

Date: May 27, 2009  
W.I.: 1255  
Referred by: PAC  
Revised: 12/15/10-C

ABSTRACT

MTC Resolution No. 3909, Revised

This resolution approves the allocation of Regional Measure 2 funds for the purchase of two vessels for Transbay Commute ferry services sponsored and implemented by the Water Emergency Transportation Authority (WETA).

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 WETA's Initial Project Report (IPR) for this project

Attachment D - RM2 Deliverable/Useable Segment Cash Flow Plan

This resolution was revised on December 15, 2010 to rescind \$3,000,000 from the prior allocation issued to backfill State Prop 1B funds for the procurement of the South San Francisco Ferry Vessels (Project #27 – Commute Ferry Service for South San Francisco). These funds are being rescinded as WETA has received up-front payment of all awarded Prop 1B funds not previously paid, with the enactment of AB 1203 on January 1, 2010. This action also satisfies the allocation specific condition.

Additional discussion of this allocation is contained in the Executive Director's memoranda and/or cover sheet to the MTC Programming and Allocations Committee memorandum dated May 13, 2009 and December 8, 2010.

Date: May 27, 2009  
W.I.: 1255  
Referred by: PAC

Re: Approval of allocation of Regional Measure 2 funds for the purchase of two vessels for Transbay Commute ferry services

METROPOLITAN TRANSPORTATION COMMISSION  
RESOLUTION No. 3909

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, the Water Emergency Transportation Authority (WETA) has submitted a request for the allocation of RM 2 funds for the purchase of two vessels for Transbay Commute ferry services; and

WHEREAS, the purchase of two vessels for ferry services between the Berkeley/Albany Terminal and San Francisco is identified as capital project number 25 under RM 2 and is eligible to receive RM 2 funding as identified in Streets and Highways Code Sections 30914(c); and

WHEREAS, WETA 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 WETA 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 WETA'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 WETA'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 WETA 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 any 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

  
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Scott Haggerty, Chair

The above resolution was entered into by the Metropolitan Transportation Commission at the regular meeting of the Commission held in Oakland, California, on May 27, 2009.

**REGIONAL MEASURE 2 PROGRAM  
Allocation of Funds**

Project Title: Transbay Commute Ferry Service  
Sponsor: Water Emergency Transportation Authority  
Project Number: 25.0

<b>Allocation No. 25-1 - South San Francisco Ferry Vessels</b>						
Activities to be funded with Allocation #1:						
Construction/Purchase of two ferry vessels for use in the South San Francisco Ferry Service. (These funds backfill the Prop 1B funds allocated to project # 27 - South San Francisco Ferry Vessel Procurement project, but currently suspended by the State.) 12/15/10 - These funds are being rescinded as WETA has received up-front payment of all awarded Prop 1B funds not previously paid with the enactment of AB 1203 on January 1, 2010.						
Allocation Instruction No.	Approval Date	Amount	Phase	Reimbursement Year	Cumulative Total To Date	
09390901	27-May-09	\$ 3,000,000	CON	FY 2008-09	\$ 3,000,000	
09390901	15-Dec-10	\$ (3,000,000)	CON	FY 2008-09	\$ -	

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

May 27, 2009  
Attachment D-1  
MTC Resolution No. 3909  
Page 1 of 1  
Revised: 12/15/10-C

Transbay Commute Ferry Service  
Sponsor: Water Emergency Transportation Authority  
RM2 Project Number: 25

	PRIOR	FY 2004-05	FY 2005-06	FY 2006-07	FY 2007-08	FY 2008-09	TOTAL
<b>RM2 Funds Total (25 &amp; 27)</b>	-	-	-	275,000	11,725,000	-	12,000,000
<b>Environmental (ENV)</b>	0	0	0	0	0	0	0
							0
<b>Final Design (PS&amp;E)</b>	0	0	0	275,000	0	0	275,000
RM2 ( 27)				275,000			275,000
							0
<b>Right of Way</b>	0	0	0	0	0	0	0
							0
							0
							0
<b>Construction</b>	0	0	0	0	17,224,900	0	14,520,000
RM2 (27)					11,725,000		11,725,000
RM2 (25)						3,000,000	
RM2 (25)						-3,000,000	
FY 2004 Ferry Boat Discretionary (27)					880,800		
FY 2005 Ferry Boat Discretionary (27)					693,900		
FY 2006 Ferry Boat Discretionary (27)					630,200		
FY 2008 Ferry Boat Discretionary (27)					500,000		311,000
Section 5309 Earmark (27)					311,000		2,484,000
FY 2003 Ferry Boat (27)					2,484,000		
<b>TOTAL FUNDING</b>							
Environmental	0	0	0	0	0	0	0
Final Design (PS&E)	0	0	0	275,000	0	0	275,000
Right of Way	0	0	0	0	0	0	0
Construction	0	0	0	0	17,224,900	0	17,224,900
<b>PROJECT TOTAL</b>	0	0	0	275,000	17,224,900	0	17,499,900