

**Metropolitan Transportation Commission
Programming and Allocations Committee**

May 13, 2009

Item Number 4a) i.

Dumbarton Rail Project Update

Subject: Dumbarton Rail Project Update.

Background: In September 2008, the Commission approved the Resolution 3434 Strategic Plan Update and directed staff to return in six months to provide an update on the Dumbarton Rail project.

The attached memo (included in your packet in April but deferred due to time constraints) provides information on the current status of the project's environmental document, related right of way negotiations, development of interim express bus service over the Dumbarton bridge, and funding options.

Issues: N/A

Recommendation: Information only.

Attachments: Memorandum from the Executive Director



**METROPOLITAN
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Memorandum

TO: Programming and Allocations Committee

DATE: April 1, 2009

FR: Executive Director

RE: Update on Dumbarton Rail Project

Resolution 3434 Context

When the Commission adopted the Resolution 3434 Strategic Plan Update in September 2008, the following condition was included related to the Dumbarton Rail 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. Explore other funding opportunities, including the potential for future bridge tolls, to accelerate repayment of the reassigned \$91 million in RM2 funds.
5. In conjunction with all funding partners, explore other funding opportunities, including the potential for future bridge tolls, to close the \$300 million project shortfall.

A brief update on the status of these efforts follows.

Environmental Document

Caltrain JPB staff continues to work on the environmental document for the project, and expects to release an Administrative Draft along with an updated cost estimate in summer 2009. Selection of the Locally Preferred Alternative is expected in the fall of 2009.

Right of Way Purchase

In October 2008, the Dumbarton Policy Advisory Committee (PAC) requested that Capitol Corridor staff take the lead on negotiations with Union Pacific for purchase of rail right of way that could be used on the Dumbarton Rail project (East Bay side). At the request of the Dumbarton PAC, Capitol Corridor staff is preparing with a project plan, including a schedule, budget, and proposed strategy for the negotiations.

Interim Bus Service

The Dumbarton Bus Consortium has been developing plans for an "interim bus service" that would provide expanded express bus service between the east and west bay across the Dumbarton auto bridge. The service could be implemented in advance of rail service, to build ridership in the corridor. While operating plans for the service are nearly complete -- consisting of three new lines and modifications to an existing line -- implementation and funding decisions will likely take place after the Dumbarton Rail Locally Preferred Alternative has been selected.

Funding

The estimated year-of-expenditure cost of the rail project is \$596 million, based on a 2006 cost estimate. The project has \$299 million of committed and anticipated funds, leaving a shortfall of almost \$300 million. The major sources of funding are:

Source	Amount <i>in millions</i>
San Mateo County Sales Tax	\$50.0
Alameda County Sales Tax (ACTIA)	\$18.5
Santa Clara County Sales Tax (VTA)	\$44.0
State RTIP (Alameda County)*	\$105.0
RM2	\$44.0
State ITIP**	\$39.0
Total	\$299.0

* Replacement funds for RM2 funds transferred to Warm Springs BART

** Anticipated but not yet committed.

The following options have recently been examined for additional funding:

- Use of Bridge Toll Seismic Funds. MTC staff has proposed a funding package to pay for seismic upgrades of the Antioch and Dumbarton auto bridges, including a new toll surcharge of \$1. Staff has been asked to review whether these funds could also be used for the Dumbarton Rail Bridge. Streets & Highways Code 30912(a) states that funds can be used for "Costs of bridge construction and improvement projects, including seismic retrofit and replacement projects" on the bridges listed in the previous section, which includes the Dumbarton Bridge. MTC legal counsel's opinion is that this section refers only to maintenance of the existing operational bridges, and that a toll increase to pay for a project on a rail bridge would warrant approval by majority popular vote in a ballot measure similar to Regional Measures 1 and 2. We are pursuing authority for the commission to submit such future regional measures to the voters in AB 1175 (Torlakson).
- Use of American Recovery and Reinvestment Act Funds. In February 2009 the Commission approved a program for the ARRA transit formula funds, dedicating about 80% of the funds to transit system preservation/maintenance projects, and 20% to a strategic investment/expansion project. The ARRA contains strict timely use of funds deadlines and thus the Dumbarton Rail project was not considered a good match for the transit formula ARRA funds. There are other, discretionary funding pots in the ARRA program, for which DOT is expected to publish guidelines within the next few months. Until the guidelines are available, it is not known whether the Dumbarton rail project would be eligible or competitive for those funds. MTC staff will continue to monitor the development of the various ARRA discretionary programs.

Staff is not aware of any other new funding opportunities that have arisen from which the Dumbarton Rail project would benefit.

We will continue to work closely with Caltrain staff and the project team to advance the environmental work, the right of way purchase, and the interim bus services as much as possible and to search for new funding sources that could help fill the project's shortfall.

Steve Heminger