

Date: March 23, 2005
W.I.: 1255
Referred by: PAC
Revised: 12/21/05-C 05/24/06-DA
06/27/07-DA 01/23/08-C
05/28/08-C 12/17/08-C
05/27/09-DA 06/24/09-C
06/24/09-DA 12/16/09-C
06/27/12-C

ABSTRACT

MTC Resolution No. 3684, Revised

This resolution approves the allocation of Regional Measure 2 funds for the Rail Extension to East Contra Costa County project sponsored by the San Francisco Bay Area Rapid Transit District (BART) and Contra Costa Transportation Authority (CCTA) and implemented by BART.

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 BART and CCTA's Initial Project Report (IPR) for this project

Attachment D - RM2 Deliverable/Useable Segment Cash Flow Plan

This resolution was revised on December 21, 2005 to allocate \$2,500,000 to CCTA for design of the Loveridge flyover to accommodate a transit structure.

This resolution was revised on May 24, 2006 through Delegated Authority to transfer \$100,000 of CCTA's existing allocation to BART for its work related to the Loveridge flyover project.

This does not result in a net change to the overall approved allocations to date for this project.

This resolution was revised on June 27, 2007 through Delegated Authority to rescind \$650,000 on the Loveridge flyover structure work and allocate \$650,000 to amend the 100% design specifications on the Loveridge Road Interchange to accommodate eBART in the median of the project. The reallocation was necessary due to a change of assumptions on the alignment of the eBART project. CCTA has terminated work on the flyover structure.

ABSTRACT

MTC Resolution No. 3684, Revised

Page 2

This resolution was revised on January 23, 2008 to allocate \$1.6 million to CCTA and BART for final design work to accommodate the future eBART project into the Highway 4 widening design.

This resolution was revised on May 28, 2008 to allocate \$3 million to CCTA and BART for the final design of the eBART structures in the SR-4 median.

This resolution was revised on December 17, 2008 to allocate \$15 million to CCTA to acquire additional right-of-way needed to provide for a wider median in State Route 4 from Loveridge Road to State Route 160 to accommodate possible future mass transit.

This resolution was revised on May 27, 2009 through Delegated Authority to rescind \$1 million from the allocation to BART towards the locally adopted ridership development plans and allocate \$1 million to BART towards final design costs for the vehicles, and a portion of the final design costs for the aerial structures, transfer station and the guideway to Railroad Ave.

This resolution was revised on June 24, 2009 to allocate \$10 million to CCTA for the construction of the eBART median structures to be integrated into segments 1, 2, 3 and 4 of Caltrans/CCTA SR4 contracts, and \$15 million for right-of-way acquisition and associated costs between Somersville Rd and SR160 and construction activities between Loveridge Road and SR 160.

This resolution was revised on June 24, 2009 through Delegated Authority to allocate an additional \$1 million to BART towards a portion of the final design costs for the aerial structures, transfer station and the guideway to Railroad Ave.

This resolution was revised on December 16, 2009 to allocate \$29.15 million to BART towards continuation of final design activities and construction management, right of way acquisition east of Hillcrest Avenue, agreements with Caltrans, and towards the construction of the transfer station at the Pittsburg Bay Point BART station and guideway to Railroad Avenue.

This resolution was revised on June 27, 2012 to rescind \$1.4 million in savings from a prior right-of-way allocation to BART.

ABSTRACT

MTC Resolution No. 3684, Revised

Page 3

Additional discussion of these allocations is contained in the Executive Director's memoranda to the MTC Programming and Allocations Committee dated March 2, 2005, December 14, 2005, January 9, 2008, May 14, 2008, December 10, 2008, June 10, 2009, December 9, 2009 and June 13, 2012.

Date: March 23, 2005
W.I.: 1255
Referred by: PAC

Re: Approval of Allocation of Regional Measure 2 funds for the Rail Extension to East Contra Costa County

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION No. 3684

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, which specifies the allocation criteria and project compliance requirements for RM 2 funding (MTC Resolution No. 3636); and

WHEREAS, Rail Extension to East Contra Costa County is identified as capital project number 13 under RM 2 and is eligible to receive RM 2 funding as identified in Streets and Highways Code Sections 30914(c); and

WHEREAS, BART and CCTA are co-sponsors of the Rail Extension to East Contra and BART is the implementing agency; and

WHEREAS, BART and CCTA have submitted a request for the allocation of RM 2 funds for the Rail Extension to East Contra Costs County project; and

WHEREAS, BART and CCTA has submitted an Initial Project Report (“IPR”), 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 BART is requesting RM2 funding and the reimbursement schedule and 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 BART and CCTA’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; and

WHEREAS, the claimants to which funds are allocated under this resolution have certified that the projects and purposes listed and recorded in Attachment A are in compliance with the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), and with the State Environmental Impact Report Guidelines (14 California Code of Regulations Section 15000 et seq.); now, therefore, be it

RESOLVED, that MTC approves MTC staff's review of BART's 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 BART 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

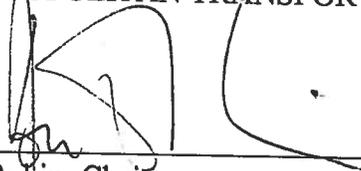
RESOLVED, that the allocation and reimbursement of RM2 funds are further conditioned upon the project specific conditions as set forth in Attachment B; and, be it further

RESOLVED, that the allocation and reimbursement of RM2 funds as set forth in Attachment A are conditioned upon the availability and expenditure of the complementary funding as set forth in Attachment D; and be it further

RESOLVED, that reimbursement of RM2 funds as set forth in Attachment A is subject to the availability of RM2 funding; and be it further

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

METROPOLITAN TRANSPORTATION COMMISSION



Jon Rubin, Chair

The above resolution was entered into by the Metropolitan Transportation Commission at the regular meeting of the Commission held in Oakland, California, on March 23, 2005.

REGIONAL MEASURE 2 PROGRAM Allocation of Funds

Project Title: Rail Extension to East Contra Costa County
Sponsor: BART and CCTA
Implementing Agency: BART and CCTA
Project Number: 13.1,13.2,13.3 (See below for respective claimants)

Allocation No. 13.1 - 1 (Org Key #840-8813-01)						
Claimant: BART						
Activities to be funded with this allocation						
The RM2 funded component delivers the following:						
1. The environmental document						
2. Preliminary engineering report						
3. Right-of-Way Acquisition Plan						
4. Locally adopted Ridership Development Plans (Proposed Stations sites are: Fairgrounds, Hillcrest, Oakley, Brentwood, and Byron).						
Allocation Instruction No.	Approval Date	Amount	Phase	Reimbursement Year	Cumulative Total To Date	
05368401	23-Mar-05	\$ 300,000	ENV	FY2004-05	\$ 300,000	
06368402	23-Mar-05	\$ 6,950,000	ENV	FY2005-06	\$ 7,250,000	
06368403	23-Mar-05	\$ 500,000	ROW-SUP	FY2005-06	\$ 7,750,000	
07368404	23-Mar-05	\$ 8,400,000	ENV	FY2006-07	\$ 16,150,000	
07368405	23-Mar-05	\$ 600,000	ROW-SUP	FY 2006-07	\$ 16,750,000	
08368406	23-Mar-05	\$ 2,000,000	ENV	FY 2007-08	\$ 18,750,000	
08368406	27-May-09	\$ (1,000,000)	ENV	FY 2008-09	\$ 17,750,000	

Allocation No. 13.2 - 2 (Org Key #840-8813-02)						
Claimant: CCTA						
1) 65% Design for flyover to accommodate transit alternatives being considered as part of e-BART environmental process through the Loveridge Rd. interchange.						
Allocation Instruction No.	Approval Date	Amount	Phase	Reimbursement Year	Cumulative Total To Date	
06368407	21-Dec-05	\$ 1,000,000	Design	FY2005-06	\$ 18,750,000	
07368408	21-Dec-05	\$ 1,500,000	Design	FY2006-07	\$ 20,250,000	
07368408	24-May-06	\$ (100,000)	Design	FY2006-07	\$ 20,150,000	
07368408	27-Jun-07	\$ (650,000)	Design	FY2006-07	\$ 19,500,000	

**REGIONAL MEASURE 2 PROGRAM
Allocation of Funds**

Project Title: Rail Extension to East Contra Costa County
Sponsor: BART and CCTA
Implementing Agency: BART and CCTA
Project Number: 13.1,13.2,13.3 (See below for respective claimants)

Allocation No. 13.1 - 3 (Org Key #840-8813-01)						
Claimant: BART						
Activities to be funded with this allocation						
BART staff costs associated with contribution to the Loveridge Road Flyover project that is being implemented by CCTA. \$100,000 is being shifted from Allocation Instruction # 07368408 to this new allocation.						
Allocation Instruction No.	Approval Date	Amount	Phase	Reimbursement Year	Cumulative Total To Date	
07368409	24-May-06	\$ 100,000	Design	FY2006-07	\$ 19,600,000	

Allocation No. 13.2 - 4 (Org Key #840-8813-02)						
Claimant: CCTA						
Revisions to the 100% design specifications on the Loveridge Road interchange project to accommodate the transit alternatives that are being considered as part of the eBART environmental process.						
Allocation Instruction No.	Approval Date	Amount	Phase	Reimbursement Year	Cumulative Total To Date	
07368410	27-Jun-07	\$ 650,000	Design	FY2006-07	\$ 20,250,000	

Allocation No. 13.1 - 5 (Org Key #840-8813-01)						
Claimant: BART						
BART consultants will work with Caltrans to incorporate the design (above and below ground structures) of future mass transit in the SR4 median widening construction contract (design to 100%). Specific elements include two structures, drainage, and barrier/retaining walls.						
Allocation Instruction No.	Approval Date	Amount	Phase	Reimbursement Year	Cumulative Total To Date	
08368411	23-Jan-08	\$ 800,000	Design	FY2007-08	\$ 21,050,000	

**REGIONAL MEASURE 2 PROGRAM
Allocation of Funds**

Project Title: Rail Extension to East Contra Costa County
Sponsor: BART and CCTA
Implementing Agency: BART and CCTA
Project Number: 13.1,13.2,13.3 (See below for respective claimants)

Allocation No. 13.1 - 6 (Org Key #840-8813-01)						
Claimant: CCTA						
Revisions to the 100% design specifications of State Route 4 widening project between Loveridge Road and Somersville Road. Activities include (but not limited to):						
1) Median widening by about 20 additional feet						
2) Structure modifications to Century Boulevard Underpass, Utilities Undercrossing, Old Kirker Creek Reinforced Concrete Box, Los Medanos Wasteway Reinforced Concrete Box, and some retaining walls on the north side of the freeway.						
3) Utility relocation						
Allocation Instruction No.	Approval Date	Amount	Phase	Reimbursement Year	Cumulative Total To Date	
08368412	23-Jan-08	\$ 800,000	Design	FY2007-08	\$ 21,850,000	

Allocation No. 13.1 - 7 (Org Key #840-8813-01)						
Claimant: BART						
Review and Oversight concurrently with Caltrans of the final design activities to incorporate median structures that will accommodate the future proposed eBART project into the SR4 project from Somersville Rd to SR160.						
Allocation Instruction No.	Approval Date	Amount	Phase	Reimbursement Year	Cumulative Total To Date	
08368413	28-May-08	\$ 1,500,000	Design	FY2007-08	\$ 23,350,000	

Allocation No. 13.1 - 8 (Org Key #840-8813-02)						
Claimant: CCTA						
Final Design activities to incorporate median structures that will accommodate the future proposed eBART Project into the SR4 Project from Somersville Road to SR160.						
Allocation Instruction No.	Approval Date	Amount	Phase	Reimbursement Year	Cumulative Total To Date	
08368414	28-May-08	\$ 1,500,000	Design	FY2007-08	\$ 24,850,000	

Allocation No. 13.3 - 9 (Org Key #840-8813-03)						
Claimant: CCTA						
Additional right-of-way to be acquired to provide for a wider median in State Route 4 from Loveridge Road to State Route 160 to accommodate possible future mass transit. Right of Way acquisition and associated costs such as R.A.P. and utility relocation.						
Allocation Instruction No.	Approval Date	Amount	Phase	Reimbursement Year	Cumulative Total To Date	
09368415	17-Dec-08	\$ 15,000,000	ROW	FY2008-09	\$ 39,850,000	

**REGIONAL MEASURE 2 PROGRAM
Allocation of Funds**

Project Title: Rail Extension to East Contra Costa County
Sponsor: BART and CCTA
Implementing Agency: BART and CCTA
Project Number: 13.1,13.2,13.3 (See below for respective claimants)

Allocation No. 13.1 - 10 (Org Key #840-8813-01)						
Claimant: BART						
Final design costs for the vehicles and a portion of the final design costs for aerial structures, transfer station and the guideway to Railroad Ave (\$1 million)						
Allocation Instruction No.	Approval Date	Amount	Phase	Reimbursement Year	Cumulative Total To Date	
09368416	27-May-09	\$ 1,000,000	PS&E	FY2008-09	\$ 40,850,000	

Allocation No. 13.1 - 11 (Org Key #840-8813-01)						
Claimant: CCTA						
Construction of the eBART median structures to be integrated into segments 1, 2, 3 and 4 of Caltrans/CCTA SR4 contracts						
Allocation Instruction No.	Approval Date	Amount	Phase	Reimbursement Year	Cumulative Total To Date	
09368417	24-Jun-09	\$ 10,000,000	CON	FY2008-09	\$ 50,850,000	

Allocation No. 13.3 - 12 (Org Key #840-8813-03)						
Claimant: CCTA						
ROW Activities - acquisition, R.A.P. and utility relocation between Somersville and SR160; Construction Activities between Loveridge Road and State Route 160						
Allocation Instruction No.	Approval Date	Amount	Phase	Reimbursement Year	Cumulative Total To Date	
09368418	24-Jun-09	\$ 15,000,000	ROW/CON	FY2008-09	\$ 65,850,000	

Allocation No. 13.1 - 13 (Org Key #840-8813-01)						
Claimant: BART						
Final design costs for a portion of the aerial structures, transfer station and the guideway to Railroad Ave (\$1 million)						
Allocation Instruction No.	Approval Date	Amount	Phase	Reimbursement Year	Cumulative Total To Date	
09368419	24-Jun-09	\$ 1,000,000	PS&E	FY2008-09	\$ 66,850,000	

**REGIONAL MEASURE 2 PROGRAM
Allocation of Funds**

Project Title: Rail Extension to East Contra Costa County
Sponsor: BART and CCTA
Implementing Agency: BART and CCTA
Project Number: 13.1,13.2,13.3 (See below for respective claimants)

Allocation No. 13.1 - 14 (Org Key #840-8813-01)						
Claimant:		BART				
Continuation of final design and construction management activities (\$10.35 M), right of way acquisition east of Hillcrest Avenue (\$13 M), and agreements with Caltrans (1.6 M). Construction of the transfer station at the Pittsburg Bay Point BART station and guideway to Railroad Avenue (2.75 M).						
Allocation Instruction No.	Approval Date	Amount	Phase	Reimbursement Year	Cumulative Total To Date	
10368420	16-Dec-09	\$ 29,150,000	PS&E/ROW/CON	FY2009-10	\$	96,000,000
10368420	27-Jun-12	\$ (1,400,000)	ROW	FY2009-10	\$	94,600,000

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

March 23, 2005
Attachment D
MTC Resolution No. 3684
Page 1 of 1
Revised: 12/21/05-C
01/23/08-C
05/28/08-C
12/17/08-C
05/27/09-DA
06/24/09-C
06/24/09-DA
12/16/09-C
06/27/12-C

Project Title: Rail Extension to East Contra Costa County
Sponsor: BART and CCTA
RM2 Project Number: 13

RM2 Project # 13	PRIOR	FY 2004-05	FY 2005-06	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	TOTAL
RM2 Funds Total	-	300,000	8,450,000	10,500,000	6,600,000	41,000,000	27,750,000	94,600,000
Environmental (ENV)	0	300,000	6,950,000	9,400,000	7,250,000	-1,000,000		22,900,000
RM 2		300,000	6,950,000	8,400,000	2,000,000	-1,000,000		16,650,000
Measure C				400,000				400,000
CCTA T-Plus Funds				100,000				100,000
TCRP					5,250,000			5,250,000
SAP				500,000				500,000
Final Design (PS&E)	0	0	1,000,000	1,500,000	7,600,000	8,000,000	9,600,000	27,700,000
RM2			1,000,000	1,500,000	4,600,000	2,000,000	9,600,000	18,700,000
Prop 1B					3,000,000	6,000,000		9,000,000
								0
								0
Right of Way	0	0	500,000	600,000	0	15,000,000	13,000,000	29,100,000
RM 2			500,000	600,000		15,000,000	13,000,000	29,100,000
								0
								0
								0
Construction	0	0	0	0	0	25,000,000	15,150,000	30,150,000
RM2						25,000,000	5,150,000	30,150,000
Measure J							10,000,000	0
								0
								0
TOTAL FUNDING								
Environmental	0	300,000	6,950,000	9,400,000	7,250,000	-1,000,000	0	22,900,000
Final Design (PS&E)	0	0	1,000,000	1,500,000	7,600,000	8,000,000	9,600,000	27,700,000
Right of Way	0	0	500,000	600,000	0	15,000,000	13,000,000	29,100,000
Construction	0	0	0	0	0	25,000,000	15,150,000	40,150,000
PROJECT TOTAL	0	300,000	8,450,000	11,500,000	14,850,000	47,000,000	37,750,000	119,850,000