

From: Warren Whiteaker <wwhiteaker@octa.net>

Sent: Tuesday, March 2, 2021 4:27 PM

To: ePublic Comment Group <ePublicComment@scag.ca.gov>

Subject: Request to delay action on EAC Agenda Item 2 and RC Agenda Item 7 (CRRSAA Inter-County Apportionments) until April 1, 2021

Honorable Executive/Administration Committee (EAC) and Regional Council (RC) Members,

Please consider the attached letter requesting a one month delay in the adoption of the proposed Coronavirus Response and Relief Supplemental Appropriations Act of 2021 (CRRSAA) inter-county allocations to reach regionwide consensus on the distribution methodology.

Thank you for your consideration.

Warren Whiteaker

Principal Transportation Analyst

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March 1, 2021

Mr. Kome Ajise
Executive Director
Southern California Association of Governments
900 Wilshire Boulevard, Suite 1800
Los Angeles, California 90017

Dear Mr. Ajise:

We respectfully request that you reschedule adoption of the proposed Coronavirus Response and Relief Supplemental Appropriations Act of 2021 (CRRSAA) inter-county allocations currently scheduled for the March 3, 2021, Southern California Association of Governments (SCAG) Executive-Administration Committee, and the March 4, 2021, Regional Council meeting.

On February 25, 2021, we submitted a letter formally requesting a reconsideration of the proposed distribution of Federal Transit Administration Section 5307 funding within the Los Angeles – Long Beach – Anaheim urbanized area. Within 24 hours of sending the letter, SCAG staff informed us that the originally proposed methodology would be recommended for considered this week by the Executive-Administration Committee and Regional Council. There was no discussion or response to the request for reconsideration, demonstrating a disregard for the concerns raised, and furthering a concerning precedent for future funding.

We ask that SCAG table adoption of the proposed inter-county allocations this week and delay the discussion to the Regional Council meeting on April 1, 2021. Understanding the importance of this funding, we support SCAG allocating the portion of the CRRSSA funding not in dispute. This approach should allow for sufficient time to reach regionwide consensus on the distribution methodology.

Thank you for your consideration. Please do not hesitate to contact us directly with any questions.

Sincerely,

A handwritten signature in blue ink that reads "Anne E. Mayer".

Anne Mayer
Executive Director
Riverside County Transportation Commission

A handwritten signature in blue ink that reads "Darrell E. Johnson".

Darrell E. Johnson
Chief Executive Officer
Orange County Transportation Authority

A handwritten signature in blue ink that reads "Ray Wolfe".

Ray Wolfe
Executive Director
San Bernardino County Transportation Authority

c: Chairman Andrew Do, Orange County Transportation Authority
Chair Jan Harnik, Riverside County Transportation Commission
President Frank Navarro, San Bernardino County Transportation Authority



February 25, 2021

Mr. Kome Ajise
Executive Director
Southern California Association of Governments
900 Wilshire Boulevard, Suite 1800
Los Angeles, CA 90017

Dear Mr. Ajise:

We write to express our concerns with the Coronavirus Response and Relief Supplemental Appropriations Act of 2021 (CRRSAA) inter-county allocations, specifically the proposed distribution of Federal Transit Administration (FTA) Section 5307 funding within the Los Angeles – Long Beach – Anaheim urbanized area.

We appreciate the time and effort that the Southern California Association of Governments (SCAG) staff and management have invested in performing calculations for the allocation of CRRSAA's Section 5307 funding, and we understand how complex such an undertaking is for one of the largest metropolitan regions in the country. This funding is critical for the region's transit systems to continue operations and response to the coronavirus pandemic, and we look forward to reaching agreement quickly on the distribution of these funds.

The methodology SCAG is proposing to allocate Section 5307 funds within the Los Angeles – Long Beach – Anaheim urbanized area not only misinterprets the CRRSAA statutory language but also sets a concerning precedent because SCAG is unilaterally deciding to deviate from the methodology used each year, and continually accepted by the counties, for distributing such funding in the region. This will result in ramifications for the future distribution of funding in all regions, impacting the ability for each agency to accurately predict future funding availability for its transit operations. We are therefore formally requesting that SCAG reconsider the proposed inter-county allocations for CRRSAA funding.

As an imperfect measure of funding need, the CRRSAA utilizes 2018 operating costs, based on data available from the National Transit Database, in distributing Section 5307 funds to urbanized areas. Specifically, the CRRSAA bill language states that the Section 5307 funding provided by the bill, when combined with the funds provided by the Coronavirus Aid, Relief, and Economic Security Act, "may not exceed 75 percent of an urbanized area's 2018 operating costs." The bill provisions implementing the operating cost limitation do not, at any point, specify that the same limits apply to recipients within an urbanized area. The very next funding provision in the bill, however, institutes a maximum funding amount for any "recipient in an urbanized area." Congress clearly intended to differentiate between the operating cost

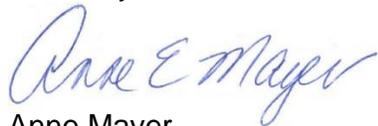
limitation, which applies to the urbanized area, and the funding ceiling, which applies to recipients within an urbanized area. FTA staff confirmed this interpretation of the bill on webinars with transit stakeholders in the days following the bill's enactment.

SCAG's distribution of the Section 5307 funding provided by CRRSAA fundamentally misinterprets this bill language by applying the 75 percent operating cost limitation to recipients within the Los Angeles – Long Beach – Anaheim urbanized area. Not only is this allocation misaligned with Congressional intent, this unprecedented inter-county allocation decision will create significant uncertainty for counties preparing for additional stimulus funding. Congress is already considering legislation that would provide additional transit funding using a similar operating cost limitation. With Congress clearly showing the intent to remain consistent in the utilization of this distribution mechanisms for future transit funding it is imperative that SCAG accurately distribute the funding provided under CRRSA.

Since the proposed inter-county allocations could have significant ramifications for transit funding throughout Southern California, we respectfully request that SCAG reconsider the methodology for Section 5307 funding, working to ensure that any funding distribution enjoys the support of all of the SCAG region's county transportation commissions, consistent with the memorandums of understanding between SCAG and the county transportation commissions.

Thank you for your consideration, and if you have any questions or require further information about our concerns, please do not hesitate to contact us directly.

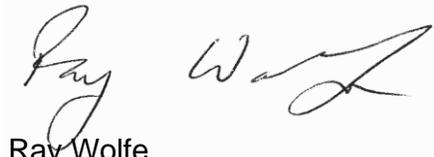
Sincerely,



Anne Mayer
Executive Director
Riverside County Transportation Commission



Darrell E. Johnson
Chief Executive Officer
Orange County Transportation Authority



Ray Wolfe
Executive Director
San Bernardino County Transportation Authority

c: Chairman Andrew Do, Orange County Transportation Authority
Chair Jan Harnik, Riverside County Transportation Commission
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