

**Metropolitan Transportation Commission
Programming and Allocations Committee**

January 13, 2010

Item Number 5a

Resolution Nos. 3667, and 3655, Revised

Subject: Allocation of approximately \$12 million in Regional Measure 2 (RM2) capital funds.

Background: RM2 Capital Program:
To date, MTC has allocated approximately \$1 billion of the \$1.5 billion RM2 capital program. This month, two projects are proposed for capital allocation.

BART Extension to Warm Springs: BART is requesting \$10.3 million towards the early expenses including soft costs and some materials procurement costs (rail, fiber optic, etc.) on the Line, Track, Station and Systems contract for the Warm Springs Extension project. Subject to confirmation of State funding, BART plans on issuing the RFQ this winter and the RFP for this second Warm Springs contract in the Spring of 2010. Consistent with the overall project funding plan, these early costs are being supported by both MTC and ACTIA funds.

AC Transit East Bay Bus Rapid Transit Project: AC Transit is requesting \$1.5 million towards the completion of environmental related activities on this project which include: conducting public outreach and preparing necessary reports; updating engineering, capital and operating costs; and providing technical support for AC Transit Technical Advisory and AC Transit Policy Steering Committees. The environmental document is expected to be completed by June 2010.

Issues: (1) BART Extension to Warm Springs: If the CTC and Caltrans approve any state bond funds towards this project in January or February, staff may recommend reducing this allocation and deferring the funding for later construction elements.

(2) AC Transit East Bay Bus Rapid Transit Project: This project will likely need to be re-scoped to fit within the funding available for this project, in light of our December action to redirect \$35 million in CMAQ funds (upon request by AC Transit) from this project towards AC Transit's operating expenses.

Recommendation: Refer Resolution Nos. 3667, Revised, and 3655, Revised to the Commission for approval.

Attachments: MTC Resolution Nos. 3667, Revised, and 3655, Revised

Date: December 15, 2004
W.I.: 1255
Referred by: PAC
Revised: 02/25/09-C
07/22/09-C
01/27/10-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.

This resolution was revised on July 22, 2009 to rescind \$29,093,000 from the prior allocation towards the construction of the Fremont Central Park Subway element owing to contract bid savings on the project.

This resolution was revised on January 27, 2010 to allocate \$10.31 million towards the early expenses including soft costs and some materials procurement costs (rail, fiber optic etc.) on the Line, Track, Station and Systems contract for the 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, February 11, 2009, July 8, 2009 and January 13, 2010.

Date: December 15, 2004

W.I.: 1255

Referred by: PAC

Re: Approval of Allocation of Regional Measure 2 funds for the BART Extension to Warm Springs

METROPOLITAN TRANSPORTATION COMMISSION

RESOLUTION No. 3667

WHEREAS, pursuant to Government Code Section 66500 *et seq.*, the Metropolitan Transportation Commission (“MTC”) is the regional transportation planning agency for the San Francisco Bay Area; 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 SB 916 (Chapter 715, Statutes of 2004), 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, RM2 assigns administrative duties and responsibilities for the implementation of the Regional Traffic Relief Plan to MTC; and

WHEREAS, BATA shall fund the projects of the Regional Traffic Relief Plan by transferring RM2 authorized funds to MTC; and

WHEREAS, MTC adopted policies and procedures for the implementation of the Regional Measure 2 Regional Traffic Relief Plan, specifying the allocation criteria and project compliance requirements for RM 2 funding (MTC Resolution No. 3636); and

WHEREAS, the San Francisco Bay Area Rapid Transit District has submitted a request for the allocation of RM 2 funds for the BART Extension to Warm Springs Project; and

WHEREAS, the BART Extension to Warm Springs Project is identified as capital project number 31 under RM 2 and is eligible to receive RM 2 funding as identified in Streets and Highways Code Sections 30914(c); and

WHEREAS, the San Francisco Bay Area Rapid Transit District has submitted an Initial Project Report (“IPR”), as required pursuant to Streets and Highway Code Section 30914(e), to MTC for review and approval; and

WHEREAS, Attachment A to this resolution, attached hereto and incorporated herein as though set forth at length, lists the project and phase for which the San Francisco Bay Area Rapid Transit District is requesting RM2 funding and the reimbursement schedule and amount recommended for allocation by MTC staff; and

WHEREAS, Attachment B to this resolution, attached hereto and incorporated herein as though set forth at length, lists the required project specific conditions which must be met prior to execution of the allocation and any reimbursement of RM2 funds; and

WHEREAS, Attachment C to this resolution, attached hereto and incorporated herein as though set forth at length, includes MTC staff’s review of the San Francisco Bay Area Rapid Transit District’s Initial Project Report (IPR) for this project; and

WHEREAS, Attachment D attached hereto and incorporated herein as though set forth at length, lists the cash flow of RM2 funds and complementary funding for the deliverable/useable RM2 project segment; now, therefore be it

WHEREAS, the claimants to which funds are allocated under this resolution have certified that the projects and purposes listed and recorded in Attachment A are in compliance with the requirements of the California Environmental Quality Act (Public Resources Code

Section 21000 et seq.), and with the State Environmental Impact Report Guidelines (14 California Code of Regulations Section 15000 et seq.); now, therefore, be it

RESOLVED, that MTC approves MTC staff's review of the San Francisco Bay Area Rapid Transit District's IPR for this project as set forth in Attachment C; and be it further

RESOLVED, that MTC approves the allocation and reimbursement of RM2 funds in accordance with the amount and reimbursement schedule for the phase, and activities as set forth in Attachment A; and, be it further

RESOLVED, that the allocation and reimbursement of RM2 funds as set forth in Attachment A are conditioned upon the San Francisco Bay Area Rapid Transit District's complying with the provisions of the Regional Measure 2 Regional Traffic Relief Plan Policy and Procedures as set forth in length in MTC Resolution 3636; and be it further

RESOLVED, that the allocation and reimbursement of RM2 funds are further conditioned upon the project specific conditions as set forth in Attachment B; and, be it further

RESOLVED, that the allocation and reimbursement of RM2 funds as set forth in Attachment A are conditioned upon the availability and expenditure of the complementary funding as set forth in Attachment D; and be it further

RESOLVED, that reimbursement of RM2 funds as set forth in Attachment A is subject to the availability of RM2 funding; and be it further

RESOLVED, that a certified copy of this resolution, shall be forwarded to the project sponsor.

METROPOLITAN TRANSPORTATION COMMISSION

Steve Kinsey, Chair

The above resolution was entered into by the Metropolitan Transportation Commission at the regular meeting of the Commission held in Oakland, California, on December 15, 2004.

INSERT
ATTACHMENT A:
Allocation Summary
(excel file)

**J:/Section/Allstaff/Resolution/MTC Resolutions/
RES -3667_Attachment_A.xls**

(Worksheet Tab within Res-3667_Attachment_ABCD.xls)

INSERT
ATTACHMENT B:
Project Specific
Conditions (excel file)

**J:/Section/Allstaff/Resolution/MTC Resolutions/
RES -3667_Attachment_B.xls**

(Worksheet Tab within Res-3667_Attachment_ABCD.xls)

**INSERT
ATTACHMENT C:
Project FACT SHEET
(excel file)**

**J:/Section/Allstaff/Resolution/MTC Resolutions/
RES -3667_Attachment_C.xls**

(Worksheet Tab within Res-3667_Attachment_ABCD.xls)

**INSERT
ATTACHMENT D:
CASH FLOW SHEET
(excel file)**

**J:/Section/Allstaff/Resolution/MTC Resolutions/
RES-3667_Attachment_D.xls**

(Worksheet Tab within Res-3667_Attachment_ABCD.xls)

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

Attachment E
Resolution No. 3667
Page 1 of 1

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.

for
RM2 Executive Director's
Memo and/or
PAC Summary Sheet
see
PAC folder for corresponding
month

**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	
09366703	22-Jul-09	\$ (29,093,000)	CON	FY 2008-09	\$ 143,907,000	

07/22/09-C
 01/27/10-C

Allocation No. 31.2-3

Activities to be funded with Allocation #3:

This allocation will fund below mentioned costs associated with the Line, Track, Station and Systems contract on the Warm Springs Extension project:

- A) Soft costs including but not limited to:
 1) Transit System Development Engineering and Project Management
 2) Design and Design services during Construction
 3) Construction Management Oversight
- B) Material procurement costs: Rail, Fiber optic etc

Allocation Instruction No.	Approval Date	Amount	Phase	Reimbursement Year	Cumulative Total To Date
10366704	27-Jan-10	\$ 10,315,957	CON	FY 2009-10	\$ 154,222,957

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.

On January 27, 2010, the Commission approved the following conditions pertaining specifically to Allocation No. 3:

- 1 This allocation is conditioned on the BART Board's approval of the Initial Project Report (IPR) and the resolution of project compliance.
- 2 If the CTC approves the SLPP funds towards this project in January or February and Caltrans approves the Prop 1B Transit funds in January or February, the Commission may rescind this allocation in part and move to fund remaining sections of the project at a later time.

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	06/2010	\$39,565
3	Right-of-Way	04/2002	06/2012	\$98,322
4	Construction	05/2009	06/2014	\$743,400
Total:				\$890,000

Total Project Funding Plan: Committed and Uncommitted Sources

(Amounts Escalated in Thousands)

Project Title	BART to Warm Springs Extension	Project No. 31.2
Lead Sponsor	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/PE	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					57,421	63,730	22,193	26,656			170,000
RM1	Construction						6,566	43,105	34,329			84,000
AB 1171	Construction							25,866	8,134			34,000
Prop 1B/MTC Spillover	Construction					20,000	20,000					40,000
SLPP (MTC/ACTIA/VTA)	Construction						34,726	20,712	20,712	9,850		86,000
BART	Construction						5,126	5,126	5,126	5,126	3,496	24,000
ACCMA STIP	Construction									50,410	18,590	69,000
MTC/ACTIA/BART Advance	Construction							27,000	27,000			54,000
Alameda Measure B	Construction					25,438	37,425	45,045	42,782	31,710		182,400
Total:		146,600			0	102,859	167,573	189,047	164,739	97,096	22,086	890,000
Uncommitted												
										0	0	0
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	0	102,859	167,573	189,047	164,739	97,096	22,086	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	-	-	-	57,421,000	63,730,000	22,193,000	4,878,957	-	154,222,957
Environmental (ENV)	48,400,000	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
Right of Way	64,200,000	32,000,000	2,000,000	0	0	0	0	0	0	0		98,200,000
RM 2		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	0	119,421,000	184,730,000	22,193,000	4,878,957		331,222,957
RM2							57,421,000	63,730,000	22,193,000	4,878,957		148,222,957
Alameda County Measure B							62,000,000	121,000,000				183,000,000
												0
TOTAL FUNDING												
Environmental	48,400,000	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
Right of Way	64,200,000	32,000,000	2,000,000	0	0	0	0	0	0	0		98,200,000
Construction	0	0	0	0	0	0	119,421,000	184,730,000	22,193,000	4,878,957		331,222,957
PROJECT TOTAL	112,600,000	32,000,000	2,000,000	0	0	0	119,421,000	184,730,000	22,193,000	4,878,957		477,822,957

Date: September 22, 2004
W.I.: 1255
Referred by: PAC
Revised: 12/15/04-C 07/27/05-C
01/25/06-C 09/27/06-DA
10/22/08-DA 01/27/10-C

ABSTRACT

MTC Resolution No. 3655, Revised

This resolution approves the allocation of Regional Measure 2 funds for the Alameda Contra Costa Transit (AC Transit) Enhanced Bus – International Blvd./Telegraph Avenue - project sponsored and implemented by AC Transit.

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 AC Transit's Initial Project Report (IPR) for this project

Attachment D - RM2 Deliverable/Useable Segment Cash Flow Plan

This resolution was revised on December 15, 2004 to allocate \$600,000 for the Estudillo Pedestrian Plaza in San Leandro and \$150,000 for the Uptown Transit Center at 20th Street in Oakland.

This resolution was revised on July 27, 2005 to allocate \$400,000 for the Uptown Transit Center at 20th Street in Oakland and \$7.5 million for signalization work.

This resolution was revised on January 25, 2006 to allocate \$5,000 to right-of-way for permits, carryover \$53,000 from the final design phase to the construction phase, and newly allocate \$3.302 million for the construction of the Uptown Transit Center at 20th Street in Oakland.

This resolution was revised on September 27, 2006 to allocate an additional \$900,000 for construction of the canopy structures at the Uptown Transit Center at 20th Street in Oakland.

ABSTRACT

MTC Resolution No. 3655, Revised

Page 2

This resolution was revised on October 22, 2008 via Delegated Authority to allocate an additional \$600,000 for improvements to the uptown canopies in the form of installation of weather protection shields at the Uptown Transit Center at 20th Street in Oakland.

This resolution was revised on January 27, 2010 to allocate an additional \$1.5 million towards the completion of environmental-related activities for the AC Transit BRT project.

Additional discussion of this allocation is contained in the Executive Director's memorandum to the MTC Programming and Allocations Committee dated September 8, 2004, December 8, 2004, July 13, 2005, January 11, 2006 and January 13, 2010.

Date: September 22, 2004
W.I.: 1255
Referred by: PAC

Re: Approval of Allocation of Regional Measure 2 funds for the AC Transit Enhanced Bus (International Blvd./Telegraph Avenue) Project

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION No. 3655, Revised

WHEREAS, pursuant to Government Code Section 66500 et seq., the Metropolitan Transportation Commission (“MTC”) is the regional transportation planning agency for the San Francisco Bay Area; 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 SB 916 (Chapter 715, Statutes of 2004), 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, RM2 assigns administrative duties and responsibilities for the implementation of the Regional Traffic Relief Plan to MTC; and

WHEREAS, BATA shall fund the projects of the Regional Traffic Relief Plan by transferring RM2 authorized funds to MTC; and

WHEREAS, MTC adopted policies and procedures for the implementation of the Regional Measure 2 Regional Traffic Relief Plan on June 23, 2004, specifying the allocation criteria and project compliance requirements for RM 2 funding (MTC Resolution No. 3636); and

WHEREAS, AC Transit has submitted a request for the allocation of RM 2 funds for the Enhanced Bus (International Blvd./Telegraph Avenue) Rolling Stock project; and

WHEREAS, the Enhanced Bus (International Blvd./Telegraph Avenue) is identified as capital project number 24 under RM 2 and is eligible to receive RM 2 funding as identified in Streets and Highways Code Sections 30914(c); and

WHEREAS, AC Transit and the ACCMA has submitted an Initial Project Report, as required pursuant to Streets and Highway Code Section 30914(e), to MTC for review and approval; and

WHEREAS, Attachment A to this resolution, attached hereto and incorporated herein as though set forth at length, lists the project and phase for which the AC Transit is requesting RM2 funding and the amount recommended for allocation by MTC staff; and

WHEREAS, Attachment B to this resolution, attached hereto and incorporated herein as though set forth at length, lists the required project specific conditions which must be met prior to execution of the allocation and any reimbursement of RM2 funds; and

WHEREAS, Attachment C to this resolution, attached hereto and incorporated herein as though set forth at length, includes MTC staff's review of AC Transit's Initial Project Report (IPR) for this project; and

WHEREAS, Attachment D attached hereto and incorporated herein as though set forth at length, lists the cash flow of RM2 funds and complementary funding for the deliverable/useable RM2 project segment; now, therefore be it

RESOLVED, that MTC approves MTC staff's review of AC Transit's Initial Project Report (IPR) for this project as set forth in Attachment C; and be it further

RESOLVED, that MTC approves the allocation and reimbursement of RM2 funds in accordance with the amount and reimbursement schedule for the phase, and activities as set forth in Attachment A; and, be it further

RESOLVED, that the allocation and reimbursement of RM2 funds as set forth in Attachment A are conditioned upon AC Transit complying with the provisions of the Regional Measure 2 Regional Traffic Relief Plan Policy and Procedures as set forth in length in MTC Resolution 3636; and be it further

RESOLVED, that the allocation and reimbursement of RM2 funds are further conditioned upon the project specific conditions as set forth in Attachment B; and, be it further

RESOLVED, that the allocation and reimbursement of RM2 funds as set forth in Attachment A are conditioned upon the availability and expenditure of the complementary funding as set forth in Attachment D; and be it further

RESOLVED, that a certified copy of this resolution, shall be forwarded to the project sponsor.

METROPOLITAN TRANSPORTATION COMMISSION

Steve Kinsey, Chair

The above resolution was entered into by the Metropolitan Transportation Commission at the regular meeting of the Commission held in Oakland, California, on September 22, 2004.

INSERT
ATTACHMENT A:
Allocation Summary
(excel file)

**J:/Section/Allstaff/Resolution/MTC Resolutions/
RES-3655_Attachment_ABCD.xls**

(Worksheet Tab within Res-3655_Attachment_ABCD.xls)

INSERT
ATTACHMENT B:
Project Specific
Conditions

**J:/Section/Allstaff/Resolution/MTC Resolutions/
RES-3655_Attachment_ABCD.xls**

(Worksheet Tab within Res-3655_Attachment_ABCD.xls)

**INSERT
ATTACHMENT C:
Project FACT SHEET
(2-page Excel file)**

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(Worksheet Tab within Res-3655_Attachment_ABCD.xls)

**INSERT
ATTACHMENT D:
Project FACT SHEET
(Excel file)**

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RES-3655_Attachment_ABCD.xls**

(Worksheet Tab within Res-3655_Attachment_ABCD.xls)

for
RM2 Executive
Director's Memo and/or
PAC Summary Sheet
see
PAC folder for
corresponding month

**REGIONAL MEASURE 2 PROGRAM
Allocation of Funds**

Project Title: AC Transit Enhanced Bus (International Blvd./Telegraph Ave. Project)
Sponsor: AC Transit
Project Number: 24

SubProject No. 24.1					
Activities to be funded with Allocation #1:					
The RM2 funded component delivers fifteen (15) Van Hool 60' articulated buses.					
Funding Information for Allocation #1:					
Allocation Instruction No.	Approval Date	Amount	Phase	Reimbursement Year	Cumulative Total To Date
05365501	22-Sep-04	\$ 8,200,000	Construction	FY 2004-05	\$ 8,200,000

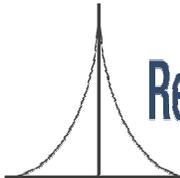
SubProject No. 24.2					
Activities to be funded with Allocation #2, 4, 5:					
1. Uptown Transit Center: Preliminary design of transit center on 20th between Telegraph Avenue and Broadway 2. Construction of the Uptown Transit Center. 3. Installation of weather protection shields to bus canopies, two bike racks, an additional bus bench, spare windscreen glazing panels					
Funding Information for Allocation #2:					
Allocation Instruction No.	Approval Date	Amount	Phase	Reimbursement Year	Cumulative Total To Date
05365502	15-Dec-04	\$ 150,000	ENV/PAED	FY 2004-05	\$ 150,000
06365504	27-Jul-05	\$ 400,000	PS&E	FY 2005-06	\$ 550,000
06365504	25-Jan-06	\$ (53,000)	PS&E	FY 2005-06	\$ 497,000
06365506	25-Jan-06	\$ 5,000	ROW	FY 2005-06	\$ 502,000
06365507	25-Jan-06	\$ 3,355,000	CON	FY 2005-06	\$ 3,857,000
07365508	27-Sep-06	\$ 900,000	CON	FY 2006-07	\$ 4,757,000
09365509	22-Oct-08	\$ 600,000	CON	FY 2008-09	\$ 5,357,000

SubProject No. 24.3					
Activities to be funded with Allocation #3:					
1. Estudillo Pedestrian Plaza: Construction of passenger facilities and access improvements at E. 14th and Estudillo Streets					
Funding Information for Allocation #3:					
Allocation Instruction No.	Approval Date	Amount	Phase	Reimbursement Year	Cumulative Total To Date
05365503	15-Dec-04	\$ 600,000	Construction	FY 2004-05	\$ 600,000

SubProject No. 24.4						
Activities to be funded with Allocation #4:						
1. Signal interconnects and coordination construction for the BRT line being completed by the Alameda County Congestion Management Agency (ACCMA). Included in this deliverable segment will be other construction and equipment needs such as Bus Arrival Information equipment, emitters, signage poles and related installation charges, utility relocation and street furniture.						
Funding Information for Allocation #4:						
Allocation Instruction No.	Approval Date	Amount	Phase	Reimbursement Year	Cumulative Total To Date	
06365505	27-Jul-05	\$ 7,500,000	Construction	FY 2005-06	\$ 7,500,000	

SubProject No. 24.5						
Activities to be funded with Allocation #5:						
Complete Environmental-related activities which include:						
1) Conduct public outreach and prepare necessary reports ;						
2) Update engineering, capital, and operating costs;						
3) Provide technical support for AC Transit Technical Advisory and AC Transit Policy Steering Committee						
Funding Information for Allocation #4:						
Allocation Instruction No.	Approval Date	Amount	Phase	Reimbursement Year	Cumulative Total To Date	
10365510	27-Jan-10	\$ 1,500,000	ENV	FY 2009-10	\$ 1,500,000	

Total allocated to date: \$23,157,000



Regional Measure 2 Regional Traffic Relief Plan

September 22, 2004
 Attachment C
 MTC Resolution No. 3655
 Revised: 12/15/04-C
 07/27/05-C
 01/25/06-C
 09/27/06-DA
 01/27/10-C

RM2 Project Number: 24

AC Transit Telegraph International Enhanced Bus

Lead Sponsor AC Transit	Other Sponsors(s) N/A	Implementing Agency (if applicable) ACCMA
Legislated Project Description AC Transit Enhanced Bus-Phase 1 on Telegraph Avenue, International Boulevard, and East 14th Street (Berkeley-Oakland-San Leandro). Develop enhanced bus service on these corridors, including bus bulbs, signal prioritization, new buses, and other improvements. Priority of investment shall improve the AC Connection to BART on these corridors.		
RM2 Legislated Funding (in \$1,000) Total Overall Funding \$65,000		Total Estimated Project Cost (in \$1,000) \$254,610
Project Purpose and Description 24.1 Purchase fifteen (15) 60' Van Hool Articulated Buses to provide service on the Telegraph Avenue/ International Boulevard/ East 14th Street corridors. 24.2 Design and construct a joint AC Transit/City of Oakland transit center on 20th between Telegraph Avenue and Broadway. 24.3 Design and construction of passenger facilities and pedestrian access on Estudillo and E 14th Streets in conjunction with the City of San Leandro's planning efforts to provide greater pedestrian access and improve connectivity between AC Transit and BART. 24.4 Signal interconnects and coordination construction for the BRT line being completed by the Alameda County Congestion Management Agency (ACCMA). Included in this deliverable segment will be other construction and equipment needs such as Bus Arrival Information equipment, emitters, signage poles and related installation charges, utility relocation and street furniture. 24.5* Bus Rapid Transit Phase 1: This phase will install BRT keynote features such as bus-only lanes and BRT stations. This phase would focus investments on the route segments with the highest potential to increase ridership and reduce operating costs.		
Funding Description Committed Funds: Committed funds include RM2, FTA 5309 funds, Alameda County Measure B, and STIP Uncommitted Funds: 75 million in FTA 5309 NS funds Operating Capacity: AC Transit expects to operate the RM 2 Enhanced Bus Program through a combination of RM 2 operating subsidies and fares.		

* FTA Small Starts defined project

Overall Project Cost and Schedule

Phase	Scope	Start	End	Cost (in \$1,000)
1	Final Environmental Document	03/2003	12/2010	\$9,282
2	Plans, Specifications and Estimates	02/2011	06/2012	\$5,651
3	Right-of-Way	Not Applicable	Not Applicable	\$0
4	Construction	09/2012	12/2014	\$239,677
Total**:				\$254,610

Total Project Funding Plan: Committed and Uncommitted Sources

(Amounts Escalated in Thousands)

Project Title	International/ Telegraph BRT	Project No.	24
Lead Sponsor	AC Transit		

Fund Source	Phase	Prior	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	Future	Total
Committed													
Fed Other	ENV						238						238
RM-2	ENV		150					5,000					5,150
STIP	ENV			2,700									2,700
MEAS B	ENV		2,394					2,300					4,694
MEAS B	PSE		1,596										1,596
RM-2	PSE			347					1,327				1,674
FTA 5309 BUS	PSE		247	481	502	534	564						2,328
MEAS B	CONST		11,407							6,262			17,669
FTA 5309 NS	CONST					2,450	3,960						6,410
RM2	CONST		600	10,855	900					37,021			49,376
RM-2	CONST/Bus Purchase		8,200				600						8,800
Total:		0	24,594	14,383	1,402	2,984	5,362	7,300	1,327	43,283	0	0	100,635
Uncommitted													
FTA 5309 NS	CONST								28,590	20,000	20,000		68,590
Total:		0	0	0	0	0	0	0				0	68,590
Funding Source still TBD													
Regional Revenues	CONST	0									3,885		3,885
STIP	CONST	0								50,000			50,000
Local	CONST	0									35,000		35,000
Total:		0	0	0	0	0	0	0	0	50,000	38,885	0	88,885
Total Project Committed and Uncommitted													
		Prior	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	Future	Total
Total:		0	24,594	14,383	1,402	2,984	5,362	7,300	29,917	63,283	20,000	0	258,110

** Project Cost for the Small Starts defined project is \$233,310

REGIONAL MEASURE 2 PROGRAM Project Cash Flow Plan

September 22, 2004
Attachment D
MTC Resolution No. 3655
Page 1 of 1
Revised: 12/15/04-C
07/27/05-C
01/25/06-C
09/27/06-DA
10/22/08-DA
01/27/10-C

Project Title: AC Transit Enhanced Bus (International Blvd./Telegraph Ave.)
Sponsor: AC Transit
RM2 Project Number: 24

RM2 Project No. 24.1	PRIOR	FY 2004-05	FY 2005-06	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	TOTAL
RM2 Funds Total	-	8,950,000	11,207,000	900,000	-	600,000	1,500,000	23,157,000
Environmental (ENV)	0	2,544,000	2,700,000	0	0	238,000	1,500,000	6,982,000
RM2		150,000					1,500,000	1,650,000
Measure B		2,394,000						2,394,000
Federal Other						238,000		238,000
STIP			2,700,000					2,700,000
Final Design (PS&E)	0	1,843,000	828,000	502,000	534,000	564,000	0	4,271,000
RM2			347,000					347,000
Measure B		1,596,000						1,596,000
FTA 5309 BUS		247,000	481,000	502,000	534,000	564,000		2,328,000
Right of Way	0	0	5,000	0	0	0	0	5,000
RM2			5,000					5,000
								0
								0
Construction	0	15,191,000	10,855,000	900,000	0	600,000	0	27,546,000
RM 2		8,800,000	10,855,000	900,000		600,000		21,155,000
Measure B		6,391,000						6,391,000
TOTAL FUNDING								
Environmental	0	2,544,000	2,700,000	0	0	238,000	1,500,000	6,982,000
Final Design (PS&E)	0	1,843,000	828,000	502,000	534,000	564,000		4,271,000
Right of Way	0	0	5,000	0	0	0		5,000
Construction	0	15,191,000	10,855,000	900,000	0	600,000	0	27,546,000
PROJECT TOTAL	0	19,578,000	14,388,000	1,402,000	534,000	1,402,000		38,804,000