

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

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
TOTAL	29,000	16,000	118,000	3,000	30,000				196,000

eBART Funding and Cost Summary

eBART Funding Summary (in \$millions)	2007	2009	Change
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	-
Total Funding	502	462	(40)
<i>Costs:</i>			-
eBART Transit Cost	377	357	(20)
eBART Route 4 Right-of-Way Costs	125	105	(20)
Total Cost	502	462	(40)