

**Metropolitan Transportation Commission
Programming and Allocations Committee**

May 9, 2007

Item Number 2d

Proposed Amendments to the Regional Measure 2 Program

Subject: Notice to hold a public hearing on June 13th for two proposed amendments to the Regional Measure 2 Program.

Background: Regional Measure 2 (RM2), as passed by the voters in 2004, allows the redirection of RM 2 funds to another project if a project is canceled or allows project modifications if a project cannot continue as statutorily scoped. Last year, an amendment (AB 1407, enacted September 29, 2006) to the RM2 statute expanded this provision to include the reassignment of funds if the RM2 project is to be completed using other funds. Specifically, if a project can be implemented with new funding from non-toll funds, the Commission has the authority to hold a public hearing to reassign the RM 2 funds to another project. Pursuant to Section 30914(f) of the California Streets and Highways Code, MTC must consult with the sponsors and hold a public hearing prior to taking action.

Staff is proposing to exercise this authority to reassign \$62 million in RM2 funds from the Bay Area Rapid Transit (BART) Tube Seismic Retrofit project to 1) the BART Oakland Airport Connector, an existing RM2 project, and 2) the BART Transit Capital Match, a new RM2 project. BART supports both amendments. The proposal and project information will be released for a public review and comment period beginning on May 11, 2007 and ending on June 13, 2007. A public hearing on the documents will be held at the Programming and Allocations Committee meeting on June 13, 2007. The final proposal will be presented for approval at the June 27, 2007 Commission meeting.

Issues: None.

Recommendation: MTC staff recommends the Committee authorize the release of the proposed amendments to the projects in the Regional Measure 2 Program on May 11, 2007 for public review and comment, and authorize a public hearing to be held on June 13, 2007 during the Programming and Allocations Committee meeting.

Attachment: None.