

# Metropolitan Transportation Commission Programming and Allocations Committee

September 10, 2008

Item Number 4e

## Resolution No. 3434, Revised - 2008 Strategic Plan Update

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**Subject:** Resolution 3434 – Regional Transit Expansion Program: Revisions to Resolution 3434 to Incorporate Recommendations from the 2008 Strategic Plan

**Summary:** At the July 2007 meeting, this Committee directed staff to develop a Strategic Plan for Resolution 3434, the Regional Transit Expansion Program. At the June 2008 meeting, staff presented the draft 2008 Strategic Plan for Resolution 3434.

After receiving input from partner agencies, local jurisdictions and the public at the July 2008 meeting, the Committee deferred adoption of the Strategic Plan to give Commissioners and stakeholders additional time to respond to the staff proposal. The attached memo includes the following: 1) updated information on projects and funding categories since the July Committee meeting; 2) an overview of the Strategic Plan; 3) a summary of Strategic Plan recommendations and the companion changes to Resolution 3434; and 4) next steps for implementation.

**Background:** The purpose of the Strategic Plan is to provide a framework for successful program and project delivery by initially addressing: 1) escalating project costs; 2) near-term funding requests; and 3) the development of the financially constrained element of the Transportation 2035 Plan.

The Strategic Plan recommends the following: 1) place projects into four categories to address specific program and project challenges; 2) continue to monitor project progress and milestones; 3) provide advocacy support; 4) take specific programming actions to deliver otherwise ready-to-go projects; and 5) endorse one additional regional Small Starts project.

Funding solutions were identified for the following projects: 1) AC Transit Bus Rapid Transit project; and 2) BART Extension to Warm Springs project. The funding identified to close the shortfalls includes contributions from MTC, BART, Alameda County, and Santa Clara County. Further, staff recommends holding \$48 million in anticipated MTC funds in an unrestricted reserve for other projects whose financial delivery requirements are still under discussion, including the BART Oakland Airport Connector project.

**Recommendation:** Staff recommends that the Committee refer Resolution 3434, Revised and the 2008 Strategic Plan to the Commission for approval.

**Attachment:** Executive Director's memorandum  
Attachment 1: Funding Summary  
Attachment 2: Comment Letters  
MTC Resolution No. 3434, Revised



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## *Memorandum*

TO: Programming and Allocations Committee

DATE: September 10, 2008

FR: Executive Director

RE: Resolution 3434 – Revisions to the Regional Transit Expansion Program to Incorporate Recommendations from the 2008 Strategic Plan

At the June 2008 Programming and Allocations Committee meeting, staff presented the draft 2008 Strategic Plan for Resolution 3434, the Regional Transit Expansion Program. After receiving input from partner agencies, local jurisdictions and the public at the July meeting, the Committee deferred adoption of the Strategic Plan to give stakeholders additional time to respond to the staff proposal.

This memo includes the following: 1) updated information on projects and funding categories since the July Committee meeting; 2) an overview of the Strategic Plan; 3) a summary of Strategic Plan recommendations and the companion changes to Resolution 3434; and 4) next steps for implementation should the Commission approve the revisions to Resolution 3434.

Staff is recommending that this Committee refer the 2008 Strategic Plan and companion changes to Resolution 3434 to the Commission for approval.

### **Project and Funding Updates Since July 2008 Meeting**

Since the July meeting, the following new information has become available to inform the Strategic Plan.

#### **1. Project Updates**

##### *BART Extension to Warm Springs / Silicon Valley*

Staff's recommendations for closing the funding gaps in the Warm Springs project are conditioned on a full funding plan for the extension to Silicon Valley. The Santa Clara Valley Transportation Authority (VTA) voted to place a one-eighth cent sales tax measure on the November 2008 ballot. The sales tax, estimated to raise \$42 million annually, would be dedicated to operating the BART extension and collection would not commence until federal and state financial commitments are secured. If successful, this sales tax measure will move the Silicon Valley project closer to a full funding plan.

##### *Dumbarton Rail*

On July 22<sup>nd</sup>, the Dumbarton Rail Policy Advisory Committee (PAC) adopted a motion opposing the MTC staff proposal. The motion requested that MTC do the following: 1) ensure the \$91 million be available when needed in 2010 or 2011; 2) use MTC regional express bus funding and

the \$5.5 million in annual Dumbarton operating funding to enhance bus services and build ridership in the corridor prior to implementation of the rail project; 3) support steps now to preserve Right-of-Way and use currently available funding for acquisition; and 4) seek additional federal, state, and local funding sources to achieve a fully funded rail project.

Both the Alameda County Congestion Management Agency and the Alameda County Transportation Authority (ACTIA) have adopted resolutions supporting, with conditions, the Strategic Plan staff proposal. The conditions are outlined in letters to MTC, included in Attachment 2.

In response, staff continues to recommend the funding exchange between the Dumbarton rail project and BART to Warm Springs. In addition, we recommend that MTC take the following steps regarding the Dumbarton rail corridor:

1. Support completion of the alternatives analysis and environmental phase
2. Support steps towards the purchase of Right-of-Way in the ACE, Capitol, and Dumbarton Corridors
3. Support expanded express bus service in the corridor to build ridership
4. Support the Dumbarton PAC in securing additional funding to close the \$300 million project shortfall.

*Dumbarton Rail – Environmental Phase* – MTC supports completion of the environmental phase. In fact, we have allocated roughly \$9 million in RM2 funds to complete the environmental phase.

*Dumbarton Rail – Right-of-Way Phase* – As evident in the Regional Rail Plan released in 2007, MTC supports the purchase of right-of-way to improve service in the ACE, Capitol and Dumbarton Corridors. Additionally, \$79 million of Interregional Transportation Improvement Program (ITIP) funds are included in the Transportation 2035 adopted investment package to contribute to an Oakland Subdivision ROW purchase. Based on the results of the Dumbarton alternatives analysis and environmental phase, and with the direction of the Dumbarton PAC regarding a preferred alternative and related investments, staff proposes to explore an investment strategy for the remaining \$35 million in RM2 funds plus the ITIP funds, to jumpstart right-of-way preservation activities.

*Dumbarton Rail – Interim Express Bus Service* – If an expanded express bus network was part of the preferred alternative, or the Dumbarton PAC approved an early implementation strategy for such service, staff proposes to explore two possibilities: 1) use some of the remaining \$35 million in RM2 capital funds to contribute to purchasing vehicles (which could reduce the amount available for right-of-way acquisition); and 2) use a portion of the annual \$5.5 million in RM2 operating funds available to Dumbarton Rail for cost-effective bus service. The RM2 operating funds are annual allocations based on meeting minimum operating requirements. RM2 Express Bus capital funding, as referenced by the Dumbarton PAC, has been allocated to other projects.

*Dumbarton Rail – Project Shortfall* – As noted by speakers at the July MTC Programming and Allocations Committee meeting, significant regional projects have waited up to 30 years to secure the necessary funding. The Dumbarton Rail project is another important regional project that needs to continue moving forward towards full funding. With a preferred alternative selected and an updated cost figure, the Dumbarton PAC, along with MTC and its other funding partners will begin the process of securing the necessary funds to deliver the project. However, the current project shortfall of roughly \$300 million is the most significant obstacle to project delivery and is beyond the magnitude of funding available in this Strategic Plan. Future bridge tolls and other new sources should be explored to bring this project to the state of readiness where BART to Warm Springs is today.

#### *Oakland Airport Connector*

The BART Oakland Airport Connector (OAC) project is in the public private partnership procurement phase. This phase, originally slated for completion in July and extended to mid-August, has now been extended until October 2008. BART staff indicated that additional public funding might be necessary to complete this process. There have been many external factors – including decreasing passenger projections for the Oakland Airport and reduced availability of private capital in the financial markets – that have made it challenging to complete the public private partnership. Given that staff is recommending adoption of the Strategic Plan this month and BART has still not identified a full funding plan for this project, staff recommends holding the \$35 million in an unrestricted reserve pending further discussion in the coming months about how these revenues can best be used toward the goal of jumpstarting project delivery.

#### *Caltrain Electrification*

In August, Caltrain staff released an updated cost estimate for the Electrification project. The project cost, previously estimated to be \$626 million in year of expenditure, is now estimated to be \$785 million. The project funding shortfall is now estimated at \$341 million, more than 40% of total project cost. As reported by staff in July, a funding agreement between the member agencies has not been reached. Staff recommends that the Commission direct staff to continue working with the partner agencies to develop a funding solution for the project. The High Speed Rail bond on this November's statewide ballot is an obvious source of potential funds.

#### *AC Transit Bus Rapid Transit – Berkeley/Oakland/San Leandro*

As directed by the Commission in July, staff has sent a letter to AC Transit outlining the proposed terms and conditions of MTC's participation in closing the funding shortfall. AC Transit is in the process of submitting an application to the Federal Transit Agency to secure Small Starts program funding.

## **2. Funding Updates**

In June, staff identified the following regional funds as potential sources to close the funding gaps on otherwise ready-to-go projects in Resolution 3434. An update is provided on the State Local Partnership program and the revised bridge toll estimates.

## Potential New Funding Available for Programming

Source	(\$ in millions)
MTC Third Cycle STP/CMAQ Bonus Round	35
Proposition 1B - MTC State Local Partnership Program	75
Revised Bridge Toll Estimate	112
<b>Total</b>	<b>222</b>

### *State Local Partnership Program*

While staff had anticipated enactment of a State Local Partnership program bill by the end of the legislative session, we continue to work with our partners in the region and legislative staff to finalize this element of the Proposition 1B bond program. As noted above, staff is proposing to direct \$40 million of the region’s State Local Partnership program, expected based on voter-approved toll generations, to the BART to Warm Springs project and hold the remaining estimated \$35 million in reserve. Should the final State Local Partnership program include less revenue as match for the voter-approved toll program, the reserve would be reduced accordingly.

### *Revised Regional Measure 1 and AB 1171 Bridge Tolls Estimates*

Regional Measure 1 (RM1) and AB 1171 authority provided funding for congestion relief projects in the toll bridge corridors, \$176 million and \$500 million respectively, based on bridge toll revenue estimates currently embodied in Resolution 3434. The estimated additional bridge tolls of roughly \$112 million are based on a new financial management strategy for the MTC bridge toll transfers. The new strategy would make more funding available up front as compared to the current practice of annual transfers by the Bay Area Toll Authority (BATA). We expect to present this new approach to the Commission for consideration in early 2009. Like the SLPP funds above, we propose to leave \$13 million of these additional bridge toll revenues in reserve for future Commission action.

### **Comments Received to Date**

Attachment 2 includes a summary of all letters received as well as the additional comment letters received since July on the 2008 Strategic Plan recommendations. Since the release of the staff proposal in June, approximately 20 letters have been received from local jurisdictions, funding partners, project sponsors, and the public.

### **Overview of Strategic Plan**

At the July 2007 meeting, this Committee directed staff to develop a Strategic Plan for Resolution 3434, the Regional Transit Expansion Program. The purpose of the Strategic Plan is to provide a framework for successful program and project delivery by initially addressing: 1) escalating project costs; 2) near-term funding requests; and 3) the development of the financially constrained element of the Transportation 2035 Plan.

As discussed in June, the Strategic Plan placed projects into the following four categories to address specific program and project challenges:

- Tier 1: No Current Scope, Schedule, or Budget Issues Reported by Sponsor
- **Tier 2: Projects Needing More Scope/Cost Refinement**
- Tier 3: Projects Needing On-Going Operating Funds
- Tier 4: Projects with a Capital Shortfall greater than 50% of Total Cost

Attachment 1 summarizes projects by tier. For Tier 1, staff is recommending continued monitoring of project progress and milestones. For Tiers 3 and 4, staff is recommending that the Commission provide advocacy support. Tier 2 is the focus of the Strategic Plan effort, with the objective of allowing these otherwise ready-to-go projects to proceed by eliminating funding shortfalls.

As a reminder, Tier 2 includes the following four projects: 1) BART/Oakland Airport Connector Project; 2) AC Transit Berkeley/Oakland/San Leandro Bus Rapid Transit; 3) BART to Warm Springs; and 4) Caltrain Electrification. Staff has identified \$222 million in funds as outlined above as potential sources to close the funding gaps on the Tier 2 list.

### **Staff Recommendations and Companion Revisions to Resolution 3434**

In summary, the Strategic Plan recommends closing the funding gaps for two of the four projects listed in Tier 2. Further, we recommending holding \$35 million in estimated State Local Partnership Program funds in an unrestricted reserve. As a reminder, the BART Oakland Airport Connector project is ready-to-go if a full funding plan can be identified in the coming months. This project can continue to be considered for the State Local Partnership program reserve.

A brief summary of the strategy to close the funding gaps and address cash flow challenges is outlined below and detailed in Attachment 1. The companion changes to Resolution 3434, including new funding conditions, are also attached.

#### **1) AC Transit Berkeley/Oakland/San Leandro Bus Rapid Transit**

Original Shortfall: \$75 million

Proposed Funding Plan: \$35 million CMAQ and \$40 million RTIP

The recommended MTC commitment of \$35 million is subject to the following conditions:

1. Alameda County Congestion Management Agency (ACCMA) adopts a Regional Transportation Improvement Program (RTIP) funding commitment plan.
2. AC Transit submits documentation for inclusion into the 2009 Federal Transit Administration (FTA) Small Starts report.
3. AC Transit adopts a board resolution committing to the following: 1) use the \$35 million to deliver a useable bus rapid transit segment; and 2) develop a phasing plan to deliver the full Berkeley/Oakland/San Leandro Bus Rapid Transit project, if the entire project as submitted to FTA for the Small Starts program is not immediately deliverable.

#### **2) BART to Warm Springs**

Original Shortfall: \$144 million

Proposed Funding Plan: \$40 million MTC State Local Partnership Program (SLPP);  
\$34 million bridge tolls;

\$30 million Alameda SLPP;  
 \$16 million Santa Clara SLPP  
 \$24 million BART agency contribution

The recommended MTC commitment of \$74 million is subject to the following conditions:

1. Santa Clara VTA adopts a full funding plan for an operable BART segment in Santa Clara County.
2. BART, Alameda County Transportation Improvement Authority and Santa Clara Valley Transportation Authority adopt resolutions committing to the project the funds listed above in the proposed funding plan.

The project funding plan includes \$145 million derived from the projected surplus in operating revenue on the BART San Francisco Airport (SFO) Extension. These funds are not expected to be available during the BART to Warm Springs construction period. To address this cash flow issue, staff recommends the following funding exchanges:

Step 1: Reassign \$91 million in RM2 funds currently programmed to the Dumbarton Rail projects to the BART to Warm Springs project. In exchange, the Dumbarton Rail project would receive \$91 million in future year (FY 2019-20 to FY 2026-27) Alameda County RTIP funds, recently pledged through the ACCMA 2008 RTIP programming resolution, to the BART to Warm Springs project. This exchange would allow the BART to Warm Springs project access to cash flow within the project’s construction timeframe.

(\$ in millions)	RM2	ALA RTIP
BART to WSX	91	-91
Dumbarton Rail	-91	91

Step 2: MTC and ACTIA/BART advance \$27 million each to the BART to Warm Springs project to be repaid when SFO Surplus funds become available. After MTC and ACTIA/BART are paid back, the remaining SFO Surplus of \$91 million is available for cost increases on the project, if needed.

**SFO Extension Surplus**

Total Expected	145
Programmed to BART to Warm Springs (ACTIA/BART and MTC each will advance \$27 Million)	54
Remaining for BART to Warm Springs Cost Increase	91

The chart on the following page summarizes the recommended programming actions.

**Resolution 3434 - Strategic Plan - Summary of Funding Contributions**

(\$ in millions)	MTC			Alameda	Santa Clara	BART	Total
	CMAQ	SLPP	Revised Bridge Tolls	SLPP	SLPP/ Other	SLPP/ Other	
AC BRT	35						35
BART to WSX*		40	34*	30	16	24	144
eBART			5				5
Northern Bridge Group			60				60
Unrestricted Reserve		35	13				48
<b>Subtotal by Source</b>	<b>35</b>	<b>75</b>	<b>112</b>	<b>30</b>	<b>16</b>	<b>24</b>	<b>292</b>
<b>Total Contribution</b>		<b>222</b>		<b>30</b>	<b>16</b>	<b>24</b>	<b>292</b>

\* Requires change to AB 1171 requirements of Res 3434 to redirect Tri-Valley portion to WSX.

**Additional Small Start Candidate Endorsement**

As described in June, staff is also recommending that the region endorse the Van Ness Bus Rapid Transit Project as the region’s second candidate for Federal Small Starts funds. The project is proposed for addition into Resolution 3434.

**Next Steps**

If the Strategic Plan is adopted in September 2008, a summary of the next steps is provided below:

*November/December 2008*

1. Santa Clara County votes on sales tax measure to fund BART to Silicon Valley operations.
2. MTC holds a public hearing and considers amending RM2 program to redirect \$91 million from Dumbarton to BART to Warm Springs.
3. ACCMA amends RTIP program to redirect \$91 million in future RTIP funds from BART Extension to Warm Springs to Dumbarton Rail project.
4. MTC, VTA, BART and ACTIA commit SLPP funds to Resolution 3434 projects per Strategic Plan.
5. MTC programs \$35 million in CMAQ funds to AC Transit Bus Rapid Transit project.

In 2009, MTC will consider other specific project allocations necessary to advance projects into construction or other implementation phases.

**Recommendation**

Staff recommends that the Committee refer Resolution 3434, Revised and the 2008 Strategic Plan to the Commission for approval.

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Steve Heminger

**ATTACHMENT 1: Resolution 3434 Strategic Plan Funding Summary**

Project Capital Cost/Funding in Millions and Year of Expenditure \$ Alphabetical by Tier				RECOMMENDED STRATEGIC PLAN INVESTMENTS						AFTER STRATEGIC PLAN	
Project	Sponsor	BEFORE STRATEGIC PLAN		CMAQ	MTC SLPP	MTC Bridge Tolls	Alameda Other/ RTIP	Santa Clara SLPP/ Other	BART SLPP/ Other	Project Cost (YOE \$)	Capital Shortfall
		Project Cost (YOE \$)	Capital Shortfall								

**Tier 1 - No Current Scope, Schedule, Budget Issues as Reported By Sponsors**

East Contra Costa BART Extension (eBART)	BART/CCTA	525	-							525	-
Capitol Corridor Expansion	CCJPA	108	-							108	-
Capitol Corridor: Phase 2 Enhancements	CCJPA	89	-							89	-
MUNI Third Street Light Rail Transit Project - Central Subway	SFMTA	1,290	-							1,290	-
Transbay Transit Center: Phase 1	TJPA	1,189	-							1,189	-
Tri-Valley Transit Access Improvements to/from BART	BART/ACCMA/LAVTA	168	-							168	-
Downtown to East Valley: Light Rail and Bus Rapid Transit Phase 1 and 2	VTA	465	-							465	-
Expanded Ferry Service to Berkeley, Alameda/Oakland/Harbor Bay, Hercules, Richmond, and South San Francisco; and other improvements.	WETA	180	-							180	-

**Tier 2 - Projects Needing More Scope/Cost Refinement**

<b>AC Transit Berkeley/Oakland/San Leandro Bus Rapid Transit</b>	<b>AC Transit</b>	<b>250</b>	<b>75</b>	<b>35</b>			<b>40</b>			<b>250</b>	<b>-</b>
<b>BART to Warm Springs</b>	<b>BART</b>	<b>890</b>	<b>144</b>		<b>40</b>	<b>34</b>	<b>30</b>	<b>16</b>	<b>24</b>	<b>890</b>	<b>-</b>
BART/Oakland Airport Connector	BART	459	TBD							459	TBD
Caltrain Electrification	Caltrain JPB	785	341							785	341

**Tier 3 - Projects Needing Ongoing Operating Funds**

Sonoma-Marin Rail	SMART	646	478							646	478
BART: Warm Springs to San Jose/Santa Clara	VTA	6,133	-							6,133	-

**Tier 4 - Shortfall is equal to or greater than 50% project cost**

AC Transit Enhanced Bus: Grand-MacArthur corridor	AC Transit	41	30							41	30
Caltrain Express: Phase 2	Caltrain JPB	427	358							427	358
Dumbarton Rail	SMTA, ACCMA, VTA, ACTIA, Capitol Corridor	596	295							596	295
Altamont Commuter Express (ACE) Right-of-Way Acquisition for Service Expansion	SJRRC, ACCMA, VTA	150	75							150	75
Transbay Transit Center: Phase 2	TJPA	2,996	2,047							2,996	2,047
<b>TOTAL</b>		<b>\$ 17,386</b>	<b>\$ 3,843</b>							<b>\$ 17,386</b>	<b>\$ 3,624</b>

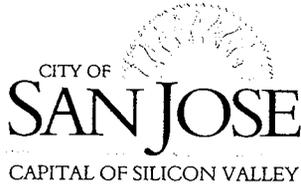
**Attachment 2**  
**Resolution 3434 Strategic Plan - Letters Received**

**Included in Attachment**

<b>Agency/Organization/Name</b>	<b>Date</b>
City of San Jose	July 15, 2008
City of Milpitas	July 14, 2008
San Mateo County Economic Development Association (SAMCEDA)	July 14, 2008
Redwood City Chamber of Commerce	July 15, 2008
Menlo Park Chamber of Commerce	July 16, 2008
Assemblymember Ira Ruskin, California Legislature	July 21, 2008
San Mateo City/County Association of Governments	July 24, 2008
Dumbarton Rail Policy Advisory Committee	July 30, 2008
BART to Warm Springs/ Silicon Valley Policy Advisory Board	July 25, 2008
Alameda County Congestion Management Agency (ACCMA)	August 4, 2008
Alameda County Transportation Improvement Authority (ACTIA)	August 8, 2008

**Distributed at the June or July 2008 PAC Meeting**

<b>Agency/Organization/Name</b>	<b>Date</b>
City of Fremont	June 9, 2008
City of Union City	June 11, 2008
Dumbarton Rail Policy Advisory Committee	June 16, 2008
Tim Pitsker	June 25, 2008
City of Newark	June 26, 2008
City of Fremont	July 2, 2008
City of San Leandro	July 3, 2008
City of Santa Clara	July 10, 2008



*Chuck Reed*  
MAYOR

July 11, 2008

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Mr. Bill Dodd, Chair  
Metropolitan Transportation Commission  
Joseph P. Bort MetroCenter  
101 Eighth Street  
Oakland, CA 94607-4700

JUL 15 2008

MTC

Subject: Resolution No. 3434 Strategic Plan Update

Dear Chair Dodd:

On behalf of the City of San José, I am writing in support of the MTC staff proposal regarding funding of the BART to Warm Springs Extension as part of the Resolution No. 3434 Strategic Plan Update. It is important to note that the BART extension to Warm Springs has been a part of the region's transit vision for over twenty years and is an important first step towards completing the BART extension into Santa Clara County that will provide the final critical link finishing rail transit service around the bay.

The fund exchange proposed by MTC staff shifts funds from the Dumbarton Rail Project, which has significant near term planning and technical issues to resolve in order to move forward with the BART to Warm Springs Extension. The Warm Springs Extension has a significantly greater level of project readiness as it heads into final design and construction. Importantly, any delay in the Warm Springs Extension project will result in significant cost increases.

The regional importance of the BART to Warm Springs project is evidenced by the multi-agency funding commitment that the project enjoys with BART, MTC, Alameda, and Santa Clara Counties all committing resources to bridge the \$144 million funding gap. Clearly, completing the BART to Warm Springs Extension remains among the highest transportation priorities in the region and the region should make every effort to expedite its completion.

In order to complete the vital first leg of extending BART into Santa Clara County and Silicon Valley we urge your support for staff's recommendation to help facilitate the completion of the BART to Warm Springs Extension.

Sincerely,

Chuck Reed  
Mayor



# CITY OF MILPITAS

455 EAST CALAVERAS BOULEVARD, MILPITAS, CALIFORNIA 95035-5479 • www.ci.milpitas.ca.gov

July 14, 2008

Mr. Bill Dodd, Chair  
Metropolitan Transportation Commission  
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JUL 16 2008

MTC

**RE: MTC Resolution 3434, Regional Transit Expansion Program  
2008 Draft Strategic Plan**

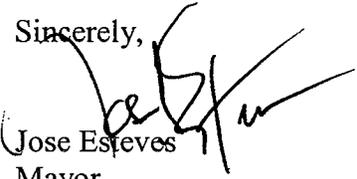
Dear Chairperson Dodd:

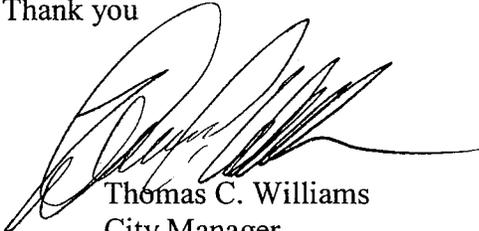
In review of the Metropolitan Transportation Commission 2008 Draft Strategic Plan, the City of Milpitas is writing in support of the proposal to shift funding from the Dumbarton Rail Project to the BART to Warm Springs Extension Project.

As a member of the Silicon Valley Rapid Transit Corridor and BART to Warm Springs Extension Policy Advisory Board, this recommendation is unanimously supported as a benefit to Alameda and Santa Clara Counties. It is the understanding the Dumbarton Rail project is in its earlier planning stages whereas the BART to Warm Springs project is further along and closer to final design pending the budget shortfall. It is pertinent to close the funding gap to deliver the project in order to continue the BART to Milpitas, San Jose, and Santa Clara Project. Milpitas is excited to host the first multi-modal station in Santa Clara County. The Milpitas Transit Area Specific Plan, adopted in June 2008, will provide the new residential, office, retail, and hotel to support the future Milpitas BART Station. This vision will transform our older industrial area of Milpitas to a high-intensity vibrant district.

In eager anticipation to welcome BART to Santa Clara County, the City of Milpitas urges you to adopt the funding shift from the Dumbarton Rail Project to the project-ready BART to Warm Springs Extension Project. Thank you

Sincerely,

  
Jose Esteves  
Mayor

  
Thomas C. Williams  
City Manager

JE:TW: jns

cc: City Council  
VTA SVRT & WSX Policy Advisory Board  
Milpitas BART Team

General Information: 408.586.3000



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July 14, 2008

Adrienne Tissier  
Chair, Programming and Allocations Committee  
Metropolitan Transportation Commission  
101 Eighth Street  
Oakland, California 94607

*Re: Shifting \$91M from Dumbarton Rail Project*

Dear Chairperson Tissier:

The members of the Board of Directors of SAMCEDA are writing on behalf of the San Mateo County business community asking you to reconsider Executive Director Steve Heminger's recommendation to shift \$91M in funds away from the Dumbarton Rail Project in order to fill the budget shortfall for the BART to Warm Springs Project.

On March 2, 2004, voters passed Regional Measure 2 (RM2), raising the toll on the seven State-owned toll bridges in the San Francisco Bay Area to fund various transportation projects within the region that have been determined to reduce congestion or to make improvements to travel in the toll bridge corridors. One of the capital projects identified for funding was the Dumbarton Rail Corridor Project.

In his memo of June 11, 2008 to the Programming and Allocations Committee, Steve Heminger, Executive Director, recommends shifting \$91M in RM2 funds currently allocated to the Dumbarton Rail Project to the BART to Warm Springs project, in order to help close the \$144M budget shortfall on the BART project. In exchange, the Dumbarton Rail project would be repaid in Alameda County Regional Transportation Improvement Program (RTIP) funds over FY 2019-20 to FY 2026-27.

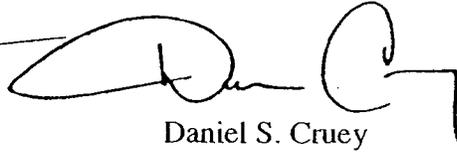
The Dumbarton Rail Corridor Project Study Report of May 2004 outlined an implementation schedule to be completed by 2012. We recognize that the project has been delayed due to rising costs and obstacles in obtaining an agreement with the Union Pacific railroad. However, shifting voter approved funds away from this project will only cause further delays and could potentially jeopardize the project in the future. Mr. Heminger's recommendation inevitably delays full funding of the project until 2027 when the shifted RM2 funds will finally be replenished. Further, refunding the Dumbarton Rail project over eight years with 2019-2027 dollars is not a fair trade. Mr. Heminger's recommendation does not include any measure to account for and mitigate inflation.

These funds should not be redirected by the MTC to support other projects against the intention of voters. The DRC project is a key component of improving and expanding public transportation in the Bay Area. On behalf of the San Mateo County business community, we urge you to reject Executive Director Steve Heminger's recommendation to shift \$91M in funds away from the Dumbarton Rail Project in order to fill the budget shortfall for the BART to Warm Springs Project.

Sincerely,



Robert Webster  
Bohannon Development Company  
Chairman of the Board



Daniel S. Cruey  
President & CEO

cc: MTC Programming and Allocations Committee:

Federal Glover, *Vice Chair*

Tom Ammiano

Tom Bates

Dave Cortese

Steve Kinsey

Bijan Sartipi

Steve Heminger, Executive Director, MTC

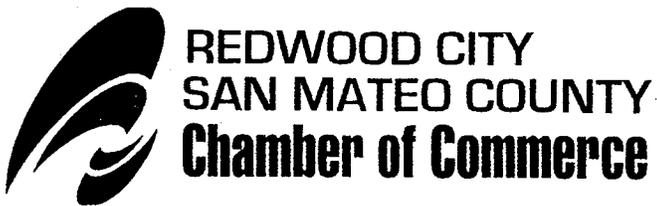
Paul Matsuoka, Project Manager, Dumbarton Rail Corridor

Sue Lempert, MTC Commissioner, Dumbarton Rail Corridor Policy Committee

Heyward Robinson, Menlo Park City Council, Dumbarton Rail Corridor Policy  
Committee

Diane Howard, Redwood City Council, Dumbarton Rail Corridor Policy  
Committee

Donna Rutherford, East Palo Alto City Council, Dumbarton Rail Corridor  
Policy Committee



**REDWOOD CITY  
SAN MATEO COUNTY  
Chamber of Commerce**

**RECEIVED**

July 15, 2008

Mayor Mark Green, Chair  
Dumbarton Rail Policy Advisory Committee  
1250 San Carlos Avenue, P.O. Box 3006  
San Carlos, Ca. 94070-1306

JUL 17 2008

MTC

Re: Dumbarton Rail Project Status and possible transfer of \$91 million in RM-2 Funds

Dear Mayor Green:

We are pleased that continued work is underway through the EIR/EIS and 30% engineering on the westerly portion of the Dumbarton Rail Project. While these studies will not be completed until late 2009 it will provide updated information on the cost and environmental mitigation measures of this regional rail project which is now estimated at about \$600 million. We understand that about \$300 million in funding has been identified and that the additional funding methods are being discussed. The Union City corridor has been environmentally cleared for this project. At recent meetings project phasing has been discussed as a method of project delivery. It would appear the current level of funding would allow phasing of the project to begin.

We have been made aware that MTC is revising its Transit Resolution 3434 and prioritizing projects and funding of those on the list. While the Dumbarton Rail Project was fully funded at one time and RM-2 operating subsidy was identified, the capital costs of this project have been on the increase as with many projects in the Bay Region. MTC as a result of its annual update of Resolution 3434 is now proposing to transfer \$91 million in RM-2 Bridge Toll funds from the Dumbarton Rail to the BART to Warm Springs Project. If these funds were transferred the earliest repayment would not be until 2020 or later. We need this regional rail project sooner than the proposed repayment date.

Once Caltrain service begins providing East Bay commuters with a rail alternative this will reduce congestion on the Dumbarton Bridge approaches particularly in East Palo Alto and Menlo Park which currently are congested with Bridge commuters at peak commute periods. When the Dumbarton Rail begins service then other regional rail providers such as the ACE Trains and Capitol Corridor Service may want to provide service to the Peninsula and northern Santa Clara County. At this time we do not support the proposed \$91 million transfer by MTC to the BART project and would recommend that such a transfer be considered after the current EIR/EIS and 30% engineering information is available in 2009.

Sincerely,

A handwritten signature in black ink, appearing to read "L. K. Buckmaster".

Laurence K. Buckmaster,  
President/ CEO

cc: Metropolitan Transportation Commission  
Peninsula Corridor Joint Powers Board  
San Mateo County Transportation Authority Board  
San Mateo County C/CAG Board  
Redwood City Council



July 16, 2008

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JUL 17 2008

MTC

Mayor Mark Green, Chair  
Dumbarton Rail Policy Advisory Committee  
1250 San Carlos Avenue, P.O. Box 1306  
San Carlos, CA 94070-1306

Re: Proposed MTC Transfer of \$91 Million in RM-2 Funds to BART to Warm Springs

Dear Chair Green:

The Menlo Park Chamber for over 20 years has been an advocate for the Dumbarton Rail Project that your Policy Advisory Committee is now in the process of moving forward as a regional rail project. The latest information that we have would indicate that the planned operation of this restored rail line could be as early as 2012. A detailed EIR/EIS and preliminary engineering effort is underway evaluating a rail option and a bus option as part of the process. The estimated cost of this project has doubled in the last two years for a variety of reasons. It would be our hope that your study efforts will bring more accurate estimates of project cost with the completion of your work in 2009.

Our Chamber was made aware that MTC was in the process of revising MTC Resolution 3434 of which there are bus and rail projects on the list and that in the staff report in June there was a recommendation to transfer \$91 million of RM-2 Bridge Toll funds allocated to the Dumbarton Rail Project to the BART Warm Springs Project. We attended and provided testimony at the MTC meeting in opposition to such a transfer. We feel the current \$300 million in funding will allow this project to be phased and this has been discussed at your prior meetings as a result of estimated project cost increases. With the current planning work underway it is premature to transfer a significant amount of funds out of the Dumbarton Rail Project.

Our San Mateo County Transportation Authority (SMCTA) has been very supportive of this project and has demonstrated a leadership role by the purchase of the eleven mile rail right-of-way from the Redwood City Wye to the Newark Wye. Our SMCTA currently has \$50 million for capital improvements for this project from our current Measure A half cent sales tax and an additional \$30 million in our renewed Measure A beginning 2009. We also want to make the point that the RM-2 funding also provides the needed operational subsidy of \$5.5 million per year at the time RM-2 was passed by the voters.

At your July 22, 2008 meeting we would encourage the Dumbarton Rail Policy Advisory Committee to stay the course and oppose the \$91 million funds transfer proposed by MTC to the BART Warm Springs Project and allow the remaining planning effort to be completed for the Dumbarton Rail in 2009. This issue could be revisited next year after updated cost and environmental reports are completed on Dumbarton Rail. Both Menlo Park and East Palo Alto currently suffer from peak hour commute traffic congestion which is projected to get worse in the future. We need this regional rail improvement that will benefit the Bay Region and reduce future congestion on the Dumbarton highway bridge and will improve our air quality.

Sincerely,

Fran Dehn, President & CEO

cc: Metropolitan Transportation Commission  
San Mateo County Transportation Authority  
Peninsula Corridor Joint Powers Board  
Menlo Park City Council  
San Mateo County C/CAG

STATE CAPITOL  
P.O. BOX 942849  
SACRAMENTO, CA 94249-0021  
(916) 319-2021  
FAX (916) 319-2121

DISTRICT OFFICE  
5050 EL CAMINO REAL, STE. 117  
LOS ALTOS, CA 94022  
(650) 691-2121  
FAX (650) 691-2120

# Assembly California Legislature



IRA RUSKIN  
ASSEMBLY MEMBER, TWENTY-FIRST DISTRICT

COMMITTEES  
CHAIR, BUDGET SUBCOMMITTEE #3  
- RESOURCES  
BUDGET  
HIGHER EDUCATION  
LABOR AND EMPLOYMENT  
TRANSPORTATION

RECEIVED

July 21, 2008

JUL 28 2008

MTC

Honorable Bill Dodd, Chair  
Metropolitan Transportation Commission  
101 Eighth Street  
Oakland, CA 94607

**RE: DUMBARTON RAIL FUNDING**

Dear Chairman Dodd and Commissioners:

I urge you to reconsider the draft proposal to divert funding from the Dumbarton Rail project in favor of the BART extension to Warm Springs.

Dumbarton Rail will be a vital cross-bay connection, and diverting this funding will essentially kill the project and deny this corridor an important link in the regional transportation network.

Southern San Mateo County and northern Santa Clara County are a vibrant part of Silicon Valley that continues to attract employees from the East Bay. We need to provide attractive transit alternatives that allow people to leave their cars at home, and we need a viable alternative to ease demand on the traffic-laden Dumbarton Bridge.

The toll funds currently earmarked for Dumbarton Rail are intended to improve cross-bay flow in this corridor. It is important to keep the money here and available for the project to move forward.

I support the BART connection to San Jose, but it is premature to divert funds now when the eventual outcome is still uncertain, especially when doing so would be at the expense of another corridor that needs interconnectivity improvements.

Thank you for your consideration.

Sincerely,

Ira Ruskin  
Assemblymember, 21<sup>st</sup> District

cc: Metropolitan Transportation Commissioners  
San Mateo County Transportation Authority, Dumbarton Rail Policy Committee Members

E-mail: [assemblymember.ruskin@assembly.ca.gov](mailto:assemblymember.ruskin@assembly.ca.gov) • Website: [democrats.assembly.ca.gov/members/a21](http://democrats.assembly.ca.gov/members/a21)



RECEIVED

# C/CAG

CITY/COUNTY ASSOCIATION OF GOVERNMENTS  
OF SAN MATEO COUNTY

JUL 28 2008

MTC

*Atherton • Belmont • Brisbane • Burlingame • Colma • Daly City • East Palo Alto • Foster City • Half Moon Bay • Hillsborough • Menlo Park • Millbrae  
Pacifica • Portola Valley • Redwood City • San Bruno • San Carlos • San Mateo • San Mateo County • South San Francisco • Woodside*

July 24, 2008

Metropolitan Transportation Commission  
101 Eighth Street  
Oakland, CA 94607

Attention: The Honorable Bill Dodd, Chair

Subject: Proposed Dumbarton Rail swap of \$91M of RM 2 Funds

Commissioner Dodd:

The City/ County Association of Governments of San Mateo County (C/CAG) is the Congestion Management Agency for San Mateo County and is responsible for programming the San Mateo County discretionary State and Federal Transportation funds. The C/CAG Board is supportive of the Dumbarton Rail Project and appreciates that the project was included as part of the Regional Measure 2 list of projects that was approved by the voters. We understand that there is an MTC staff proposal to shift \$91M of Regional Measure 2 funds from the Dumbarton Rail Project to the Bart to Warm Springs project. C/CAG supports deferring any discussion on this item until September at the earliest so that the Dumbarton Rail Policy Committee can review and comment on the proposal since any action will have substantial and long-term consequences.

C/CAG would like to make the following points related to this proposal.

- 1- The Dumbarton Rail Project is unquestionably a Regional Measure project that directly benefits the user paying the fee, since it provides an additional east-west alternative for commuters.
- 2- The Dumbarton Rail Project is identified in the MTC Regional Rail Plan as an important Gap Closure Project.
- 3- We recognize that the timing of the Bart Warm Springs Project may be more advanced and need getting RM-2 funding (\$91M) sooner. However, a commitment must be made to Caltrain to provide like funding (RM-2) in a reasonable timeframe that does not force the Dumbarton Rail Project to slip unnecessarily.

You consideration of this matter is appreciated. If there are any questions please contact Richard Napier at 650 599-1420.

Sincerely,

A handwritten signature in black ink, appearing to read 'Deborah C. Gordon', with a long horizontal flourish extending to the right.

Deborah C. Gordon  
Chair  
City/ County Association of Governments

cc: Sue Lempert - MTC Representative  
Adrienne Tissier - MTC Representative



# DUMBARTON RAIL

July 30, 2008

Mr. Steve Heminger, Executive Director  
Metropolitan Transportation Commission  
Joseph P. Bort Metro Center  
101 Eighth Street  
Oakland, CA 94607

Dear Mr. Heminger:

As Chair of the Dumbarton Policy Advisory Committee (PAC), I am transmitting a motion adopted at the July 22, 2008 PAC meeting regarding MTC's proposal to shift \$91 million of Dumbarton's funds to BART Warm Springs. This motion passed on a vote of 9 to 3 as indicated below:

Voting "aye" on the motion were:

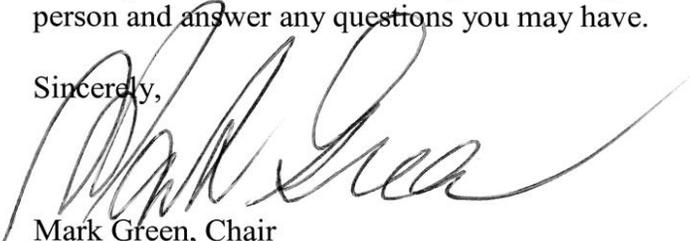
Sue Lempert, MTC/San Mateo County  
Dean Chu, MTC/Santa Clara County  
Ana Apodaca, ACTIA/Newark  
Heyward Robinson, San Mateo TA/Menlo Park  
Diane Howard, San Mateo TA/Redwood City  
Donna Rutherford, San Mateo TA/East Palo Alto  
Yoriko Kishimoto, Santa Clara VTA/Palo Alto  
David Casas, Santa Clara VTA/Los Altos  
Mark Green, ACTIA/Union City

Voting "no" on the motion were:

Scott Haggerty, MTC/Alameda County  
Anu Natarajan, ACTIA/Fremont  
Tom Blalock, Capitol Corridor JPA

As you know, the Dumbarton PAC requested that MTC delay its scheduled July decision on this matter to allow the Dumbarton PAC to meet and formulate its response to the proposal. We appreciate your willingness to delay your decision to allow the PAC to have input. We look forward to your meeting where we can present this motion to you in person and answer any questions you may have.

Sincerely,



Mark Green, Chair  
Dumbarton Policy Advisory Committee

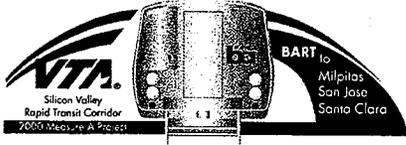
## **Motion**

We oppose the MTC proposal for the following reasons:

1. The Dumbarton's PE/EIR phase is funded and moving forward.
2. It is premature to delay the project now until data from the current studies are reviewed.
3. There are no guarantees that the money will be available in years 2019 and beyond.
4. Dumbarton is a critical link in MTC's regional rail program.
5. Many sales tax voters and many of those who supported the additional \$1 toll for RM2 in San Mateo and Alameda counties did this to support Dumbarton rail and better access across the Bay.

Instead, we request that MTC:

1. Ensure that Dumbarton funding will be available when needed in 2010-2011 and that this funding will be from a secure and reliable source of funds such as RM2 monies.
2. Use MTC regional express bus funding to purchase new coaches and use the \$5.5M in annual RM2 operating funds to enhance bus services in the trans-Bay Dumbarton corridor prior to implementation of the rail project to build the transit corridor market.
3. Take steps now to preserve ROW for the future. Utilize currently available funding for acquisition of needed railroad ROW.
4. Seek additional funding from state, federal and local sources to achieve a fully funded project as promised in Resolution 3434.



RECEIVED

AUG 05 2008



MTC

**Silicon Valley Rapid  
Transit Corridor and  
BART Warm Springs  
Extension Policy  
Advisory Board**

July 25, 2008

Mr. Steve Heminger, Executive Director  
Metropolitan Transportation Commission  
101 Eighth Street  
Oakland, CA 94607

**Members**

**Ken Yeager**  
Santa Clara County and  
Cities, MTC,  
Chairperson

**Thomas Blalock**  
ACCOMA,  
Vice Chairperson

**Scott Haggerty**  
Alameda County and  
Cities, MTC

**Bill Harrison**  
ACTIA

**Bob Livengood**  
VTA, City of Milpitas

**Sam Liccardo**  
VTA

**Nancy Pyle**  
VTA

**James Fang**  
San Francisco Bay Area  
Rapid Transit  
(Alternate)

**Bob Franklin**  
San Francisco Bay Area  
Rapid Transit

**Gail Murray**  
San Francisco Bay Area  
Rapid Transit

**Anu Natarajan**  
City of Fremont  
(Alternate)

**Bob Wasserman**  
City of Fremont

**Madison Nguyen**  
City of San Jose

**Joe Kornder**  
City of Santa Clara

**Patricia M. Mahan**  
City of Santa Clara  
(Alternate)

Dear Mr. Heminger:

At the July 2, 2008 Silicon Valley Rapid Transit Corridor and BART Warm Springs Extension Policy Advisory Board meeting, the membership voted to adopt a support position for approval of a Strategic Plan for delivering MTC Resolution 3434 projects, which includes a plan to complete the funding gap for the Warm Springs BART Extension Project.

Recognizing the importance to the region's transportation network, MTC staff has recommended a full funding plan for the Warm Springs Extension, which includes shifting \$91 million from the Dumbarton Rail Extension and advancing \$54 million from future SFO Extension revenues.

The Warm Springs Extension has been planned for over 30 years. During this time the extension has been delayed on several occasions to make funding available for projects such as the BART to SFO Extension and the Dublin/Pleasanton BART Extension. The Resolution 3434 Strategic Plan provides reparation for projects such as the Warm Springs Extension, which are now in a ready-state to move towards construction.

The Warm Springs BART Extension is paramount to the future extension of BART into Santa Clara County, which will connect the existing BART system to job-rich Silicon Valley and the City of San Jose, the largest city in the Bay Area. In fact, these two projects are so closely tied, the Silicon Valley Rapid Transit Corridor and Warm Springs Extension policy advisory boards were recently combined in order to more effectively advise on key policy decisions for both projects.

In addition to the merging of the projects' policy advisory boards, VTA's commitment to the project has further been affirmed by continued funding commitments and reimbursements. To date VTA has allocated \$606 million of Measure A funding through the 2009 fiscal year, and has been reimbursed \$246 million in TCRP funds for preliminary and 65% engineering.

VTA continues to coordinate with the Federal Transit Administration on re-entering the New Starts Process, and is currently preparing a Draft Environmental Impact Statement, in coordination with FTA, which is expected to be circulated to the public this fall.

For the key reasons cited above, the Silicon Valley Rapid Transit Corridor and BART Warm Springs Extension Policy Advisory Board supports the adoption of an MTC Strategic Plan for delivering Resolution 3434 projects. We appreciate your working in partnership to deliver the region's highest priority transit projects.

Sincerely,



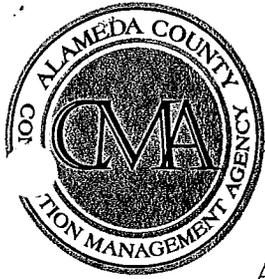
Ken Yeager  
Chairperson



Thomas Blalock  
Vice Chairperson

---

cc: Silicon Valley Rapid Transit Corridor and BART Warm Springs Extension  
Policy Advisory Board



ALAMEDA COUNTY  
CONGESTION MANAGEMENT AGENCY

1333 BROADWAY, SUITE 220 • OAKLAND, CA 94612 • PHONE: (510) 836-2560 • FAX: (510) 836-2185  
E-MAIL: mail@accma.ca.gov • WEB SITE: accma.ca.gov

August 4, 2008

**AC Transit**  
Director  
Greg Harper

**Alameda County**  
Supervisors  
Nate Milley  
Scott Haggerty  
Chair

**City of Alameda**  
Mayor  
Beverly Johnson

**City of Albany**  
Councilmember  
Farid Javandel

**BART**  
Director  
Thomas Blalock

**City of Berkeley**  
Councilmember  
Kris Worthington

**City of Dublin**  
Mayor  
Janet Lockhart

**City of Emeryville**  
Vice-Mayor  
Ruth Atkin

**City of Fremont**  
Vice-Mayor  
Robert Wieckowski

**City of Hayward**  
Mayor  
Michael Sweeney

**City of Livermore**  
Mayor  
Marshall Kamena

**City of Newark**  
Councilmember  
Luis Freitas

**City of Oakland**  
Councilmember  
Larry Reid

**City of Piedmont**  
Councilmember  
John Chiang

**City of Pleasanton**  
Mayor  
Jennifer Hostlerman

**City of San Leandro**  
Councilmember  
Joyce R. Starosciek

**City of Union City**  
Mayor  
Mark Green  
Vice Chair

**Executive Director**  
Dennis R. Fay

Bill Dodd  
Chairman  
Metropolitan Transportation Commission  
101 Eighth Street  
Oakland, CA 94607

Subject: MTC's Draft 2008 Strategic Plan for the Regional Transit  
Expansion Program

Dear Chair Dodd,

At its July 31, 2008 meeting, the CMA Board took the following position on MTC's Draft 2008 Strategic Plan for the Regional Transit Expansion Program:

**Endorse** the MTC staff 2008 Strategic Plan funding proposals for the four Alameda County transit projects (AC Transit's BRT project, the BART Oakland Airport Connector, the BART Warm Springs Extension and the Dumbarton Rail project) including the transfer of RM-2 funding from the Dumbarton Rail project to BART's Warm Springs Extension (WSX) **subject to the following:**

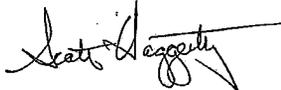
1. Secure the commitment of the \$91 million from the State Region Transportation Improvement Program (RTIP) for exchange to the Dumbarton Rail Corridor (DRC) Project by specific resolution or equivalent commitment from both the Alameda County Congestion Management Agency and the Metropolitan Transportation Commission. This would be accomplished by restructuring the ACCMA's existing WSX commitment of \$160 million to a commitment of \$69 million for WSX and \$91 million for Dumbarton Rail. This revised ACCMA commitment would accomplish the exchange of RM-2 and RTIP funds between the WSX and Dumbarton Rail upon MTC's revision of its RM-2 program.
2. Maintain the allocated RM-2 funds to complete the environmental studies for the DRC project, to fully identify alternatives and phasing options, determine ridership of the various alternatives and phases to be implemented, provide accurate cost estimates and funding options, and possible implementation schedule.
3. Program the remaining unallocated RM-2 funds (estimated to be about \$36 million) and the future intercity rail/interregional transportation improvement program funds, to be used with other local funds, for advance rail corridor right-of-way purchase from the Union Pacific Railroad Company. This would reserve the needed and critical segment of rail right of way for the future DRC extension in the East Bay, allow for current transit oriented development along the DRC to be continued with certainty, allow for potential multi-modal uses of the excess rail right-of-way between Fremont and possibly Oakland. Advance acquisition of the freight railroad right of way is also consistent with the recommended priority of the recently approved MTC-sponsored Regional Rail Studies.

4. Program some portion of the RM-2 operating funds earmarked for the DRC services for enhanced express bus services across the Dumbarton Bridge between transit hubs in the East Bay and the West Bay. This would allow for improved transit services serving this corridor and for increased transit ridership to be established over time, until the Dumbarton Rail Service is implemented.
5. Consider additional funding for the DRC Project from RM-2 revenues, should they become available before the RTIP funds, or from an additional toll increase in the future, and continue to work with other regional funding partners striving for the successful delivery of this critical regional rail project.
6. Consider, in future MTC's Strategic Plan Updates, working with the project sponsor and funding partners of the Dumbarton Rail Corridor Project to establish and commit to an achievable and definitive project schedule to ensure that the project will be deliverable within a definitive timeframe.
7. A request for proposals (RFP) is issued as soon as possible on behalf of the Dumbarton Rail Committee for a right of way negotiator. This could be accomplished as part of an overall regional rail right of way acquisition strategy.
8. A RFP is issued as soon as possible for an operator of the Dumbarton express bus network.
9. An explanation of what has happened to the \$20+ million of Dumbarton Rail operating money that has been accumulating since 2004 is prepared by MTC and reported to the Dumbarton Rail Committee.
10. The transfer of the RM-2 funding from Dumbarton Rail to WSX will not be completed if, by the date BART must commit to construction of the WSX, Santa Clara VTA has not committed to construction of a BART extension into Santa Clara County.

I hope that MTC will consider the CMA's position when it takes action on the 2008 Strategic Plan in early fall.

If you have any questions about this position, please contact me or Dennis Fay, our Executive Director.

Very truly yours,



Scott Haggerty  
Chair

cc Steve Heminger, Executive Director, MTC  
Mark Green, Vice Chair, Alameda County CMA  
Christine Monsen, Executive Director, ACTIA



RECEIVED

AUG 11 2008

MTC

1333 Broadway  
Suite 300  
Oakland, CA 94612

Telephone:  
510/893-3347

Facsimile:  
510/893-6489

Webpage:  
[www.ACTIA2022.com](http://www.ACTIA2022.com)

August 8, 2008

Mr. Steve Heminger  
Executive Director  
Metropolitan Transportation Commission  
101 Eight Street  
Oakland, CA 94607

Alice Lai-Bitker, Chair  
Supervisor, District 3

Mark Green, Vice-Chair  
Mayor, City of Union City

Keith Carson  
Supervisor, District 5

Henry Chang, Jr.  
Vice Mayor, City of Oakland

Scott Haggerty  
Supervisor, District 1

Beverly Johnson  
Mayor, City of Alameda

Marshall Kamena  
Mayor, City of Livermore

Janet Lockhart  
Mayor, City of Dublin

Nate Miley  
Supervisor, District 4

Anthony Santos  
Mayor, City of San Leandro

Gail Steele  
Supervisor, District 2

Christine Monsen  
Executive Director

Subject: ACTIA Support of the MTC Resolution 3434 Strategic Plan

Dear Steve:

At its July 31, 2008 meeting, the ACTIA Board of Directors unanimously endorsed the MTC staff recommendation for the 2008 Draft Strategic Plan Update for the Regional Transit Expansion Program under MTC Resolution 3434 for the four Measure B transit projects included in the program: AC Transit Bus Rapid Transit on Telegraph Avenue/International Boulevard; BART Oakland Airport Connector; BART Warm Springs Extension; and Dumbarton Rail Corridor Project. The plan was endorsed subject to the following conditions to ensure the future delivery of the Dumbarton Rail Corridor Project:

1. Secure the commitment of the \$91 million from the State Regional Transportation Improvement Program (RTIP) for exchange to the Dumbarton Rail Corridor Project by specific resolution or equivalent commitment from both the Alameda County Congestion Management Agency and the Metropolitan Transportation Commission. This would be accomplished by restructuring the ACCMA's existing WSX commitment of \$160 million to a commitment of \$69 million for WSX and \$91 million for Dumbarton Rail. This revised ACCMA commitment would accomplish the exchange of RM-2 and RTIP funds between the WSX and Dumbarton Rail upon MTC's revision of its RM-2 program.
2. Maintain the allocated RM-2 funds to complete the environmental studies for the DRC project, to fully identify alternatives and phasing options, determine ridership of the various alternatives and phases to be implemented, provide accurate costs estimates and funding options, and possible implementation schedule.
3. Program the remaining unallocated RM-2 funds (estimated to be about \$36 million) and the future intercity rail/interregional transportation

improvement program funds, to be used with other local funds, for advance rail corridor right-of-way purchase from the Union Pacific Railroad Company. This would reserve the needed and critical segment of rail right-of-way for the future DRC extension in the East Bay, allow for current transit oriented development along the DRC to be continued with certainty, and allow for potential multi-modal uses of the excess rail right-of-way between Fremont and possibly Oakland. Advance acquisition of the freight railroad right-of-way is also consistent with the recommended priority of the recently approved MTC-sponsored Regional Rail Studies.

4. Program some portion of the RM-2 operating funds earmarked for the DRC services for enhanced express service between transit hubs in the East Bay and the West Bay. This would allow for improved transit services serving this corridor and for increased transit ridership to be established over time, until the Dumbarton Rail Service is implemented.
5. Consider additional funding for the DRC Project from RM-2 revenues, should they become available before the RTIP funds or from an additional toll increase in the future, and continue to work with other regional funding partners striving for the successful delivery of this critical regional rail project.
6. Consider, in future MTC Strategic Plan Updates, working with the project sponsor and funding partners of the Dumbarton Rail Corridor Project to establish and commit to an achievable and definitive project schedule to ensure that the project will be deliverable within a definitive time frame.
7. A request for proposals (RFP) is issued as soon as possible on behalf of the Dumbarton Rail Committee for a right-of-way negotiator. This could be accomplished as part of an overall regional rail right-of-way acquisition strategy.
8. A RFP is issued as soon as possible for an operator of the Dumbarton express bus network.
9. An explanation of what has happened to the \$20+ million of Dumbarton Rail operating money that has been accumulating since 2004 is prepared by MTC and reported to the Dumbarton Rail Committee.
10. The transfer of the RM-2 funding from Dumbarton Rail to WSX will not be completed if, by the date BART must commit to construction of the WSX, Santa Clara VTA has not committed to construction of a BART extension into Santa Clara County.

Letter to Steve Heminger, MTC

August 8, 2008

Page 3

Thank you for this opportunity to provide input into your process. ACTIA encourages MTC to continue their support for delivery of the Dumbarton Rail Project in the future.

If you have any questions about this position, please feel free to contact me at 267-6103.

Sincerely,

A handwritten signature in black ink, appearing to read 'Christine Monsen', written in a cursive style.

Christine Monsen  
Executive Director

cc: MTC Chairman Bill Dodd  
ACTIA Chair Alice Lai-Bitker

Date: December 19, 2001  
W.I.: 12110  
Referred by: POC  
Revised: 01/30/02-C 07/27/05-C  
04/26/06-C 10/24/07-C  
09/24/08-C

ABSTRACT

Resolution No. 3434, Revised

This resolution sets forth MTC's Regional Transit Expansion Program of Projects.

This resolution was amended on January 30, 2002 to include the San Francisco Geary Corridor Major Investment Study to Attachment B, as requested by the Planning and Operations Committee on December 14, 2001.

This resolution was amended on July 27, 2005 to include a Transit-Oriented Development (TOD) Policy to condition transit expansion projects funded under Resolution 3434 on supportive land use policies, as detailed in Attachment D-2.

This resolution was amended on April 26, 2006 to reflect changes in project cost, funding, and scope since the 2001 adoption.

This resolution was amended on October 24, 2007 to reflect changes in the Transit-Oriented Development (TOD) Policy in Attachment D-2.

This resolution was amended on September 24, 2008 to reflect changes associated with the 2008 Strategic Plan effort.

Further discussion of these actions are contained in the MTC Executive Director's Memorandum dated December 14, 2001, July 8, 2005, April 14, 2006, October 12, 2007 and September 10, 2008.

**ATTACHMENT C: Regional Transit Expansion Policy - Funding Strategy**

Project Capital Cost/Funding in Millions and Year of Expenditure \$ Alphabetical by Tier			Committed Funding						Regional Discretionary Funding											Capital Shortfall		
Project	Sponsor	Project Cost (YOE \$)	TCRP	Sales Tax	Resolution 1876	RTIP	Federal Earmarks	Other [see notes]	Section 5309 New Starts	Section 5309 Small Starts	Section 5309 Fixed Guideway Modernization	Ferryboat Discretionary	RM1	RM 2	AB 1171	Prop 1B - Transit	Prop 1B - SLPP	ITIP	ITIP Intercity Rail	CARB/ AB 434	Capital Shortfall	
Caltrain Express: Baby Bullet ** OPEN FOR SERVICE**	Caltrain JPB	128	127					1														-
Regional Express Bus **OPEN FOR SERVICE**	MTC	102	40											62								-

**Tier 1 - No Current Scope, Schedule, Budget Issues as Reported By Sponsors**

AC Transit Berkeley/Oakland/San Leandro Bus Rapid Transit	AC Transit	250		24		50	2	35		75				65								-
BART to Warm Springs	BART	890	100	221	205	69		26					53	85	5	40	86					-
East Contra Costa BART Extension (eBART)	BART/CCTA	525	7	196		14		6					52	96	115	40						-
Capitol Corridor Expansion	CCJPA	108	24			4		15											64			-
Capitol Corridor: Phase 2 Enhancements	CCJPA	89	1										3						85			-
MUNI Third Street Light Rail Transit Project - Central Subway	SFMTA	1,290	14	126		92		45	762							250						-
SFCTA and SFMTA: Van Ness Avenue Bus Rapid Transit	SFCTA and SFMTA	88		18						70												-
Transbay Transit Center: Phase 1	TJPA	1,189		105		28	64	646					53	142	150							-
Tri-Valley Transit Access Improvements to/from BART	BART/ACCOMA/LAVTA	168	3	10				14		11			16	16	95	2						-
Downtown to East Valley: Light Rail and Bus Rapid Transit Phase 1 and 2	VTA	465		318		58										90						-
Alameda/Oakland/Harbor Bay, Hercules, Richmond, and South San Francisco; and other improvements.	WETA	180		47			19					25		89								-

**Tier 2 - Projects Needing More Scope/Cost Refinement**

BART/Oakland Airport Connector	BART	459		99		21		231					31	68					10			TBD
Caltrain Electrification	Caltrain JPB	785		360		28		23			4										29	341

**Tier 3 - Projects Needing Ongoing Operating Funds**

Sonoma-Marin Rail	SMART	646	37	24			7	65						35								478
BART: Warm Springs to San Jose/Santa Clara	VTA	6,133	649	4,734					750													-

**Tier 4 - Shortfall is equal to or greater than 50% project cost**

AC Transit Enhanced Bus: Grand-MacArthur corridor	AC Transit	41				7		1						3								30
Caltrain Express: Phase 2	Caltrain JPB	427						13			41					15						358
Dumbarton Rail	SMTA, ACCMA, VTA, ACTIA, Capitol Corridor	596		113		15								135					39			295
Altamont Commuter Express (ACE) Right-of-Way Acquisition for Service Expansion	SJRRC, ACCMA, VTA	150		67				3			5											75
Transbay Transit Center: Phase 2	TJPA	2,996		73				868						8								2,047
<b>TOTAL</b>		<b>\$ 17,703</b>	<b>\$ 1,002</b>	<b>\$ 6,533</b>	<b>\$ 205</b>	<b>\$ 385</b>	<b>\$ 92</b>	<b>\$ 1,994</b>	<b>\$ 1,512</b>	<b>\$ 156</b>	<b>\$ 50</b>	<b>\$ 25</b>	<b>\$ 205</b>	<b>\$ 807</b>	<b>\$ 365</b>	<b>\$ 437</b>		<b>\$ 10</b>	<b>\$ 188</b>	<b>\$ 29</b>	<b>\$ 3,624</b>	

**Notes: For all projects, see Terms and Conditions.**

Detail on 'other' funding is provided below:

- AC Transit Berkeley/Oakland/San Leandro Bus Rapid Transit: \$35 million in CMAQ bonus funds programmed in 2008.
- BART to Warm Springs: \$2.2 M local CMAQ funds. \$24 M in BART agency contribution. Prop 1B Transit funds are 50% MTC and 50% BART. Of the \$205 million in Resolution 1876 commitment, \$145 million is SFO Extension Revenues. Then SFO Extension revenues are subject to the provisions outlined in Attachment D, subsection 5.
- East Contra Costa BART Extension: \$6 million in developer fees. Prop 1B Transit funds are 50% MTC and 50%
- Capitol Corridor Expansion: Other includes \$10 million in ACE funds, \$5 million in Caltrain funds, \$2.1 million in CCJPB funds, \$2.3 million in State PTA funds and \$0.5 million in Prop 116 funds.
- Muni Third Street Light Rail Project: New Starts request is \$762 million in Year of Expenditure dollars. Prop 1B Transit funds are 40% MTC and 60% SFMTA.
- Transbay Transit Center Phase 1: Other funds include \$411 million in land sales and tax increment revenue, \$8.8 million in FTA 1601 funds, and \$227 million in TIFIA loan proceeds.
- Tri-Valley Transit Access Improvements to BART: \$6 million in federal CMAQ funds, \$6.4 million in federal 5307 funds, and \$1.6 million in TDA funds. Prop 1B Transit funds are LAVTA Revenue-based.
- VTA Downtown to East Valley: Prop 1B Transit funds are 50% MTC and 50% VTA.
- BART/Oakland Airport Connector: \$31.5 million is Port of Oakland funds, \$25 million federal Public/Private Pilot Program and \$174 million private financing.
- Caltrain Electrification: \$12 million in regional STP/CMAQ funds and \$11.3 million in PJPB funds.
- Sonoma-Marin Rail: Other includes \$28 million in Prop. 116 and \$37.2 million in North Coast Rail Authority funds
- BART: Warm Springs to San Jose/Santa Clara: New Starts request is \$750 million in Year of Expenditure dollars. Confirmation of RTIP commitment pending reconciliation by VTA between the Santa Clara county-wide plan and MTC's Transportation 2030.
- AC Transit Enhanced Bus: Grand MacArthur Corridor: \$8 million is Transportation Fund for Clean Air funds through BAAQMD
- Caltrain Express: \$13.2 million is Joint Powers Board member contributions.
- ACE Service Expansion: Other includes \$3 million in San Joaquin federal fund contributions.
- Transbay Transit Center Phase 2: Other funds include \$424 million in land sales and tax increment revenue and \$445 million in TIFIA loan proceeds.

Date: December 19, 2001  
W.I.: 12110  
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Revised: 04/26/06-C  
07/23/07-C  
09/24/08-C

Attachment C  
Resolution No. 3434  
Page 2 of 4

### **Definitions and Assumptions of Regional Discretionary Funding**

- Federal Section 5309 New Starts: the total shown is an estimate for the 25-year RTP period. This estimate trends against recent historical averages of the Bay Area's New Starts funding compared to the nation, an average of 7% over the last 10 years. This represents a target for advocacy in Washington, D.C.; actual authorizations and appropriations are at the discretion of Congress.
- Federal Section 5309 Small Starts: estimate for the 25-year RTP period, beginning with the federal reauthorization in 2005. Small Start Capital Grants may not exceed \$75 million under law. This represents a target for advocacy in Washington D.C.; actual authorization and appropriations are at the discretion of Congress. This estimate does not include the Very Small Starts program.
- Federal Section 5309 Rail Modernization: These Federal Transit Administration formula funds are eligible for fixed guideway infrastructure projects. In the MTC region these funds are by policy devoted to capital replacement. The funding would replace diesel locomotives with electric locomotives when eligible for the Caltrain Electrification project.
- Federal Ferryboat Discretionary Program: estimate for the 25-year RTP period, beginning with the federal reauthorization in 2005; provides a special category for the construction of ferry boats and ferry terminal facilities. This represents a target for advocacy in Washington D.C.; actual authorization and appropriations are at the discretion of Congress.
- Regional Measure 1 Rail Reserve: the total shown is an estimate for the 25-year RTP period, net of existing commitments to the BART Warm Springs extension. These funds from the base \$1 Bay Bridge toll are directly allocated by the Commission to rail projects in the bridge corridor according to a statutory formula splitting the funds 70% to East Bay projects, and 30% to West Bay projects. This funding estimate assumes debt financing against this revenue stream. This estimate was revised as part of the 2008 Strategic Plan effort.
- Regional Measure 2: Regional voter-approved measure providing \$812 million to Resolution 3434 projects. The specific amounts are identified in statute for each project. This funding estimate assumes debt financing against this revenue stream.

Date: December 19, 2001  
W.I.: 12110  
Referred by: POC  
Revised: 04/26/06-C  
07/23/08-C  
09/24/08-C

Attachment C  
Resolution No. 3434  
Page 3 of 4

- AB 1171: This is a discretionary funding source passed by the Legislature and signed by the Governor in October 2001. AB 1171 (Dutra) extends the \$1 seismic surcharge (the second half of the current \$2 auto toll) on the seven state-owned Bay Area toll bridges for up to 30 years to finance retrofit work. Under certain financing provisions, a portion of that toll revenue will return to MTC acting as the Bay Area Toll Authority (BATA). This funding can be used for projects consistent with the voter approved Regional Measure 1 program—including congestion relief projects in corridors served by some proposed transit expansion projects—and is estimated over the 25-year period of the RTP to total ~~\$500-570 million based on debt financing~~; \$360-370 million of this amount is being assigned to the Regional Transit Expansion program of projects. This estimate was revised as part of the 2008 Strategic Plan effort.
- Proposition 1B Transit: Proposition 1B, approved by California voters in November 2006, directed \$3.6 billion toward transit capital improvements, including about \$1.3 billion for projects in the Bay Area. Within this \$1.3 billion, roughly \$1 billion is distributed directly to the transit operators, and about \$347 million is anticipated to come directly to MTC through statutorily defined formulas. On June 27th, 2007 the Commission adopted the MTC Proposition 1B Regional Transit Program - Resolution 3814. Resolution 3814 committed \$185 million in Proposition 1B - Population-based funds conditioned upon operators committing \$185 million in Proposition 1B - Revenue-based funds. Operator contributions may exceed the matching requirement of Resolution 3814.
- Proposition 1B State Local Partnership: Proposition 1B, approved by California voters in November 2006, directed \$1 billion toward the State/Local Partnership Program (SLPP). This program was included in the bond measure to reward local jurisdictions for their financial contributions to California's transportation system. The program may match county sales taxes, transit sales taxes, and voter-approved bridge tolls such as Regional Measures 1 and 2. Should the eligible match element of the program include bridge tolls, MTC commits the initial \$75 million to Resolution 3434 projects conditioned on SLPP contributions from partner agencies, as outlined in Attachment D.
- Interregional Transportation Improvement Program: the total shown is an estimate for the 25-year RTP period; other ITIP funding is assumed for highway and other projects. ~~An additional estimate for the 25-year period is assumed for the state's Intercity Rail Plan, for~~

Date: December 19, 2001  
W.I.: 12110  
Referred by: POC  
Revised: 04/26/06-C  
07/23/08-C  
09/24/08-C

Attachment C  
Resolution No. 3434  
Page 4 of 4

| ~~Capitol Corridor, Dumbarton Rail, and ACE projects.~~ As ITIP funds are the state's discretionary portion of the State Transportation Improvement Program, this represents a target for advocacy in Sacramento. Actual programming commitments and allocations are at the discretion of the California Transportation Commission.

- CARB/AB 434: Both the California Air Resources Board (CARB) and the Bay Area Air Quality Management District (AB 434) administer discretionary funding programs focused in whole or in part on reducing emissions from diesel engines. \$29 million is assumed from the two programs combined to help fund the Caltrain electrification project. This funding target for advocacy over the RTP period is sized to the annual funding levels of the two programs.

Date: December 19, 2001  
W.I.: 12110  
Referred by: POC  
Revised: 04/26/06-C  
09/24/08-C

Attachment D  
Resolution No. 3434  
Page 1 of 4

## Terms and Conditions

### General Terms

1. Operating Funding – In order for an extension of service to be included in the Regional Transportation Plan (RTP), the project sponsor must provide evidence of its ability to fund operation of the service for a minimum of 10 years, or the duration of operations within the 25-year RTP time horizon, whichever is longer. These financial capacity determinations must also include a demonstration of the transit operator's ability to sustain levels of core bus services to low-income and minority populations, as required under MTC Resolution No. 3357. Should the transit operator's financial stability deteriorate, or the expansion project in question experience significant cost increases, these financial capacity determinations will be revisited in MTC's review of the operator's applicable Short Range Transit Plan.
2. Cost Increases – Commitments of regional discretionary funds (Section 5309 New Starts, Small Starts, and Fixed Guideway Modernization, Regional Measure 1 Rail Reserve, ITIP, AB 1171, CARB/AB 434, Regional Measure 2, Ferry Boat Discretionary) are capped at the amounts shown in Attachment C in ~~2006~~ year of expenditure dollars. ~~Escalation adjustments will be made at the time funds are secured or allocated, except for bridge toll funds that are shown in year of financing dollars.~~ Project sponsors are responsible for funding any cost increases (including financing costs) above the estimates shown in Attachment C from other sources. Funding shortfalls must be addressed for projects to be included in the Regional Transportation Plan.
3. Amendment – The Commission shall consider amending this regional transit expansion program following the passage of major new funding sources that could advance projects with current shortfalls into the RTP. New funding sources also could be used to offset cost increases for projects already included in the RTP.
4. Station Access Planning: Consistent with recommendations of MTC's Regional Bicycle Plan, all new transit stations that are built as result of Resolution No. 3434 investments must provide direct and convenient pedestrian and bicycle access from adjacent walkways and bicycle facilities. Station access planning shall be consistent with the conclusions reached from the evaluation of FSM 5 in the 2001 Bay Area Ozone Attainment Plan.

Date: December 19, 2001  
W.I.: 12110  
Referred by: POC  
Revised: 04/26/06-C  
09/24/08-C

Attachment D  
Resolution No. 3434  
Page 2 of 4

## Specific Conditions

1. Section 5309 New Starts – The region’s ~~first priority~~ priorities for federal New Starts funds ~~are is the BART extension to San Francisco International Airport until such time that the project receives its final appropriation from Congress, currently expected in 2006.~~ Thereafter, the BART Extension to Silicon Valley and Warm Springs to San Jose extension and the Muni Central Subway project, with ~~will share equal priority.~~
2. Section 5309 Small Starts – The region’s ~~priority~~ priorities for federal Small Starts funds ~~is are the AC Transit Oakland/San Leandro Bus Rapid Transit Project and the Van Ness Avenue Bus Rapid Transit project in San Francisco, with equal priority.~~ Given that the regulations are still being finalized and that there are other projects in the region that may be eligible and have a demonstrated need for more secure funding, the Commission may consider endorsing one additional regional candidate project after FTA finalizes the regulations.
3. AB 1171 – These funds will be subject to terms and conditions established by MTC acting as the Bay Area Toll Authority (BATA), ~~and are contingent upon the availability of excess toll revenue net of debt service.~~ The balance of these funds not committed in Attachment C will be reserved as follows: ~~\$100 million reserved for the north connector and weave correction components of the I-80/680 interchange project, and \$40 million for other congestion relief improvements in the Northern Bridge group—Antioch, Benicia Martinez, Carquinez and Richmond-San Rafael—corridors. Should AB 1171 funds exceed \$500 million, the next increment up to \$60 million will also be reserved for Northern Bridge group corridor improvements. The next increment above the \$60 million will be distributed evenly between the East Contra Costa BART Extension (eBART) and Tri Valley Transit Access Improvements to BART projects, not to exceed \$25 million each, in addition to the sums stipulated in Attachment C. Any increment above these amounts will be allocated at the discretion of the Commission.~~
  - Corridor Improvements Adjacent to the I-80/680 Interchange: \$100 million reserved for improvements in the vicinity of the I-80/680 interchange. These AB1171 funds are in addition to the \$100 million approved through Regional Measure 2 (RM2) for corridor improvements in the vicinity of the I-80/680 interchange.
  - Other Improvements: \$100 million for other corridor improvements.
4. BART Warm Springs to San Jose – In addition to the general terms for operating funding imposed on all projects, the BART Warm Springs to San Jose project is included in the

Date: December 19, 2001  
W.I.: 12110  
Referred by: POC  
Revised: 04/26/06-C  
09/24/08-C

Attachment D  
Resolution No. 3434  
Page 3 of 4

RTP contingent upon approval by the BART and VTA Boards of an operating and maintenance agreement regarding extension of service into Santa Clara County and associated impacts of the extension on the core BART system. If a TDA "lien" is implemented pursuant to the BART/VTA agreement after 2009, MTC will condition allocation of the remaining TDA funds subject to the following:

At the time that the BART to San Jose extension commences revenue service, or at any point thereafter, should VTA's bus service levels have not achieved, or later fall below, a 600 fleet/500 peak target, then MTC shall hold public hearings at which VTA must demonstrate that services to Title VI communities have been assured, based on MTC's Lifeline Transportation analysis, as validated and amended by transit operators and the Congestion Management Agencies.

—Should VTA choose to identify TDA funds as the guaranteed operating and maintenance subsidy pursuant to the BART/VTA agreement and demonstrate that it has secured other funding sources to replace the TDA revenue so guaranteed, then MTC shall not condition its allocation of TDA funds as described above.

- ~~5. Caltrain Electrification: Continued Commission support for a regional commitment of STP/CMAQ and CARB/AB 434 funds to the project is contingent upon the three JPB member agencies reaching agreement by December 1, 2007 on project scope and how to close the project's remaining funding shortfall.~~
- ~~6. Caltrain Express Phase 2: Before the next revision to Resolution 3434 or by the 2009 RTP, whichever occurs first, Peninsula JPB member agencies agree to define the member contributions for the funding plan.~~
- ~~7. Downtown to East Valley: Light Rail and Bus Rapid Transit: Before the next revision to Resolution 3434 or by the 2009 RTP, whichever occurs first, VTA will confirm their funding commitment through Measure A, or identify alternative revenue sources that may be requested to close any funding shortfall that could result should the Measure A expenditure plan not cover the entire cost.~~
5. BART Extension to Warm Springs: MTC commits the following funds subject to availability: \$40 million from MTC's share of Proposition 1B State Local Partnership Program, \$29 million in RM1 and \$5 million in AB 1171. These funding commitments are conditioned upon: 1) BART contributing an additional \$24 million; 2) Alameda and Santa Clara Counties contribute \$30 million and \$16 million, respectively, from Proposition 1B

Date: December 19, 2001  
W.I.: 12110  
Referred by: POC  
Revised: 04/26/06-C  
09/24/08-C

Attachment D  
Resolution No. 3434  
Page 4 of 4

State Local Partnership Program proceeds; and 3) VTA's Board committing to a full funding plan for an operable BART segment in Santa Clara County.

To address the cash flow challenges wherein the \$145 million surplus fare revenue on the BART SFO Extension are not expected to be available during the BART to Warm Springs construction period, \$91 million of Regional Measure 2 (RM2) and \$54 million, shared equally, in funding advanced from MTC and BART/ACTIA are proposed. This proposal is conditioned on the following: 1) the Commission holding a public hearing and approving reassignment of \$91 million in RM2 funds from the Dumbarton Rail project and the BART to Warm Springs project; and 2) first priority and equivalent repayment of \$27 million each to MTC and ACTIA/BART from the surplus BART SFO Extension revenues

6. AC Transit Berkeley/Oakland/San Leandro Bus Rapid Transit: MTC commits \$35 million in -CMAQ funds subject to the following conditions: 1) Alameda County Congestion Management Agency (ACCMA) adopts an RTIP funding commitment plan and strategy to advance the \$40 million RTIP funds commitment; 2) AC Transit submits documentation for inclusion into the 2009 Federal Transit Administration (FTA) Small Starts report; and 3) AC Transit adopts a board resolution committing to the following: a) use the \$35 million to deliver a useable bus rapid transit segment; and b) develop a phasing plan to deliver the full Berkeley/Oakland/San Leandro Bus Rapid Transit project, if the entire project as submitted to FTA for the Small Starts program, is not immediately deliverable.
  
7. Dumbarton Rail: Should the Commission hold an RM2 Public Hearing and reassign \$91 million in RM2 funds from the Dumbarton Rail project to the BART to Warm Springs project, the \$91 million will be replaced with \$91 million in Alameda Regional Transportation Improvement Program (RTIP) funds. The reassignment is conditioned on the Alameda County Congestion Management Agency adopting a board resolution committing the RTIP funds to the project. MTC, in cooperation with Caltrain and the other funding partners, shall:
  1. Support completion of the alternatives analysis and environmental phase
  2. Support steps toward the purchase of Right-of-Way in the ACE, Capitol, and Dumbarton Corridors
  3. Support expanded cost-effective express bus service in the corridor to build ridership
  4. Support the Dumbarton PAC in securing additional funding to close the \$300 million project shortfall.