

# Metropolitan Transportation Commission Programming and Allocations Committee

January 9, 2013

Item Number 2g

## Resolution Nos. 3884, Revised and 4022, Revised

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- Subject:** Increase the prior Two Percent Toll Revenue allocation to the SMART project to address lower than expected State Local Partnership Program (SLPP) revenues, consistent with MTC Resolution No. 3884.
- Background:** In September 2011, MTC approved the programming and allocation of bridge tolls and SLPP funds as part of a comprehensive funding package for the 37 mile Sonoma-Marín Area Rail Transit (SMART) Project initial operating segment (IOS) from Downtown San Rafael to Santa Rosa. Subsequently, the SMART Board extended the northern boundary of the service to North Santa Rosa station to be constructed using project bid savings. The Project is in construction with vehicles ordered and initial civil contracts awarded for track and station platform work. Additional contracts for track work, stations, the maintenance facility and the train control system are expected to be awarded in early 2013. The schedule calls for completion and revenue service operations in late 2015 or early 2016.
- MTC allocated \$5 million in SLPP funds (Resolution No. 3884) to the SMART project in September 2011 with the condition that should the SLPP share for the MTC region be lower than estimated, staff would return to the Commission to recommend additional Two Percent tolls (Resolution No. 4022) such that the total SLPP and Two Percent toll contribution equals \$10 million. Only \$2.3 million of SLPP funds are available, due to changes in the state's allocation formula. Therefore, staff recommends increasing the prior Two Percent Toll Revenue allocation by \$2.7 million from \$5 million to \$7.7 million to cover the total \$10 million contribution.
- Issues:** None.
- Recommendation:** Refer MTC Resolution Nos. 3884, Revised and 4022, Revised to the Commission for approval.
- Attachments:** Letter from SMART General Manager, Farhad Mansourian  
MTC Resolution No. 3884, Revised  
See Item 3a for proposed changes to Resolution No. 4022, Revised.



**Directors**

**Valerie Brown, Chair**  
Sonoma Board of Supervisors

**Judy Arnold, Vice Chair**  
Marin Board of Supervisors

**Jim Eddie**  
Golden Gate Bridge, Highway/  
Transportation District

**Debora Fudge**  
Sonoma County Mayors and  
Councilmembers Association

**Eric Lucan**  
Transportation Authority of  
Marin

**Jake Mackenzie**  
Sonoma Mayors and  
Councilmembers Association

**Stephanie Moulton-Peters**  
Marin Council of Mayors and  
Councilmembers

**Barbara Pahre**  
Golden Gate Bridge, Highway/  
Transportation District

**Gary Phillips**  
Transportation Authority of  
Marin

**Carol Russell**  
Sonoma Mayors and  
Councilmembers Association

**Kathrin Sears**  
Marin Board of Supervisors

**Shirlee Zane**  
Sonoma Board of Supervisors

**Farhad Mansourian**  
General Manager

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December 14, 2012

Mr. Steve Heminger  
Executive Director  
Metropolitan Transportation Commission  
101 Eighth Street  
Oakland, CA 94607

**RECEIVED**  
**DEC 17 2012**  
**MTC**

RE: Request Adjustment of Two Percent Bridge Toll Revenues

Dear Mr. Heminger

This letter is to request that the Metropolitan Transportation Commission (MTC) consider adjusting the amount of Two Percent Bridge Toll funds programmed and allocated to the SMART Initial Operating Segment project by \$2,677,000, as recommended by MTC staff at the September 2011 Commission meeting.

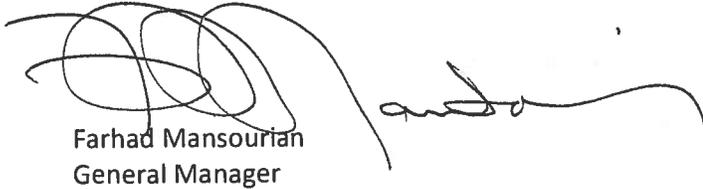
In September 2011, the Metropolitan Transportation Commission took action to program and to allocate funds to the SMART Project. As part of the action taken by the Commission, Resolution No. 3884 was revised to approve the programming of \$5 million in State and Local Partnership Program (SLPP) funds to the SMART Project. The MTC staff report accompanying the action and the project list attached to the amended Resolution No. 3884 each included notations reading "should the SLPP share for the MTC region be lower than estimated, staff would return to the Commission to recommend supplementary two percent tolls (Resolution No. 4022) such that the total SLPP and two percent toll contribution equals \$10 million".

At the August 22, 2012, California Transportation Commission (CTC) meeting, the CTC approved the allocation of \$2,323,000 in FY2012-13 SLPP shares available to MTC/Bay Area Toll Authority (BATA) to the SMART project. The amount allocated by the CTC reflected the total balance of available SLPP funds available to MTC/BATA for programming and allocation, leaving \$2,677,000 as the unfunded SLPP balance.

At this time, on behalf of the SMART District, I request that the Commission take up the MTC staff recommendation for supplementary two percent tolls, such that the total SLPP and two percent toll contribution equals \$10 million. There have been no significant changes to the scope, schedule and budget of the Initial Operating Segment of the SMART project since the actions taken by MTC in September 2011 and March 2012. In addition, the findings adopted by the SMART Board in August 2011 are still in effect (attached).

Thank you for your consideration of this request and for the support you and the Commission continue to show in the SMART Project. Please let me know if you require additional information or have any questions regarding this request.

Sincerely,



Farhad Mansourian  
General Manager

Cc: Valerie Brown, SMART Chair  
Judy Arnold, SMART Vice Chair  
Jake Mackenzie, MTC Commissioner  
Steve Kinsey, MTC Commissioner  
Suzanne Smith, Executive Director, SCTA  
Dianne Steinhauser, Executive Director, TAM

**RM2 AND TWO PERCENT BRIDGE TOLL FUNDS IMPLEMENTING AGENCY  
RESOLUTION OF PROJECT COMPLIANCE**

**Resolution No. 2011-20  
Sonoma-Marín Area Rail Transit District  
San Rafael, California  
August 17, 2011**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE SONOMA-MARIN  
AREA RAIL TRANSIT DISTRICT AUTHORIZING BRIDGE TOLL ALLOCATION  
REQUEST FOR THE SMART DISTRICT INITIAL OPERATING SEGMENT  
DESIGN/CONSTRUCTION PROJECT**

WHEREAS, SB 916 (Chapter 715, Statutes 2004), commonly referred to as Regional Measure 2, identified projects eligible to receive funding under the Regional Traffic Relief Plan; and

WHEREAS, the Metropolitan Transportation Commission (MTC) is responsible for funding projects eligible for Regional Measure 2 funds, pursuant to Streets and Highways Code Section 30914(c) and (d); and

WHEREAS, MTC has established a process whereby eligible transportation project sponsors may submit allocation requests for Regional Measure 2 funding; and

WHEREAS, allocations to MTC must be submitted consistent with procedures and conditions as outlined in Regional Measure 2 Policy and Procedures; and

WHEREAS, the Sonoma-Marín Area Rail Transit District ("SMART") is an eligible sponsor of transportation project(s) in Regional Measure 2, Regional Traffic Relief Plan funds; and

WHEREAS, SMART's Initial Operating Segment ("IOS") Design/Construction Project is eligible for consideration in the Regional Traffic Relief Plan of Regional Measure 2, as identified in California Streets and Highways Code Section 30914(c) or (d); and

WHEREAS, pursuant to Streets and Highways Code Section 30913 (b), MTC has allocated two-thirds of the 2 percent of the 1988 Regional Measure 1 toll increase ("Two Percent Bridge Toll Revenues") to projects which are designed to reduce vehicular traffic congestion on the Bay Area Toll Bridges as defined in Streets and Highways Code Section 30910; and,

WHEREAS, MTC is proposing to program and allocate Two Percent Bridge Toll Revenues to SMART; and

WHEREAS, the Regional Measure 2 and Two Percent Bridge Toll Revenues allocation request, attached hereto in the Initial Project Report and incorporated herein as though set forth at length, lists the project, purpose, schedule, budget, expenditure and cash flow plan for which SMART is requesting that MTC allocate Regional Measure 2 and Two Percent Bridge Toll funds; now, therefore, be it

RESOLVED, that SMART, and its agents shall comply with the provisions of the Metropolitan Transportation Commission's Regional Measure 2 Policy Guidance (MTC Resolution No. 3636) for the Regional Measure 2 and Two Percent Bridge Toll funds; and be it further

RESOLVED, that SMART certifies that the project is consistent with the Regional Transportation Plan (RTP); and be it further

RESOLVED, that the year of funding for any design, right-of-way and/or construction phases has taken into consideration the time necessary to obtain environmental clearance and permitting approval for the project; and be it further

RESOLVED, that Regional Measure 2 and Two Percent Bridge Toll funds phase or segment is fully funded, and results in an operable and useable segment; and be it further

RESOLVED, that SMART approves the updated Initial Project Report, attached to this resolution; and be it further

RESOLVED, that SMART approves the cash flow plan, attached to this resolution; and be it further

RESOLVED, that SMART has reviewed the project needs and has adequate staffing resources to deliver and complete the project within the schedule set forth in the updated Initial Project Report, attached to this resolution; and, be it further

RESOLVED, that SMART is an eligible sponsor of projects in the Regional Measure 2 Regional Traffic Relief Plan, Capital Program, in accordance with California Streets and Highways Code 30914(c); and be it further

RESOLVED, that SMART is authorized to submit an application for Regional Measure 2 funds for the SMART IOS Design/Construction Project in accordance with California Streets and Highways Code 30914(c); and be it further

RESOLVED, that SMART certifies that the projects and purposes for which Regional Measure 2 and Two Percent Bridge Toll funds are being requested is 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.) and if relevant the National Environmental Policy Act (NEPA), 42 USC Section 4-1 et. seq. and the applicable regulations thereunder; and be it further

RESOLVED, that there is no legal impediment to SMART making allocation requests for Regional Measure 2 and Two Percent Bridge Toll funds; and be it further

RESOLVED, that there is no pending or threatened litigation which might in any way adversely affect the proposed project, or the ability of SMART to deliver such project; and be it further

RESOLVED, that SMART agrees to comply with the requirements of MTC's Transit Coordination Implementation Plan as set forth in MTC Resolution 3866; and be it further

RESOLVED, that SMART indemnifies and holds harmless MTC, its Commissioners, representatives, agents, and employees from and against all claims, injury, suits, demands, liability, losses, damages, and expenses, whether direct or indirect (including any and all costs and expenses in connection therewith), incurred by reason of any act or failure to act of SMART, its officers, employees or agents, or subcontractors or any of them in connection with its performance of services under this allocation of Regional Measure 2 and Two Percent Bridge Toll funds. In addition to any other remedy authorized by law, so much of the funding due under this allocation of RM2 and Two Percent Bridge Toll funds as shall reasonably be considered necessary by MTC may be retained until disposition has been made of any claim for damages, and be it further

RESOLVED, that SMART shall, if any revenues or profits from any non-governmental use of property (or project) arise, that those revenues or profits shall be used exclusively for the public transportation services for which the project was initially approved, either for capital improvements or maintenance and operational costs, otherwise the Metropolitan Transportation Commission is entitled to a proportionate share equal to MTC's percentage participation in the projects(s); and be it further

RESOLVED, that assets purchased with Regional Measure 2 and Two Percent Bridge Toll funds including facilities and equipment shall be used for the public transportation uses intended, and should said facilities and equipment cease to be operated or maintained for their intended public transportation purposes for its useful life, that the Metropolitan Transportation Commission (MTC) shall be entitled to a present day value refund or credit (at MTC's option) based on MTC's share of the Fair Market Value of the said facilities and equipment at the time the public transportation uses ceased, which shall be paid back to MTC in the same proportion that Regional Measure 2 and Two Percent Bridge Toll funds were originally used; and be it further

RESOLVED, that SMART shall post on both ends of the construction site(s) at least two signs visible to the public stating that the Project is funded with Bridge Toll Revenues; and be it further

RESOLVED, that SMART authorizes its Executive Director/General Manager, or his/her designee, to execute and submit an allocation request with MTC for Regional Measure 2 funds in the amount of \$23,094,000 from RM2 project #10.2 (consisting of \$21,594,000 from RM2 project 10 and \$1,500,000 in pending transferred funds from RM2 project #11, should such transfer be approved by MTC) and \$5,000,000 from Two Percent Bridge Tolls for the construction phase of the SMART IOS Design/Construction Project, purposes and amounts included in the project application attached to this resolution; and be it further

RESOLVED, that the Executive Director/General Manager, or his/her designee, is hereby delegated the authority to make non-substantive changes or minor amendments to the IPR as he/she deems appropriate.

RESOLVED, that a copy of this resolution shall be transmitted to MTC in conjunction with the filing of SMART application referenced herein.

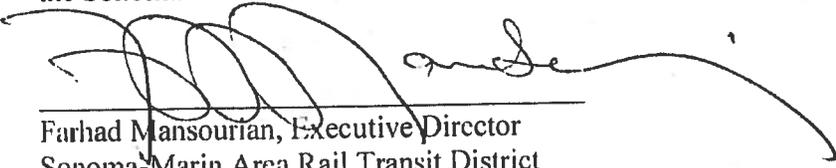
**THE FOREGOING RESOLUTION** was moved by Director Boro, seconded by Director Russell, and approved by the following vote:

Director Arnold	Aye	Director Brown	Aye
Director Boro	Aye	Director Fudge	Aye
Director Zane	Aye	Director Dillon-Knutson	Aye
Director Mackenzie	Aye	Director Mouton-Peters	Aye
Director Eddie	Aye	Director Russell	Aye
Director Scars	Aye	Director Pahre	Absent

Ayes: 11      Noes: 0      Absent: 1      Abstain: 0

**SO ORDERED**

I, the undersigned, certify that the foregoing resolution was duly adopted at a regular meeting of the Sonoma-Marine Area Rail Transit District held on August 17, 2011.



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Farhad Mansourian, Executive Director  
Sonoma-Marine Area Rail Transit District

Date: January 28, 2009  
W.I.: 1515  
Referred by: PAC  
Revised: 07/22/09-C  
09/28/11-C  
01/23/13-C

ABSTRACT

Resolution No. 3884, Revised

This resolution adopts priorities for the Proposition 1B – State Local Partnership Program funding, due to MTC based on voter-approved bridge toll generations.

Attachment A Proposition 1B State Local Partnership Program Project List

Attachment A to this resolution was amended on July 22, 2009 to program \$20 million in SLPP reserve funds to the BART Oakland Airport Connector project.

Attachment A to this resolution was amended on September 28, 2011 to program \$5 million in SLPP reserve funds to the Sonoma Marin Area Rail Transit Project (SMART).

Attachment A to this resolution was amended on January 23, 2013 to program \$2,323,000 in SLPP reserve funds to the SMART project instead of the \$5 million programmed in September 2011 to reflect the actual amount of SLPP funds received.

Further discussion of this action is contained in the Programming and Allocations Committee summary sheets dated January 14, 2009, July 8, 2009, July 13, 2011, September 14, 2011, and January 9, 2013.

Date: January 28, 2009  
W.I.: 1515  
Referred by: PAC

RE: Proposition 1B State Local Partnership Program

METROPOLITAN TRANSPORTATION COMMISSION  
RESOLUTION NO. 3884

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, MTC has adopted, pursuant to Government Code Sections 66508 and 65080, a Regional Transportation Plan (RTP); and

WHEREAS, Assembly Bill 268 (Statutes 2008, Chapter 756) establishes the State Local Partnership Program (SLPP) as part of the Highway, Safety, Traffic Reduction, Air Quality, and Port Security Fund of 2006 (Government Code 8879.20 *et seq.*) ; and

WHEREAS, the Bay Area Toll Authority is an eligible recipient of SLPP funds pursuant to Government Code Section 8879.69 and the SLPP programming included in this resolution is subject to BATA action; and

WHEREAS, MTC has adopted Resolution 3434, Revised, including the 2008 Resolution 3434 Strategic Plan, which assigns the SLPP funding to the projects listed in Attachment A; and now, therefore, be it

RESOLVED, that MTC adopts Proposition 1B State Local Partnership Program, attached hereto as Attachment A, and finds it consistent with the RTP; and, be it further

**RESOLVED**, that the Executive Director shall forward a copy of this resolution, and such other information as may be required to the California Transportation Commission and to such other agencies as may be appropriate.

**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 January 28, 2009.

**METROPOLITAN TRANSPORTATION COMMISSION  
 PROPOSITION 1B - STATE LOCAL PARTNERSHIP PROGRAM  
 Project List  
 Attachment A**

Project Title	County	Implementing Agency	SLPP Funding (thousand \$)
1. BART to Warm Springs Extension*	Alameda	BART	\$40,000
2. BART Oakland Airport Connector**	Alameda	BART	\$20,000
3. Sonoma Marin Area Rail Transit Project (SMART)***	Marin/Sonoma	SMART	\$5,000
4. Sonoma Marin Area Rail Transit Project (SMART)****	Marin/Sonoma	SMART	(\$2,677)
<b>SUBTOTAL</b>			<b>\$62,323</b>

<b>State Local Partnership Program - Total</b>	<b>\$62,323</b>
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\* Programming commitment subject to the conditions listed in Resolution 3434.  
 \*\* Programming commitment subject to the conditions listed in Resolution 3885, Revised.  
 \*\*\* Should the SLPP share for the MTC region be lower than estimated, staff would return to the Commission to recommend supplementary two percent tolls (Resolution No. 4022) such that the total SLPP and two percent toll contribution equals \$10 million.  
 \*\*\*\* Update to the amount programmed under 3. to reflect the actual amount of SLPP funds received

J:\SECTION\ALLSTAFF\Resolution\TEMP-RES\MTC\Jan PAC\[tmp-3884\_Attach-A.xls]SLPP