

Date: June 24, 2009  
W.I.: 1514  
Referred by: PAC  
Revised: 01/23/13-C  
07/24/13-C

ABSTRACT

Resolution No. 3915

This resolution allocates Regional Measure 1 (RM1) Rail Extension Reserves (West) to eligible projects.

This resolution includes the following attachments:

Attachment A – Allocation of Bridge Toll Revenues

This resolution was revised on January 23, 2013 to allocate \$47.8 million to TJPA in order to certify their upcoming Structural Steel Superstructure construction contract, as well as ancillary logistics contracts.

This resolution was revised on July 24, 2013 to revise allocation conditions for the \$47.8 million in RM1 funds previously allocated to the Transbay Joint Powers Authority, to reflect updates in the project budget and structural steel bids as follows: a) Remove the condition stating that “Once the land sales revenues are available in Spring 2013, MTC will rescind the remaining RM1 funds from this allocation so that they may be used for future elements of this project”; and, b) Add a condition stating that “Allocation and disbursement is contingent upon the execution of a funding agreement between MTC and TJPA for the RM1 Bridge Toll funds.”

Further discussion of this allocation is contained in the Programming and Allocations Summary Sheet dated June 10, 2009, January 9, 2013, and in the memorandum to the Commission dated July 24, 2013.

Date: June 24, 2009  
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RE: Allocation of Regional Measure 1 (RM1) Rail Extension Reserves (West)

METROPOLITAN TRANSPORTATION COMMISSION  
RESOLUTION NO. 3915

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

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

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

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

(3) Streets and Highways Code §30919(b) provides that the revenues expended pursuant to 30914(a)(4) shall be expended on rail extension and improvement projects designed to reduce vehicular traffic congestion on the San Francisco-Oakland bay Bridge. Seventy percent of the revenues shall be expended on rail extensions and improvement projects in the Counties of Alameda and Contra Costa, including, but not limited to, extending the regional rail system in the Concord-Antioch, Fremont-San Jose, and the Bayfair-Livermore rail transit corridors ("90% Rail Extension Reserves East"). The remaining 30 percent shall be expended on rail extensions and improvement projects in the City and County of San Francisco and the Counties of San Mateo and Santa Clara ("90% Rail Extension Reserves West").

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

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

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

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

RESOLVED, that should the allocation of RM1 Rail Extension Reserve Bridge Toll Revenues be conditioned on the execution of a funding agreement, that the Executive Director or his designee is authorized to negotiate and enter into a funding agreement with claimant that includes the provisions contained in Attachment A.

METROPOLITAN TRANSPORTATION COMMISSION

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Scott Haggerty, Chair

The above resolution was entered into by the Metropolitan Transportation Commission at a regular meeting of the Commission held in Oakland, California, on June 24, 2009.

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Attachment A  
Resolution No. 3915  
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ALLOCATION OF REGIONAL MEASURE 1 (RM1) 90% RAIL EXTENSION RESERVES WEST REVENUES

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 Extension Reserves West	2008-09	TJPA	Transbay Terminal/ Downtown Caltrain Extension – PMPC Services  (Phase: PS&E)	\$5,200,000	06/24/2009	<ol style="list-style-type: none"> <li>1. Allocation and disbursement is contingent upon the TJPA board approving the Initial Project Report and the corresponding resolution of project compliance.</li> <li>2. In the resolution of project compliance TJPA shall agree: (1) to complete the project described in its updated Initial Project Report, through its contractor; and (2) to comply with all provisions of MTC Resolution No. 3636, Revised and that any RM1 funds received under this allocation be subject to MTC Resolution No. 3636, Revised.</li> </ol>

Alloc. #	Fund Reserve	Fiscal Year	Claimant	Project Description	Allocation Amount	Date of MTC Approval	Allocation Conditions
2	Regional Measure 1 (RM1) 90% Rail Extension Reserves West	2012-13	TJPA	Transbay Terminal/ Downtown Caltrain Extension – certification of Structural Steel Superstructure construction contract and ancillary logistics contracts.  (Phase: CON)	47,800,000	01/23/2013	<p>Scope of Work: This allocation will be used towards a portion of the upcoming Structural Steel Superstructure contracts, as well as ancillary logistics contracts (i.e: temporary power, site maintenance, traffic control and personnel/material hoists).</p> <p>TJPA plans to use these bridge toll funds to issue some of the first NTPs over the course of the first year of the package, which will cover preconstruction work, the production of shop drawings, and initial material procurement. The allocation of funds is conditioned on the following:</p> <p>a) Approval of the Initial Project Report (IPR) package by the TJPA board.</p> <p>b) Allocation and disbursement is contingent upon the execution of a funding agreement between MTC and TJPA for the RM1 Bridge Toll funds. Such agreement shall include the following provisions:</p> <p>TJPA agrees to comply with the provisions of MTC Resolution No. 3636, Revised and that any RM1 Bridge Toll funds received under the funding agreement shall be subject to MTC Resolution No. 3636, Revised, unless otherwise stated in the agreement.</p>
TOTAL					\$53,000,000		

for  
Executive Director's Memo  
and/or  
PAC Summary Sheet  
see  
PAC folder for RM2 Allocation  
documents for corresponding  
month