

**Metropolitan Transportation Commission  
Programming and Allocations Committee**

December 11, 2013

Item Number 2g

**Resolution No. 3909, Revised**

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- Subject:** Proposed allocation of \$4 million in Regional Measure 2 (RM2) funds for the Transbay Commute Ferry Services vessel replacement project
- Background:** The Water Emergency Transportation Authority (WETA) is requesting an allocation of \$4 million in RM2 funds towards the construction of a new passenger-only ferry vessel to replace the *Encinal*, currently serving WETA's Alameda/Oakland to San Francisco ferry route.
- The construction of the vessel is estimated to cost \$18.8 million, and will be funded with a combination of Federal Transit Administration (FTA) and RM2 funds. The FTA funding for the project was previously approved in the FY 2012-13 Transit Capital Priorities program.
- Issues:** This RM2 project was highlighted in the April 2013 report of unallocated funds. WETA has proposed using these funds as local match to the federal funds for the ferry replacement.
- Recommendation:** Refer Resolution No. 3909, Revised to the Commission for approval.
- Attachments:** MTC Resolution No. 3909, Revised.

Date: May 27, 2009  
W.I.: 1255  
Referred by: PAC  
Revised: 12/15/10-C  
12/18/13-C

ABSTRACT

MTC Resolution No. 3909, Revised

This resolution approves the allocation of Regional Measure 2 funds for the purchase of two vessels for Transbay Commute ferry services sponsored and implemented by the Water Emergency Transportation Authority (WETA).

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 WETA's Initial Project Report (IPR) for this project

Attachment D - RM2 Deliverable/Useable Segment Cash Flow Plan

This resolution was revised on December 15, 2010 to rescind \$3,000,000 from the prior allocation issued to backfill State Prop 1B funds for the procurement of the South San Francisco Ferry Vessels (Project #27 – Commute Ferry Service for South San Francisco). These funds are being rescinded as WETA has received up-front payment of all awarded Prop 1B funds not previously paid, with the enactment of AB 1203 on January 1, 2010. This action also satisfies the allocation specific condition.

This resolution was revised on December 18, 2013 to allocate \$4,000,000 to WETA for the purchase of a ferry vessel.

Additional discussion of this allocation is contained in the Executive Director's memoranda and/or cover sheet to the MTC Programming and Allocations Committee memorandum dated May 13, 2009, December 8, 2010, and December 11, 2013.

Date: May 27, 2009  
W.I.: 1255  
Referred by: PAC

Re: Approval of allocation of Regional Measure 2 funds for the purchase of two vessels for Transbay Commute ferry services

METROPOLITAN TRANSPORTATION COMMISSION  
RESOLUTION No. 3909

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 on June 23, 2004, specifying the allocation criteria and project compliance requirements for RM 2 funding (MTC Resolution No. 3636); and

WHEREAS, the Water Emergency Transportation Authority (WETA) has submitted a request for the allocation of RM 2 funds for the purchase of two vessels for Transbay Commute ferry services; and

WHEREAS, the purchase of two vessels for ferry services between the Berkeley/Albany Terminal and San Francisco is identified as capital project number 25 under RM 2 and is eligible to receive RM 2 funding as identified in Streets and Highways Code Sections 30914(c); and

WHEREAS, WETA has submitted an Initial Project Report, 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 WETA is requesting RM2 funding and the 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 WETA'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; now, therefore be it

RESOLVED, that MTC approves MTC staff's review of WETA's Initial Project Report (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

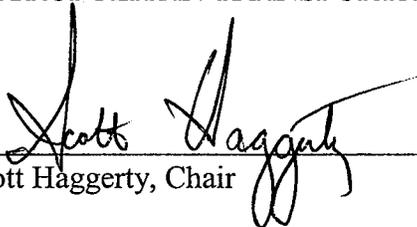
RESOLVED, that the allocation and reimbursement of RM2 funds as set forth in Attachment A are conditioned upon WETA complying with the provisions of the Regional Measure 2 Regional Traffic Relief Plan Policy and Procedures as set forth in length in MTC Resolution 3636; and be it further

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 any complementary funding as set forth in Attachment D; and be it further

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

METROPOLITAN TRANSPORTATION COMMISSION

  
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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 May 27, 2009.

**REGIONAL MEASURE 2 PROGRAM  
Allocation of Funds**

Project Title: Transbay Commute Ferry Service  
Sponsor: Water Emergency Transportation Authority  
Project Number: 25.0

<b>Allocation No. 25-1 - South San Francisco Ferry Vessels</b>						
Activities to be funded with Allocation #1:						
Construction/Purchase of two ferry vessels for use in the South San Francisco Ferry Service. (These funds backfill the Prop 1B funds allocated to project # 27 - South San Francisco Ferry Vessel Procurement project, but currently suspended by the State.) 12/15/10 - These funds are being rescinded as WETA has received up-front payment of all awarded Prop 1B funds not previously paid with the enactment of AB 1203 on January 1, 2010.						
Allocation Instruction No.	Approval Date	Amount	Phase	Reimbursement Year	Cumulative Total To Date	
09390901	27-May-09	\$ 3,000,000	CON	FY 2008-09	\$ 3,000,000	
09390901	15-Dec-10	\$ (3,000,000)	CON	FY 2008-09	\$ -	

<b>Allocation No. 25-2 - Ferry Vessel Replacement</b>						
Activities to be funded with Allocation #2:						
Construction/Purchase of replacement passenger ferry vessels, interoperable among WETA's ferry routes.						
Allocation Instruction No.	Approval Date	Amount	Phase	Reimbursement Year	Cumulative Total To Date	
14390902	18-Dec-13	\$ 4,000,000	CON	FY 2013-14	\$ 4,000,000	

**REGIONAL MEASURE 2 PROGRAM**  
**Project Specific Conditions**

May 27, 2009  
Attachment B-1  
MTC Resolution No. 3909  
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Project Title: Transbay Commute Ferry Service  
Sponsor: Water Emergency Transportation Authority (WETA)  
Project Number: 25

The May 2009 allocation and reimbursement of RM2 funds for the above project are conditioned upon the following:

- 1 Since this allocation of RM2 funds is to backfill the Prop 1B funds allocated to the project but currently suspended by the State of California, in the event that the suspension of Proposition 1B is lifted at a later time, staff would either: a) rescind the allocation if the allocated funds have not been expended, or b) require that the Prop 1B funds are redirected to another WETA capital project in the RM2 program requiring funds in case the allocated funds have been expended.

## RM2 Project Number: 25 Transbay Commute Ferry Service

Lead Sponsor <b>Water Emergency Transportation Authority</b>	Other Sponsors(s) <b>N/A</b>	Implementing Agency (if applicable) <b>N/A</b>
Legislated Project Description <b>Purchase two vessels for transbay ferry services. Second vessel funds to be released upon demonstration of appropriate terminal locations, new transit-oriented development, adequate parking, and sufficient landside feeder connections to support ridership projections. If the San Francisco Bay Area Water Emergency Transportation Authority demonstrates to the Metropolitan Transportation Commission that it has secured alternative funding for the two vessel purchases described in this paragraph, the funds may be used for terminal improvements or for consolidation of existing ferry operations.</b>		
RM2 Legislated Funding (in \$1,000) <b>Total Overall Funding \$12,000</b>		25 Total Estimated Project Cost (in \$1,000) <b>\$58,500</b>
Project Purpose and Description <b>12/18/13: The first vessel will replace the ferry Encinal and will be operated in WETA's regional transbay ferry services, including Alameda/Oakland to San Francisco, Alameda Harbor Bay to San Francisco, Vallejo to San Francisco, and Alameda/Oakland to South San Francisco. This replacement vessel will provide for continued safe and reliable operation of ferry service.</b>		
Funding Description  <b>Committed Funds: The project is funded by RM2 funds and FTA funds. Uncommitted Funds: This RM 2 project is fully funded.</b>		
Operating Capacity: <b>RM2 includes an annual operating subsidy for the WETA-operated ferry services. This subsidy plus fares is projected to meet the operating expenses.</b>		

### Overall Project Cost and Schedule

Phase	Scope	Start	End	Cost (in \$1,000)
1	Environmental Document/Preliminary Engineering	N/A	N/A	\$0
2	Designs, Plans, Specs, & Estimates*	12/2013	03/2014	\$0
3	Right-of-Way Acquisition	N/A	N/A	\$0
4	Construction*	07/2014	06/2016	\$58,500

\*Dates are for Encinal replacement only

**Total: \$58,500**



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

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Transbay Commute Ferry Service  
Sponsor: Water Emergency Transportation Authority  
RM2 Project Number: 25

	PRIOR	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16	FUTURE
<b>RM2 Funds Total</b>	-	-	30,000	1,927,000	2,043,000	-
<b>Environmental (ENV)</b>	0	0	0	0	0	0
<b>Final Design (PS&amp;E)</b>	0	0	0	0	0	0
<b>Right of Way</b>	0	0	0	0	0	0
<b>Construction</b>	0	0	150,000	9,000,000	9,650,000	0
RM2			30,000	1,927,000	2,043,000	
FTA			120,000	7,073,000	7,607,000	
<b>TOTAL FUNDING</b>						
Environmental	0	0	0	0	0	0
Final Design (PS&E)	0	0	0	0	0	0
Right of Way	0	0	0	0	0	0
Construction	0	0	150,000	9,000,000	9,650,000	0
<b>PROJECT TOTAL</b>	0	0	150,000	9,000,000	9,650,000	0

<b>TOTAL</b>
<b>4,000,000</b>
<b>0</b>
0
<b>0</b>
0
0
<b>0</b>
0
0
0
<b>18,800,000</b>
4,000,000
14,800,000
<b>0</b>
<b>0</b>
<b>0</b>
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18,800,000