Metropolitan Transportation Commission
Programming and Allocations Committee

March 9, 2011 **Item Number 3b**

Resolution Nos. 3833, Revised and 3914, Revised.

Subject: Proposed allocation of $19 million in AB 1171 funds, and rescission and reallocation of $52 million from AB 1171 to Regional Measure 1 (RM1) 90% Rail Reserves for fund management purposes.

Background: There are two bridge toll actions being requested this month for the BART extension to Eastern Contra Costa County (eBART) project. The 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 total cost of the eBART project is $463 million, and it is expected to be open for revenue service in 2015. The project is funded through a combination of bridge tolls, Contra Costa Measure J sales tax, State funds, and developer fees. The vehicle contract is expected to be awarded in 2012.

AB 1171 Capital Allocations: The Contra Costa Transportation Authority (CCTA) is requesting $19 million in AB 1171 funds towards eBART construction and construction management. The funds will be used by CCTA for the cost of median structures to be integrated into Segments 3, 4 and 5 of Caltrans/CCTA State Route 4 contracts ($4 million), and towards construction activities to accommodate eBART in the freeway median ($15 million). This allocation will be conditioned on the execution of a funding agreement between MTC and CCTA.

AB 1171 and RM1 90% Rail Reserves Capital Rescissions and Reallocations: For internal fund management reasons, MTC staff is proposing to rescind $52 million in AB 1171 funds from a prior allocation on the eBART vehicle procurement of 8 diesel multiple units (DMUs), and replace the funds with a $52 million allocation of RM1 90% Rail Reserves funds also to be directed to the vehicle purchase. There will be no net change in the amount of bridge toll funds, rather a change in the mix of toll funds to maximize interest earnings. This amount of RM1 90% Rail Reserves funds is already committed by Commission approved policy to the eBART project. Prior conditions on the allocation would remain in effect, including the condition that a funding agreement between BART and MTC must be executed prior to any reimbursements.

Issues: Along with bridge tolls, Contra Costa County Measure J is contributing significant funds ($135 million) to the eBART funding plan. In December 2009, MTC, BART and CCTA re-affirmed their commitments to the project, including a commitment to revisit the project cost and funding plan in January 2011, to ensure continued progress on the project. CCTA is currently updating its Measure J strategic plan, based on the most recent revenue and project information. Preliminary information from CCTA staff indicates that the update will maintain full-funding of the eBART

project. The CCTA Board is expected to take action on the final strategic plan in July 2011.

Recommendation: Refer MTC Resolution Nos. 3833, Revised and 3914, Revised to the Commission for approval.

Attachments: MTC Resolution Nos. 3833, Revised and 3914, Revised.

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Date:	November 28, 2007	
W.I.:	1514	
Referred by:	PAC	
Revised:	02/25/09-C	07/22/09-C
	07/28/10-C	03/23/11-C

<u>ABSTRACT</u>

Resolution No. 3833, Revised

This resolution allocates Regional Measure 1 (RM1) 90% Rail Reserve East bridge toll revenues to eligible projects. Allocations made prior to this resolution are under MTC Resolution Nos. 3670, 3724, and 3786.

This resolution includes the following attachments:

Attachment A – Allocation of Bridge Toll Revenues

This resolution was revised on February 25, 2009 to allocate $20 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 $20 million 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 July 28, 2010 to allocate $113 million towards the Line, Trackwork, Systems & Station (LTSS) construction and related activities for the BART Warm Springs Extension project.

This resolution was revised on March 23, 2011 to allocate $52 million towards the purchase of 8 Diesel Multiple Unit (DMU) vehicles for the eBART project.

Further discussion of this allocation is contained in the MTC Summary Sheet dated November 14, 2007, February 11, 2009, July 8, 2009, July 14, 2010, and March 9, 2011.

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Date: November 28, 2007
W.I.: 1514
Referred by: PAC

RE: Allocation of Regional Measure 1 (RM1) 90% Rail Reserve East Bridge Toll Revenues

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION NO. 3833

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

WHEREAS, MTC is responsible for the allocation of certain bridge toll revenues, to wit:

(1) Pursuant to Streets and Highways Code §30892, after deduction for MTC's administrative costs, MTC shall allocate toll bridge net revenues to public entities operating public transportation systems and to the California Department of Transportation (Caltrans) to achieve MTC's capital planning objectives in the vicinity of toll bridges as set forth in its adopted Regional Transportation Plan (RTP) ("Net Revenues"); and

(2008) Streets and Highways Code §30914(a)(4), provides that 90 percent of the revenues derived from the toll increase for Class 1 vehicles on the San Francisco-Oakland Bay Bridge, authorized by Sections 30916 and 30917, shall be used exclusively for rail transit capital improvements ("90% Rail Reserve East") consistent with Section 30919(b); and

WHEREAS, eligible claimants have submitted an application to MTC for an allocation of certain bridge toll revenues for the projects and purposes set forth in Attachment A to this resolution, attached hereto and incorporated herein as though set forth at length; and

WHEREAS, claimants have certified that the projects and purposes set forth in Attachment A are in compliance with the requirements of the California Environmental Quality Act (Public Resources Code §21000 et seq.) and the State EIR Guidelines (14 Cal. Code Regs. §15000 et seq.).; now, therefore, be it

RESOLVED, that MTC finds that claimants' projects and purposes are in conformance with MTC's Regional Transportation Plan, MTC's bridge toll revenue allocation policies, and MTC's capital planning and ferry system objectives; and, be it further

RESOLVED, that MTC approves the allocation of Regional Measure 1 (RM1) 90% Rail Reserve East Bridge Toll Revenues to claimants, in the amounts, for the purposes, and subject to the conditions listed on Attachment A to this resolution; and be it further

RESOLVED, that should the allocation of RM1 Rail Extension Reserve Bridge Toll Revenues 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.

METROPOLITAN TRANSPORTATION COMMISSION

Bill Dodd, Chair

The above resolution was entered into by the Metropolitan Transportation Commission at a regular meeting of the Commission held in Oakland, California, on November 28, 2007.

Date: November 28, 2007
W.I.: 1514
Referred by: PAC
Revised: 02/25/09-C 07/22/09-C
07/28/10-C 03/23/11-C

ALLOCATION OF REGIONAL MEASURE 1 (RM1) 90% RAIL RESERVE EAST REVENUES BEGINNING IN FY 2007-08
(For allocations prior to FY 2007-08, please refer to MTC Resolution Nos. 3670, 3724, and 3786.)

Allocation Authorization: S&H § 30919(b)

Alloc. #	Fund Reserve	Fiscal Year	Claimant	Project Description	Allocation Amount	Date of MTC Approval	Allocation Conditions
01	Regional Measure 1 (RM1) 90% Rail Reserve East	2007-08	BART	Oakland Airport Connector	$31,000,000	11/28/2007	1. Allocation and disbursement is contingent upon the execution of a funding agreement between MTC and BART for the 90% Rail Reserve East and Regional Measure 2 (RM2) funds. Such funding agreement shall include the following provisions: BART shall agree: (1) to complete the project described in its updated Initial Project Report, through its contractor; (2) that it shall not request any reimbursements until it executes a concession agreement with its contractor; and (3) to comply with all provisions of MTC Resolution No. 3636, Revised and that any RM1 funds received under the funding agreement be subject to MTC Resolution No. 3636, Revised. MTC shall agree: to provide BART an amount not to exceed $99,000,000 comprised of $68,000,000 in RM2 funds and $31,000,000 in RM1 90% Rail Reserve East Funds.

Alloc. #	Fund Reserve	Fiscal Year	Claimant	Project Description	Allocation Amount	Date of MTC Approval	Allocation Conditions
02	Regional Measure 1 (RM1) 90% Rail Reserve East	2008-09	BART	BART Extension to Warm Springs	$20,000,000	02/25/2009	2. Allocation and disbursement is contingent upon the execution of a funding agreement between MTC and BART for the 90% Rail Reserve East and Regional Measure 2 (RM2) funds. Such funding agreement shall include the following provisions: BART shall agree: (1) to complete the project described in its updated Initial Project Report, through its contractor; (2) to comply with all provisions of MTC Resolution No. 3636, Revised and that any RM1 funds received under the funding agreement be subject to MTC Resolution No. 3636, Revised. MTC shall agree: to provide BART an amount not to exceed $187,000,000 comprised of $167,000,000 in RM2 funds and $20,000,000 in RM1 90% Rail Reserve East Funds.
03	Regional Measure 1 (RM1) 90% Rail Reserve East	2008-09	BART	BART Extension to Warm Springs	($20,000,000)	07/22/2009	N/A

Alloc. #	Fund Reserve	Fiscal Year	Claimant	Project Description	Allocation Amount	Date of MTC Approval	Allocation Conditions
04	Regional Measure 1 (RM1) 90% Rail Reserve East	2010-11	BART	BART Extension to Warm Springs	$113,000,000	07/28/2010	Scope of Work: This allocation is towards the following costs associated 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. #	Fund Reserve	Fiscal Year	Claimant	Project Description	Allocation Amount	Date of MTC Approval	Allocation Conditions
05	Regional Measure 1 (RM1) 90% Rail Reserve East	2010-11	BART	e-BART	$52,000,000	03/23/2011	Scope of Work: This allocation is towards the purchase of 8 Diesel Multiple Unit (DMU) vehicles for the e-BART project. Allocation and disbursement is contingent upon the following: a) The BART Board adopting a resolution of local support for application and use of these funds. b) The execution of a funding agreement between MTC and BART for the RM1 funds. Such agreement shall include the following conditions: BART shall agree: (1) to complete the project described in its updated Initial Project Report, through its contractor; (2) to comply with all provisions of MTC Resolution No. 3636, Revised and that any RM1 funds received under the funding agreement be subject to MTC Resolution No. 3636, Revised. MTC shall agree: to provide BART $52,000,000 in RM1 90% Rail Reserve East Funds.
TOTAL					$196,000,000		

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
	12/15/10-C	03/23/11-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.

This resolution was revised on December 15, 2010 through Commission action to allocate $7 million for environmental and preliminary engineering for subproject 3, I-80/I-680/SR-12 Interchange.

This resolution was revised on March 23, 2011 through Commission action to rescind $52 million from the October 27, 2010 allocation of $73.6 million for the purchase of Diesel Multiple Unit (DMU) vehicles for the eBART project. This resolution was also revised to allocate $19 million for construction and construction management activities on State Route 4 related to eBART.

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, October 13, 2010, December 8, 2010, and March 9, 2011.

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.

Alloc. #	Fiscal Year	Claimant	Project Title	Allocation Amount	Date of MTC Approval	Allocation Conditions
14	2010-11	Solano Transp. Authority (STA)	I-80/680/12 Interchange Initial Construction Package (ICP)	7,000,000	12/15/10	Scope of work: This allocation funds the environmental document and preliminary engineering for two segments of the interchange ICP - the I-80 Westbound to I-680 Southbound Connector, and the Red Top/I-680 Interchange. *Conditions:* Allocation is conditioned on the concurrence of the IPR package by the STA board. STA 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.
15	2010-11	BART	e-BART	(52,000,000)	03/23/11	This rescission of $52 million reduces Allocation #13 to $21.6 million for the purchase of 8 Diesel Multiple Unit (DMU) vehicles for the eBART project. The remaining $21.6 million allocation in AB 1171 funds is subject to the conditions listed under Allocation #13.

Alloc. #	Fiscal Year	Claimant	Project Title	Allocation Amount	Date of MTC Approval	Allocation Conditions
16	2010-11	CCTA	e-BART	$19,000,000	03/23/5200 011	Scope of work: This allocation will fund $19,000,000 for construction and construction management activities associated with e-BART costs in the median of State Route 4 between Somersville Road and SR160. Allocation is conditioned on concurrence by the BART board with the IPR package. Allocation and disbursement are also conditioned upon the execution of a funding agreement between MTC and CCTA for the AB1171 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.
Total Allocated				$ 324,790,000		