited data are available does not exceed the sum of the following values: the average of the total operating cost per revenue vehicle hour in the three years preceding the latest year for which audited data are available; and an amount equal to the product of the average percentage change in the Consumer Price Index for the same period multiplied by the average total operating cost per revenue vehicle hour in the same three years. [Section 99314.6(a)(2)] SACOG may adjust the calculation of operating costs and revenue vehicle hours to account for either or both of the following factors as it deems appropriate to encourage progress in achieving the objectives of efficiency, effectiveness, and productivity: (1) exclusion of cost increases beyond the change in the Consumer Price Index for fuel, alternative fuel programs, insurance, or state or federal mandates, etc. and (2) exclusion of startup costs for new services for a period of not more than two years. [Section 99314.6 (a)(3)(A)]

Funds will be reduced from allocation by a percentage based on the percentage amount that the operator fails to meet the efficiency standards. The funds could be claimed in the current year for capital purposes or claimed for operating in the following years upon passing efficiency standards. Funds not allocated before the commencement of the third year shall be reallocated to cost-effective high priority regional transit activities, as determined by SACOG. If there are no such activities, the unallocated funds shall revert to the Controller. [Section 99314.6 (a)(3)] Interest earned by SACOG on the moneys allocated to a claimant does not accrue to the project, but only accrue to the fund to be apportioned to future projects.

#### *Revenue-Based STA*

The STA funds that are allocated to SACOG on the basis of regional operator revenues (which include fares and local support) are subsequently allocated to transit operators (the City of Folsom, Sacramento Regional Transit District, the Yuba-Sutter Transit Authority, the Yolo County Transit District, City of Elk Grove, and the City of Davis) based on each operator's revenues compared to the others.

STA-eligible operators may sub allocate funds they receive to an entity operating local community transit services that is eligible to claim LTF pursuant to Article 4.5 but that are otherwise ineligible to receive funds allocation pursuant to Section 99314.

#### *Population-Based STA*

Fifty percent of statewide STA funds are allocated based on the population of a region compared to the population of the state as a whole. By SACOG policy, this population-based pot is likewise allocated by jurisdictional areas and transit district areas based on population in these areas compared to the population of the SACOG region as a whole. Eligible claimants for population-based STA funds are public

transit operators that can claim under TDA Article 4 and/or 8, which may include counties, cities, CTSAs, and the Sacramento Regional Transit District.

State bill AB 1113 recently amended statutes governing the STA Program (Section 99312.2) to clarify ambiguities in the law that led to issues during the 2015-16 fiscal year.

Appendix B lists the STA allocation purposes that are allowable under TDA law and SACOG policy for the SACOG-area jurisdictions and operators.

### **3. FARE AND LOCAL SUPPORT REQUIREMENTS**

#### *Definitions*

Operating Cost includes all costs in the operating expense object classes of the State Controller's Uniform System of Accounts for Public Transit Operators except for the following: depreciation and amortization, subsidies for commuter rail services operated under the jurisdiction of the Interstate Commerce Commission, direct costs for providing charter services, and vehicle lease costs. For purposes of computing the farebox recovery ratio of a transit service, the costs associated with ridesharing services can be excluded. With the passage of SB 508 in October 2015 the exemptions to what are considered "operating costs" have been changed and expanded. (Section 99268.17)

Fare Revenue includes all revenues in the following account classes of the uniform system of accounts and records: (Section 99205.7)

- 401.000 Passenger Fares for Transit Services
- 402.000 Special Transit Fares
- 403.000 School Bus Service Revenues

Fare revenue also includes the amount of revenue received by an entity under contract for transit services yet not transferred to the claimant. Additionally, the definition of fare revenues includes fares collected (1) for a specified group of employees, members, or clients, or (2) to guarantee a minimum revenue on a line operated especially for the benefit of the paying entity (e.g. an employer, shopping center, university, etc.), or (3) cash donations made by individual passengers in lieu of a prescribed fare. Fare revenue does not include other donations or general operating assistance, whether from public or private sources.

Local Support includes all of the revenues in the following revenue account classes of the uniform system of accounts and records adopted by the State Controller pursuant to Section 99243:

- 406.000 Auxiliary Transportation Revenues
- 408.000 Taxes Levied Directly by Transit System
- 409.010 Local Cash Grants and Reimbursements - General Operating Assistance
- 410.000 Local Special Fare Assistance
- 440.000 Subsidy from Other Sectors of Operation

The Uniform System of Accounts complete list can be found at: <https://www.transit.dot.gov/ntd/ntd-uniform-system-accounts-usoa-effective-fy-2018>

In order to qualify for funding under TDA (from either LTF or STA), a transit claimant must maintain a ratio of fare revenues and local support to operating cost, as defined above, 20% or greater if the claimant is in an urbanized area, or 10% or higher if the claimant is in a non-urbanized area. (Section 6633.2(a)(1) and (2))

SACOG may set the required ratio of fare revenues to operating cost at not less than 15% for an operator in a county with a population of 500,000 or less, if the operator provides services in an urbanized area and specific findings are made by SACOG justifying the reasons for its actions. (Section 6633.2(d))

If fare revenues are insufficient to meet the applicable ratio of fare revenues to operating cost required, an operator may satisfy that requirement by supplementing its fare revenues with local funds, as defined above. (Section 6633.2(g) "Local funds" means or any non-federal and non-state funds or other revenues generated by, earned by, or distributed to an operator, (SB 508 PUC 99268.19) may be used to determine a fare ratio for the county.

AB 432 (PUC 99270.6) states that fares collected by all of the transit operators in Sacramento County as a whole. However, to make a determination that operators achieved the minimum required farebox recovery ratio through this composite ratio method, SACOG must find that the public transportation services of the county transit operators are coordinated. Sacramento Regional Transit District (RT) is required to meet a

minimum fare box recovery ratio of 23 percent. In June 2013 the SACOG Board Approved the Finding that Public Transportation Services in Sacramento County are Coordinated.

SACOG maintains a farebox requirement policy for service which operates within both urbanized and non-urbanized areas (see Appendix H - "Farebox Requirements for Urbanized and Non-Urbanized Service" as adopted by the SACOG Board of Directors on March 18, 1982).

#### *Exemptions and Waivers*

##### Service to Elderly and Disabled Persons

For a claimant that provides only services to elderly and disabled persons, the ratio of fare revenues to operating cost shall be at least 10% or the ratio that the claimant had for the services in 1978-79, whichever is greater. For a claimant that provides both services to elderly and disabled persons and services to the general public, either its services to elderly and disabled persons shall meet the 10% fare ratio, or its services combined shall meet the fare ratio required under Section 6633.2. (Section 6633.5)

##### Article 4.5 or 8(c) Claimants

Each claimant for funds under Articles 4.5 or 8(c) may request that SACOG review the claimant's farebox recovery ratio requirement and identify alternative methods for meeting the farebox requirement in lieu of the state-mandated farebox recovery ratio. Alternative options may include performance criteria, local match requirements, or a modified farebox recovery ratio. SACOG may review a claimant's farebox recovery ratio without the request of the claimant if justification for the review and any recommended alternatives is provided. (Sections 99275.5(c)(5) and 6633(b))

##### 50% Expenditure Limitation

An operator that began operation before July 1, 1974 may qualify for funding without meeting the mandated farebox requirement if not more than 50% of its operation, maintenance, capital and debt costs (less federal grants and STA revenues) are funded by the Local Transportation Fund. In the SACOG area, this applies to the Sacramento Regional Transit District and Unitrans. However, these operators may receive up to 100% LTF funding for capital improvements to a grade-separated mass transit system, for capital intensive transit-related improvements (if SACOG finds that every effort has been made by the operator to obtain federal funds for such improvements), or for extension of service. (Section 6633.1)

##### Capital-Intensive Improvements

A claimant may claim any unallocated funds resulting from the limitations of Section 99268 may be used for capital-intensive transit-related improvements. Every effort shall be made to obtain federal funds for the purposes of this section. Such improvements shall include, but not be limited to, park-and-ride lots, terminal facilities, bus shelters, exclusive bus lanes, and the acquisition of vehicles and rolling stock for replacement purposes.

##### Exclusion from "Operating Costs"

The following costs shall be excluded from the definition of "operating cost" for the purposes of calculating any required ratios of fare revenues to operating costs specified in Section 99268.17: 1) additional operating costs required to provide comparable complementary paratransit service, 2) costs increases beyond the change in the Consumer Price Index for all of the following – fuel, alternative fuel programs, power (incl. electricity), insurance premiums and payments in settlement of claims arising out the operator's liability, state and federal mandates, startup costs for new services for a period not more than two years.

##### Extension of Service

A claimant may receive exemptions from the various ratio requirements that apply to it for services provided to new areas or along new routes. The exemptions apply until the end of the second full fiscal year of operation. The claimant must submit a report on the extension of services to SACOG within 90 days after the end of the fiscal year. This report will have in it (1) a description of the area served and the routes included, (2) the amount of fare revenues generated by the extension and the method used to derive the amount, and (3) the amount of the operating cost for the extension and the method used to allocate costs between the extension of services and the claimant's other services. (Sections 99268.8, 6619.1, 6633.8)

### Newly-designated Urbanized Areas

In a newly designated urbanized area, SACOG may grant an operator up to five years from the July 1 following the census to meet the new farebox requirements. (Section 6633.2)

### Small Urbanized Areas

If an operator is serving an urbanized area in a county with a population of less than 500,000, SACOG 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, SACOG shall make findings specifying the reasons for its actions. SACOG 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, disabled, and low income patrons, as appropriate. (Section 6645.1)

### Waiver of Ratios for Labor Disputes

A waiver can be granted by SACOG if during any fiscal year both of the following occurred, and if the waiver is necessary to enable the operator to provide vital public transportation services: (1) two separate work stoppages for 15 days or longer due to labor disputes, and (2) at least one of the work stoppages was not related to a labor dispute with the operator. (Section 99268.11)

If a claimant fails to meet a required ratio for a fiscal year, its TDA funding level will be reduced by the amount of required revenues that was not maintained. There is a 3-year penalty cycle, with the penalty imposed in the second year after a noncompliance year. A grace year is allowed if it is the first time that the claimant has ever failed to meet the ratio, and no penalty is imposed. A claimant subject to the penalty shall demonstrate to SACOG how it will achieve the required ratio during any penalty year. (Sections 99268.9, 6633.9)

#### **4. UNMET TRANSIT NEEDS FINDINGS PROCESS *New process-double check***

(Sections 99401.5, 99401.6, 99408, 99238)

The TDA statutes provide that SACOG area jurisdictions located outside of the SRTD may use their LTF apportionments for streets and roads purposes, if it is found by SACOG that they have no unmet transit needs that are reasonable to meet (Sections 99232, 99232.5). In the case of Sacramento County, the unincorporated portion located outside the activated boundaries of the SRTD may use LTF funds for streets and roads purposes only if it is found by SACOG that there are no unmet transit needs in this area and that there are no unmet transit needs in the SRTD. Unmet transit needs are identified through an annual public hearing and evaluation process overseen by SACOG.

Short Range Transit Plans (SRTPs) are five year plans updated every three to five years and reviewed annually. SACOG requires the integration of the annual unmet transit needs process with the short range planning process so that needs brought up in the TDA-mandated public participation process and in Social Service Transportation Advisory Council (SSTAC) meetings can be studied and evaluated by staff and others as part of overall transit planning. Determination of whether or not an unmet need is reasonable to meet (as defined below) is also made annually.

According to TDA statute, SACOG appoints members to a Social Service Transportation Advisory Council (or SSTAC), one for each county which is required to have an unmet transit needs finding process. There are at this time three SSTACs - for Sacramento County, Yolo County, and a joint one for Sutter and Yuba Counties. The SSTAC members participate in the identifying of transit needs and determining as to whether the needs are reasonable to meet. They preside, along with a SACOG Board member, at unmet transit needs public hearings. (*A calendar of events is outlined below*). Afterwards, they attend meetings in order to discuss unmet transit needs and whether or not they are reasonable to meet. On the basis of recommendations made by the SSTACs and SACOG staff, the SACOG Board of Directors holds a public hearing and adopts a resolution making one of the following three findings for each jurisdiction in the RTPA area, and for the SRTD: that "there are no unmet transit needs", that "there are no unmet transit needs that are reasonable to meet", or that "there are unmet transit needs including needs that are reasonable to meet". If there is an "unmet transit need reasonable to meet" finding, the jurisdiction within which this need falls would have to fund or implement a service to meet that need before LTF monies could be released to be used for streets and roads purposes. Unmet transit needs that are reasonable to meet must only be implemented if additional LTF funds beyond what is needed to maintain existing transit services are available in the affected jurisdiction.

#### **► *The Social Service Transportation Advisory Council (SSTAC)***

The composition of the SSTAC is set forth in the statutes and consists of representatives of potential transit users who are: 60 and older (1); physically disabled (1); social service providers for seniors, including a transportation provider if one exists (2); social service providers for the physically disabled, including a transportation provider if one exists (2); social service provider for persons of limited means (1); and representatives of a Consolidated Transportation Service Agency (CTSA), including a transit operator (2)..

The SSTAC participates in the unmet transit needs finding process by assisting in the identification of transit needs, and in making a recommendation to the SACOG Board regarding unmet transit needs that are reasonable to meet. Important steps in this annual process are summarized below:

1. **(October):** Subcommittees of the SSTAC and a representative of the SACOG Board of Directors conduct at least one public hearing to receive public comments regarding unmet transit needs.
2. **(November):** Based on the testimony gathered in Step 1 as well as from SSTAC members themselves, SACOG staff identifies potential unmet transit needs that should be evaluated in the short range transit planning process.
3. **(December):** SACOG staff prepares an analysis of unmet transit needs identified in the annual review to determine if they are reasonable to meet, and makes a recommendation for the SACOG Board's

consideration. Staff utilizes the adopted SACOG criteria of community acceptance, equity, potential ridership, and cost effectiveness in determining whether a need is reasonable to meet. An important consideration is the ability of the service to maintain the required farebox recovery ratio that is required of the transit operator under the TDA statutes.

4. **(December):** SACOG staff and the SSTAC meet to discuss the SACOG staff analysis and recommendation. The SSTAC then formulates its own recommendation to the SACOG Board which may, or may not, agree with the staff recommendation.
5. **(January):** The SACOG Board holds a final public hearing to receive any additional testimony regarding unmet transit needs that may be reasonable to meet. Any new needs are analyzed by the appropriate SSTAC.
5. **(February):** The SACOG Board receives reports from the SACOG Board subcommittees regarding public hearing results. The Board then reviews the recommendations.

The SACOG Board makes one of the following three possible findings (one finding for each jurisdiction and the SRTD):

- (1) There are no unmet transit needs.**
- (2) There are no unmet transit needs that are reasonable to meet.**
- (3) There are unmet transit needs, including needs that are reasonable to meet.**

► ***Definition of Unmet Transit Need***

The following definition has been adopted by SACOG and is consistent with TDA statute:

Existing transit services or service variants, including services where transfers may be necessary to complete a trip, that are not adequately meeting the identified transportation needs of residents of the SACOG four-county Regional Transportation Planning Area (Sacramento, Sutter, Yolo and Yuba counties) who are likely to use public transportation. This includes, but is not limited to: trips for education and training (excluding exclusive school bus transportation), employment, healthcare services, personal business, recreation, and social services.

► ***Definition of Reasonable to Meet***

An unmet transit need that meets the definition above and meets **all** of the following criteria shall be considered reasonable to meet:

1. **Community Acceptance** - There needs to be demonstrated interest of citizens in the new or additional transit service (i.e. multiple comments, petitions etc.).
2. **Equity** - The proposed new or additional service will benefit, the general public, residents who use or would use public transportation regularly, the senior population, and persons with disabilities; including assessments based on Title VI or other similar information where available.
3. **Potential Ridership** - The proposed transit service will not reduce the agency's ability to maintain the current transit service, including safety, security and maintenance, and will meet new service ridership performance standards established for the transit operator in their agency planning documents. Ridership performance standards include passengers per hour and passengers per mile.
4. **Cost Effectiveness** - The proposed new or additional transit service will not affect the ability of the overall system to meet the state mandated farebox recovery ratio requirement after the two-year exemption period for new services, if the service is eligible for the exemption.

The overall system service must meet minimum farebox return requirements as stated in the TDA statutes or established by SACOG.

5. **Funding** - The proposed new or additional transit service will not cause the claimant to incur expenses in excess of the maximum allocation of TDA LTF funds.
6. **Feasibility** - The proposed new or additional transit service can be implemented safely and in accordance with local, state, and federal laws and regulations.

If an existing service fails to meet ridership or cost effectiveness standards for a full fiscal year, or if a new service fails to meet these standards after one full fiscal year of operation, reasonable efforts will be made for an additional year to rectify the situation, using marketing methods established in the SRTP. If a service has not met performance standards for a two year period, and efforts to improve service productivity have been documented by the operator to be unsuccessful, the service will be subject to termination as not being a transit need that is reasonable to meet.

*The following factors shall not be used in the determination of reasonable to meet:*

- The fact that an identified transit need cannot be fully met based on available resources shall not be the sole reason for finding that a transit need is not reasonable to meet.
- A determination of needs that are reasonable to meet shall not be made by comparing unmet transit needs with the need for streets and roads.

If an unmet transit need, which is by definition included in the Short Range Transit Plan, is met or is in the process of being met (for instance, it appears in a transit operator's budget), then it is dropped from further consideration.

## **5. REPORTS AND AUDITS**

### ***Reports to Controller***

SACOG submits Financial Transactions Reports (FTR) to the State Controller's Office within seven months after the close of the fiscal year. An annual financial transactions report includes a summary of the apportionment and use of LTF and STA in the region. This includes the apportionment amounts, final allocations by claimant and purpose, and fund balances. SACOG also transmits annually, within 12 months of the end of the fiscal year, a report of an audit of its own accounts and records by an outside auditor. (Sections 99406, 6660, 6662)

### ***LTF and STA Audits***

Annually and within 180 days after the end of the fiscal year, SACOG submits a report of a fiscal and compliance audit of the financial statements of the county LTF to the State Controller. The audit is conducted in accordance with generally accepted auditing standards by a certified public accountant and includes a determination of compliance with TDA rules and regulations. (Section 6661)

SACOG shall submit to the State Controller, annually and within 180 days after the end of the fiscal year, a report of a fiscal and compliance audit of the financial statements of its State Transit Assistance fund. The audit, performed by a certified public accountant shall include a determination of compliance with the Act and the administrative rules and regulations. (Section 6751)

SACOG must also submit an audit of LCTOP and PTMISEA funds verifying the receipt and appropriate expenditure of those funds.

### ***Fiscal Audits***

SACOG is responsible to ensure that all claimants to whom it allocates funds shall submit to it an annual certified fiscal audit conducted by an independent auditor. This audit shall be submitted to SACOG and to the State Controller within 180 days after the end of the fiscal year. However, an extension of up to 90 days may be granted if deemed necessary. No allocation can be made to any claimant that is delinquent in its submission of an audit. The audit report shall include a certification of compliance with the Act. (Sections 99245, 6663, 6666, 6667)

#### **Low Carbon Transit Operations Program (LCTOP):**

It is one of the several programs that are part of the Transit, Affordable Housing, and Sustainable Communities Program established by the California Legislature in 2014 By Senate Bill 862 (SB 862). The Air Resource Board (ARB) was directed to be the lead agency to implement the law. Program guidelines require that verification of receipt and appropriate expenditure of funds as part of the claimant's fiscal audit under the TDA.

#### **Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA):**

Passed as Proposition 1 in 2006, While funding for the program is sun setting, there are open projects. Until the project is complete, SACOG will continue to require the verification of receipt and appropriate expenditure of funds as part of the claimant's fiscal audit under the TDA.. In Addition, project managers will continue to complete progress reports on a semi-annual basis and provide the final reports upon project completion. Reports are due in February and August each year.

#### **Audit Responsibility**

Annual Audits of public transportation operators under the TDA, per PUC 99245, **must include verification of receipt and appropriate expenditure of funds.** Project leads receiving LCTOP funds in a fiscal year for which TDA audit is conducted must submit a copy of the audit to Caltrans by six months after the close of the fiscal year (December 31). Caltrans makes the audits available to Legislature and the State Controller's Office (SCO). Project sponsors may request a 90-day extension form December 31 deadline to March 31. They must notify Caltrans in writing via e-mail or a formal letter.

Project Audit: (Transportation Development Act)

Annual Audits of public transportation operators under the TDA, per PUC 99245, **must include verification of receipt and appropriate expenditure of funds.** Project leads receiving PTMISEA funds in a fiscal year for which TDA audit is conducted must submit a copy of the audit to Caltrans by six months after the close of the fiscal year (December 31). Caltrans makes the audits available to Legislature and the State Controller's Office (SCO). Project sponsors may request a 90-day extension from December 31 deadline to March 31. They must notify Caltrans in writing via e-mail or a formal letter. Project sponsors who fail to submit an expanded TDA audit documenting PTMISEA funding allocated to date will not receive future PTMISEA allocations until the required document(s) have been submitted to DMT.  
<http://www.dot.ca.gov/hq/MassTrans/Proposition-1B.html>

***Performance Audits***

SACOG hires qualified independent consultants to make a performance audit of its activities and the activities of each operator to whom it allocates funds. In the case of operator performance audits, SACOG works with the operators to define a scope of work and to choose the consultant who performs the audit. The performance audit evaluates the efficiency, effectiveness, and economy of the operation of the entity being audited. Performance audits are conducted triennially pursuant to a schedule established by SACOG (see Appendix F). No operator is eligible to receive an allocation for any fiscal year until it has completed a performance audit for the three-year period ending one year prior to the beginning of the fiscal year of the proposed allocation. SACOG certifies in writing to the Director of the Department of Transportation that performance audits of operators under its jurisdiction due that fiscal year have been completed. SACOG maintains a committee of transit operators, the Transit Coordinating Committee, the members of which advise SACOG on transit performance audits.

With respect to an operator providing public transportation services, the performance audit shall include, but not be limited to, a verification of the operator's operating cost per passenger, operating cost per vehicle service hour, passengers per vehicle service hour, passengers per vehicle service mile, and vehicle service hours per employee. It may include performance evaluations both for the entire system and for the system excluding special, new, or expanded services instituted to test public transportation service growth potential.

Under Sections 6662.5 and 6663(b) performance audits of transportation planning and programming entities and transit operators require by the TDA statutes must be made available to the public.

(Sections 99246-99249, 6662.5, 6663, 6664.5)

## 6. CLAIM SUBMITTAL

SACOG's claim submittal forms are found in Appendix E. Extra copies of the packet are available on the SACOG TDA webpage or may be copied out of this book. SACOG TDA webpage <https://www.sacog.org/transportation-development-act>

SACOG requires that the following forms and documents be submitted:

- TDA-1 Annual Transportation Development Act Claim
- TDA-2 Project and Expenditure Plan (for the fiscal year of the claim)
- TDA-3 Status of Previously Approved Projects, Non-transit operating claimants only (Operating and Capital). If all funds are not expended and the project is completed, indicate how the funds will be reclaimed or encumbered for another project.
- TDA-4 Statement of Conformance (see Appendix E, TDA-4 for a list of standard assurances)
- TDA-5 TDA Claim Certification Form
- Resolution by governing body that authorizes filing of claim
- 10 year Operating and Capital Plan updated yearly. This applies to ONLY transit operators.
- State Transit Assistance Efficiency Calculation

### **TDA Steps from Findings of Apportionment to Payment**

#### **Claimant Actions**

- Claimant reviews current Findings of Apportionment issued by SACOG in February or as amended. See <https://www.sacog.org/post/new-findings-apportionment>
- If claimant is not a transit operator, contact your transit operator to coordinate amount of TDA to be used for transit purposes.
- If claimant is planning to use TDA funds for Streets and Roads eligible projects, check your Unmet Transit Needs findings by contacting SACOG staff or visiting the SACOG website and checking the appropriate Board agenda (you will be notified when the Unmet Transit Needs findings are taken before the SACOG Board) – look for the Unmet Needs Hearing and find copy of your city or county's resolution.
- Claimant prepares item to their governing body for TDA Claim Resolution.
- If possible, claimant's TDA Claim Resolution should be completed without a dollar amount to reduce multiple trips to the claimant's governing body for re-approvals due to revisions to the TDA Claim or amendments to TDA Findings of Apportionment.
- Claimant completes TDA Claim Forms 1-5 as well as complete CPI calculations for operators claiming STA funds
- Claimant needs to provide a copy of the current year's budget including information for the projects to be funded with the TDA funds requested the TDA Claim Forms.

If the claim is for transit service, then the claimant (including JPA operators such as Yuba-Sutter Transit and YCTD) must confirm the following documents are on file at SACOG.

- A current 10-year capital and operations plan.
  - CHP Certification in compliance with Section 1808.1 of the Vehicle code (completed within past 13 months)
  - Basic financial and operating data by mode including: revenue vehicle hours, operating costs, fare revenue, and number of unlinked passenger trips.
  - When applying for State Transit Assistance Funds determine whether your agency qualifies to use these funds under the efficiency standards. (Refer to page 8)
  - There are 2 ways to measure efficiency standards
- 1) Compare the most recent cost per revenue vehicle hours from the latest one year to the cost per revenue vehicle hour from the prior plus the CPI.
    - o If the percentage change is less than or equal to the CPI for the latest year, then it is a PASS if not, it is a FAIL

2) Compare the average cost per revenue vehicle hour from the latest three years to the cost per revenue vehicle hour from the previous three years plus CPI. If the percentage change is less than or equal to the CPI for the latest three-year period then it is a PASS, if not then it is a FAIL.

- The recent State Controller's Report (SCR) and National Transit Database (NTD) report (if applicable)
- A signed copy of transit service contract (if applicable)
- An area wide Transfer Agreement and Resolution (if applicable)

Appendices A and B contain the allowed purposes and priorities for LTF and STA funding. NOTE: Please use the appropriate TDA PUC Article and Section numbers when filling out TDA-2.

Appendix D shows the Area wide Transfer Policy as adopted by the SACOG Board of Directors on January 21, 1982.

Appendix J is a copy of the Ten-Year Capital Program and Operations Plan template.

### **SACOG Actions**

- Receive and file claim on server under S:\TDA\TDA Claims
- E-mail claimant to let them know the claim has been received and its current status
- Review claim using the TDA checklist found in the claim packet to check for compliance with TDA codes and SACOG Guidelines
- If filing for LTF and/or STA funds, check work sheet to see if there are prior year funds that can be claimed
- Review the current TDA fiscal audit to check for fund balances and management letter corrections needed
- Review the TDA performance audit for transit operator claims
- Work with the TDA claimants to correct any findings in the audits
- Notify claimant of any problems with the claim and work to resolve the problems
- Recheck the PUC Codes in the TDA-2 against the TDA Guideline Book to determine compliance
- Prepare resolution and staff report for SACOG Board of Directors
- Notify Clerk of the Board about claims that will be brought before the SACOG Board
- Once the Board of Directors approves claim, prepare the allocation letter to allow for payment of LTF to the claimant (if a transit operator, ensure that Ten-Year Capital and Operations Plan is complete).

### **County and SACOG Payments on Claims**

- Counties provide LTF payments when funds provided by State. Usually, the county auditors will receive funds from the State Controller's Office (SCO) and make payments quarterly. A TDA claim must be filed and approved by the SACOG Board before and allocation letter is sent to the County Auditor's office.
- SACOG provides STA payments when funds provided by State; Similarly, SACOG normally receives funds from SCO and makes payments quarterly. A TDA claim must be filed and approved by SACOG Board before funds are disbursed.

### **Article 4.5 Claims**

Under Article 4.5, SACOG defines "community" as the area in Sacramento County, including the City of Sacramento and the City of Rancho Cordova, which lies within the activated portion of the Sacramento Regional Transit District. For this purpose, "community transit services" shall be intra-community services for those, such as the elderly and disabled, who cannot use conventional transit services.

Prior to approving a claim filed under Article 4.5, SACOG shall make the following findings (Article 99275.5):

1. That the proposed community transit service is responding to a transportation need currently not being met in the community of the claimant.

*Claimant shall:*

- Clearly define the proposed service population, both in magnitude and geographic location.
- Identify past, current, and proposed efforts at providing a definition of the magnitude and location of the service population to be served.
- List existing transportation services available to proposed service population and the reason that the proposed service population cannot utilize this service.
- Describe community involvement in the design of the program proposed.

2. That the service shall be integrated with existing transit services, if appropriate.

*Claimant shall:*

- Provide an inventory of transportation service providers within the proposed service area.
- Describe alternatives to the proposed service.
- Provide evidence of efforts made to notify other operators of the proposed program and efforts to provide the proposed service through extension of existing services or contract with existing operators.

3. That the claimant has prepared an estimate of revenues, operating costs, and patronage, and a marketing program.

*Claimants shall:*

- Prepare and submit in its claim the information required in Section 6632 of the Administrative Code. This information includes, but is limited to, a five-year financial plan, a proposed budget, maps of proposed service area, timetables, fare schedules, estimated vehicle miles traveled, and passengers.
- Prepare a budget and financial plan indicating all funding sources to be used in the proposed program (including farebox revenue, local, state, federal, and private sources).
- Describe proposed methods of marketing the proposed service in the community and the specific population to be served.
- All other claim Submittal documents described above.

4. That a reasonable farebox recovery in relation to other operators in the county is proposed by the claimant.

*Claimants shall:*

- Specify the projected percentage of operating costs recovered through the farebox.
- Demonstrate in its financial plan that there will be an increase in farebox recovery over the proposed program schedule.

5. That the claimant is in compliance with Sections 99155 and 99155.5 regarding reduced transit fares for elderly and disabled persons and non-discrimination towards these groups.

If there are competing claims under Article 4.5, funds will be allocated to a claimant based on the following criteria:

1. The commitment of local, state, federal, and private program funds to participate in the project.
2. Percentage of operating revenue recovered from farebox.
3. Projected cost of service (per passenger/mile/hour/etc.), as compared to similar services in the area.
4. Extent to which the project responds to demonstrated and unmet community needs.

5. Degree of coordination with other public, private, and non-profit operators.
6. Level of community involvement in the project planning, implementation, and evaluation process.
7. Reasonableness and justification of estimated demand for proposed project.
8. Degree of management capability to administer the use of TDA funds and to operate a transportation project.
9. Suitability of proposed marketing program to reach and attract potential riders.
10. Appropriateness of proposed equipment needs, costs, and level of service.

### **Article 8 - Sacramento County**

The following procedure will be carried out in approving Article 8 transit claims for LTF apportioned to the area of unincorporated Sacramento County located outside the SRTD:

- a. The LTF funds will first be used to meet at a minimum reasonable transit needs within the unincorporated area;
- b. any remaining LTF funds will be used to meet reasonable transit needs within the SRTD;
- c. if SACOG has determined at a public hearing, for which 30 days notice has been given, that there are no unmet transit needs within the SRTD, and then Sacramento County may file a claim for any remaining funds for streets and roads projects.

### **► Claim Schedule**

Claims for transit projects should be submitted as soon as possible after July 1. SACOG is requesting claimants to submit claims ahead 45 days ahead of monthly scheduled SACOG Board meetings. This will allow staff sufficient time to accurately review claims and resolve any claim issues that may arise. SACOG staff will email a calendar of Board meeting for easier planning. Alternatively, SACOG website shows all board calendar dates. Staff will review claims and a recommendation regarding funding will be presented to the SACOG Board of Directors. **SACOG cannot allocate funds for streets and roads in an eligible jurisdiction until 20 days after the Department of Transportation acknowledges receipt of the finding that there are no unmet transit needs reasonable to meet in that jurisdiction.**

A claim may be amended at the end of each quarter. A request for an amendment should include a cover letter and a Board resolution detailing modifications to the existing program with revised budget figures, project descriptions, and reason for the amendment. Please call SACOG for help with the format to be used for claim amendments.

### 7. Annual Schedule

Appendix G outlines the annual schedule of TDA-related activities and documents. Refer to Appendix F for multi-year schedule, which contains the SACOG schedule for Short Range Transit Plan updates, Annual Reviews of SRTPs, and Performance Audits.

APPENDIX A

LTF Allocation Purposes and Priorities for SACOG Jurisdictions

Purposes	Article/Section		Claimants	Amount
Purposes 1 through 5 are in priority order				
1) TDA Administration	Article 3 Section 99233.1	√	SACOG and counties	As necessary
2) Planning and Programming	Article 3 Section 99233.2 Article 4 Section 99262 and/or Article 8 Section 99402	√ √	SACOG	Up to 3%
3) Pedestrian & bicycle facilities	Article 3 Section 99233.3, Section 99234	√	Cities and counties, including the County of Sacramento	Countywide, 2% of remaining money
4) Rail passenger service operations & capital improvements	Article 3 Section 99233.4, Section 99234.9		Cities, counties, and operators	Up to cities/counties apportionment
5) Community Transit Services	Article 3 Section 99233.7 and/or Article 4.5 Section 99275	√	Cities, counties, operators and CTSAs	Countywide, Up to 5% of remaining money
Article 4 – the following do not have any priority order.				
6) Support of public transportation	Article 4 Section 99260(a)	√	SRTD, jurisdiction outside SRTD	Up to area apportionment
7) Public transportation R & D projects	Article 4 Section 99260(b)		SRTD, jurisdiction outside SRTD	Up to area apportionment
8) Peak hour service contracts	Article 4 Section 99260.2(a)		SRTD, jurisdiction outside SRTD	Up to area apportionment
9) Rail passenger ticket purchases	Article 4 Section 99260.2(b)		SRTD	Up to SRTD apportionment
Article 8 – the following purposes do not have any priority order.				
10) AMTRAK payments	Article 8 Section 99400(b)		Yolo, Sutter, Yuba counties jurisdictions, Sacramento Co. outside SRTD	Up to cities/counties apportionment
11) Public or special group transportation service contract	Article 4 Section 99400(c)	√	Yolo, Sutter, Yuba counties jurisdictions, Sacramento Co. outside SRTD	Up to cities/counties apportionment
12) Planning/administration of contracted services	Article 8 Section 99400(d)	√	Yolo, Sutter, Yuba counties jurisdictions, Sacramento Co. outside SRTD	Up to cities/counties apportionment
13) Capital expenditures of contracted services	Article 8 Section 99400(e) Article 4 Section 99400(e)	√ √	Yolo, Sutter, Yuba counties jurisdictions, Sacramento Co. outside SRTD	Up to cities/counties apportionment
14) Streets/roads projects and planning	Article 8 Section 99402, 99400(a)	√	Yolo, Sutter, Yuba counties jurisdictions, Sacramento Co. outside SRTD	Up to cities/counties apportionment
15) Multimodal transportation terminal	Article 8 Section 99400.5		Yolo, Sutter, Yuba counties jurisdictions, Sacramento Co. outside SRTD	Up to cities/counties apportionment

16) Pedestrian/bicycle facilities	Article 8 Section 99400(a)		Yolo, Sutter, Yuba counties jurisdictions, Sacramento Co. outside SRTD	Up to cities/counties apportionment
17) Contracted services	Article 8 Section 99400(c)	√	SRTD	Up to apportionment of Sacramento County
Source: Transportation Development Act, April 2013, California Department of Transportation, pg. 17				

APPENDIX B

STA Allocation Purposes and Priorities for SACOG Jurisdictions

Purpose	Article/Section		Claimants	Amount
1) Operating cost of public transportation system	Subchapter 2.5, Article 4, Section 6730(a)	√	Operators	Up to total population-based revenue-based apportionment
2) Capital requirements of public transportation system	Subchapter 2.5, Article 4, Section 6730(b)	√	Operators	Up to total population-based revenue-based apportionment
3) Subsidy of passenger rail	Subchapter 2.5, Article 4, Section 6730(c)		Operators	Up to total population-based revenue-based apportionment
4) Transportation planning	Subchapter 2.5, Article 4, Section 6730 & Article 8, Section 99400(c) & (d)		Operators	Up to total population-based revenue-based apportionment
5) AMTRAK payments	Subchapter 2.5, Article 4, Section 6731(a)		Counties, cities, SRTD	Up to total population-based revenue-based apportionment
6) Contracts for public or special group transportation service: related planning and administration	Subchapter 2.5, Article 4, Section 6731(b)	√	Counties, cities, SRTD	Up to total population-based revenue-based apportionment
7) Transportation planning	Subchapter 2.5, Article 4, Section 6731(b) & Article 8, Section 99400(c) & (d)		Counties, cities, SRTD	Up to total population-based revenue-based apportionment
8) Community transit services	Subchapter 2.5, Article 4, Section 6731.1		All CTAs	Up to total population-based revenue-based apportionment

Source: Transportation Development Act, April 2013, California Department of Transportation, pg. 146

## APPENDIX C

### **Farebox Requirements for Urbanized and Non-Urbanized Service**

(Adopted by the SACOG Board on March 18, 1982)

#### **Applicability**

These rules and regulations shall apply to the City of Davis (Unitrans & Davis Community Transit), the Yolo County Transportation District (YCTD) and the Yuba-Sutter Transit Authority for calculating fare revenue requirements per Public Utilities Code Sections 99268.2, 99268.3, and 99268.4.

#### **Defining Urbanized and Non-Urbanized Area**

For the purpose of these rules and regulations, the boundaries of the urbanized areas are those reported in the latest Federal Decennial Census. Non-urbanized areas are all other areas outside the boundaries of the urbanized areas.

#### **Defining Service in Urbanized and Non-Urbanized Areas**

For the purpose of these rules and regulations, urbanized service shall be all service provided by an operator of transit service claimant, which is provided in an urbanized area; non-urbanized service shall be all service provided by an operator or transit service claimant in a non-urbanized area.

#### **Determining Required Fare Ratio**

A claimant's required fare ratio shall be determined by the following formula:

$$R = \frac{.1 \text{ NU} + .2 \text{ U}}{\text{NU} + \text{U}}$$

R is the required ratio

NU is the operating costs in non-urbanized areas

U is the operating costs in urbanized areas

#### **Definitions**

Operating cost in the urbanized area (U) shall include the cost of all fixed-route lines and demand responsive service operating entirely within an urbanized area.

Operating cost in the non-urbanized area (NU) shall include the cost of all fixed-route lines and demand responsive service operating entirely within the non-urbanized area.

For fixed-route lines operating partly within an urbanized area and partly within a non-urbanized area, cost shall be apportioned in proportion to the service hours in each of the non-urbanized area and the urbanized area.

For demand responsive systems serving an urbanized area and non-urbanized area, the cost shall be apportioned to the urbanized area.

## APPENDIX D

### Area-Wide Transfer Policy

(Adopted by the SACOG Board on January 21, 1982)

#### Introduction

In order to provide for a coordinated, effective, and efficient "area-wide" public transportation system, which ensures trip continuity by permitting riders to travel throughout the region on public transportation, the SACOG Board of Directors hereby adopts the following Area-Wide Transfer Policy.

#### Policy

Transfers among transit operators in the region shall be implemented through individual inter-operator agreements and coordinated with adoption of an "Area-Wide Transfer Policy", which will include, but not be limited to, the following:

- 1) A coordinated system of transfer fares, passes, and schedules easily understood and convenient to riders.
- 2) Operators' agreement as to transfer cost, retention of fares, revenue passenger counting, and other aspects dealing with operator revenue as mutually determined by the operators in the coordination of transfers.
- 3) The development of an operational definition of "times transfer mutually acceptable to operators, and the establishment of mutually agreed upon" timed transfer zones when necessary. In negotiation these arrangements, the following factors will be considered:

Economic feasibility  
Passenger convenience

- 4) Development of a public information program easily accessible to riders, including such information as a description of the service network, service schedules, and cost of transfers.
- 5) The Transit Coordinating Committee (TCC) will be responsible for an annual review of the inter-operator agreement between the carries affected by the Area-Wide Transfer Policy.
- 6) An outline of each transit operator's area for transfer coordination, specifying particular transfer relationships between operators. Operators will be responsible for coordination of transfers only within those areas and with specific operators.
- 7) Where agreed upon transfer arrangements have been made, operators will coordinate any route alignment changes with affected interfacing carriers prior to moving the route. Any such route alignment changes affecting transfer arrangements will be reflected in Short Range Transit Plan updates. (Section 99280)
- 8) By April 1, 1982, operators will have initiated a good faith discussion toward instituting a transfer agreement.
- 9) The following process is outlined for the resolution of differences should operators become unable to continue their good faith discussion toward a transfer agreement due to unresolved issues:

Any unresolved issues occurring in the negotiation of transfer agreements will be brought before the TCC for mediation, at the request of one of the operators involved.

The TCC Chair will appoint a subcommittee composed of members representing the areas affected by these transit systems. The subcommittee will schedule a special meeting to resolve the issue, and will invite representatives of the transit properties concerned to contribute to the discussion.

If, after the mediation process, either party is still in disagreement with TCC's recommendation for resolution, either party may appeal the recommendation to SACOG for final review. A decision regarding resolution of transfer issues by SACOG will be a consideration in SACOG's review of SB 325 claims.

APPENDIX E

TRANSPORTATION

DEVELOPMENT ACT

CLAIM PACKET

Sacramento Area Council of Governments  
1415 L Street, Suite 300  
Sacramento, CA 95814

TDA Claim information: <https://www.sacog.org/transportation-development-act>

## TRANSPORTATION DEVELOPMENT ACT CLAIM CHECKLIST

Please check the following, items as being either included with the attached TDA claim package or are on file at SACOG.

Item	<u>Claimant</u>	<u>Attached</u>	<u>On file</u>
• TDA-1 Annual Transportation Development Claim	All claimants	_____	N/A
• TDA-2 Project and Expenditure Plan (for the fiscal year of this claim and the prior fiscal year)	All claimants	_____	N/A
• TDA-3 Status of Previously Approved Projects	All claimants	_____	N/A
• TDA-4 Statement of Conformance	All claimants	_____	N/A
• TDA-5 TDA Claim Certification	All claimants	_____	N/A
• Resolution by governing body that authorized the claim	All claimants	_____	N/A
If Claimant is a Transit Agency			
• CHP Safety Compliance Report (Completed within the past 13 months)	Claimants for transit service	_____	_____
• Adopted or proposed budget for the fiscal year of the claim	Claimants for transit service	_____	_____
• Signed copy of transit service contract	Claimants for transit service	_____	_____
• Area wide transfer agreement, resolution	Claimants that allow inter-system transfers	_____	_____
• Information establishing eligibility under efficiency criteria	Claimants for revenue-based STA funds	_____	_____
• Certification that claim is consistent with Capital Improvement Program	Claimants for bike/ped facilities	_____	_____
• Compliance with PUC Sec. 99155 & 99155.5	Claimants for transit service	_____	_____
• STA Operator Qualifying Criteria calculation based on section 99314.6	Claimants for transit service	_____	_____
• Copy of Ten Year Capital & Operations Program	Claimants for transit service	_____	_____

**TDA-1**

**TRANSPORTATION DEVELOPMENT ACT CLAIM**

TO: Sacramento Area Council of Governments  
1415 L Street, Suite 300  
Sacramento, CA 95814

FROM: Claimant \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ Zip Code \_\_\_\_\_  
Contact Person \_\_\_\_\_  
Phone \_\_\_\_\_ Email \_\_\_\_\_

The above claimant hereby requests, in accordance with authority granted under the Transportation Development Act and applicable rules and regulations adopted by the Sacramento Area Council of Governments (SACOG), that its request for funding be approved as follows:

LTF \_\_\_\_\_ (FY\_\_\_\_/\_\_\_\_)  
\_\_\_\_\_ (FY\_\_\_\_/\_\_\_\_)  
\_\_\_\_\_ (FY\_\_\_\_/\_\_\_\_)  
\_\_\_\_\_ (FY\_\_\_\_/\_\_\_\_)

STA \_\_\_\_\_ (FY\_\_\_\_/\_\_\_\_)  
\_\_\_\_\_ (FY\_\_\_\_/\_\_\_\_)  
\_\_\_\_\_ (FY\_\_\_\_/\_\_\_\_)  
\_\_\_\_\_ (FY\_\_\_\_/\_\_\_\_)

Submitted By \_\_\_\_\_  
Title \_\_\_\_\_  
Date \_\_\_\_\_



**TDA-3**  
**STATUS OF PREVIOUSLY APPROVED PROJECTS**

Instructions: Describe the status of all prior fiscal year TDA claim projects and any projects from previous years, which are still active.

- Include both operating and capital projects
- Approved amounts should be as specified in TDA claims approved by SACOG
- Expenditures should be to date
- Project status should be either "Complete" or "Active" – Please note any reprogramming of unexpended funds and reasons for significant project delays.

Fiscal Year	Project Title	Amount Approved	Expenditures	Project Status
<b>TOTAL</b>		\$	\$	

**TDA-4**  
**STATEMENT OF CONFORMANCE**

Form TDA-4 must be completed and signed by the Administrative Office of the submitting claimant.

The \_\_\_\_\_ hereby certifies that the Transportation Development Act claim for fiscal year(s) \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ (LTF) and \$ \_\_\_\_\_ (STA) for a total of \$ \_\_\_\_\_ conforms to the requirements of the Transportation Development Act and applicable rules and regulations. (See Attachment A for listing of conformance requirements)

Certified by Chief Financial Officer \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

**TDA-5**

**TDA Claim Certification Form**

I, \_\_\_\_\_, Chief Finance Officer for the \_\_\_\_\_, do hereby attest, as required under the California Code of Regulations, Title 21, Division 3, Chapter 2, Section 6632, to the reasonableness and accuracy of the following:

- (a) The attached budget or proposed budget for FY 20\_/20\_.
- (b) The attached certification by the Department of the California Highway Patrol verifying that \_\_\_\_\_ is in compliance with Section 1808.1 of the Vehicle Code, as required in Public Utilities Code Section 99251.
- (c) The estimated amount of \_\_\_\_\_ maximum eligibility for moneys from the local transportation fund and the state assistance fund, as defined in Section 6634, is \$\_\_\_\_\_.

\_\_\_\_\_  
(Signature) Chief Financial Officer

\_\_\_\_\_  
(Agency Name)

\_\_\_\_\_  
(Date)

The STA CPI calculations form is available at: <https://www.sacog.org/transportation-development-act>.

**ATTACHMENT A**  
**CONFORMANCE - TDA CLAIMANTS**  
**Standard Assurances**

- 1) 180-Day Certified Fiscal Audit (*Applies to all claims; SACOG administers fiscal audits for all operators in the region, with the exception of the Sacramento Regional Transit District*) - Assurance that the claimant has submitted a satisfactory independent fiscal audit, with required certification, to SACOG and to the State Controller not more than 180 days after the end of the prior fiscal year (Sections 99245 and 6664).
- 2) 90-Day Transit Operators Financial Transactions Report (*Applies to all transit claims*) - Assurance that claimant has submitted this report to the State Controller in conformance with the uniform system of accounts and record not more than 90 days after the end of the prior fiscal year (110 days for electronically submissions) (Section 99243). Claimant should also supply a copy of the State Controller report (SCR) to SACOG no more than 120 days after the end of the prior fiscal year.
- 3) Use of Federal Funds (*Applies to all Article 4 claims*) -
  - Claimant filing a claim for TDA funds for capital intensive projects pursuant to Section 99268.7 certifies that is has made every effort to obtain federal funding for any project which is funded pursuant to Section 99268.7.
  - Claimant qualifying for funds pursuant to Section 99268.1 and making a claim for TDA funds in excess of the amount allowed by Section 99268 certifies that such funds are required in order to obtain maximum federal operating funds in the year such funds are claimed pursuant to Section 6633.1.
- 4) Elderly/Disabled (*Applies to all transit claims*) - That the transit operator is question is in compliance with Section 99155 pertaining to reduced transit fares for elderly and disabled persons and Section 99155.5 pertaining to dial-a-ride and paratransit services.
- 5) Farebox Recovery Ratio Requirements (*Applies to all transit claims*) - Claimant filing a claim for LTF or STA funds certifies that it will maintain for the project that ratio of fare revenues and local support to operating cost required under Sections 99268 (including all subparts), 99270.1, 99270.2, 99270.6, and under the "Farebox Requirements for Urbanized and Non-Urbanized Service" adopted by the SACOG Board of Directors on March 18, 1982, whichever is appropriate.

Exceptions:

- 6) 50% Expenditure Limitation (*Applies only to claims for LTF*) - Claimant certifies that it was in compliance with Section 99268 certifying that it (the claim) will not exceed 50% of the amount required to meet operating, maintenance, capital and debt service costs of the transit system after deduction of approved federal grants and STA funds estimated to be received for the system. (A claimant can received up to 100% of capital costs for grade-separated mass transit projects under Section 99268 and 99281, for capital intensive transit-related projects under Section 99268.7. and for extension of services under Section 6619.1 and 6633.8)
- 7) Extension of Services (*Applies only to LTF claims*) - Claimant who received an allocation of LTF funds for extension of service pursuant to Section 99268.8 certifies that it will file a report of these services pursuant to Section 6633.8(b) within 90 days after close of the fiscal year in which that allocation was granted.

- 8) Retirement System (*Applies only to LTF claims*) - Claimant certifies that (1) the current cost of its retirement system is fully funded with respect to the officers and employees of its public transportation system; or (2) the operator is implementing a plan approved by SACOG which will fully fund the retirement system for such officers and employees within 40 years; or (3) the operator has a private pension plan which sets aside and invests, on a current basis, funds sufficient to provide for the payment of future pension benefits and which is fully compliant with the requirements stated in Section 99272 and 99273.
- 9) Maximum Use of Local Transportation Funds (*Applies only to Sacramento Regional Transit District STA claim*) - That the operator is receiving the maximum allowable amount from the Local Transportation Fund.
- 10) Part-Time Employees (*Applies only to claims for STA*) - Claimant certifies that it is not precluded by any contract entered into on or after June 28, 1979 from employing part-time drivers or contracting with common carriers of persons operating under a franchise or license. Claimant further certifies that no person who was a full-time employee on June 28, 1979 shall have his/her employment terminated or his/her regular hours of employment, excluding overtime, reduced as a result of it employing part-time drivers or contracting with such common carriers.
- 11) Conformance with the Metropolitan (Regional) Transportation Plan/Sustainable Communities Strategy (*Applies only to claims for STA*) - Claimant certifies that all of the purposes for claim expenditures are in conformance with the current Short Range Transit Plan, which is an appendix to the Metropolitan (Regional) Transportation Plan/Sustainable Communities Strategy.
- 12) Full Use of Federal Funds (*Applies only to STA claims*) - Claimant certifies that it is making full use of federal funds available under the Urban Mass Transportation Act of 1964, as amended.
- 13) Implementation of Productivity Improvements (*Applies only to STA claims*) - Claimant certifies that the operator has made a reasonable effort to implement the productivity improvements recommended pursuant to Section 99244.

APPENDIX F  
Short Range Transit Plan and Audit Schedule (in alphabetical order)

Agency	Fiscal Year					
	FY 2017/2018	FY 2018/2019	FY 2019/2020	FY 2020/2021	FY 2021/2022	FY 2022/2023
City of Davis (Davis Community Transit) /UNITRANS		Performance Audit	S RTP		Performance Audit	
City of Elk Grove		Performance Audit S RTP			Performance Audit	
City of Folsom	S RTP	Performance Audit			Performance Audit	S RTP
Paratransit, Inc.		Performance Audit			Performance Audit	
SACOG		Performance Audit			Performance Audit	
Sacramento County		Performance Audit			Performance Audit S RTP	
Sacramento Regional Transit District		Performance Audit	S RTP		Performance Audit	
Yolo County Transportation District		Performance Audit		S RTP	Performance Audit	
Yuba-Sutter Transit		Performance Audit	S RTP		Performance Audit	

\*Financial Audits of all TDA claimants are conducted each year. Contact SACOG's Director of Finance for more information on the monthly schedules.

## APPENDIX G

### TDA Fiscal Year

#### **August**

- LTF funds can be released to claimants.
- Send annual schedule of performance audits and list of operators/claimants to Caltrans.
- SACOG submits all required Unmet Transit Needs documentation to Caltrans for approval.
- SACOG and the transit operators begin the Unmet Transit Needs process, scheduling hearing locations.

#### **September**

- SACOG submits a list and schedule for any performance audits to Caltrans for the current fiscal year.

#### **September**

- Deadline for operators to submit farebox exemption paperwork for new transit services.
- Deadline for SACOG to submit annual financial transaction report to the State Controller for the prior fiscal year.
- Deadline for Transit Operators Financial Transaction report from transit operators and service claimants to be submitted to State Controller.
- Deadline for non-transit claimants to submit expenditure reports to county controllers.

#### **October-November**

- Short Range Transit Plans (SRTPs) and Performance Audits scheduled for the fiscal year are started.
- SACOG and the transit operators hold Unmet Transit Needs hearings.

#### **December**

- SACOG submits LTF and STA fiscal and compliance audits for the prior fiscal year to the State Controller. SACOG submits its own report of account audits to the State Controller.
- SACOG and SSTACs analyze Unmet Transit Needs comments & recommend findings.

#### **January**

- Revised *TDA Statutes and California Code of Regulations* published by Caltrans.
- State Controller sends preliminary STA estimate to SACOG before January 10<sup>th</sup>.
- County auditors provide LTF estimates, for the next fiscal year, to SACOG before February 1<sup>st</sup>.
- SACOG Board holds final Public Hearing on all Unmet Transit Needs Findings. SSTACs complete any final analysis and make final recommendations of findings.
- SACOG circulates minutes from the Unmet Transit Needs Public hearings & SSTAC recommended findings.

#### **February**

- SACOG approves LTF Apportionment for the next fiscal year before March 1<sup>st</sup>.
- SACOG revises TDA guidelines if necessary.
- SACOG Board approved Unmet Transit Needs findings for the next fiscal year for all jurisdictions and transit operators in the four county area (Sacramento, Sutter, Yolo and Yuba).
- SACOG adopts allocation of STA funds.

#### **March**

- SACOG provides claimants with LTF Findings, Claim Forms, and TDA guidelines.
- Claims for LTF and STA can be submitted to SACOG.

#### **April**

- SACOG receives preliminary STA fund estimates from the State Controller's office.

#### **May**

#### **June**

- Jurisdictions adopt SRTPs.
- SACOG submits any completed performance audits for the fiscal year.

APPENDIX H

**Required Farebox Ratios**

Claimant	Service Area(s)	Claim Article	Required Fare Ratios			Per AB 432 Marked rows may be grouped together.
			Fixed Route Ratio	Dial-A-Ride		
				General Public Ratio	Elderly & Disabled Ratio	
Folsom Stage Line	Urban	4	20%	N.A.	10%	AB 432
SRTD	Urban	4	23%	N.A.	N.A.	AB 432
Paratransit, Inc.	RT Boundary	4.5	N.A.	N.A.	N.A.	
Elk Grove Transit (e-TRAN)	Urban	4	20%	N.A.	10%	AB 432
SCT/Link (Sacramento Co.)	Rural/Urban	4	10%/20%	10%/20%	10%	AB 432
YCTD	Urban/Rural	4	15%	N.A.	10%	
Unitrans	Urban	4	20%	N.A.	10%	
Live Oak	Rural	8	N.A.	10%	10%	
Wheatland	Rural	8	N.A.	10%	10%	
Yuba-Sutter Transit	Urban/Rural	4	14.6%	N.A.	N.A.	

Source: 1998 Triennial Performance Audits

Per AB 432 under PUC 99270.6 the farebox recovery ratios for the Sacramento County operators may be grouped/combined to allow all operators to meet their minimum required farebox recovery ratios. In addition, under AB 432 SRTD is required to maintain a minimum 23 % farebox recovery ratio.

APPENDIX I

**Where to obtain information on the Transportation Development Act (TDA)**

**Online:** <http://www.dot.ca.gov/hq/MassTrans/State-TDA.html>

**Questions regarding the TDA Claims process:**

Contact:

Caroline Payne or Barbara VaughanBechtold

Sacramento Area Council of Governments (SACOG) Attention TDA  
Claims

1415 L Street, Suite 300

Sacramento, CA 95814

916-321-9000

or email: [TDAclaims@sacog.org](mailto:TDAclaims@sacog.org).