

# Metropolitan Transportation Commission Programming and Allocations Committee

December 9, 2009

Item Number 4a

## Resolution Nos. 3934, 3684, Revised, and 3914, Revised

**Subject:** Policy and Funding Commitment for the eBART Project, and allocation of \$43 million in RM2 and AB1171 bridge tolls

**Background:** The BART extension to Eastern Contra Costa County (eBART) project is a proposed 10 mile rail extension connecting Pittsburg and Antioch to the BART system via a connection at the Pittsburg/Bay Point station. The project is funded through a combination of bridge tolls, Contra Costa Measure J sales tax, State Transportation Improvement Program, Proposition 1B funding, Traffic Congestion Relief Program funds, and developer fees.

### Bridge Toll Funding Policy Commitment

In 2007, the Commission approved a policy commitment of bridge toll funding for the project, conditioned on Measure J sales tax funds being available to the project in the amounts and timing set forth in the 2007 Measure J Strategic Plan. Since the 2007 Plan, the economic recession has had a major impact on the revenue forecast for Measure J, and CCTA is in the process of updating its Measure J Strategic Plan. The draft 2009 Measure J Strategic Plan therefore includes a reduced commitment of sales tax revenues to the project, of \$135 million compared to the prior commitment of \$175 million (net of financing and related charges). In light of this change, MTC, CCTA, and BART have worked cooperatively to develop a new funding plan for the eBART project, as described in the attached table.

CCTA's proposed strategic plan commitment of \$135 million in Measure J sales tax, prioritizes the eBART project in east county and includes \$20 million in Route 4 highway project savings, and a reduction of \$20 million in Route 4 highway widening costs attributed to eBART. Staff recommends that the Commission reaffirm its commitment of the remaining \$196 million in bridge toll funds. This action, along with CCTA's adoption of its strategic plan will help to solidify the funding and cash flow plan for the eBART project, allowing BART to move forward with final design and advertise the project's first construction contract this winter. The commitment is conditioned on the following actions to ensure that the project continues to have a full funding plan:

- 1) Continued commitment by CCTA of the \$135 million in Measure J revenues as documented in the 2009 Draft Strategic Plan.
- 2) BART and CCTA agreeing to revise the cost to accommodate the eBART project in the Route 4 median at \$105 million, reduced from the previous agreement of \$125 million
- 3) Reaffirmation by BART, MTC, and CCTA by January 31, 2011 that the cost and schedule for the eBART project results in a deliverable project by approximately FY2015.
- 4) Funding in this agreement is subject to the existing bridge toll allocation processes including fund availability.

**RM2 and AB1171 Allocation**

In addition to the policy commitment, staff recommends an allocation of \$43 million to BART: \$29 million in RM2 funds, and \$14 million in AB1171 funds to support final design, construction management, right of way acquisition, and the construction of the Pittsburg/Bay Point Transfer Station and elements of the guideway to Railroad Avenue.

**Resolution 3434 TOD Policy Threshold and Land Use Update**

Per MTC's Resolution 3434 Transit Oriented Development (TOD) policy, the eBART project has a requirement of 2,200 new residential units per station, or 6,600 total, for the current end of the line station (Pittsburg/Bay Point) and the two new stations (Railroad Avenue in Pittsburg and Hillcrest Avenue in Antioch). MTC staff estimates that the total number of units projected for the three stations is roughly 6,570, which essentially meets the 6,600 threshold outlined above. In addition, the Pittsburg/Bay Point station area plan began in 2008 after receiving an MTC/ABAG Station Area Planning grant. At this time, development scenarios for the station area range from 1,500 to 2,600 units, in excess of the units required for the corridor. Staff supports today's proposed allocation of bridge toll funds, with the expectation that the corridor will exceed the TOD policy. Staff will continue to monitor the project's progress toward meeting the TOD threshold.

An additional land use issue under consideration, separate from the TOD threshold, is the location of the Antioch station. There has been some discussion about an alternate location for the station, about 700 feet east of the current proposed location. Cost estimates vary for the alternate location, but could be in the range of \$40-50 million in additional costs due primarily to the need to move BART maintenance facilities, which would require additional right of way and construction expenses. Preliminary results from a MTC sponsored consultant analysis do not suggest significant TOD benefits associated with the alternate station location based on the increased station location cost. Given the preliminary finding and the funding challenges of the overall project, the alternate station location cannot be accommodated within the available funding envelope and is not being pursued at this time.

**Issues:** None.

**Recommendation:** Refer the eBART policy commitment (MTC Resolution No. 3934) and allocations of RM2 and AB1171 bridge toll funds (MTC Resolutions 3684, Revised and 3914, Revised) to the Commission for approval.

**Attachments:** Funding and Cost Summary  
MTC Resolution Nos. 3934, 3684, Revised, and 3914, Revised

## eBART Funding and Cost Summary

| <b>eBART Funding Summary (in \$millions)</b> | <b>2007</b> | <b>2009</b> | <b>Change</b> |
|--|-------------|-------------|---------------|
| Measure J 2009 Strategic Plan Funding        | 175         | 135         | (40)          |
| MTC Bridge Tolls (RM1, RM2, AB1171)          | 263         | 263         | -             |
| Proposition 1B                               | 40          | 40          | -             |
| Other (STIP, ECCRFA, TCRP)                   | 24          | 24          | -             |
| <b>Total Funding</b>                         | <b>502</b>  | <b>462</b>  | <b>(40)</b>   |
| <i>Costs:</i>                                |             |             | -             |
| eBART Transit Cost                           | 377         | 357         | (20)          |
| eBART Route 4 Right-of-Way Costs             | 125         | 105         | (20)          |
| <b>Total Cost</b>                            | <b>502</b>  | <b>462</b>  | <b>(40)</b>   |

Date: December 16, 2009  
W.I.: 1255  
Referred by: PAC

ABSTRACT

Resolution No. 3934

This resolution sets forth a policy and funding commitment to the BART extension to eastern Contra Costa County project (eBART). It supersedes Resolution No. 3829, based on updated project and revenue circumstances.

Attachment A        Terms of Policy and Funding Commitment  
Attachment A-1     Estimated Bridge Toll Commitment Schedule

Further discussion of this action is contained in the Programming and Allocations Committee Summary Sheet dated December 9, 2009

Date: December 16 2009  
W.I.: 1255  
Referred by: PAC

RE: Policy and Funding Commitment to the BART extension to eastern Contra Costa County project (eBART)

METROPOLITAN TRANSPORTATION COMMISSION  
RESOLUTION NO. 3934

WHEREAS, the Metropolitan Transportation Commission (MTC) is the regional transportation planning agency for the San Francisco Bay Area pursuant to Government Code Section 66500 *et seq.*; and

WHEREAS, Streets and Highways Code Sections 30950 *et seq.* created the Bay Area Toll Authority (“BATA”) which is a public instrumentality governed by the same board as that governing MTC; and

WHEREAS, on March 2, 2004, voters approved Regional Measure 2, increasing the toll for all vehicles on the seven state-owned toll bridges in the San Francisco Bay Area by \$1.00, with this extra dollar funding various transportation projects within the region that have been determined to reduce congestion or to make improvements to travel in the toll bridge corridors, as identified in Streets and Highways Code Section 30912 *et seq.*, commonly referred as Regional Measure 2 (“RM2”); and

WHEREAS, RM2 establishes the Regional Traffic Relief Plan and lists specific capital projects and programs and transit operating assistance eligible to receive RM2 funding as identified in Streets and Highways Code Sections 30914(c) & (d); and

WHEREAS, the eBART/Rail Extension to East Contra Costa project, sponsored by the Bay Area Rapid Transit District (BART) and the Contra Costa Transportation Authority (CCTA), is identified as capital project number 13 under RM 2 and is eligible to receive RM 2 funding as identified in Streets and Highways Code Sections 30914(c); and

WHEREAS, MTC adopted Resolution 3434, the Regional Transit Expansion Program of Projects, in December of 2001 and has made subsequent amendments since its original adoption; and

WHEREAS, Resolution 3434 identified \$52 million in East Bay Rail Extension Reserve Account (“RM1 Rail Reserves”) funds and \$115 million in AB1171 (toll funds reimbursement

[Statutes 2001, c. 907]) funds for the BART Extension to Eastern Contra Costa County among other project commitments for these funding sources; and

WHEREAS, the other major fund source for the eBART project, the Contra Costa County Measure J Sales Tax, has experienced a sharp decline in revenues due to the recent economic downturn, resulting in a reduced Measure J commitment to the eBART project, from \$175 million in the 2007 Measure J Strategic Plan to \$135 million in the 2009 Strategic Plan; and

WHEREAS, BART, CCTA, and MTC have worked cooperatively to develop an updated funding plan for the BART extension to the Eastern Contra Costa County that takes into account recent changes in revenues and project cost estimates; and

WHEREAS, these same agencies desire to memorialize their respective policy and funding commitments to the project to further the goal of achieving revenue service for the eBART project in the FY2015 time period; now, therefore, be it

RESOLVED, that MTC adopts the Policy and Funding Commitment to the eBART project, as attached hereto as Attachments A and A-1 and finds it consistent with MTC's current Regional Transportation Plan (RTP), referred to in the Transportation 2035 Plan authorized pursuant to MTC Resolution No. 3893 in April 2009; and, be it further

RESOLVED, that the Executive Director shall forward a copy of this resolution, and such other information as may be required to the partner agencies and to such other agencies as may be appropriate.

METROPOLITAN TRANSPORTATION COMMISSION

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Scott Haggerty, Chair

The above resolution was entered into by the Metropolitan Transportation Commission at a regular meeting of the Commission held in Oakland, California, on December 16, 2009.

## **Terms of Policy and Funding Commitment**

1. MTC commits up to \$196 million in bridge tolls (\$29 million in remaining unallocated Regional Measure 2, \$52 million in Regional Measure 1, and \$115 million in AB1171) for preliminary engineering, right-of-way acquisition, design, and construction – including widening of Route 4 to accommodate the eBART project as agreed between BART and CCTA – between 2009 and 2015 on roughly the schedule shown in Attachment A-1, with the objective of maintaining the schedule to open the eBART project for revenue service in the 2015 timeframe.
2. MTC’s commitment is conditional on:
  - a) The continued commitment by the Contra Costa Transportation Authority to provide the funding programmed in the Measure J 2009 Strategic Plan Update for the eBART project. The Measure J funding commitment totals approximately \$135 million (net of financing and related charges), which is comprised of \$100 million in revenue during the FY2009 to FY2015 period and \$35 million in pay as you go funding available between 2016 and 2034. CCTA will make every effort to address the cash flow challenge presented by funding available after the 2015 timeframe by advancing a portion or all of the \$35 million. This advance could be possible if the Authority’s cash flow benefits from: lower draw down for other Authority projects, and/or higher than forecast sales tax or bond revenues, and/or other grants received by the Authority that reduce the sales tax cash flow need for other committed projects.
  - b) CCTA and BART agreeing to revise the cost to accommodate the eBART “footprint” in the median of Route 4 from Loveridge Road to Route 160 to \$105 million, a savings of \$20 million compared to the pre-recession forecast. (This footprint cost includes only right-of-way costs and additional construction costs for a wider freeway median. It does not include eBART structures, tracks, or other eBART items).
  - c) The revisiting by BART, MTC, and CCTA by January 31, 2011 of the overall capital costs and funding plan for the eBART and Route 4 widening projects, with the goal of reaffirming that the cost and schedule for the eBART project results in a deliverable project by approximately FY2015, following completion of the Route 4 widening and median construction.
3. This commitment is a policy commitment and is still subject to existing bridge toll allocation processes, including fund availability.

**East Contra Costa BART Extension (eBART)  
Estimated Bridge Toll Cash Flow**

(in Thousands)

|              | 2009-10       | 2010-11       | 2011-12        | 2012-13      | 2013-14       | 2014-15 | 2015-16 | Future | TOTAL          |
|--------------|---------------|---------------|----------------|--------------|---------------|---------|---------|--------|----------------|
| RM 2         | 29,000        |               |                |              |               |         |         |        | 29,000         |
| RM 1         |               | 16,000        | 3,000          | 3,000        | 30,000        |         |         |        | 52,000         |
| AB 1171      |               |               | 115,000        |              |               |         |         |        | 115,000        |
| <b>TOTAL</b> | <b>29,000</b> | <b>16,000</b> | <b>118,000</b> | <b>3,000</b> | <b>30,000</b> |         |         |        | <b>196,000</b> |

Date: March 23, 2005  
W.I.: 1255  
Referred by: PAC  
Revised: 12/21/05-C 05/24/06-DA  
06/27/07-DA 01/23/08-C  
05/28/08-C 12/17/08-C  
05/27/09-DA 06/24/09-C  
06/24/09-DA 12/16/09-C

### ABSTRACT

MTC Resolution No. 3684, Revised

This resolution approves the allocation of Regional Measure 2 funds for the Rail Extension to East Contra Costa County project sponsored by the San Francisco Bay Area Rapid Transit District (BART) and Contra Costa Transportation Authority (CCTA) and implemented by BART.

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 BART and CCTA's Initial Project Report (IPR) for this project

Attachment D - RM2 Deliverable/Useable Segment Cash Flow Plan

This resolution was revised on December 21, 2005 to allocate \$2,500,000 to CCTA for design of the Loveridge flyover to accommodate a transit structure.

This resolution was revised on May 24, 2006 through Delegated Authority to transfer \$100,000 of CCTA's existing allocation to BART for its work related to the Loveridge flyover project. This does not result in a net change to the overall approved allocations to date for this project.

This resolution was revised on June 27, 2007 through Delegated Authority to rescind \$650,000 on the Loveridge flyover structure work and allocate \$650,000 to amend the 100% design specifications on the Loveridge Road Interchange to accommodate eBART in the median of the project. The reallocation was necessary due to a change of assumptions on the alignment of the eBART project. CCTA has terminated work on the flyover structure.

## ABSTRACT

MTC Resolution No. 3684, Revised

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This resolution was revised on January 23, 2008 to allocate \$1.6 million to CCTA and BART for final design work to accommodate the future eBART project into the Highway 4 widening design.

This resolution was revised on May 28, 2008 to allocate \$3 million to CCTA and BART for the final design of the eBART structures in the SR-4 median.

This resolution was revised on December 17, 2008 to allocate \$15 million to CCTA to acquire additional right-of-way needed to provide for a wider median in State Route 4 from Loveridge Road to State Route 160 to accommodate possible future mass transit.

This resolution was revised on May 27, 2009 through Delegated Authority to rescind \$1 million from the allocation to BART towards the locally adopted ridership development plans and allocate \$1 million to BART towards final design costs for the vehicles, and a portion of the final design costs for the aerial structures, transfer station and the guideway to Railroad Ave.

This resolution was revised on June 24, 2009 to allocate \$10 million to CCTA for the construction of the eBART median structures to be integrated into segments 1, 2, 3 and 4 of Caltrans/CCTA SR4 contracts, and \$15 million for right-of-way acquisition and associated costs between Somersville Rd and SR160 and construction activities between Loveridge Road and SR 160.

This resolution was revised on June 24, 2009 through Delegated Authority to allocate an additional \$1 million to BART towards a portion of the final design costs for the aerial structures, transfer station and the guideway to Railroad Ave.

This resolution was revised on December 16, 2009 to allocate \$29.15 million to BART towards continuation of final design activities and construction management, right of way acquisition east of Hillcrest Avenue, agreements with Caltrans, and towards the construction of the transfer station at the Pittsburg Bay Point BART station and guideway to Railroad Avenue.

Additional discussion of these allocations is contained in the Executive Director's memoranda to the MTC Programming and Allocations Committee dated March 2, 2005, December 14, 2005, January 9, 2008, May 14, 2008, December 10, 2008, June 10, 2009 and December 9, 2009.

**REGIONAL MEASURE 2 PROGRAM  
Allocation of Funds**

Project Title: Rail Extension to East Contra Costa County  
Sponsor: BART and CCTA  
Implementing Agency: BART and CCTA  
Project Number: 13.1,13.2,13.3 (See below for respective claimants)

| <b>Allocation No. 13.1 - 1 (Org Key #840-8813-01)</b>   |               |                |         |                    |    |                          |
|---|---------------|----------------|---------|--------------------|----|--------------------------|
| <b>Claimant: BART</b>   |               |                |         |                    |    |                          |
| Activities to be funded with this allocation  |               |                |         |                    |    |                          |
| The RM2 funded component delivers the following:  |               |                |         |                    |    |                          |
| 1. The environmental document   |               |                |         |                    |    |                          |
| 2. Preliminary engineering report   |               |                |         |                    |    |                          |
| 3. Right-of-Way Acquisition Plan  |               |                |         |                    |    |                          |
| 4. Locally adopted Ridership Development Plans (Proposed Stations sites are: Fairgrounds, Hillcrest, Oakley, Brentwood, and Byron). |               |                |         |                    |    |                          |
| Allocation Instruction No.  | Approval Date | Amount         | Phase   | Reimbursement Year |    | Cumulative Total To Date |
| 05368401  | 23-Mar-05     | \$ 300,000     | ENV     | FY2004-05          | \$ | 300,000                  |
| 06368402  | 23-Mar-05     | \$ 6,950,000   | ENV     | FY2005-06          | \$ | 7,250,000                |
| 06368403  | 23-Mar-05     | \$ 500,000     | ROW-SUP | FY2005-06          | \$ | 7,750,000                |
| 07368404  | 23-Mar-05     | \$ 8,400,000   | ENV     | FY2006-07          | \$ | 16,150,000               |
| 07368405  | 23-Mar-05     | \$ 600,000     | ROW-SUP | FY 2006-07         | \$ | 16,750,000               |
| 08368406  | 23-Mar-05     | \$ 2,000,000   | ENV     | FY 2007-08         | \$ | 18,750,000               |
| 08368406  | 27-May-09     | \$ (1,000,000) | ENV     | FY 2008-09         | \$ | 17,750,000               |

| <b>Allocation No. 13.2 - 2 (Org Key #840-8813-02)</b>   |               |              |        |                    |    |                          |
|---|---------------|--------------|--------|--------------------|----|--------------------------|
| <b>Claimant: CCTA</b>   |               |              |        |                    |    |                          |
| 1) 65% Design for flyover to accommodate transit alternatives being considered as part of e-BART environmental process through the Loveridge Rd. interchange. |               |              |        |                    |    |                          |
| Allocation Instruction No.  | Approval Date | Amount       | Phase  | Reimbursement Year |    | Cumulative Total To Date |
| 06368407  | 21-Dec-05     | \$ 1,000,000 | Design | FY2005-06          | \$ | 18,750,000               |
| 07368408  | 21-Dec-05     | \$ 1,500,000 | Design | FY2006-07          | \$ | 20,250,000               |
| 07368408  | 24-May-06     | \$ (100,000) | Design | FY2006-07          | \$ | 20,150,000               |
| 07368408  | 27-Jun-07     | \$ (650,000) | Design | FY2006-07          | \$ | 19,500,000               |

**REGIONAL MEASURE 2 PROGRAM  
Allocation of Funds**

Project Title: Rail Extension to East Contra Costa County  
Sponsor: BART and CCTA  
Implementing Agency: BART and CCTA  
Project Number: 13.1,13.2,13.3 (See below for respective claimants)

| <b>Allocation No. 13.1 - 3 (Org Key #840-8813-01)</b>  |               |            |        |                    |                          |  |
|--|---------------|------------|--------|--------------------|--------------------------|--|
| <b>Claimant: BART</b>  |               |            |        |                    |                          |  |
| Activities to be funded with this allocation   |               |            |        |                    |                          |  |
| BART staff costs associated with contribution to the Loveridge Road Flyover project that is being implemented by CCTA. \$100,000 is being shifted from Allocation Instruction # 07368408 to this new allocation. |               |            |        |                    |                          |  |
| Allocation Instruction No.   | Approval Date | Amount     | Phase  | Reimbursement Year | Cumulative Total To Date |  |
| 07368409   | 24-May-06     | \$ 100,000 | Design | FY2006-07          | \$ 19,600,000            |  |

| <b>Allocation No. 13.2 - 4 (Org Key #840-8813-02)</b>   |               |            |        |                    |                          |  |
|---|---------------|------------|--------|--------------------|--------------------------|--|
| <b>Claimant: CCTA</b>   |               |            |        |                    |                          |  |
| Revisions to the 100% design specifications on the Loveridge Road interchange project to accommodate the transit alternatives that are being considered as part of the eBART environmental process. |               |            |        |                    |                          |  |
| Allocation Instruction No.  | Approval Date | Amount     | Phase  | Reimbursement Year | Cumulative Total To Date |  |
| 07368410  | 27-Jun-07     | \$ 650,000 | Design | FY2006-07          | \$ 20,250,000            |  |

| <b>Allocation No. 13.1 - 5 (Org Key #840-8813-01)</b>   |               |            |        |                    |                          |  |
|---|---------------|------------|--------|--------------------|--------------------------|--|
| <b>Claimant: BART</b>   |               |            |        |                    |                          |  |
| BART consultants will work with Caltrans to incorporate the design (above and below ground structures) of future mass transit in the SR4 median widening construction contract (design to 100%). Specific elements include two structures, drainage, and barrier/retaining walls. |               |            |        |                    |                          |  |
| Allocation Instruction No.  | Approval Date | Amount     | Phase  | Reimbursement Year | Cumulative Total To Date |  |
| 08368411  | 23-Jan-08     | \$ 800,000 | Design | FY2007-08          | \$ 21,050,000            |  |

**REGIONAL MEASURE 2 PROGRAM  
Allocation of Funds**

Project Title: Rail Extension to East Contra Costa County  
Sponsor: BART and CCTA  
Implementing Agency: BART and CCTA  
Project Number: 13.1,13.2,13.3 (See below for respective claimants)

| <b>Allocation No. 13.1 - 6 (Org Key #840-8813-01)</b>  |               |            |        |                    |                          |  |
|--|---------------|------------|--------|--------------------|--------------------------|--|
| <b>Claimant: CCTA</b>  |               |            |        |                    |                          |  |
| Revisions to the 100% design specifications of State Route 4 widening project between Loveridge Road and Somersville Road. Activities include (but not limited to):<br>1) Median widening by about 20 additional feet<br>2) Structure modifications to Century Boulevard Underpass, Utilities Undercrossing, Old Kirker Creek Reinforced Concrete Box, Los Medanos Wasteway Reinforced Concrete Box, and some retaining walls on the north side of the freeway.<br>3) Utility relocation |               |            |        |                    |                          |  |
| Allocation Instruction No.   | Approval Date | Amount     | Phase  | Reimbursement Year | Cumulative Total To Date |  |
| 08368412   | 23-Jan-08     | \$ 800,000 | Design | FY2007-08          | \$ 21,850,000            |  |

| <b>Allocation No. 13.1 - 7 (Org Key #840-8813-01)</b>  |               |              |        |                    |                          |  |
|--|---------------|--------------|--------|--------------------|--------------------------|--|
| <b>Claimant: BART</b>  |               |              |        |                    |                          |  |
| Review and Oversight concurrently with Caltrans of the final design activities to incorporate median structures that will accommodate the future proposed eBART project into the SR4 project from Somersville Rd to SR160. |               |              |        |                    |                          |  |
| Allocation Instruction No.   | Approval Date | Amount       | Phase  | Reimbursement Year | Cumulative Total To Date |  |
| 08368413   | 28-May-08     | \$ 1,500,000 | Design | FY2007-08          | \$ 23,350,000            |  |

| <b>Allocation No. 13.1 - 8 (Org Key #840-8813-02)</b>  |               |              |        |                    |                          |  |
|--|---------------|--------------|--------|--------------------|--------------------------|--|
| <b>Claimant: CCTA</b>  |               |              |        |                    |                          |  |
| Final Design activities to incorporate median structures that will accomodate the future proposed eBART Project into the SR4 Project from Somersville Road to SR160. |               |              |        |                    |                          |  |
| Allocation Instruction No.   | Approval Date | Amount       | Phase  | Reimbursement Year | Cumulative Total To Date |  |
| 08368414   | 28-May-08     | \$ 1,500,000 | Design | FY2007-08          | \$ 24,850,000            |  |

| <b>Allocation No. 13.3 - 9 (Org Key #840-8813-03)</b>  |               |               |       |                    |                          |  |
|--|---------------|---------------|-------|--------------------|--------------------------|--|
| <b>Claimant: CCTA</b>  |               |               |       |                    |                          |  |
| Additional right-of-way to be acquired to provide for a wider median in State Route 4 from Loveridge Road to State Route 160 to accommodate possible future mass transit. Right of Way acquisition and associated costs such as R.A.P. and utility relocation. |               |               |       |                    |                          |  |
| Allocation Instruction No.   | Approval Date | Amount        | Phase | Reimbursement Year | Cumulative Total To Date |  |
| 09368415   | 17-Dec-08     | \$ 15,000,000 | ROW   | FY2008-09          | \$ 39,850,000            |  |

**REGIONAL MEASURE 2 PROGRAM  
Allocation of Funds**

Project Title: Rail Extension to East Contra Costa County  
Sponsor: BART and CCTA  
Implementing Agency: BART and CCTA  
Project Number: 13.1,13.2,13.3 (See below for respective claimants)

**Allocation No. 13.1 - 10 (Org Key #840-8813-01)**

| <b>Claimant: BART</b>  |               |              |       |                    |                          |            |
|--|---------------|--------------|-------|--------------------|--------------------------|------------|
| Final design costs for the vehicles and a portion of the final design costs for aerial structures, transfer station and the guideway to Railroad Ave (\$1 million) |               |              |       |                    |                          |            |
| Allocation Instruction No.   | Approval Date | Amount       | Phase | Reimbursement Year | Cumulative Total To Date |            |
| 09368416   | 27-May-09     | \$ 1,000,000 | PS&E  | FY2008-09          | \$                       | 40,850,000 |

**Allocation No. 13.1 - 11 (Org Key #840-8813-01)**

| <b>Claimant: CCTA</b>   |               |               |       |                    |                          |            |
|---|---------------|---------------|-------|--------------------|--------------------------|------------|
| Construction of the eBART median structures to be integrated into segments 1, 2, 3 and 4 of Caltrans/CCTA SR4 contracts |               |               |       |                    |                          |            |
| Allocation Instruction No.  | Approval Date | Amount        | Phase | Reimbursement Year | Cumulative Total To Date |            |
| 09368417  | 24-Jun-09     | \$ 10,000,000 | CON   | FY2008-09          | \$                       | 50,850,000 |

**Allocation No. 13.3 - 12 (Org Key #840-8813-03)**

| <b>Claimant: CCTA</b>   |               |               |         |                    |                          |            |
|---|---------------|---------------|---------|--------------------|--------------------------|------------|
| ROW Activities - acquisition, R.A.P. and utility relocation between Somersville and SR160; Construction Activities between Loveridge Road and State Route 160 |               |               |         |                    |                          |            |
| Allocation Instruction No.  | Approval Date | Amount        | Phase   | Reimbursement Year | Cumulative Total To Date |            |
| 09368418  | 24-Jun-09     | \$ 15,000,000 | ROW/CON | FY2008-09          | \$                       | 65,850,000 |

**Allocation No. 13.1 - 13 (Org Key #840-8813-01)**

| <b>Claimant: BART</b>  |               |              |       |                    |                          |            |
|--|---------------|--------------|-------|--------------------|--------------------------|------------|
| Final design costs for a portion of the aerial structures, transfer station and the guideway to Railroad Ave (\$1 million) |               |              |       |                    |                          |            |
| Allocation Instruction No.   | Approval Date | Amount       | Phase | Reimbursement Year | Cumulative Total To Date |            |
| 09368419   | 24-Jun-09     | \$ 1,000,000 | PS&E  | FY2008-09          | \$                       | 66,850,000 |

**Allocation No. 13.1 - 14 (Org Key #840-8813-01)**

| <b>Claimant: BART</b>  |               |               |              |                    |                          |            |
|--|---------------|---------------|--------------|--------------------|--------------------------|------------|
| Continuation of final design and construction management activities (\$9.6 M), right of way acquisition east of Hillcrest Avenue (\$14.4 M), and agreements with Caltrans (1.6 M). Construction of the transfer station at the Pittsburg Bay Point BART station and guideway to Railroad Avenue (3.5 M). |               |               |              |                    |                          |            |
| Allocation Instruction No.   | Approval Date | Amount        | Phase        | Reimbursement Year | Cumulative Total To Date |            |
| 10368420   | 16-Dec-09     | \$ 29,150,000 | PS&E/ROW/CON | FY2009-10          | \$                       | 96,000,000 |

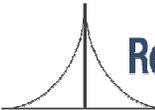
## **REGIONAL MEASURE 2 PROGRAM Project Specific Conditions**

Project Title: Rail Extension to East Contra Costa County Project  
Sponsor: BART and CCTA  
Implementing Agency: BART  
Project Number: 13

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

1. Approval of the allocation package by the BART and CCTA Board of Directors. The allocation package consists of the Initial Project Report (IPR), resolution of project compliance, and opinion of legal counsel.
2. MTC certification of BART and CCTA's evidence of allocation and commitment of complementary
3. Receipt of these funds by the Bay Area Rapid Transit District is conditioned on working cooperatively with MTC to harmonize the District's System Expansion Policy with the Commission's Transit-Oriented Development policy for transit expansion projects funded under Resolution 3434, scheduled for adoption in June 2005. CCTA, BART and MTC will work cooperatively to ensure that both policies are addressed through a unified corridor planning process.
4. BART will work cooperatively with CCTA and MTC to prepare a detailed work plan budget and scope of work for the Ridership Development Plans/ Station Area Plans.
5. CCTA's \$450,000 in Measure C funds and \$100,000 in T-PLUS funds and MTC's \$500,000 in Station Area Planning funds are to be used towards the development of the Ridership Development Plans, to supplement RM2 funds for an estimated total Ridership Development Plan budget of approximately \$2.5 million.
6. Allocations for future phases are dependent upon the environmental analysis of the project. The total project cost as identified in the Initial Project Report is considered conceptual until the completion of the environmental document.
7. BART and CCTA may invoice MTC for eligible project expenses as frequently as monthly, in accordance with the cash flow plan.
8. The 5/28/08 allocation and reimbursement of \$1,500,000 to BART and \$1,500,000 to CCTA for the design phase of the SR4 median structures to accommodate transit are conditioned on final approval of the revalidated EIR.

9. The following condition applies to the 12/17/08 allocation:  
Reimbursement of \$15,000,000 to CCTA to acquire additional right-of-way is conditioned on BART and CCTA signing an agreement defining the assignment of RM2 funds from the eBART project allocation to the State Route 4 project to accommodate a potential future transit project.
10. The 6/24/09 allocations of \$25,000,000 to CCTA for ROW & CON are conditioned on the following:
  - a. Approval of the allocation package by the BART Board of Directors.
  - b. CCTA's approval of a near-term (FY 2010 and FY 2011) Measure J commitment of \$20 million to the eBART project to demonstrate its continued financial commitment to the project; and
  - c. No additional MTC allocations for work on the SR 4 widening projects to accommodate transit will occur until CCTA completes its upcoming re-assessment of its Measure J Strategic Plan, scheduled for late Fall 2009. As part of the re-assessment, MTC, BART and CCTA staffs will collaborate to develop a revised funding plan for eBART construction. During this re-assessment period staff may return with design allocations for BART to keep the eBART project on track.
10. The disbursement of the portion of the \$29,150,000 in RM2 funds allocated to BART on 12/16/09 for construction is conditioned on the execution of a funding agreement between MTC & BART.



# Regional Measure 2 Regional Traffic Relief Plan

March 23, 2005  
 Attachment C  
 MTC Resolution No. 3684  
 Revised: 06/27/06-DA  
 01/23/08-C 05/28/08-C  
 12/17/08-C 05/27/09-D  
 06/24/09-C 12/16/09-C

**RM2 Project Number: 13**  
**Rail Extension to East Contra Costa County (eBART)**

|   |   |  |
|---|---|--|
| <b>Lead Sponsor</b><br>San Francisco Bay Area Rapid Transit District (BART)<br>Contra Costa Transportation Authority (CCTA)   | <b>Other Sponsors(s)</b><br>N/A                               | <b>Implementing Agency</b> (if applicable)<br>BART |
| <b>Legislated Project Description</b><br>Extend BART from Pittsburg/Bay Point Station to Byron in East Contra Costa County.   |   |  |
| <b>RM2 Legislated Funding (in \$1,000)</b><br>\$96,000  | <b>Total Estimated Project Cost (in \$1,000)</b><br>\$463,250 |  |
| <b>Project Purpose and Description</b><br>The purpose of the project is to bring commute relief to the eastern portion of Contra Costa County, a fast growing part of the Bay Area. The eBART project is a 23-mile rail extension that would utilize a non-BART technology, and link directly into the BART system. The eBART technology is proposed to be diesel-multiple unit trains. The environmental study examined the route from the existing Pittsburg/Bay Point BART Station to Byron. Because of revenue constraints, the project is proposed for a phased implementation. The first phase would begin at the Pittsburg/Bay Point BART Station and continue eastward to Hillcrest in Antioch (9 miles, 2 new stations). Phase 2 would continue the route from Hillcrest to Oakley, Brentwood, and Byron (three new stations). |   |  |
| <b>Funding Description</b><br>Committed Funds: The project has a total of \$463 million in committed funds.<br>Uncommitted Funds: Phase 1 is fully funded. Phase 2 is not funded at this time.<br><br>Operating Capacity: Once in service, eBART would operate as a portion of the BART system, under the same operating source umbrella of fares, sales tax, and property tax. Projected operating costs are \$15.9 million in the first year of operation, with approximately \$12.3 million recovered from fares and parking charges, reflecting a 77 percent recovery rate.   |   |  |

**Overall Project Cost and Schedule**

| Phase         | Scope                               | Start   | End     | Cost (in \$1,000) |
|---------------|-------------------------------------|---------|---------|-------------------|
| 1             | Final Environmental Document        | 04/2005 | 01/2009 | \$26,400          |
| 2             | Plans, Specifications and Estimates | 04/2008 | 03/2011 | \$32,300          |
| 3             | Right-of-Way                        | 04/2005 | 06/2011 | \$119,400         |
| 4             | Construction (Design - Build)       | 06/2009 | 12/2015 | \$285,150         |
| <b>Total:</b> |                                     |         |         | <b>\$463,250</b>  |

## Total Project Funding Plan: Committed and Uncommitted Sources

(Amounts in Thousands)

| <b>Project Title</b>                           |                | Rail Extension to East Contra Costa County |         |         |         |         |         | <b>Project No.</b> |         | 13      |         |         |         |  |
|--|----------------|--|---------|---------|---------|---------|---------|--------------------|---------|---------|---------|---------|---------|--|
| <b>Lead Sponsor</b>                            |                | BART and CCTA                              |         |         |         |         |         |                    |         |         |         |         |         |  |
| Fund Source                                    | Phase          | Prior                                      | 2004-05 | 2005-06 | 2006-07 | 2007-08 | 2008-09 | 2009-10            | 2010-11 | 2011-12 | 2012-13 | Future  | Total   |  |
| <b>Committed</b>                               |                |  |         |         |         |         |         |                    |         |         |         |         |         |  |
| RM2  | Environmental  |  | 300     | 6,950   | 8,400   | 1000    |         |                    |         |         |         |         | 16,650  |  |
| Measure C                                      | Environmental  |  |         |         | 400     |         |         |                    |         |         |         |         | 400     |  |
| TCRP   | Environmental  |  |         |         | 5250    |         |         |                    |         |         |         |         | 5,250   |  |
| SAP  | Environmental  |  |         |         | 500     |         |         |                    |         |         |         |         | 500     |  |
| T-Plus   | Environmental  |  |         |         | 100     |         |         |                    |         |         |         |         | 100     |  |
| RM2  | PS&E           |  |         | 2,500   |         | 4,600   | 2,000   | 9,600              |         |         |         |         | 18,700  |  |
| Proposition 1B                                 | PS&E           |  |         |         |         | 3,000   | 6,000   |                    |         |         |         |         | 9,000   |  |
| RM1  | PS&E, ROW, CON |  |         |         |         |         |         |                    | 16,000  | 3,000   | 3,000   | 30,000  | 52,000  |  |
| RM2  | ROW            |  |         | 500     | 600     |         | 15,000  | 14,400             |         |         |         |         | 30,500  |  |
| Measure J                                      | ROW, CON       |  |         |         |         |         |         | 10,000             | 10,000  |         | 5,000   | 110,000 | 135,000 |  |
| RM2  | Construction   |  |         |         |         |         | 25,000  | 5,150              |         |         |         |         | 30,150  |  |
| AB1171   | Construction   |  |         |         |         |         |         |                    |         | 115,000 |         |         | 115,000 |  |
| Proposition 1B                                 | Construction   |  |         |         |         |         |         | 15,000             | 16,000  |         |         |         | 31,000  |  |
| ECCFRA   | Construction   |  |         |         |         |         |         |                    |         |         |         | 6,000   | 6,000   |  |
| STIP   | Construction   |  |         |         |         |         |         |                    |         |         |         | 13,000  | 13,000  |  |
| <b>Total:</b>                                  |                | 0  | 300     | 9,950   | 15,250  | 8,600   | 48,000  | 54,150             | 42,000  | 118,000 | 8,000   | 159,000 | 463,250 |  |
| <b>Uncommitted</b>                             |                |  |         |         |         |         |         |                    |         |         |         |         |         |  |
|  |                |  |         |         |         |         |         |                    |         |         |         |         |         |  |
|  |                |  |         |         |         |         |         |                    |         |         |         |         |         |  |
| <b>Total:</b>                                  |                | 0  | 0       | 0       | 0       | 0       | 0       | 0                  | 0       | 0       | 0       | 0       | 0       |  |
| <b>Total Project Committed and Uncommitted</b> |                |  |         |         |         |         |         |                    |         |         |         |         |         |  |
|  |                | Prior                                      | 2004-05 | 2005-06 | 2006-07 | 2007-08 | 2008-09 | 2009-10            |         |         |         | Future  | Total   |  |
| <b>Total:</b>                                  |                | 0  | 300     | 9,950   | 15,250  | 8,600   | 48,000  | 54,150             | 42,000  | 118,000 | 8,000   | 159,000 | 463,250 |  |

**REGIONAL MEASURE 2 PROGRAM  
Project Cash Flow Plan**

March 23, 2005  
Attachment D  
MTC Resolution No. 3684  
Page 1 of 1  
Revised: 12/21/05-C  
01/23/08-C  
05/28/08-C  
12/17/08-C  
05/27/09-DA  
06/24/09-C  
06/24/09-DA  
12/16/09-C

Project Title: Rail Extension to East Contra Costa County  
Sponsor: BART and CCTA  
RM2 Project Number: 13

| RM2 Project # 13               | PRIOR    | FY 2004-05     | FY 2005-06       | FY 2006-07        | FY 2007-08        | FY 2008-09        | FY 2009-10        | TOTAL              |
|--------------------------------|----------|----------------|------------------|-------------------|-------------------|-------------------|-------------------|--------------------|
| <b>RM2 Funds Total</b>         | <b>-</b> | <b>300,000</b> | <b>8,450,000</b> | <b>10,500,000</b> | <b>6,600,000</b>  | <b>41,000,000</b> | <b>29,150,000</b> | <b>96,000,000</b>  |
| <b>Environmental (ENV)</b>     | <b>0</b> | <b>300,000</b> | <b>6,950,000</b> | <b>9,400,000</b>  | <b>7,250,000</b>  | <b>-1,000,000</b> |                   | <b>22,900,000</b>  |
| RM 2                           |          | 300,000        | 6,950,000        | 8,400,000         | 2,000,000         | -1,000,000        |                   | 16,650,000         |
| Measure C                      |          |                |                  | 400,000           |                   |                   |                   | 400,000            |
| CCTA T-Plus Funds              |          |                |                  | 100,000           |                   |                   |                   | 100,000            |
| TCRP                           |          |                |                  |                   | 5,250,000         |                   |                   | 5,250,000          |
| SAP                            |          |                |                  | 500,000           |                   |                   |                   | 500,000            |
| <b>Final Design (PS&amp;E)</b> | <b>0</b> | <b>0</b>       | <b>1,000,000</b> | <b>1,500,000</b>  | <b>7,600,000</b>  | <b>8,000,000</b>  | <b>9,600,000</b>  | <b>27,700,000</b>  |
| RM2                            |          |                | 1,000,000        | 1,500,000         | 4,600,000         | 2,000,000         | 9,600,000         | 18,700,000         |
| Prop 1B                        |          |                |                  |                   | 3,000,000         | 6,000,000         |                   | 9,000,000          |
|                                |          |                |                  |                   |                   |                   |                   | 0                  |
|                                |          |                |                  |                   |                   |                   |                   | 0                  |
| <b>Right of Way</b>            | <b>0</b> | <b>0</b>       | <b>500,000</b>   | <b>600,000</b>    | <b>0</b>          | <b>15,000,000</b> | <b>14,400,000</b> | <b>30,500,000</b>  |
| RM 2                           |          |                | 500,000          | 600,000           |                   | 15,000,000        | 14,400,000        | 30,500,000         |
|                                |          |                |                  |                   |                   |                   |                   | 0                  |
|                                |          |                |                  |                   |                   |                   |                   | 0                  |
|                                |          |                |                  |                   |                   |                   |                   | 0                  |
| <b>Construction</b>            | <b>0</b> | <b>0</b>       | <b>0</b>         | <b>0</b>          | <b>0</b>          | <b>25,000,000</b> | <b>15,150,000</b> | <b>30,150,000</b>  |
| RM2                            |          |                |                  |                   |                   | 25,000,000        | 5,150,000         | 30,150,000         |
| Measure J                      |          |                |                  |                   |                   |                   | 10,000,000        | 0                  |
|                                |          |                |                  |                   |                   |                   |                   | 0                  |
|                                |          |                |                  |                   |                   |                   |                   | 0                  |
| <b>TOTAL FUNDING</b>           |          |                |                  |                   |                   |                   |                   |                    |
| Environmental                  | 0        | 300,000        | 6,950,000        | 9,400,000         | 7,250,000         | -1,000,000        | 0                 | <b>22,900,000</b>  |
| Final Design (PS&E)            | 0        | 0              | 1,000,000        | 1,500,000         | 7,600,000         | 8,000,000         | 9,600,000         | <b>27,700,000</b>  |
| Right of Way                   | 0        | 0              | 500,000          | 600,000           | 0                 | 15,000,000        | 14,400,000        | <b>30,500,000</b>  |
| Construction                   | 0        | 0              | 0                | 0                 | 0                 | 25,000,000        | 15,150,000        | <b>40,150,000</b>  |
| <b>PROJECT TOTAL</b>           | <b>0</b> | <b>300,000</b> | <b>8,450,000</b> | <b>11,500,000</b> | <b>14,850,000</b> | <b>47,000,000</b> | <b>39,150,000</b> | <b>121,250,000</b> |

Date: June 24, 2009  
W.I.: 1255  
Referred By: PAC  
Revised: 12/16/09-C

ABSTRACT

Resolution No. 3914, Revised

This resolution allocates AB 1171 Bridge Toll funds to eligible projects.

This resolution includes the following attachments:

Attachment A – Allocations of AB 1171 Bridge Toll funds

This resolution was revised on December 16, 2009 to allocate \$13.9 million to BART towards the eBART project for construction of the transfer station at the Pittsburg Bay Point BART station and guideway to Railroad Avenue.

Additional discussion of this allocation is contained in the Executive Director's memoranda and MTC Programming and Allocations Committee Summary sheet dated June 10, 2009, and December 9, 2009.

Date June 24, 2009  
W.I.: 1255  
Referred by: PAC  
Revised: 12/16/09-C

Attachment A  
Resolution No. 3914  
Page 1 of 1

ALLOCATION OF AB 1171 Bridge Toll Funds  
Allocation Authorization: S&H § 31010(b)

| Alloc. # | Fiscal Year | Claimant  | Project Description | Allocation Amount | Date of MTC Approval | Allocation Conditions  |
|----------|-------------|---|---------------------|-------------------|----------------------|--|
| 01       | 2008-09     | San Francisco County Transportation Authority (SFCTA) | Doyle Drive project | \$80,000,000      | 06/24/2009           | Allocation and disbursement is contingent upon the execution of a funding agreement between MTC and SFCTA for the AB 1171 Bridge Toll funds. Such agreement shall include the following provisions:<br><br>SFCTA shall agree to comply with the provisions of MTC Resolution No. 3636, Revised and that any AB 1171 Bridge Toll funds received under the funding agreement be subject to MTC Resolution No. 3636, Revised, unless otherwise stated in the agreement. |
| 02       | 2009-10     | Bay Area Rapid Transit District (BART)                | e-BART              | \$13,890,000      | 12/16/2009           | Allocation and disbursement is contingent upon the execution of a funding agreement between MTC and BART for the AB 1171 Bridge Toll funds. Such agreement shall include the following provisions:<br><br>BART shall agree to comply with the provisions of MTC Resolution No 3636, Revised and that any AB 1171 Bridge Toll funds received under the funding agreement be subject to MTC Resolution No. 3636, Revised, unless otherwise stated in the agreement.    |