

# Metropolitan Transportation Commission Programming and Allocations Committee

July 13, 2011

Item Number 2d

Resolution No. 3667, Revised, No. 3833, Revised, No. 3914 Revised

---

**Subject:** BART Warm Springs Line, Track, Station, and Systems segment funding plan update and revisions to allocation conditions.

**Background:** The BART Warm Springs project, included in MTC Resolution 3434, is poised to award its second major construction contract. The first segment, the Subway segment, has been under construction for more than a year and is over 60% complete. On June 23<sup>rd</sup>, the BART Board authorized award of the design-build contract for construction of the second segment, the Line Track, Station, and Systems (LTSS) segment. The contract award cost is \$299 million, and BART staff estimates that the construction, design support and construction management, various consultants, BART staff, and contingency costs will total \$437 million to deliver the LTSS segment.

The project's local funding partners have agreed to the following principles for addressing potential construction cost increases:

- The approved BART to Warm Springs LTSS construction plus soft cost, as of June 2011, totals \$437 million, which includes a 12.4% contingency. The 12.4% contingency is a reduction of approximately \$10 million from the 15% contingency previously estimated by BART to be required for successful completion of the LTSS phase. While this amount is within the financial envelope of \$890 million, it is higher than the currently identified and available funding.
- Bridge Tolls, Measure B, State Proposition 1B, BART, and VTA Measure A funds total \$421 million.
- Roughly \$16 million from the Right of Way phase and Central Park Subway segment combined can be assigned to the LTSS funding plan based on identified cost savings and budget adjustments as of June 2011.
- BART and the funding partners have agreed to proceed with the project using the available funding.
- Principles for addressing construction costs up to the \$10 million difference between approved project cost and available funding include, in priority order:
  1. Apply any additional savings from the Right of Way phase or Subway Segment after June 2011;
  2. Apply any savings from the LTSS construction contract or soft costs; and
  3. If additional funding is still needed, direct SFO net operating surplus revenues and Alameda STIP funds or other funds under the control of the Alameda County Transportation Commission to the project, in equal shares to the original funding plan adopted in September 2008 (44% and 56%, respectively).

- Should unexpected changes to the LTSS funding plan or costs occur beyond the \$10 million described above, the funding partners would need to agree on new principles for delivering the LTSS phase.

In June 2010, MTC allocated \$139.8 million in Regional Measure 1, Regional Measure 2, and AB1171 bridge toll funds to BART for construction of the LTSS segment. Staff proposes to incorporate the above principles as conditions of the bridge toll allocations. These same conditions would be incorporated into the pending funding agreement between MTC and BART for use of the bridge toll funds on the LTSS.

**Issues:** None.

**Recommendation:** Refer Resolution No. 3667, Revised, Resolution No. 3833, Revised, and Resolution No. 3914 Revised to the Commission for approval.

**Attachments:** Resolution No. 3667, Revised, Resolution No. 3833, Revised, and Resolution No. 3914 Revised

Date: December 15, 2004  
W.I.: 1255  
Referred by: PAC  
Revised: 02/25/09-C 07/22/09-C  
01/27/10-C 07/28/10-C  
07/27/11-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.

This resolution was revised on July 28, 2010 to allocate \$21.8 million towards the Line, Trackwork, Systems & Station (LTSS) construction and related activities for the Warm Springs Extension project.

This resolution was revised on July 27, 2011, to add conditions to Attachment E specifying principles for addressing any potential construction cost increases on the LTSS segment.

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, January 13, 2010 and July 14, 2010, and in the Programming and Allocations Committee Summary Sheet dated July 13, 2011.

Date: February 25, 2009  
W.I.: 1255  
Referred by: PAC  
Revised: 07/27/11-C

Attachment E  
Resolution No. 3667  
Page 1 of 2

## **Synopsis of Terms for Funding Agreement**

### Subway Segment

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.

### LTSS Segment

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 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 and AB1171 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 \$21,777,043 in RM2 funds and \$113,000,000 in RM1 90% Rail Reserve East Funds, and \$5,000,000 in AB1171 funds.

Mutually Agreed:

- The approved BART to Warm Springs LTSS construction plus soft cost, as of June 2011, totals \$437 million, which includes a 12.4% contingency. The 12.4% contingency is a reduction of approximately \$10 million from the 15% contingency previously estimated by BART to be required for successful completion of the LTSS phase. While this amount is within the financial envelope of \$890 million, it is higher than the currently identified and available funding.
- Bridge Tolls, Measure B, State Proposition 1B, BART, and VTA Measure A funds total \$421 million.

- Roughly \$16 million from the Right of Way phase and Central Park Subway segment combined can be assigned to the LTSS funding plan based on identified cost savings and budget adjustments as of June 2011.
- BART and the funding partners have agreed to proceed with the project using the available funding.
- Principles for addressing construction costs up to the \$10 million difference between approved project cost and available funding include, in priority order:
  1. Apply any additional savings from the Right of Way phase or Subway Segment after June 2011;
  2. Apply any savings from the LTSS construction contract or soft costs; and
  3. If additional funding is still needed, direct SFO net operating surplus revenues and Alameda STIP funds or other funds under the control of the Alameda County Transportation Commission to the project, in equal shares to the original funding plan adopted in September 2008 (44% and 56%, respectively).
- Should unexpected changes to the LTSS funding plan or costs occur beyond the \$10 million described above, the funding partners would need to agree on new principles for delivering the LTSS phase.

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  
07/27/11-C

ABSTRACT

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.

This resolution was revised on July 27, 2011 to update the allocation conditions for the BART Warm Springs project to add principles for addressing potential cost increases.

Further discussion of this allocation is contained in the MTC Summary Sheets dated November 14, 2007, February 11, 2009, July 8, 2009, July 14, 2010, March 9, 2011, and July 13, 2011.

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  
                  07/2711-C

Attachment A  
Resolution No. 3833  
Page 1 of 5

**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	<p>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:</p> <p>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.</p> <p>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.</p>

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	<p>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:</p> <p>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.</p> <p>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.</p>
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
04	Regional Measure 1 (RM1) 90% Rail Reserve East	2010-11	BART	BART Extension to Warm Springs	\$113,000,000	07/28/2010  Conditions Revised 07/27/11	<p>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:</p> <p>(cont. on next page)</p>

Alloc. #	Fund Reserve	Fiscal Year	Claimant	Project Description	Allocation Amount	Date of MTC Approval	Allocation Conditions
							<p>a) Approval of the Initial Project Report (IPR) package by the BART board.</p> <p>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. The agreement shall include the following:</p> <ul style="list-style-type: none"> <li>• The approved BART to Warm Springs LTSS construction plus soft cost, as of June 2011, totals \$437 million, which includes a 12.4% contingency. The 12.4% contingency is a reduction of approximately \$10 million from the 15% contingency previously estimated by BART to be required for successful completion of the LTSS phase. While this amount is within the financial envelope of \$890 million, it is higher than the currently identified and available funding.</li> <li>• Bridge Tolls, Measure B, State Proposition 1B, BART, and VTA Measure A funds total \$421 million.</li> <li>• Roughly \$16 million from the Right of Way phase and Central Park Subway segment combined can be assigned to the LTSS funding plan based on identified cost savings and budget adjustments as of June 2011.</li> <li>• BART and the funding partners have agreed to proceed with the project using the available funding.</li> <li>• Principles for addressing construction costs up to the \$10 million difference between approved project cost and available funding include, in priority order:</li> </ul>

(cont. on next page)

Alloc. #	Fund Reserve	Fiscal Year	Claimant	Project Description	Allocation Amount	Date of MTC Approval	Allocation Conditions
							<ol style="list-style-type: none"> <li>1. Apply any additional savings from the Right of Way phase or Subway Segment after June 2011;</li> <li>2. Apply any savings from the LTSS construction contract or soft costs; and</li> <li>3. If additional funding is still needed, direct SFO net operating surplus revenues and Alameda STIP funds or other funds under the control of the Alameda County Transportation Commission to the project, in equal shares to the original funding plan adopted in September 2008 (44% and 56%, respectively).</li> </ol> <ul style="list-style-type: none"> <li>• Should unexpected changes to the LTSS funding plan or costs occur beyond the \$10 million described above, the funding partners would need to agree on new principles for delivering the LTSS phase.</li> </ul> <p>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.</p> <p>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.</p>

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	<p>Scope of Work: This allocation is towards the purchase of 8 Diesel Multiple Unit (DMU) vehicles for the e-BART project.</p> <p>Allocation and disbursement is contingent upon the following:</p> <ul style="list-style-type: none"> <li>a) The BART Board adopting a resolution of local support for application and use of these funds.</li> <li>b) The execution of a funding agreement between MTC and BART for the RM1 funds.</li> </ul> <p>Such agreement shall include the following conditions:</p> <p>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.</p> <p>MTC shall agree: to provide BART \$52,000,000 in RM1 90% Rail Reserve East Funds.</p>
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  
05/25/11-C 06/22/11-C  
07/27/11-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.

## ABSTRACT

MTC Resolution No. 3914, Revised

Page 2

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 the I-80/I-680/SR-12 Interchange project in Solano County.

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.

This resolution was revised on May 25, 2011 through Commission action to rescind \$76 million from the June 23, 2010 allocation of \$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 June 22, 2011 through Commission action to allocate \$26.4 million for the construction of the I-80 Eastbound Cordelia Truck Scales Relocation project in Solano County.

This resolution was revised on July 27, 2011 to update the allocation conditions for the BART Warm Springs project to add principles for addressing potential cost increases.

ABSTRACT

MTC Resolution No. 3914, Revised

Page 3

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, March 9, 2011, May 11, 2011, June 8, 2011, and July 13, 2011

.

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 05/25/11-C  
06/22/11-C 07/27/11-C

Attachment A  
Resolution No. 3914  
Page 1 of 16

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	<p>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.</p> <p>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.</p> <p>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.</p> <p>This allocation is also conditioned on the approval of the IPR package by the TJPA board.</p>

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	<p>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.</p> <p>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.</p> <p>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.</p>

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	<p>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.</p> <p>Allocation is conditioned on the approval of the IPR package by the CCTA Board and concurrence by the BART board.</p> <p>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:</p> <p>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.</p>

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	<p>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.</p> <p>Allocation is conditioned on the approval of the IPR package by the CCTA Board and concurrence by the BART board.</p> <p>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:</p> <p>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.</p>

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	<p>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 &amp; systems, vehicle procurement, and various Caltrans &amp; Utility agreements.</p> <p>Allocation is conditioned on the approval of the Initial Project Report (IPR) package by the BART board and concurrence by the CCTA board.</p> <p>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.</p> <p>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.</p>

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	<p>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:  <i>Construction Management Oversight, Existing Terminal &amp; Ramps Demolition, Construction Docs/Final Design, City Agency Inspection, Permits &amp; Fees, PMPC, Utility Relocation, Buttress Shoring Wall &amp; Excavation and Construction Management General Contractor services.</i></p> <p>The allocation of funds is conditioned on the following:</p> <ul style="list-style-type: none"> <li>a) Approval of the Initial Project Report (IPR) package by the TJPA board.</li> <li>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.</li> </ul> <p>The demolition and construction allocation of roughly \$112 million is conditioned on:</p> <ul style="list-style-type: none"> <li>a) Federal Railroad Administration (FRA) issuance of the Record of Decision adopting those portions of the 2004 EIS dealing with Phase 1.</li> </ul> <p style="text-align: right;">(cont. next page)</p>

Alloc. #	Fiscal Year	Claimant	Project Title	Allocation Amount	Date of MTC Approval	Allocation Conditions
08 (cont.)						<p>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.</p> <p>*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.</p>
09	2010-11	BART	BART Warm Springs Extension	\$5,000,000	07/28/10  Conditions Revised 7/27/11	<p>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:</p> <p>a) Approval of the Initial Project Report (IPR) package by the BART board.</p> <p>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</p>

Alloc. #	Fiscal Year	Claimant	Project Title	Allocation Amount	Date of MTC Approval	Allocation Conditions
						<p>Resolution No. 3636, Revised and that any Bridge Toll funds received be subject to MTC Resolution No. 3636, Revised. The agreement shall include the following:</p> <ul style="list-style-type: none"> <li>• The approved BART to Warm Springs LTSS construction plus soft cost, as of June 2011, totals \$437 million, which includes a 12.4% contingency. The 12.4% contingency is a reduction of approximately \$10 million from the 15% contingency previously estimated by BART to be required for successful completion of the LTSS phase. While this amount is within the financial envelope of \$890 million, it is higher than the currently identified and available funding.</li> <li>• Bridge Tolls, Measure B, State Proposition 1B, BART, and VTA Measure A funds total \$421 million.</li> <li>• Roughly \$16 million from the Right of Way phase and Central Park Subway segment combined can be assigned to the LTSS funding plan based on identified cost savings and budget adjustments as of June 2011.</li> <li>• BART and the funding partners have agreed to proceed with the project using the available funding.</li> <li>• Principles for addressing construction costs up to the \$10 million difference between approved project cost and available funding include, in priority order:</li> </ul> <p>(cont. next page)</p>
						<ol style="list-style-type: none"> <li>1. Apply any additional savings from the Right of Way phase or Subway Segment after June 2011;</li> <li>2. Apply any savings from the LTSS construction contract or soft costs; and</li> <li>3. If additional funding is still needed, direct SFO net operating surplus revenues and Alameda STIP funds or other funds controlled by the Alameda County Transportation Commission to the project, in equal share to the original funding plan adopted in September 2008 (44% and 56%, respectively).</li> </ol>

Alloc. #	Fiscal Year	Claimant	Project Title	Allocation Amount	Date of MTC Approval	Allocation Conditions
						<ul style="list-style-type: none"> <li>• Should unexpected changes to the LTSS funding plan or costs occur beyond the \$10 million described above, the funding partners would need to agree on new principles for delivering the LTSS phase.</li> </ul> <p>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.</p> <p>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.</p>
10	2010-11	ACCMA (Co-sponsor - BART)	BART to Livermore ROW Preservation	\$1,250,000	07/28/10	<p>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:</p> <p>a) Execution of a funding agreement between MTC and ACCMA for the AB 1171 Bridge Toll funds. Such agreement shall include the following provisions:</p> <p style="padding-left: 40px;">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.</p> <p style="padding-left: 40px;">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.</p> <p style="padding-left: 40px;">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</p>

Alloc. #	Fiscal Year	Claimant	Project Title	Allocation Amount	Date of MTC Approval	Allocation Conditions
						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.
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	<p>Scope of work: This allocation is to fund the purchase of 8 Diesel Multiple Unit (DMU) vehicles for the eBART project.</p> <p><i>Conditions:</i> Allocation is conditioned on the concurrence of the IPR package by the CCTA board.</p> <p>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:</p> <p>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.</p>
14	2010-11	Solano Transp. Authority (STA)	I-80/680/12 Interchange Initial Construction Package (ICP)	\$7,000,000	12/15/10	<p>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.</p> <p><i>Conditions:</i> Allocation is conditioned on the concurrence of the IPR package by the STA board.</p> <p>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.</p>

Alloc. #	Fiscal Year	Claimant	Project Title	Allocation Amount	Date of MTC Approval	Allocation Conditions
13	2010-11	BART	e-BART	(\$52,000,000)	03/23/11	<p>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.</p>
16	2010-11	CCTA	e-BART	\$19,000,000	03/23/11	<p>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.</p> <p>Allocation is conditioned on concurrence by the BART board with the IPR package.</p> <p>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:</p> <p>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.</p>

Alloc. #	Fiscal Year	Claimant	Project Title	Allocation Amount	Date of MTC Approval	Allocation Conditions
08	2010-11	Transbay Joint Powers Authority (TJPA)	Transbay Transit Center/ Downtown Caltrain Extension	(\$76,024,000)	05/25/11	<p>This rescission of \$76,024,000 reduces Allocation #8 to \$58,050,000 for final design and construction of the Transit Center building, including:</p> <ul style="list-style-type: none"> <li>Construction Management Oversight</li> <li>Demolition of the Transbay Terminal and ramps</li> <li>Transit Center Final Design</li> <li>City Agency Inspection</li> <li>Transit Center Permits and Fees</li> <li>Program Management / Program Controls (PMPC)</li> <li>Utility Relocation</li> <li>Buttress, Shoring Wall and Excavation (BSE) construction</li> <li>Construction Management / General Contractor (CMGC) services</li> </ul> <p>The remaining \$58.05 million allocation in AB 1171 funds is subject to the conditions listed under Allocation #8.</p>

Alloc. #	Fiscal Year	Claimant	Project Title	Allocation Amount	Date of MTC Approval	Allocation Conditions
17	2010-11	Solano Transp. Authority (STA)	I-80 Eastbound Cordelia Truck Scales Relocation	\$26,400,000	06/22/11	<p>Scope of work: This allocation funds the construction of the I-80 Eastbound Cordelia Truck Scales Relocation project in Solano County.</p> <p><i>Conditions:</i> Allocation is conditioned on the allocation of Proposition 1B Trade Corridor Improvement Fund (TCIF) / State Highway Operations and Protection Program (SHOPP) funds by the California Transportation Commission.</p> <p>Allocation and disbursement is contingent upon the execution of a funding agreement between MTC and STA for the AB 1171 Bridge Toll funds. Such agreement shall include the following provisions:</p> <p>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.</p>
Total Allocated				\$ 282,766,000		