

**BAY AREA AIR QUALITY
MANAGEMENT DISTRICT**

**TRANSPORTATION FUND FOR CLEAN AIR
PROGRAM MANAGER FUND**

AUDIT SUMMARY REPORT

PROJECT PERIOD ENDED JUNE 30, 2015

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

TRANSPORTATION FUND FOR CLEAN AIR PROGRAM MANAGER FUND

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1. 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 twenty-two member Board of Directors who has the authority to develop and enforce regulations for the control of air pollution within its jurisdiction.

2. PROGRAM DESCRIPTION

Health and Safety Code Sections 44223 and 44225 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 2010 Clean Air Plan. These measures are designed specifically to reduce air pollution from motor vehicles. The Department of Motor Vehicles collects the surcharge and allocates the amounts 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% is placed in the Regional Fund and allocated to entities on a competitive basis by the Air District and (2) 40% is placed in the Program Managers Fund and allocated to designated agencies, known as program managers. Allowable projects under Health and Safety Code Section 44241 include the following:

- Ridesharing programs
- Purchase or lease of clean fuel school and transit buses
- 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 projects
- Bicycle facility improvement projects
- Physical improvements that support "Smart Growth" projects

State law requires that any agency receiving TFCA funding be subject to an audit, at least once every two years. Health and Safety Code Section 44242 provides the legal compliance guidelines for the Air District to follow in the event revenues are not spent appropriately or when projects do not result in emission reductions. Health and Safety Code Sections 44241 and 44242 are provided in Appendix A.

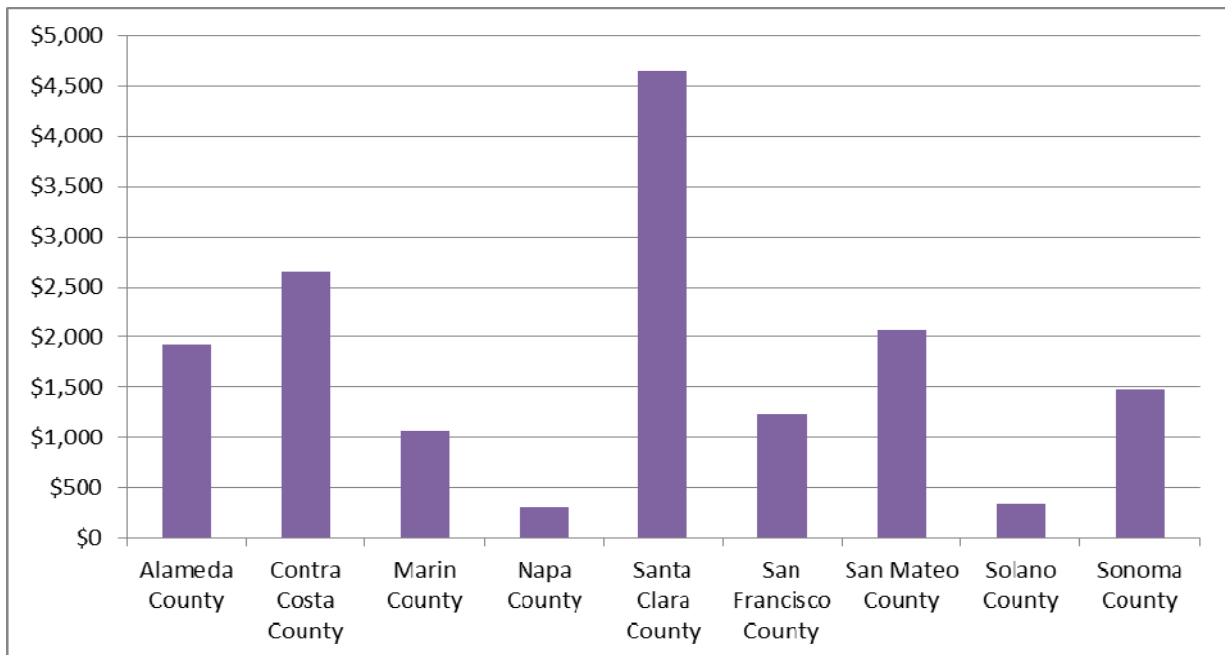
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The Air District retained the firm of Gilbert Associates, Inc. to conduct financial and compliance audits of completed projects funded through the Program Manager Fund for the project period ended June 30, 2015. The graph below reports the amount of TFCA Funds allocated to each of the individual Program Managers for projects that closed during the period from July 1, 2013 through June 30, 2015. These audits were performed during the period of December 2015 through April 2016. A list of audited projects is provided in Attachment B.

**Total Funds Expended by Program Manager for Specified Projects Conducted
for the period from July 1, 2013 through June 30, 2015 (in thousands)**



3. AUDIT PROCESS

The audits were designed to address numerous financial and compliance objectives; however, the principal objectives of the audits were to (1) provide assurance that amounts reported in the Schedules of Expenditures are fairly stated, and (2) determine whether projects financed through the Air District's Program Manager Fund met funding agreement requirements. The audit procedures were specifically designed for TFCA financial and compliance requirements. The audit approach is described below:

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Auditing Standards and Specific Procedures

The 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 expenditures under audit were TFCA expenditures, incurred by the Program Managers in the Air District's jurisdiction, related to projects that had been reported closed between July 1, 2013, and June 30, 2015.

Compliance Auditing Procedures

The audits were performed in accordance with the requirements outlined in the Health and Safety Code, individual funding agreements and *Government Auditing Standards*. The principal focus of the compliance auditing procedures was to ensure TFCA expenditures were paid in accordance with the program's objectives (Health and Safety Code Sections 44241). In the individual Program Manager Fund audits, a report entitled "Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of the Schedule of Expenditures of Projects 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 unmodified opinion.

4. PROGRAM MANAGER FINDINGS

No program manager findings were noted as of and for the project period ended June 30, 2015.

5. OVERSIGHT FINDINGS

No oversight findings were noted as of and for the project period ended June 30, 2015.

APPENDIX A
HEALTH AND SAFETY CODE SECTIONS 44241 AND 44242

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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.

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- (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.
- (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).

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44242

- (a) Any agency which receives funds pursuant to Section 44241 shall, at least once every two years, undertake an audit of each program or project funded. The audit shall be conducted by an independent auditor selected by the bay district in accordance with Division 2 (commencing with Section 1100) of the Public Contract Code. The district shall deduct any audit costs which will be incurred pursuant to this section prior to distributing fee revenues to cities, counties, or other agencies pursuant to Section 44241.
- (b) Upon completion of an audit conducted pursuant to subdivision (a), the bay district shall do both of the following:
 - (1) Make the audit available to the public and to the affected agency upon request.
 - (2) Review the audit to determine if the fee revenues received by the agency were spent for the reduction of air pollution from motor vehicles pursuant to the plan prepared pursuant to Sections 40233 and 40717.
- (c) If, after reviewing the audit, the bay district determines that the revenues from the fees may have been expended in a manner which is contrary to this chapter or which will not result in the reduction of air pollution from motor vehicles pursuant to that plan, the district shall do all of the following:
 - (1) Notify the agency of its determination.
 - (2) Within 45 days of the notification pursuant to paragraph (1), hold a public hearing at which the agency may present information relating to expenditure of the revenues from the fees.
 - (3) After the public hearing, if the district determines that the agency has expended the revenues from the fees in a manner which is contrary to this chapter or which will not result in the reduction of air pollution from motor vehicles pursuant to the plan prepared pursuant to Sections 40233 and 40717, the district shall withhold these revenues from the agency in an amount equal to the amount which was inappropriately expended. Any revenues withheld pursuant to this paragraph shall be redistributed to the other cities within the county, or to the county, to the extent the district determines that they have complied with the requirements of this chapter.
- (d) Any agency which receives funds pursuant to Section 44241 shall encumber and expend the funds within two years of receiving the funds, unless an application for funds pursuant to this chapter states that the project will take a longer period of time to implement and is approved by the district or the agency designated pursuant to subdivision (e) of Section 44241. In any other case, the district or agency may extend the time beyond two years, if the recipient of the funds applies for that extension and the district or agency, as the case may be, finds that significant progress has been made on the project for which the funds were granted.

APPENDIX B

LISTING OF AUDITED PROJECTS BY PROGRAM MANAGER

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Alameda County Transportation Commission:

<u>Project Description</u>	<u>TFCA Project Number</u>	<u>Final Project Expenditures through 6/30/15</u>
Alameda County Transportation Commission		
Program Administration	12ALA00	\$ 92,723
Program Administration	14ALA00	94,730
Guaranteed Ride Home Program	11ALA13	232,614
AC Transit		
Easy Pass Transit Incentive Program	09ALA07	335,703
California State University, East Bay		
CSU East Bay Second (Peak Hours) Campus to BART Shuttle	11ALA04	193,999
CSU East Bay Second Shuttle - Increased Service Hours	12ALA03	56,350
CSU East Bay Shuttle II	14ALA13	130,000
City of Albany		
Buchanan Class 1 Bike Path and Class 2 Bike Lanes	11ALA03	100,000
City of Fremont		
North Fremont Arterial Management	11ALA06	171,830
City of Oakland, Economic Development		
Oakland Broadway Shuttle - Friday and Saturday Evening Service	12ALA01	35,300
City of Pleasanton		
Pleasanton Trip Reduction Program	12ALA02	57,507
City of San Leandro		
San Leandro LINKS Shuttle	11ALA12	47,500
East Bay Regional Park District		
Iron Horse Trail, Dublin/Pleasanton BART Santa Rita Road	14ALA03	180,000
Livermore Amador Valley Transit Authority		
Route 10 Service Operations	12ALA04	144,346
Route 53 Operations	12ALA05	34,180
Route 54 Operations	12ALA06	30,700
Total		<u>\$ 1,937,482</u>

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Contra Costa Transportation Authority:

<u>Project Description</u>	<u>TFCA Project Number</u>	<u>Final Project Expenditures through 6/30/15</u>
Contra Costa Transportation Authority		
Program Administration	12CC00	\$ 66,602
Program Administration	14CC00	68,692
Program Administration	15CC00	70,505
City of Martinez		
San Francisco Bay Trail, Phase II	04CC13	87,508
City of San Ramon		
511 South Contra Costa County Student Program	10CC06	166,626
511 Contra Costa Southwest Employer Program	11CC05	43,195
511 Contra Costa Southwest Employer Program	12CC05	48,695
511 Contra Costa Countywide Vanpool Incentive Program	12CC06	39,335
TRANSPAC/City of Pleasant Hill		
Central/East SOV Trip/Emissions Reduction Trip	12CC04	730,527
Central/East SOV Trip/Emissions Reduction Trip	14CC04	754,046
West Contra Costa Transportation Advisory Committee		
I-80 Plus Commute Incentive Program	08CC01	163,096
West Contra Costa Commute Incentive Program	09CC01	75,258
West County Employer Outreach	09CC02	107,164
Countywide Guaranteed Ride Home Program	11CC03	143,810
Countywide Guaranteed Ride Home Program	12CC03	<u>88,289</u>
Total		<u>\$ 2,653,348</u>

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Transportation Authority of Marin:

<u>Project Description</u>	<u>TFCA Project Number</u>	<u>Final Project Expenditures through 6/30/15</u>
Transportation Authority of Marin		
Vanpool Program	10MAR01	\$ 50,000
Emergency Ride Home Program	10MAR02	50,000
Electric Vehicle Charging Stations	10MAR04	91,256
Dynamic Rideshare	10MAR06	60,000
Program Administration	12MAR00	16,770
Emergency Ride Home Program	12MAR01	10,475
Program Administration	14MAR00	17,736
Town of Fairfax		
Fairfax Spine Project	11MAR01	110,000
Town of San Anselmo		
Electric Assist Utility Bicycle for Town Staff	14MAR05	6,000
Town of Tiburon		
Tiburon Boulevard and Lyford Drive Multi-modal Commuter Lot	09MAR10	314,207
County of Marin		
Sir Francis Drake Blvd. - Westbound Class II Bike Lane (Baywood Canyon - Brown Bridge)	07MAR03	29,163
Construct a Westbound Class II Bike Lane on Sir Francis Drake Boulevard	09MAR06	45,837
Tennessee Valley Pathway (Class II)	09MAR07	265,000
Bel Marin Keys Boulevard Class II Bicycle Lanes	11MAR03	9,189
Total		<u>\$ 1,075,633</u>

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Napa County Transportation and Planning Agency:

<u>Project Description</u>	<u>TFCA Project Number</u>	<u>Final Project Expenditures through 6/30/15</u>
Napa County Transportation and Planning Agency		
Program Administration	12NAP00	\$ 9,429
Program Administration	14NAP00	9,641
City of Napa		
Lincoln Ave Class II Bike Lane	10NAP01	39,405
Bicycle Racks and Bicycle Locker	11NAP01	10,026
Lincoln Ave Class II Bike Lane Between Jefferson St. and Railroad Crossing	11NAP02	77,687
Saratoga Drive Class II Bicycle Lane	12NAP05	31,154
City of St. Helena		
Wappo Class I Multi-purpose Trail Gap Closure	11NAP03	90,000
Solano Napa Commuter Information		
SNCI Commuter Incentives and Marketing Materials	10NAP04	<u>39,958</u>
Total		<u>\$ 307,300</u>

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Santa Clara Valley Transportation Authority:

<u>Project Description</u>	<u>TFCA Project Number</u>	<u>Final Project Expenditures through 6/30/15</u>
Santa Clara Valley Transportation Authority		
Program Administration	12SC00	\$ 113,469
Light Rail Shuttles	12SC02	665,000
Program Administration	14SC00	112,251
Light Rail Shuttles	14SC05	625,000
City of Campbell		
Winchester Boulevard Signal Timing Project	14SC10	130,000
City of Cupertino		
Stevens Creek "Corridor Park"	14SC07	95,000
City of Gilroy		
10th Street Adaptive Signal Synchronization Project	10SC05	52,118
City of Milpitas		
Milpitas Traffic Signal Management System	08SC05	762,744
City of Mountain View		
Grant Road Adaptive Signal Project	08SC07	330,058
Permanente Creek Trail	11SC05	100,000
City of San Jose		
Traffic Signal Synchronization Project	09SC10	308,069
Traffic Signal Synchronization Project - Phase 2	10SC06	531,621
Park/San Fernando/San Antonio Bikeway	11SC06	43,000
Hedding Street Bike Lanes	11SC07	47,548
Public Bike Rack Purchase and Installation	12SC01	22,604
City of Santa Clara		
San Tomas Aquino Spur Trail	10SC01	260,000
Traffic Signal & Interconnect Project	10SC02	315,000
Stevens Creek Colorized Bike Lanes	11SC04	59,200
City of Sunnyvale		
El Camino Bike Lanes	14SC09	15,000
Santa Clara County - Roads and Airports Department		
San Tomas Weekend Signal Timing	12SC04	53,250
Total		<u>\$ 4,640,932</u>

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San Francisco County Transportation Authority:

<u>Project Description</u>	<u>TFCA Project Number</u>	<u>Final Project Expenditures through 6/30/15</u>
San Francisco County Transportation Authority		
Program Administration	12SF00	\$ 33,019
Program Administration	14SF00	36,589
San Francisco Department of the Environment		
CCSF Bicycle Fleet	11SF01	36,901
Emergency Ride Home Program	11SF03	8,373
MTC School Ridematching Program	11SF04	91,497
City and County of San Francisco (CCSF) Bicycle Fleet Program	12SF02	30,134
San Francisco Employer Commuter Benefits Program	12SF03	71,732
Emergency Ride Home Program	14SF01	1,455
Commuter Benefits Program	14SF02	87,313
San Francisco SchoolPool	14SF03	22,674
San Francisco Municipal Transportation Agency		
Regional Bicycle Sharing Pilot	11SF09	401,250
Alternative Fuel Taxicab Vehicle Incentive Program	12SF05	69,251
Short Term Bicycle Parking	12SF07	165,000
Sloat Boulevard Bicycle Lanes	12SF08	85,000
San Francisco State University		
Abundant Bicycle Parking (Outdoor Racks)	14SF06	50,932
University of California, San Francisco		
Parnassus Campus Bike Cage	10SF08	<u>50,000</u>
Total		<u>\$ 1,241,120</u>

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City/County Association of Governments of San Mateo County:

<u>Project Description</u>	<u>TFCA Project Number</u>	<u>Final Project Expenditures through 6/30/15</u>
City/County Association of Governments of San Mateo County		
Program Administration	12SM00	\$ 28,636
Program Administration	14SM00	37,822
Peninsula Traffic Congestion Relief Alliance		
Countywide Voluntary Trip Reduction Program	12SM01	435,600
Countywide Voluntary Trip Reduction Program	14SM01	443,604
San Mateo County Transit District		
SamTrans Shuttle Bus Program	12SM02	554,400
SamTrans Shuttle Bus Program	14SM02	<u>566,000</u>
Total		<u>\$ 2,066,062</u>

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Solano Transportation Authority:

<u>Project Description</u>	<u>TFCA Project Number</u>	<u>Final Project Expenditures through 6/30/15</u>
Solano Transportation Authority		
Program Administration	14SOL00	\$ 14,804
Safe Routes to School Program, Program Coordination and School Event Student Incentives	11SOL01	47,909
Solano Commute Alternatives Incentive Activities and Outreach Program	12SOL02	254,328
City of Benicia		
Matthew Turner Elementary Smart Growth Project	12SOL01	<u>23,263</u>
Total		<u>\$ 340,304</u>

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Sonoma County Transportation Authority:

<u>Project Description</u>	<u>TFCA Project Number</u>	<u>Final Project Expenditures through 6/30/15</u>
Sonoma County Transportation Authority		
Program Administration	14SON00	\$ 29,276
Program Administration	12SON00	28,337
Sonoma County Transit		
CNG Fueling Station Expansion	03SON05	257,275
Cotati Intermodal Facility/Park & Ride	04SON04	26,369
Cotati Intermodal Facility/Park & Ride	05SON03	9,695
Cotati Intermodal Facility/Park & Ride	06SON02	25,158
Cotati Intermodal Facility/Park & Ride	08SON01	359,244
Transit Marketing Program	10SON03	59,356
Transit Marketing Program	12SON05	60,000
City of Petaluma		
Sonoma Mountain Parkway & McDowell Boulevard		
Corridor Signal Timing	11SON04	85,427
Petaluma Transit - Transit Marketing	14SON07	60,000
City of Santa Rosa, Transit Department		
Santa Rosa Free Ride Trip Reduction Incentive Program	12SON03	170,788
Student/Youth Bus Pass Subsidy	12SON04	65,000
Youth Bus Pass Subsidy Program	14SON01	75,000
Santa Rosa Free Ride Trip Reduction Incentive Program	14SON02	<u>153,636</u>
Total		<u>\$ 1,464,561</u>