Metropolitan Transportation Commission
Programming and Allocations Committee

May 14, 2014 **Amendments to Regional Measure 2 Capital Projects**
MTC Resolution No. 3801, Revised

Subject: Staff will present a summary of public comments received and recommendations to reassign $88.2 million in RM2 funds among several projects, modify the scope (without redirection) on one project, and modify prior conditions on two projects.

Summary:

Regional Measure 2 Strategic Delivery Plan

The RM2 program reached its 10th anniversary in March 2014. Over $1.2 billion in RM2 capital funds of the $1.5 billion available have been allocated. In April 2013, this Committee directed staff to develop a delivery strategy for the approximately $225 million in unallocated RM2 project funds. Of the $225 million, some projects are still not fully funded and do not have a good prospect of being fully funded in the foreseeable future. Other projects are experiencing implementation challenges due to lack of consensus on scope or complications in obtaining environmental approval.

In February, staff presented information and received feedback on the 19 projects included in the delivery strategy. The initial recommendations included delivering existing RM2 projects, and reassigning RM2 funds from projects that don't have a viable strategy to eligible corridor projects that are ready-to-go. In March, staff proposed, and this committee authorized, holding a public hearing involving 16 RM2 projects and a shift of $88.2 million between RM2 projects.

The public hearing was held at the April Programming & Allocations Committee meeting, and the 30-day public comment period closed on April 23. Eight individuals presented testimony at the public hearing, and 26 letters were received in the public comment period. The public testimonies and comments, along with MTC staff responses, are summarized in Attachment A.

Public comment focused on the proposed actions for the Dumbarton Rail and Greenbrae Interchange/Larkspur Ferry Access Improvements projects. Staff also received partner agency correspondence on the Caldecott Tunnel project.

<u>Dumbarton Rail</u>:

The majority of correspondence received, and all eight comments at the public hearing, related to one or all elements of the plan to redirect $14.8 million in unallocated Dumbarton Rail funds to the purchase of new Dumbarton Express buses; redirect $20 million to Caltrain Electrification, subject to a local match; and to forgive the repayment condition on a previous $91 million loan from the project to the BART Warm Springs

Extension project. The MTC staff recommendation remains as previously proposed, except for the removal of the local match requirement for Caltrain Electrification. Instead, staff recommends that RM2 allocations for the project are subject to Joint Powers Board certification of a full funding plan for the Electrification project and an investment-grade financing plan if necessary.

Greenbrae Interchange/Larkspur Ferry Access Improvements:
A number of local agencies and interest groups sent letters in support of completing elements of the North South Greenway that are identified in the original RM2 legislation. The MTC staff recommendation is largely consistent with these letters. Additional letters expressed support for the staff recommendation to transfer $20 million in unallocated funds to the SMART Larkspur extension.

Caldecott Tunnel:
The Contra Costa Transportation Authority and Caltrans District 4 staffs sent letters regarding the availability of project savings from the Caldecott Tunnel project, of which $5.4 million in RM2 funds was recommended to be re-directed to the I-680 HOV project. MTC staff has received confirmation from CCTA and Caltrans that no additional allocations from RM2 funds will be requested for the Caldecott Tunnel project, and that the unallocated $5.4 million is available for re-direction.

A summary of the projects and recommended actions subject to the public hearing is included as Attachment B. Staff recommends pursuing the proposed changes to MTC Resolution No. 3801, Revised, which is provided as Attachment C.

Issues: At the time this report is written, the following projects require additional follow-up. Staff will return with additional information on these projects at upcoming Committee meetings.

AC Transit Bus Rapid Transit: The funding plan for this project relies on a combination of federal, state and local funds. The federal Small Starts funds must still be approved in a Small Starts Grant Agreement, expected later in 2014. To address the cash flow issues related to the Alameda County Transportation Commission STIP commitment, staff recommends that MTC's STIP policies be amended with the FY2016 STIP cycle to direct a share of Alameda's STIP funds to the BRT project in order to retire the commitment by the 2018 STIP cycle.

Fairfield/Vacaville Train Station: The city of Fairfield and the Solano Transportation Authority (STA) expect to learn later this month whether they will receive additional Proposition 1B Trade Corridor funds for the

project, which would shore up the funding plan. Additionally, to meet project cash flow needs, STA and the cities of Fairfield and Vacaville are assembling a financing plan that is expected to be approved by the STA Board in May. An updated funding plan for the project is included as Table 1.

Table 1. Funding Plan for Fairfield/Vacaville Train Station

Source	**Funding ($ millions)**
Federal (FTA 5309, 5307, 115)	2.9
Local (TDA, development fees, AB 1600 Streets, Water Fund, FSSD, etc.)	14.5
Bridge Tolls (AB1171)	9.0
Bridge Tolls (RM2 existing)	22.3
Bridge Tolls (RM2 proposed transfer)	10.9
CTC (STIP and FHWA)	4.4
TCIF Grant (Prop 1B)	11.0
Identified Funding	**75.0**
Usable Segment Cost*	**68.2**

*Usable segment would construct functional train stop and Peabody Road improvements. Receipt of TCIF grant would allow for construction of Segment 2B-ii (on-site parking and landscaping improvements), and help fund Segment 3 (station building).

SMART: For the $20 million recommended for the SMART project (from the Greenbrae Interchange project), staff will continue to work with SMART and other local agencies within Marin County to identify the scope for the near term SMART improvements that will help advance the rail extension to Larkspur. MTC has also endorsed a TIGER application for the Larkspur extension; TIGER awards should be announced later in 2014.

Caltrain Electrification: Staff recommends that the $20 million for the Caltrain Electrification project (from the Dumbarton Rail project) be conditioned on the following occurring by April 2015:

- Caltrain Joint Powers Board certification of a full funding plan for the Electrification project
- Investment-grade financing plan, if necessary

Recommendation: Refer MTC Resolution No. 3801, Revised to the Commission for approval

Attachments:
1) RM2 Delivery Strategy Update PowerPoint presentation
2) Attachment A – Letters and Testimony Received, and MTC Staff Responses
3) Attachment B – Summary of Proposed RM2 Changes

4) MTC Resolution No. 3801, Revised.

Regional Measure 2 Delivery Strategy Update

Programming and Allocations Committee

May 14, 2014

Metropolitan Transportation Commission

1

Delivery Strategy

- 10 years since RM2 approved by voters
- April 2013 PAC Direction – Address RM2 projects with slow or stalled delivery
- September 2013 - Project sponsors submitted proposals for unallocated balances
- September – December 2013 – Staff evaluated proposals and conducted a preliminary feasibility assessment based on:
  - Scope: deliverable construction segments
  - Schedule: near term
  - Budget: fully funded
  - Support Regional Priorities

2

Summary

- 19 projects in Delivery Strategy (16 stalled and 3 w/cost savings)
- Staff recommendation supports a mix of original projects and new/amended projects

	Number of Projects	Current Unallocated ($ millions)
Retain RM2 project – funding and scope	9	96.9
Redirect funds to another project or make significant scope change	7	111.6
Redirect cost savings to other projects in corridors	3	11.5
Total	**19**	**220.0**

3

Delivery Strategy Project List	Unallocated RM2 Funds ($ millions)
AC Transit Enhanced Bus	39.8
US 101 Greenbrae Interchange	39.8
Dumbarton Rail	34.8
Water Transit Facility Improvements (SF)*	19.8
Fairfield/Vacaville Intermodal Train Station	15.3
Richmond Parkway Park & Ride	15.2
Commute Ferry Service for Alameda/Oakland/Harbor Bay*	0
Commute Ferry Service for Berkeley/Albany*	12.0
Vallejo Curtola Transit Center	0
Vallejo Station	10.0
Fairfield Transit Center	7.7
I-680 Southbound HOV Lane Gap Closure	7.3
BART/Muni Connection	3.0
Express Bus North	
Golden Gate Transit Bus Purchase*	1.6
Benicia Park/Industrial Park & Ride*	1.1
Macdonald Ave Bus Stop Amenities*	1.1

**project not involved in RM2 public hearing*

4

Summary of Public Hearing Process

- February and March: Information item and release notice of public hearing
- March 19 - April 23: 30-day comment period
- April 9: Public hearing at Programming and Allocations Committee
- May: Commission considering actions/revisions to RM2 program (MTC Resolution No. 3801, Revised)
  - 26 written comments received, 8 at hearing.

5

Projects involved in public hearing with:
- no comments received
- no outstanding funding/scope issues

Project	Funding Change *($ millions)*
BART/MUNI Connection at Embarcadero, Civic Center	*Scope change*
Vallejo Station	- 2.0
Solano County Express Bus Intermodal Facilities	- 7.7
Richmond Parkway Transit Center	- 12.2
Regional Express Bus North	- 1.2

6

Projects involved in public hearing with:
- Comments received, and/or outstanding issues

Project	Funding Change *($ millions)*
Greenbrae Interchange/Larkspur Ferry Access Improvements*	-20.0
SMART*	+ 20.0
Caldecott Tunnel Improvements*	- 5.4
Fairfield/Vacaville Intermodal Train Station	+ 11.0
AC Transit Enhanced Bus (BRT)	+ 12.8
Dumbarton Rail*	- 34.8
Regional Express Bus Service (San Mateo, Dumbarton, Bay Bridge Corridors)*	+ 14.8 - 2.9
Caltrain Electrification*	+ 20.0
**public comment received*	

7

US 101 Greenbrae Interchange Proposed Funding Redirection

Recommendations	RM2 Funds	BATA Funds
Bike/Ped Improvements • Modified North South Greenway • Bike/Ped path over Corte Madera Creek	$20 M	

Proposed BATA funding:
• I-580 Access Improvements
  • EB running shoulder from Sir Francis Drake to Marine Street (Richmond) on lower deck of RSR Bridge
  • Create bidirectional bike/ped lane on upper deck of RSR Bridge
		$72 M

The North South Greenway

8

US 101 Greenbrae Interchange
Proposed Funding Redirection -- SMART

Recommendations	RM2 Funds

• Staff to work with SMART to advance rail extension
• TIGER grant application endorsed by MTC
 	
• Alternatively, could fund elements in preparation for SMART Larkspur Extension:
  • San Rafael Bettini Transit Center access improvements and potential future relocation
  • Multi-purpose bike/pedestrian pathway
	$20 million

Caldecott Tunnel Fourth Bore
Proposed Project Savings Redirection – I-680 HOV

Recommendations	RM2 Funds
Direct HOV Lane Connector from I-680 to Pleasant Hill or Walnut Creek BART • Availability of $5.4 million in unallocated RM2 funds confirmed • Contra Costa Measure J to backfill if needed	$5.4 million

10

Fairfield/Vacaville Intermodal Train Station

Project Status	RM2 Funds

• Environmental (CEQA) and Design complete, utility relocation in progress
• RM2 transfers would fund operable train stop
• Funding and financing gap for full project
• Additional funding/financing opportunities:
  • $11M in TCIF; CTC to consider in May
  • STA considering financing plan at Board in May
	$15.2 million

Recommendations

- Receive $10.9 million from Fairfield and Vacaville Transit Centers
- Construct usable segment

11

AC Transit – Bus Rapid Transit

RM2 Recommendations	RM2 Funds
Retain RM2 project funding	$39.8 million
Receive transfer from Richmond Parkway Park & Ride	$12.2 million
Receive transfer from Express Bus South project savings	$0.6 million

- Includes Full Funding Plan for $178 million project
- Funding plan requires payback from future Alameda County STIP. Proposal: direct share of STIP to retire commitment by the 2018 STIP cycle.

12

AC Transit – Bus Rapid Transit Proposed Funding Plan

Fund Source	Budget	Proposed
FTA Small Starts	75.0	75.0
FTA Bus	3.1	3.1
Measure B	9.4	9.4
RM2 Original Funding	44.9	44.9
STIP	41.4	14.7
RM2 Proposed Augmentation*	-	12.8
TPI Incentive (FY14-FY16) / AB664 Loan*	-	13.9
Other	4.3	4.3
Total	**178.1**	**178.1**

* Requires repayment of $21—26 M in Alameda County RTIP, or other. If RTIP, MTC may program funds directly from Alameda County share.

13

Dumbarton Rail

- East to West Bay commuter rail service over Dumbarton Rail Bridge
- Policy Advisory Committee recommended not moving forward with project due to >$300M shortfall
- Original RM2 funds: $135M / Current: $34.8M remaining
  ($9.2M expended for environmental document prep.;
  $91M reassigned to Warm Springs in 2009*)
- Potential replacement projects totaled over $170 million

* Required Alameda County future repayment

14

Dumbarton Rail
Proposed Funding Redirection

Recommendations

- Transfer $34.8 million remaining RM2 funds:
  - Dumbarton Bus fleet: $14.8M
  - Caltrain Electrification: $20 million -- local match not required, allocation to be conditioned on:
    - Joint Powers Board certification of full funding plan
    - Investment-grade financing plan (if necessary)
- Recommend $91 million investment in BART to Warm Springs/No future repayment from Alameda County

15

Follow-up Needed

Cash Flow Strategy / Financing

- AC Transit Bus Rapid Transit
- Fairfield/Vacaville Train Station

Scope/Sponsor Details

- SMART
- Caltrain Electrification
- Dumbarton Express Bus purchase

16

Next Steps

Allocations Recommended Today

- Pending approval of MTC Res. 3801, Revised:
  - Vallejo Curtola Transit Center
  - I-880 North Safety Improvements

- Future Month Allocations (after required local actions):
  - BART/MUNI Connection
  - Richmond Parkway Transit Center Improvements
  - SMART Larkspur Extension
  - Greenbrae projects
  - I-680 HOV Connector
  - Fairfield/Vacaville Intermodal Train Station
  - AC Transit BRT
  - Dumbarton Express Bus
  - Caltrain Electrification

17

MTC Programming & Allocations Committee
May 14, 2014
Item 3a.i, Attachment A

Summary of Public Comments and Correspondence Received Related to RM2 Strategic Delivery/Public Hearing

Letters, E-mails, Faxes Received During Public Comment Period

No.	From	Subject/Key Positions	Date	Response
1	Richard Brand	Dumbarton: Opposes re-allocation from rail project.	8-Mar	See MTC staff response #1
2	Transportation Alternatives for Marin	Greenbrae: Supports building Central Marin Ferry Connection Phase II section of the North South Greenway, intersection surface improvements on Wornum Drive, study for grade-separated crossing as Redwood Highway and Tamal Vista Blvd; additional request for SMART to promote said projects.	3-Feb	See MTC staff response #3
3	Larkspur-Corte Madera School District	Greenbrae: In conjunction with Town of Corte Madera and City of Larkspur, supports North South Greenway, specifically grade-separated crossings at Tamal Vista and Redwood Highway; and study in absence of construction funding.	10-Feb	See MTC staff response #3
4	Yoriko Kishimoto	Dumbarton: Opposes forgiveness of $91 million loan to BART Warm Springs Extension; understands need to reallocate $34 million to Caltrain and express buses.	4-Mar	See MTC staff response #1
5	Adina Levin	Dumbarton: Opposes forgiveness of $91 million loan to BART Warm Springs Extension; supports reallocating $34 million to Caltrain and express buses.	4-Mar	See MTC staff response #1
6	Tim Pitsker	Dumbarton: Supports forgiveness of $91 million loan to BART Warm Springs Extension; prepared to litigate if Dumbarton Rail draft EIR is presented for public comment.	15-Mar	See MTC staff response #1

No.	From	Subject/Key Positions	Date	Response
7	City of Menlo Park – Ray Mueller, Mayor	Dumbarton: Opposes forgiveness of $91 million loan to BART Warm Springs Extension; understands need to reallocate $34 million to other projects.	1-Apr	See MTC staff response #1
8	Adina Levin	Dumbarton: Opposes full forgiveness of $91 million loan to BART Warm Springs Extension; supports forgiving $20 million of loan and using remaining $71 million on other Dumbarton corridor investments; otherwise, splitting east/west reallocation 50-50 between BART and Caltrain.	8-Apr	See MTC staff response #1
9	Peter Michael Dubinsky	Dumbarton: Supports forgiveness of $91 million loan to BART Warm Springs Extension; supports reallocating $34 million to Caltrain and express buses.	25-Mar	See MTC staff response #1
10	CCTA – Randell Iwasaki, Executive Director	Caldecott: $5.4 million in unallocated RM2 funds available for redirection; previously allocated funds will be fully expended; future work, such as landscaping and other mitigation, will be funded without request for RM2 funds.	27-Mar	See MTC staff response #2
11	Caltrans District 4 – Bijan Sartipi, District Director	Caldecott: Caldecott Fourth Bore and landscaping projects, as well as mitigation and legal commitments, expected to be within existing RM2 budget; completion of construction activities outside tunnel and contract acceptance ongoing; knowledge of how much of $5.4 million in project savings will be available in mid-December 2014.	25-Mar	See MTC staff response #2
12	SFMTA – Edward Reiskin, Director of Transportation; SFCTA – Tilly Chang, Executive Director	Dumbarton/Caltrain Electrification: do not agree with local match requirement for $20 million in RM2 funds for Caltrain Electrification.	27-Mar	See MTC staff response #1
13	VTA – Nuria Fernandez, General Manager	Dumbarton/Caltrain Electrification: local match request is problematic and not required of other RM2 projects; unable to justify request for matching funds to Board of Directors.	27-Mar	See MTC staff response #1

No.	From	Subject/Key Positions	Date	Response
14	SamTrans – Michael Scanlon, General Manager/CEO	Dumbarton/Caltrain Electrification: in a position to consider providing match; recognize there is not consensus among JPB partners and appreciate their concerns; happy to explore a way to achieve consensus among Caltrain partners.	3-Apr	See MTC staff response #1
15	City of Palo Alto - James Keene, City Manager	Dumbarton: Expects Palo Alto City Council will want MTC to reconsider forgiveness of $91 million loan to BART Warm Springs Extension; if not, will want to ensure that at least a portion is not forgiven to allow for future Dumbarton corridor planning.	9-Apr	See MTC staff response #1
16	Diane Shaw	Dumbarton: Supports purchase of new Dumbarton Express buses, which should provide at least the same capacity as existing; disappointed at lack of attention to east/west commute; opportunties with Newark Rail Station, Ardenwood Park and Ride, and Caltrain schedule transfer synchronization.	9-Apr	See MTC staff response #1
17	Walter Strakosch	Greenbrae: Supports re-direction of $20 million to SMART Larkspur extension.	18-Apr	See MTC staff response #3
18	Eric Hentschke	Dumbarton/Caltrain Electrification: Opposes $20 million for Caltrain Electrification; funds should stay on east-west corridor, e.g., Newark, Centerville, Menlo Park, Fremont locations.	17-Apr	See MTC staff response #1
19	Malcolm Dudley	Dumbarton: Opposes forgiveness of $91 million loan to BART Warm Springs Extension; alternatively, would support loan forgiveness if BART were to go on Dumbarton Corridor.	23-Apr	See MTC staff response #1
20	Jack Swearengen -- Friends of SMART	Greenbrae: Supports re-direction of $20 million to SMART Larkspur extension.	23-Apr	See MTC staff response #3

No.	From	Subject/Key Positions	Date	Response
21	City of Palo Alto -- Nancy Shepard, Mayor	Dumbarton: Supports $20 million for Caltrain Electrification; Supports improvements to Dumbarton Express service; Opposes forgiving $91 million loan to BART Warm Springs Extension, requesting instead to use funds for Dumbarton corridor east/west transit service or Caltrain improvements such as platform lengthening.	23-Apr	See MTC staff response #1
22	CCTA – Randell Iwasaki, Executive Director	Caldecott: Reiterate support to redirect $5.4 million in Caldecott Tunnel savings to I-680 HOV project and backfill using Measure J funds if needed.	22-Apr	See MTC staff response #2
23	Marin County Bicycle Coalition -- Andy Peri, Advocacy Director	Greenbrae: Supports $19.8 million for bike/pedestrian projects in Greenbrae corridor; supports $20 million for SMART Larkspur extsnsion.	23-Apr	See MTC staff response #3
24	San Francisco Bay Trail -- Maureen Gaffney, Planner	Greenbrae: Supports $19.8 million for bike/pedestrian projects in Greenbrae corridor.	23-Apr	See MTC staff response #3
25	David Schonbrunn, President, TRANSDEF	Dumbarton: Opposes transfer of funds to Caltrain Electrification; opposes loan forgiveness for BART Warm Springs Extension. Regional Express Bus Service for San Mateo, Dumbarton, and Bay Bridge Corridors: Opposes transfer of savings out of project. Greenbrae: Supports North-South bikeway and proposed transfer to SMART.	23-Apr	See MTC staff responses #1, #3, and #4

No.	From	Subject/Key Positions	Date	Response
26	Gerald Cauthen and Bob Feinbaum, Bay Area Transportation Working Group	Dumbarton: Oppose transfer of any funds from Dumbarton Rail budget; advocates ACE service to San Francisco via Dumbarton Rail corridor	24-Apr	See MTC staff response #1

Comments Made at Public Hearing -- Programming and Allocations Committee, April 9, 2014

No.	From	Subject/Key Positions	Date	Response
1	Tim Pitsker	Dumbarton: Supports forgiveness of $91 million loan to BART Warm Springs Extension; prepared to litigate if Dumbarton Rail draft EIR is presented for public comment;.	9-Apr	See MTC staff response #1
2	Peter M. (Mike) Dubinsky	Dumbarton: Supports forgiveness of $91 million loan to BART Warm Springs Extension; supports reallocating $34 million to Caltrain and express buses.	9-Apr	See MTC staff response #1
3	Jim Bigelow (Redwood City - San Mateo County & Menlo Park Chamber)	Dumbarton: Supports forgiveness of $91 million loan to BART Warm Springs Extension; supports reallocating $34 million to Caltrain and express buses; still optimistic that Dumbarton Rail is a good project; Highway 101 between University and Marsh Road in PM peak hours is traffic nightmare causing many delays.	9-Apr	See MTC staff response #1
4	Roland Lebrun	Dumbarton: Opposed to moving any funding out of Dumbarton Rail project until transit agency capable of bettering project in phases is identified; Supports Caltrain Electrification project but opposed to moving funding toward it until new project delivery entity is appointed.	9-Apr	See MTC staff response #1
5	David Schonbrunn (TRANSDEF)	Dumbarton: Proposed action is to kill Dumbarton Rail Project, which is shortsighted; Dumbarton crossing could take load off BART Transbay Tube; No urgency for these actions: better to let things sit, let High Speed Rail be resolved, and study relieving Transbay Tube.	9-Apr	See MTC staff response #1

No.	From	Subject/Key Positions	Date	Response
6	Richard Hackman (City of Palo Alto)	Dumbarton: Supports improvements to Dumbarton Express service; Supports $20 million for Caltrain Electrification; Expects Palo Alto City Council will wish reconsideration of removing repayment condition for $91 million BART Warm Springs Extension loan, or at least that not full loan is forgiven to allow for further planning, MTC flexbility, and opportunity to reevaluate future commuter rail needs.	9-Apr	See MTC staff response #1
7	Adina Levin (Friends of Caltrain)	Dumbarton: Supports improvements to Dumbarton Express service; Supports $20 million for Caltrain Electrification; Proposes forgiving only $20 million of BART Warm Springs Extension loan, holding rest, and finding other investments to build transit ridership on Dumbarton corridor.	9-Apr	See MTC staff response #1
8	Rich Hedges	Dumbarton: Not in opposition to proposal; Consider strengthening M line service across San Mateo Bridge.	9-Apr	See MTC staff response #1

J:\COMMITTE\PAC\2014 PAC Meetings\05_May'14_PAC\3a.i-2-a_comment received and responses.xlsx

MTC Programming & Allocations Committee
May 14, 2014
Item 3a.i, Attachment A

Regional Measure 2 Public Hearing: MTC Staff Response to Public Comments and Correspondence

1) Dumbarton Rail

The majority of public comments received were related to proposals for RM2 Dumbarton Rail funding.

Forgiveness of $91 million loan to BART to Warm Springs Extension:

The October 2013 San Mateo County Transportation Authority (SMCTA) Staff Report on the Dumbarton Rail Corridor project recommended placing the project on hold indefinitely until project partners can secure a funding plan to advance the project further. MTC staff concurs with placing the project on indefinite hold and further recommends permanently investing the full $91 million in the BART Warm Springs Extension, which is an under-construction, regional priority project. Regarding suggestions to retain some funding for planning, MTC staff recommends expending RM2 funds on capital projects, rather than planning studies.

Staff considerations include:

- Project Cost Escalation – The project funding situation has changed significantly since the passage of RM2, when committed funding was identified to meet the $300 million estimated project cost. The cost estimate has increased substantially during the course of the environmental document preparation, making the prospects for a full funding plan infeasible in the near term. Based on a current estimated cost of $800 million, the current project shortfall exceeds $500 million. Even with the original $135 million in RM2 funding, the project cannot be completed because of funding obstacles. Project sponsors and/or funding partners have not identified additional funding for the project. Some key estimate points are:
    - $300 Million - March 2005 San Mateo County Transportation Authority Board Meeting
    - $596 Million – September 2008 – MTC adoption of Resolution 3434 Strategic Plan Update
    - $701 Million – September 2009 Dumbarton Rail Policy Advisory Committee Project Cost Update
    - $700-800 Million – October 2013 Dumbarton Rail Policy Advisory Committee Project Update – estimated cost of alternatives contained in draft EIR/EIS – Document not released.

- Corridor Definition: "Corridor" is not specifically defined in RM2. However, the Dumbarton Rail Bridge connects north-south corridors on both sides of the San Francisco Bay. Those areas are generally considered to be part of an overall corridor system of transportation elements. Therefore, staff considers the investment in the Warm Springs Extension (and the Caltrain Electrification Program) to be appropriate investments of these bridge toll funds.

- Partner Agency Funding Actions – Alameda County Transportation Commission (ACTC) and Santa Clara Valley Transportation Authority (VTA) are both listed in RM2 as co-sponsors of the Dumbarton Rail project. In addition to the October 2013 SMCTA report noted above, the co-sponsors took the following recent actions:
    - Alameda CTC – In October 2013, ACTC approved a commitment of $13 million in Measure B funding previously programmed to the Dumbarton Corridor Improvement Projects to the Central Avenue Overpass project in the City of Newark.
    - Santa Clara VTA – In October 2013, VTA approved the Congestion Mangement Program (CMP), including a Capital Improvement Program funded by local measure and other funds to support CMP goals. The seven-year investment strategy in the CIP does not include funding for the Dumbarton Rail project. Additionally, in 2012, VTA approved the Valley Transportation Plan (VTP 2040), including a financially constrained list of capital projects for submittal to MTC for Plan Bay Area. The Dumbarton Rail project was not included in the VTP 2040 capital projects list.

Transfer of $20 million in RM2 funds to Caltrain Electrification:

MTC staff continues to recommend re-directing $20 million from unallocated Dumbarton Rail funds to the Caltrain Electrification project as an appropriate investment in the Dumbarton Corridor area. In response to letters received from Caltrain Joint Powers Board members, staff recommends removing the proposed local match requirement, and instead requiring the following by April 2015, and prior to any RM2 allocation toward Caltrain Electrification:

- Joint Powers Board certification of a full funding plan for the Electrification project
- Investment-grade financing plan, if necessary

Express Bus Service, including Line M service over San Mateo Bridge:

In the next 12 months, AC Transit may conduct a new study to assess travel demand and prioritize investments, including the San Mateo bridge corridor.

2) Caldecott Tunnel

During a previous Committee discussion, questions were raised about the amount of project savings available from the Caldecott Tunnel Fourth Bore, taking into account ongoing closeout activities. MTC Executive Director Steve Heminger wrote to Caltrans, the Alameda County Transportation Commission, and the Contra Costa Transportation Authority to request further information. Responses suggested that, taking into account all outstanding project work, $5.4 million in unallocated RM2 project funds should be available for redirection. MTC staff has received confirmation from CCTA and Caltrans that no additional allocations from RM2 funds will be requested.

3) Greenbrae – Bicycle/Pedestrian Elements

MTC staff largely agrees with comments received for bicycle/pedestrian improvements in the Larkspur and Corte Madera area, and has recommended that $20 million in RM2 funds remain on the project for the multimodal access improvements identified in the original RM2 legislation. MTC staff recommends expending RM2 funds on capital projects, rather than planning studies.

4) Regional Express Bus Service for San Mateo, Dumbarton, and Bay Bridge Corridors

Four projects were completed under the Regional Express Bus Service for San Mateo, Dumbarton, and Bay Bridge Corridors project ("Express Bus South"), RM2 project #29, all sponsored by ACCMA (predecessor agency to ACTC) and AC Transit:

- 29.1: Rolling Stock (MTC Res. No. 3656)
- 29.3: Route 84W HOV Lane Extension ($2.4 million in project savings, see MTC Res. No. 3662, Revised)
- 29.4: Grand-MacArthur Bus Signal Prioritization (MTC Res. No. 3663, Revised)
- 29.5: Ardenwood Blvd. Park and Ride Lot ($0.5 million in project savings, see MTC Res. No. 3666, Revised)

Between project 29.3 and 29.5, $2.9 million in project savings were achieved.

J:\COMMITTE\PAC\2014 PAC Meetings\05_May'14_PAC\3a.i-2-b_public comment MTC Staff ResponseREV1.docx

From **Richard Brand** Date: Mar 8, 2014 pages 1 of 2

To **Commissioners,**
Metropolitan Transit Commision Fax # (510) 817 5848

Cc: Palo Alto Daily Post

Subject: Re-Allocation of committed funding Dumbarton Bridge

I recommend that you add a hiding on your web site for "Contact Us" which includes an email address for citizen's input like mine. I had to find my fax and then plug it in to send you this submission.

FAX

JUST SAY NO.

I request that the committed funding for the renovation of the Dumbarton Rail corridor NOT be reassigned for the following reasons.

I live in the Palo Alto and we have been working (and paying) since the '90's to get this sorely need rail link established. The secondary effects of traffic backed up to cross the Dumbarton bridge are affecting all of our arterials including University Ave. which is the main road though our downtown. It is also the major cause of gridlock on highway 101 both north and southbound.

Rail via CalTrain is the major form of alternative transit in and out of Palo Alto and a rail link to the East Bay has to be developed, especially as our city is being pushed to develop more high-density housing by ABAG.

Palo Alto is underserved by our county transit system the VTA and San Mateo County is cutting back on its SAMTrans service to our city.

BART does not even serve SFO directly anymore from our city. Previously there was a shuttle bus from the Millbrae CalTrain station. When the huge Millbrae transit facility was built and BART extended to SFO, the shuttle was stopped when BART replaced it. Now BART has dropped that service and we have nothing.

Therefore I am asking the MTC to remain equitable and not transfer funding to the East Bay BART project which will not provide any even long term relief for the conditions listed above. We need that cross bay link even more now as the technology industry thrives, our population grows, our highways are at capacity and we are being pushed to develop more housing.

Sincerely,
Richard C. Brand
Palo Alto

Cc: PA Daily Post

TAM TRANSPORTATION ALTERNATIVES FOR MARIN

February 03, 2014

Mr. Steve Heminger
Executive Director
Metropolitan Transportation Commission
VIA E-MAIL: sheminger@mtc.ca.gov

RE: Recommendation for use of Regional Measure 2 Funds to improve mobility in the most congested area of Marin County by building the North South Greenway Central Marin Ferry Connection Phase II

Dear Mr. Heminger:

Transportation Alternatives for Marin is a non-profit corporation whose mission is to promote pedestrian and bicycle transportation, particularly in the United States. Our mission is advanced through promoting pedestrian and bicycle transportation in Marin County, California, and the demonstration that investment in integrated bicycle and pedestrian infrastructure, combined with education, can carry a material portion of the overall transportation load and serve as an intermodal promoter.

Transportation Alternatives for Marin recommends that the Metropolitan Transportation Commission (MTC) fund and have the Transportation Authority of Marin (TAM) build the Central Marin Ferry Connection (CMFC) Phase II section of the North South Greenway with funds from Regional Measure 2.

All requests for funding herein are expressly described in the Regional Measure 2 enabling legislation. See Exhibit "A".

The North South Greenway completes multimodal connections from the Ross Valley and South Marin to the Larkspur Ferry and the soon-to-be built Larkspur SMART Station. This segment of the North South Greenway is an important segment of the 9-county regional Bay Trail, from where the Central Marin Ferry Connection Phase I segment will end on the north edge of Corte Madera Creek (see Attachment "B" for computer rendering of CMFC Phase I to be built in 2014), to the Sandra Marker Trail (across Corte Madera Creek, along the railroad right-of-way). [Central Marin Ferry Connection Phase II, Preferred Alternative.]

We also recommend that the MTC fund intersection surface improvements on Wornum Drive for $500,000 and a $250,000 study for grade separated crossings at Redwood Highway and Tamal Vista Blvd. on the North South Greenway (This is the North South Greenway crossing of Highway 101.) which would connect the Sandra Marker Trail with the Central Marin Ferry Connection. Both of these funding allocations were made by the TAM Board of Commissioners on September 26, 2013.

We recommend splitting the above described portion of the CMFC Phase II project for the North South Greenway into three sections:

1. Corte Madera Creek bicycle/pedestrian bridge overcrossing.

    a. This section needs to be environmentally cleared and built.

TRANSPORTATION ALTERNATIVES FOR MARIN • 187 E. BLITHEDALE AVENUE • MILL VALLEY • CA • 94941
TEL: 415.389.5040 x24 FAX: 415.389-5044

b. The estimated costs for clearances and construction are $15 million.
c. The Transportation Authority of Marin has done a comprehensive study and this alignment was identified as the preferred alternative alignment.
d. The Transportation Authority of Marin has already done preliminary engineering on the preferred alternative alignment.

2. Redwood Highway and Wornum Drive to the trestle approach near the trailer park on the south side of Corte Madera Creek.

   a. This section should be environmentally cleared and built.
   b. The estimated costs for clearances and construction are $5 million.
   c. The Transportation Authority of Marin has done a comprehensive study and this alignment was identified as the preferred alternative alignment.
   d. The Transportation Authority of Marin has already done preliminary engineering on the preferred alternative alignment.

3. Connecting the Sandra Marker Trail to the east side of Redwood Highway.

   a. Wornum Drive intersection surface improvements
      1) Estimated Cost $500,000
   b. This section needs to be studied to determine the optimal grade separation design at:
      1) Wornum Drive and Tamal Vista Boulevard; and
      2) Wornum Drive and Redwood Highway
   c. The requested amount for the grade separated study is $250,000.

Each of the sections of the North South Greenway identified above has "independent utility." Each section provides a function independent of one another and can be environmentally cleared and built as separate projects if necessary.

We recommend that the MTC use Regional Measure 2 to fund:

(1) Pre-construction tasks are required including, the environmental review, design, and permitting for all three sections of the CMFC Phase II sections of the North South Greenway as described above and shown on Attachment "C;" and
(2) The construction of Sections 1 and 2 as pre-construction tasks are completed.

Completing the North South Greenway should be the primary transportation improvement made with the remaining Regional Measure 2 funds. The Central Marin Ferry Connection Phase II sections of the North South Greenway improvements are consistent with the legislative intent of Regional Measure 2, as shown in Attachment "A". Additionally, the three priority sections of the North South Greenway listed above provide flexibility as they can be grouped with either freeway improvements or SMART allocations.

Completion of the North South Greenway and Central Marin Ferry Connection Phase II has the overwhelming support of the community, including the school districts and the city councils of Corte Madera and Larkspur.

On Monday, August 26, 2013 the TAM's Greenbrae Corridor Improvements Project Working Group unanimously supported key recommendations requested by MCBC, The

TRANSPORTATION ALTERNATIVES FOR MARIN • 187 E. BLITHEDALE AVENUE • MILL VALLEY • CA • 94941
TEL: 415.389.5040 X24 FAX: 415.389-5044

TAM TRANSPORTATION ALTERNATIVES FOR MARIN

San Francisco Bay Trail Project, Transportation Alternatives for Marin, and Marin Deserves Better including:

- Construction of a new separated bicycle/pedestrian bridge crossing Corte Madera Creek.
- Construction of a multi-use pathway from Redwood Highway at Wornum Drive, behind Trader Joe's/Cost Plus (adjacent to and on the west side of the SMART train tracks), to the area just south of Corte Madera Creek.
- Construction of grade separated crossings at Tamal Vista Boulevard (near DMV) and under Redwood Highway (on east side of the Highway 101) at Wornum Drive.

The following groups support making the North South Greenway from the Sandra Marker Trail to the Cal Park Hill Tunnel a priority for the use of Marin's Regional Measure 2 funds:

1. City of Larkspur;
2. Town of Corte Madera;
3. Tamalpais Union High School District;
4. Larkspur-Corte Madera School District;
5. Transportation Authority of Marin Advisory Group;

(See Attachment "D")

If any Regional Measure 2 funding goes to SMART, we request that the SMART Board of Directors agree to the following to promote the construction of Regional Measure 2 projects (as described in the original legislation) as follows:

1. SMART agrees to fully cooperate with the planning, environmental clearance, and the building of the North South Greenway CMFC Phase II;
2. SMART agrees to immediately notify the lessees on the SMART right-of-way that are on land that would be used by the CMFC Phase II North South Greenway to vacate by June 1, 2014;
3. SMART agrees to pay for maintenance expenses for the North South Greenway sections on SMART right-of-way for the first ten years of operation from the north side of Corte Madera Creek to the spur at the Corte Madera border.
4. SMART agrees to build the multiuse path described in its enabling legislation, Measure Q, from the Larkspur SMART station to the San Rafael SMART station at the same time the train line is built.

Thank you again for the opportunity to provide recommendations to build optimal transportation projects in Marin County with Marin's Regional Measure 2 funding allocation as set forth in the original legislation.

Respectfully submitted,

Patrick M. Seidler
President

TRANSPORTATION ALTERNATIVES FOR MARIN • 187 E. BLITHEDALE AVENUE • MILL VALLEY • CA • 94941
TEL: 415.389.5040 x24 FAX: 415.389-5044

Attachment "A"

Section 309.14(a - f) Excerpted from the STREETS AND HIGHWAYS CODE SECTION 30910-30922

30914. (a) In addition to any other authorized expenditures of toll bridge revenues, the following major projects may be funded from toll revenues of all bridges:

...

(c) If the voters approve a toll increase in 2004 pursuant to Section 30921, the authority shall, consistent with the provisions of subdivisions (d) and (f), fund the projects described in this subdivision and in subdivision (d) that shall collectively be known as the Regional Traffic Relief Plan by bonding or transfers to the Metropolitan Transportation Commission. These projects have been determined to reduce congestion or to make improvements to travel in the toll bridge corridors, from toll revenues of all bridges:

If Regional Measure 2 passes...

...

(10) Sonoma-Marin Area Rail Transit District (SMART) Extension to Larkspur or San Quentin. Extend rail line from San Rafael to a ferry terminal at Larkspur or San Quentin. Thirty-five million dollars ($35,000,000). Up to five million dollars ($5,000,000) may be used to study, in collaboration with the Water Transit Authority, the potential use of San Quentin property as an intermodal water transit terminal. The project sponsor is SMART.

Already allocated to SMART

(11) Greenbrae Interchange/Larkspur Ferry Access Improvements. Provide enhanced regional and local access around the Greenbrae Interchange to reduce traffic congestion and provide multimodal access to the Richmond-San Rafael Bridge and Larkspur Ferry Terminal by constructing a new full service diamond interchange at Wornum Drive south of the Greenbrae Interchange, [redacted] adding a new lane to East Sir Francis Drake Boulevard and [redacted] Sixty-five million dollars ($65,000,000). The project sponsor is the Marin County Congestion Management Agency.

1. TAM has said this cannot be done

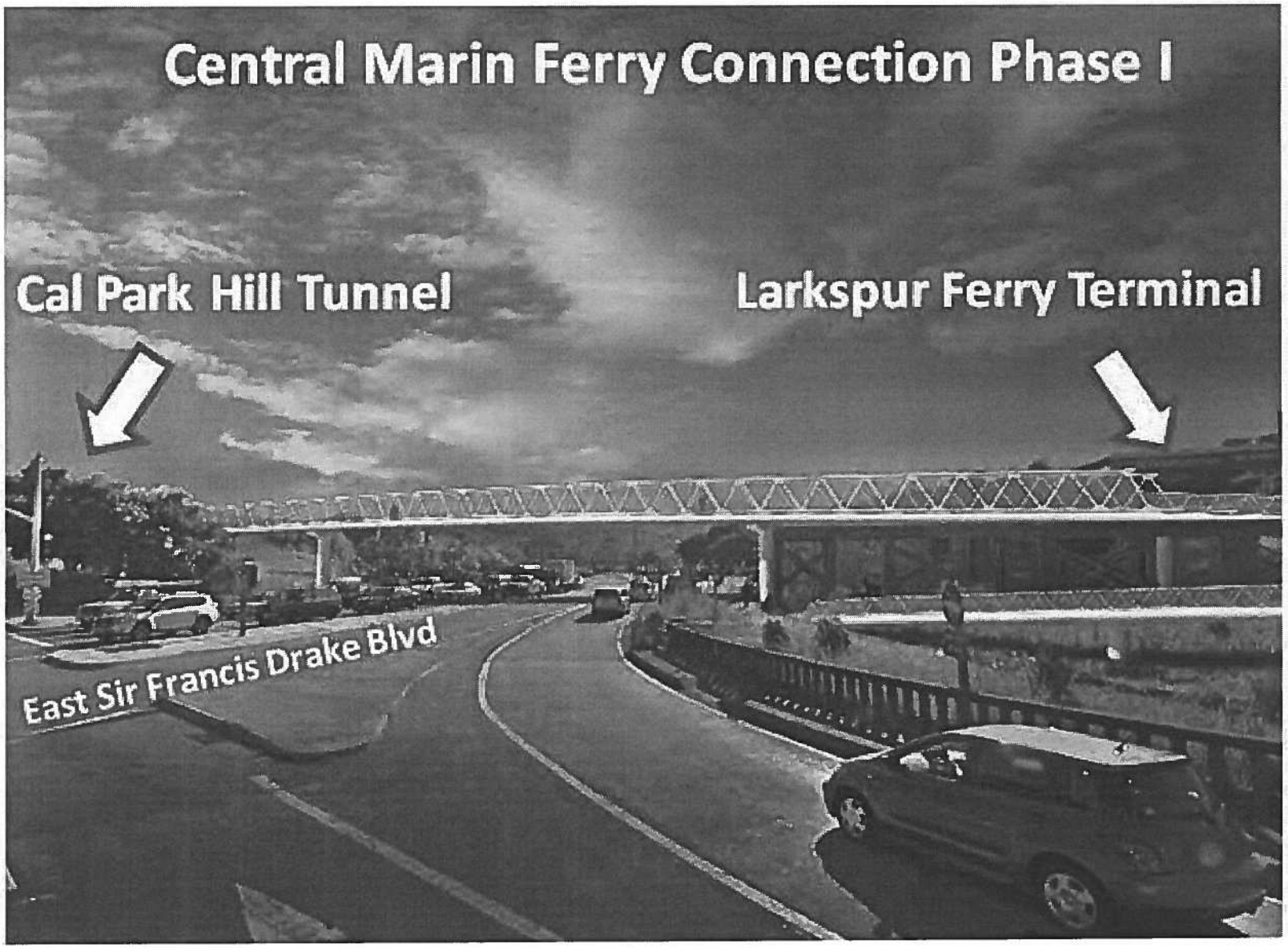
2. Wornum Drive Grade Separated Crossings and Phase II Central Marin Ferry Connection

3. Completed years ago by Larkspur

4. Cal Park Hill Tunnel Openned in 2010, and Phase I Central Marin Ferry Connection starts construction in 2014

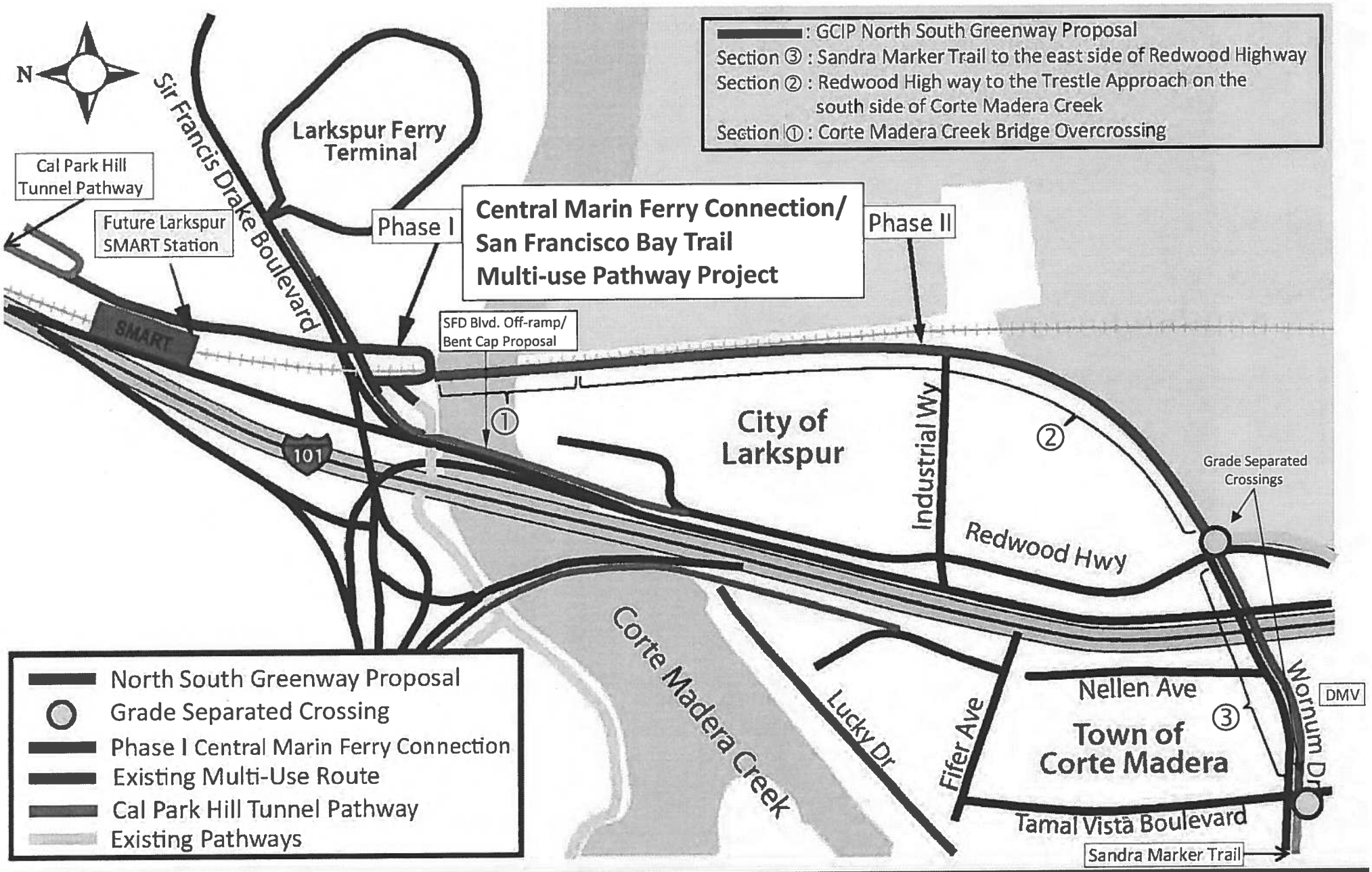
The requests to fund the construction and tasks necessary to build the North South Greenway from Wornum Drive to the Central Marin Ferry Connection falls within the funding directive of Regional Measure 2. The North South Greenway is the "multiuse pathway" mentioned here in the legislative language.

Attachment "B"



Digital Simulation Construction Begins 2014

COMPLETE THE NORTH SOUTH GREENWAY
CONNECTING THE ROSS VALLEY TO SMART AND THE LARKSPUR FERRY



Attachment "D"

CITY OF LARKSPUR
RESOLUTION No. 69/13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LARKSPUR SUPPORTING THE INCLUSION OF VARIOUS IMPROVEMENTS AS PART OF CALTRANS' HIGHWAY 101 GREENBRAE/TWIN CITIES CORRIDOR IMPROVEMENTS PROJECT

WHEREAS, Caltrans and the Transportation Authority of Marin (TAM) are considering a major freeway improvement project in the Greenbrae/101 corridor (Greenbrae/101 Project) that currently does not include the completion of the Larkspur/Corte Madera section of the North-South Greenway from the Sandra Marker Trail from Wornum Drive along the railroad right of way over the Corte Madera Creek connecting to the Cal Park Hill Tunnel on a new bicycle/pedestrian bridge;

WHEREAS, the existing bicycle/pedestrian path on Wornum Drive would be enhanced by additional safety improvements to the connection between the communities on the west and bay side of Highway 101, which is of particular concern for school age children;

WHEREAS, the enabling legislation for Regional Measure 2, which is one of the funding sources for the Greenbrae/ 101 Project, identifies the construction of a path from Wornum Drive to the Cal Park Hill Tunnel;

WHEREAS, safety enhanced multi-modal transportation improvements must be included in the project to encourage bicycle/pedestrian use and safety, to reduce traffic congestion and improve the quality of life; and,

WHEREAS, residents of Larkspur and Marin County will walk and bicycle more if the paths are safe and separate (from automobile crossings at grade), direct, flat, and esthetically pleasing.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Larkspur resolves

1. The City Council supports including in the Greenbrae/101 Project in the completion of the Larkspur/Corte Madera section of the North-South Greenway from the Sandra Marker Trail at Wornum Drive and Tamal Vista to the Redwood Highway, and continuing along the railroad right-of-way from the Redwood Highway over Corte Madera Creek on a new bicycle/pedestrian bridge, following the Preferred Alternative in both the 2004 Larkspur and Bay Trail Study and the 2007 TAM Central Marin Ferry Connection Feasibility Memorandum.

2. The City Council supports including in the Greenbrae/101 Project underpasses on the North South Greenway at Tamal Vista, any new freeway off ramps, and the

Attachment "D"

Redwood Highway as the Greenway passes parallel with Wornum Drive under Highway 101 so that the North South Greenway would be fully safe and separate (no pedestrian or bicycle crossings of roadways at the same grade) from the Sandra Marker Trail to the Cal Park Hill Tunnel as shown in the drawing dated June 3, 2013 by Joe Breeze entitled Conceptual North-South Greenway Bike-Ped Underpass 2.1 Along Wornum Way.

****

IT IS HEREBY CERTIFED that the City Council of the City of Larkspur duly introduced and regularly adopted the foregoing resolution at a regular meeting held on the 21st day of August, 2013, by the following vote, to wit:

AYES: COUNCILMEMBER:

NOES: COUNCILMEMBER:

ABSENT: COUNCILMEMBER:

ABSTAIN: COUNCILMEMBER:

_____
MAYOR

ATTEST:

_____
CITY CLERK

Attachment "D"

CITY OF LARKSPUR
RESOLUTION No. 70/13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LARKSPUR ENCOURAGING INCLUSION WITHIN THE SCOPE OF THE HIGHWAY 101 GREENBRAE/TWIN CITIES CORRIDOR IMPROVEMENTS PROJECT THOSE BICYCLE AND PEDESTRIAN IMPROVEMENTS THAT ARE CONSISTENT WITH THE PROJECT AND EXISTING LOCAL AND REGIONAL PLANNING DOCUMENTS

WHEREAS, the Larkspur City Council is committed to the provision of safe bicycle and pedestrian routes within its jurisdiction;

WHEREAS, Caltrans and the Transportation Authority of Marin (TAM) are considering a major freeway improvement project in the Greenbrae/101 corridor (Greenbrae/101 Project) with project elements within the jurisdiction of Larkspur;

WHEREAS, it is anticipated that the final Greenbrae/101 Project scope will include improvements for bicycle and pedestrian routes;

WHEREAS, several local and regional agencies, including, but not limited to, the City of Larkspur, the Town of Corte Madera, the County of Marin, TAM, and the Association of Bay Area Governments, have adopted various plans that identify bicycle and pedestrian improvements within the Greenbrae/101 Project Area;

WHEREAS, it is a goal of the City of Larkspur to realize improved bicycle and pedestrian connectivity between the City's existing networks on the north and south sides of Corte Madera Creek;

WHEREAS, it is a goal of the City of Larkspur to maintain and improve bicycle and pedestrian connectivity between the west and east sides of Highway 101;

WHEREAS, the City Council is aware that members of the Marin community have proposed that the Greenbrae/101 Project include bicycle and pedestrian improvements that are not currently identified as part of the Project; and

WHEREAS, the City Council is also aware that the planning processes to include these elements in the Greenbrae/101 Project may require more time and the coordination of more regulatory agencies than is feasible within the time constraints of the overall Greenbrae/101 Project.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Larkspur encourages TAM to consider the feasibility of including addition bicycle and pedestrian improvements that are consistent with the adopted plans of those agencies whose jurisdiction includes all or a portion of the Project Area.

Attachment "D"

NOW, THEREFORE, BE IT RESOLVED, that the City Council believes that the final scope for the Greenbrae/101 Project should include as many elements as possible that improve and enhance safe travel between the CalPark Hill Tunnel and the Sandra Marker Trail.

****

IT IS HEREBY CERTIFED that the City Council of the City of Larkspur duly introduced and regularly adopted the foregoing resolution at a regular meeting held on the 21st day of August, 2013, by the following vote, to wit:

AYES: COUNCILMEMBER:

NOES: COUNCILMEMBER:

ABSENT: COUNCILMEMBER:

ABSTAIN: COUNCILMEMBER:

_____
MAYOR

ATTEST:

_____
CITY CLERK

Attachment "D"

RESOLUTION NO. 11/2013

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA SUPPORTING THE INCLUSION OF VARIOUS IMPROVEMENTS AS PART OF CALTRANS' HIGHWAY 101 GREENBRAE/TWIN CITIES CORRIDOR IMPROVEMENTS PROJECT AS RECOMMENDED BY THE TOWN'S BICYCLE PEDESTRIAN ADVISORY COMMITTEE (BPAC)

WHEREAS, Caltrans and the Transportation Authority of Marin (TAM) are considering a major freeway improvement project in the Greenbrae/101 corridor (Greenbrae/101 Project) that currently does not include the completion of the Larkspur/Corte Madera section of the North-South Greenway from the Sandra Marker Trail from Wornum Drive along the railroad right of way over the Corte Madera Creek connecting to the Cal Park Hill Tunnel on a new bicycle/pedestrian bridge;

WHEREAS, the existing bicycle/pedestrian path on Wornum Drive would be enhanced by additional safety improvements to the connection between the communities on the west and bay side of Highway 101, which is of particular concern for school age children;

WHEREAS, the enabling legislation for Regional Measure 2, which is one of the funding sources for the Greenbrae/101 Project, identifies the construction of a path from Wornum Drive to the Cal Park Hill Tunnel;

WHEREAS, safety enhanced multi-modal transportation improvements must be included in the project to encourage bicycle/pedestrian use and safety, to reduce traffic congestion and improve the quality of life; and,

WHEREAS, residents of Corte Madera and Marin County will walk and bicycle more if the paths are safe and separate (from automobile crossings at grade), direct, flat, and esthetically pleasing.

NOW THEREFORE, BE IT RESOLVED:

1. The Town Council of the Town of Corte Madera supports including in the Greenbrae/101 Project in the completion of the Larkspur/Corte Madera section of the North-South Greenway from the Sandra Marker Trail at Wornum Drive and Tamal Vista to the Redwood Highway, and continuing along the railroad right-of-way from the Redwood Highway over Corte Madera Creek on a new bicycle/pedestrian bridge, following the Preferred Alternative in both the 2004 Larkspur and Bay Trail Study and the 2007 TAM Central Marin Ferry Connection Feasibility Memorandum.

2. The Town Council supports including in the Greenbrae/101 Project underpasses on the North South Greenway at Tamal Vista, any new freeway off ramps, and the Redwood Highway as the Greenway passes parallel with Wornum Drive under Highway 101 so that the North South Greenway would be fully safe and separate (no pedestrian or bicycle crossings of roadways at the same grade) from the Sandra Marker Trail to the Cal Park Hill Tunnel as shown in the drawing dated June 3, 2013 by Joe Breeze entitled Conceptual North-South Greenway Bike-Ped Underpass 2.1 Along Wornum Way.

Attachment "D"

I HEREBY CERTIFY that the foregoing Resolution was duly and regularly adopted by the Town Council of the Town of Corte Madera of Marin County at a regular meeting thereof held on June 4, 2013, to wit:

AYES: Furst, Condon, Lappert, Ravasio
NOES: None
ABSENT: None

Diane Furst

Diane Furst, Mayor

ATTEST:

Lisa Harper

Lisa Harper, Interim Town Clerk

Attachment "D"

TAMALPAIS UNION HIGH SCHOOL DISTRICT
Larkspur, California

RESOLUTION #13

RESOLUTION OF THE BOARD OF TRUSTEES
OF THE TAMALPAIS UNION HIGH SCHOOL DISTRICT
SUPPORTING THE NORTH SOUTH GREENWAY AND UNDER-CROSSINGS AT WORNUM DRIVE

WHEREAS, it is the understanding of the Tamalpais Union High School District Board of Trustees ("Board") that Caltrans and Transportation Authority of Marin are considering a major freeway improvement project in the Greenbrae/Twin Cities corridor that does not include the completion of the Larkspur/Corte Madera section of the North South Greenway from Wornum Drive along the railroad right of way over the Corte Madera Creek on a new bicycle/pedestrian bridge;

WHEREAS, the existing bike/pedestrian path on Wornum Drive offers a reasonably safe connection between the communities on the west and east sides of Highway 101. The Board understands that the proposed Caltrans and Transportation Authority of Marin improvement project would add an off-ramp and bus stop at Wornum Drive that would cross the existing bike/pedestrian path, creating increased conflict points with motor-vehicle traffic. The Caltrans and Transportation Authority of Marin improvement project would also add an on-ramp and second off-ramp at Wornum Drive that would bring considerably more motor-vehicle traffic onto the street. These proposed improvements would make the area significantly more dangerous for bicyclists and pedestrians.

WHEREAS, the Board believes that better multi-modal transportation improvements need to be included in the Greenbrae/Twin Cities Corridor Improvement Project so as to encourage bicycle/pedestrian use by students, parents, teachers, and the community as a whole, to reduce traffic congestion and improve the quality of life. The community will walk and bike more if the paths are safe and separate, direct, flat, and aesthetically pleasing.

NOW, THERFORE, BE IT RESOLVED that the Board:

1) Supports including in the Greenbrae/Twin Cities Corridor Improvement Project, the completion of the Larkspur/Corte Madera section of the North South Greenway from Wornum Drive along the railroad right of way over Corte Madera Creek on a new bicycle/pedestrian bridge;

2) Supports including in the Greenbrae/Twin Cities Corridor Improvement Project, Joe Breeze's plan to improve the bike/pedestrian path at Wornum Drive with under-crossings at Tamal Vista Drive and at Redwood Highway to create a safe and separate connection.

PASSED AND ADOPTED at a regular meeting of the Governing Board of the Tamalpais Union High School District on this 22nd day of May, 2013 by the following vote, to wit:

AYES: 5
NOES: 0
ABSENT: 0

I, Laurie Kimbrel, Secretary to the Board of Trustees, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Board of Trustees of the TAMALPAIS UNION HIGH SCHOOL DISTRICT at their meeting on May 22, 2013, which Resolution is on file in the office of said Board.

Laurie Kimbrel, Superintendent
Secretary, Board of Trustees
Tamalpais Union High School District

ATTEST:

Bob Walter
Clerk, Board of Trustees
Tamalpais Union High School District

Attachment "D"

LARKSPUR-CORTE MADERA SCHOOL DISTRICT
Larkspur, California

RESOLUTION 2012/13-22
SUPPORTING THE NORTH SOUTH GREENWAY AND UNDER-CROSSINGS AT WORNUM DRIVE

WHEREAS, it is the Larkspur-Corte Madera School District Board of Trustees' ("Board") understanding that Caltrans and Transportation Authority of Marin are considering a major freeway improvement project in the Greenbrae/Twin Cities Corridor that does not include the completion of the Larkspur/Corte Madera section of the North South Greenway from Wornum Drive along the railroad right of way over the Corte Madera Creek on a new bicycle/pedestrian bridge;

WHEREAS, the existing bike/pedestrian path on Wornum Drive offers a reasonably safe connection between the communities on the west and east sides of Highway 101. The Board understands that the proposed Caltrans and Transportation Authority of Marin improvement project would add an off-ramp and bus stop at Wornum Drive that would cross the existing bike/pedestrian path, creating increased conflict points with motor-vehicle traffic. The Caltrans and Transportation Authority of Marin improvement project would also add an on-ramp and second off-ramp at Wornum Drive that would bring considerably more motor-vehicle traffic onto the street. These proposed improvements would make the area significantly more dangerous for bicyclists and pedestrians; and,

WHEREAS, the Board believes that better multi-modal transportation improvements need to be included in the Greenbrae/Twin Cities Corridor Improvement Project so as to encourage bicycle/pedestrian use by students, parents and teachers, and the community as a whole, to reduce traffic congestion and improve the quality of life. The community will walk and bike more if the paths are safe and separate, direct and flat, and aesthetically pleasing.

BE IT RESOLVED:

1. The Board supports including in the Greenbrae/Twin Cities Corridor Improvement Project the completion of the Larkspur/Corte Madera section of the North South Greenway from Wornum Drive along the railroad right of way over Corte Madera Creek on a new bicycle/pedestrian bridge.

2. The Board supports including in the Greenbrae/Twin Cities Corridor Improvement Project, the attached conceptual plan to improve the bike/pedestrian path at Wornum Drive with under-crossings at Tamal Vista Drive and at Redwood Highway to create a safe and separate connection.

PASSED AND ADOPTED by the Board at its meeting on June 19, 2013, by the following vote:

AYES: 5
NOES: Ø
ABSENT/NOT VOTING: Ø

Sheri Mowbray, President, Board of Trustees

Susan Christman, Clerk, Board of Trustees

I, Valerie Pitts, Secretary to the Board of Trustees, do hereby certify that the foregoing is a true and correct copy of the Resolution adopted by the Board of the Larkspur-Corte Madera School District at its meeting of June 19, 2013, which Resolution is on file in the office of this school district.

Valerie Pitts, Superintendent and Secretary to the Board of Trustees

Attachment "D"

Recap of the TAM Working Group's final recommendations:
August 27, 2013

The TAM Working Group finalized its recommendations that will be going to the full TAM Board at its Sept. 26 meeting. In a meeting lasting more than 5 hours, the Working Group was finally able to distill months of work on freeway and bike/pedestrian options down to a series of recommendations for the TAM Board. The TAM Working Group recommends:

...

BIKE/PEDESTRIAN FACILITIES:

- Complete the North-South Greenway, in phases as follows:
  1) Pathway with under crossings, or if infeasible, then safe and separate crossings, along Wornum from the Sandra Marker Trail at Tamal Vista to the east side of Redwood Hwy
  2) Pathway from Redwood Hwy to trestle, along west edge of railroad right-of-way (behind Cost Plus and Trader Joe's)
  3) New dedicated pathway over creek if feasible, with a preference for a new bridge. Second choice is renovation of old trestle for bike/pedestrian use. If neither is feasible, then N-S Greenway would utilize the widened pathway along northbound Industrial Way offramp (see next bullet point)
- Widen pathway on existing northbound Industrial Way offramp
- Retain the existing pedestrian over-crossing (POC) of Hwy 101 between Lucky Drive and Industrial Way.

LARKSPUR-CORTE MADERA SCHOOL DISTRICT
Building Community

BOARD OF TRUSTEES

Susan Christman
Daniel Durkin
Andrea Pierpont
Sally Relova
Julia Ritter

February 10, 2014

Via E-Mail to sheminger@mtc.ca.gov

Mr. Steve Heminger
Executive Director
Metropolitan Transportation Commission

Dear Mr. Heminger:

We are writing on behalf of the children and families in the Larkspur-Corte Madera School District. Our district has experienced 47% enrollment growth in the last decade. We are opening a new school on the bay side of Corte Madera in September, 2014. Approximately 150 children will travel daily from the west side of Corte Madera to the new school on Paradise and Golden Hind. This includes several children due to move into the Tamal Vista Apartments this summer.

Our district has worked diligently with Safe Routes to Schools, Marin Deserves Better, and our local Town and City planners to create safe and efficient pathways for children to walk and/or ride to schools. Still, the Greenbrae Corridor overcrossings and undercrossings present safety hazards so great that elementary age students are prevented from walking or biking to school. This puts more cars on the road each day. As our community grows, our schools will continue to expand and the need for safe pathways from one side of the freeway to the other grows as well. Traffic is not likely to improve in the Greenbrae Corridor, unless children can get out of their parents' cars when going to and from school.

The Town of Corte Madera, the City of Larkspur, and the Larkspur-Corte Madera School District unanimously support the grade-separated crossings at Tamal Vista and Redwood Highway.

The TAM Working Group unanimously supported and prioritized building the North South Greenway at this area with grade-separated crossings. The North South Greenway crossing can include grade-separated crossings.

Valerie Pitts, Ed.D.
Superintendent

230 Doherty Drive, Larkspur, CA 94939 415.927.6960 / Fax 415.927.6964 www.lcmschools.org

In the absence of funding for the entire project, it is essential that a study be completed for the optimal grade-separated crossings so this critical section of the North South Greenway can be built as soon as possible. Such a study was approved by the TAM Board of Commissioners. Building the grade-separated path at Wornum and under Tamal Vista and Redwood Highway complies with the Regional Measure 2 language for funding. Please move forward with the study.

Sincerely,

Valerie Pitts, Ed.D.
Superintendent

Michelle Walker
Principal, The Cove School

cc: Alix Bockelman, MTC Director
(abockelman@metc.ca.gov)
Kimberley Ward
(kward@mtc.ca.gov)

From: Yoriko Kishimoto
Sent: Tuesday, March 04, 2014 4:28 PM
To: Kimberly Ward
Subject: RM2 allocation: for Programming and Allocation Committee

Mr. Chair and members of the committee:

My name is Yoriko Kishimoto, former Mayor of Palo Alto and also former VTA board member.

My request is regarding the proposed RM2 actions on the Dumbarton Rail corridor (item 3). I am a past member of the Policy Advisory Committee and familiar with the past action to lend the $91 million to Alameda County with the understanding that it would be paid back.

I understand the need to re-allocate the $34 million to Caltrain and express buses. I don't understand forgiving the loan. RM 2 is funded by bridge users and voted in to relieve transbay transportation needs. The Dumbarton corridor is severely congested as it serves the employment centers of Silicon Valley. We need to keep the plan of Dumbarton Rail alive and move it forward, not kill it. Express buses are fine as interim solution but we will eventually need rail across the bay. Please do not eliminate the $91 million debt - we will need it in the future.

Thank you for your attention.

Yoriko Kishimoto

From: **On Behalf Of** Adina Levin
Sent: Tuesday, March 04, 2014 9:03 PM
To: dist5@bos.cccounty.us; Dave Cortese; mayor@ci.berkeley.ca.us; aworth@cityoforinda.org; bill.dodd@countyofnapa.org; Bijan Sartipi; jpirzynski@losgatosca.gov; Alix Bockelman; officeofthemayor@oaklandnet.com; David.Campos@sfgov.org; Scott Wiener; Adrienne J. Tissier
Subject: Dumbarton Rail Item #3

Dear Chair and Commissioners,

In the May 5 agenda Item 3, the MTC Programming and Allocations Committee is reviewing transportation projects that are not moving forward currently, including Dumbarton Rail. That project was stalled following the failure of the last Alameda County transportation ballot measure which would have funded it.

The staff report currently proposes to re-allocate $34 million to purchasing express buses currently serving the corridor, and to Caltrain electrification. This is a good recommendation.

In addition, however, there is a proposal to permanently allocate $91 million - which was borrowed for the BART to Warm Springs project with the intention that it would be paid back - and dedicate the $91M to the BART project permanently.

The Dumbarton corridor is severely congested as it serves the employment centers of Silicon Valley. It is important to keep the plan of Dumbarton Rail alive and move it forward, not kill it.

Regional Measure 2 is funded by bridge users and voted in to relieve transbay transportation needs. Express buses are fine as interim solution but we will eventually need rail across the bay.

We urge you to maintain the $91 Million for future use on the Dumbarton Corridor.

http://apps.mtc.ca.gov/meeting_packet_documents/agenda_2188/03a_RM2_Hearing_Request.pdf

Thank you for your attention,

- Adina

Adina Levin
Friends of Caltrain

March 15, 2014

TO: METROPOLITAN TRANSPORTATION COMMISSION

FROM: TIM PITSKER

MEMORANDUM IN SUPPORT OF REALLOCATING RM2 FUNDS FROM THE DUMBARTON RAIL CORRIDOR PROJECT (DRCP) TO OTHER PROJECTS

I am a retired lawyer having worked for 27 years as a deputy district attorney for Santa Clara County. I have lived in the Niles District of Fremont and frequently had to commute across the Dumbarton Bridge to get to the Palo Alto courts. There is no backup of traffic on the bridge and only minor backups at highway 880 on the east and 101 on the west. It would be a waste of taxpayer money to build the DRCP. I am currently serving as the chairperson of the Citizen Advisory Panel for the DRCP Policy Advisory Committee. The views expressed in this memorandum are my personal views and not the views of the CAP.

THE DRCP IS A FLAWED PROJECT AND REALLOCATING ITS RM2 FUNDING IS APPROPRIATE

There are numerous issues waiting to be litigated. Attached are investigation requests that I have previously submitted to the civil grand juries of Alameda and Santa Clara Counties along with grand jury reports from Alameda, San Mateo and Santa Clara Counties that are critical of the DRCP. I have not included exhibits that were attached to the investigation requests. These exhibits are available upon request. Also attached are two DRCP memos from the project manager Howard Goode.

If the draft EIR for the DRCP is presented for public comment, I will then go into litigation mode. I will employ the CEQA law firm that defeated CAL TRANS when it submitted an environmental impact report that attempted to expand highway 84 from Niles to Sunol by cutting down 400 trees in Niles Canyon. Hopefully the RM2 money for the DRCP will be reallocated and we can avoid potentially extensive litigation.

SUMMARY KEY ISSUES

1) The Union Pacific RR is not selling the right-of-way from Union City to the Shinn Connection. The UPRR has not negotiated in good faith. The UPRR demands are

outrageously expensive and would cost the DRCP hundreds of millions of dollars. The demands include a third track through the Centerville District of Fremont. The PUC requires grade separations before allowing a third track. These grade separations in Centerville could easily cost several hundred million dollars. This demand alone could easily sink the DRCP. The UPRR also wants a grade separation between the coast line and the Dumbarton line in Newark. This could easily cost another 100 million dollars. The UPRR has also indicated that it will only sell all 38 miles of the Oakland Subdivision right-of-way and not just the approximately 2 miles from the Union City Intermodal station to the Shinn Connection. There is no money allocated for the purchase of the entire 38 miles. Finally, the UPRR wants a freight only bridge over Alameda Creek in Niles which will cost over 25 million dollars. These demands make it impossible to purchase the needed right-of-way and the DRCP cannot be completed.

2) The building of the freight only bridge in Niles is probably an illegal use of funds absent an agreement by the UPRR to take freight off of the Centerville Line to make space for more passenger trains. The UPRR has shown no inclination to obligate itself to reduce freight through Centerville and actually wants a third track to increase freight traffic through Centerville. The building of the Niles freight bridge would be an inappropriate use of taxpayer money (the Niles freight bridge is Segment F of the Project Summary Report).

3) Building the Niles freight bridge creates an unreasonable environmental risk of derailments and contaminating local drinking water. The Alameda County Water District takes water out the Alameda Creek at that location. The bridge will turn directly above Alameda Creek from the Niles Line to the Oakland Line to access Niles Canyon from the Niles Line. This turn creates a serious risk of derailment. This turn, that is directly above Alameda Creek, is a sharper turn than at Dunmuir where a derailment and chemical spill killed all life in the upper Sacramento river for nearly 40 miles. The 40 miles of contamination left that section of the river dead for several years. A derailment and chemical spill into Alameda Creek at the location of the proposed Niles freight bridge would contaminate the drinking water for people living in Fremont, Union City and possibly Newark.

4) Construction of the Niles freight bridge requires that the flow of water in the Alameda Creek be stopped for 10 months for construction. The Alameda County Water District is dependent on water from the Alameda Creek and draws water from the very location of the construction of the freight bridge. The Alameda County Water District is not going to stop drawing water from the Alameda Creek and short its customers much needed water, especially in this time of drought. The State of California has terminated its entire allocation of water to the Alameda County Water District. This amounts to 40% of

the total amount of water used by the Alameda County Water District. The construction of the freight bridge has not been adequately planned.

5) The DRCP intends to incorporate by reference the 2006 Union City Intermodal station EIR into the DRCP's environmental impact report to cover Segment G of the DRCP . This is a clear violation CEQA. The Union City Intermodal Station is not a project that can exist separately from the DRCP in that the DRCP will be purchasing the right-of-way and building the tracks to be used by Capital Corridor trains using the Union City Intermodal Station. For the DRCP to claim that the EIR requirements for Segment G are satisfied by the Union City Intermodal EIR shows a lack of understanding of CEQA. This is especially true in that the Union City Intermodal EIR does not include two DRCP layover yard options that are a part of Segment G of the DRCP Project. Furthermore, the Union City Intermodal EIR cannot be used because it is stale by being over eight years old. Segment G of the DRCP is the heart and soul of the DRCP because Union City is the starting point and ending location for the DRCP trains with the layover yard being located in Segment G. Separation of Segment G from the DRCP environmental impact report is a violation of CEQA . In that the Union City Intermodal Station cannot exist separately from the DRCP this is an additional violation of CEQA.

6) The DRCP engineers have not been able to figure out how to integrate DRCP trains with the ongoing flow of Cal Train traffic on the peninsula. This is a huge problem.

7) The cost of the DRCP has escalated from $130,000,000 to around $800,000,000. With the delay in obtaining additional needed funding, the ultimate construction cost will be well over one billion dollars. On top of this is the hundreds of millions it will cost to pay off the Union Pacific RR to purchase the right-of-way. All this when there is no significant backup on the Dumbarton bridge.

8) The VTA has effectively dropped out of the DRCP by eliminating funding for the DRCP in its 10 year plan for funding projects. No funding is being allocated for the DRCP and it thus cannot be completed without the VTA's contribution of its $44,000,000 share of the costs (VTA has previously contributed 2.5 million of the 44 million obligation). VTA has not officially abandoned the DRCP but in fact that is what has happened in that VTA representatives stopped attending the DRCP PAC meetings along with no further money being allocated to the DRCP. It would also be unfair for Santa Clara County to benefit from the DRCP when it has not paid its share of the project (VTA's $44,000,000).

PLEASE REALLOCATE DRCP FUNDING TO OTHER WORTHY PROJECTS AND ALLOW BART TO KEEP THE $91,000,000 LOAN WITHOUT ANY OBLIGATION TO REPAY THE LOAN

6

Negotiations for THE Purchase of The Right-of-Way

Item 7d

DUMBARTON RAIL

Date: January 16, 2007

To: Policy Advisory Committee

From: Howard Goode ← DRCP Project Manager

Re: Status of Discussion with the UPRR

The representative of the UPRR has indicated that they are unlikely to change their position on what is needed for an agreement to accommodate the proposed Dumbarton Rail Service

Specifically:

1. Sale of the complete Oakland Subdivision (Shinn to Melrose in Oakland)
2. Niles Connector bridge over Alameda Creek
3. Third track through Centerville
4. A rail grade separation between the Coast Line and the Dumbarton Line at the Newark Wye.

The UPRR representative has also linked a Dumbarton agreement to resolution of issues between Caltrain and UPRR on the peninsula. As a consequence, the prospect for a Dumbarton agreement in the foreseeable future with UPRR appears unlikely and lends additional importance to the need to explore phasing of the project.

* No change since 2007 in the status of the Negotiations for the Purchase of the Right-of-Way.

Dumbarton Rail Policy Committee Agenda
June 20, 2006
Item 7B

DUMBARTON RAIL CORRIDOR

DATE: June 20, 2006

TO: Policy Committee

FROM: Howard Goode ← DRCP PROJECT Manager

SUBJECT: **Union City Intermodal EIR**

The Final EIR for the Intermodal Project was certified by the Union City Council on February 28, 2006. This action completes the process for CEQA (State) clearance. The document clears Segment G of the Dumbarton Project except for the layover facility component.

The design of Dumbarton facilities at the Shinn connection was modified to address issues raised during the comment period. The layover facility will be evaluated as a part of the Dumbarton Project EIR/S.

A Blatant Violation of CEQA!

6

2007-2008 SANTA CLARA COUNTY CIVIL GRAND JURY REPORT

DUMBARTON RAIL BRIDGE PROJECT – DO WE NEED IT?

Introduction

The 2007-2008 Santa Clara County Civil Grand Jury (Grand Jury) received a complaint from a citizen stating that Santa Clara County (County) has committed funds to the Dumbarton Rail Corridor (DRC) project, which has significant cost and legal issues and is of questionable benefit to county residents.

Background

In the past 20 years, the Bay Area and Santa Clara County have established programs that address regional and county transportation issues.

In 2000, county voters approved Measure A, which was a series of 14 transportation projects designed to provide transportation relief to the residents of the county. The projects ranged from extending BART to downtown San Jose to connecting Caltrain to the Dumbarton Rail Corridor, and would be under the management of the Santa Clara Valley Transportation Authority (VTA). These projects would be paid for through an extension of the ½ cent sales tax through 2030. Proponents of this measure stated that these projects would be completed on time and within budget.

In 2004, voters from the seven Bay Area counties approved Regional Measure 2 (RM2), which is part of an overall Regional Traffic Relief Plan and includes the DRC project and the BART extension project.

The DRC project, a part of this regional transportation program, is a proposed passenger rail service that would span the southern portion of the San Francisco Bay, connecting communities in the East Bay (Union City, Fremont, Newark) to communities in the West Bay (Menlo Park and beyond to San Jose and San Francisco). A new rail bridge crossing the bay would replace the existing rail bridge which has not been in operation since the mid-1980s. The lead agency for the project is the Caltrain Peninsula Joint Powers Board.

Six daily westbound trains would depart in the morning and converge with the existing Caltrain line in the West Bay. Using the Caltrain line, three of the trains would travel north to San Francisco while the other three trains would head south to San Jose. During the afternoon peak, all trains would reverse their routes back to Union City. Four train stations would be directly served by DRC trains (Union City Intermodal Station, Fremont Centerville, Willow Street in Newark and Willow Road in Menlo Park).

In the 1990s, the San Mateo County Transportation Authority (SMCTA) purchased the right of way from the Southern Pacific Railroad for the Dumbarton Bridge rail crossing. Transit studies were conducted by SMCTA to determine if passenger rail service should be considered for the Dumbarton Bridge. The cost of the DRC was projected to be $300 million and the project was scheduled to be completed by 2012. Daily ridership was projected to be 5,600 in 2010 and 12,800 by 2030.

Santa Clara County's contribution to the $300 million project cost is $44 million, Alameda County's $32.5 million and San Mateo County's is $50 million. The balance of the $300 million would come from the Metropolitan Transportation Commission (MTC).

Discussion

A DRC project study report was completed in February 2004, and a Project Advisory Committee was formed in April 2004. An implementation schedule was established that showed (a) thirteen environmental studies and project design completion by 2009, (b) construction funding approval in 2010, and (c) final design and construction completion by 2012. Passenger service would start in 2012 after project completion.

The MTC recently reported that the 2004 project costs of $300 million have escalated to $600 million. Additional revenues to cover the funding gap have yet to be identified. In addition, a key issue of the overall project has not been resolved. The segment of the project that involves the Newark-Union City line is dependent on reaching agreement with the Union Pacific Railroad Company (UPRR) for the use of their rail line. To date, there has been no agreement reached with the railroad after years of discussion. The original completion date of 2012 will not be met because of the significant funding shortfalls and legal issue with UPRR.

DRC project management has been reviewing alternatives if the right of way issue and the significant financial shortfall are not resolved. Among the alternatives being considered are to build portions of the rail corridor project that would only use current committed funds. The VTA has expressed concern in their internal memos over these issues and has considered withholding funds during the current phase, but has released $2 million to date.

Other justifications identified for undertaking this project are improved commuter delay times across the Dumbarton Bridge and increased ridership of the rail system. The original study was completed in 1999. However, a study conducted by the MTC in 2005 indicates that there has been a 97% drop in commuter traffic delay times from the original study. In addition, a San Francisco Bay Area Regional Rail Plan study in 2007 indicated very low ridership potential for the Dumbarton Rail Corridor even though regional population is projected to increase by 1.5 million by 2025.

Conclusions

The original assumptions for the county's participation in the DRC project are not valid, and the voters of the county and the VTA should question the county's participation in this regional project.

The original projected cost of $300 million has doubled. With the overall project costs doubling in the last four years, the original VTA commitment of $44 million could double to $88 million. The benefit of this expenditure to the County is questionable.

The timetable of completion by 2012 is not going to be met. Without additional funds that have yet to be identified and approved, the project would have to consider a reduced scope that would mean only partial project completion.

Full completion of the project is in jeopardy if agreement with the UPRR for the right of way is not obtained.

Another assumption, that the DRC would improve commuter traffic delay times across the Dumbarton Bridge, has proven to be incorrect. The latest study conducted in 2005 does not support that conclusion.

Although the Regional Transit Plan estimates that regional population will increase by 1.5 million by 2025, the San Francisco Bay Area Regional Rail Plan 2007 report said that the Dumbarton Rail Corridor would have low to moderate ridership potential.

Findings and Recommendations

Findings were reviewed with the subject agencies.

Finding 1

Projected project costs for the DRC project have doubled since receiving voter approval in 2000 on Measure A and RM2 in 2004. Currently, there are no additional funds committed or available to fund the increased project costs nor any plans to obtain them.

Recommendation 1

The VTA Board of Directors should not proceed with additional funding until the current alternatives analysis is complete.

Finding 2

The DRC has yet to obtain a right of way from UPRR, which jeopardizes a significant portion of the project.

Recommendation 2

The VTA should not expend any additional funds on this project until this issue is resolved by the DRC.

Finding 3

There is serious doubt about the cost versus benefit of this project to county residents. The original assumptions of improved commuter delay times and high ridership have proven not to be correct.

Recommendation 3a

The VTA should evaluate the MTC data and use the 2007 Regional Rail Plan as part of its overall decision to continue participation.

Recommendation 3b

The VTA should evaluate the County's $44 million commitment to the overall project in terms of benefit received.

Key References

Documents

Calthorpe Associates Memorandum. *MTC Resolution 3434 TOD Policy Evaluation and Recommendations Tasks 6B, 6C, &6E*, May 26, 2005.

Dumbarton Rail Advisory Committee. Minutes, October 23, 2007.

HTNB Corporation. *Dumbarton Rail Corridor, Environmental Phase 1 Alternatives Analysis and Project Purpose and Need, Volume 1 – Final Report*, March 2006.

Dumbarton Rail Policy Advisory Committee, Memorandum. *Status of Discussion with the UPRR*, January 16, 2007.

Funding Agreement between Santa Clara Valley Transportation Authority and San Mateo County Transportation Authority for Final Design (PS&E or Plans, Specifications, and Estimates) Phase of DRC Project, October 2007.

Metropolitan Transportation Commission. *Alternatives Evaluation – Regional Rail without High Speed Rail*, July 23, 2007.

Metropolitan Transportation Commission. *Congested Freeway Locations – Morning and Evening Commutes*, 2005.

Santa Clara County 2003-2004 Civil Grand Jury, *Final Report*. "Inquiry Into the Board Structure and Financial Management of the Valley Transportation Authority," June 2004.

Santa Clara County Ballot Measure A, June 2000.

Santa Clara Valley Transportation Authority, Memorandum. *Budget Allocation and Authorization to Enter into a Cooperative Agreement for the Dumbarton Rail Corridor Project*, February 21, 2007.

Santa Clara Valley Transportation Authority. *Organizational and Financial Assessment Executive Report*, March 2007.

Santa Clara Valley Transportation Authority. *Valley Transportation Plan 2030 (VTP 2030)*, February 2005.

HTNB Corporation. *Summary of the Dumbarton Rail Corridor Project Study Report*, May 2004.

Regional Measure 2, Regional Relief Plan - Ballot Measure and Statute, July 2004.

Documents - continued

Regional Rail Plan for the San Francisco Bay Area, Revised Draft Report, September 2007.

Regional Measure 2, Regional Traffic Relief Plan, Attachment C, MTC Resolution No. 3647, Revised: 07/25/07-C.

Union Pacific Railroad Company, Letter. *Oakland-San Jose Track Improvements – Phase 1*, February 23, 2000.

Interviews

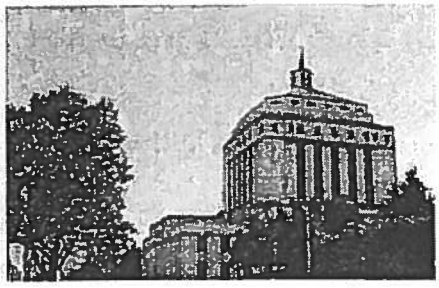
December 13, 2007	Member, Dumbarton Rail Citizens Advisory Panel
January 31, 2008	General Manager, VTA
February 12, 2008	Former Member, Dumbarton Rail Policy Advisory Committee and VTA Board of Directors
February 19, 2008	Member, Dumbarton Rail Policy Advisory Committee and VTA Board of Directors
March 4, 2008	Project Manager, DRC Project

PASSED and **ADOPTED** by the Santa Clara County Civil Grand Jury on this 8th day of May, 2008.

Raymond A. Blockie, Jr.
Foreperson

Tim Cuneo
Foreperson pro tem

Kathryn C. Philp
Secretary



2007-2008 ALAMEDA COUNTY CIVIL GRAND JURY FINAL REPORT

ALAMEDA COUNTY BOARD OF SUPERVISORS

Scott Haggerty, President – District One
Alice Lai-Bitker, Vice President – District Three
Gail Steele – District Two
Nate Miley – District Four
Keith Carson – District Five

ALAMEDA COUNTY GRAND JURY
1401 Lakeside Drive, Suite 1104
Oakland, California 94612
Phone: 510/272-6259
Fax: 510/465-9647
E-mail: grandjury@acgov.org
Web: www.acgov.org/grandjury

DUMBARTON RAIL CORRIDOR PROJECT

INTRODUCTION

The grand jury received a complaint regarding the Dumbarton Rail Corridor Project (DRC) which questions the spending of $18.5 million in Alameda County taxpayer funding as a partner in the project.

The DRC, a joint project of Alameda County, Santa Clara County, San Mateo County, and the Metropolitan Transportation Commission (MTC), involves rebuilding the old Union Pacific Railroad (UPRR) swing rail bridge just south of the Dumbarton Bridge and constructing tracks to connect the CalTrain station in San Mateo and the city of Newark's proposed Willow Street station. Additional tracks would be realigned or constructed between the Newark station and the Union City Intermodal station to permit passenger rail traffic to connect from Union City through Newark and on to the CalTrain station in San Mateo.

The issues raised in the complaint are:

1) Is Alameda County Transportation Improvement Authority's (ACTIA) contribution of $18.5 million to the DRC justified when Union Pacific Rail Road (UPRR) is not selling the key rail right of way that would allow the DRC access to the Union City Intermodal station?

2) Is an integrated proposal to construct a freight bridge across Alameda Creek and Mission Boulevard in the Niles area of Fremont an unauthorized or illegal gift to UPRR by the DRC?

3) Is ACTIA's contribution of $18.5 million justified given low to moderate projected ridership on the DRC?

4) How does ACTIA justify spending $18.5 million given only minor traffic backups on the Dumbarton Bridge?

BACKGROUND

The DRC proposes a commuter rail service between the East and West Bay via a reconstructed rail line between Newark in the East Bay, and San Mateo in the West Bay. The commuter rail service would start at the Union City Intermodal rail station and connect to the CalTrain station in San Mateo. A new bridge crossing the Bay would replace the existing swing bridge, inoperable since the mid-1980's. The DRC includes a proposed freight bridge (the Niles Freight bridge) over Alameda Creek in the Niles area of Fremont and an associated rail bridge over Mission Boulevard near the Niles Canyon entrance.

The project would involve the movement of passenger trains currently traveling through Newark (the Capitol Corridor and Altamont Commuter Express [ACE]) onto tracks that flow into the Union City Intermodal station. It is planned that Bay Area Rapid Transit (BART), Capitol Corridor, ACE, and bus services provided by AC Transit and Union City Transit would all converge at the Union City Intermodal station.

INVESTIGATION

In addition to reviewing extensive documentation, the grand jury interviewed representatives of the CalTrain Joint Powers Board (also participants with the San Mateo County Transit District and the DRC); the Director of ACTIA (created by Measure B which passed in 1986); and a past consultant to CalTrain, the Union City Intermodal station and the DRC.

Costs and Funding

DRC Project costs have risen from $307 million in 2004 to the current projected cost estimated at $595 million. Only $300 million of the cost of the funding of this project has been identified. Additionally, the $5.5 million annual operating projection in 2004 is now estimated at $8 million. Some of the funding comes from the Regional Measure 2, Regional Traffic Relief Plan and by Alameda County's Measure B, ½ cent transportation sales tax, passed by voters.

Other Issues

The initial projected cost of the DRC was considerably underestimated, and projected costs continue to escalate.

The grand jury understands that it has been reported that the West Bay and city of Newark wish to prioritize construction of the segments between the CalTrain Station in San Mateo and the Newark Station. The city of Newark is the lead agency on the project in the East Bay. The grand jury understands that other East Bay cities would like to build out the connecting segments between the Newark station and the Union City Intermodal station. The Union City Intermodal station is currently undergoing renovation to upgrade its facility so that trains, BART and buses can readily access the station in anticipation of DRC's plans to connect Capital Corridor and ACE trains.

The DRC project includes the proposal to build the Niles freight bridge in Fremont with the expectation that, with the freight bridge, UPRR would then move its freight trains to another rail line (the Niles-Hayward rail line) thereby allowing the passenger rail service to have better control of their schedules. By law, however, the DRC is prohibited from entering into formal negotiations with UPRR until the environmental impact reports for the project have been approved. The DRC project is still in the process of completing its environmental

impact reports (but the renovation project for the Union City Intermodal station has completed its environmental reports).

Low Ridership/Minimal Traffic Backups

At the time the complaint was filed, available statistics showed declining traffic delays on the Dumbarton Bridge. Projections for the DRC project show a relatively low ridership on the DRC through the year 2030. However, the grand jury is aware that the DRC project is a long-term regional rail project whose full impact may not be fully felt for many years. Also, it was approved by regional voters who gave ultimate authority to the DRC partners.

Rights of Way

The DRC is preparing to begin a $600 million passenger rail project in phases without owning complete track rights of way on several segments of the project. UPRR owns most of the track between the proposed Newark station and the Union City Intermodal station, and it retains certain track rights on the SamTrans right of way across the bay.

The grand jury understands that the proposed Niles freight bridge is not necessary to complete the DRC project but is included in the project as a means for rerouting most freight off the Centerville rail line and onto the Niles-Hayward rail line. It appears that DRC is proposing the construction of the Niles freight bridge as an incentive to UPRR to transfer or sell back track rights of way in future negotiations.

CONCLUSION

The DRC project was submitted to the voters for approval, and its implementation resides with ad hoc committees governed by elected officials

from all of the concerned jurisdictions. A number of issues deserve public attention and monitoring as the project advances. Specifically:

1) That the DRC partners are advancing the project before securing total right of way control over all track from the Union City Intermodal station to the CalTrain station in San Mateo. Unless the rights of way are owned by the DRC project, there is a danger that UPRR, which presently has priority scheduling rights over much of the track, will continue to give freight traffic priority over passenger traffic.

2) Within the DRC project's scope is the possibility of building the Niles freight bridge crossing Alameda Creek and Mission Boulevard, which proposal the grand jury understands is not a requirement of the DRC passenger train process. Since the Niles freight bridge still remains a proposal, it cannot at this time be deemed a public gift to the UPRR, but the grand jury hopes that the taxpayers receive quid pro quo if the project includes the bridge (e.g., transfer of ownership or significant usage of the track).

3) Connectivity to the Union City Intermodal station should be a priority to Alameda County as a whole as the purported purpose of DRC is to get commuter cars off of the surface streets and highways. Simply connecting the Newark Station to San Mateo would fall far short of achieving the goal of DRC, BART, Capital Corridor, ACE and connecting buses.

4) The grand jury believes that the funding projections for this project were significantly understated in the voter guide. The grand jury finds this highly worrisome.

5) In the course of its investigation, the grand jury learned that there is no single agency authorized to control or direct rail projects in the Bay Area, which currently has 27 agencies with varying levels of authority for this project.

We recommend that subsequent grand juries monitor the progress of the DRC project at all stages of its development and build-out. Particular attention should be paid to the Union City Intermodal connectivity, resolution of right of way control, and, if applicable, the inclusion and cost to taxpayers of the Niles freight bridge.

RESPONSES REQUIRED: *None*

SAN MATEO COUNTY SUPERIOR COURT

San Mateo County Civil Grand Jury

HOME
General Information and Resources
Jury Duty
Traffic
Small Claims
Family Law
Civil Dept.
Criminal Dept.
Juvenile Dept.
Probate
Appropriate Dispute Resolution (ADR)
Directory of Judges
Civil Grand Jury

2000 Final Report:

SAN MATEO COUNTY PARTICIPATION IN THE DUMBARTON RAIL PROJECT

Summary | Background | Findings | Recommendations

Summary:

The San Mateo County Transportation Authority (SMCTA) currently has $60,000,000 allocated to develop passenger service in the Dumbarton Rail Corridor. The grand jury finds the benefits do not justify spending $60,000,000. This amount, roughly 46% of the $130,000,000 total, is not proportional to the county's benefit relative to Alameda and Santa Clara Counties. Nearly 100% of riders will come from Alameda County and more than half of the riders are destined for Santa Clara County businesses. Thus, the benefit of this project for San Mateo County, adding up the source or destination points for riders, is less than 25%. There is also an open question regarding the use of Measure A funds for Dumbarton Rail since this is not defined as a Caltrain improvement.

The Dumbarton Rail Corridor (DRC) is an 11-mile corridor linking rail corridors in Alameda County with the Peninsula Caltrain Corridor, crossing San Francisco Bay just south of the Dumbarton Bridge. Passenger rail service through the DRC is being considered to ease traffic congestion during the weekday commute. Several studies have been done to access the need and feasibility of passenger rail crossing the Bay by way of this corridor. The latest study, from 1999, estimates the cost of implementing commuter rail service to be approximately $130,000,000, ridership to be 2,500 to 2,800 round-trip passengers per day, operating costs to be $5,500,000 per year, and yearly revenues to be $1,500,000 from fares.

Weighing costs versus benefits, the SMCTA must carefully decide when passenger rail in the DRC is truly viable. Entering any project, San Mateo County must address the topic of annual operating costs and ensure this responsibility is carried jointly with the other two counties involved. If passenger service is implemented, SMCTA should take steps to ensure that the county is not responsible for operating costs exceeding 25% of any annual shortfall. Any project decision-making should also address the issues of the those San Mateo County residents along or near the rail line itself – specifically, that of train noise.

The role San Mateo County, in particular the SMCTA, should be seeking regarding Dumbarton Rail is one of leadership. While passenger rail through the DRC could be very advantageous to both East Bay and Peninsula communities, San Mateo County should play the lead role in this addition to area transit, rather than simply asking San Mateo County citizens to pay to get

this done. This would include garnering solid enforceable commitments from Alameda and Santa Clara Counties before San Mateo County affirms participation in any DRC passenger rail project.

Top of this page

Background:

Passenger rail service through the Dumbarton Rail Corridor (DRC) is being considered to ease traffic congestion during the weekday commute. The DRC, an 11-mile corridor located in the southern section of the Bay Area regional rail network, links the Southern Pacific and Union Pacific corridors in Alameda County (Newark) to the Caltrain Corridor in San Mateo County (Redwood City).

The DRC was developed and has been used as a freight rail corridor since the early 1900's. The rail infrastructure includes 154 acres of track, signals, crossings, and bridges that span the Bay and other structures. In 1982, freight service was eliminated over the bridge, and fire damaged the rail bridge a few years ago. Currently, there is minimal freight service provided on existing DRC track between Redwood City and East Menlo Park.

In 1994, The Dumbarton Rail Bridge right of way was acquired by the San Mateo County Transportation Authority (SMCTA) for future transportation purposes and/or active rail service. The SMCTA purchased the right of way from Southern Pacific Railroad for $6,700,000 with the aid of a loan of approximately $3,300,000 from the California Department of Transportation (CalTrans). The agreement between these two agencies designates the San Mateo Transit District (SamTrans) as the agency to hold title, manage, and maintain the DRC.

In April 1996, the SMCTA commissioned a study to evaluate the feasibility of passenger rail service in the Dumbarton Rail Corridor in coordination with other regional rail links. Dumbarton Rail would provide a link between BART, Altamont Commuter Express (ACE), and The Capitol trains in the East Bay with Caltrain, BART, and San Jose Light Rail on the peninsula. This 1996 study found no "fatal" flaws with implementing passenger rail service in the DRC, but concluded the benefits were insufficient to justify this project.

The SMCTA commissioned another study, conducted by Parsons Transportation Group, which was released in October 1999. The Parsons report found that a market exists for passenger rail service between the Easy Bay cities of Newark, Fremont, Union City, and Hayward and the cities along the Peninsula Corridor from San Jose to Millbrae. This 1999 report contains the latest official data on this project.

The 1999 study estimates the cost of implementing commuter rail in the Dumbarton corridor to be $130,000,000. This estimate includes all significant costs for beginning operation, including building a new rail bridge over the Bay, upgrading track throughout the line, and acquiring rolling stock. The rolling stock includes roughly 12 engines and related passenger cars. The SMCTA currently has $60,000,000 allocated to develop passenger service in the Dumbarton Rail Corridor. Three years is an optimistic time line for passenger rail implementation; five years may be a more reasonable time frame to have trains running.

The SMCTA may have erred in allocating Measure A funds for Dumbarton rail. Legislative Counsel of California Opinion #13712 has addressed this issue.

This opinion concludes that under current conditions, "Caltrain improvement funds may not be used for Dumbarton rail." Measure A states that Caltrain improvements are the number one priority. However, Dumbarton rail is not a "Caltrain improvement." Dumbarton rail is a separate rail project that may add to the area's transit, even though portions of DRC train routes may be on Caltrain tracks. This issue may deserve further investigation.

The 1999 study provides the latest estimates for ridership, operating costs, and revenues from fares. DRC rail service is estimated to attract 2,500 round-trip passengers per day. Ridership is expected to grow as the service matures. Table 1, from the 1999 study, shows an analysis of the origins and destinations of Dumbarton auto traffic. This can be used to estimate origins and destinations of potential Dumbarton Rail passengers. The initial estimate for operating costs for Dumbarton Commuter Rail is $5,500,000 per year. These costs may be partially offset by approximately $1,500,000 per year in fares collected, leaving an estimated deficit of $4,000,000 per year. Initial ideas to address this deficit include using Dumbarton Bridge tolls.

ORIGINS (East Bay Market)	PEAK HOUR TRIPS	% OF TOTAL
Livermore/Pleasanton	293	5%
South Fremont	432	8%
North Fremont	1576	28%
Newark	791	14%
Union City	938	16%
Hayward	732	13%
San Leandro	138	2%
Rest of Alameda County	481	8%
Other Bay Area counties	319	6%
TOTAL	*5700*	*100%*
DESTINATIONS (Peninsula Market)	**PEAK HOUR TRIPS**	**% OF TOTAL**
San Francisco County	43	1%
Daly City/San Bruno	282	5%
San Mateo/Foster City	400	7%
Redwood City/Menlo Park	1945	34%
Palo Alto/Los Altos	2665	47%
Sunnyvale/ Mountain View	297	5%
Rest of Santa Clara County	68	1%
TOTAL	*5700*	*100%*

Table 1. A.M. Peak Westbound Traffic Across Dumbarton Highway Bridge
(Source: Alameda County CMA Model: Year 2005 Vehicle Trips)

The rail service schedule would be commuter-oriented. Of the 12 trains to run each day, each would leave from Alameda County in the morning (presumably from a multi-modal station at BART's Union City Station). Each train would run across the Dumbarton Rail bridge, through East Menlo Park and Redwood City, to link with existing Caltrain tracks. The trains would alternately run either north, up the Caltrain line to Millbrae, or south, down the Caltrain line to San Jose. Most of the trains would park near their final morning destination and would not be used again until the afternoon Peninsula to Easy Bay commute. One of the early morning trains may be able to turn around and head east across the Bay, back to Union City. This would provide minimal

counter-commute service and allow another trip west for one train.

Providing a parallel bus transit service today is the Dumbarton Express. This is a Palo Alto to Union City BART bus line that runs primarily during commute hours. This service provides a Caltrain to East Bay BART connection, as would the Dumbarton Rail project.

Both Alameda and Santa Clara Counties had transportation oriented sales tax initiatives on the November 2000 ballot. The Alameda County initiative provides minimal direct support for a Dumbarton Rail project. Improvements of the station area around Union City BART to form a "junction" where BART, ACE, The Capitol, and Dumbarton Rail meet would require $14,000,000 of the funds from this tax initiative. Any additional funds from this initiative for implementation of DRC passenger rail are vague at best.

The Santa Clara County initiative identifies Dumbarton Rail as a project to be supported with the sought-after sales tax increase. However, a primary emphasis of this initiative is bringing BART to San Jose. This may have the effect of decreasing potential ridership over the Dumbarton Rail Corridor, as more than 50% of the riders are presumed destined for Santa Clara County destinations. BART-to-San Jose plans call for links to both Caltrain and San Jose Light Rail, which duplicate DRC benefits.

The decision on whether to implement this rail service should consider factors affecting San Mateo County residents along or near the rail line itself. One issue is train noise in residential communities, particularly in East Menlo Park. Currently, there are very few freight trains running on these rails. Running 12 or more morning trains and an equal number of afternoon/evening trains would be a significant change. Another local factor would be the addition of a rail station in East Menlo Park that could be useful for Menlo Park residents and provide a mass transit destination near businesses in this area.

A few of the key working assumptions upon which discussions of this project have been based are somewhat suspect. These include $130,000,000 as the total cost to begin passenger service. Actual costs are often significantly higher. Another somewhat suspect number is the 10%-12% estimates for ridership (i.e., people taking the train instead of driving across the Dumbarton Bridge). This estimate seems hopeful. While several of these key figures may be worthy of further discussion, this report will not challenge them at this time.

Top of this page

Findings:

The benefits of rehabilitation the Dumbarton Rail Corridor to provide passenger rail service do not justify spending $60,000,000 by the SMCTA. We question whether San Mateo County taxpayers should fund a project that will primarily benefit Alameda County residents and Santa Clara County businesses. Project costs must be shared more equitably by the other counties involved -- Santa Clara and Alameda Counties. Accepting $130,000,000 as a reasonable estimate for this project, $60,000,000 from San Mateo County, roughly 46%, is not proportional to the benefit for the county. Nearly 100% of riders will come from Alameda County; yet their level of support is weakest by far. It is projected that more than half of the riders are destined for Santa Clara County businesses. Thus, the benefit of this project for San Mateo County, adding up the source or destination points for riders, is less than 25%. There is also an open question regarding the use of Measure A funds for Dumbarton Rail since this is not defined as a Caltrain improvement.

The initial estimates for start-up and annual operating costs for Dumbarton Rail service, $130,000,000 and $5,500,000, respectively, need to be carefully considered in light of the expected benefit of the system. Passenger rail has been considered in the past and each time the conclusion was "not yet." The SMCTA needs to look closely at the cost/benefit trade-offs to determine if the right time has come or the status is to remain "not yet."

Though both Santa Clara and Alameda Counties had transportation related bond measures on the November ballot, neither has made any clear monetary commitments to passenger service for the Dumbarton Rail Corridor. Even though both measures passed, further clarification is needed regarding their level of commitment to this project. The wording of Alameda County's bond measure is particularly weak concerning targeting money for the Dumbarton Rail Corridor. It does contain money for a multi-modal station in Union City that could include support for Dumbarton rail trains, but little else is firm in the ballot measure.

A well-conceived fiscal plan for San Mateo County must address annual operating costs for this project. This burden must be carried jointly, but not equally, with the other two counties involved. San Mateo County should assume operational cost responsibility only proportional to its percentage of capital costs paid. This should not exceed 25% of annual shortfall.

San Mateo County has already purchased the DRC right of way. It would be wise for San Mateo County to keep sole ownership, as this may prove to be an excellent investment.

The role San Mateo County, in particular the SMCTA, should be seeking in regard to Dumbarton Rail is one of leadership. The two other counties involved may have supporters of this program as well, but clear commitments have yet to be made. The approach San Mateo County is leaning toward is "who pays how much isn't important." However, it is important that county residents get value from each and every program. True "buy in" from the other counties will also ensure the project has the best chances for success and is integrated into each county's long-range transportation plan.

Top of this page

Recommendations:

Recommendation 2.4

The San Mateo County Transportation Authority should not participate at the $60 000,000 level in this project. Based on value to San Mateo County, the fiscal responsibility the county assumes should be no more than 25% of the total initial cost.

Recommendation 2.5

If passenger service is implemented in the Dumbarton Rail Corridor, the San Mateo County Transit District should take steps to ensure the county is not over-burdened with responsibility for operating costs. San Mateo County should assume operational cost responsibility only proportional to its percentage of capital costs paid. This should not exceed 25% of annual shortfall.

Recommendation 2.6

San Mateo County Transportation Authority should establish a leadership role for this program, including determination of the right time for implementation and maintenance of a cost/benefit balance that is favorable to the citizens of San Mateo County.

Recommendation 2.7

The San Mateo County Transportation Authority should negotiate firm contractual commitments with Alameda and Santa Clara Counties before San Mateo County affirms participation in this project.

Top of this page

6

September 20, 2007

TO: Raymond Blockie, Foreman of the Santa Clara County Civil Grand Jury

FROM: Tim Pitsker, City of Fremont member of the Dumbarton Rail Citizens Advisory Panel and Santa Clara County employee

Day: 408-792-2971, Evening: 510-792-4583

RE: Santa Clara Valley Transportation Authority's Squandering of $44,000,000 and the Illegal Spending of Taxpayer Funding as a Partner in the Dumbarton Rail Corridor Project

ISSUES THAT NEED TO BE INVESTIGATED

1. Is the construction of the Niles Junction freight bridge an unauthorized or illegal gift to the Union Pacific RR by the Dumbarton Rail Corridor Project?
2. Is Santa Clara Valley Transportation Authority's contribution of $44,000,000 plus operating expenses justified in view of the low to moderate projected ridership on the Dumbarton Rail Corridor?
3. Is Santa Clara Valley Transportation Authority's contribution of $44,000,000 to the Dumbarton Rail Corridor Project justified when the Union Pacific RR is not selling the key rail right-of-way that will allow the Dumbarton Rail Project access to the Union City inter-modal station?

4. Is Santa Clara Valley Transportation Authority's contribution of $44,000,000 to the Dumbarton Rail Corridor Project justified in light of the minor traffic back-ups on the Dumbarton Bridge?

BACKGROUND

The Dumbarton Rail Corridor Project is a proposed passenger rail service consisting of a partnership between Santa Clara County, San Mateo County, Alameda County and the Metropolitan Transportation Commission. This proposed passenger rail service starts at the Union City inter-modal station. Six trains will travel one way in the morning, taking commuters from Union City, across the rebuilt Dumbarton Rail Bridge to the CalTrain line in San Mateo County. Three trains will then go north on the CalTrain line to San Francisco and three trains south on the CalTrain line to San Jose. In the afternoon, the six trains would reverse and take commuters back to Union City (and points in between). (See Exhibit 'A', excerpts from Environmental Phase 1, Draft Final Report)

The project consists of segments A through G, starting with segment A in Redwood City and ending with Segment G at the Union City Inter-modal station (See Exhibit 'B', excerpts from 2004 Project Study Report)

Segment F is a freight only bridge to be built at Niles Junction to allegedly relieve freight traffic from the Dumbarton Rail Corridor. (See page 3 of Exhibit B)

Currently, freight traffic shares the Centerville Line with ACE trains and Capitol Corridor Trains. This Centerville Line will also be shared by the Dumbarton Rail Corridor trains. So the proffered rationale justifying Segment F is that the freight traffic

that is currently using the Centerville Line will be transferred to the Niles Line thereby easing congestion between passenger and freight trains on the Centerville Line. (See maps on pages 41 and 42 of Exhibit A) On Exhibit A, pages 41 and 42, Segment F is represented as the 'Niles Connection', Segment G is the 'Industrial Parkway, Union City and Shinn Connection' and Segment E is the 'Centerville Line'.

It is very important to note that there is no contract or agreement with the Union Pacific RR to switch any freight from the Centerville Line to the Niles Line.

Exhibit C includes an aerial photo of the location for the proposed Niles freight bridge. It shows the intersection of the Centerville Line with the Niles, Oakland and Warm Springs subdivision RRs. (See also maps on pages 41 and 42 of Exhibit A)

Both the Oakland Line and the Niles Line travel from Oakland to the Niles Junction with the Oakland Line continuing through Niles Canyon to Stockton. The Union Pacific RR could shift freight from the Centerville Line to the Oakland Line at any time. So far it has chosen not too. The Dumbarton Rail Corridor Project is seeking to use the Oakland Line to service the Union City inter-modal station, so of course the Dumbarton Rail Corridor Project is not encouraging the Union Pacific RR to use the Oakland Line for freight.

The Dumbarton Rail Corridor Project is continuing with development of the Niles freight bridge even though lacking an agreement with the Union Pacific RR to shift any amount of freight from the Centerville Line to the Niles Line. (See Exhibit E, excerpts from the 2004 Dumbarton Rail Corridor Project Study Report) Furthermore, the Dumbarton Rail Corridor Project has no intent on securing any agreement with the Union

Pacific RR to transfer any freight from the Centerville Line to the Niles Line. (See Union Pacific RR Agreement Rights for Segment 'F' on the last page of Exhibit C)

Segment G includes the Union City inter-modal station and part of the Oakland Line right-of-way from Hayward to Fremont. The Union Pacific RR owns the Oakland Line right-of-way and it is not selling this right-of-way.

Development of Segment G is currently being suspended until an agreement with the Union Pacific RR has been obtained. (See Exhibit 'D', Status of discussions with the Union Pacific RR).

Exhibit 'D' (status of discussions with the Union Pacific RR) was published on January 16, 2007. At the present there is still no agreement with the Union Pacific RR for the sale of the Oakland Line right-of-way and it is unlikely there will ever be such an agreement with the Union Pacific RR.

Santa Clara County through the Santa Clara Valley Transportation Authority is a partner in this project with the Metropolitan Transportation Authority, Alameda County and San Mateo County. Santa Clara Valley Transportation Authority has agreed to contribute $44,000,000 to this project from 2007 to 2011. (See Exhibit F) Even though Segment 'G' is on hold due to an uncooperative Union Pacific RR, Valley Transportation Authority is still supporting this project. (See Exhibit F).

The underlying rationale for this project is to relieve auto congestion on the Dumbarton Bridge. The Metropolitan Transportation Commission's most recent statistics comparing congested freeway locations indicate that the Dumbarton Bridge is one of the least congested commutes in the Bay Area. (See Exhibit G, Metropolitan Transportation Commission Statistics for Freeway Locations)

These statistics indicate that at the Dumbarton toll plaza (Route 84), there is only 80 hours of daily delay during the morning commute from 5:30am to 9:30am and 160 hours of delay during the evening commute. This is one of the easiest commutes in the bay area. It should be noted that Union City has had its' Highway 84 expansion program approved and will add two more lanes going from 880 east towards Union City. This will greatly help alleviate any evening congestion from the Dumbarton Bridge at 880.

Ridership numbers have not been provided to justify the Dumbarton Rail Corridor Project which will now cost an estimated $600,000,000. The cost in 2006 dollars has been estimated at $515,000,000 (See Exhibit E, Valley Transportation Authority involvement with Dumbarton Rail Corridor Project). Factoring in inflation, the cost will be over $600,000,000 by the end of construction.

The San Francisco Bay Area Regional Rail Plan, in its 2007 report, indicates that the Dumbarton Rail Corridor will have low to moderate ridership. (See Exhibit H)

The Dumbarton Rail Corridor Project is funded through four voter approved initiatives, Regional Measure 2 (March 2004), Alameda County Measure B (Nov. 2000), Santa Clara County Measure A (Nov. 2000) and San Mateo County Measure A (Nov. 2004). (See Exhibits I, J, K &L)

None of these voter approved measures provides for spending money on freight. These measures do not provide for a gift of the Niles freight bridge to the Union Pacific RR.

On 8/16/2007, the Metropolitan Transportation Commission gave a workshop at 70 W. Hedding, San Jose, for its Bay Area Regional Rail Plan. Doug Kimsey, the Director of Planning for the Metropolitan Transportation Commission was present and

assisted in the workshop. During the workshop, Mr. Kimsey agreed to meet with Tim Pitsker afterwards, to answer additional questions. The Dumbarton Rail Corridor Project and the Niles freight bridge were part of the subsequent conversation between Mr. Kimsey and Mr. Pitsker. Mr. Kimsey made it very clear that the Niles freight bridge is very important to the Metropolitan Transportation Commission to get short haul freight from the Port of Oakland to the Central Valley. This is freight that is currently sent to the Central Valley on trucks via 580. He also indicated that the Niles freight bridge would transfer freight off of the Centerville Line, freeing up the line for the ACE, Capitol Corridor and Dumbarton passenger trains.

Mr. Kimsey was asked if there was any agreement with the Union Pacific RR to transfer or re-route any freight from the Centerville Line to the Niles Line in exchange for the construction gift of the Niles freight bridge. Mr. Kimsey replied, "No". Mr. Kimsey was then asked if there was any intent to negotiate such an agreement, and again the answer was "No". Mr. Kimsey went on to state that if the bridge were built then the Union Pacific RR would use it.

Mr. Kimsey was also asked about the negotiations with the Union Pacific RR to purchase the needed section of the Oakland Line. Mr. Kimsey indicated there was still no progress with the negotiations.

It should be noted that the Union Pacific RR currently has the option to switch freight from the Centerville Line to the Oakland Line and then east through Niles Canyon without the a new freight bridge. The Union Pacific RR does occasionally send freight trains over the Oakland Line east through Niles Canyon but not on a regular basis.

There is no known factual basis to believe that the Union Pacific RR will switch any portion of its freight from the Centerville Line to the Niles Line, especially when the Metropolitan Transportation Commission wants to put Port of Oakland freight on the Niles Line.

The Feb. 9, 2007, System Wide Study Alternative, Refinements Study includes an alternative that would send Port of Oakland freight to the Central Valley via Niles Canyon. (See Exhibit M). Taking truck freight and putting it on Union Pacific RR trains traveling on the Niles Line will be a huge financial boon to the Union Pacific RR.

Finally it should be noted that even though the rhetoric is to move freight from the Centerville Line to the Niles Line, the Dumbarton Rail Corridor Project is adding a third track for freight only on the Centerville Line. (See Exhibit A, page 34)

In 2004, the estimated cost of the Niles freight bridge was $13,000,000. By 2006, the cost escalated to $26,000,000. By the end of construction the cost could easily be over $35,000,000. Funds are currently and continuously being expended for the Draft Environmental Impact Report and construction planning for the Niles freight bridge (See Exhibits A & E)

CONCLUSION AND OPINION

1. Is the construction of the Niles freight bridge an illegal gift to the Union Pacific RR? YES, this is clearly a misuse and/or illegal use of taxpayer money. The four ballot measures providing the funding for the Dumbarton Rail Corridor Project (Exhibits I, J, K & L) do not provide money for freight. The primary motivation

for the Niles freight bridge is to take freight that otherwise would be going to the Central Valley via truck and to send it east by train through the Niles Canyon over the Niles junction bridge. To take truck freight and give it to the Union Pacific RR is a huge bonanza for the Union Pacific RR. The argument that if the bridge is built then the UPRR will transfer freight from the Centerville Line to the Niles Line is without merit. Why would the Union Pacific RR bother to transfer freight to the Niles Line when it will be receiving a huge boon by using the Niles Line for Port of Oakland freight? Furthermore, the Dumbarton Rail Corridor Project will be assisting freight on the Centerville Line by building a freight only third track for freight going over the Centerville Line. So any claims that the building of the Niles freight bridge will reduce freight on the Centerville Line is nothing more than a charade. It should be noted that putting freight on either the Niles or the Oakland Line instead of the Centerville Line will only save a mile or so in distance. Currently the Oakland Line is only used occasionally and is being kept as a back-up in case of trouble or disasters on other lines. So if the Union Pacific RR were really interested in getting current Niles Canyon bound freight off of the Centerville Line it would have done so by now by simply re-routing that traffic over to the Oakland Line. The Union Pacific RR will not agree to any transfer of freight from the Centerville Line to the Niles Line and the Dumbarton Rail Corridor Project admits that it is not even asking for an agreement from the Union Pacific RR to transfer Centerville Line freight to the Niles Line. (See Exhibit C, last page) By allowing the Union Pacific RR to use the Niles freight bridge in any manner it so chooses, there is no doubt that the bridge is nothing more than a

give-away of taxpayer money. Santa Clara County through the Santa Clara Valley Transportation Authority is a partner in the Dumbarton Rail Project and should not allow this illegal and/or misuse of taxpayer money. The Valley Transportation Authority should withdraw from the Dumbarton Rail Authority and use its commitment of $44,000,000 for more worthy transportation projects.

2. Is the Valley Transportation Authority's contribution of $44,000,000 plus operating expenses justified in view of the projected low to moderate ridership on the Dumbarton Rail Corridor? NO, the benefits to Santa Clara County from this project are marginal at best. Riders on Dumbarton Rail Corridor trains from Alameda County will be riders taken away from the BART that will eventually be going to San Jose from Fremont. Getting BART to San Jose should be the top priority for Santa Clara County. Spending $44,000,000 on the Dumbarton Rail Corridor Project when the ridership is projected to be only low to moderate is an unwise spending of money. The $44,000,000 can be better spent helping to get BART to San Jose or to other more pressing transit projects.

3. Is the Valley Transportation Authority's contribution of $44,000,000 to the Dumbarton Rail Corridor Project justified when the Union Pacific RR is not selling the key right-of-way that will allow Dumbarton Rail trains access to the Union City inter-modal station? NO

   The Union City inter-modal station is the key to any possible success of the Dumbarton Rail Corridor Project. This station is to be the key location where

BART trains, Capitol Corridor trains and Dumbarton trains meet at a central location. With the Union Pacific RR not selling the Oakland Line right-of-way, there will be no central connection between the three passenger trains. Thus the Dumbarton Rail Corridor Project will be a failure before the first train runs. The Dumbarton Rail Corridor wants to build the project in phases, starting with the Redwood City to Newark segments in the hopes that someday the Union Pacific RR will sell the needed Oakland Line right-of way. What a waste of taxpayer money. The Dumbarton Rail Corridor Project has been around for many years and it is no closer to an agreement with the Union Pacific RR now than when the project was first started.

Unless and until there is an agreement with the Union Pacific RR to purchase the Oakland Line right-of-way, the Dumbarton Rail Corridor Project should simply be shut down to stop squandering taxpayer money. At the very least, the Santa Clara County Valley Transportation Authority should pull its $44,000,000 out of the project.

Why is the Dumbarton Rail Corridor Project continuing with the environmental impact studies and construction planning for the Niles freight bridge when the Union Pacific RR is uncooperative in selling the needed Oakland Line right-of-way?

Is seems as though the Metropolitan Transportation Commission is more concerned with the construction of the Niles freight bridge to get Port of Oakland truck freight onto the rails than it is with whether the Dumbarton Rail Corridor Project is cost effective and financially viable. Valley Transportation Authority

should drop out of this boondoggle and save its $44,000,000 for more worthy projects in Santa Clara County such as getting Bart to San Jose.

4. Is the Santa Clara Valley Transportation Authority justified in contributing $44,000,000 to the Dumbarton Rail Corridor Project in light of the minor traffic back-ups on the Dumbarton Bridge? NO. The rational for the Dumbarton Rail Bridge is to relieve auto congestion on the Dumbarton Bridge. Metropolitan Transportation Commission's own statistics show that the Dumbarton Bridge is one of the least congested commutes in the bay area (See Exhibit G). Valley Transportation Authority cannot justify spending $44,000,000 on this project when there are other transit projects in Santa Clara County that need funds. This is especially true in view of Union City adding two more lanes (in the next few years) on highway 84 going from the 880 to Union City. This will greatly assist the evening commuters coming off of the Dumbarton Bridge. With such minor back-ups on the Dumbarton Bridge, Valley Transportation Authority's spending of $44,000,000 will be a wasteful and ineffective use of taxpayer money.

PLEASE INSTRUCT THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY TO GET OUT OF THE DUMBARTON RAIL CORRIDOR PROJECT AND SAVE $44,000,000

Exhibits Available upon Request.

LIST OF EXHIBITS

A. Excerpts from the Dumbarton Rail Corridor Rail Project---Environmental Phase 1

B. Excerpts from the 2004 Dumbarton Rail Corridor Project Study Report

C. Aerial photo of Niles Junction and additional excerpts from the 2004 Dumbarton Corridor Project Study Report

D. Status of discussions with the Union Pacific RR

E. Additional excerpts from the 2004 Dumbarton Rail Corridor Project Study Report regarding the design and construction of the Niles freight bridge

F. Santa Clara Valley Transportation Authority letter indicating Valley Transportation Authority's involvement in the Dumbarton Rail Corridor Project

G. Metropolitan Transportation Commissions statistics on bay area freeway congestion

H. San Francisco Bay Area Regional Rail Plan's 2007 report on low to moderate ridership for the Dumbarton Rail Corridor Project.

I. Ballot measure—July 2004, Regional Measure 2

J. Ballot measure---Nov. 2000, Alameda County Measure B

K. Ballot measure---Nov. 2000, Santa Clara County Measure A

L. Ballot measure---Nov. 2004, San Mateo County Measure A

M. Excerpts from the 2007 Bay Area Regional Rail Plan System Wide Study Alternatives Refinements

August 17, 2010

TO: Dale Rogers Marshall, Foreman of the Alameda County Civil Grand Jury

FROM: Tim Pitsker, Vice-Chair and City of Fremont member of the Dumbarton Rail Citizens' Advisory Panel, 36863 Montecito Dr., Fremont CA 94536
H-510-792-4583, W-408-737-1264

RE: Follow-up to the 2007-2008 Alameda County Civil Grand Jury Final Report "Dumbarton Rail Corridor Project"

FOLLOW-UP ISSUES THAT NEED TO BE INVESTIGATED

None of the concerns expressed in the 2007-2008 Alameda County Civil Grand Jury Final Report have been addressed by the Dumbarton Rail Corridor Project. The cost of the project has now increased from $600,000,000 to $715,000,000 and is still climbing.

Additionally, in 2008, Tim Pitsker, submitted a request for additional investigation of the Dumbarton Rail Corridor Project (see enclosed letter from Tim Pitsker Dated Oct. 31, 2008 with attached exhibits). The 2008-2009 Alameda County Civil Grand Jury chose not to pursue that request. The issues presented in the Oct. 31, 2008 letter are still valid and are of even more importance today due to current fiscal deficits.

A key issue presented in the Oct. 31, 2008 letter is that the Dumbarton Rail Corridor Project and the Union City Intermodal Station Passenger Rail Project are really one project and to divide them into separate projects is a violation of the California Environmental Quality Act (CEQA). Additional evidence of this is that at the Sept. 25, 2009 meeting of the Dumbarton Rail Policy Advisory Panel, David Kutrosky, the Managing Director from the Capitol Corridor Joint Powers Authority (CCJPA), indicated that he is negotiating with the Union Pacific RR for the sale of the entire Oakland Subdivision right-of-way from Oakland to Fremont. He also indicated that Capitol Corridor is preparing a grant application which includes the procurement and construction of the Dumbarton Project Segment G, to the Federal Rail Administration (FRA) High Speed Intercity Passenger Rail program (HSIPR) in spring 2010. CCJPA will likely use the Union City Intermodal Station Funding as the 20% match (see attached minutes from the Sept. 25, 2009 meeting of the Dumbarton Rail Corridor Policy Advisory Committee.)

In that the Dumbarton Rail Corridor trains and the Capitol Corridor trains will both be running on the Oakland Subdivision tracks and both will be using the Union City Intermodal Station and David Kutrosky is working with the Dumbarton Rail Corridor Policy Advisory Committee, it is absolutely clear it is one project in violation of CEQA. It is a violation of CEQA to have two environmental impact reports, one for the Union City Intermodal Station and one for the balance of the Dumbarton Project.

As mentioned in the Oct. 31, 2008 letter, the Oakland Subdivision right-of-way and the Union City Intermodal Station are Segment G of the Dumbarton Rail Corridor Project. Thus the cost of the Union City EIR was a waste of money because it will have to be re-done to be included in the Dumbarton Project EIR.

More importantly, the cost of the Dumbarton Rail Project is now up to $715,000,000 in current dollars. $715,000,000 to relieve a 3-5 minute delay on the Dumbarton Bridge, during rush hour only, is a misuse of public money. There is no delay on the Dumbarton Bridge during non-rush hour times. What a waste of money, especially considering the cutbacks in public transportation in Alameda County.

People who can give you additional information on this project are:

1. David Kutrosky, Managing Director of the Capitol Corridor Joint Powers Authority
2. Wenlin Yang, Dumbarton Rail Corridor Project/Joint Powers Board, 650-622-7852
3. Heyward Robinson, Menlo Park City Council, Cell-650-208-1512 or 650-330-6630
4. Doug Kimsey, Metropolitan Transportation Commission (MTC), Director of Planning, 510-817-5790
5. Bob Wasserman, Mayor of Fremont, 510-284-4011

5. Public Comments (For items not on the agenda)

J. Bigelow, a Citizen Advisory Panel member and a representative from the Redwood City and Menlo Park Chamber of Commerce, provided his support to proceed with the technical analysis to update the environmental document. Mr. Bigelow noted that value engineering should be conducted to reduce the capital cost. He also noted that local investments in the corridor should be identified as funding secured so the project meets the MTC funding criteria for prioritization. J. Bigelow also urged the PAC to postpone the reassignment of RM2 operating funds to interim bus service enhancements.

6. Consent Calendar

Minutes of September 25, 2009 Meeting

S. Lempert motioned to approve the meeting minutes and Y. Kishimoto seconded. The minutes were approved with B. Pierce, C. Romero, and A. Apodaca abstaining as they did not attend the September 25, 2009 meeting.

7. Report of the Citizen Advisory Panel (CAP)

Ferrier's report included the following highlights:

- Nine CAP members and one alternate from Newark attended the meeting.
- The CAP has concerns that UPRR wants to sell the entire Oakland subdivision and the uncertain costs associated with the transaction. The CAP noted the potential benefits of leveraging federal grants.
- A motion recommending the PAC not support reassignment of RM2 funding for interim bus until after the environmental document goes through a public review process and the next steps for the Dumbarton Rail project are determined failed: 3 (yes) – 4 (no) – 2 (abstain).
- The CAP concurred with the direction presented by staff for the proposed technical analysis and provided their unanimous support for the staff recommendation.

8. Information Items

a. Oakland Subdivision Negotiating Plan (CCJPA)

David Kutrosky, Managing Director from the Capitol Corridor Joint Powers Authority (CCJPA), presented the following:

- The UPRR has indicated it wants to sell the entire Oakland Subdivision from Oakland (Fruitvale/Melrose) to Fremont (Shinn), not just the southern portion needed for Segment G.
- The preliminary proposed work plan budget is $870,000 for the entire Oakland Subdivision right-of-way negotiation. There is only $300,000 identified in the project budget. No regional funds have been identified for the acquisition of the northern portion of the Oakland Subdivision right-of-way (ROW) north of the Industrial Connection.
- To meet the goals of adding additional CC trains between Oakland and San Jose, Capitol Corridor is preparing a grant application which includes the procurement and construction of the Dumbarton Project Segment G, to the Federal Rail Administration (FRA) High Speed Intercity Passenger Rail program (HSIPR) in spring 2010. CCJPA will likely use the Union City Intermodal Station funding as the 20% local match.

Oct. 23, 2011

TO: THE ALAMEDA COUNTY CIVIL GRAND JURY

FROM: TIM PITSKER, Chairperson of the Dumbarton Rail Corridor Citizen Advisory Panel

Re: FOLLOW-UP TO THE 2007-2008 ALAMEDA COUNTY CIVIL GRAND JURY REPORT, pages 35-40, "Dumbarton Corridor Rail Project" at page 40, "The Grand Jury Recommends subsequent Grand Juries monitor the progress of the DRC Project".

ISSUES THAT NEED TO BE INVESTIGATED

1. Has the Metropolitan Transportation Commission (MTC) and the Dumbarton Rail Corridor Project (DRCP) committed fraud in claiming that the Santa Clara Valley Transportation Authority (VTA) committed $44,000,000 to the DRCP? The DRCP is a proposed commuter rail service from Alameda County over the Dumbarton Rail Bridge right-of-way to San Mateo and Santa Clara Counties. MTC has authority over all regional transportation projects and the DRCP Policy Advisory Committee supervises the actual construction of the DRCP.
2. Has VTA effectively dropped out of the project leaving Alameda and San Mateo Counties the bill for its portion of the project?
3. Should the DRCP continue with VTA not committing any further funds to the DRCP?
4. Should the Dumbarton Rail Corridor Project (DRCP) continue with the current price tag of $770,000,000?

DISCUSSION

1. HAS THERE BEEN A MISREPRESENTATION TO THE PUBLIC AND THE FEDERAL TRANSIT ADMINISTRATION (FTA) that VTA committed $44,000,000 to the DRCP?

The 2000 San Mateo County Civil Grand Jury Report stated that the cost of the DRCP was estimated to be $130,000,000 (Exhibit #1).

In May 2004, Regional Measure 2 (RM2) was passed by bay area voters. RM2 provides $135,000,000 for the DRCP to be paid out at the discretion of MTC. The cost of the DRCP had increased to $295,000,000. In 2007, MTC approved Resolution 3647 which indicated that the cost of the DRCP had escalated to $595,000,000. In this resolution MTC claimed that VTA had committed $44,000,000 to the DRCP (Exhibit #2).

As of 2011, DRCP costs have soared to $770,000,000 (Exhibit #3).

For more background information read the Civil Grand Jury Reports from Alameda County (Exhibit #4), San Mateo County (Exhibit #1) and Santa Clara County (Exhibit #5). MTC and the DRCP continue to claim that VTA has committed $44,000,000 to the DRCP.

On Oct. 11, 2011, Tim Pitsker had a conversation with VTA member Kevin Connolly (408-321-5746). Mr. Connolly informed Tim Pitsker that VTA has NOT committed any specific funds to the DRCP. He stated the $44,000,000 at issue was only an estimated amount of VTA's contribution based on the 2004 estimated project cost of $259,000,000. Mr. Connolly further indicated that VTA has NOT decided how much more money, if any, it will contribute (VTA has previously provided over $2,000,000).

For the MTC and the DRCP to continue to claim $44,000,000 is being provided by VTA is a fraud on the public and the FTA (Federal Transit Administration). This misrepresentation has been presented to the FTA by the DRCP in its application for needed Federal certification of the EIR (Environmental Impact Report) for public circulation.

2. HAS VTA EFFECTIVELY DROPPED OUT OF THE DRCP?

Kevin Connolly told Tim Pitsker that VTA has not dropped out of the DRCP but that the 20 year funding plan for VTA does not include any funds for the DRCP. Connolly went on to explain that the DRCP is now classified by VTA as a 'tier two' project which is for projects that are not fully funded and thus given lower priority to other projects. Connolly stated that 'tier two' projects are not part of revenue expenditures. Thus there are no plans by VTA for future funds to go to the DRCP.

It is important to note that VTA is a member of the DRCP Policy Advisory Committee (PAC). The PAC makes all the decisions regarding the scope of the EIR and the actual building of the project. So far this year no VTA member has attended any of the DRCP Policy Advisory Committee meetings.

This is a clear indication that VTA is not participating in the DRCP Project even though it has not "officially" dropped out of the project.

Tim Pitsker asked Mr. Connolly what would happen if VTA were told its share of the project had increased to $100,000,000? Would it pay? Mr. Connolly stated it would be up to the VTA Board. He also said they have a lot of projects and not enough money.

It is obvious that VTA is not participating in the DRCP and has effectively dropped out.

3. SHOULD THE DRCP CONTINUE WITH VTA NOT COMMITTING ANY FURTHER FUNDING?

This project should not continue with VTA not helping with the funding for at least the next 20 years. VTA should pay its fair share. Santa Clara County should not be allowed the benefits of the project without paying its fair share of the costs. It is not fair for the taxpayers of Alameda and San Mateo Counties to have to pick-up the tab for Santa Clara County.

4. SHOULD THE DRCP CONTINUE WITH A $770,000,000 PRICE TAG?

In 2000 the cost estimate for the DRCP was $130,000,000. Now the cost estimate has escalated to $770,000,000.

This project is more than 15 years old and there are still numerous major issues to be resolved. The EIR has not been completed. There is still no indication that the Union Pacific RR will sell the right-of-way needed for the Union City Station. Funding has a huge shortfall.

The cost is now estimated to be $770,000,000 with $259,000,000 of identified funding (Exhibit #3). It should be noted that the $259,000,000 of identified funding includes the alleged VTA contribution of $44,000,000. So the $259,000,000 is reduced to $215,000,000 with VTA's $44,000,000 being deducted. The DRCP thus has a shortfall of $555,000,000.

It is public knowledge that there have been major cutbacks in transportation funding in Alameda, Santa Clara and San Mateo Counties. It does not make sense to continue funding the DRCP when there is such a large shortfall and other more pressing needs are going unfulfilled.

MTC classifies all transportation projects into one of four quadrants. High priority projects are in the first quadrant. The DRCP has been placed into the fourth quadrant which is for the lowest priority projects. With MTC giving the DRCP the lowest priority, how can we waste $770,000,000 on this project?

In the last two weeks, Tim Pitsker drove, during rush hour, over the Dumbarton Bridge four times from highway 880 to highway 101 and back to 880. Two trips were during the morning rush hour commute and two were during the evening rush hour commute. There was NO backup on the Dumbarton Bridge and only a slight backup getting onto 101 and 880. Traffic speed was 65-70 miles per hour over the bridge in both directions, with rush hour traffic and in the opposite direction.

Vehicle traffic on the Dumbarton Bridge is decreasing. There is NO backup on the bridge.

With the cost having escalated from $130,000,000 to $770,000,000 and still climbing, with the EIR still not being completed, what will the final cost be? Over 1 billion?

With the escalating cost and Santa Clara County not paying its fair share, this project should be shut down and stopped from further wasting taxpayer money.

THANK YOU,

Tim Pitsker

CITY OF MENLO PARK

Office of the Mayor

April 1, 2014

Metropolitan Transportation Commission (MTC)
Programming and Allocations Committee
Joseph P. Bort MetroCenter
Lawrence D. Dahms Auditorium
101 Eighth Street Oakland, California 94607

Subject: City of Menlo Park Opposition to Proposed Reallocation of Regional Measure 2 (RM2) Funds

Dear Chair Glover and Committee Members,

The City of Menlo Park would like to provide comments on the MTC's proposed amendments for Regional Measure 2 (RM2) funds to be discussed at the April 9, 2014 Programming and Allocations Committee, specifically in regard to the funds reserved for the Dumbarton Rail Corridor (DRC). The City of Menlo Park does not support the proposed forgiveness of ACTC's $91 million loan to finance the BART Warm Springs Extension, although we recognize a need to reallocate the currently unused RM2 funds to projects that are likely to be constructed and provide congestion relief benefits as quickly as possible.

The City provided recommendations to the San Mateo County Transportation Authority in 2013 for projects that would serve residents and commuters along the DRC, focusing projects that would support and expand continued bus service in the corridor and, ultimately, future rail. These projects were not included in MTC's proposed RM2 amendments.

The City has seen increases in congestion along the DRC (Bayfront Expressway; Willow Road; University Avenue; Marsh Road), and implementation of the DRC project would provide a needed transportation option along this route.

RM2 funds were, by definition, to be used to finance congestion relief projects in the bridge corridors, with the DRC project identified in the original legislation approved by voters in 2004. Forgiving ACTC's loan for the future BART Warm Springs Extension will make future funding of the DRC challenging, meaning limited options for transit improvements to the DRC would be realized in the near- or long-term. While the BART Warm Springs Extension is also identified in the original RM2 project list, it does not serve the Dumbarton Bridge corridor.

701 Laurel Street - Menlo Park, CA 94025
Phone: (650) 330-6740 - Fax: (650) 327-5497

Forgiveness of the loan will not provide needed improvements for trans-bay travel in the East and South Bays and Peninsula.

The City of Menlo Park looks forward to continuing to partner with MTC to develop needed transportation options to best serve the region.

Sincerely,

Ray Mueller
Mayor

Cc: Members of Menlo Park City Council
City Manager
Public Works Director

701 Laurel Street - Menlo Park, CA 94025
Phone: (650) 330-6740 - Fax: (650) 327-5497

From: **On Behalf Of** Adina Levin
Sent: Tuesday, April 08, 2014 4:43 PM
To: Kimberly Ward
Cc: Kirsten Keith; Pat Burt gmail; Yoriko Kishimoto; Sue Lempert; Jim Bigelow
Subject: MTC Programming and Allocations Agenda #3A: RM2 Amendment

Dear Commissioners and Staff,

The April 7 agenda item #3A, an RM2 Amendment reallocating funds among RM2 projects.

This note regards the proposals to reallocate funds for Dumbarton Rail, since the project is not moving forward at this time.

As you may know, Friends of Caltrain is a grassroots advocacy organization with over 3000 participants on the Caltrain corridor from San Francisco through San Jose. We support Dumbarton Rail, support increasing Dumbarton transit service based on corridor growth. We also understand that the region's current priorities and funding availability place Caltrain electrification and BART to Silicon Valley at a relatively higher priority than the Dumbarton project.

The current staff proposal uses $14.7 of the funds to continue to improve the express bus service on the corridor. This is a good idea based on the strong performance and increasing demand for the DB express bus service.

The current proposal is also allocates funding to two connecting projects on the East and West sides of the Bay. Currently, $20 Million is being allocated to Caltrain electrification and $91 million to BART to Warm Springs (by forgiving a loan).

Allocating funding to the East and West connecting projects is reasonable at this time. However, it would be more fair and reasonable to keep investments on the East and West sides equivalent.

As an alternative proposal, we recommend, allocating $20 million to Caltrain electrification, and forgiving $20 Million of the loan to BART.

Do not yet forgive the remaining $71 million but wait to see if there are other valid investments on the Dumbarton corridor. There is active interest on Dumbarton corridor to further expand service based on growing demand to destinations in Redwood City, Menlo Park, East Palo Alto and Palo Alto, and to Fremont in the East Bay.

If more reallocation is warranted at a later date, then the east/west reallocation should be 50/50, with BART keeping half the funds and repaying the other half to contribute to Caltrain electrification and needed capacity improvements on the Caltrain corridor.

- Adina

Adina Levin

Peter Michael Dubinsky

25 March 2014
TO: Metropolitan Transportation Commission
Public Information Office
101 Eighth Street, Oakland, CA 94607

RE: MTC Resolution No. 3801, Revised – RM 2 Public Hearing on 09 April 2014

I am writing to the Commission to explain why I support the proposals regarding the redirection of funds from the East to West Bay Commuter Rail Service over Dumbarton Rail Bridge being made in Resolution No. 3801, Revised (Resolution) which is scheduled to be discussed during a Regional Measure 2 public hearing on 09 April 2014.

While my position supporting certain funding redirection and steps described in the Resolution is my own I have been a member of the Citizen's Advisory Panel (CAP) to the Dumbarton Rail Corridor (DRC) Project since its inception in 2007. I have followed the DRC or the East to West Bay Commuter Rail Service over the Dumbarton Rail Bridge as it is referred to in the Resolution since on / around 2005 and have been opposed to it since first studying the available documentation circa 2002.

In particular I agree fully with the Commission's proposed:

- Redirection of available project funds from the DRC (project 4 on Table 1) to the Regional Express Bus service (Project 29 on Table 1) and the Caltrain Electrification (project 40 on Table 1)
- Removal of the project conditions – repayment of $91M – by Alameda County for redirection of funds to the Warm Springs BART Extension project circa late 2008 early 2009. (Project 31 on Table 1)

My support for the Proposals is based on the following reasons:

1. The DRC project did not have sufficient funding support to seriously consider it as a viable transportation project. The Resolution states that DRC had a $300M funding shortfall but according to the information provided to members of the DRC CAP the amount was more like $500M +. The projected cost of the DRC was in excess of $800M
2. Throughout the time period of environmental assessment and data gathering to support the project's environmental report the estimated ridership never rose to a level sufficient to consider it a viable transportation project. During a CAP meeting in 2009 the members were advised that :
    a. The Federal Transit Administration (FTA) has a policy of not releasing an EIR/EIS if a project is not adequately funded.
    b. The DRC is severely underfunded
    c. The DRC has ridership projections that do not support pursuing it
    d. Jurisdictional support is showing signs of abandoning it

Yet time and resources for evaluation continued to be committed for four more years to the DRC.

3. As a taxpayer the cost vs. benefit of the DRC was not even a close call. It should have been shelved in 2009.

4. Regarding the proposal to remove the condition on Alameda County that it repays $91M which was re-directed from the DRC to the Warm Springs BART in 2009 that step makes good transportation and common sense. The BART Extension to Warm Springs was the key that opened the door to extending BART through to San Jose. The entire Bay area benefits from that additional public transportation functionality and depth of service.

While my submission is my own I have shared it with a number of members of the Fremont community who have also followed the DRC project and they agreed to have their names listed on this letter. I can assure you there are many others who also objected to the DRC project for the reason's listed above and others.

Names of Fremont residents who agree with this letter and the MTC Proposals:

- Brett Chamberlain, Riverwalk Community, Fremont, CA.
- Frank Chang, Embassy Common Neighborhood, Fremont/Niles, CA
- Susan Lanferman, Rancho Arroyo Neighborhood, Fremont/Niles, CA
- Paul & Ruth Simpkins, Hacienda Gardens Neighborhood, Fremont/Niles, CA

Attachment: Excerpts from the Draft Resolution 3801, Revised which relate to the points made in the submission.

Peter Michael Dubinsky

25 March 2014

CONTRA COSTA
transportation
authority

COMMISSIONERS

Kevin Romick, Chair

Julie Pierce,
Vice Chair

Janet Abelson

Newell Arnerich

Tom Butt

David Durant

Federal Glover

Dave Hudson

Mike Metcalf

Karen Mitchoff

Robert Taylor

Randell H. Iwasaki,
Executive Director

March 27, 2014

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

Dear Mr. ~~Heminger~~, Steve

I am writing in response to your letter of February 24, 2014 regarding Regional Measure 2 (RM2) Program Delivery Strategy for the Caldecott Fourth Bore project. The Contra Costa Transportation Authority (CCTA) appreciates the opportunity to partner with MTC to transfer $5.4 million in RM2 funds from the Caldecott Fourth Bore project to the I-680 Southbound High Occupancy Vehicle (680 HOV) lane project through Walnut Creek. These RM2 funds will match existing RM2, Contra Costa Measure J, State Transportation Improvement Program (STIP) and bridge toll funds to fully fund the 680 HOV lane project.

Responding to the request for information in your February 24, 2014 letter, CCTA offers the following:

- The $5.4 million in RM2 funds programmed to the Caldecott Fourth Bore project are available for redirection. CCTA has not requested an allocation for these funds.
- As the implementing agency for the Caldecott Fourth Bore project, Caltrans has provided sufficient documentation to fully expend the unreimbursed $26.8 million in RM 2 allocated to the Caldecott Fourth Bore project. CCTA has submitted approximately $5.3 million for reimbursement that has not yet been processed. We have another $1 million pending reimbursement. The remaining RM2 funds will be invoiced with approximately $12.2 million for allowable costs already incurred by CCTA, $6.7 million for future contractor invoices and with $1.7 million to be reserved and invoiced for the City of Berkeley mitigation projects.
- CCTA confirms that future work, such as landscaping and other mitigation, will be funded without any further request for RM2 funds.

I appreciate the positive partnership between CCTA and MTC on the Caldecott Fourth Bore project, the 680 HOV lane project and other important projects in Contra Costa County. Please contact me at 925-256-4724 if you need additional information regarding this matter.

2999 Oak Road
Suite 100
Walnut Creek
CA 94597
PHONE: 925.256.4700
FAX: 925.256.4701
www.ccta.net

Sincerely,

Randell H. Iwasaki

Randell H. Iwasaki
Executive Director

CC: Bijan Sartipi, Caltrans; Art Dao, ACTC

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION
111 GRAND AVENUE
P.O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-5900
FAX (510) 286-5903
TTY 711
www.dot.ca.gov

Flex your power!
Be energy efficient!

March 25, 2014

Mr. Steve Heminger
Executive Director
Metropolitan Transportation Commission (MTC)
101 Eighth Street
Oakland, CA 94607-4700

Dear Mr. Steve Heminger:

We appreciate your letter dated February 24, 2014 regarding the successful opening of the Caldecott fourth bore to the public and would like to thank you and MTC Chair Amy Worth for participating and helping with the opening celebration.

While the tunnel was opened to traffic in November 2013, completion of construction activities outside the tunnel and contract acceptance are expected by end of September 2014. Caltrans contractual claims resolution process allows contractors to submit claims within 75 days after contract acceptance, or by mid-December 2014. Until then, Caltrans would not know how much of the $5.4 million of Regional Measure 2 (RM2) savings is available for redirection, but in the interest of advancing an important transportation project Caltrans would concur, as long as the Contra Costa Transportation Authority (CCTA) is in agreement to cover the amount of redirection, consistent with the existing cooperative agreement, should the need arise to close out the contract.

Caltrans expects the Caldecott Fourth Bore and the landscaping projects, as well as the mitigation and legal commitments to be within the existing RM2 budget. Caltrans will advertise the landscaping project in April and open bids in May 2014, and is negotiating with the California Department of Fish and Wildlife Service to address mitigation for the Alameda Whipsnake. The mitigation proposal would involve a conservation easement for the Muir Heritage Land Trust. A cost estimate for the conservation easement is expected to be available by May 2014.

In reference to the allocated $26.8 million RM2, it is CCTA's responsibility to request reimbursement from MTC. Per cooperative agreement between Caltrans and CCTA, Caltrans invoices CCTA for the capital expenditures that are to be paid with local funds, and CCTA in turn invoices MTC for reimbursement with RM2 funds. Caltrans has already submitted to CCTA invoices over the $26.8 million RM2 funds and CCTA would be the appropriate agency to provide an estimate of unreimbursed RM2 funds.

If you have any questions, please contact me at (510) 286-5900.

Sincerely,

BIJAN SARTIPI
District Director

C: Randy Iwasaki, Ross Chittenden - CCTA
Art Dao, Stewart Ng - Alameda CTC

March 27, 2014

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

Subject: Regional Measure 2 Program Delivery Strategy – Caltrain Electrification

Dear Mr. Heminger:

Thank you for the Metropolitan Transportation Commission's (MTC's) staff recommendation to reassign $20 million in Regional Measure 2 (RM2) funds from the Dumbarton Rail project, which is not progressing due to a large funding shortfall, to the Caltrain Electrification project. As transportation funding and project delivery agencies, we can appreciate MTC's consideration of the RM2 timely use of funds policy and its need to see transportation benefits delivered to the public in a reasonable period of time. As Electrification project funding partners, we also appreciate MTC's consideration of the Caltrain Electrification project as a suitable candidate for investment of RM2 funds.

We are concerned, however, about your request that Peninsula Corridor Joint Powers Board member entities provide a $20 million additional local match for this project as a condition of receiving the RM2 funds. We understand that the RM2 program does not require local match. Though we understand MTC's interest in seeing fund leveraging, we have already committed $60 million in local funds to the Caltrain Electrification project as memorialized in the April 2012 High Speed Rail memorandum of understanding. San Francisco's local half-cent transportation sales tax measure (Proposition K) is providing approximately one-third of San Francisco's $60 million local commitment, and we are currently hard at work on ensuring that our remaining commitment ($39 million) is available to meet the project schedule. As you know from your seat on the 2030 Transportation Task Force, Caltrain's funding request of San Francisco was for continued commitment to its $60 million share of Electrification. We are hard pressed to find additional local match for this project at this time and therefore do not agree with the local match requirement for the $20 million in RM2 funds.

San Francisco is committed to seeing the Caltrain Electrification project successfully delivered. We encourage you to consider providing RM2 funds to the Caltrain Electrification project in a similar manner to that proposed for other projects in the region, without a local match condition.

Sincerely,

Edward D. Reiskin
Director of Transportation
San Francisco Municipal Transportation Agency

Tilly Chang
Executive Director
San Francisco County Transportation Authority

cc: M. Scanlon – San Mateo County Transit District/Peninsula Corridor Joint Powers Board
N. Fernandez – Santa Clara Valley Transportation Authority
J. Avalos – Chair, San Francisco County Transportation Authority Board
T. Nolan – Chair, Caltrain Board of Directors and SFMTA Board of Directors
J. Cisneros, M. Cohen – Caltrain Board of Directors
D. Campos, A. Halsted, S. Wiener – MTC Commission
G. Gillett – Office of Mayor Edwin M. Lee
M. Webster, K. Breen – SFMTA
A. LaForte, M. Lombardo– SFCTA

SANTA CLARA
Valley Transportation Authority

March 27, 2014

Steve Heminger
Executive Director
Metropolitan Transportation Commission
Joseph P. Bort MetroCenter
101 Eighth Street
Oakland, CA 94607

Steve

RE: Regional Measure 2 Program Delivery Strategy – Caltrain Electrification

Dear Mr. ~~Heminger~~:

I am in receipt of your letter dated February 24, 2014. MTC's consideration of the timely use of funds to meet the voters' commitment made in 2004 to reduce congestion or make improvements in the toll bridge corridors is much appreciated by the Santa Clara Valley Transportation Authority (VTA). At this tenth anniversary of the program, it is commendable to consider the appropriate use of this toll revenue to achieve these goals.

We agree that project No. 4, Dumbarton Rail, is an excellent candidate for reevaluation. The current bus service along the corridor seems to meet the demand and continues to be an excellent mobility choice while reducing greenhouse gas emissions. VTA is appreciative of MTC staff's recommendation to provide $14.8 million of the unexpended funds to support this worthwhile transportation option.

The issue of a further local match for Caltrain's Electrification Project is problematic for VTA. As you may know, the Board of Directors has committed $60 million of local funds and $26 million of our state Prop 1A Connectivity funds to this worthwhile project. While I certainly appreciate the efforts of MTC to provide more funding in support of Caltrain's Electrification Project, a review of all other projects that are benefitting from MTC's redistribution of the Regional Measure 2 program funds has not shown a required local match by any of the recipients. This begs the question as to why this particular project is being singled out for such a match.

As a committed and willing partner in the Peninsula Corridor Joint Powers Board, VTA is determined to see the Electrification Project successfully completed. Unfortunately, at this point I am unable to justify this additional request to the Board of Directors.

Yours truly,

Jim Pearson for

Nuria I. Fernandez
General Manager

cc: Michael Scanlon
Edward Reiskin
Jim Lawson

BOARD OF DIRECTORS 2014

JEFF GEE, CHAIR
SHIRLEY HARRIS, VICE CHAIR
JERRY DEAL
CAROLE GROOM
ROSE GUILBAULT
ZOE KERSTEEN-TUCKER
ARTHUR L. LLOYD
KARYL MATSUMOTO
ADRIENNE TISSIER

MICHAEL J. SCANLON
GENERAL MANAGER/CEO

samTrans

April 3, 2014

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

Re: Regional Measure 2 Program Delivery – Caltrain Electrification

Dear Mr. Heminger: Steve

Thank you for the February 24, 2014, letter regarding the proposed Regional Measure (RM) 2 funding reallocation strategy for Project No. 4, Dumbarton Rail.

We appreciate your proposal that $20 million of the $34.8 million unallocated for Dumbarton Rail be reallocated to the Caltrain Electrification program, yet another demonstration of your continuing commitment to this critical project.

The proposal includes a requirement that the $20 million in RM2 funds be matched locally with new funding by the Peninsula Corridor Joint Powers Board partners, and you requested a response to the proposal by March 26, 2014.

We apologize for the delay in responding to this proposal, but we have been working extensively with the JPB partner staff to determine their ability to provide the match. We recognize that you have received letters from two of the partners indicating they would not be willing to provide the proposed match.

While SamTrans is in a position to consider providing the match, we recognize and appreciate the concerns of the other two JPB partners and recognize that there is not a consensus on this issue.

As the managing agency for Caltrain, we are committed to deliver the Caltrain Electrification program, as we know you are.

We would be happy to work with your team to seek a way to secure the RM2 funds for this project and to explore a way to achieve consensus among the Caltrain partners.

Sincerely,

Michael J. Scanlon
General Manager/CEO

SAN MATEO COUNTY TRANSIT DISTRICT
1250 San Carlos Ave. – P.O. Box 3006
San Carlos, CA 94070-1306 (650)508-6200

c: San Mateo County Transit District Board of Directors
San Mateo County Transportation Authority Board of Directors
San Mateo County Transportation District Executive Team
N. Fernandez – Santa Clara Valley Transportation Authority
E. Reiskin – San Francisco Municipal Transportation Agency
T. Chang – San Francisco County Transportation Authority
A. Aguirre – MTC Commission

OFFICE OF THE CITY MANAGER

CITY OF PALO ALTO

250 Hamilton Avenue, 7th Floor
Palo Alto, CA 94301
650.329.2392

April 9, 2014

Chair Federal Glover
MTC Programming and Allocations Committee
101 Eighth Street
Oakland, California 94607

Re: City of Palo Alto Preliminary Position on the Proposed RM2 Funding Allocations

Dear Chair Glover:

On behalf of the City of Palo Alto I am writing you today to provide preliminary input on the proposed RM2 funding allocations. The Palo Alto City Council will provide additional direction to staff on this matter at their April 21st meeting but in order to provide input at the Committee level staff has prepared these preliminary remarks for your meeting, today, April 9, 2014 which we learned about recently.

First, the City of Palo Alto would like to support the proposed improvements to Dumbarton Express service. East/west transit is a challenge in our region and a reliable and improved Dumbarton Express service helps address that challenge. The City of Palo Alto also supports the $20 million allocation to Caltrain Electrification. With over 52,000 weekday riders an improved, modernized Caltrain is critical to the Peninsula's overall transit strategy.

Because east/west transit and Caltrain improvements are critically important to our regional transit system, I expect my City Council will want you to reconsider the proposal to remove the repayment condition associated with the $91 million BART Warm Springs extension loan.

If that does not happen the City will want to ensure that at least a portion of the loan not be forgiven to allow further planning. Partial forgiveness of the loan will provide the MTC flexibility going forward and the opportunity to reevaluate our important commuter rail needs in the future.

Thank you for your time and effort and we look forward to your response.

Sincerely,

James Keene
City Manager

c: Palo Alto City Council
Palo Alto Director of Planning Hillary Gitelman
Metropolitan Transportation Commission
Peninsula Corridor Joint Powers Board
Peninsula City Mayors

Printed with soy-based inks on 100% recycled paper processed without chlorine

From: Diane Shaw
Sent: Wednesday, April 09, 2014 8:41 AM
To: MTC Info
Cc: Diane Shaw
Subject: RM2 Allocation - Programming and Allocation Committee

To: Mr Chair and members of the committee:

My name is Diane Shaw and I live in Fremont and commute to San Carlos on a daily basis on the Dumbarton Express. This memo is in regards to the action before the Programming and Allocations Committee to reallocate funds for the RM2 funding.

I support the change to purchase new buses for the Dumbarton Express bus service. The original RM2 funding for the Dumbarton Rail project was meant to help alleviate the congestion of the east/west commute and to provide alternatives to driving in our cars. Continuing to focus on the DB Bus Service supports that initiative. This is an area that could be expanded with more riders taking public transportation instead of driving single occupancy vehicles. To insure that this bus service can grow, please require that the new buses that are purchased provide at least the same capacity if not more than the existing vehicles.

I continue to be disappointed with the Commission and the Transit Agencies with the lack of attention to the east/west commute. While I do understand the need to divert funds at times, some of these diversions do not support the original intent of the money. There had been a recommendation to move forward with the Newark Rail Station which could have been used as a park and ride for the Dumbarton Express. The Ardenwood Park and Ride is full before 7am and there are no alternatives for people to park and take this great bus service. If there were, this bus service would continue to grow. In addition, the other agencies such as Caltrain should be considering this east/west commute when they do their schedules to allow transfers. Currently, there is no consideration and the transfers to/from Caltrain can be very long for those of us who need to go up and/or down the peninsula. Both of these items should be addressed if we want to move people out of their vehicles and on to public transit in support of our desire to decrease greenhouse gases.

Thank you for your attention.

Diane Shaw

From: Walter Strakosch
Sent: Friday, April 18, 2014 3:33 PM
To: MTC Info
Subject: SMART Larkspur extension funding

To whom it may concern:

As a transportation professional and a Marin resident I support the allocation of RM 2 funding for the SMART extension from San Rafael to the Larkspur Ferry. It makes sense and it is needed.

Walter Strakosch

From: Eric Hentschke
Sent: Thursday, April 17, 2014 9:41 PM
To: MTC Info
Cc: PEGGY CLAASSEN
Subject: Proposed RM2 Changes: Project No. 4, East to West Bay Commuter Rail Service over Dumbarton Rail Bridge

The reallocation of twenty million dollars of the 43.7 million dollars in the Dumbarton Rail project should be used toward the east-west corridor (the Dumbarton Rail corridor). In the October 6th Dumbarton Rail CAP meeting, a unanimous motion was sent to the PAC supporting spending $14.7 million on the bus service along the Dumbarton corridor and $20 million on projects along the corridor such as the Newark, Centerville, and Menlo Park stations. A straw vote (no quorum present) at the PAC meeting of October 25, 2013 unanimously concurred. Neither of these meetings (the CAP nor the PAC) suggested redirecting money away from the east-west corridor as you are now proposing by directing the $20 million to electrification of the north-south route. At the April 16th CAP meeting, it was presented that MTC is within their purview to redirect money this way. I believe this money should stay in the east-west corridor. Newark is ready to use some of this $20 million and Fremont and Menlo Park could be ready very quickly, I assume.

Please do not distribute that money toward electrifying the north-south peninsula lines, rather keep it focused toward improvements along the Dumbarton corridor.

Thank you,

Eric Hentschke

April 20, 2014

Metropolitan Transportation Commission
Public Information Office
101 Eighth Street
Oakland, CA 94607

Re: Reallocation of Funds within Regional Measure 2-- SUPPORT

Ladies and Gentlemen:

On behalf of *Friends of Sonoma Marin Area Rail Transit* I wish to endorse the transfer of funds within Regional Measure (RM)2 from Project 11—Greenbrae Interchange/Larkspur Ferry Access Improvements to Project 10—Sonoma-Marin Area Rail Transit (SMART).

Given that Friends of SMART is an advocacy group for the SMART Project, it will come as no surprise that we support this redirection of funds. But this particular item presents a tremendous opportunity to complete a key regional transportation link in the North Bay—namely, connecting the San Francisco Ferry Terminal with the Sonoma County Regional Airport. In addition, we believe that the link will convey tourists to "the wine country" while removing motor vehicles on Doyle Drive, the Golden Gate Bridge, and Highway 101.

Both of these reasons are consistent with MTC's objective of reducing vehicle miles travelled and greenhouse gas reductions.

Sincerely,

Jack Swearengen, Chair
Friends of SMART

City of Palo Alto
Office of the Mayor and City Council

April 21, 2014

Chair Federal Glover
MTC Programming and Allocations Committee
101 Eighth Street
Oakland, California 94607

Re: City of Palo Alto Comment Letter on Proposed RM2 Funding Allocations

Dear Chair Glover:

On behalf of the City of Palo Alto I am writing you today to provide input on the proposed Regional Measure 2 (RM2) funding allocations.

First, the City of Palo Alto would like to support the proposed improvements to Dumbarton Express service. East/west transit is a challenge in our region and a reliable and improved Dumbarton Express service helps address that challenge. The City of Palo Alto also supports the $20 million allocation to Caltrain modernization. With over 52,000 weekday riders an improved, modernized Caltrain is critical to the Peninsula's overall transit strategy.

Because east/west transit and Caltrain improvements are critically important to our regional transit system, the City of Palo Alto supports the repayment condition associated with the $91 million BART Warm Springs extension loan. The City of Palo Alto requests that instead of removing the repayment condition you leave it in place and use the funds for either Dumbarton corridor improvements (i.e. east/west transit service improvements across the Bay) or for Caltrain improvements such as platform lengthening to accommodate longer trains and thus increasing capacity.

Thank you for your time and effort and we look forward to your response.

Sincerely,

Nancy Shepherd
Mayor, City of Palo Alto

c: Palo Alto City Council
Palo Alto City Manager
Metropolitan Transportation Commission
Peninsula Corridor Joint Powers Board
Peninsula City Mayors

P.O. Box 10250
Palo Alto, CA 94303
650.329.2477
650.328.3631 fax

Printed with soy-based inks on 100% recycled paper processed without chlorine.

CONTRA COSTA
transportation
authority

COMMISSIONERS

Kevin Romick, Chair

Julie Pierce,
Vice Chair

Janet Abelson

Newell Arnerich

Tom Butt

David Durant

Federal Glover

Dave Hudson

Mike Metcalf

Karen Mitchoff

Robert Taylor

Randell H. Iwasaki,
Executive Director

April 22, 2014

Bijan Sartipi
District 4 Director
California Department of Transportation
111 Grand Avenue
Oakland, CA 94612

Dear Mr. Sartipi,

The purpose of this letter is to reiterate the Contra Costa Transportation Authority's (CCTA) support to reprogram $5.425 million in Regional Measure 2 (RM2) funds from the Caldecott Fourth Bore project to the southbound I-680 High Occupancy Vehicle (HOV) lane gap closure project from North Main to Rudgear in Walnut Creek. The Metropolitan Transportation Commission (MTC) has initiated action to reprogram the RM2 funds; however, it has been brought to our attention that you have concerns about reprogramming the funds prior to completion of the Caldecott Fourth Bore project. The purpose of this letter is to reaffirm CCTA's commitment to fully fund the Caldecott Fourth Bore project per the terms of Cooperative Agreement No. 4-2203, Amendment 5, including the use of Measure J funds, if needed, to replace the reprogrammed RM2 funds.

At its meeting on December 18, 2013, the CCTA Board approved making a request of MTC to reprogram the RM2 funds. The Board action was taken after receipt of information from Caltrans over many months that indicated the project would be completed within the current construction allotment, which does not include the $5.425 million in RM2 funds programmed to the project. The cost estimates from Caltrans included costs for anticipated change orders and project risks. In late December 2013 your staff first alerted CCTA that the project <u>may not</u> be completed within the current construction allotment, a situation that would require an allocation of RM2 funds. Subsequently, cost estimates have continued to rise. The most recent estimate provided by Caltrans on March 12, 2014 indicates that costs may exceed the current allotment by $3.2 million. Attached is a summary of the estimated surplus or deficit provided by Caltrans over the past 6 months. Our agency is concerned with the trend indicating rising costs, and requests verification whether the estimates provided by Caltrans are an accurate reflection of the costs and risks associated with the project.

2999 Oak Road
Suite 100
Walnut Creek
CA 94597
PHONE: 925.256.4700
FAX: 925.256.4701
www.ccta.net

The cost estimates provided by Caltrans also show an opportunity to complete the project with a positive balance over and above the $5.425 million in RM2 funds. CCTA urges you to complete the project in the most expeditious and cost-effective manner to ensure that the project truly remains on-time and under budget. Not only would this allow the RM2 funds to be used for the I-680 HOV Gap Closure project, but also allow for an investment of remaining Measure J funds towards other transportation needs in Contra Costa.

The action by the CCTA Board to re-program the RM2 funds to the I-680 HOV lane gap closure project was an informed decision made after consideration of the expected costs to complete the Caldecott Fourth Bore project. Caltrans has now placed our agency in a difficult situation where CCTA may need to add Measure J funds into the project to replace the reprogrammed RM2 funds when, only a few months ago, we understood that the RM2 funds would not be needed and there would be a savings of Measure J funds as well. As a reminder, an action to appropriate additional Measure J funds will require an action by the CCTA Board, similar to an action required by MTC to allocate RM2 funds if they were to remain on the project. In the unfortunate event that the project cannot be completed within the existing budget, less the RM2 funds, please provide an appropriation request including an explanation of why the costs cannot be contained within the amount currently available to complete the work.

CCTA appreciates the continued partnership in delivering the Caldecott Fourth Bore project. If there is any action that I or any member of my staff can take to control costs, please let me know.

Sincerely;

Randell H. Iwasaki

Randell H. Iwasaki
Executive Director

CC: S Heminger

Attachment

Caldecott Fourth Bore Construction Cost Trends
Contingency Balance at Completion*

Estimate Date	Best Case	Worst Case
9/6/2013	$ 12,758	$ 3,060
11/9/2013	$ 11,813	$ 2,250
11/19/2013	$ 11,630	$ 1,133
12/18/2013	$ 9,245	$ (2,018)
1/30/2014	$ 9,233	$ (2,113)
3/12/2014	$ 6,450	$ (3,230)

*Contingency Balance does not include $5.425 million in RM2 funds programmed to the project.

April 22, 2014

Steve Heminger
Executive Director
Metropolitan Transportation Commission
101 8th St
Oakland, CA 94607

Re: (RM2) Strategic Delivery Plan Comments

Dear Mr. Heminger:

The San Francisco Bay Trail Project appreciates the opportunity to provide comments on the Regional Measure 2 (RM2) Strategic Delivery Plan as outlined in the February 12, 2014 Programming and Allocations Committee agenda item number 3a.

The Bay Trail Project has been seeking to close an important trail gap in the Greenbrae Corridor since 2004 when our grant funds supported the Central Marin Ferry Connection Study. The preferred alignment resulting from that multi-agency and public stakeholder process was a new, separate bike/ped crossing over Corte Madera Creek, continuing south on the railroad alignment and connecting to existing Bay Trail at Wornum and Redwood, and to the Sandra Marker Trail. The Bay Trail continues to support this alignment, and therefore strongly supports and appreciates the RM2 Delivery Strategy recommendations of $19.8 million for bike/ped projects in the Greenbrae corridor.

The new crossing of Corte Madera Creek is a vitally important piece of infrastructure for alternative transportation in a congested but transit rich area of Marin. Direct, safe and separate bicycle and pedestrian access to the Larkspur Ferry, SMART station, San Rafael Transit Center via the Cal Park Hill Tunnel, Marin Country Mart and future housing in the Larkspur Landing Area will provide real reductions in vehicle miles traveled in this important corridor.

If you have any questions about the Bay Trail in the Greenbrae Corridor, please do not hesitate to contact me at (510) 464-7909 or by e-mail at maureeng@abag.ca.gov.

Sincerely,

Maureen Gaffney
Bay Trail Planner

From: malcolm.dudley
Sent: Wednesday, April 23, 2014 1:25 AM
To: Sartipi, Bijan@DOT
Subject: Don't lose Dumbarton Rail to BART!

Dear Commissioner Sartipi:

My participation in the Dumbarton Corridor issues goes back to the early 1970s during the planning stage for the new Dumbarton Highway Bridge. West Bay citizens and cities were deeply concerned with the potential negative traffic impacts from the proposed new Dumbarton Highway Bridge. The initial plan included only a single West Bay approach road, the Willow Road approach in Menlo Park. Citizens from Palo Alto, Menlo Park and Atherton formed a citizens organization to work with Caltrans in an effort to disperse West Bay approach road traffic, to deal with drainage problems in East Palo Alto and to include rail transit over the proposed new Dumbarton Highway Bridge. The citizens group had also entered into a lawsuit in an effort to bring about mitigations. As a result of the citizens efforts two additional West Bay approach roads were added to the design. The citizens group was not successful in having rail service added to the new highway bridge. The focus then shifted to working for establishing passenger rail service using the existing Dumbarton Rail Bridge.

In 1986, while I was mayor of Atherton, I was appointed to serve on the San Mateo County Expenditure Plan Committee to help in the development of a ½ cent sales tax measure to fund transportation projects within San Mateo County. That committee proposed a measure that limited Caltrain investment to $20 million dollars over a fifteen year period. That was a critical time for the future of Caltrain as the state subsidy was to end in another two years, leaving insufficient funds to continue Caltrain operation on the Peninsula. I was the sole negative vote on that proposal. Frank Pagliaro, then mayor of Burlingame, and I were successful in getting a majority of San Mateo County cities to vote against that Measure "A" proposal. We then reorganized the Expenditure Plan Committee and made Caltrain the top priority, with 50% of all Measure "A" funds going to Caltrain, which produced about $500 million over the next twenty years. With the successful passage of Measure "A" we formed the San Mateo County Transportation Authority to administer the funds raised from this sales tax. I served on this board from the beginning, including several years as chairman. Within the first two years we had enough funds to be able to acquire the Right of Way from San Francisco to San Jose.

The Dumbarton Rail Bridge was one of the important elements of Measure "A" This was one of the projects that had been broadly supported by the voters. The promise of having rail service across the Bay gave hope for relief from a growing congestion problem in the mid-peninsula.

There has been a long history of cooperation between governmental bodies in working to bring about this voter approved plan for the Dumbarton Rail Bridge. Elected representatives from rail corridor cities and the three counties, with help from members of the state legislature including Assemblyman Ted Lempert and Assemblywoman Delaine Eastin all worked to carry out this commitment to build the Dumbarton Rail Bridge. In addition to the counties' transportation tax revenues voters, voters approved Regional Measure 2 in 2004.

The **loan** of $91million of Dumbarton funds to finance the BART Warm Springs Extension, was never intended to be a gift. It is important for voters to be able to trust that tax payer funds will be spent as

promised. There is no reasonable basis to forgive this $91 million loan. Taxpayers must be able to trust the promises that are made when they are asked to approve bond or tax measures.

Currently there is a balance of $49.2 million in Measure A funds for the Dumbarton Rail Project and the remaining Regional Measure 2 funds. These funds need to be retained for the eventual Dumbarton Rail Bridge project. It would be wrong to forgive the BART loan without going back for voter approval. It was in the spirit of cooperation that Dumbarton Rail funds were loaned to BART, but this loan was made with the expectation that this loan would be repaid.

Finally, there might be one alternative that helps BART and preserves Dumbarton. What about swapping Dumbarton Rail for Dumbarton BART? Forgive the loan if BART agrees to plan for a BART line coming across the bridge, linking up with BART in San Jose, and eventually linking with BART at SFO? If BART ran up the middle of 101 on elevated tracks, it could also provide a link to the San Jose airport! Then we would truly have the Bay Area linked with a continuous transit system.

Malcolm Dudley, Former Chair, SMCTA

Malcolm H. Dudley

www.marinbike.org

V 415 456 3469
F 415 456 9344
733 Center Blvd.
Fairfax, CA 94930

Board of Directors
Maureen Gaffney, *President*
Mark Comin, *Vice President*
Don Magdanz, *Secretary*
Lloyd Tepper, *Treasurer*
Morris Beazley
Chris Hobbs
Jennifer Kaplan
Scott Penzarella
John Vipiana

Advisors
Mark Birnbaum
Joe Breeze
Tom Hale
Deb Hubsmith
Jim Jacobsen
Patrick Seidler
Julia Violich

Staff
Kim Baenisch
Executive Director
Tom Boss
Off-Road and Events Director
April Spooner
Membership and Volunteer Coordinator
Andy Peri
Advocacy Director
Alisha Oloughlin
Planning Director
Wendi Kallins
Safe Routes to Schools Director
Laura Kelly
Safe Routes Volunteer Liaison
Peggy Clark
Safe Routes Project Coordinator
Share the Road Program Manager
Gwen Froh
Safe Routes Teen Coordinator
James Sievert
Safe Routes Instructor

April 23, 2014

Steve Heminger
Executive Director
Metropolitan Transportation Commission
101 8th St
Oakland, CA 94607
sheminger@mtc.ca.gov

Re: (RM2) Strategic Delivery Plan

Dear Mr. Heminger,

The Marin County Bicycle Coalition (MCBC) appreciates the opportunity to provide comments on the Regional Measure 2 (RM2) Strategic Delivery Plan as outlined in the February 12, 2014 Programming and Allocations Committee agenda item number 3a.

The Marin County Bicycle Coalition has been active in bicycle/pedestrian advocacy for over 15 years and has the primary role of helping to create infrastructure for increasing safety for cyclists and pedestrians. As such, MCBC strongly supports the RM2 Delivery Strategy recommendations of $19.8 million for bike/pedestrian projects in the Greenbrae corridor and $20 million for the SMART extension between downtown San Rafael and Larkspur.

In particular, MCBC supports the expansion of the North-South Greenway in the Greenbrae area between Wornum Drive and Corte Madera Creek including a new and separate crossing over Corte Madera Creek which would provide the best and most direct alignment along the Greenway for cyclists and pedestrians accessing the SMART station, the Larkspur Ferry, the Cal Park Tunnel and adjacent areas. We urge MTC to support funding for analysis of this separate bridge option as this process/project moves forward.

MCBC also appreciates the explicit mention of the *multi-purpose bike/pedestrian pathway* in the slide presentation shown on page 14 of that same staff report which discusses the proposed funding redirection of $20 million to SMART.

There is currently a key section of pathway within the SMART right of way that is missing between Andersen Drive and 2nd Street in San Rafael which presents a critical gap in the North-South Greenway. This pathway will provide safe and separated access from the San Rafael Transit Center to the Cal Park Tunnel Pathway, which connects to the Larkspur Ferry Terminal (and destinations to the south). Currently, cyclists and pedestrians are forced to travel on busy, industrial serving roadways in this area with unsafe and very limited bike/pedestrian facilities available. We urge MTC to continue to make this segment of pathway a funding priority for these redirected funds.

Taken together, building these two segments of the North-South Greenway will close two of Marin's most significant gaps in this world-class facility which, when the current phase of SMART is completed, will stretch from the Golden Gate Bridge to Santa Rosa. Closure of this gap also completes an important segment of the regional 500-mile Bay Trail in Marin County.

Thank you for your consideration,

Sincerely,

Andy Peri, Advocacy Director
Marin County Bicycle Coalition

cc: Alix Bockleman- abockelman@mtc.ca.gov

Transportation Solutions Defense and Education Fund

P.O. Box 151439 San Rafael, CA 94915 415-331-1982

April 23, 2013
By E-Mail

Steve Heminger
Metropolitan Transportation Commission
101 Eighth Street
Oakland, CA 94607

Re: Proposed Amendments to Regional Measure 2

Dear Mr. Heminger:

The Transportation Solutions Defense and Education Fund, TRANSDEF, is an environmental non-profit advocating the regional planning of transportation, land use and air quality. Our focus in recent years has been on reducing the impacts of transportation on climate change. We are writing today to express our opposition to proposed transfers that would eliminate the Dumbarton Rail Corridor Project as an RM 2-funded project. The legal arguments for why MTC is not authorized to amend RM 2 in this manner are contained in a letter from our attorney, Stuart Flashman, Esq., attached hereto. We provide below the transportation planning and public policy arguments for why eliminating the Dumbarton Rail Corridor project is unwise.

We object to the transfer of nearly $3 million in alleged project savings from the Regional Express Bus Service for San Mateo, Dumbarton, and Bay Bridge Corridors to other corridors. Unless documentation can be provided to demonstrate actual savings in the San Mateo and Bay Bridge Corridors, these so-called "savings" are merely an obfuscation of a further diversion of funds from the Dumbarton project.

The full $14,843,000 transferred from Dumbarton Rail must be explicitly acknowledged in Resolution 3801, Revised, as remaining in the Dumbarton Bridge corridor. (See attached letter for legal arguments supporting the demand that the funds remain in the corridor.) If savings are recognized in the Dumbarton Bus capital program, they must be banked for future operations funding in the same corridor.

Finally, we also write to support the proposed transfers from Marin's Greenbrae Interchange project to SMART and to the North-South bikeway.

Transportation Planning

The Bay Area's most expensive long-term challenge is the lack of capacity for future growth in BART's Transbay Tube. A second tube would cost many billions of dollars.

The Dumbarton Rail Corridor project has the potential to offer a fast trip to San Francisco for residents of the Tri-Valley and the Southern East Bay, including Newark and Fremont, thereby taking a portion of the load off the Transbay Tube. That in turn would make capacity available for further growth in the Northern East Bay, at a dramatically lower cost than a second tube.

Unfortunately, MTC staff only considered the project through the narrow lens of the Dumbarton Rail Corridor project. They missed the fact that the Dumbarton Rail Bridge opens up possibilities considerably beyond the Dumbarton Rail Corridor project. For example, ACE could be linked to the Dumbarton Rail Bridge for a direct connection from San Francisco to the San Joaquin and Sacramento Valleys. Once its ridership was proven, that route would be an obvious candidate for upgrading to high-speed status.

From a regional transportation planning perspective, the following points need to be considered:

- Traffic on Highway 101 is bad, especially around the approaches to the Dumbarton highway bridge. Express bus service over the bridge is caught in traffic congestion.
- Major new employment has been sited in the area that would be served by a Dumbarton Rail Corridor project.
- These two facts are strongly supportive of the continuing purpose and need for the project.
- Conventional-gauge rail is a far more cost-effective technology than BART heavy rail. As such, it is much better suited to commuter and intercity rail service in suburbs.
- BART's new focus on its Metro program makes best use of BART's strength: its ability to serve urban areas.
- A network of conventional-gauge rail properties would be far more cost-effective when extending service into low-density suburbs.
- In effect, this would create a Northern California version of Metrolink, acting as a complement to BART.
- Southern California has adopted an approach like that: a well-connected multi-modal transportation plan that includes both heavy rail and commuter rail, leveraging the strengths of each technology.
- The Bay Area would benefit from an integrated rail network that gave at least equal emphasis to commuter rail.
- The Dumbarton Rail Corridor project would act as a nucleus for the formation of a conventional-gauge rail network tying together the East Bay and West Bay. It is worth preserving the funding of this project.

High-Speed Rail

There is a probability greater than zero that the current high-speed rail project will be dead by summer. That said, there's clearly no urgency to move the $20 million to Caltrain, or to remove the payback provision to the $91 million loan to ACCMA, as those projects are not up against any funding deadlines. Why not let this proposal marinate for several months, while the fate of HSR is determined? The only downside to MTC would be the need to bring RM 2 back before the Commission later this year. If HSR stalls, the Dumbarton Rail Corridor would be a great project to build a fallback plan around.

At a minimum, TRANSDEF urges MTC to hold onto the $20 million and leave the status of the $91 million loan unchanged, while studying the potential for a Dumbarton Rail Bridge-based network of conventional-gauge properties to reduce the load on the Transbay Tube.

Public Policy Considerations

The Dumbarton Rail Corridor project was promised to the voters as a "new Transbay commuter rail crossing south of the San Francisco Oakland Bay Bridge." It is the only new transbay crossing in RM 2. That alone would make the proposed elimination of the project especially offensive to voters. Several issues should be carefully considered by MTC before proceeding with the proposed action:

- How important is it to MTC to be trusted by the public? Being seen as playing fast and loose with the public's toll money will damage public support for any future regional measure.
- MTC knew from polling before the RM 2 election that voters would not give MTC a toll increase to allocate however it wished. That is why RM 2 sought authorization for a specific list of projects, rather than complete discretion over allocations.
- It looks like an exercise in bad faith when MTC invites voters to support a specific list of projects, and then overrides the voters' project selections, substituting its preferences instead. This is a classic bait-and-switch.
- It looks like an exercise in bad faith when MTC succeeds in getting the Legislature to adopt seemingly innocuous amendments to the mechanics of the ballot measure, which it then later interpreted as giving MTC discretion to move money around as it sees fit.
- What is the test for a project being "realistic"? MTC has always considered the BART extension to San Jose to be realistic, despite that project's many billions of dollars of funding shortfalls. The Oakland Airport Connector, another BART project, continued to be "realistic" even after the FTA rescinded a $70 million grant. MTC scraped together replacement funds to make the project happen.
- Because of MTC's role as the region's financing agency, project infeasibility cannot credibly be the result of project funding shortfalls, at least for a project with the relatively modest funding needs (as compared to BART extensions) of

the Dumbarton Rail Corridor project. If MTC wants a project completed, it has the financial resources to see it done.

- It is not permissible under RM 2 to assert a project's completion is unrealistic due to financing obstacles, when the financing obstacle is MTC's unwillingness to fund it. (See attached letter.)

Conclusion

TRANSDEF requests the Commission carefully consider the arguments contained herein and in the attached attorney's letter, and put a halt to its proposal 1) to transfer funds to Caltrain electrification; 2) to transfer "project savings" out of the Dumbarton Bus project; and 3) to offer loan forgiveness to ACCMA for the BART Warm Springs Extension project.

Sincerely,

/s/ DAVID SCHONBRUNN

David Schonbrunn,
President

Attachment

Letter from Stuart Flashman, Esq., with exhibits

Stuart M. Flashman

April 23, 2014

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

RE: Proposed transfer of RM 2 funds from the Dumbarton Rail Project.

Dear Mr. Heminger:

I am writing to you on behalf of my client, the Transportation Solutions Defense and Education Fund ("TRANSDEF") regarding the MTC staff proposal to reallocate funding provided under Regional Measure 2 ("RM 2") and Streets & Highways Code §30914 subd.(c) from the Dumbarton Rail Project to Caltrain electrification and forgiveness of the loan of funds to the Alameda County Congestion Management Agency[1] ("ACCMA") for the construction of the BART Warm Springs extension. This proposal is in violation of both RM2 and §30914.

I. The Proposed Action Violates the Provisions of RM 2.

RM 2 was placed on the ballot in accordance with the provisions of Streets & Highways Code §30914 subd.(c) and §30921 as enacted by the Legislature in 2003 as SB 916 (Stat. 2003 Ch. 715). That statute called for placing before Bay Area voters a ballot measure authorizing an increase in tolls on Bay Area bridges for the specific purpose of funding a specifically identified group of projects, including the Caltrain Dumbarton Rail Corridor Project (subparagraph (4) under subd.(c)).

The ballot materials for RM 2 (See ballot pamphlet for Measure RM 2, attached hereto as Exhibit A) identified specific provisions about when and how funds could be transferred from any of the specified projects. Those provisions, parts of Streets & Highways Code §30914 as subd.(f), stated as follows:

> If an operating program or project cannot achieve its performance objectives described in subdivision (a) of Section 30914.5 or if a program or project cannot be completed or cannot continue due to delivery or financing obstacles making the completion or

[1] That agency has since been amalgamated into the Alameda County Transportation Commission ("ACTC"). The loan transferred to the successor agency.

> continuation of the program or project unrealistic, the commission shall consult with the program or the project sponsor. After consulting with the sponsor, the commission shall hold a public hearing concerning the project. After the hearing, the commission may vote to modify the program or the project's scope, decrease its level of funding, or to reassign all of the funds to another or an additional regional transit program or project *within the same corridor*. [emphasis added]

In approving RM2, the voters were presumed to be aware of the provisions of subd.(f), and to have given their approval to the measure subject to those provisions. Indeed, the description of RM 2 in the ballot handbook (p.9) also stated:

> Specifically, the law provides that MTC may amend the level of funding for a project or reassign the funds to another regional transit project *within the same corridor*, but only after the project sponsor is consulted and a public hearing is held. [emphasis added]

It is obvious that the Dumbarton Rail Corridor and the BART Warm Springs Extension, while both included as projects under §30914 subd. (c), are not in the same corridor. The Dumbarton Rail Project is an east-west Transbay corridor project, while the BART Warm Springs Extension is an East Bay north-south corridor project. Thus, the transfer of funds does not satisfy the provisions of RM 2 as understood and approved by the voters.

It is equally obvious that Caltrain electrification is a West Bay north-south corridor project and again is not in the same corridor as the Dumbarton Rail Project. The proposed transfer of $20 million to that project, which was not even listed in §30914 subd. (c) as presented to the voters, cannot satisfy the provisions of RM 2 as understood and approved by the voters.

2. The Commission's Proposed Action is Improper Even with the Legislative Amendments to §30914 Enacted in 2006.

Staff may argue that although the voters' approval relied upon the statutorily mandated amendment provisions in effect at the time of the ballot measure, the Legislature retained the right to change those procedures later. Even if that were the case, the proposed action would be improper because the action is not justified under a reasonable interpretation of the amended procedures.

In 2006, after the voters had approved RM 2, the Legislature, at the prompting of MTC, approved amendments to §30914. Among those amendments was an amendment to subd.(f) of that section. As amended, the new subdivision reads:

> If a program or project identified in subdivision (c) has cost savings after completion, taking into account construction costs and an estimate of future settlement claims, or cannot be completed or cannot continue due to delivery or financing obstacles making the completion or continuation of the program or project unrealistic, the commission shall consult with the program or project sponsor. After consulting with the sponsor, the commission shall hold a public hearing concerning the program or project. After the hearing, the commission may vote to modify the program or the project's scope, decrease its level of funding, or reassign some or all of the funds to another project within the same bridge corridor. *If a program or project identified in subdivision (c) is to be implemented with other funds not derived from tolls,* the commission shall follow the same consultation and hearing process described above and may vote thereafter to reassign the funds to another project consistent with the intent of this chapter. If an operating program or project as identified in subdivision (d) cannot achieve its performance objectives described in subdivision (a) of Section 30914.5 or cannot continue due to delivery or financing obstacles making the completion or continuation of the program or project unrealistic, the commission shall consult with the program or the project sponsor. After consulting with the sponsor, the commission shall hold a public hearing concerning the program or project. After the hearing, the commission may vote to modify the program or the project's scope, decrease its level of funding, or to reassign some or all of the funds to another or an additional regional transit program or project within the same corridor. [emphasis added]

The Dumbarton Rail Corridor project is the only new transbay crossing proposed in RM 2 -- a regional bridge toll measure intended to improve transbay travel. Defunding that project therefore bears particularly close scrutiny to ensure that the voters' intent is being followed. MTC needs to show, based on substantial evidence, that the project truly <u>cannot</u> be continued or completed. While there may be a current funding shortfall for the project, because MTC could fill that funding shortfall in the next regional transportation plan if it chose to do so, the claim that project cannot be continued or completed is highly questionable if not downright fallacious. RM 2 placed before the voters a specific list of projects it was intended to fund. For MTC to substitute its own current preferences for those considered and approved by the voters using the subterfuge of claiming that the Dumbarton Rail Project cannot be continued or completed would be a violation of the voters' intent.

While the 2006 legislative amendments somewhat modified the provisions of §30914 regarding a program or project no longer deemed realistic, those provisions still require that any project to which the funds are to be transferred be in the same bridge corridor. A bridge corridor is not specifically defined in the legislation, but the provisions of §30914 subd. (c) require that revenue from the 2004 toll increase be used for projects which, "have been determined to reduce congestion or to make improvements to travel

in the toll bridge corridors." The Dumbarton Rail Project being in the bridge corridor for the Dumbarton toll bridge, funds from that project could only be transferred to another project in that corridor – that is, which would reduce congestion or make improvements to that corridor. Neither Caltrain electrification nor the BART Warm Springs Extension qualify as such projects. Providing forgiveness for the loan of RM 2 funds set aside for the Dumbarton Rail Corridor to the BART Warm Springs Project would amount to a transfer of those funds to that project, and would violate §30914.

As already noted, both Caltrain electrification and the BART Warm Springs Extension are north-south corridor projects, rather than transbay corridor projects. In the absence of the Dumbarton Rail Project, neither project would even connect to the Dumbarton Toll Bridge corridor and neither would either improve that corridor or reduce congestion on it. At best, they would improve the north-south transit connections with San Jose and perhaps reduce commuter traffic along north-south highways, but that would not help the Dumbarton Toll Bridge corridor in the slightest.

MTC staff has argued that a more lenient standard can be applied to the funds transfer under the provision addressing programs or projects "to be implemented with other funds not derived from tolls." Staff argues that because bridge tolls are not the sole source of Dumbarton Rail Project funding, this provision applies. That interpretation is unreasonable.

A statute must be interpreted reasonably and in the context of the surrounding provisions. The overall intent of subdivision (f) is to provide for situations where later post-election events may make it advisable to reallocate project funds. The Assembly Bill Analysis (attached hereto as Exhibit B) states that the 2006 AB 1407 amendments would "Establish procedures to reprogram Regional Measure 2 (RM2) when cost savings occur..." Neither the text nor the legislative history of the 2006 amendments indicate that they were intended to allow MTC to eliminate an RM 2 project based on the unsupported claim that its completion is unrealistic and replace it with an unrelated project.

Events contemplated by subdivision (f) include 1) savings that reduce the need for toll funds for a project; 2) a project being found infeasible; and 3) a project receiving sufficient funding from another source that toll funds are no longer needed for it. The mere fact that a project may be receiving some funding from a non-toll source is not, in itself, a sufficient reason to remove the project's toll funding. Indeed, multiple-source funding is the rule, rather than the exception, for major transportation projects. Rather, the purpose of the provision was to transfer the toll funding <u>if it was no longer needed by the project</u>.

While the Dumbarton Rail Project may have some funding beyond that provided by tolls, its funding situation has not changed significantly since the passage of RM 2. It certainly cannot be said that toll funds are no longer necessary for the project to be completed. Consequently, the provision concerning other funding sources cannot be pointed to as allowing MTC free rein to transfer Dumbarton Rail Corridor funds to other projects regardless of their connection to the Dumbarton Toll Bridge corridor. The transfer of funds from the Dumbarton Rail Project to Caltrain electrification and forgiveness of the BART Warm Springs extension loan are therefore improper under §30914 subd. (f) and violate MTC's mandatory duties under that section.

Most sincerely,

Stuart M. Flashman

Stuart M. Flashman

Exhibit A

(Minus Post-Election Cover and Appendices)

Regional Measure 2

Regional Traffic Relief Plan

Ballot Pamphlet

METROPOLITAN
TRANSPORTATION
COMMISSION

Published by the
Metropolitan Transportation Commission
Legislation and Public Affairs Section

Joseph P. Bort MetroCenter | 101 Eighth Street | Oakland, California 94607
TEL.: 510.464.7700 | TTY/TDD: 510.464.7769 | FAX: 510.464.7848
E-MAIL: info@mtc.ca.gov | WEB: www.mtc.ca.gov

Regional Traffic Relief Plan

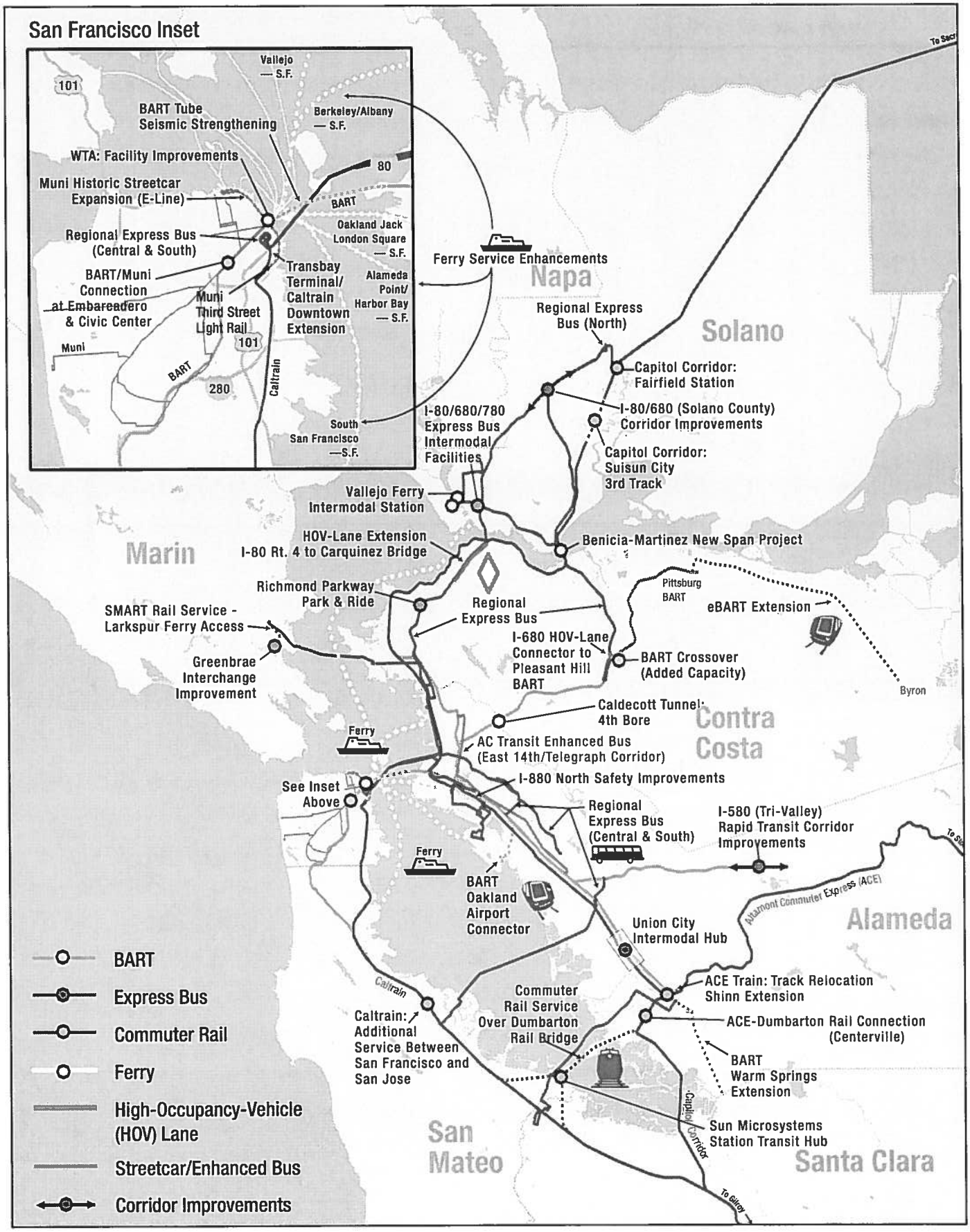


Table of Contents

Executive Summary 4

Highlights of the Plan 5

Introduction

History of Bridge Tolls 6

Current Travel Patterns and Forecast Growth 7

Development and Oversight of the Regional Traffic Relief Plan/Regional Measure 2 9

Fiscal Management: Ongoing Review and Oversight

Performance Measures and Annual Audits

Process for Amending the Plan

Regional Traffic Relief Plan Projects

1. Regionwide Improvements 10

2. Central Bay — San Francisco-Oakland Bay Bridge Corridor 12

A. New Mass Transit Options 13

B. Traffic Bottleneck Relief 14

C. Seamless and Safe Transit Connections 15

3. North Bay — Antioch, Benicia-Martinez, Carquinez, Richmond-San Rafael Bridge Corridors 16

A. New Mass Transit Options 17

B. Traffic Bottleneck Relief 18

C. Seamless and Safe Transit Connections 19

4. South Bay — Dumbarton and San Mateo-Hayward Bridge Corridors 20

A. New Mass Transit Options 21

B. Traffic Bottleneck Relief 21

C. Seamless and Safe Transit Connections 21

Appendices

Appendix A — Use of Current $2 toll 22

Appendix B — Regional Measure 2 Election Results 23

Appendix C — Toll-Funded Projects 24

Appendix D — Toll Schedule for State-Owned Toll Bridges 26

Appendix E — Statute — Senate Bill 916 (Regional Traffic Relief Plan) 27

Executive Summary

Person trips across Bay Area toll bridge corridors are projected to rise 49 percent by 2025

The Bay Area's population is expected to grow by approximately 1.5 million residents between now and 2025. To help meet the mobility needs of this burgeoning population, Regional Measure 2 (RM 2) invests in new travel options and increased capacity in the Bay Area's seven state-owned bridge corridors, where trips are projected to rise by almost 50 percent.

Approved on March 2, 2004, by the voters of Alameda, Contra Costa, Marin, San Mateo, Santa Clara and Solano counties and the city and county of San Francisco, RM 2 will implement the Regional Traffic Relief Plan (the Plan) — a balanced set of transportation projects in the bridge corridors that include new mass transit choices and critical highway improvements at key regional bottlenecks. The Plan is designed to meld the region's bus, rail and ferry systems into one seamless regional mass transit network.

The Regional Traffic Relief Plan

- Invests substantially in commuter rail, including new BART service in Contra Costa and Alameda counties and BART seismic improvements, as well as new rail service over a rehabilitated Dumbarton rail bridge — connecting the BART, Caltrain, Capitol Corridor (Amtrak) and Altamont Commuter Express (ACE) rail networks — and new commuter rail in Sonoma and Marin counties.
- Funds several important highway projects, including improvements to the Interstate 80/Interstate 680 interchange — also known as the Cordelia Junction — and a fourth bore for the Caldecott Tunnel, allowing for four lanes of traffic in each direction at all times of the day.
- Funds new express bus and ferry service. This includes new and more frequent bus service across the bridges, new park-and-ride lots, and carpool-lane gap closures. The ferry system envisioned by the Plan includes new service to San Francisco from several East Bay locations, more frequent service from Vallejo, as well as service connecting downtown San Francisco to South San Francisco.
- Makes mass transit more convenient by underwriting a "universal" fare card called TransLink®, which allows riders to use a single "smart" card to pay their fare on all Bay Area transit systems. The Plan improves access to transit by expanding parking at key transit stations and investing in real-time information technology at select transit hubs to tell riders when the next bus or train will arrive. It also will build safe bicycle and pedestrian routes to regional transit facilities.
- Provides an infusion of funds to operate commuter rail and express bus and ferry services, recognizing that operating moneys are critical to improving and sustaining transit service. Up to 38 percent of annual revenues produced by RM 2 are dedicated to operating funds.
- Is financed by a $1 increase in tolls on all Bay Area bridges except the Golden Gate Bridge. The new toll funds will only be spent on transportation improvements in the bridge corridors and may not be used for any other purpose. Annual audits and oversight by the Metropolitan Transportation Commission (MTC) — the nine-county region's transportation planning, financing and coordinating agency — will ensure efficient use and timely expenditure of bridge toll funds.

RM 2 has three primary goals:

- **New transit options**
- **Traffic bottleneck relief**
- **Seamless and safe transit connections**

RM 2 will generate over $125 million a year for new Bay Area transportation improvements. This investment will leverage additional local, state and federal funds to complete several of the larger capital projects.

Selected Highlights of the Plan

	Amount (in 2002 $)
New Mass Transit Options	
BART extension to Warm Springs and to the Oakland International Airport	$125 million
BART connection to East Contra Costa County	$96 million
Dumbarton bridge rail service connecting Union City and Millbrae BART stations	$135 million
Sonoma-Marin commuter rail extension to Larkspur/San Quentin	$35 million
Comprehensive regional express bus network, including expanded service, new buses, and new park-and-ride facilities	$171 million
Ferry service direct to San Francisco from multiple East Bay, North Bay and Peninsula locations	$84 million
Traffic Bottleneck Relief	
Improvements to the Interstate 80/Interstate 680 (Cordelia) interchange in Solano County	$100 million
A new fourth bore to relieve congestion at the Caldecott Tunnel	$51 million
Eastbound Interstate 80 carpool-lane gap closure at Carquinez Bridge	$50 million
U.S. 101 interchange improvements at Greenbrae	$65 million
Seamless and Safe Transit Connections	
BART transbay tube seismic strengthening	$143 million
New Transbay Terminal in San Francisco, linking regional bus service with BART, Muni and future Caltrain and high-speed rail	$150 million
Implement a universal transit fare payment card (TransLink®)	$42 million
Real-time transit information	$20 million
Better access to mass transit for pedestrians and bicyclists	$22 million
Vallejo intermodal terminal, linking express bus and high-speed ferry service	$28 million

RM 2 invests in mass transit options that have a demonstrated ability to attract new riders

RM 2 addresses some of the region's most critical highway bottlenecks

RM 2 makes mass transit more convenient

Introduction

History of Bridge Tolls

Because of the San Francisco Bay Area's unique topography, bridges serve as essential links in the region's transportation network. They sustain the flow of people and goods and the overall economic health of the region. The tolls charged on the seven state-owned toll bridges — the Antioch, Benicia-Martinez, Carquinez, Dumbarton, Richmond-San Rafael, San Mateo-Hayward and San Francisco-Oakland Bay bridges — are used not only to help keep the bridges in working order but also to make sure that transportation facilities and services in the vicinity of the bridges can accommodate future traffic and population growth.

Of course, bridge tolls have been used to build the bridges themselves — the construction of the San Mateo-Hayward Bridge in 1967 and the Dumbarton Bridge in 1984, for example, was paid for out of tolls collected on the Bay Bridge. Tolls also fund transportation improvements that help reduce congestion in the bridge corridors. Thus, toll revenues helped build the original Bay Area Rapid Transit (BART) transbay tube, and funded BART extensions in the bridge corridors.

Bay Area voters raised bridge tolls in 1988 to fund a variety of transportation improvements to both highways and transit

Regional Measure 1: First Dollar

In 1988, Bay Area residents voted by a margin of almost 70 percent to standardize all tolls on the region's state-owned bridges at $1, and to use the new revenues to fund a list of bridge and public transit improvements. (Previously, tolls were set at different rates on each bridge.) The projects listed in the ballot measure — Regional Measure 1 — included a replacement span for the Carquinez Bridge and widening of the San Mateo-Hayward Bridge (both now completed) and construction of the new Benicia-Martinez Bridge and rehabilitation of the Richmond-San Rafael Bridge (both under way). Regional Measure 1 (RM 1) funds are administered by the Bay Area Toll Authority and the Metropolitan Transportation Commission (MTC).

RM 1 also provided substantial funding for mass transit expansion, including BART extensions to Pittsburg/Bay Point, Dublin/Pleasanton, and San Francisco International Airport, as well as improvements to Caltrain and the San Francisco Municipal Railway (Muni). All of these transit extensions are now in revenue service.

Bridge tolls also are used to fund seismic retrofit improvements to the toll bridges

Seismic Safety: Second Dollar

Bridge tolls also are vital in ensuring the safety of Bay Area bridges in the event of earthquakes. In 1997, the California Legislature added the second dollar to the region's bridge tolls to fund needed seismic retrofit work on five of the Bay Area's seven state-owned toll bridges — the Benicia-Martinez, Carquinez, Richmond-San Rafael, San Francisco-Oakland Bay, and San Mateo-Hayward bridges — with revenues from the second dollar administered by Caltrans. Three of these projects have already been completed, and work is ongoing on the remaining two. The total cost of the toll bridge seismic retrofit program is estimated to be $5 billion, about half of which is paid for by federal and state funds, with the remainder out of the second dollar of the bridge tolls.

(The Golden Gate Bridge — not owned by the state but operated by a separate entity — has a $5 toll and is not part of the March 2004 Regional Measure 2 ballot measure. See Appendix D for a map showing the use of toll funds for each state-owned bridge.)

Current Travel Patterns and Forecast Growth

The Bay Area's roughly 7 million residents crisscross the region in an intricate pattern of more than 20 million trips a day that includes driving alone, carpooling, walking, bicycling, and riding buses, trains, ferries and cable cars. By the year 2025, the population of the nine Bay Area counties is expected to increase to 8.5 million, with the number of daily trips surging by 30 percent to about 26 million. The growing number of daily trips and the magnitude of regional population and job growth will generate a need for additional transportation capacity across bridge corridors, best served by expanding the regional transit system.

Between now and 2025 the number of daily trips will grow by 30 percent in the Bay Area as a whole and 49 percent across toll bridge corridors

One useful way to assess future travel patterns is to look at the number of trips made in either direction past a particular geographic location, such as a bridge. As part of the *2001 Regional Transportation Plan*, MTC projected dramatic growth in person trips across such boundaries, as shown in the chart below.

Bridge/Approach	Daily Trips 1998	Daily Trips 2025	Percent Increase
Bay Bridge Corridor (includes bridge traffic, BART and ferries)	540,000	769,000	+42.5%
Benicia-Martinez Bridge	92,000	152,000	+64.6%
Caldecott Tunnel (between Alameda and Contra Costa counties)	303,000	433,000	+42.7%
Carquinez Bridge	115,000	182,000	+57.5%
Richmond-San Rafael Bridge	48,000	86,000	+79.1%
San Mateo-Hayward and Dumbarton bridges	177,000	262,000	+47.8%

Today 37 percent of people commuting across the San Francisco-Oakland Bay Bridge corridor do so by transit

In 2002, MTC conducted the *Bay Crossings Study* with a focus on the San Francisco-Oakland Bay, San Mateo-Hayward and Dumbarton bridge corridors. The study found that 75 percent of transbay person trips will be in the San Francisco-Oakland corridor. This corridor exhibits the largest growth in terms of sheer number of daily trips.

New transit options are needed in the bridge corridors to minimize the increase in congestion that will result from population growth

New transit options and highway expansion projects are needed to reduce the projected time during which the various bridges will be congested beyond current levels. Analysis done for the toll plaza delay on the three bridges in the *Bay Crossings Study* found that the hours of a.m. peak congestion for the three bridges will increase by 19 percent for the Bay Bridge, 35 percent for the Dumbarton Bridge and 50 percent for the San Mateo-Hayward Bridge absent new infrastructure improvements.

Toll Plaza Hours of Congestion A.M. Peak

Toll Plaza	1998 Base	2025 Base	Percent Change
Bay Bridge	4 hours	4 hours 45 minutes	+19%
Dumbarton Bridge	2 hours 50 minutes	3 hours 50 minutes	+35%
San Mateo-Hayward Bridge	2 hours 40 minutes	4 hours	+50%

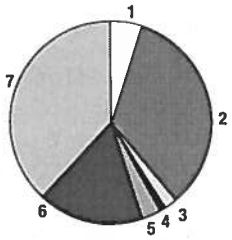
Delay at the San Francisco-Oakland Bay Bridge toll plaza is projected to grow by 19 percent by 2025

Delay at the San Mateo-Hayward Bridge toll plaza is projected to grow by 50 percent by 2025

Future travel patterns can be determined by examining the origin of trips across transbay bridges or other regional boundaries. Because they are concentrated within a relatively short period of time, work trips exert the greatest pressure on regional transportation facilities and services. Looking at the origin of trips across the Bay Area's seven state-owned toll bridges during a typical peak morning commute period, we find that Alameda, Contra Costa and Solano county residents are the most frequent bridge users.

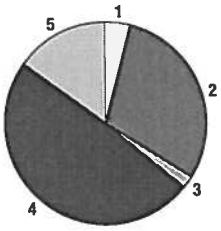
The RM 2 expenditure plan was developed with all of these trends in mind, to ensure that the funds generated by the additional dollar go toward improvements in the seven bridge corridors that will benefit the greatest number of travelers. If RM 2 is approved by the voters, revenues from the additional dollar will be administered by the Bay Area Toll Authority and MTC.

Bridge Users by County of Origin (morning commute in both directions)



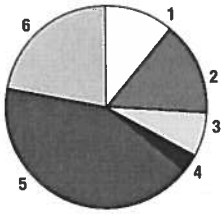
Antioch Bridge

1	Alameda	5%
2	Contra Costa	34%
3	San Francisco	2%
4	San Mateo	1%
5	Santa Clara	3%
6	Solano	17%
7	Other Counties*/ Out of Region	38%



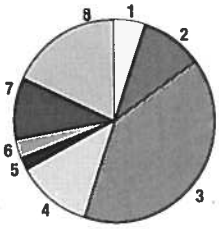
Benicia-Martinez Bridge

1	Alameda	4%
2	Contra Costa	30%
3	Santa Clara	2%
4	Solano	49%
5	Other Counties*/ Out of Region	15%



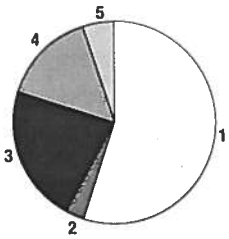
Carquinez Bridge

1	Alameda	11%
2	Contra Costa	15%
3	San Francisco	7%
4	San Mateo	3%
5	Solano	42%
6	Other Counties*/ Out of Region	22%



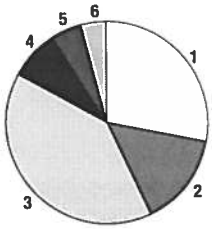
Richmond-San Rafael Bridge

1	Alameda	5%
2	Contra Costa	10%
3	Marin	40%
4	San Francisco	12%
5	San Mateo	3%
6	Santa Clara	2%
7	Solano	10%
8	Other Counties*/ Out of Region	18%



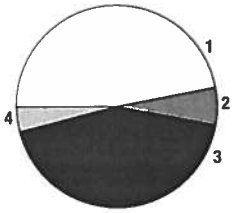
Dumbarton Bridge

1	Alameda	55%
2	Contra Costa	3%
3	San Mateo	22%
4	Santa Clara	15%
5	Other Counties*/ Out of Region	5%



Bay Bridge

1	Alameda	28%
2	Contra Costa	15%
3	San Francisco	40%
4	San Mateo	8%
5	Solano	5%
6	Other Counties*/ Out of Region	4%



San Mateo-Hayward Bridge

1	Alameda	47%
2	Contra Costa	6%
3	San Mateo	43%
4	Other Counties*/ Out of Region	4%

Source: 1998 estimates prepared by the Metropolitan Transportation Commission

* "Other counties" includes Napa and Sonoma counties and counties that constitute less than 1 percent of the total.

Development and Oversight of the Regional Traffic Relief Plan/ Regional Measure 2

In 2002, the California Legislature initiated hearings on the subject of Bay Area traffic congestion. The Senate Select Committee on Bay Area Transportation reviewed traffic forecasts, and determined that new investment in the bridge corridors, particularly new mass transit options, was needed, along with a new revenue source. The Committee concluded that a toll increase was the most appropriate funding mechanism and formed a public advisory committee to develop an expenditure plan.

The RM 2 expenditure plan was developed in an open, public process

The advisory committee consisted of representatives of transportation agencies from throughout the Bay Area as well as business, environmental and social equity organizations. The committee thoroughly investigated the issue and met on 15 occasions to hear project sponsors present ideas for providing new transit options and congestion relief in the bridge corridors. Individual projects were discussed and evaluated by the group based on performance measures, including:

- Proximity to bridge corridor
- Impact on congestion
- Number of new transit riders
- Cost effectiveness
- Transit connectivity
- Project readiness
- Sustainability
- Environmental impacts
- Land-use opportunities
- Safety and social equity

RM 2 ensures that funds are spent wisely by requiring annual audits and adherence to strict performance measures

An initial plan was developed, based on the above criteria, and led to the expenditure plan that is before you as Regional Measure 2. The set of projects included in the Plan was adopted by the Legislature in September 2003 and signed by the governor as Senate Bill 916 (Perata).

Fiscal Management: Ongoing Review and Oversight

The implementation of the Regional Traffic Relief Plan — Regional Measure 2 — will be overseen by MTC, in its role as the Bay Area Toll Authority, which currently administers, programs and allocates revenues from the base toll levied on the seven state-owned toll bridges.

Performance Measures and Annual Audits

The Plan requires that projects meet performance measures related to transit ridership and cost-effectiveness prior to receiving funds for transit operations. When applying for operating funds, a project sponsor must submit a plan that conforms to the adopted performance measures, including an independent audit verifying that the project is in compliance. This will ensure that only well performing, cost-effective transit will be funded by the measure.

RM 2 will not fund poorly performing projects

Process for Amending the Plan

While the Plan lays out the specific uses for the new toll revenues over the next 35 years, it does allow for changes if a project encounters serious problems. Specifically, the law provides that MTC may amend the level of funding for a project or reassign the funds to another regional transit project within the same corridor, but only after the project sponsor is consulted and a public hearing is held.

Regional Traffic Relief Plan Projects

Details on the projects included in the Plan are organized into four sections: regionwide improvements, and improvements in three major bridge groupings: Central Bay (the San Francisco-Oakland Bay Bridge), North Bay (the Antioch, Benicia-Martinez, Carquinez and Richmond-San Rafael bridges), and South Bay (the Dumbarton and San Mateo-Hayward bridges). The majority of funds in the Plan are dedicated to new transit options in the bridge corridors.

RM 2 provides substantial funding for seismic improvements to the BART transbay tube

RM 2 makes transit more convenient by investing in new technology, like real-time transit information at transit stops, and TransLink®, the universal transit fare payment card

1. Regionwide Improvements

New Transbay Terminal/Downtown Caltrain Extension in San Francisco: $150 million

- A new Transbay Terminal in San Francisco, connecting AC Transit transbay buses and a Caltrain downtown San Francisco extension with BART, Muni, SamTrans, Greyhound, paratransit and Golden Gate Transit buses, as well as future high-speed rail

BART Transbay Tube Seismic Strengthening: $143 million

- Provides a substantial down payment on a comprehensive seismic retrofit program for the BART transbay tube, based on recommendations made by a panel of expert seismic engineers in 2002

TransLink® Smart Card Integration: $42 million

- Update the region's fare collection systems with TransLink® technology, to enable customers to carry one transit fare card instead of exact change or operator-specific tickets or passes
- $22 million of the total to assist transit operators in integrating TransLink® technology with existing fare collection equipment and in expanding TransLink® to new transit services
- $20 million of the total for TransLink® customer service and technology improvements

Regional Transit Connectivity Plan: $0.5 million

- RM 2 requires that MTC develop a regional transit connectivity plan in consultation with transit operators by December 1, 2005.
- The plan shall identify (1) a network of key transit hubs to operate as a timed transfer network; (2) infrastructure improvements to enhance system reliability and connections; and (3) regional standards and procedures to minimize transfer times between transit lines at key transit hubs.

Integrated Fare Program: $1.5 million

- Funds to develop a plan for a zonal monthly transit pass covering all regional rapid transit trips
- Encourage greater use of the public transit network by making it easier and less costly for transit riders to use multiple transit systems

Safe Routes to Transit (Pedestrian and Bicycle Access): $22.5 million

- Improvements in bicycle and pedestrian access to regional transit stations, including sidewalks, bike paths, traffic signal improvements, clearer signage, and secure bicycle parking
- Up to $2.5 million of the total for City Carshare, a car-sharing organization, to reduce car trips across bridges by providing "shared" cars at convenient transit hubs

Regional Rail Master Plan: $6.5 million

- A plan to integrate passenger rail systems, improve connections at intermodal hubs, expand the regional rapid transit network and coordinate investments with transit-supportive land uses
- Up to $2.5 million of the total may be used to study Bay Area access to a high-speed rail system.
- Up to $500,000 of the total may be used by the Metropolitan Transportation Commission to develop the regional transit connectivity plan by December 1, 2005, as described on preceding page.
- Up to $500,000 of the total may be used to study the feasibility of creating an intermodal transfer hub at Niles Junction in Fremont.

Real-Time Transit Information: $20 million

- A competitive grant program to assist transit operators with implementation of high-technology systems to provide real-time transit information to riders at transit stops or via telephone, wireless or Internet communication
- Priority shall be given to projects identified in the Metropolitan Transportation Commission's 2005 transit connectivity plan.

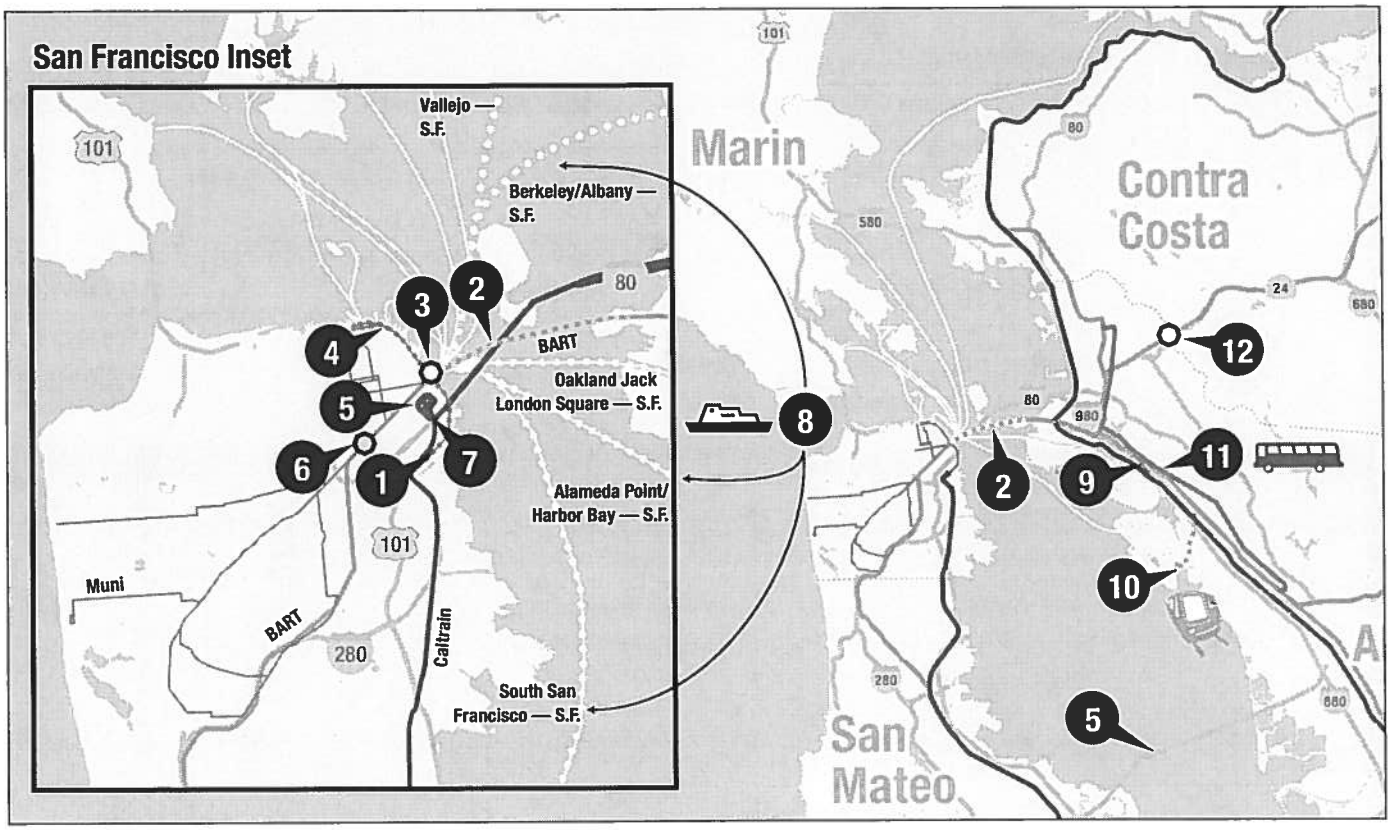
Promotion of Tax Benefits for Transit Users: $5 million

- A marketing program to promote tax-saving opportunities for employers and employees, such as Commuter Check™, as specified in Section 132(f)(3) of the Internal Revenue Code
- Educate the public about the benefits of these existing tax-saving opportunities to attract more commuters to mass transit

RM 2 will help reduce the cost of riding transit by encouraging employers to offer their employees substantial tax savings for riding transit

RM 2 invests in better bicycle and pedestrian access to regional transit

Central Bay Projects



1. Muni Third Street Light Rail *($30 million)*
2. BART Tube Seismic Retrofit *($143 million)*
3. Water Transit Facility Improvements, Spare Vessels and Environmental Review *($84 million)*
4. Muni Historic Streetcar Expansion (E-Line) *($10 million)*
5. Regional Express Bus for San Mateo, Dumbarton and Bay Bridge Corridors *($22 million)*
6. BART/Muni Connection at Embarcadero and Civic Center *($3 million)*
7. Transbay Terminal/Downtown Extension *($150 million)*
8. Commute Ferry Service for Alameda/Oakland/Harbor Bay; Berkeley/Albany; and South San Francisco *($12.6 million annually)*
9. I-880 North Safety Improvements *($10 million)*
10. BART Oakland Airport Connector *($30 million)*
11. AC Transit Enhanced Bus — Phase 1 (International Blvd./Telegraph Ave. Corridor) *($65 million)*
12. Caldecott Tunnel Fourth Bore *($50.5 million)*

2. Central Bay — San Francisco-Oakland Bay Bridge Corridor

A. New Mass Transit Options

BART Oakland Airport Connector: $30 million

- Provide the final portion of funds needed for direct BART service between the Oakland Coliseum BART/Amtrak station to terminals at the Oakland International Airport

Alameda-Contra Costa Transit District (AC Transit) Rapid Bus: $65 million capital, plus $3 million annually to operate the service

- New "rapid bus" service along Telegraph Avenue and International Boulevard corridors, improving access to BART stations
- Includes new buses and other service enhancements

Regional Ferry System Expansion: $84 million capital, $15.6 million annually to operate the service

- Provides funds to purchase new environmentally friendly ferries and $12.6 million annually to operate new routes for South San Francisco and Albany/Berkeley, as well as more frequent service on the existing Alameda/Oakland and Vallejo routes
- Up to $48 million of the total capital funds for spare vessels and improvements to San Francisco's downtown ferry terminal
- Up to $1 million of the total capital funds available to study ways to increase ferry ridership at the city of Richmond ferry terminal
- $3 million of the annual total for overall regional ferry operating needs

RM 2 will create a regional ferry network providing new and more frequent service from Vallejo and the East Bay to San Francisco

Owl Bus Service in BART Corridors: $1.8 million annually

- Provide express bus service along BART's routes to ensure late-night service along certain BART corridors

RM 2 funds new late-night bus service along BART corridors

San Francisco Municipal Railway (Muni) Metro East Third Street Light-Rail Line: $30 million, plus $2.5 million annually to operate the service

- Provide funding for the light-rail transit and maintenance facility to support Muni Metro Third Street light-rail service connecting to Caltrain stations and the E-line waterfront route

Muni Waterfront Historic Streetcar Expansion: $10 million

- Rehabilitate historic streetcars and construct track and terminal facilities to support service from the Caltrain terminal, the Transbay Terminal and the Ferry Building, and to connect the Fisherman's Wharf and northern waterfront

B. Traffic Bottleneck Relief

RM 2 makes critical investments in relieving highway bottlenecks along bridge corridors

Caldecott Tunnel: $50.5 million

- Plan and construct a fourth bore for the Caldecott Tunnel between Contra Costa and Alameda counties to facilitate traffic flow on the Interstate 680/Route 24 Bay Bridge corridor. The fourth bore will be located north of the existing three bores and will consist of two lanes and shoulders.
- County Connection (Central Contra Costa Transit Authority) will study ways to increase transit service in the westbound Route 24 corridor from I-680 to the Caldecott Tunnel, including use of an express lane, a high-occupancy-vehicle (carpool) lane and an auxiliary lane.

RM 2 funds a fourth bore for the Caldecott Tunnel

Interstate 80 Eastbound Carpool Lane Extension: $50 million

- Extension of the existing bus/carpool lane on eastbound I-80 to the approach of the Carquinez Bridge. Completion of this carpool-lane extension will result in over 18 miles of continuous bus/carpool lane on eastbound I-80 from the Bay Bridge to the Carquinez Bridge in Crockett.

RM 2 creates a continuous carpool lane on eastbound Interstate 80 to the Carquinez Bridge

Interstate 880 North Safety Improvements: $10 million

- Modernize selected on- and off-ramps along I-880 to improve safety between 29th Avenue and 16th Avenue in Oakland and add noise barriers in selected locations

C. Seamless and Safe Transit Connections

New Transbay Terminal/Downtown Caltrain Extension in San Francisco: $150 million

- A new Transbay Terminal in San Francisco, connecting AC Transit transbay buses and a Caltrain downtown San Francisco extension with BART, Muni, SamTrans, Greyhound, paratransit and Golden Gate Transit buses, as well as future high-speed rail

BART Transbay Tube Seismic Strengthening: $143 million

- Provides a substantial down payment on a comprehensive seismic retrofit program for the BART transbay tube, based on recommendations made by a panel of expert seismic engineers in 2002

San Francisco Downtown Ferry Terminal and Spare Vessels: $48 million

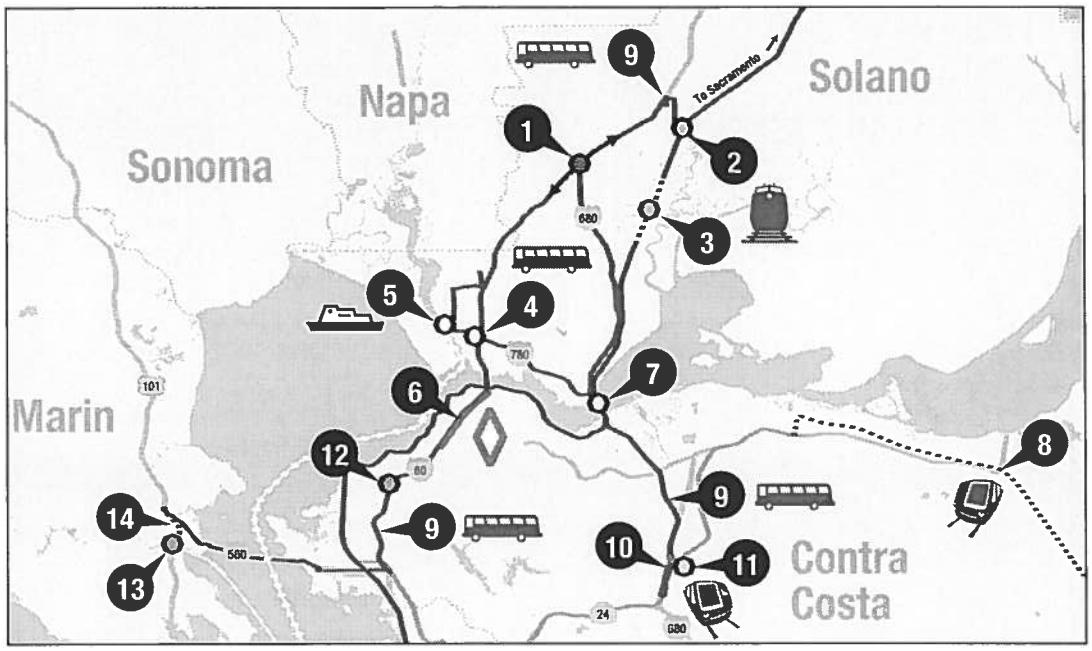
- Two backup vessels for more frequent and reliable ferry service
- Expansion of berthing capacity at the Port of San Francisco, and environmental review and design for other eligible terminal locations

BART/Muni Connection at Embarcadero: $3 million

- Funds a project to allow BART and Muni Metro patrons to move directly between BART and Muni platform levels by removing existing barriers and installing new faregates. The project will reduce transfer time and distance, and improve safety by reducing queuing at faregates, escalators and stairways

RM 2 funds the new San Francisco Transbay Terminal, a landmark transit hub

North Bay Projects



1. Interstate 80/Interstate 680 Interchange Improvements *($100 million)*
2. , 3. Capitol Corridor Improvements in Interstate 80/Interstate 680 Corridor *($25 million)*
4. Solano County Express Bus Intermodal Facilities *($20 million)*
5. Vallejo Station *($28 million)*
6. Interstate 80: Eastbound High-Occupancy-Vehicle (HOV) Lane Extension From Route 4 to Carquinez Bridge *($50 million)*
7. Benicia-Martinez Bridge: New Span *($50 million)*
8. Rail Extension to East Contra Costa (e-BART) *($96 million)*
9. Regional Express Bus North *($20 million)*
10. Direct High-Occupancy-Vehicle (HOV) lane connector From Interstate 680 to the Pleasant Hill BART Station *($15 million)*
11. Central Contra Costa BART Crossover *($25 million)*
12. Richmond Parkway Park-and-Ride *($16 million)*
13. U.S. 101 Greenbrae Interchange Improvement *($65 million)*
14. Sonoma-Marin Area Rail Transit District (SMART) Extension to Larkspur *($35 million)*

3. North Bay — Antioch, Carquinez, Richmond-San Rafael and Benicia-Martinez Bridge Corridors

A. New Mass Transit Options

Commuter Rail Extension to East Contra Costa (e-BART): $96 million

- Extend BART rail service from the Pittsburg/Bay Point BART station eastward to the cities of Antioch, Oakley, Brentwood and the community of Byron. The service will utilize diesel light-rail vehicles instead of conventional BART trains and operate on existing freight rail tracks rather than in the median of Route 4.
- Allows BART to develop the project in half the time and at less than half the cost it would normally require to build a freeway median BART extension to Hillcrest Avenue. Timed transfers will allow e-BART vehicles to meet waiting BART trains immediately east of the Pittsburg/Bay Point station.

Capitol Corridor Improvements in Interstate 80/Interstate 680 Corridor: $25 million

- Track and station improvements, including the Suisun City third main track and a new Fairfield station

Sonoma-Marin Area Rail Transit District (SMART) Extension to Ferry Service at Larkspur Landing or San Quentin: $35 million

- SMART North Bay commuter rail service will operate along the publicly owned Northwestern Pacific corridor from Cloverdale in Sonoma County to a ferry terminal in Marin County. Funds would help finance extending the rail line from a downtown San Rafael rail station to a ferry terminal at Larkspur Landing or San Quentin.
- Up to $5 million of the total may be used to study the potential use of San Quentin property as an intermodal water transit terminal.

Regional Express Bus North: $20 million capital, plus $5.9 million annually to operate the service

- Develop and improve the express bus network in the I-680 corridor between the Benicia-Martinez Bridge and BART stations in Concord, Walnut Creek, Pleasant Hill and Dublin/Pleasanton. Funds may be used for park-and-ride lots, infrastructure improvements and bus purchases.
- New bus lines will connect commuters in eastern and western Contra Costa County to major transit hubs in Martinez and Concord. Express service will operate every half hour during commute peaks, and every hour throughout the rest of the day.
- At least $1.6 million of the $20 million total would go for Golden Gate Transit capital improvements and $2.1 million of the total annual operating funds to provide bus service over the Richmond-San Rafael Bridge, connecting the San Rafael Transit Center to BART destinations in the East Bay. At least $2.4 million of the $20 million total would be dedicated to capital improvements for Napa VINE bus service, while $390,000 of the total annual funds would be dedicated to VINE's operating costs.

RM 2 funds new park-and-ride lots and carpool lanes to ensure a fast, congestion-free commute for express bus riders

B. Traffic Bottleneck Relief

Interstate 80/Interstate 680 Interchange Improvements: $100 million

- Improvements will be made to the corridor based on the recommendations of a study to be conducted jointly by Caltrans and the Solano Transportation Authority.
- Cost-effective transit infrastructure investment or service identified in the study shall be considered a high priority.

Interstate 80 Eastbound Carpool-lane Extension: $50 million

- Extension of the existing bus/carpool lane on eastbound I-80 to the approach of the Carquinez Bridge. Completion of this carpool-lane extension will result in over 18 miles of continuous bus/carpool lane on eastbound I-80 from the Bay Bridge to the Carquinez Bridge in Crockett.

Interstate 680 High-Occupancy-Vehicle (Carpool) Lane Improvement: $15 million

- Provide better express bus service along the I-680 corridor. Study to be conducted by County Connection will select the better option between (1) a direct carpool-lane connection to the Pleasant Hill or Walnut Creek BART station or (2) extension of the southbound carpool lane on southbound I-680 from North Main to Livorna Road.
- The Contra Costa Transportation Authority shall adopt a preferred alternative following the study.

RM 2 funds improvements to Highway 101 in Marin County and closes a key gap in the carpool lane network on I-80

Benicia-Martinez Bridge: $50 million

- Completion of new five-lane span between Benicia and Martinez to significantly increase capacity in the I-680 corridor

U.S. 101 Greenbrae Interchange/Larkspur Ferry Access Improvements: $65 million

- Funds improvements around the Greenbrae interchange to reduce traffic congestion and provide multimodal access to the Richmond-San Rafael Bridge and Larkspur ferry terminal. Specific improvements include:

  (1) constructing a new full service diamond interchange at Wornum Drive

  (2) extending a multi-use pathway from the new interchange at Wornum Drive to East Sir Francis Drake Boulevard and the Cal Park Hill rail right of way

  (3) adding a new lane to East Sir Francis Drake Boulevard

  (4) rehabilitating the Cal Park Hill rail tunnel and right-of-way approaches for bicycle and pedestrian access to connect the San Rafael Transit Center with the Larkspur ferry terminal.

C. Seamless and Safe Transit Connections

Central Contra Costa BART Crossover: $25 million

- Build a "crossover" BART track connection in central Contra Costa County, allowing BART trains the flexibility to turn around and return to San Francisco in the morning commute. Crossover tracks would permit BART to provide more frequent service to congested stations on the Pittsburg/Bay Point line, and give passengers a better chance to get a seat.

Solano County Express Bus Intermodal Facilities: $20 million

- A competitive grant program for new transit intermodal facilities, such as park-and-ride lots or train stations in Solano County. Priority projects eligible for funding include: Curtola park-and-ride, Benicia intermodal facility, Fairfield transportation center, and Vacaville intermodal station.
- Priority will be given to projects that have a full funding plan, are ready for construction and will serve transit routes operating primarily on carpool lanes.

Richmond Parkway: $16 million

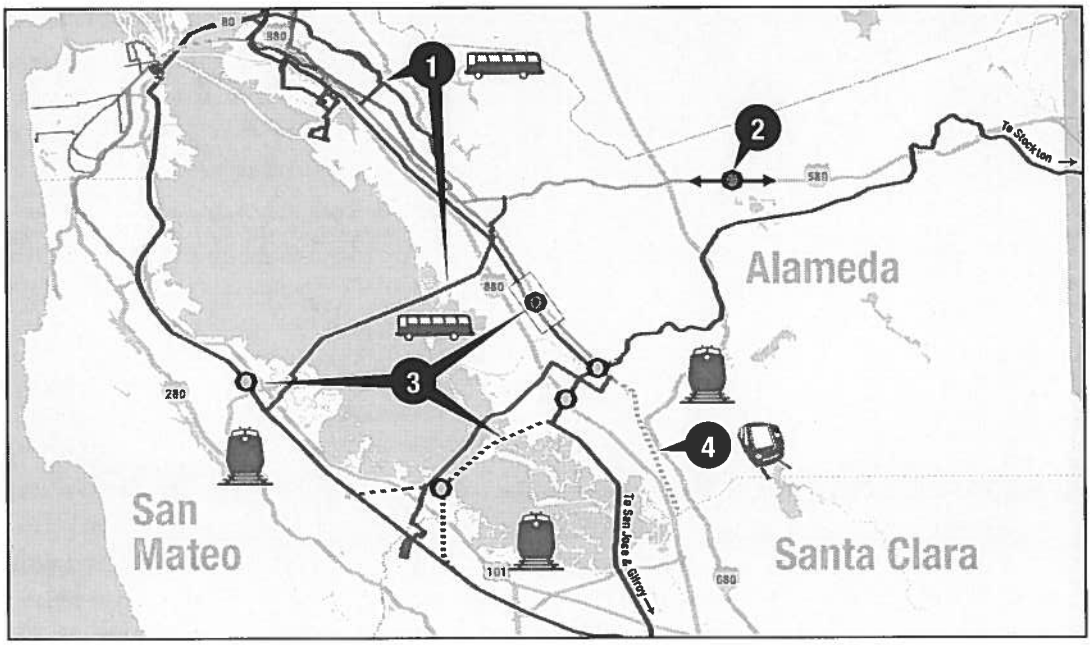
- Design and construction of park-and-ride facility at Interstate 80 and Richmond Parkway, serving Richmond, El Sobrante and Pinole. The facility would have between 750 and 1,000 parking spaces in a secure structure to provide parking for express bus service to downtown San Francisco. Buses currently operate every 10 minutes in the peak period.

Vallejo Intermodal Terminal: $28 million

- Construction of an intermodal bus and ferry transportation hub, including a 1,200-space parking structure at the current Vallejo ferry terminal
- Reunites Vallejo's waterfront and downtown, incorporating residential, commercial, office and retail development, while protecting open space

RM 2 funds new bus improvements in Solano County, including the Vallejo intermodal terminal

South Bay Projects



1. Regional Express Bus for San Mateo, Dumbarton and Bay Bridge Corridors *($22 million)*
2. I-580 (Tri Valley) Rapid Transit Corridor Improvements *($65 million)*
3. East to West Bay Commuter Rail Service Over Dumbarton Rail Bridge *($135 million)*
4. BART Warm Springs Extension *($95 million)*

4. South Bay — San Mateo-Hayward and Dumbarton Bridge Corridors

A. New Mass Transit Options

BART Extension to Warm Springs: $95 million

- Provide the final portion of funds needed to construct a 5.4-mile extension south from the existing Fremont station to Warm Springs in southern Alameda County. The project would accommodate future growth in employment and population in the region, and is the first leg of the future BART extension to Silicon Valley.

Dumbarton Rail: $135 million, plus $5.5 million annually to operate the new service

- New trains and track and station improvements for Caltrain to operate commuter rail service linking the East Bay with jobs on the Peninsula. Extends service from Union City, Fremont and Newark to the Peninsula and Silicon Valley across a renovated Dumbarton rail bridge. Funds also eligible to construct a new station at Sun Microsystems in Menlo Park/East Palo Alto
- Connects BART, ACE, Amtrak and Caltrain

Interstate 580 Rapid Transit Corridor Improvements: $65 million

- Corridor improvements on I-580 in Alameda County. Funds available for new rail service or express bus improvements, such as a carpool-lane direct connector to Dublin BART

Regional Express Bus South: $22 million capital, plus $6.5 million annually to operate the service

- Funds carpool-lane and freeway ramp improvements for express buses and park-and-ride lot expansion to serve East Bay commuters using the Bay Bridge, San Mateo-Hayward and Dumbarton bridges
- The $6.5 million annual operating funds would provide for new bus service on the San Mateo-Hayward Bridge to San Mateo/Foster City, Millbrae/SFO, and Redwood Shores/Belmont, making connections to Caltrain via the San Mateo-Hayward Bridge, and additional Dumbarton Bridge bus service to Palo Alto and Caltrain.

B. Traffic Bottleneck Relief

Interstate 580 Rapid Transit Corridor Improvements

- As noted in the "Mass Transit Options" above, these improvements may include a new carpool lane along I-580, providing direct traffic relief to the corridor.

C. Seamless and Safe Transit Connections

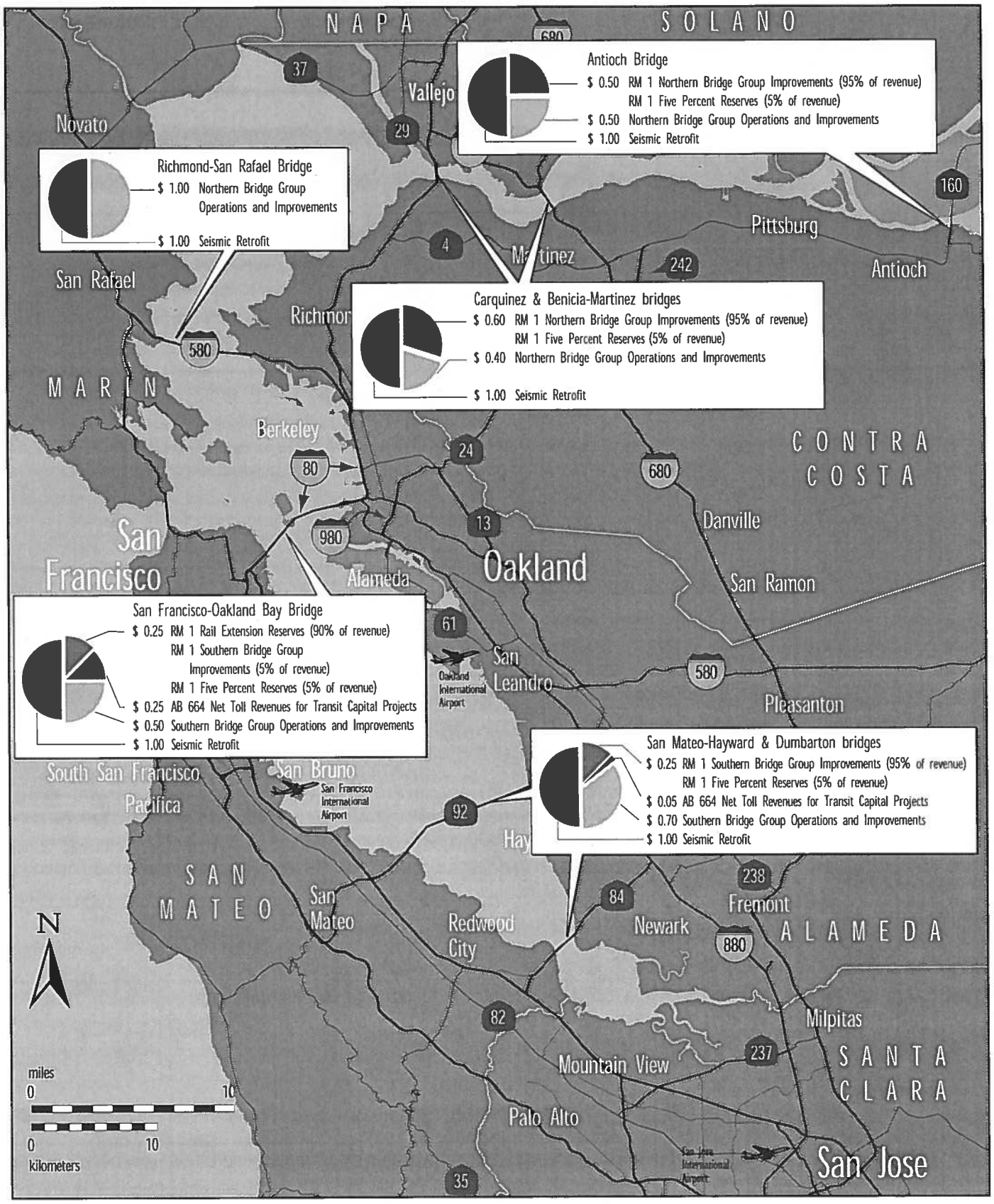
New Transbay Terminal/Downtown Caltrain Extension in San Francisco: $150 million

- A new Transbay Terminal in San Francisco, connecting AC Transit transbay buses and a Caltrain downtown San Francisco extension with BART, Muni, SamTrans, Greyhound, paratransit and Golden Gate Transit buses, as well as future high-speed rail

RM 2 makes the largest local investment in rail that the region has seen in over 10 years

RM 2 funds new transit in the I-580 corridor

APPENDIX A: Use of Current $2 Toll



Note: *This graphic was included in the ballot pamphlet, but does not reflect recent changes to the allocation of funds. For current version please visit www.mtc.ca.gov/bata/pdfs/Toll_Bridge_Report_2004.pdf or contact the MTC library at (510) 464-7836.*

Exhibit B

CONCURRENCE IN SENATE AMENDMENTS
AB 1407 (Lieber)
As Amended August 17, 2006
Majority vote

ASSEMBLY:		(June 2, 2005)	SENATE:	23-11	(August 24, 2006)

(vote not relevant)

Original Committee Reference: TRANS.

SUMMARY : Provides for construction cost savings from certain toll bridge projects to be reprogrammed for other projects in the same corridor; requires Bay Area vehicle owners of hybrids with Clean Air stickers to meet high occupancy vehicle (HOV) lane occupancy requirements in order to utilize toll-free or reduced-toll lanes on Bay Area toll bridges; allows Clean Air vehicles to utilize HOV lanes on county expressways.

The Senate amendments delete the Assembly version of this bill, and instead:

1) Add a number of local and regional agencies to the Rail Plan steering committee of the Metropolitan Transportation Commission (MTC).

2) Designate MTC as the fiscal agent for the Rail Plan.

3) Change the due date for the Rail Plan from July 1, 2007, to September 27, 2007.

4) Authorize that $6 million of the $6.5 million programmed for the Rail Plan may be spent by MTC, the San Francisco Bay Area Rapid Transit (BART), and the Peninsula Corridor Joint Powers Board (Caltrain) for the Rail Plan.

5) Establish procedures to reprogram revenues when Regional Measure 2 (RM2) cost savings occur, including requirements that MTC consult with project sponsors and a hold a public hearing on the project prior to authorizing the transfer. The reprogrammed funds must be spent on other eligible projects in the same project corridor in which the savings occur.

6) Require Bay Area owners of hybrid vehicles that qualify for HOV lane access to meet vehicle occupancy requirements when using toll-free or reduced-toll HOV lanes on Bay Area toll bridges.

7) Require local agencies that operate HOV lanes on their expressways to grant access to those lanes to vehicles displaying Clean Air stickers.

8)Require these agencies to suspend HOV lane access for Clean Air vehicles on specific HOV lanes if a periodic review of those lanes' performance reveals that they exceed level of service C and the operation of Clean Air vehicles will significantly increase congestion in the lanes.

9)Include language to avoid chaptering out AB 2600 (Lieu), regarding HOV lanes on local roadways.

EXISTING LAW : _

1)Provides for a $1 toll surcharge on state-owned toll bridges in the Bay Area under the previously voter-approved RM2. Revenues are used to fund various transportation projects within the region that have been determined to reduce congestion or to make improvements to travel in the toll bridge corridors.

2)Establishes and identifies specific transit operating assistance and capital projects and programs eligible to receive RM2 funding.

3)Directs MTC to develop various plans that are generally aimed at improving and promoting regional coordination of transit services, including a Bay Area Regional Rail Plan.

4)Authorizes the Department of Motor Vehicles, until January 1, 2008, to issue Clean Air decals and labels for various categories of alternative-fueled vehicles, including hybrids that achieve at least 45 miles per gallon fuel economy.

5)Allows those vehicles, until January 1, 2008, to travel in HOV lanes on state highways regardless of the number of occupants in the vehicle.

6)Prohibits the operation of single occupant vehicles in HOV lanes, with the exception of motorcycles and Clean Air vehicles.

7)Requires the owner of a Clean Air vehicle whose vehicle is registered to an address in the Bay Area and who wishes to obtain a sticker allowing access to HOV lanes, to obtain a FasTrak account.

AS PASSED BY THE ASSEMBLY , this bill:

1)Made legislative findings and declarations relating to the harmful effects of diesel exhaust emissions, including particulate matter (PM) and nitrogen oxides (NOx), and its negative impacts on California having the nation's worst air quality.

2)Found that the consequence of poor air quality has exacerbated severe health problems (e.g., asthma, cancer, premature death), and discussed the benefits of creating a fund to help protect public health and help California meet its federal clean air commitments.

3)Required the Air Resources Board to conduct and report a study to the Legislature on or before March 1, 2006, on the

efficiency of imposing a $0.05 fee on off-road diesel fuel for purposes of generating revenue for the Carl Moyer Memorial Air Quality Standards Attainment Program to mitigate off-road diesel pollution in the state.

FISCAL EFFECT : According to the Senate Appropriations Committee analysis, modifying the duties required of local and regional agencies relative to the Regional Traffic Management Plan would constitute a reimbursable state mandated local program. Any claims for reimbursement, however, are likely to be minor, considering MTC, the primary agency affected by this bill, is requesting these changes.

COMMENTS : SB 916 (Perata), Chapter 715, Statutes of 2003, authorizes Bay Area voters to increase the bridge toll on the seven state-owned Bay Area toll bridges by $1. The revenue from the increase is to be used for specific transportation services and projects in the travel corridors approaching the bridges.

The voters approved the increase in March 2004 by a 57% vote. Among the programs funded by the toll revenue is the preparation of a regional Rail Plan. AB 1407 would clarify the structure of the Rail Plan's management oversight committee, designates MTC as the fiscal agent for the plan, and sets September 29, 2007, as the deadline for the adoption of the plan.

SB 916 made no provisions for reprogramming revenues that result from construction cost savings on projects. AB 1407 would establish procedures to reprogram revenues when cost savings occur, including consultation with project sponsors and a public hearing prior to authorizing the transfer. The reprogrammed funds must be spent on other eligible projects in the corridor in which the savings occur.

AB 2628 (Pavley), Chapter 725, Statutes of 2004, permits certain hybrid vehicles to operate in HOV lanes on state highways, provided they are displaying a valid Clear Air decal. Santa Clara County operates a 62-mile expressway network that features approximately 25 miles of HOV lanes. The expressway network includes the San Tomas, Montague, Lawrence, Capitol, and Central Expressways. Those vehicles with Clean Air vehicle stickers, currently using Santa Clara's HOV lanes and are otherwise in compliance with requirements for HOV lane access on state highways, are nevertheless subject to a $370 fine. It is reasonable to assume that most motorists are not aware of the distinction between state highways and local expressways and, even if they were, they would not likely realize that their Clean Air vehicle HOV lane access privileges apply only to state highways. Consequently, AB 1407 extends HOV lane access privileges to HOV lanes on roadways operated by cities and counties. In order to prevent the addition of these vehicles from congesting local HOV lanes, AB 1407 also includes the same criteria for closing access to HOV lanes for such vehicles that apply to state operated HOV lanes.

Existing law requires the owners of Clean Air vehicles registered in the nine-county Bay Area to open a FasTrak account in order to obtain a Clean Air decal. This is necessary as the vehicle must pay a bridge toll if it is carrying less than the prescribed number of occupants in a HOV lane at a toll plaza. This bill requires that the registered owners not only open a FasTrak account, but also maintain the account and specifies

that if these vehicles travel in toll-free or reduced-toll lanes

on Bay Area toll bridges, they must meet the same HOV lane occupancy requirements as apply to non-hybrid vehicles.

Note: With the exception of the provisions regarding HOV lane use on local expressway systems, which were previously approved both by the Assembly Transportation Committee and the full Assembly when they were contained in AB 1879, the contents of this bill have not been reviewed at any time in the Assembly.

Analysis Prepared by : Howard Posner / TRANS. / (916) 319-2093

FN: 0016589

Bay Area Transportation Working Group

April 24, 2014

Mr. Steve Heminger, Director
Metropolitan Transportation Commission
101 8th Street
Oakland Ca 94607

Subject: The Case for Dumbarton Rail

Dear Mr. Heminger:

On April 23, 2014 Mr. Stuart Flashman sent you a letter carefully explaining the legal reasons why shifting money away from the subject project would violate existing law. In addition, there are important regional policy reasons for assigning a high priority to the Dumbarton rail crossing and for consequently reversing MTC's policy of gradually diverting Dumbarton Rail funds to projects of lesser regional importance. The purpose of this letter is to strongly recommend that all such funds be returned to the Dumbarton Project Budget and that efforts to get the project funded, designed and built be stepped up. Our recommendation is based in part on the following:

1.) It has been estimated that BART's impending transbay capacity crunch will start hampering the economy of the central Bay Area between 2028 and 2032. The usual response to this inconvenient state of affairs is to repeat the often-heard call for a second transbay rail tube between Oakland and San Francisco. Unfortunately, this approach fails to adequately respond to the problem for the following reasons:

o Despite currently-planned vehicle and other changes, BART sources acknowledge that their system is projected to run out of transbay carrying-capacity in less than two decades.

o A second tube, with necessary subway extensions on both sides of the Bay, would cost an estimated $20 - $30 billion.

o Even if such sums were available which they aren't, it now takes 4 to 5 decades to put a major new rail system on line.

So what happens to the central Bay Area economy during the 20 to 50 years between the time transbay travel is constrained and the earliest date a second Bay rail tube could be put into operation? An upgraded ACE service leading to San Francisco as well as to San Jose would provide at least a partial answer to that question.

2.) People living or working at or near the traffic-congested east and west ends of the Dumbarton Bridge need and deserve a good transbay rail connection across their part of the Bay.

3.) Despite AC Transit's 26 separate transbay bus lines, its transbay service attracts just 10% of the riders that BART does. Some say that with routing and other changes, AC transit could increase this dismally low transbay ridership to as much as 70,000 riders day. Unfortunately, because of the long, slow, uncomfortable bus rides along East Bay streets on the way to the Bay Bridge, AC's drawing power in this regard is low. The lack of comfort and loss of time associated with East Bay bus travel will continue to deter many people from using AC Transit to get to San Francisco.

4.) Absent an Altamont HSR Alternative, MTC has stated that it would cost several billion dollars to fully upgrade the section of the ACE line that runs between Stockton and Bay Area cities. A recent study by the San Joaquin Regional Rail Commission describes an upgraded leg to San Jose but unaccountably fails to evaluate the equally important leg to San Francisco. This oversight notwithstanding, a fast and

effective ACE service to San Francisco would ease pressures on both BART's transbay section and East Bay streets and freeways.

The fastest, cheapest and most environmentally sensitive way of adding commuter rail service to San Francisco would be to route the tracks along a carefully rebuilt Dumbarton rail bridge and then on the Caltrain right-of-way to San Francisco's new Transbay Transit Center (TTC). It is anticipated that at some point the ACE system will be electrified. In the mean time hybrid ACE locomotives could be used to access the TTC.

We urge you to acknowledge the importance of this transbay rail opportunity by seeing to it that all previously allocated Dumbarton funds are returned to the Dumbarton Rail project budget.

Sincerely yours,

Gerald Cauthen, for
Bay Area Transportation Working Group

Bob Feinbaum, for
Bay Area Transportation Working Group

METROPOLITAN TRANSPORTATION COMMISSION

PUBLIC HEARING ON
PROPOSED AMENDMENT TO
THE REGIONAL MEASURE 2
_____/

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Wednesday, April 9, 2014

Metropolitan Transportation Commission

Oakland, California

Reported by: SARAH GOEKLER

CSR No. 13446

1 ATTENDEES

2

3 MTC Commissioners:

4 Tom Bates

5 David Campos

6 Dorene Giacopini

7 Federal Glover

8 Scott Haggerty

9 Jake Mackenzie

10 Joe Pirzynski

11 Jean Quan

12 Bijan Sartipi

13 Adrienne Tissier

14 Scott Wiener

15

16 MTC Staff:

17 Alix Bockelman

18 Kenneth Folan

19 Andrew Fremier

20 Steve Heminger

21 Kimberly Ward

22 Adrienne Weil

23 ---o0o---

24

25

1 BE IT REMEMBERED THAT, pursuant to Notice of
2 the Hearing, and on Wednesday, April 9, 2014, commencing
3 at 9:55 a.m. thereof at Metropolitan Transportation
4 Commission, 101 Eighth Street, Oakland, California
5 94607, before me, SARAH GOEKLER, a Certified Shorthand
6 Reporter for the State of California, there commenced a
7 Public Hearing.
8 ---o0o---
9
MEETING AGENDA

10 PAGE
11 Introduction by Commissioner Glover 4
12 Presentation by Kenneth Folan 5

13 ---o0o---
14
PUBLIC SPEAKERS

15 PAGE
16 TIM PITSKER 6
17 PETER M. (MIKE) DUBINSKY 8
18 JIM BIGELOW 10
19 ROLAND LEBRUN 11
20 DAVID SCHONBRUNN 13
21 RICHARD HACKMANN 14
22 ADINA LEVIN 16
23 RICH HEDGES 17

24 ---o0o---
25

1 Wednesday, April 9, 2014 9:55 a.m.
2 ---o0o---
3 COMMISSIONER GLOVER: Next is Item No. 3 on
4 the Regional Program. This is a public hearing. My
5 name is Federal Glover, Chair of the Programming and
6 Allocations Committee for MTC.
7 I would like to begin the public hearing on
8 the proposed amendment to the Regional Measure 2
9 Program.
10 The purpose of the hearing is to receive
11 comments on the proposed funding changes for the
12 Regional Measure 2 Program, which was released for
13 public review on March 19th.
14 Formal adoption of the Regional Measure 2
15 Program amendment will be considered by the commission
16 at its May 28th meeting, 2014.
17 Note that the public hearing period started
18 March 19th and closes on April 23rd. Written comments
19 must be received by MTC no later than 4:00 p.m. on
20 April 23rd in order to be considered. Oral comments
21 will be received today. Written comments can be
22 submitted to MTC's public information office by fax,
23 e-mail, or in person or by regular mail.
24 If you have any written comments now, please
25 submit your comments now to Kimberly Hughes-Ward,

1 committee secretary.
2 At this time we will ask MTC staff to provide
3 an overview of the proposed amendments to the Regional
4 Measure 2 Program.
5 MR. FOLAN: Thank you, Commissioner Glover.
6 My name is Kenneth Folan with MTC staff. And
7 as Commissioner Glover stated, this is not an action
8 item, but it's to receive public comments on the RM2
9 public hearing as part of the RM2's strategic delivery
10 plan that has come before this committee in February as
11 well as in March.
12 We would note that there is a court reporter
13 recording the information so that we have a transcript.
14 And the hearing is consistent with the Streets
15 & Highways Code 30914(f), and it's part of the process
16 for reassigning the funds within the RM2 Program.
17 The first step was to confer with sponsors.
18 This is the second step of holding a public hearing.
19 And then finally, after the public hearing, in May, the
20 commission may choose to hold a vote to reassign funds.
21 So we have received some comments to date, and
22 we mailed a packet out last Wednesday, and the comments
23 that were received by then are within -- the letters
24 received by then are within the packet. You also have
25 in front of you this orange packet of letters that were

1 received, and we will kind of summarize all of the
2 comments that we've received here and through April 23rd
3 and present that to you at your May meeting.
4 So with that, I would hand it back to you,
5 Commissioner Glover, to proceed with the comments.
6 COMMISSIONER GLOVER: Okay. Thank you. We do
7 have a number of comments today.
8 Is there any comments from commissioners prior
9 to going to the public comment?
10 Seeing none, the first speaker will be Tim
11 Pitsker. He will be followed by Peter Mike.
12 MR. PITSKER: Hi. My name is Tim Pitsker. I
13 live in Fremont. I'm in support of the amendment,
14 specifically referring to the Dumbarton Rail Corridor
15 Project, the transfer of that money to other projects.
16 I am a retired deputy district attorney out of
17 Santa Clara County, and for years I had to commute over
18 the Dumbarton Bridge to Palo Alto to get to the
19 Palo Alto courts.
20 There is no backlog on the Dumbarton Bridge
21 that would warrant the cost of this project. And the
22 costs now are estimated around 800 million. It's easily
23 going to go over a billion dollars just to get a couple
24 thousand people off of the bridge. It just isn't worth
25 the cost.

1 I'm on the Citizen Advisory Panel. My
2 comments here are my personal comments, not the
3 comments -- not the view of the panel as a whole.
4 I got on the CAP to be able to keep up with
5 the project so that I would know what was going on
6 with -- as the project has progressed.
7 I can tell you right now, the EIR is dead on
8 arrival. I don't have time to go into all the issues
9 right now, but that's my opinion. It's going nowhere.
10 I've already lined up a law firm that will attack it,
11 should it go public. Hopefully, it won't get that far.
12 But the biggest problem with this project is
13 that there isn't a purchase agreement for the
14 right-of-way. The right-of-way from Union City over to
15 the Shinn Connection in Fremont. That's -- the project
16 starts in Union City and goes over the bay. You need
17 that right-of-way. There's no purchase agreement. The
18 Union Pacific Railroad has never negotiated in good
19 faith to sell that project. And in the few negotiations
20 that they participated in, they want several hundred
21 million dollars' worth of concessions to give up the
22 right-of-way.
23 So -- and this project has been around since
24 the 1990s. You would have thought that getting a
25 contract to purchase the right-of-way would have been

1 the number one priority.
2 COMMISSIONER GLOVER: Thank you.
3 MR. PITSKER: In any event, this project isn't
4 going anywhere, and I support the transfer of the money.
5 One last comment --
6 COMMISSIONER GLOVER: Thank you, sir.
7 MR. PITSKER: Okay. Thank you.
8 COMMISSIONER GLOVER: Peter Mike will be
9 followed by Jim Bigelow.
10 MR. DUBINSKY: Good morning. My name is Peter
11 Michael Dubinsky. I live on Posada Way in Fremont,
12 California, and I am reading from a submission I made
13 via e-mail to the record, and I didn't see it in the
14 record this morning. I'll make sure it gets handed in.
15 I support the proposals regarding the
16 redirection of funds from East to West Bay commuter rail
17 service over the Dumbarton Bridge. I call that the
18 Dumbarton Rail Project.
19 My position supporting certain funding and
20 redirection and steps described in the resolution are my
21 own. However, I have been a member of the Citizens'
22 Advisory Panel to the project since its inception in
23 2007, and I've followed it since around 2005.
24 In particular, I agree fully with the proposed
25 redirection of available project funds from DRC to the

1 regional bus service and Caltrain electrification, and
2 the removal of the project conditions, the repayment of
3 91 million by Alameda County for redirection of funds to
4 the Warm Springs BART extension project, which occurred
5 in early 2009.
6 My support for the proposals is based on the
7 following reasons:
8 The project never did have sufficient funding
9 support to seriously consider it. While the resolution
10 states that it had a $300 million funding shortfall, my
11 experience and the information provided during my
12 participation on the CAP shows that it was more like
13 500 million shortfall.
14 Also, throughout the time period of the
15 environmental assessment and data gathering to support
16 the project's environmental report, the estimated
17 ridership never rose to a level sufficient to consider
18 it viable transportation project.
19 During a meeting in 2009 of the CAP, the
20 members were advised that the FTA has a policy of not
21 releasing an EIR/EIS if a project is not adequately
22 funded. The DRC is severely underfunded, and the
23 project ridership projections do not support it.
24 And in my writeup that I submitted --
25 COMMISSIONER GLOVER: Thank you.

1 MR. DUBINSKY: -- I have a sign-off by
2 representatives of four other neighborhoods in
3 Fremont --
4 COMMISSIONER GLOVER: Thank you.
5 MR. DUBINSKY: -- so I'm not coming to the
6 table alone.
7 MR. BIGELOW: Jim Bigelow.
8 I think you all know what this is
9 (indicating). I'm from the Redwood City/San Mateo
10 County Chamber and the Menlo Chamber. I got this for
11 the Dumbarton Rail Project for a new rail connection
12 across the middle of the bay ten years ago. I'm still
13 optimistic it's a good project. We have a new EIR that
14 I'm sure will show that this project is viable.
15 We are working with the Facebook, Google,
16 Oracle, Stanford University. And in 2015 we want to
17 come back with a new, energized business group and
18 political will to start bringing this project back to
19 life.
20 I do support -- or we do support the
21 forgiveness of the $91 million. Scott Haggerty said
22 that was good and that he will remember the Dumbarton
23 Rail in our future discussion.
24 Also, the 34.7 for the Dumbarton bus
25 replacement and expansion across to Redwood City is a

1 great idea. 20 million to Caltrains is a great idea.
2 This money that's been setting, going to work
3 giving transportation majors to the public is an
4 important thing. But we will be back to ask for more
5 consideration and get our partners back together on this
6 project. We're going to wait until after Caltrains'
7 Draft EIR is done before we come back.
8 Finally, if you go over to the Highway 101
9 between University and Marsh Road between 4:00 and
10 7:00 o'clock at night, it's an absolute nightmare of the
11 traffic trying to get to the East Bay for people in
12 their homes. And it's delaying the white buses and cars
13 and all kinds of people getting to work locations or
14 leaving. So there is a lot of traffic.
15 Thank you. And let's think about this and
16 keep it going in the future. Thanks.
17 COMMISSIONER GLOVER: Thank you.
18 Our next speaker is Roland Lebrun, and he will
19 be followed by David Schonbrunn.
20 MR. LEBRUN: Hi. Good morning. Thank you for
21 the opportunity. My name is Roland Lebrun. I come from
22 San Jose.
23 I'd like to touch on the Dumbarton Rail and
24 Caltrain electrification. On Dumbarton Rail, I would
25 like the budget left out, $300 million, including the

1 RM2 funding, until we see a project that makes sense;
2 namely, something other than the $800 million boondargo
3 (phonetic) with a single 25-mile track and a couple of
4 string bridges that cannot possibly ever be electrified.
5 So moving forward, I'm opposed to moving any
6 funding out of DBR project until we identify transit
7 agency capable of bettering this project in phases,
8 starting with the rail connection between Redwood City
9 and Facebook, including a new Caltrains station in
10 Menlo Park and Google buses providing connections to
11 Google campus.
12 With regards to Caltrain electrification, I'm
13 on record as being one of the many advocates for this
14 project. However, I have since learned that the cast of
15 characters running the show are the very same people
16 responsible for the Dumbarton Rail fiasco, and it is
17 unclear how we could expect a different result from the
18 same people. So I applaud the VTA and the SFMTA's
19 refusal to match the $20 million in RM2 funds.
20 In closing, I'm opposed to moving any more
21 funding to this electrification project until the
22 Caltrain board appoints an entity capable of delivering
23 this project sooner and preferably half a billion
24 dollars less than the current budget.
25 Thank you.

1 COMMISSIONER GLOVER: Thank you.
2 David Schonbrunn.
3 MR. SCHONBRUNN: David Schonbrunn, TRANSDEF.
4 The proposed action is to kill the Dumbarton
5 Rail Project. Dumbarton was promised to the voters as a
6 new Transbay commuter rail crossing south of the
7 San Francisco-Oakland Bay Bridge. It is the only new
8 Transbay crossing in RM2. That would make it especially
9 offensive to voters if you were to kill it. You don't
10 want to create a public that distrusts you when you're
11 clearly going to be going before the public in the
12 future for further funding.
13 There are a few reasons why the proposed
14 action would be shortsighted. Traffic on 101 is bad.
15 My sources tell me that the traffic projections that led
16 to initiating the project are now actual counts. The
17 Dumbarton Rail Bridge opens up possibilities
18 considerably beyond the current Dumbarton Rail Corridor
19 Project. Staff is considering it only through the
20 narrow lens of the DRC. They miss the big picture.
21 On a longer-term note, BART's Transbay Tube is
22 at capacity. A new tube would cost tens of billions of
23 dollars. Resources like that are really hard to come
24 by. A new crossing at Dumbarton could take some of that
25 load.

1 There's a significant possibility that the
2 High Speed Rail Project will be dead by summer.
3 Speaking as a member of the opposing legal team, the
4 authorities' chances of overturning the three lower
5 court rulings are not good. Chances of having the
6 legislature approve cap and trade funds to keep the
7 project alive are not good either, as the project will
8 generate more GHGs rather than reduce them.
9 That said, there's clearly no urgency to move
10 the $20 million to Caltrain or to remove the payback
11 provision to the $91 million loan to ACTIA.
12 Why not let these things sit for a couple
13 months, let the High Speed Rail debacle resolve itself
14 and study the possibility of unloading the Transbay
15 Tube?
16 COMMISSIONER GLOVER: Thank you.
17 MR. SCHONBRUNN: Thank you.
18 COMMISSIONER GLOVER: Thank you.
19 All right. Our next speaker is Richard
20 Hackmann, followed by "Adna."
21 MR. HACKMANN: Thank you, Chair.
22 Richard Hackmann, City of Palo Alto, and I
23 brought a letter for you today on this issue that --
24 I've left copies with the clerk, if you care to have
25 them distributed now.

1 On behalf of the City of Palo Alto, we're
2 coming before you today to provide preliminary input on
3 the proposed RM2 funding allocations. The Palo Alto
4 City Council will provide additional direction to staff
5 on this matter at their April 21st meeting. But in
6 order to provide input at the committee level, we
7 prepared some preliminary remarks for you today.
8 First, the City of Palo Alto would like to say
9 that we support the proposed improvements to Dumbarton
10 Express Service. East/west transit is a challenge in
11 our region, and a reliable and improved Dumbarton
12 Express Service helps address that.
13 Also, the City of Palo Alto supports the
14 $20 million allocation to Caltrain electrification.
15 With over 52,000 weekday riders, an improved, modernized
16 Caltrain is critical to the Peninsula's overall transit
17 strategy. Because these west transit and Caltrain
18 improvements are critically important to our regional
19 transit system, I expect that my City Council will want
20 you to reconsider the proposal to remove the repayment
21 condition associated with the $91 million BART
22 Warm Springs extension loan.
23 If that does not happen, the city will want to
24 ensure that at least a portion of the loan not be
25 forgiven to allow for further planning. Partial

1 forgiveness of the loan will provide the MTC flexibility
2 going forward and the opportunity to reevaluate our
3 important commuter rail needs in the future.
4 Thank you.
5 COMMISSIONER GLOVER: Thank you.
6 Our next speaker is "Adna." I think that's --
7 MS. LEVIN: That would be Adina Levin, Friends
8 of Caltrain. I apologize for my handwriting.
9 Good morning, Commissioners.
10 And also speaking about the Dumbarton
11 corridor. And given the fact that the rail project
12 isn't moving forward at this time, we support the
13 reallocation of the $14.7 million to the Express bus
14 service, which has strong and growing ridership, and
15 also the reallocation of $20 million towards Caltrain
16 electrification.
17 And, in fact, as the project is not moving
18 forward at this time, taking some of the money and
19 having it be used for the connecting project east and
20 west, the thing that is puzzling to us is why we have
21 $20 million going west and $91 million going east.
22 So what we would recommend is given that
23 there's growing need on the corridor and, as Jim Bigelow
24 mentioned, strong corporate support for additional
25 transit on the corridor, would it be possible to do 20

1 and 20 now and then hold off and see if there are more
2 investments to build ridership on the corridor?
3 Palo Alto is thinking about running buses from
4 Fremont over to Palo Alto. There are going to be more
5 ideas coming up to beef up that growing traffic need.
6 I heard that, you know, for Caltrain
7 $20 million now is better than $90 million in 2019, but
8 that's a heck of an interest rate. So I think if money
9 is being validly split up east and west, make that more
10 even and hold off on at least some of it for better
11 service on the corridor.
12 Thank you.
13 COMMISSIONER GLOVER: Thank you.
14 Final speaker is Richard Hedges.
15 If there are other speakers, if you would
16 please fill out a speaker card.
17 MR. HEDGES: Good morning. Thanks for calling
18 me and allowing me to speak.
19 I am not in opposition to this issue.
20 Actually, I thought at the time, and was here when the
21 $90 million was given to BART, that we probably would
22 not get it back because it's so hard to get money.
23 I like the idea of beefing up the bus transit
24 if, in fact, we're not going to get to rail on the
25 immediate.

1 But I would like to make one recommendation --
2 oh. And just to further state that I completely support
3 Jim Bigelow's remarks. He's really been on top of this
4 since the very beginning.
5 But just one additional comment: The RM2
6 money was for all Transbay transit. And the M line,
7 which runs across the San Mateo Bridge, has been
8 consistently reduced in service. And when you start
9 reducing service, it's a forgone conclusion that it will
10 eventually disappear. But AC Transit is receiving a
11 large subsidy for that.
12 And I just have to tell you -- I've already
13 talked to Steve about it once before -- the service was
14 horrible in the afternoon. I actually had to check the
15 GPS to make sure the bus was coming, because I often
16 would go by BART to the Hayward station to take the
17 M bus, and it's not showing up the rest of the afternoon
18 because they operate split shifts. And it seems that if
19 drivers don't show up, they just don't put it on that
20 service. It's not one of their services really.
21 So I suggest we beef that service up as well
22 with the money because the -- according to the MTC maps,
23 that area of services is one of the largest growing area
24 of jobs in the region. And we also need to do some work
25 with Sony, who's moved into Bridgepoint, with Visa,

1 who've I met with Marsha Loring (phonetic) once, trying
2 to encourage them to beef up that service. They run
3 their own buses to the city anyway.
4 And -- so we have some work to do there, but
5 that's an integral line serving at one time Oracle as
6 well.
7 So -- thank you. Consider that with this
8 money. It's very important to the mid-Peninsula.
9 COMMISSIONER GLOVER: Thank you.
10 That was my last speaker card. Is there
11 anyone else wishing to address the committee?
12 Okay. Seeing that, at this time we will close
13 the public hearing. However, the public comment period
14 will still be open until 4:00 p.m. on April 23rd, and
15 MTC will continue to accept written comments until that
16 time.
17 (Public comment period concluded at
18 10:16 a.m.)
19 ---o0o---
20
21
22
23
24
25

1 CERTIFICATE OF REPORTER

2

3 I, SARAH L. GOEKLER, CSR No. 13446, a

4 Certified Shorthand Reporter, hereby certify:

5 That the preceding hearing was taken in

6 shorthand by me, a disinterested person, at the time and

7 place therein stated, and that the proceedings were

8 thereafter reduced to typewriting, by computer, under my

9 direction and supervision.

10

11 IN WITNESS WHEREOF, I have hereunto set my

12 hand this _____ day of _____, _____.

13

14

15

16 _____

17 SARAH L. GOEKLER, CSR 13446

18

19

20

21

22

23

24

25

SUMMARY OF PROPOSED RM2 ACTIONS IN APRIL 9, 2014 PUBLIC HEARING

Project Number	Project Title/ ***Subproject*** / *Multi-part Funding Action*	Current Total RM2 Funding	Proposed Funding Change	Proposed Total RM2 Funding	Action Taking Place	Funding Action	From/To (project number)
1	**BART/MUNI Connection at Embarcadero and Civic Center Stations**	**3,000,000**	**-**	**3,000,000**	**Modify Scope**		
4	**East to West Bay Commuter Rail Service over Dumbarton Rail Bridge**	**44,000,000**	**(34,843,000)**	**9,157,000**	**Reassign project funds**		
	Transfer to Caltrain Electrification		*(20,000,000)*			Transfer	to Caltrain Electrification (40)
	Transfer to Dumbarton Express Bus (project 29)		*(14,843,000)*			Transfer	to Dumbarton Express Bus (29)
	Removal of prior condition		-		Removal of $91 million Alameda County repayment condition from project 31		
5	**Vallejo Station**	**28,000,000**	**(2,000,000)**	**26,000,000**	**Reassign project funds**	Transfer	to Vallejo Curtola (17)
6	**Solano County Express Bus Intermodal Facilities**	**20,000,000**	**(7,748,578)**	**12,251,422**	**Reassign project funds; reassign project savings**		
6.3	***Fairfield Transit Center***		*(5,485,000)*			Transfer	to Fairfield/Vacaville Train Station (14)
6.4	***Vacaville Intermodal***		*(2,263,578)*			Savings	to Fairfield/Vacaville Train Station (14)
9	**Richmond Parkway Transit Center**	**16,000,000**	**(12,150,000)**	**3,850,000**	**Reassign project funds; modify scope**	Transfer	to AC Transit BRT (24)
10	**Sonoma-Marin Area Rail Transit (SMART)**	**36,500,000**	**20,000,000**	**56,500,000**	**Receive transfer; modify scope**	Receive	from Greenbrae (11)
11	**Greenbrae Interchange/Larkspur Ferry Access Improvements**	**63,500,000**	**(20,000,000)**	**43,500,000**	**Reassign project funds; modify scope**	Transfer	to SMART (10)
12	**Direct HOV Lane Connector from I-680 to Pleasant Hill or Walnut Creek BART***	**15,000,000**	**5,425,000**	**20,425,000**	**Receive transfer**	Receive	from Caldecott Tunnel (36)
14	**Capital Corridor Improvements in I-80/I-680 Corridor (Fairfield/Vacaville Train Station)**	**25,000,000**	**10,950,126**	**35,950,126**	**Receive transfers**		
	Receive from Fairfield Transit Center (6.3)		*5,485,000*			Receive	from Fairfield Transit Center (6)
	Receive from Fairfield Transit Center (17.2)		*2,250,000*			Receive	from Fairfield Transit Center (17)
	Receive from From Vacaville Intermodal (6.4)		*2,263,578*			Receive	from Vacaville Intermodal (6)
	Receive from Vacaville Intermodal (17.3)		*951,548*			Receive	from Vacaville Intermodal (17)
17	**Regional Express Bus North**	**20,000,000**	**(1,201,548)**	**18,798,452**	**Reassign project funds; receive transfer**		
17.1	***Vallejo Curtola***		*2,000,000*			Receive	from Vallejo Station (5)
17.2	***Fairfield Transit Center***		*(2,250,000)*			Transfer	to Fairfield/Vacaville Train Station (14)
17.3	***Vacaville Intermodal***		*(951,548)*			Savings	to Fairfield/Vacaville Train Station (14)
24	**AC Transit Enhanced Bus**	**65,000,000**	**12,760,172**	**77,760,172**	**Receive transfers**		
	Receive from Express Bus South		*610,172*			Receive	from Express Bus South (29)
	Receive from Richmond Parkway Transit Center		*12,150,000*			Receive	from Richmond Parkway (9)
29	**Regional Express Bus Service for San Mateo, Dumbarton, and Bay Bridge Corridors**	**22,000,000**	**11,932,828**	**33,932,828**	**Receive transfer; redirect project savings**		
	Transfer project savings to AC Transit		*(610,172)*			Savings	to AC Transit BRT (24)
	Transfer project savings to I-880 North Safety Improvements		*(2,300,000)*			Savings	to I-880 North Safety (30)
	Receive from Dumbarton Rail		*14,843,000*			Receive	from Dumbarton Rail (4)
30	**I-880 North Safety Improvements**	**10,000,000**	**2,300,000**	**12,300,000**	**Receive transfer**	Receive	from Express Bus South (29)
31	**BART Warm Springs Extension**	**186,000,000**	**-**	**186,000,000**	**Remove repayment condition**		
36	**Caldecott Tunnel Improvements**	**50,500,000**	**(5,425,000)**	**45,075,000**	**Reassign project savings**	Savings	to I-680 HOV (12)
40	**Caltrain Electrification**	**-**	**20,000,000**	**20,000,000**	**Add new project; receive transfer**	Receive	from Dumbarton Rail (4)
	Total	**604,500,000**	**-**	**604,500,000**			

Date:	June 27, 2007	
W.I.:	1255	
Referred by:	PAC	
Revised:	01/28/09-C	07/22/09-C
	09/28/11-C	01/25/12-C
	04/24/13-C	05/28/14-C

ABSTRACT

MTC Resolution No. 3801, Revised

This resolution approves amendments to the Regional Measure 2 program for project scope changes, funding amounts, or addition and deletion of projects as permitted by Streets and Highways Code Section 30914 *et seq.*

This resolution includes Attachment A describing the amendments and Attachment B describing the updated Regional Measure 2 Project List.

This resolution was revised on January 28, 2009 to reassign $91 million in RM2 funds from the East to West Bay Commuter Rail Service over the Dumbarton Rail Bridge project to the BART to Warm Springs Extension project, and to reassign $10 million in RM2 funds from the BART Tube Seismic Strengthening project to the BART Oakland Airport Connector project.

This resolution was revised on July 22, 2009 to reassign $37 million in RM2 funds from the BART Tube Seismic Strengthening project to the Oakland Airport Connector project.

This resolution was revised on September 28, 2011 to change the project description for the SMART project to include the rail line from San Rafael to Santa Rosa, and to reassign $1.5 million in RM2 funds from the Greenbrae Interchange/Larkspur Ferry Access Improvement project to the SMART project.

This resolution was revised on January 25, 2012, to change the project description for operating project #5 from Dumbarton Rail to Dumbarton Bus operations.

This resolution was revised on April 24, 2013, to reduce the amount of funds on RM2 project #8 (I-80 Eastbound High-Occupancy Vehicle (HOV) Lane in Contra Costa County) by $12.8 million to reflect actual costs after project completion, and to distribute the savings to two new projects, RM2 Project #38 (Regional Express Lane Network), and RM2 Project #39 (Major

Interchange Modifications in the Vicinity of I-80 and San Pablo Dam Road in Contra Costa County).

This resolution was revised on May 28, 2014 to reassign $88,267,135 in RM2 funds from eight projects, modify the scope for several projects, and create one new project.

Additional discussion of this revision is contained in the summary sheet to the MTC Programming and Allocations Committee dated June 13, 2007, January 14, 2009, July 8, 2009, July 13, 2011, September 14, 2011, January 11, 2012, April 10, 2013, March 5, 2014, April 9, 2014, and May 14, 2014.

Date: June 27, 2007
W.I.: 1255
Referred by: PAC

Re: Approval of Amendments to the Regional Measure 2 Program

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION No. 3801

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 2003), 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 is to fund the projects of the Regional Traffic Relief Plan by transferring RM2 authorized funds to MTC; and

WHEREAS, Streets and Highways Code Section 30914(f) authorizes MTC to modify any RM2 program and the scope of any RM2 project, decrease its level of funding, or reassign some or all of the funds to another program or project; and

WHEREAS, MTC has been requested to make the changes in the RM2 program and projects specified in Attachment A to this resolution pursuant to Streets and Highways Code Section 30914(f) for the reasons set forth in Attachment A; and

WHEREAS, MTC has consulted with the sponsor or sponsors of each of the programs and projects listed in Attachment A; and

WHEREAS, MTC has held a public hearing concerning each such program or project on the dates specified in Attachment A; and

WHEREAS, the sponsors of each of the projects and programs listed in Attachment A have agreed to comply with the RM2 Policies and Procedures adopted by MTC; and

WHEREAS, each sponsor of a project listed in Attachment A has provided an initial project report to MTC pursuant to Streets and Highways Code Section 30914(e) or agreed to provide such a report to MTC within the time period specified by MTC in recognition of the statutory requirement that no funds may be allocated by MTC for any such project until the project sponsor submits the initial project report and the report is reviewed and approved by MTC; and

WHEREAS, based on the above-described consultations with sponsors, the information provided at public hearings, and MTC staff advice, MTC has concluded that the changes in the RM2 program and projects specified in Attachment A to this resolution are consistent with the intent of Chapter 4 of Division 17 of the Streets and Highways Code to reduce congestion or make improvements to travel in the toll bridge corridors; and

WHEREAS, Attachment B to this resolution, attached hereto and incorporated herein as though set forth at length, is the updated project list for the RM2 Program;

NOW, THEREFORE, IT IS

RESOLVED, that MTC hereby makes the changes in the RM2 program and projects specified in Attachment A and Attachment B to this resolution pursuant to Streets and Highways Code Section 30914(f) in the amounts, for the reasons, and subject to the conditions set forth in Attachment A, which is hereby incorporated into this resolution.

METROPOLITAN TRANSPORTATION COMMISSION

Bill Dodd, Chair

The above resolution was adopted by the Metropolitan Transportation Commission at the regular meeting of the Commission held in Oakland, California, on June 27, 2007.

Summary of Project/Program Changes

Project or Program	Sponsor(s)	Change (hearing date)	Reason	Conditions
BART Tube Seismic Strengthening (Streets and Highways Code Section 30914(c)(21))	BART	Reduce funding by $62 million (hearing date June 13, 2007)	Project is to be implemented with other funds not derived from tolls, including $24 million from state bond financing and $38 million from state-provided STIP funds	Contingent upon the California Transportation Commission approving an allocation of $38 million in STIP funds to the project in FY 07-08
Oakland Airport Connector (Streets and Highways Code Section 30914(c)(23))	Port of Oakland and BART	Increase funding by $38 million (hearing date June 13, 2007)	Local funding needed for project due to nature of procurement method	Contingent upon the allocation of STIP funds to the BART Tube Seismic Strengthening project as described above
BART Transit Capital Rehabilitation (new Streets and Highways Code Section 30914(c) project)	BART	Provide $24 million in funding as local matching funds for BART's fixed guideway rehabilitation and replacement projects funded with federal dollars in fiscal years 2006-07 and 2007-08 (hearing date June 13, 2007)	Project is consistent with the intent of Chapter 4 of Division 17 of the Streets and Highways Code in that it will reduce congestion or make improvements to travel in the toll bridge corridors	
East to West Bay Commuter Rail Service over the Dumbarton Rail Bridge (Streets and Highways Code Section 30914(c)(4))	ACCMA, ACTIA, Capital Corridor, SMCTA	Reduce funding by $91million (hearing dates January 14, 2009, and April 9, 2014)	a) Project ~~not in a state of readiness to proceed~~ cannot continue due to financing obstacles making the completion of the project unrealistic. ~~b) Project is to be implemented with future Alameda County State~~	None — ~~Alameda County Congestion Management Agency committed $91 million in future year STIP funds to the project in December 2008~~ *Alameda County repayment condition removed (April 9, 2014 hearing)*

Project or Program	**Sponsor(s)**	**Change (hearing date)**	**Reason**	**Conditions**
			~~Improvement Program (STIP) funds to be committed by the ACCMA in December 2008~~	
BART Warm Springs Extension (Streets and Highways Code Section 30914(c)(31))	BART	Increase funding by $91million (hearing dates January 14, 2009, and April 9, 2014)	Project is ready-to-go and $91 million helps to close the funding shortfall	~~None – Alameda County Congestion Management Agency committed $91 million in future year STIP funds to the Dumbarton Rail project in December 2008~~ Alameda County repayment condition removed (April 9, 2014 hearing)
BART Tube Seismic Strengthening (Streets and Highways Code Section 30914(c)(21))	BART	Reduce funding by $10 million (hearing date January 14, 2009)	Project is to be implemented with other funds not derived from tolls, including $10 million from state Interregional Improvement Program (IIP) funds	None - California Transportation Commission programmed IIP funds to this project in July 2008
Oakland Airport Connector (Streets and Highways Code Section 30914(c)(23))	Port of Oakland and BART	Increase funding by $10 million (hearing date January 14, 2009)	Local funding needed for project due to potential nature of procurement method	None
BART Tube Seismic Strengthening (Streets and Highways Code Section 30914(c)(21))	BART	Reduce funding by $37,199,000 (hearing date June 10 & July 8, 2009)	Sponsor certified cost savings and use of alternate funding on project. Sponsor requested reassignment of savings to the Oakland Airport Connector project	None
Oakland Airport Connector (Streets and Highways Code Section 30914(c)(23))	Port of Oakland and BART	Increase funding by $37,199,000 (hearing date June 10 & July 8, 2009)	Funding needed to complete project funding plan	None

Project or Program	**Sponsor(s)**	**Change (hearing date)**	**Reason**	**Conditions**
Sonoma Marin Area Rail Transit (Streets & Highways Code Section 30914 (c)(10))	Sonoma Marin Area Rail Transit District	Modify project description to include rail line from San Rafael to Santa Rosa, and increase funding by $1,500,000 (hearing dates July 13, 2011 and September 14, 2011)	Funding to be directed to San Rafael to Santa Rosa segment due to funding shortfall in overall project, and funding increased due to funds being reassigned from Greenbrae Interchange/Larkspur Ferry Access Improvements.	None
Greenbrae Interchange/Larkspur Ferry Access Improvements (Streets & Highways Code Section 30914 (c)(11))	Transportation Authority of Marin	Reduce funding by $1,500,000 (hearing dates July 13, 2011 and September 14, 2011)	Sponsor certifies use of alternate funding on project.	None
Dumbarton Rail Operations (Streets & Highways Code Section 30914 (d)(5))	NA	Modify description so funds may be used on bus operations in the Dumbarton Bridge corridor rather than rail (hearing date January 11, 2012).	The Dumbarton Rail project is experiencing financing obstacles making the completion of the project unrealistic at this time; bus operations are proposed to build ridership in the corridor in the short and long term.	None
I-80 Eastbound High-Occupancy Vehicle Lane in Contra Costa County (Streets and Highways Code Section 30914(c)(8))	California Department of Transportation	Reduce funding by $12,825,455.43 (hearing date April 10, 2013)	Sponsor certified cost savings. Sponsor and partners requested reassignment of savings to Regional Express Lane Network and Major Interchange Modifications in the Vicinity of I-80 and San Pablo Dam Road in Contra Costa County.	None

Project or Program	**Sponsor(s)**	**Change (hearing date)**	**Reason**	**Conditions**
Regional Express Lane Network (new Streets and Highways Code Section 30914(c) project)	MTC (subject to delegation to the Bay Area Infrastructure Financing Authority (BAIFA), pending formal action)	Add new project and provide $4,825,455.43 in funding (hearing date April 10, 2013)	Project is consistent with the intent of Chapter 4 of Division 17 of the Streets and Highways Code in that it will reduce congestion or make improvements to travel in the toll bridge corridors	None.
Major Interchange Modifications in the Vicinity of I-80 and San Pablo Dam Road in Contra Costa County (new Streets and Highways Code Section 30914(c) project)	Contra Costa Transportation Authority	Add new project and provide $8 million in funding (hearing date April 10, 2013)	Project is consistent with the intent of Chapter 4 of Division 17 of the Streets and Highways Code in that it will reduce congestion or make improvements to travel in the toll bridge corridors	RM2 funds must be used on a deliverable segment.
BART/MUNI Connection at Embarcadero and Civic Center Stations (Streets & Highways Code Section 30914 (c)(1))	BART	Modify description so funds may be used on BART/MUNI elevators in Market Street corridor (hearing date April 9, 2014)	Original project cannot be completed due to delivery obstacles.	None.
East to West Bay Commuter Rail Service over the Dumbarton Rail Bridge (Streets & Highways Code Section 30914 (c)(4))	ACCMA, ACTIA, Capital Corridor, SMCTA	Reduce funding by $34,843,000 (hearing date April 9, 2014)	Project cannot be completed due to funding obstacles. Transfer $20,000,000 to Caltrain Electrification (new project) and $14,843,000 to Dumbarton Express Bus (project 29).	None.

Project or Program	**Sponsor(s)**	**Change (hearing date)**	**Reason**	**Conditions**
Vallejo Station (Streets & Highways Code Section 30914 (c)(5))	City of Vallejo	Reduce funding by $2 million (hearing date April 9, 2014)	Sponsor certified ability to complete project phase with less than available funding. Sponsor requested reassignment of funding to Vallejo Curtola Transit Center project under Regional Express Bus North (project 17).	None.
Solano County Express Bus Intermodal Facilities (Streets & Highways Code Section 30914 (c)(6))	Solano Transportation Authority	Reduce funding by $7,748,578. (hearing date April 9, 2014)	Project cannot be completed due to funding obstacles on subproject 6.3 (Fairfield Transit Center). Sponsor request to transfer $5,485,000 from Fairfield Transit Center to Fairfield/Vacaville Train Station (project 14). Sponsor certified $2,263,578 in project savings from subproject 6.4 (Vacaville Intermodal Facility) and requested transfer to Fairfield/Vacaville Train Station (project 14).	None.
Richmond Parkway Transit Center (Streets & Highways Code Section 30914 (c)(9))	AC Transit	Reduce funding by $12,150,000 (hearing date April 9, 2014)	Parking structure portion of project cannot be completed or operated due to funding obstacles. Sponsor requested reassignment of funds to AC Transit Enhanced Bus (project 24).	

Project or Program	**Sponsor(s)**	**Change (hearing date)**	**Reason**	**Conditions**
Sonoma-Marin Area Rail Transit (Streets & Highways Code Section 30914 (c)(10))	SMART	Modify description to allow funds to be eligible for construction of Larkspur extension and related elements. Increase funding by $20,000,000. (hearing date April 9, 2014)	Receive transfer of funds from Greenbrae Interchange/ Larkspur Ferry Access Improvements (project 11).	None.
Greenbrae Interchange/Larkspur Ferry Access Improvements (Streets & Highways Code Section 30914 (c)(11))	Transportation Authority of Marin	Modify description to remove freeway interchange element. Reduce project funding by $20 million. (hearing date April 9, 2014)	Elements of original project cannot be completed due to delivery obstacles. Transfer $20 million to SMART (project 10).	None.
Direct High-Occupancy Vehicle Lane Connector from I-680 to Pleasant Hill or Walnut Creek BART (Streets & Highways Code Section 30914 (c)(12))	Contra Costa Transportation Authority	Increase funding by $5,425,000. (hearing date April 9, 2014)	Funding needed to complete project funding plan. Transfer from Caldecott Tunnel Improvements (project 36) savings.	None.
Capitol Corridor Improvements in Interstate 80/Interstate 680 Corridor (Fairfield/Vacaville Train Station) (Streets & Highways Code Section 30914 (c)(14))	Solano Transportation Authority and Capitol Corridor Joint Powers Authority	Increase funding by $10,950,126. (hearing date April 9, 2014)	Funding needed to complete project funding plan. Transfer of $3,201,548 from Regional Express Bus North (project 17) and $7,748,578 from Solano County Express Bus Intermodal Facilities (project 6).	None.

Project or Program	**Sponsor(s)**	**Change (hearing date)**	**Reason**	**Conditions**
Regional Express Bus North (Streets & Highways Code Section 30914 (c)(17))	Metropolitan Transportation Commission	Reduce funding by $1,201,548. (hearing date April 9, 2014)	Funding needed to complete project funding plan for subproject 17.1 (Vallejo Curtola Transit Center). Transfer of $2,000,000 from Vallejo Station (project 5) to Vallejo Curtola Transit Center to meet funding gap. Subproject 17.2 (Fairfield Transit Center) cannot be completed due to delivery obstacles. Sponsor request to transfer $2,250,000 from Fairfield Transit Center to Fairfield/Vacaville Train Station (project 14). Sponsor certified $951,548 in project savings from subproject 17.3 (Vacaville Intermodal Facility) and requested transfer to Fairfield/Vacaville Train Station (project 14).	None.
AC Transit Enhanced Bus (Streets & Highways Code Section 30914 (c)(24))	AC Transit	Increase funding by $12,760,172. (hearing date April 9, 2014)	Funding needed to complete project funding plan. Transfer of $12,150,000 from Richmond Parkway Transit Center (project 9), and $610,172 in project savings from Regional Express Bus Service for San Mateo, Dumbarton, and Bay Bridge Corridors (project 29).	None.

Project or Program	**Sponsor(s)**	**Change (hearing date)**	**Reason**	**Conditions**
Regional Express Bus Service for San Mateo, Dumbarton, and Bay Bridge Corridors (Streets & Highways Code Section 30914 (c)(29))	AC Transit, ACTC	Increase funding by $11,9323,828. (hearing date April 9, 2014)	Project savings: Transfer $610,172 in project savings to AC Transit Enhanced Bus (project 24) and $2,300,000 in project savings to I-880 North Safety Improvements (project 30). Additional funding: Receive transfer of $14,843,000 from Dumbarton Rail (project 4) for Dumbarton Express Bus.	None.
I-880 North Safety Improvements (Streets & Highways Code Section 30914 (c)(30))	ACTC, City of Oakland, California Department of Transportation	Increase funding by $2,300,000. (hearing date April 9, 2014)	Funding needed to complete project funding plan. Transfer from Regional Express Bus Service for San Mateo, Dumbarton, and Bay Bridge Corridors (project 29) savings.	None.
Caldecott Tunnel Improvements (Streets & Highways Code Section 30914 (c)(36))	Contra Costa Transportation Authority	Reduce funding by $5,425,000. (hearing date April 9, 2014)	Project savings. Transfer to Direct HOV Lane Connector from I-680 to Pleasant Hill or Walnut Creek BART (project 12).	None.
Caltrain Electrification (new Streets & Highways Code Section 30914 (c) project)	Caltrain	Add new project and provide $20 million in funding (hearing date April 9, 2014)	Transfer of funds from Dumbarton Rail (project 4).	None.

Regional Measure 2 Program: Project List as Amended
(changes are noted in italics)

Streets and Highways Code Sections 30914(c)

(1) ~~BART/MUNI Connection at Embarcadero and Civic Center Stations. Provide direct access from the BART platform to the MUNI platform at the above stations and equip new fare gates that are TransLink® ready.~~ *BART/MUNI access on Market Street Corridor. Provide increased elevator access to BART and MUNI platforms at Powell Street and other stations as funding allows*. Three million dollars ($3,000,000). The project sponsor is BART. *(Project description modification hearing date: April 9, 2014.)*

(2) MUNI Metro Third Street Light Rail Line. Provide funding for the surface and light rail transit and maintenance facility to support MUNI Metro Third Street Light Rail service connecting to Caltrain stations and the E-Line waterfront line. Thirty million dollars ($30,000,000). The project sponsor is MUNI.

(3) MUNI Waterfront Historic Streetcar Expansion. Provide funding to rehabilitate historic streetcars and construct trackage and terminal facilities to support service from the Caltrain Terminal, the Transbay Terminal, and the Ferry Building, and connecting the Fisherman's Wharf and northern waterfront. Ten million dollars ($10,000,000). The project sponsor is MUNI.

(4) East to West Bay Commuter Rail Service over the Dumbarton Rail Bridge. Provide funding for the necessary track and station improvements and rolling stock to interconnect the BART and Capitol Corridor at Union City with Caltrain service over the Dumbarton Rail Bridge, and interconnect and provide track improvements for the ACE line with the same Caltrain service at Centerville. Provide a new station at Sun Microsystems in Menlo Park. The project is jointly sponsored by the San Mateo County Transportation Authority, Capitol Corridor, the Alameda County Congestion Management Agency, and the Alameda County Transportation Improvement Authority. One hundred thirty-five million dollars ($135,000,000); *Funding reduced by $91 million (hearing date January 14, 2009); funding reduced by $34,843,000 and prior condition removed (hearing date April 9, 2014). Present amount: nine million fifty-seven thousand dollars ($9,057,000).*

(5) Vallejo Station. Construct intermodal transportation hub for bus and ferry service, including parking structure, at site of Vallejo's current ferry terminal. Twenty-eight million dollars ($28,000,000). The project sponsor is the City of Vallejo. *Funding reduced by $2,000,000 (hearing date April 9, 2014). Present amount: twenty-six million dollars ($26,000,000).*

(6) Solano County Express Bus Intermodal Facilities. Provide competitive grant fund source, to be administered by the Metropolitan Transportation Commission. Eligible projects are Curtola Park and Ride, Benicia Intermodal Facility, Fairfield Transportation Center and Vacaville Intermodal Station. Priority to be given to projects that are fully funded, ready for construction, and serving transit service that operates primarily on existing or fully funded high-occupancy vehicle lanes. Twenty million dollars ($20,000,000). The project sponsor is Solano Transportation Authority. *Funding reduced by $7,748,578 (hearing date April 9, 2014). Present amount: twelve million, two hundred fifty-one thousand, four hundred twenty-two dollars ($12,251,422).*

(7) Solano County Corridor Improvements near Interstate 80/Interstate 680 Interchange. Provide funding for improved mobility in corridor based on recommendations of joint study conducted by the Department of Transportation and the Solano Transportation Authority. Cost-effective transit infrastructure investment or service identified in the study shall be considered a high priority. One hundred million dollars ($100,000,000). The project sponsor is Solano Transportation Authority.

(8) Interstate 80: Eastbound High-Occupancy Vehicle (HOV) Lane Extension from Route 4 to Carquinez Bridge. Construct HOV-lane extension. Fifty million dollars ($50,000,000). *Funding decreased by $12,825,455.43 (hearing date April 10, 2013); present amount thirty-seven million, one hundred seventy four thousand, five hundred forty four dollars and fifty seven cents ($37,174,544.57).* The project sponsor is the Department of Transportation.

(9) Richmond Parkway Transit Center. Construct ~~parking structure and associated~~ improvements to expand ~~bus~~ *parking* capacity *and/or amenities, or to improve access*. Sixteen million dollars ($16,000,000). The project sponsor is Alameda-Contra Costa Transit District, in coordination with West Contra Costa Transportation Advisory Committee, Western Contra Costa Transit Authority, City of Richmond, and the Department of Transportation. *Funding reduced by $12,150,000 (hearing date April 9, 2014). Present amount: three million, eight hundred fifty thousand dollars ($3,850,000).*

(10) Sonoma-Marin Area Rail Transit District (SMART). Construct rail system from San Rafael to Santa Rosa and make improvements to the Cal Park Hill Tunnel to allow for future extension to Larkspur; *construct Larkspur extension and related elements.* Thirty-five million dollars ($35,000,000). *Funding increased by $1,500,000 (hearing*

date September 14, 2011); funding increased by $20,000,000 (hearing date April 9, 2014). Present amount: Fifty-six million, five hundred thousand dollars ($56,500,000). The project sponsor is SMART. (*Project description changed: hearing dates July 13, 2011, September 14, 2011, and April 9, 2014.)*

(11) Greenbrae Interchange/Larkspur Ferry Access Improvements. Provide enhanced regional and local access around the Greenbrae Interchange to reduce traffic congestion and provide multimodal access to the Richmond-San Rafael Bridge and Larkspur Ferry Terminal by ~~constructing a new full service diamond interchange at Wornum Drive south of the Greenbrae Interchange,~~ *extending a multiuse pathway from the* ~~new interchange at~~ *vicinity of* Wornum Drive to East Sir Francis Drake Boulevard and the Cal Park Hill rail right-of-way, adding a new lane to East Sir Francis Drake Boulevard and rehabilitating the Cal Park Hill Rail Tunnel and right-of-way approaches for bicycle and pedestrian access to connect the San Rafael Transit Center with the Larkspur Ferry Terminal. Sixty-five million dollars ($65,000,000). *Funding reduced by $1,500,000 (hearing dates July 13, 2011 and September 14, 2011.); funding reduced by $20,000,000 (hearing date April 9, 2014). Present amount is forty-three million five hundred thousand dollars ($43,500,000.)* The project sponsor is *Transportation Authority of Marin*.

(12) Direct High-Occupancy Vehicle (HOV) lane connector from Interstate 680 to the Pleasant Hill or Walnut Creek BART stations or in close proximity to either station or as an extension of the southbound Interstate 680 High-Occupancy Vehicle Lane through the Interstate 680/State Highway Route 4 interchange from North Main in Walnut Creek to Livorna Road. The County Connection shall utilize up to one million dollars ($1,000,000) of the funds described in this paragraph to develop options and recommendations for providing express bus service on the Interstate 680 High-Occupancy Vehicle Lane south of the Benicia Bridge in order to connect to BART. Upon completion of the plan, the Contra Costa Transportation Authority shall adopt a preferred alternative provided by the County Connection plan for future funding. Following adoption of the preferred alternative, the remaining funds may be expended either to fund the preferred alternative or to extend the high-occupancy vehicle lane as described in this paragraph. Fifteen million dollars ($15,000,000). *Funding increased by $5,425,000 (hearing date April 9, 2014). Present amount: twenty million, four hundred twenty-five thousand dollars ($20,425,000).* The project is sponsored by the Contra Costa Transportation Authority.

(13) Rail Extension to East Contra Costa/E-BART. Extend BART from Pittsburg/Bay Point Station to Byron in East Contra Costa County. Ninety-six million dollars ($96,000,000). Project funds may only be used if the project is in compliance with adopted BART policies with respect to appropriate land use zoning in vicinity of proposed stations. The project is jointly sponsored by BART and Contra Costa Transportation Authority.

(14) Capitol Corridor Improvements in Interstate 80/Interstate 680 Corridor. Fund track and station improvements, including the Suisun Third Main Track and new Fairfield Station. Twenty-five million dollars ($25,000,000). *Funding increased by $10,950,126 (hearing date April 9, 2014). Present amount: thirty-five million, nine hundred fifty thousand, one hundred twenty-six dollars ($35,950,126).* The project sponsor is Capitol Corridor Joint Powers Authority and the Solano Transportation Authority.

(15) Central Contra Costa Bay Area Rapid Transit (BART) Crossover. Add new track before Pleasant Hill BART Station to permit BART trains to cross to return track towards San Francisco. Twenty-five million dollars ($25,000,000). The project sponsor is BART.

(16) Benicia-Martinez Bridge: New Span. Provide partial funding for completion of new five-lane span between Benicia and Martinez to significantly increase capacity in the I-680 corridor. Fifty million dollars ($50,000,000). The project sponsor is the Bay Area Toll Authority.

(17) Regional Express Bus North. Competitive grant program for bus service in Richmond-San Rafael Bridge, Carquinez, Benicia-Martinez and Antioch Bridge corridors. Provide funding for park and ride lots, infrastructure improvements, and rolling stock. Eligible recipients include Golden Gate Bridge Highway and Transportation District, Vallejo Transit, Napa VINE, Fairfield-Suisun Transit, Western Contra Costa Transit Authority, Eastern Contra Costa Transit Authority, and Central Contra Costa Transit Authority. The Golden Gate Bridge Highway and Transportation District shall receive a minimum of one million six hundred thousand dollars ($1,600,000). Napa VINE shall receive a minimum of two million four hundred thousand dollars ($2,400,000). Twenty million dollars ($20,000,000). *Funding reduced by $1,201,548 (hearing date April 9, 2014). Present amount: Eighteen million, seven hundred ninety-eight thousand, four hundred fifty-two dollars ($18,798,452).*The project sponsor is the Metropolitan Transportation Commission.

(18) TransLink. Integrate the Bay Area's regional smart card technology, TransLink, with operator fare collection equipment and expand system to new transit services. Twenty-two million dollars ($22,000,000). The project sponsor is the Metropolitan Transportation Commission.

(19) Real-Time Transit Information. Provide a competitive grant program for transit operators for assistance with implementation of high-technology systems to provide real-time transit information to riders at transit stops or via telephone, wireless, or Internet communication. Priority shall be given to projects identified in the commission's connectivity plan adopted pursuant to subdivision (d) of Section 30914.5. Twenty million dollars ($20,000,000). The funds shall be administered by the Metropolitan Transportation Commission.

(20) Safe Routes to Transit: Plan and construct bicycle and pedestrian access improvements in close proximity to transit facilities. Priority shall be given to those projects that best provide access to regional transit services. Twenty-two million five hundred thousand dollars ($22,500,000). City Car Share shall receive two million five hundred thousand dollars ($2,500,000) to expand its program within approximately one-quarter mile of transbay regional transit terminals or stations. The City Car Share project is sponsored by City Car Share and the Safe Routes to Transit project is jointly sponsored by the East Bay Bicycle Coalition and the Transportation and Land Use Coalition. These sponsors must identify a public agency cosponsor for purposes of specific project fund allocations.

21) BART Tube Seismic Strengthening. Add seismic capacity to existing BART tube connecting the east bay with San Francisco. The project sponsor is BART. Forty-three million dollars ($143,000,000)*; funding reduced by $62 million (hearing date June 13, 2007); funding reduced by $10 million (hearing date January 14, 2009); funding reduced by $37,199,000 (hearing dates June 10, 2009 and July 8, 2009). Present Amount: Thirty-three million eight hundred one thousand dollars ($33,801,000).*

(22) Transbay Terminal/Downtown Caltrain Extension. A new Transbay Terminal at First and Mission Streets in San Francisco providing added capacity for transbay, regional, local, and intercity bus services, the extension of Caltrain rail services into the terminal, and accommodation of a future high-speed passenger rail line to the terminal and eventual rail connection to the east bay. Eligible expenses include project planning, design and engineering, construction of a new terminal and its associated ramps and tunnels, demolition of existing structures, design and development of a temporary terminal, property and right-of-way acquisitions required for the project, and associated project-related administrative expenses. A bus- and train-ready terminal facility, including purchase and acquisition of necessary rights-of-way for the terminal, ramps, and rail extension, is the first priority for toll funds for the Transbay Terminal/Downtown Caltrain Extension Project. The temporary terminal operation shall not exceed five years. One hundred fifty million dollars ($150,000,000). The project sponsor is the Transbay Joint Powers Authority.

(23) Oakland Airport Connector. New transit connection to link BART, Capitol Corridor and AC Transit with Oakland Airport. The Port of Oakland shall provide a full funding plan for the connector. The project sponsors are the Port of Oakland and BART. Thirty million dollars ($30,000,000); *funding increased by $38 million (hearing date June 13, 2007); funding increased by $10 million (hearing date January 14, 2009); funding increased by $37,199,000 (hearing dates June 10, 2009 and July 8, 2009).* Present Amount: *One hundred fifteen million one hundred ninety-nine thousand dollars ($115,199,000).*

(24) AC Transit Enhanced Bus-Phase 1 on Telegraph Avenue, International Boulevard, and East 14th Street (Berkeley-Oakland-San Leandro). Develop enhanced bus service on these corridors, including bus bulbs, signal prioritization, new buses, and other improvements. Priority of investment shall improve the AC connection to BART on these corridors. Sixty-five million dollars ($65,000,000). *Funding increased by $12,760,172 (hearing date April 9, 2014). Present amount: seventy-seven million, seven hundred sixty thousand, one hundred seventy-two dollars ($77,760,172).* The project sponsor is AC Transit.

(25) ~~Commute Ferry Service for Alameda/Oakland/Harbor Bay~~. Transbay Commute Fery Service. Purchase two vessels for ferry services between Alameda and Oakland areas and San Francisco. 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. Twelve million dollars ($12,000,000). The project sponsor is Water Transit Authority. If the Water Transit 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.

(26) Commute Ferry Service for Berkeley/Albany. Purchase two vessels for ferry services between the Berkeley/Albany Terminal and San Francisco. Parking access and landside feeder connections must be sufficient to support ridership projections. Twelve million dollars ($12,000,000). The project sponsor is Water Transit Authority. If the Water Transit 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. If the Water Transit Authority does not have an entitled terminal site within the Berkeley/Albany catchment area by 2010 that meets its requirements, the funds described in this paragraph and the operating funds described in paragraph (7) of subdivision (d) shall be transferred to another site in the East Bay. The City of Richmond shall be given first priority to receive this transfer of funds if it has met the planning milestones identified in its special study developed pursuant to paragraph (28).

(27) Commute Ferry Service for South San Francisco. Purchase two vessels for ferry services to the Peninsula. Parking access and landside feeder connections must be sufficient to support ridership projections. Twelve million dollars ($12,000,000). The project sponsor is Water Transit Authority. If the Water Transit 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.

(28) Water Transit Facility Improvements, Spare Vessels, and Environmental Review Costs. Provide two backup vessels for water transit services, expand berthing capacity

at the Port of San Francisco, and expand environmental studies and design for eligible locations. Forty-eight million dollars ($48,000,000). The project sponsor is Water Transit Authority. Up to one million dollars ($1,000,000) of the funds described in this paragraph shall be made available for the Water Transit Authority to study accelerating development and other milestones that would potentially increase ridership at the City of Richmond ferry terminal.

(29) Regional Express Bus Service for San Mateo, Dumbarton, and Bay Bridge Corridors. Expand park and ride lots, improve HOV access, construct ramp improvements, and purchase rolling stock. Twenty-two million dollars ($22,000,000). *Funding increased by $11,932,828 (hearing date April 9, 2014). Present amount: thirty-three million, nine hundred thirty-two thousand, eight hundred twenty-eight dollars ($33,932,828). The project sponsors are AC Transit, Alameda County Transportation Commission, and the Dumbarton Bridge Regional Operations Consortium member agencies.*

(30) I-880 North Safety Improvements. Reconfigure various ramps on I-880 and provide appropriate mitigations between 29th Avenue and 16th Avenue. Ten million dollars ($10,000,000). *Funding increased by $2,300,000 (hearing date April 9, 2014). Present amount: twelve million, three hundred thousand dollars ($12,300,000).* The project sponsors are Alameda County *Transportation Commission*, City of Oakland, and the Department of Transportation.

(31) BART Warm Springs Extension. Extension of the existing BART system from Fremont to Warm Springs in southern Alameda County. Up to ten million dollars ($10,000,000) shall be used for grade separation work in the City of Fremont necessary to extend BART. The project would facilitate a future rail service extension to the Silicon Valley. The project sponsor is BART. Ninety-five million dollars ($95,000,000) *Funding increased by $91 million (hearing date January 14, 2009). Prior condition removed (hearing date April 9, 2014). Present Amount: One hundred eighty-six million dollars ($186,000,000).*

(32) I-580 (Tri Valley) Rapid Transit Corridor Improvements. Provide rail or High-Occupancy Vehicle lane direct connector to Dublin BART and other improvements on I-580 in Alameda County for use by express buses. Sixty-five million dollars ($65,000,000). The project sponsor is Alameda County Congestion Management Agency.

(33) Regional Rail Master Plan. Provide planning funds for integrated regional rail study pursuant to subdivision (f) of Section 30914.5. Six million five hundred thousand dollars ($6,500,000). The project sponsors are Caltrain and BART.

(34) Integrated Fare Structure Program. Provide planning funds for the development of zonal monthly transit passes pursuant to subdivision (e) of Section 30914.5. One

million five hundred thousand dollars ($1,500,000). The project sponsor is the TransLink® Consortium.

(35) Transit Commuter Benefits Promotion. Marketing program to promote tax-saving opportunities for employers and employees as specified in Section 132(f)(3) or 162(a) of the Internal Revenue Code. Goal is to increase the participation rate of employers offering employees a tax-free benefit to commute to work by transit. The project sponsor is the Metropolitan Transportation Commission. Five million dollars ($5,000,000).

(36) Caldecott Tunnel Improvements. Provide funds to plan and construct a fourth bore at the Caldecott Tunnel between Contra Costa and Alameda Counties. The fourth bore will be a two-lane bore with a shoulder or shoulders north of the current three bores. The County Connection shall study all feasible alternatives to increase transit capacity in the westbound corridor of State Highway Route 24 between State Highway Route 680 and the Caldecott Tunnel, including the study of the use of an express lane, high-occupancy vehicle lane, and an auxiliary lane. The cost of the study shall not exceed five hundred thousand dollars ($500,000) and shall be completed not later than January 15, 2006. Fifty million five hundred thousand dollars ($50,500,000). *Funding reduced by $5,425,000 (hearing date April 9, 2014). Present amount: forty-five million, seventy-five thousand dollars ($45,075,000).* The project sponsor is the Contra Costa Transportation Authority.

(37) BART Transit Capital Rehabilitation. Provide local matching funds to BART's fixed guideway rehabilitation and replacement projects funded with federal dollars in FY 06-07 and FY 07-08. Twenty-four million dollars ($24,000,000). The project sponsor is BART. (New project added: hearing date June 13, 2007)

(38) Regional Express Lane Network. Provide funds to plan and construct express/toll lanes. Priority will be given to conversion of the High-Occupancy Vehicle (HOV) lanes on Interstate 80 in Alameda and Contra Costa Counties to express lanes. Four million, eight hundred twenty five thousand, four hundred fifty five dollars and forty three cents ($4,825,455.43). The project sponsor is MTC (subject to delegation to the Bay Area Infrastructure Financing Authority (BAIFA), pending formal action). (New project added: hearing date April 10, 2013)

(39) Major Interchange Modifications in the Vicinity of I-80 and San Pablo Dam Road in Contra Costa County. Provide funds to plan and construct interchange improvements in the vicinity of Interstate 80 and San Pablo Dam Road to reduce congestion and improve traffic safety. Eight million dollars ($8,000,000). The project sponsor is the Contra Costa Transportation Authority. (New project added: hearing date April 10, 2013)

(40) Caltrain Electrification. Provide funding for the electrification of Caltrain. Twenty million dollars ($20,000,000). The project sponsor is Caltrain.

Streets and Highways Code Sections 30914(d)

Not more than 38 percent of the revenues generated from the toll increase shall be made available annually for the purpose of providing operating assistance for transit services as set forth in the authority's annual budget resolution. The funds shall be made available to the provider of the transit services subject to the performance measures described in Section 30914.5. If the funds cannot be obligated for operating assistance consistent with the performance measures, these funds shall be obligated for other operations consistent with this chapter.

Except for operating programs that do not have planned funding increases and subject to the 38-percent limit on total operating cost funding in any single year, following the first year of scheduled operations, an escalation factor, not to exceed 1.5 percent per year, shall be added to the operating cost funding through fiscal year 2015 -16, to partially offset increased operating costs. The escalation factors shall be contained in the operating agreements described in Section 30914.5. Subject to the limitations of this paragraph, the Metropolitan Transportation Commission may annually fund the following operating programs as another component of the Regional Traffic Relief Plan:

(1) Golden Gate Express Bus Service over the Richmond Bridge (Route 40). Two million one hundred thousand dollars ($2,100,000).

(2) Napa Vine Service terminating at the Vallejo Intermodal Terminal. Three hundred ninety thousand dollars ($390,000).

(3) Regional Express Bus North Pool serving the Carquinez and Benicia Bridge Corridors. Three million four hundred thousand dollars ($3,400,000).

(4) Regional Express Bus South Pool serving the Bay Bridge, San Mateo Bridge, and Dumbarton Bridge Corridors. Six million five hundred thousand dollars ($6,500,000).

(5) Dumbarton ~~Rail~~ *Bus*. Five million five hundred thousand dollars ($5,500,000) *(Eligibility changed from Rail to Bus; hearing date January 11, 2012.)*

(6) San Francisco Bay Area Water Emergency Transportation Authority, Alameda/Oakland/Harbor Bay, Berkeley/Albany, South San Francisco, Vallejo, or other transbay ferry service. A portion of the operating funds may be dedicated to landside transit operations. Fifteen million three hundred thousand dollars ($15,300,000).

(7) Owl Bus Service on BART Corridor. One million eight hundred thousand dollars ($1,800,000).

(8) MUNI Metro Third Street Light Rail Line. Two million five hundred thousand dollars ($2,500,000) without escalation.

(9) AC Transit Enhanced Bus Service on Telegraph Avenue, International Boulevard, and East 14th Street in Berkeley-Oakland-San Leandro. Three million dollars ($3,000,000) without escalation.

(10) TransLink, three-year operating program. Twenty million dollars ($20,000,000) without escalation.

(11) San Francisco Bay Area Water Emergency Transportation Authority, regional planning and operations. Three million dollars ($3,000,000) without escalation.