

**Metropolitan Transportation Commission
Programming and Allocations Committee**

February 11, 2009

Item Number 3d

Resolution Nos. 3667, Revised, 3711, Revised, and 3833, Revised

Subject: Allocation of approximately \$170 million in Regional Measure 2 (RM2) and \$20 million in Regional (RM1) capital program funds, and a project specific condition change.

Background: Capital Program:

To date, MTC has allocated \$705 million of the \$1.5 billion RM2 capital program. This month two projects are proposed for capital allocation:

BART Extension to Warm Springs (Allocation of \$167 million in RM2 and \$20 million in RM1 capital funds): The San Francisco Bay Area Rapid Transit District requests \$167 million in RM2 funds and \$20 million in RM1 funds towards the construction of the Fremont Central Park Subway portion of the Warm Springs Extension. BART plans to award two main construction contracts: one for the Central Park Subway, that is ready to advertise this month; and a second for the remaining line segment, systems, and stations that will be advertised in about a year. The Subway construction contract includes a one mile long double-track subway box to be constructed by means of cut and cover tunneling methods. The contract also includes construction of two trackway transition structures and two ventilation structures associated with the subway, as well as a trackway embankment. BART is planning to advertise the contract in February and potentially award it within six months.

This allocation will bring the total RM2 funds allocated to the BART Extension to \$173 million, along with \$20 million in RM1 funds. In total, Resolution 3434 identifies \$176 million in RM2 funds available for the project, along with \$118 million in RM1/AB 1171 funds.

Vacaville Intermodal Station (Allocation of \$3.3 million and condition change): The City of Vacaville requests \$575,000 towards final design and \$2.7 million towards right-of-way for Phase 1 of the Vacaville Intermodal Station. The Solano Transportation Authority, as project co-sponsor, has concurred with this request. The proposed Phase 1 of the Intermodal Station will include construction of 10 bus bays as well as approximately 200 auto parking spaces in a surface lot. The final design funds will be used for consultant design and technical services, completion of final construction plans and contract documents, and associated tasks. The right-of-way funds will be used for purchasing the project site, easements, property assessments, fees and salaries.

Also, staff proposes removing an existing project specific condition pertaining to right-of-way which reads, "If Phase 2 funding has not been identified at the point where an allocation for right-of-way (ROW) is needed for the Phase 1 project." The City is requesting authorization to

purchase the entire 6.4 acres (for both Phase I and Phase II of the project) even though Phase II funding has not yet been identified, for two reasons: a) As part of the purchase agreement, and as required by the City's land development code and approved Policy Plan for the area, a soundwall is required to be constructed on the property which will require use of the entire land; and b) If the land required for Phase II is not secured at this time, it may not be available for purchase in the future due to nearby development. In the future, if Phase II is unable to proceed, then the remaining land will be converted to additional surface parking.

Staff concurs with buying the entire parcel as a more efficient approach to project delivery and is adding a condition that the additional right-of-way must be used for transit, either Phase 2 of the project or a related public transit use.

Issues:

There are several issues related to the Warm Springs allocation:

1. In December 2008, the California Pooled Money Investment Board (PMIB) suspended the Proposition 1B funds (one of the fund sources on this project), due to the state's current budget crisis and the lack of demand in the municipal bond markets. MTC and ACTIA have stepped forward to offset this shortfall by accelerating "later-year" RM2 and Measure B funds respectively; both the agencies will advance \$37 million each towards this contract so that it can proceed on schedule. In the future, when the Proposition 1B funds are available and approved for allocation towards this project, MTC would rescind the \$37 million in RM2 funds and replace with Proposition 1B funds that are currently suspended due to unavailability of state funds.
2. Because of the complex nature of the project's funding plan, which includes funding from various state and local sources expected to be available in certain years, staff proposes to execute a funding agreement between MTC and BART prior to BART awarding a contract. The funding agreement would specify the cash flow for bridge toll funds being used on the project, as well as policies and procedures that apply to the non-RM2 funds.
3. If the bids for the subway contract come in lower than anticipated, MTC and ACTIA would split the savings in an amount proportional to the amounts allocated by each of them.

Conditions related to each of these issues are proposed for the allocation.

Recommendation: Refer Resolution Nos. 3667, Revised; 3711, Revised, and 3833, Revised to the Commission for approval.

Attachments: MTC Resolution Nos. 3667, Revised; 3711, Revised, and 3833, Revised

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Date: December 15, 2004
W.I.: 1255
Referred by: PAC
Revised: 02/25/09-C

ABSTRACT

MTC Resolution No. 3667, Revised

This resolution approves the allocation of Regional Measure 2 funds for the BART Extension to Warm Springs Project sponsored and implemented by the San Francisco Bay Area Rapid Transit District.

This resolution includes the following attachments:

- Attachment A - Allocation Summary Sheet
- Attachment B - Project Specific Conditions for Allocation Approval
- Attachment C - MTC staff's review of San Francisco Bay Area Rapid Transit District's Initial Project Report (IPR) for this project
- Attachment D - RM2 Deliverable/Useable Segment Cash Flow Plan
- Attachment E - Synopsis of Terms for Funding Agreement

This resolution was revised on February 25, 2009 to allocate \$167 million towards the construction of the Fremont Central Park Subway element of the BART to Warm Springs Extension project.

Additional discussion of this allocation is contained in the Executive Director's memorandum to the MTC Programming and Allocations Committee dated December 8, 2004 and February 11, 2009.

REGIONAL MEASURE 2 PROGRAM Allocation of Funds

Project Title: BART Extension to Warm Springs
Sponsor: San Francisco Bay Area Rapid Transit Dist.
Project Number: 31.2

Allocation No. 31.2-1						
Activities to be funded with Allocation #1:						
Relocation of utilites, site preparation and clearance in between Washington Blvd. And Paseo Padre in conjunction with the City of Fremont's grade separation project.						
Funding Information:						
Allocation Instruction No.	Approval Date	Amount	Phase	Reimbursement Year	Cumulative Total To Date	
05366701	15-Dec-04	\$ 4,000,000	ROW	FY 2004-05	\$	4,000,000
06366702	15-Dec-04	\$ 2,000,000	ROW	FT 2005-06	\$	6,000,000

Allocation No. 31.2-2						
Activities to be funded with Allocation #2:						
This allocation will fund all the below mentioned costs associated with the construction of the Fremont Central Park Subway: (Contract includes a one mile long double track subway box, two trackway transition and ventilation structures associated with the subway as well as a trackway embankment)						
1) Direct labor of implementing agency: Including but not limited to planning, engineering, project management, system safety, technical support, community relations and accounting.						
2) Capital costs associated with the subway contract.						
3) Consultants: Design services during constuction, construction management and community relations.						
4) Other Direct Costs: Including but not limited to inventory issues, telephone, office supplies and services and insurance.						
Allocation Instruction No.	Approval Date	Amount	Phase	Reimbursement Year	Cumulative Total To Date	
09366703	25-Feb-09	\$ 167,000,000	CON	FY 2008-09	\$	173,000,000

REGIONAL MEASURE 2 PROGRAM Project Specific Conditions

Project Title: The BART Extension to Warm Springs Project
Sponsor: San Francisco Bay Area Rapid Transit District
Project Number: 31.2

The allocation and reimbursement of RM2 funds for the above project are conditioned upon the following :

1. Receipt of these funds by the Bay Area Rapid Transit District is conditioned on working cooperatively with MTC and the relevant local jurisdictions to encourage Transit-Oriented Development with the goal of assuring that an appropriate number of residences, jobs, services and other activities will be planned for and located within proximity to the rail service.
2. BART may invoice MTC for eligible project expenses as frequently as monthly, in accordance with the cash flow plan.
3. Utility relocation will be limited to the project boundaries between Paseo Padre and Washington Boulevard.
4. The Bay Area Rapid Transit District (BART) shall spend allocated Traffic Congestion Relief Program (TCRP) funds before RM2 funds on segments of the project where TCRP funds are scoped and eligible. On segments of the project where the TCRP funds are not scoped and eligible, RM2 funds shall be available to proceed with RM2 funding reimbursements.

On February 25, 2009, the Commission approved the following conditions pertaining specifically to Allocation No. 2:

- 1 ACTIA's allocation of \$80 million in Measure B funds towards the construction phase of the project; this allocation is an effort on the part of ACTIA, to advance later year Measure B funds to offset the Proposition 1B shortfall and allow the project to proceed on schedule.
- 2 The BART board's approval of the Initial Project Report (IPR) and the resolution of project compliance.
- 3 Execution of a funding agreement between MTC and BART before the contract award, for the Regional Measure 1 90% Rail Reserve East and RM2 funds.
- 4 BART shall request the State Proposition 1B funds at the earliest time. Once available and approved for allocation towards this project, MTC would rescind the \$37 million in RM2 funds which are currently being used as an advance due to the unavailability of State funds.
- 5 If the bids for the subway construction contract are lower than anticipated, the savings against the MTC and ACTIA allocations would be moved to fund remaining sections of the project at a later time. At the completion of the project, any savings would be split among the local funding partners in amounts proportional to the capital contribution of each agency.

RM2 Project Number: 31.2

BART Extension to Warm Springs

Lead Sponsor BART	Other Sponsors(s) City of Fremont for Grade Separation Work	Implementing Agency (if applicable) BART
Legislated Project Description Extension of the existing BART system from Fremont to Warm Springs in southern Alameda County. The project would facilitate a future rail service extension to the Silicon Valley.		
RM2 Legislated Funding (in \$1,000) Total Overall Funding \$186,000 31.1 City of Fremont Grade Separation (\$10,000) 31.2 BART Extension to Warm Springs (\$176,000)		Total Estimated Project Cost (in \$1,000) \$890,000
Project Purpose and Description The Warm Springs Extension will add 5.4-miles of new tracks from the existing Fremont Station south to a new station in the Warm Springs District of the City of Fremont, with an optional station to be located approximately midway in the heart of the Irvington District. The optional Irvington Station is dependent upon future funding through the City of Fremont. The project will provide increased transportation capacity for future growth in employment and population in the southern part of the region. The Project, to be implemented via the Design-Build contracting method, will include all necessary interfaces with the operating system at the Fremont Station as well as provision of all facilities systems and equipment normally associated with BART service. South of the Warm Springs Station, tail-tracks will continue for about 3,000 feet and a small maintenance facility will be constructed.		
Funding Description Committed Funds: Funding is fully committed. Operating Capacity: BART has included service to this project in its future operating budget.		

Overall Project Cost and Schedule

Phase	Scope	Start	End	Cost (in \$1,000)
1	Final Environmental Document	01/2002	10/2006	\$8,713
2	Plans, Specifications and Estimates	12/2002	04/2011	\$39,565
3	Right-of-Way	02/2002	06/2011	\$98,322
4	Construction	06/2009	07/2014	\$743,400
Total:				\$890,000

Total Project Funding Plan: Committed and Uncommitted Sources

(Amounts Escalated in Thousands)

Project Title	Project No. 31.2											
Lead Sponsor	BART to Warm Springs Extension											
	BART											
Fund Source	Phase	Prior	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	Future	Total
Committed												
State TCRP	ENV	46,200										46,200
ACCMA TIP	ENV	2,200										2,200
State TCRP	ROW	54,200										54,200
Alameda Measure B	ROW	38,000										38,000
RM2	ROW	6,000										6,000
RM2	Construction				20,000	59,904	90,096					170,000
RM1	Construction						28,500	55,500				84,000
AB 1171	Construction						15,000	19,000				34,000
Prop 1B/MTC Spillover	Construction						20,000					40,000
SLPP (MTC/ACTIA/VTA)	Construction						43,000					86,000
BART	Construction						12,000					24,000
ACCMA STIP	Construction								55,000	14,000		69,000
MTC/ACTIA/BART Advance	Construction						38,000	16,000				54,000
Alameda Measure B	Construction			19,500		49,500	33,000	15,500	49,000	15,900		182,400
Total:		146,600		39,500	109,404	236,096	150,000	123,500	70,900	14,000		890,000
Uncommitted												
Total:		0	0	0	0	0	0	0	0	0	0	0
Total Project Committed and Uncommitted												
		Prior	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	Future	Total	Total	Total
Total:		146,600	0	0	39,500	109,404	236,096	150,000	123,500	70,900	14,000	890,000

REGIONAL MEASURE 2 PROGRAM
Project Cash Flow Plan

Project Title: BART Extension to Warm Springs
 Sponsor: San Francisco Bay Area Rapid Transit District
 RM2 Project Number: 31.2

RM2 Project # 31.2	PRIOR	FY 2004-05	FY 2005-06	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13	Future	TOTAL
RM2 Funds Total	-	4,000,000	2,000,000	-	-	20,000,000	59,904,000	87,096,000	-	-	-	173,000,000
Environmental (ENV)	48,400,000	0	0	0	0	0	0	0	0	0	0	48,400,000
State TCRP	46,200,000											46,200,000
ACCMA TIP	2,200,000											2,200,000
												0
												0
Final Design (PS&E)	0	0	0	0	0	0	0	0	0	0	0	0
												0
												0
												0
Right of Way	64,200,000	32,000,000	2,000,000	0	0	0	0	0	0	0	0	98,200,000
RM 2	4,000,000	4,000,000	2,000,000									6,000,000
Alameda County Measure B	10,000,000	28,000,000										38,000,000
State TCRP	54,200,000											54,200,000
												0
Construction	0	0	0	0	0	20,000,000	59,904,000	87,096,000	100,500,000	0	0	267,500,000
RM2 (includes \$37m advance)						20,000,000	59,904,000	87,096,000				167,000,000
RM1 (includes \$37m advance)									20,000,000			20,000,000
ACTIA advance									80,500,000			80,500,000
												0
												0
TOTAL FUNDING												
Environmental	48,400,000	0	0	0	0	0	0	0	0	0	0	48,400,000
Final Design (PS&E)	0	0	0	0	0	0	0	0	0	0	0	0
Right of Way	64,200,000	32,000,000	2,000,000	0	0	0	0	0	0	0	0	98,200,000
Construction	0	0	0	0	0	20,000,000	59,904,000	87,096,000	100,500,000	0	0	267,500,000
PROJECT TOTAL	112,600,000	32,000,000	2,000,000	0	0	20,000,000	59,904,000	87,096,000	100,500,000	0	0	414,100,000

Date: February 25, 2009
W.I.: 1255
Referred by: PAC

Attachment E
Resolution No. 3667
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Synopsis of Terms for Funding Agreement

BART shall agree:

1. To complete the project described in its updated Initial Project Report, through its contractor.
2. That it shall not award the subway construction contract until MTC and BART agree to the terms of the funding agreement, including specific cash flow projections for bridge toll funds.
3. To comply with all provisions of MTC Resolution No. 3636, Revised and that any RM1 funds received under the funding agreement in addition to the RM2 funds be subject to MTC Resolution No. 3636 as revised.

MTC shall agree to provide BART an amount not to exceed \$167,000,000 in RM2 funds and \$20,000,000 in RM1 90% Rail Reserve East Funds.

Date: July 27, 2005
W.I.: 1255
Referred by: PAC
Revised: 02/25/09-C

ABSTRACT

MTC Resolution No. 3711, Revised

This resolution approves the allocation of Regional Measure 2 funds for the Vacaville Intermodal Station project implemented by the City of Vacaville.

This resolution includes the following attachments:

Attachment A - Allocation Summary Sheet

Attachment B - Project Specific Conditions for Allocation Approval

Attachment C - MTC staff's review of Vacaville's Initial Project Report (IPR) for this project

Attachment D - RM2 Deliverable/Useable Segment Cash Flow Plan

This resolution was revised on February 25, 2009 to allocate \$575,000 towards final design and \$2,708,000 towards right-of-way for Phase 1 of the Vacaville Intermodal Station.

Additional discussion of this allocation is contained in the Executive Director's memorandum to the MTC Programming and Allocations Committee dated July 13, 2005 and February 11, 2009.

REGIONAL MEASURE 2 PROGRAM Allocation of Funds

Project Title: Vacaville Intermodal Station
Implem. Agency: City of Vacaville
Project Number: 6.4

Allocation No. 1						
Activities to be funded with Allocation #1:						
Allocation will fund environmental clearance and preliminary engineering for Phase 1 of the Vacaville Intermodal Station. Phase 1 consists of a 10-bay bus transfer facility and 200-space surface parking lot.						
Funding information for Allocation No. 1						
Allocation Instruction No.	Approval Date	Amount	Phase	Reimbursement Year	Cumulative Total To Date	
06371101	27-Jul-05	\$ 415,000	ENV	FY 2005-06	\$ 415,000	

Allocation No. 2						
Activities to be funded with Allocation #2:						
PS&E for Phase 1 of the Vacaville Intermodal Station: The PS&E funds will be used for the following: 1) geotechnical investigation, 2) consultant design fees, 3) completion of final construction plans and contract documents, 4) costs associated with the bid process, 4) salaries (including overhead).						
Right-of-way for Phase 1 of the Vacaville Intermodal Station: The right-of-way funds will be used for the following: 1) purchase project site & easements, 2) property assessments, 3) attorney fees, 4) escrow/title fees and salaries (including overhead).						
Funding information for Allocation No. 1						
Allocation Instruction No.	Approval Date	Amount	Phase	Reimbursement Year	Cumulative Total To Date	
06371102	25-Feb-09	\$ 575,000	PS&E	FY 2008-09	\$ 990,000	
06371102	25-Feb-09	\$ 2,708,000	ROW	FY 2008-09	\$ 3,698,000	

**REGIONAL MEASURE 2 PROGRAM
Project Specific Conditions**

Project Title: Vacaville Intermodal Station
Sponsor: City of Vacaville
Project Number: 6.4

The allocation and reimbursement of RM2 funds for the above project are conditioned upon the following:

On February 25, 2009, the Commission approved the following condition pertaining specifically to Allocation No. 2:

1. The City of Vacaville approving the Initial Project Report (IPR) and the resolution of project compliance, as well as STA approving a resolution concurring with the City's request.
2. If the right-of-way for Vacaville Intermodal Station is sold or not used for the intermodal facility or related public transit use, the value of such property shall be returned to MTC.

Regional Measure 2 Regional Traffic Relief Plan

RM2 Project Number: 6.4

Vacaville Intermodal Station Project

Lead Sponsor Solano Transportation Authority	Other Sponsors(s) N/A	Implementing Agency (if applicable) City of Vacaville
Legislated Project Description Eligible projects are Curtola Park and Ride, Benicia Intermodal Facility, Fairfield Transportation Center and Vacaville Intermodal Station. Priority to be given to projects that are fully funded, ready for construction, and serving transit service that operates primarily on existing or fully funded high-occupancy vehicle lanes. The Project sponsor is Solano Transportation Authority.		
RM2 Legislated Funding (in \$1,000) \$5,500 (Vacaville Intermodal Station)		
Project Purpose and Description Phase 1 of the Vacaville Intermodal Station will provide a bus transfer facility along the I-80 Corridor. Ten bus bays will be provided, as well as 200 automobile parking spaces in a surface lot. Phase 2 of this project, which is currently unfunded, envisions a 400 space parking garage as well as retail/commercial space.		
Funding Description Committed Funds (Phase 1): \$7.25 Million in RM2 (\$5.5 million from Solano Intermodal and \$1.75 million from Express Bus North); \$1.8 Million in TDA Uncommitted Funds (Phase 2): \$17 Million in local, federal, or STIP funds Operating Capacity: Vacaville will operate the facility as part of its transit operations.		
Total Estimated Project Cost (in \$1,000) \$12,154 (Vacaville Intermodal Station)		

Overall Project Cost and Schedule

Element	Scope	Start	End	Cost (in \$1,000)
1	Environmental Document	07/2005	01/2009	\$519
2	Plans, Specifications and Estimates	01/2009	05/2009	\$719
3	Right-of-Way	01/2005	03/2009	\$3,385
4	Construction	07/2009	12/2009	\$7,531
Total:				\$12,154

Total Project Funding Plan: Committed and Uncommitted Sources

(Amounts Escalated in Thousands)

Project Title	Project No. 6.4										
Implementing Agency	City of Vacaville										
Fund Source	Phase	Prior	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	Future	Total	
Committed											
TDA	ENV			104						104	
RM2 (Solano Intermodal)	ENV			415						415	
TDA	PSE						144			144	
RM2 (Solano Intermodal)	PSE						575			575	
TDA	ROW						677			677	
RM2 (Solano Intermodal)	ROW						2,708			2,708	
TDA	Construction						951			951	
RM2 (Solano Intermodal)	Construction						1,802			1,802	
RM2 (Exp. Bus North)	Construction						1,750			1,750	
CMAQ	Construction						3,028			3,028	
Total:		0	0	519	0	0	11,635	0	0	12,154	
Uncommitted											
Local, Federal or STIP	ENV					500				500	
Local, Federal or STIP	PS&E						1,000			1,000	
Local, Federal or STIP	Construction							10,000	5,500	15,500	
Total:		0	0	0	0	500	1,000	10,000	5,500	17,000	
Total Project Committed and Uncommitted											
		Prior	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	Future	Total	
Total:		0	0	519	0	500	12,635	10,000	5,500	29,154	

REGIONAL MEASURE 2 PROGRAM
Project Cash Flow Plan

Project Title: Vacaville Intermodal Station
 Implementing Agency: City of Vacaville
 Project Number: 6.4

RM2 Project # 6.4	PRIOR	FY 2004-05	FY 2005-06	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	TOTAL
RM2 Funds Total	-	-	415	-	-	5,085	-	5,500
Environmental (ENV)	0	0	519	0	0	0	0	519
RM2			415					415
TDA			104					104
								0
								0
Final Design (PS&E)	0	0	0	0	0	719	0	719
RM2						575		575
TDA						144		144
								0
								0
Right of Way	0	0	0	0	0	3,385	0	3,385
RM2						2,708		2,708
TDA						677		677
								0
								0
Construction	0	0	0	0	0	5,781	0	5,781
RM2*						1,802		1,802
TDA						951		951
CMAQ						3,028		3,028
								0
TOTAL FUNDING								
Environmental	0	0	519	0	0	0	0	519
Final Design (PS&E)	0	0	0	0	0	719	0	719
Right of Way	0	0	0	0	0	3,385	0	3,385
Construction	0	0	0	0	0	5,781	0	5,781
PROJECT TOTAL	0	0	519	0	0	9,885	0	10,404

* Additional funds for construction are available from RM2 Project 17.3

Date: November 28, 2007
W.I.: 1514
Referred by: PAC
Revised: 02/25/09-C

ABSTRACT

Resolution No. 3833, Revised

This resolution allocates Regional Measure 1 (RM1) 90% Rail Reserve East bridge toll revenues to eligible projects. Allocations made prior to this resolution are under MTC Resolution Nos. 3670, 3724, and 3786.

This resolution includes the following attachments:

Attachment A – Allocation of Bridge Toll Revenues

This resolution was revised on February 25, 2009 to allocate \$20 million towards the construction of the Fremont Central Park Subway element of the BART to Warm Springs Extension project.

Further discussion of this allocation is contained in the MTC Summary Sheet dated November 14, 2007 and February 11, 2009.

Date: November 28, 2007
 W.I.: 1514
 Referred by: PAC
 Revised: 02/25/09-C

Attachment A
 Resolution No. 3833
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ALLOCATION OF REGIONAL MEASURE 1 (RM1) 90% RAIL RESERVE EAST REVENUES BEGINNING IN FY 2007-08
 (For allocations prior to FY 2007-08, please refer to MTC Resolution Nos. 3670, 3724, and 3786.)

Allocation Authorization: S&H § 30919(b)

Alloc. #	Fund Reserve	Fiscal Year	Claimant	Project Description	Allocation Amount	Date of MTC Approval	Allocation Conditions
01	Regional Measure 1 (RM1) 90% Rail Reserve East	2007-08	BART	Oakland Airport Connector	\$31,000,000	11/28/2007	<p>1. Allocation and disbursement is contingent upon the execution of a funding agreement between MTC and BART for the 90% Rail Reserve East and Regional Measure 2 (RM2) funds. Such funding agreement shall include the following provisions:</p> <p>BART shall agree: (1) to complete the project described in its updated Initial Project Report, through its contractor; (2) that it shall not request any reimbursements until it executes a concession agreement with its contractor; and (3) to comply with all provisions of MTC Resolution No. 3636, Revised and that any RM1 funds received under the funding agreement be subject to MTC Resolution No. 3636, Revised.</p> <p>MTC shall agree: to provide BART an amount not to exceed \$99,000,000 comprised of \$68,000,000 in RM2 funds and \$31,000,000 in RM1 90% Rail Reserve East Funds.</p>

02	Regional Measure 1 (RM1) 90% Rail Reserve East	2008-09	BART	BART Extension to Warm Springs	\$20,000,000	02/25/2009	<p>2. Allocation and disbursement is contingent upon the execution of a funding agreement between MTC and BART for the 90% Rail Reserve East and Regional Measure 2 (RM2) funds. Such funding agreement shall include the following provisions:</p> <p>BART shall agree: (1) to complete the project described in its updated Initial Project Report, through its contractor; (2) to comply with all provisions of MTC Resolution No. 3636, Revised and that any RM1 funds received under the funding agreement be subject to MTC Resolution No. 3636, Revised.</p> <p>MTC shall agree: to provide BART an amount not to exceed \$187,000,000 comprised of \$167,000,000 in RM2 funds and \$20,000,000 in RM1 90% Rail Reserve East Funds.</p>
TOTAL					\$51,000,000		