

**Metropolitan Transportation Commission
Programming and Allocations Committee**

March 9, 2011

Item Number 3c

Resolution Nos. 3956, Revised and 3966, Revised

Subject: Modification of the conditions of disbursement of FY 2010-11 funds allocated to the Water Emergency Transportation Authority (WETA), the City of Alameda, and the City of Vallejo.

Background: On January 26, 2011, the Commission approved the release of the 3rd quarter disbursement of FY 2010-11 Five Percent Unrestricted State Fund Revenues and Regional Measure 2 Operating Program funds to the cities of Alameda and Vallejo on behalf of WETA. This month, WETA has requested changes that take into account progress made towards the transition.

On April 1, 2011, WETA will take over operation of the Harbor Bay and Oakland/Alameda ferry services with the City of Alameda as its contractor. As the operator, WETA has requested that funds be directly allocated to WETA instead of to Alameda on behalf of WETA. Because the transition will be complete as of April 1, 2011 and the condition of completing the Alameda transition has been satisfied, staff recommends that the 4th quarter funds be released directly to WETA without conditions.

Vallejo BayLink Ferry 4th quarter operating funds are conditioned on continued progress toward the transition of ferry service to WETA, specifically the following milestones:

Term Sheet Approval:	February 2011
Transition Agreement:	June 2011

Staff recommends releasing 4th quarter funding based on Vallejo City Council's approval of the term sheet negotiated with WETA. This action is scheduled for March 8th.

Issues: Staff will revisit the release of 4th quarter funding for the Vallejo should council action not continue on the March schedule.

Recommendation: Refer MTC Resolution Nos. 3956, Revised and 3966, Revised to the Commission for approval.

Attachments: MTC Resolution Nos. 3956, Revised and No. 3966, Revised

Date: July 28, 2010
W.I.: 1514
Referred by: PAC
Revised: 01/26/11-C
03/23/11-C

ABSTRACT

Resolution No. 3966, Revised

This resolution approves the Five Percent Unrestricted State Fund Revenues and the Two Percent Bridge Toll Revenues program of projects and allocation of funds for the FY 2010-11. Attachment A to this resolution lists the projects to be funded.

This resolution was revised on January 26, 2011 to modify the conditions for disbursement of funds to WETA, Alameda and Vallejo for Ferry service.

This resolution was revised on March 23, 2011 to modify the conditions for disbursement of funds to WETA, Alameda and Vallejo for Ferry service, and to rescind 4th quarter funds from the City of Alameda and reallocate to WETA as the new operator of the service.

Further discussion of the programming and allocation is contained in the MTC Programming and Allocations Summary sheets dated July 14, 2010, January 12, 2011 and March 9, 2011.

Date: July 28, 2010
W.I.: 1514
Referred by: PAC

RE: Programming and Allocation of Five Percent Unrestricted State Fund Revenues and Two Percent Bridge Toll Revenues in the Fiscal Year 2010-11 to Various Claimants

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION NO. 3966

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

WHEREAS, with the toll increase authorized by the Regional Measure I, approved by the voters on November 8, 1988, 3% of the revenue from the toll increase collected on all the state-owned bridges in the region may be allocated by MTC pursuant to Streets and Highways Code §§ 30913 and 30914, for certain projects which are designed to reduce vehicular traffic congestion on these bridges; and

WHEREAS, Streets and Highways Code §§ 30913 and 30914 have been amended to require that an additional 2% of those toll revenues be allocated by MTC for the planning, construction, and acquisition of rapid water transit systems; and,

WHEREAS, pursuant to Streets and Highways Code § 30894, MTC has adopted MTC Resolution No. 2004, revised which sets forth MTC's Bridge Toll Revenue Allocation Policy; and

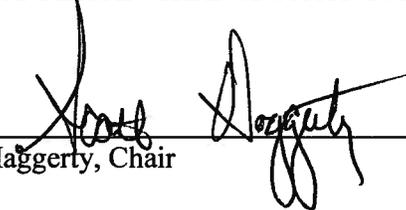
WHEREAS, MTC has adopted Resolution No. 3288, Revised which established the Five Percent Unrestricted State Fund Revenues and Two Percent Bridge Toll Revenues Interim Programming and Allocation Policy; and

WHEREAS, the claimants listed on Attachment A have submitted applications to MTC for allocation of Five Percent Unrestricted State Fund Revenues and Two Percent Bridge Toll Revenues in FY 2010-11; and

WHEREAS, those applications are for projects and purposes that are in conformance with MTC's Regional Transportation Plan, with the requirements of the California Environmental Quality Act (Public Resources Code § 2100 et seq.) and the State Environmental Impact Report Guidelines (14 Cal. Admin. Code § 15000 et seq.); now therefore, be it

RESOLVED, that MTC approves the programming and allocation of Five Percent Unrestricted State Fund Revenues and Two Percent Bridge Toll Funds in FY 2010-11 to the claimants, in the amounts, for the purposes, and subject to the conditions listed on Attachment A to this resolution, attached hereto and incorporated herein as though set forth at length.

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 July 28, 2010.

ALLOCATION OF FIVE PERCENT UNRESTRICTED STATE FUND REVENUES AND
TWO PERCENT BRIDGE TOLL REVENUES
FOR FISCAL YEAR 2010-11

Five Percent Unrestricted State Fund Revenues

Claimant	Project Title	Allocation		Approval Date
		Amount	Alloc. Code	
City of Vallejo, on behalf of WETA	Baylink Ferry Operations	1,256,800	01	3/23/2011
City of Alameda, on behalf of WETA	Alameda-Oakland Ferry Operations	1,353,807	02	3/23/2011
City of Alameda, on behalf of WETA	Harbor Bay Ferry Operations	164,350	03	3/23/2011
City of Alameda, on behalf of WETA	Alameda-Oakland Ferry Operations	(338,452)	02	3/23/2011
City of Alameda, on behalf of WETA	Harbor Bay Ferry Operations	(41,087)	03	3/23/2011
WETA	Alameda-Oakland Ferry Operations	338,452	08	3/23/2011
WETA	Harbor Bay Ferry Operations	41,087	09	3/23/2011
ABAG	Bay Trail Project Operations	250,000	04	7/28/2010
Total - Five Percent Unrestricted State Fund Revenues		\$3,024,957		

Two Percent Bridge Toll Revenues

Claimant	Project Title	Allocation		Approval Date
		Amount	Alloc. Code	
<i>Southern Bridge Group</i>				
City of Alameda, on behalf of WETA	Alameda Harbor Bay Barge Replacement ¹	68,000	05	7/28/2010
City of Alameda, on behalf of WETA	Peralta Port Radar	15,000	06	7/28/2010
City of Alameda, on behalf of WETA	Ferry Terminal Parking Lot Rehabilitation ²	417,000	07	7/28/2010
City of Alameda, on behalf of WETA	Ferry Terminal Parking Lot Rehabilitation ²	(417,000)	07	3/23/2011
WETA	Ferry Terminal Parking Lot Rehabilitation ²	417,000	10	3/23/2011
Subtotal		500,000		
Total - Two Percent Restricted Bridge Toll Revenues		\$500,000		
TOTAL		\$3,524,957		

¹ Purchase and modification of barge, installation of barge at Harbor Bay, disposal of old barge.

² Resurfacing and striping of Harbor Bay and Main Street ferry terminal parking lots.

Date: June 23, 2010
W.I.: 1255
Referred by: PAC
Revised: 07/28/10-C 07/28/10-DA
01/26/11-C 03/23/11-C

ABSTRACT

Resolution No. 3956, Revised

This resolution approves the allocation of the Regional Measure 2 operating and planning funds for FY 2010-11.

This resolution was revised on July 28, 2010 to allocate funds to SFMTA for operation of the Metro 3rd St. Extension; to AC Transit for Express, Owl and Enhanced bus service; to Golden Gate for the operation of Route 40; to Vallejo for ferry and bus operations; and to WETA for debt financing. The resolution was also revised on July 28, 2010 under Delegated Authority to partially rescind an allocation made to WETA for marketing and public information.

This resolution was revised on January 26, 2011 to modify the conditions for disbursement of funds to WETA and Vallejo for Ferry service.

This resolution was revised on March 23, 2011 to modify the conditions for disbursement of funds to WETA and Vallejo for Ferry service.

Additional discussion of these allocations is contained in the Programming & Allocation Committee Summary Sheets contained within MTC Resolution 3939, dated July 14, 2010 and contained within MTC Resolution 3966, Revised, dated January 12, 2011 and March 9, 2011.

Date: June 23, 2010
W.I.: 1255
Referred by: PAC

Re: Allocation of Regional Measure 2 funds for transit operations and planning for FY 2010-11

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION No. 3956

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 programs eligible for RM2 funding for transit operating and planning assistance as identified in Streets and Highways Code Section 30914(d).

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, Revised); and

WHEREAS, MTC has reviewed the allocation requests submitted for RM2 transit operations and planning funds from the project sponsor(s) listed in Attachment A to this resolution, attached hereto and incorporated herein as though set forth at length funds; and

WHEREAS, project sponsors seeking RM2 funds are required to submit an Operating Assistance Proposal (OAP), pursuant to Streets and Highway Code Section 30914(e) to MTC for review and approval, which demonstrates a fully funded operating plan and consistency with the performance measures, as applicable; and

WHEREAS, Attachment A lists the projects requested by project sponsors for RM2 funding, project specific conditions, and amounts recommended for RM2 allocation by MTC staff; and

RESOLVED, that MTC approves staff's review of the OAP for the projects listed in Attachment A; and be it further

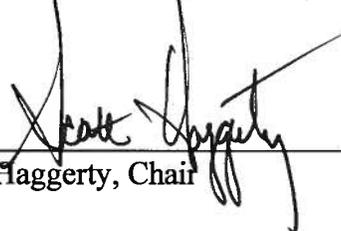
RESOLVED, that MTC approves the allocation of RM2 funds in accordance with Attachment A; and be it further

RESOLVED, that the allocation and reimbursement of RM2 funds as set forth in Attachment A are conditioned upon the project sponsor complying with the provisions of the Regional Measure 2 Regional Traffic Relief Plan Policy and Procedures as set for 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 A; and, be it further

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

METROPOLITAN TRANSPORTATION COMMISSION



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 June 23, 2010.

Date: June 23, 2010
W.I.: 1255
Referred by: PAC
Revised: 07/28/10-C
07/28/10-DA
01/26/11-C
03/23/11-C

Attachment A
MTC Resolution No. 3956
Page 1 of 1

FY 2010-11 ALLOCATION OF REGIONAL MEASURE 2 FUNDS
FOR TRANSIT OPERATIONS AND PLANNING

Claimant	Project Description	Allocation Amount	Allocation Code	Approval Date	Project Number	Farebox Requirement	Note
MTC	Clipper	1,400,000	1	06/23/10	10	n.a.	
WETA	Operating Expenses	950,000	2	06/23/10	6	n.a.	
WETA	Marketing and Public Information	1,000,000	3	06/23/10	6	n.a.	
WETA	Planning and Admin.	3,000,000	4	06/23/10	11	n.a.	
WETA	Marketing and Public Information	(700,000)	3	07/28/10	6	n.a.	DA
SFMTA	Metro 3rd Street Extension	2,500,000	5	07/28/10	8	n.a.	1
AC Transit	Express Bus Service	5,143,710	6	07/28/10	4	30% (F, LA 20%)	1
AC Transit	Owl Bus Service	1,333,623	7	07/28/10	7	10%	1
AC Transit	Enhanced/Rapid Bus Service	3,000,000	8	07/28/10	9	n.a.	1
Golden Gate	Route 40	2,195,925	9	07/28/10	1	20%	1
Vallejo	Ferry Operations, Augmentation	1,583,992	10	03/23/11	6	30%	2
Vallejo	Ferry Operations, Base	2,740,500	11	03/23/11	6	30%	2
Vallejo	Enhanced Express Bus	1,223,840	12	07/28/10	3	20%	
WETA	Debt Financing	4,000,000	13	07/28/10	6	n.a.	
Total		29,371,590					

Note:

- (1) Disbursement of 3rd and 4th quarter payments is conditioned on continued compliance with Resolution 3866, specifically, achieving fare media transition milestones.
- (2) Initial disbursement is conditioned on receipt of authorizing Board Resolution and Resolution of Intent from WETA and Vallejo.