Date:	June 24, 2009	
W.I.:	1255	
Referred By:	PAC	
Revised:	12/16/09-C	02/24/10-C
	03/24/10-C	06/23/10-C
	07/28/10-C	10/27/10-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.

This resolution was revised on February 24, 2010 to allocate AB1171 funds to the Transbay Joint Powers Authority, $10.7 million towards the final design phase of the Transbay Transit Center, and $5.226 million towards the Program Management/Program Controls (PMPC) services for the project.

This resolution was revised on March 24, 2010 to allocate a total of $13 million in AB 1171 funds to CCTA towards the construction of eBART median structures to be integrated into Segments 1, 2, 3, 4, and 5 of Caltrans/CCTA State Route 4 contracts, and towards right-of-way to accommodate e-BART.

This resolution was revised on June 23, 2010 to allocate a total of $11 million in AB 1171 funds to BART towards the completion of final design on the eBART project. This resolution was also revised to allocate $134 million towards the final design phase for the Transit Center building and ramps and construction of the Transit Center, including the below-grade rail levels of the Transit Center.

This resolution was revised on July 28, 2010 to allocate $5 million to BART towards the Line, Trackwork, Systems & Station (LTSS) construction and related activities for the BART Warm

Springs Extension project; $1.25 million to ACCMA towards purchase of right-of-way and $250,000 to MTC for an independent Opportunity/Risk Analysis for the BART to Livermore ROW Preservation project; and $2.8 million towards the initial project development activities for the Regional Express Lane Network.

This resolution was revised on October 27, 2010 to allocate a total of $73.6 million to BART towards the purchase of Diesel Multiple Unit (DMU) vehicles for the eBART project.

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, December 9, 2009, February 10, 2010, March 10, 2010, June 9, 2010, July 14, 2010 and October 13, 2010.

Date: June 24, 2009
W.I.: 1255
Referred By: PAC

RE: Allocation of AB 1171 Bridge Toll funds

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION NO. 3914

WHEREAS, the Metropolitan Transportation Commission (MTC) is the regional transportation planning agency for the San Francisco Bay Area pursuant to Government Code Sections 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, pursuant to Streets and Highways Code (SHC) Section 31010(b), funds generated in excess of those needed to meet the toll commitments as specified by paragraph (4) of subdivision (b) of Section 188.5 of the SHC shall be available to BATA for funding projects consistent with SHC Sections 30913 and 30914; and

WHEREAS, MTC adopted Resolution 3434, Revised, which establishes commitments of AB 1171 bridge toll funds to specific projects and corridors; and be it

RESOLVED, that MTC approves the allocation and reimbursement of AB 1171 bridge toll funds in accordance with the amount, conditions and reimbursement schedule for the phase, and activities as set forth in Attachment A; and, be it further

RESOLVED, that should the allocation of AB 1171 Bridge Toll Funds be conditioned on the execution of a funding agreement, that the Executive Director or his designee is authorized to negotiate and enter into a funding agreement with claimant that includes the provisions contained in Attachment A.

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

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 June 24, 2009.

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

Alloc. #	Fiscal Year	Claimant	Project Title	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: 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: 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.

Alloc. #	Fiscal Year	Claimant	Project Title	Allocation Amount	Date of MTC Approval	Allocation Conditions
03	2009-10	TJPA	Transbay Transit Center/ Downtown Caltrain Extension	$10,700,000	02/24/10	Scope of Work: This allocation will fund the final design phase for the Transit Center building and ramps, including the below-grade rail levels of the Transit Center. The scope includes final design work, various consulting services, coordination with public agencies, and permits and fees. TJPA shall agree to comply with the provisions of MTC Resolution No 3636, Revised and that any AB 1171 Bridge Toll funds received be subject to MTC Resolution No. 3636, Revised, unless otherwise stated in the agreement. TJPA shall submit to MTC an "Implementing Agency Resolution of Project Compliance" which resolves that the TJPA will comply with the provisions of MTC Resolution No 3636 for the drawdown of AB 1171 funds. This allocation is also conditioned on the approval of the IPR package by the TJPA board.

Alloc. #	Fiscal Year	Claimant	Project Title	Allocation Amount	Date of MTC Approval	Allocation Conditions
04	2009-10	Transbay Joint Powers Authority (TJPA)	Transbay Transit Center/ Downtown Caltrain Extension	$5,226,000	02/24/10	Scope of Work: This allocation will fund the Program Management/Program Controls (PMPC) services for the project. The PMPC provides assistance with the design, oversight, and management of the entire project. TJPA shall agree to comply with the provisions of MTC Resolution No 3636, Revised and that any AB 1171 Bridge Toll funds received be subject to MTC Resolution No. 3636, Revised, unless otherwise stated in the agreement. TJPA shall submit to MTC an “Implementing Agency Resolution of Project Compliance” which resolves that the TJPA will comply with the provisions of MTC Resolution No 3636 for the drawdown of AB 1171 funds.

Alloc. #	Fiscal Year	Claimant	Project Title	Allocation Amount	Date of MTC Approval	Allocation Conditions
05	2009-10	CCTA	e-BART	$11,000,000	03/24/10	Scope of Work: This allocation will fund $11,000,000 for ROW Activities and associated utility coordination and construction between Somersville Rd and SR160. This is a contribution towards BART and CCTA's agreed upon right-of-way cost for median. Allocation is conditioned on the approval of the IPR package by the CCTA Board and concurrence by the BART board. Allocation and disbursement is contingent upon the execution of a funding agreement between MTC and CCTA for the AB 1171 Bridge Toll funds. Such agreement shall include the following provisions: CCTA agrees to comply with the provisions of MTC Resolution No 3636, Revised and that any AB 1171 Bridge Toll funds received under the funding agreement shall be subject to MTC Resolution No. 3636, Revised, unless otherwise stated in the agreement.

Alloc. #	Fiscal Year	Claimant	Project Title	Allocation Amount	Date of MTC Approval	Allocation Conditions
06	2009-10	CCTA	e-BART	$2,000,000	03/24/10	Scope of Work: This allocation will fund $2,000,000 for construction activities associated with eBART costs in the median between Loveridge Road and SR160. Allocation is conditioned on the approval of the IPR package by the CCTA Board and concurrence by the BART board. Allocation and disbursement is contingent upon the execution of a funding agreement between MTC and CCTA for the AB 1171 Bridge Toll funds. Such agreement shall include the following provisions: CCTA agrees to comply with the provisions of MTC Resolution No 3636, Revised and that any AB 1171 Bridge Toll funds received under the funding agreement shall be subject to MTC Resolution No. 3636, Revised, unless otherwise agreed herein.

Alloc. #	Fiscal Year	Claimant	Project Title	Allocation Amount	Date of MTC Approval	Allocation Conditions
07	2009-10	BART	e-BART	$11,000,000	06/23/10	Scope of Work: This allocation is towards the completion of the final design for the eBART project. The specific elements of this allocation include final design for the Hillcrest station, parking lot and maintenance facility, trackworks & systems, vehicle procurement, and various Caltrans & Utility agreements. Allocation is conditioned on the approval of the Initial Project Report (IPR) package by the BART board and concurrence by the CCTA board. BART shall agree to comply with the provisions of MTC Resolution No. 3636, Revised and that any AB 1171 Bridge Toll funds received be subject to MTC Resolution No. 3636, Revised. BART shall submit to MTC an “Implementing Agency Resolution of Project Compliance” which resolves that BART will comply with the provisions of MTC Resolution No. 3636 for the drawdown of AB 1171 funds.

Alloc. #	Fiscal Year	Claimant	Project Title	Allocation Amount	Date of MTC Approval	Allocation Conditions
08	2009-10	Transbay Joint Powers Authority (TJPA)	Transbay Transit Center/ Downtown Caltrain Extension	$134,074,000	06/23/10	Scope of Work: This allocation is towards the final design phase for the Transit Center building and ramps and construction of the Transit Center, including the below-grade rail levels of the Transit Center. The elements that will proceed to NTP using AB 1171 funds are: C*onstruction Management Oversight, Existing Terminal & Ramps Demolition, Construction Docs/Final Design, City Agency Inspection, Permits & Fees, PMPC, Utility Relocation, Buttress Shoring Wall & Excavation and Construction Management General Contractor services.* The allocation of funds is conditioned on the following: a) Approval of the Initial Project Report (IPR) package by the TJPA board. b) *Once the ARRA funds are secured in a grant agreement, MTC will rescind the remaining AB1171 funds from this allocation so that they may be used for future elements of this project. The demolition and construction allocation of roughly $112 million is conditioned on: a) Federal Railroad Administration (FRA) issuance of the Record of Decision adopting those portions of the 2004 EIS dealing with Phase 1. (cont. next page)

Alloc. #	Fiscal Year	Claimant	Project Title	Allocation Amount	Date of MTC Approval	Allocation Conditions
08 (cont.)						b) Execution of a funding agreement between MTC and TJPA for the AB 1171 Bridge Toll funds. Such agreement shall include the following provisions: TJPA shall agree to comply with the provisions of MTC Resolution No. 3636, Revised and that any AB 1171 Bridge Toll funds received be subject to MTC Resolution No. 3636, Revised. *The TJPA is currently working with the Federal Railroad Administration (FRA) on finalizing a grant agreement for $400 million in American Reinvestment and Recovery Act (ARRA) High Speed and Intercity Passenger Rail (HSIPR) funds. Though these funds have been committed, the timing of the grant agreement is unknown at this time. TJPA anticipates receiving a grant before the end of the calendar year. TJPA is requesting this allocation of AB1171 funds in order to maintain the project schedule while awaiting the grant agreement.

Alloc. #	Fiscal Year	Claimant	Project Title	Allocation Amount	Date of MTC Approval	Allocation Conditions
09	2010-11	BART	BART Warm Springs Extension	$5,000,000	07/28/10	Scope of Work: This allocation is towards the following costs for the Line, Trackwork, Station and Systems (LTSS) contract on the Warm Springs Extension project: a) Award of the LTSS contract, b) Construction Management, c) Design support during construction, d) BART staff support, e) Coordination with other jurisdictional agencies and development of agreements, f) Owner Controlled Insurance Program (OCIP), and g) Community Relations. The allocation of funds is conditioned on the following: a) Approval of the Initial Project Report (IPR) package by the BART board. b) Execution of a funding agreement between MTC and BART prior to the Notice-to-Proceed (NTP) of the LTSS construction contract for the RM1, RM2, and AB 1171 Bridge Toll funds. Such agreement shall include: BART shall agree to comply with the provisions of MTC Resolution No. 3636, Revised and that any Bridge Toll funds received be subject to MTC Resolution No. 3636, Revised. c) All the funding partners maintaining their funding commitment for the estimated $890 million project as outlined in the 2008 revision to MTC Resolution No. 3434, unless agreed otherwise as part of condition d) below. d) Funding partners reaching an agreement prior to BART's NTP of the LTSS contract that outlines the distribution of potential total project cost savings or overruns, given disproportionate contributions by partners to date.

Alloc. #	Fiscal Year	Claimant	Project Title	Allocation Amount	Date of MTC Approval	Allocation Conditions
10	2010-11	ACCMA (Co-sponsor - BART)	BART to Livermore ROW Preservation	$1,250,000	07/28/10	Scope of Work: This allocation is to fund the purchase of right-of-way in the vicinity of I-580 and El Charro Rd to retain land for future transit use. The allocation of funds is conditioned on the following: a) Execution of a funding agreement between MTC and ACCMA for the AB 1171 Bridge Toll funds. Such agreement shall include the following provisions: ▪ ACCMA shall agree to comply with the provisions of MTC Resolution No. 3636, Revised and that any AB 1171 Bridge Toll funds received be subject to MTC Resolution No. 3636, Revised. ▪ BART and ACCMA concur with an additional AB 1171 allocation, not to exceed $500,000, to MTC for an independent Opportunity/Risk Assessment Study administered by MTC related to the $95 million in AB 1171 funds committed to the project in Resolution 3434. ▪ Establishment of a Land Trust (or similar mechanism) including, but not limited to the following terms: a) property shall be held for the benefit of a BART Extension to Livermore or other transit project in corridor consistent with Resolution 3434 – Tri-Valley Transit Access Improvements to/from BART (PROJECT); and b) if PROJECT does not commence construction within ten years, property in the Land trust shall be sold for fair market value and proceeds distributed equally to funding partners, based on funding participation.

Alloc. #	Fiscal Year	Claimant	Project Title	Allocation Amount	Date of MTC Approval	Allocation Conditions
11	2010-11	MTC	Opportunity/Risk Analysis for the BART to Livermore ROW Preservation project	$250,000	07/28/10	Scope of Work: Develop an Opportunity/Risk Analysis related to future allocations of AB1171 funds for ROW preservation for transit use in the corridor in the context of the programmatic level Environmental Impact Report certified by the BART Board.
12	2010-11	MTC	Regional Express Lane Network	$2,800,000	07/28/10	Scope of work: The funds requested in this allocation will be used to develop a project initiation document and application to the CTC for authority to implement the Regional Express Lanes Network. Additional planning and project development will be funded with this allocation, including: a) development of concepts of operation, b) exploration of options to enhance project delivery, c) development of an overall program delivery strategy.

Alloc. #	Fiscal Year	Claimant	Project Title	Allocation Amount	Date of MTC Approval	Allocation Conditions
13	2010-11	BART	e-BART	73,600,000	10/27/10	Scope of work: This allocation is to fund the purchase of 8 Diesel Multiple Unit (DMU) vehicles for the eBART project. *Conditions:* Allocation is conditioned on the concurrence of the IPR package by the CCTA board. 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: BART agrees to comply with the provisions of MTC Resolution No 3636, Revised and that any AB 1171 Bridge Toll funds received under the funding agreement shall be subject to MTC Resolution No. 3636, Revised, unless otherwise agreed herein.
Total Allocated				$ 350,790,000		