

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT
AUDIT SUMMARY REPORT**

**Transportation Fund for Clean Air (TFCA)
Program Manager Fund**

For Specified Projects Conducted for the Period from
July 1, 2006 through June 30, 2008

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BAY AREA AIR QUALITY MANAGEMENT DISTRICT

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Transportation Fund for Clean Air Program Manager Fund

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INTRODUCTION

The Bay Area Air Quality Management District (Air District), created by the California Legislature in 1955, is the state's first regional agency dealing with air pollution. The Air District regulates stationary sources of air pollution within the nine San Francisco Bay Area counties in California. The Air District's jurisdiction includes Alameda County, Contra Costa County, Marin County, Napa County, City/County of San Francisco, San Mateo County, Santa Clara County, southern Sonoma County, and south-western Solano County. The primary mission of the Air District is to achieve ambient air quality standards designed to protect the public's health and the environment. The Air District is governed by a 22-member Board of Directors who has the authority to develop and enforce regulations for the control of air pollution within its jurisdiction.

Health and Safety Code Sections 44241 and 44242 authorize a surcharge on the motor vehicle registration fee (surcharge) to be used by the Air District and local governments to fund projects that implement transportation control measures in accordance with the 1988 California Clean Air Act and the Bay Area 2005 Ozone Strategy. These measures are designed specifically to reduce air pollution from motor vehicle usage. The Department of Motor Vehicles collects the surcharge and subvenes the amount to the Air District.

The Air District administers these funds through the Transportation Fund for Clean Air (TFCA) Program. Under the TFCA Program, money is allocated to two funds: (1) 60% of the total TFCA funds is placed in a Regional Fund for distribution by the Air District and (2) 40% is placed in the Program Manager Fund and allocated to designated agencies (known as program managers). Program managers are responsible for allocating funds to eligible project sponsors within a specific geographic area. Allowable projects under Health and Safety Code Section 44241 include the following:

- Ridesharing programs
- Purchase or lease of clean fuel buses for school and transit operators
- Feeder or shuttle bus service to rail and ferry stations and airports
- Arterial traffic management
- Demonstrations in congestion pricing of highways, bridges and public transit
- Rail-bus integration and regional transit information systems
- Low-emission vehicle based projects
- Bicycle facility improvement projects
- Physical improvements that support "Smart Growth" projects

State law requires that any agency receiving TFCA funding be subject, at least once every two years, to an audit of each funded project. California Health and Safety Code Section 44242 provides legal compliance guidelines for the Air District to follow if revenues were not spent appropriately or if funded projects did not result in emission reductions.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

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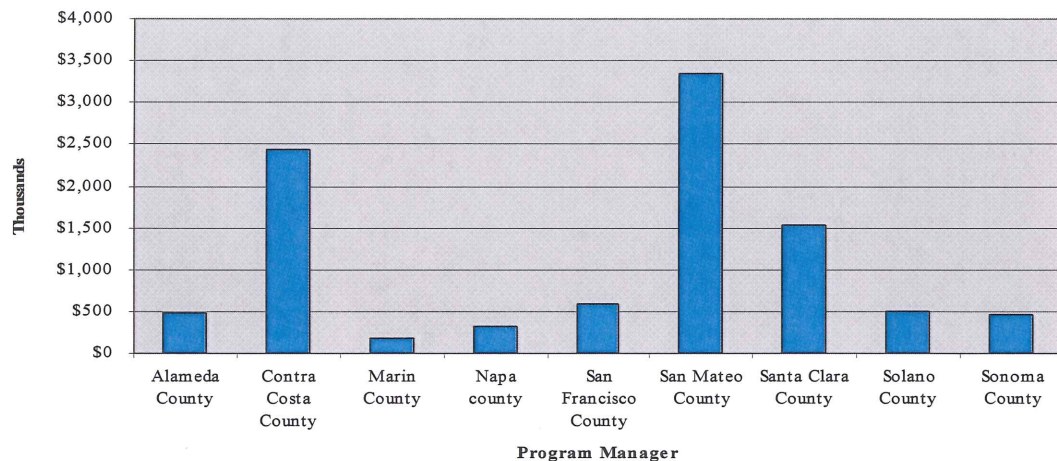
Transportation Fund for Clean Air Program Manager Fund

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INTRODUCTION (Continued)

The Air District retained the firm of Maze and Associates, Certified Public Accountants, to conduct financial and compliance audits of specified projects using the Program Manager Fund (40% fund) conducted for the period from July 1, 2006 through June 30, 2008. The graph below reports the amount of TFCA Funds allocated to each of the individual Program Managers for projects that closed during the period from July 1, 2006 through June 30, 2008. These audits were performed during the period of November 2008 through April 2009. A list of audited projects is provided in Attachment B.

**Total Funds Allocated by Program Manager for Specified Projects
Conducted for the period from July 1, 2006 through June 30, 2008**



AUDIT PROCESS

The audits were designed to address numerous financial and compliance objectives. However, the principal objective of the audits was to determine whether TFCA revenues provided by the Air District were used to implement projects to reduce air pollution as stipulated in the funding agreements between the Air District and the Congestion Management Agency. The auditors developed audit procedures specifically designed for TFCA financial and compliance requirements. The approach is briefly described below:

Auditing Standards and Scope

The audits were performed in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in the *Government Auditing Standards*, issued by the Comptroller General of the United States. The expenditures under audit were TFCA expenditures, incurred by the Program Managers in the Air District's jurisdiction, related to projects with funding allocated during the period July 1, 2006 to June 30, 2008, and had been reported closed as of June 30, 2008. A list of the audited projects is provided in Attachment B.

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AUDIT PROCESS (Continued)

Compliance Auditing Procedures

The compliance audits were performed in accordance with generally accepted auditing standards in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. The principal focus of the compliance audits was to ensure that TFCA revenues were used in accordance with the requirements outlined in the Health and Safety Code and individual funding agreements. In the individual Program Manager Fund audits, a report entitled "Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of a Financial Schedule Performed in Accordance with *Government Auditing Standards* and Requirements of Section 44241 of the California Health and Safety Code" was issued for each Program Manager to provide specific assurance that the Program Manager did or did not comply with the Health and Safety Code. Each of the nine program managers audited received an unqualified opinion.

CURRENT PERIOD AUDIT RESULTS BY PROGRAM MANAGER

A summary of audit exceptions is provided below. For additional details, please contact the Air District's auditor: Katherine Yuen, Maze & Associates at 925-930-0902.

NAPA COUNTY

2008-1:

Criteria:

In Attachment A Funding Agreement, (06-NAP) between the Bay Area Air Quality Management District and the Agency states that the maximum allowed administration costs covered under this Agreement is \$5,000. The Agency should not charge more than the allotted amount to the TFCA program funded by this Agreement.

Condition:

According to the Agency's general ledger, the amount of \$5,913.44 of administration costs charged to Funding Agreement (06-NAP) for the TFCA program; exceeded the amount allowed by the agreement by \$913.44.

Effect:

The Agency is out of compliance with this requirement stated in the Funding Agreement (06-NAP).

Cause:

We were informed that the Agency staff records on their time sheet each week actual time spent administering the TFCA Program. The total accumulated amount spent each month is then drawn down from the TFCA account.

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CURRENT PERIOD AUDIT RESULTS BY PROGRAM MANAGER (Continued)

NAPA COUNTY (Continued)

Recommendation:

Before expenses are charged to the TFCA programs, the Agency should review all the Funding Agreements in detail to ensure that actual charges do not exceed allowable amounts.

Napa County Program Manager Management Response:

The Agency was made aware of this situation during the time of this audit that it had inadvertently over drawn \$913.44 in excess for Project 06NAP00. The Agency will be taking the measures necessary to correct this matter. Action was delayed at the time (March 2009) primarily because the Agency was undergoing its external audit and its end-of-year closing for FY 2007-2008 with the Agency Board accepting final audited report at its Board meeting in April 2009. The Agency has initiated the actions necessary to restore these funds back into the TFCA account and will include a copy of that transaction in the project folder. In addition, the Agency will be taking the necessary internal controls to ensure that the Agency caps the charges to the funding limits set forth in the Funding Agreement including any associated Amendments to that Funding Agreement.

2008-2:

Criteria:

Annually, the Agency submits a report for each Funding Agreement to the Air District itemizing (a) the expenditures of the funds, (b) progress to date in the implementation of each funded project or projects, and (c) the results of the monitoring of the performance of the project or projects....”

Condition:

In review of the Annual Report related to the Funding Agreement (07NAP) for fiscal year 2007-08, the Agency reported the approved maximum amount of \$9,679 for project 07NAP00, Program Administration. According to the Amendment No. 1 to the Funding Agreement (07NAP), the amended amount should be \$5,979.50.

Effect:

The amended amount for Project #07NAP00 was overstated on the Annual Report.

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CURRENT PERIOD AUDIT RESULTS BY PROGRAM MANAGER (Continued)

Cause:

The amount stated in the original fully executed Funding Agreement 07NAP approved the amount for administration at \$9,679.00 and left \$115,321.00 unallocated. Amendment No. 1 to 07NAP reprogrammed the available funds and it was at that time that the administration for FY 2007-2008 was adjusted to correct an error in the calculation since it originally took into account all available funds rather than the DMV revenues to be spent on FY 2007-2008. This adjustment was not specifically called out in the transmittal of the fully executed Amendment No. 1 to the Agency.

Recommendation:

Prior to submittal of the Annual Report, the Agency should compare data with the Funding Agreements for accuracy.

Napa County Program Manager Management Response:

The Agency was made aware of this fact during the time of this audit. Fortunately, as a result of becoming an independent agency on July 1, 2008, the Agency is now directly managing its own finances. To date the Agency has only drawn down \$1,542.90 for Project 07NAP00 and was waiting for the completion of their external audit and the end-of-year closing in March 2009 before processing the remainder of \$4,436.60. The Agency is in the process of developing a tracking and monitoring system to ensure that the Agency is in compliance as we continue to administer this program.

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RECOMMENDATION TO THE AIR DISTRICT

2008-1

According to Section 44233 of the Health and Safety Code, “not more than 5 percent of the fees distributed to any district.....or distributed by a district to any other public agency pursuant to this chapter, shall be used by the district or other public agency for administrative costs.” In addition, Section II Item (7) of the Funding Agreements under this audit requires the Program Managers, “To limit administrative costs in the handling of these funds to no more than five (5) percent of the funds received.”

Also included on each of the Funding Agreements under this audit was Attachment A which shows summary information of the program. Item (6) of Attachment A shows an amount of “Total TFCA funds budgeted for administration.” This amount was calculated, by the District, by taking five percent of “Total new TFCA funds”, which was a combination of current year estimated TFCA revenue and an adjustment between prior year estimated and actual revenues.

During our audit of the nine Program Managers, we noticed that different Program Managers have different interpretations on the above requirement. Some adhered to the language stated on Section II Item (7) of the Funding Agreements; while others adhered to the amounts stated on Attachment A.

In order to provide consistency and ensure that the Funding Managers are in compliances with the applicable regulations, we recommend the District communicate to the Funding Managers in writing the proper methodology for applying the 5 percent administrative cost limitation.

District's Response:

The Air District has taken steps to ensure that Program Managers use the proper methodology for determining maximum allowable administrative costs.

The proper methodology limits administrative costs to five percent of funds received on a per-year basis. On the other hand, the administrative cost line item on Attachment A of the funding agreement is only an *estimate* of the maximum administrative costs, not a limitation on those costs.

The Air District has revised the forms used for estimating expenditures to clarify this point, and is ensuring that all guidance, funding agreements and attachments, and communications are consistent regarding the proper methodology for limiting administrative costs.

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ATTACHMENTS

ATTACHMENT A

California Health and Safety Code Section 44241

44241.

(a) Fee revenues generated under this chapter in the bay district shall be subvended to the bay district by the Department of Motor Vehicles after deducting its administrative costs pursuant to Section 44229.

(b) Fee revenues generated under this chapter shall be allocated by the bay district to implement the following mobile source and transportation control projects and programs that are included in the plan adopted pursuant to Sections 40233, 40717, and 40919: (1) The implementation of ridesharing programs. (2) The purchase or lease of clean fuel buses for school districts and transit operators. (3) The provision of local feeder bus or shuttle service to rail and ferry stations and to airports. (4) Implementation and maintenance of local arterial traffic management, including, but not limited to, signal timing, transit signal preemption, bus stop relocation and "smart streets." (5) Implementation of rail-bus integration and regional transit information systems. (6) Implementation of demonstration projects in telecommuting and in congestion pricing of highways, bridges, and public transit. No funds expended pursuant to this paragraph for telecommuting projects shall be used for the purchase of personal computing equipment for an individual's home use. (7) Implementation of vehicle-based projects to reduce mobile source emissions, including, but not limited to, engine repowers, engine retrofits, fleet modernization, alternative fuels, and advanced technology demonstrations. (8) Implementation of a smoking vehicles program. (9) Implementation of an automobile buy-back scrappage program operated by a governmental agency. (10) Implementation of bicycle facility improvement projects that are included in an adopted countywide bicycle plan or congestion management program. (11) The design and construction by local public agencies of physical improvements that support development projects that achieve motor vehicle emission reductions. The projects and the physical improvements shall be identified in an approved area-specific plan, redevelopment plan, general plan, or other similar plan.

(c) (1) Fee revenue generated under this chapter shall be allocated by the bay district for projects and programs specified in subdivision (b) to cities, counties, the Metropolitan Transportation Commission, transit districts, or any other public agency responsible for implementing one or more of the specified projects or programs. Fee revenue generated under this chapter may also be allocated by the bay district for projects and programs specified in paragraph (7) of subdivision (b) to entities that include, but are not limited to, public agencies, consistent with applicable policies adopted by the governing board of the bay district. Those policies shall include, but are not limited to, requirements for cost-sharing for projects subject to the policies. Fee revenues shall not be used for any planning activities that are not directly related to the implementation of a specific project or program. (2) The bay district shall adopt cost-effectiveness criteria for fee revenue generated under this chapter that projects and programs are required to meet. The cost-effectiveness criteria shall maximize emissions reductions and public health benefits.

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ATTACHMENT A (Continued)

(d) Not less than 40 percent of fee revenues shall be allocated to the entity or entities designated pursuant to subdivision (e) for projects and programs in each county within the bay district based upon the county's proportionate share of fee-paid vehicle registration.

(e) In each county, one or more entities may be designated as the overall program manager for the county by resolutions adopted by the county board of supervisors and the city councils of a majority of the cities representing a majority of the population in the incorporated area of the county. The resolution shall specify the terms and conditions for the expenditure of funds. The entities so designated shall be allocated the funds pursuant to subdivision (d) in accordance with the terms and conditions of the resolution.

(f) Any county, or entity designated pursuant to subdivision (e), that receives funds pursuant to this section, at least once a year, shall hold one or more public meetings for the purpose of adopting criteria for expenditure of the funds and to review the expenditure of revenues received pursuant to this section by any designated entity. If any county or entity designated pursuant to subdivision (e) that receives funds pursuant to this section has not allocated all of those funds within six months of the date of the formal approval of its expenditure plan by the bay district, the bay district shall allocate the unallocated funds in accordance with subdivision (c).

44241.5.

The bay district board shall hold an annual public hearing to review the expenditure of revenues received by the bay district pursuant to Section **44241** to determine their effectiveness in improving air quality.

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ATTACHMENT B

List of Audited Projects

Alameda Project List 2008

Sponsor	Project	TFCA
Project Description	Number	Allocation
		(Final)
City of Berkeley		
Citywide Bicycle Parking Program	05ALA02	\$25,000
Alameda County CMA		
Program Administration Cost	05ALA00	33,840
Program Administration Cost	06ALA00	7,500
Program Administration Cost	07ALA00	53,307
City of Livermore		
Arroyo Mocho Multiuse Trail Extension	05ALA03	86,803
City of Union City		
Compressed Natural Gas Facility Improvements	05ALA05	120,000
County of Alameda		
Guaranteed Ride Home Program	06ALA01	150,000
Total		<u><u>\$476,450</u></u>

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ATTACHMENT B (Continued)

Contra Costa Project List 2008

Sponsor Project Description	Project Number	Allocation (Final)
Central Contra Costa Transit Authority		
Program Administration Cost	05CC00	\$66,243
Program Administration Cost	06CC00	67,812
Program Administration Cost	07CC00	68,029
City of San Ramon/Southwest Area Transportation		
South County Employer Network	05CC04	30,000
South County Carpool to School Program	05CC05	36,450
Countywide Vanpool Incentive Program	05CC06	70,000
City of Lafayette		
Lamorinda School Bus Program - 17 school busses	05CC02	50,000
Lamorinda School Bus Program	06CC12	50,000
ECCTA dba Tri Delta Transit		
PuriNOx Alternative Fuel	05CC03	53,798
TRANSPAC/City of Pleasant Hill		
Bicycle Rack Project - Central/East Contra Costa	05CC08	24,881
Countywide Carpool Incentive Program	05CC09	174,994
Central/East County Employer Outreach Program	05CC10	119,972
SchoolPool Program	05CC11	203,993
Countywide Transit Incentive Program	05CC12	188,497
Central/East County Employer Outreach Program	06CC05	207,500
Countywide Carpool Incentive Program	06CC06	195,500
Countywide Transit Incentive Program	06CC07	466,113
WCCTAC		
Bay Trail Gap Closure - Richmond Parkway	05CC13	38,693
Employer Based Trip Reduction Program	05CC14	89,000
Countywide Guaranteed Ride Home Program	05CC15	150,000
i-80 Corridor Transit Incentive Program	05CC16	66,000
Class 1 Bike Lane - Montalvin Manor/Tara Hills	05CC17	20,000
Total		\$2,437,475

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ATTACHMENT B (Continued)

Marin Project List 2008

Sponsor	Project	Project
Project Description	Number	Allocation
		(Final)
Transportation Authority of Marin		
Program Administration	05MAR00	\$18,108
Program Administration	06MAR00	17,912
Program Administration	07MAR00	18,152
Golden Gate Bridge, Highway, & Trans. District		
Bike Racks on Golden Gate Transit	05MAR02	60,000
Marin County		
Video Conferencing Network	05MAR03	67,243
Total		\$181,415

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ATTACHMENT B (Continued)

Napa Project List 2008

Sponsor Project Description	Project Number	Project Allocation (Final)
City of Napa		
Seminary Bike Boulevard	05NAP02	\$12,000
County of Napa		
Conn Creek Class II Bicycle Lane	05NAP01	165,000
Bike Lockers	06NAP06	4,491
Napa County Transportation Planning Agency		
Program Administration Cost	05NAP00	4,370
Program Administration Cost	06NAP00	5,000
Transit Bus Particulate Filters	06NAP04	38,000
Program Administration Cost	07NAP00	5,971
City of American Canyon		
Wetlands Edge Bikeway Extension	06NAP01	86,000
Total:		<u><u>\$320,832</u></u>

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ATTACHMENT B (Continued)

San Francisco Project List 2008

Sponsor Project Description	Project Number	TFCA Allocation (Final)
Bart		
Embarcadero Bikestation O&M	05SF01	\$37,000
UCSF Mission Bay Transit Shuttle	05SF12	71,000
UCSF Mission Bay Bicycle Parking	05SF13	42,496
County of San Francisco		
Bicycles for Gardeners	05SF02	14,745
Commuter Benefits Program	05SF04	125,293
Clean Air Vehicle Replacement	05SF05	105,000
Telecommuting Program	05SF06	50,000
CCSF Fleet Bicycle Program	06SF02	18,140
Presidio Trust		
Lockers	05SF11	19,829
San Francisco County Transportation Agency		
Program Administration	05SF00	36,555
Program Administration	06SF00	26,936
Program Administration	07SF00	36,588
Total		<u><u>\$583,582</u></u>

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ATTACHMENT B (Continued)

San Mateo Project List 2008

Sponsor Project Description	Project Number	TFCA Allocation (Final)
C/CAG		
Program Administration	05SM00	\$16,317
TFCA FY 2006-2007 Program Management	06SM00	31,661
TFCA FY 2006-2007 Program Management	07SM00	49,099
City of Menlo Park		
Menlo Park Mid-day & Shoppers' Shuttle	05SM01	40,000
Menlo Park Mid-day & Shoppers' Shuttle	06SM01	45,000
Peninsula Congestion Relief Alliance		
TDM/TSM Program	05SM02	143,333
TDM/TSM Program	05SM02	286,667
TDM/TSM Program	06SM02	75,000
TDM/TSM Program	06SM02	375,000
TDM/TSM Program	07SM02	453,000
SamTrans Shuttle Bus Program		
SamTrans Shuttle Bus Service	05SM03	605,000
SamTrans Shuttle Bus Service	06SM03	638,000
SamTrans Shuttle Bus Service	07SM03	576,000
Total		<u>\$3,334,077</u>

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ATTACHMENT B (Continued)

Santa Clara Project List 2008

Sponsor Project Description	Project Number	Project Allocation (Final)
City of Los Altos		
Citywide Bicycle Racks Installation	06SC04	\$17,250
City of San Jose		
On-Street Bicycle Racks	06SC08	40,000
City of Sunnyvale		
Mathilda Avenue Adaptive Traffic Signal Project	06SC03	175,905
Multimodel Station Bike Parking	06SC02	11,000
County of Santa Clara		
Lawrence Expressway Weekend Signal Timing	06SC06	45,000
San Tomas Expressway Traffic Signal Controller Assembles	06SC07	90,000
Santa Clara Valley Transportation Authority		
Program Administration Cost	05SC00	40,020
MTA Light Rail Shuttle program	05SC03	485,000
Program Administration Cost	06SC00	81,956
MTA Light Rail Shuttle program	06SC01	485,000
Program Administration Cost	07SC00	51,979
Total		<u>\$1,523,110</u>

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ATTACHMENT B (Continued)

Solano Project List 2008

Sponsor Project Description	Project Number	TFCA Allocation (Final)
Solano/Napa Commuter Information		
Ridesharing/Trip Reduction Program	05SOL01	\$195,000
Transit and Bicycle Service and Outreach	06SOL03	210,000
City of Benicia		
Diesel Retrofit Devices for Benicia Busses	07SOL01	10,000
Shuttle Service: Benicia Industrial Park to Vallejo Ferry Terminal	06SOL02	29,325
City of Fairfield		
Fairfield/Suisun Transit Bicycle Racks	07SOL02	13,120
Solano Transportation Authority		
Solano Transportation Authority	05SOL00	15,861
Solano Transportation Authority	06SOL00	15,986
Solano Transportation Authority	07SOL00	16,272
Total		505,564

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ATTACHMENT B (Continued)

Sonoma Project List 2008

Sponsor	Project	TFCA
Project Description	Number	Allocation
		Final
Sonoma County Transit		
Cotati Intermodal Facility/Park & Ride	05SON03	\$9,695
Transit Marketing Program	05SON04	90,398
Sonoma County Transportation Authority		
Program Administration Cost	05SON00	27,127
Program Administration Cost	06SON00	29,449
Program Administration Cost	07SON00	27,174
City of Sebastopol		
Railroad Forest Bike Path	05SON05	55,451
One Hybrid Light Duty Vehicle	06SON09	2,000
City of Santa Rosa		
FY 2005-06 Voluntary Trip Reduction Program	05SON06	140,000
FY 2005-06 Student Bus Pass Subsidy	05SON08	86,181
Total		\$467,475

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