

Date: September 22, 2004
W.I.: 1255
Referred by: PAC
Revised: 04/27/05-C
07/26/06-C
01/24/07-DA
03/28/07-DA
07/25/07-C

ABSTRACT

MTC Resolution No. 3652, Revised

This resolution approves the allocation of Regional Measure 2 funds for the Water Transit Facility Improvements, Spare Vessels and Environmental Review project sponsored and implemented by the Water Transit Authority (WTA).

This resolution includes the following attachments:

Attachment A - Allocation Summary Sheet

Attachment B - Project Specific Conditions for Allocation Approval

Attachment C - MTC staff's review of WTA's Initial Project Report (IPR) for this project

Attachment D - RM2 Deliverable/Useable Segment Cash Flow Plan

This resolution was amended on April 27, 2005, to allocate funds for the construction of two Spare Ferry Vessels.

This resolution was amended on July 26, 2006, to allocate an additional \$5 million to cover a cost increase on the procurement of two Spare Ferry Vessels. The \$5 million comes from a) shifting (rescinding and reallocating of) \$2 million from the environmental studies project to the spare vessels and b) allocating an additional \$3 million from the available funds for the overall project. The amended total allocations for the vessels are \$17 million and for the environmental studies \$5 million. The net change in allocations to the overall project is \$3 million (from \$19 million to \$22 million). Additionally, the WTA is updating the scope for the existing environmental study allocation.

This resolution was amended on January 24, 2007 to allocate \$750,000 for preliminary design of South San Francisco Ferry Terminal project.

This resolution was amended on March 28, 2007 to allocate an additional \$550,000 for preliminary design of the South San Francisco Terminal project. This will bring the total for preliminary design work on this scope to \$1.3 million. Additionally, this request allocates \$25,000 to prepare for the request for proposal on the procurement of two ferry vessels for a future South San Francisco ferry service.

This resolution was amended on July 25, 2007 to allocate \$1.2 million for final design work on the South San Francisco Ferry Terminal project.

Additional discussion of this allocation is contained in the Executive Director's memoranda and/or cover sheet to the MTC Programming and Allocations Committee memorandum dated September 8, 2004, April 13, 2005, July 12, 2006, January 10, 2007 and July 11, 2007.

Date: July 28, 2004
W.I.: 1255
Referred by: PAC

Re: Approval of Allocation of Regional Measure 2 funds for the Water Transit Facility Improvements, Spare Vessels and Environmental Review

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION No. 3652

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

WHEREAS, Streets and Highways Code Sections 30950 et seq. created the Bay Area Toll Authority ("BATA") which is a public instrumentality governed by the same board as that governing MTC; and

WHEREAS, on March 2, 2004, voters approved Regional Measure 2, increasing the toll for all vehicles on the seven state-owned toll bridges in the San Francisco Bay Area by \$1.00, with this extra dollar funding various transportation projects within the region that have been determined to reduce congestion or to make improvements to travel in the toll bridge corridors, as identified in SB 916 (Chapter 715, Statutes of 2004), commonly referred as Regional Measure 2 ("RM2"); and

WHEREAS, RM2 establishes the Regional Traffic Relief Plan and lists specific capital projects and programs and transit operating assistance eligible to receive RM2 funding as identified in Streets and Highways Code Sections 30914(c) & (d); and

WHEREAS, RM2 assigns administrative duties and responsibilities for the implementation of the Regional Traffic Relief Plan to MTC; and

WHEREAS, BATA shall fund the projects of the Regional Traffic Relief Plan by transferring RM2 authorized funds to MTC; and

WHEREAS, MTC adopted policies and procedures for the implementation of the Regional Measure 2 Regional Traffic Relief Plan on June 23, 2004, specifying the allocation criteria and project compliance requirements for RM 2 funding (MTC Resolution No. 3636); and

WHEREAS, the Water Transit Authority (WTA) has submitted a request for the allocation of RM 2 funds for the Water Transit Facility Improvements, Spare Vessels and Environmental Review project; and

WHEREAS, Water Transit Facility Improvements, Spare Vessels and Environmental Review is identified as capital project number 28 under RM 2 and is eligible to receive RM 2 funding as identified in Streets and Highways Code Sections 30914(c); and

WHEREAS, WTA has submitted an Initial Project Report, as required pursuant to Streets and Highway Code Section 30914(e), to MTC for review and approval; and

WHEREAS, Attachment A to this resolution, attached hereto and incorporated herein as though set forth at length, lists the project and phase for which the WTA is requesting RM2 funding and the amount recommended for allocation by MTC staff; and

WHEREAS, Attachment B to this resolution, attached hereto and incorporated herein as though set forth at length, lists the required project specific conditions which must be met prior to execution of the allocation and any reimbursement of RM2 funds; and

WHEREAS, Attachment C to this resolution, attached hereto and incorporated herein as though set forth at length, includes MTC staff's review of WTA's Initial Project Report (IPR) for this project; and

WHEREAS, Attachment D attached hereto and incorporated herein as though set forth at length, lists the cash flow of RM2 funds and complementary funding for the deliverable/useable RM2 project segment; now, therefore be it

RESOLVED, that MTC approves MTC staff's review of WTA's Initial Project Report (IPR) for this project as set forth in Attachment C; and be it further

RESOLVED, that MTC approves the allocation and reimbursement of RM2 funds in accordance with the amount and reimbursement schedule for the phase, and activities as set forth in Attachment A; and, be it further

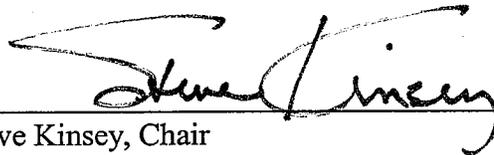
RESOLVED, that the allocation and reimbursement of RM2 funds as set forth in Attachment A are conditioned upon WTA complying with the provisions of the Regional Measure 2 Regional Traffic Relief Plan Policy and Procedures as set forth in length in MTC Resolution 3636; and be it further

RESOLVED, that the allocation and reimbursement of RM2 funds are further conditioned upon the project specific conditions as set forth in Attachment B; and, be it further

RESOLVED, that the allocation and reimbursement of RM2 funds as set forth in Attachment A are conditioned upon the availability and expenditure of any complementary funding as set forth in Attachment D; and be it further

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

METROPOLITAN TRANSPORTATION COMMISSION

A handwritten signature in black ink, appearing to read "Steve Kinsey", is written over a horizontal line.

Steve Kinsey, Chair

The above resolution was entered into by the Metropolitan Transportation Commission at the regular meeting of the Commission held in Oakland, California, on September 22, 2004.

REGIONAL MEASURE 2 PROGRAM Allocation of Funds

Project Title: Water Transit Facilities Improvements and Environmental Review
Sponsor: Water Transit Authority
Project Number: 28.1

Allocation No. 28.1 - Environmental Studies						
Activities to be funded with Allocation #1:						
The RM2 funded component delivers the environmental studies and impact reports, resulting in the following deliverables:						
1. South San Francisco Environmental/Conceptual Design						
2. Berkeley Environmental/Conceptual Document						
3. Hercules Environmental/Conceptual Document						
4. Richmond TOD						
5. WTA Berthing Facility						
6. Environmental Assessment Studies on Wake Wash						
7. Environmental Assessment Studies on Rafting Birds						
Funding Information for Allocation #1:						
Allocation Instruction No.	Approval Date	Amount	Phase	Reimbursement Year	Cumulative Total To Date	
05365201	22-Sep-04	\$ 1,300,000	ENV	FY 2004-05	\$ 1,300,000	
06365202	22-Sep-04	\$ 1,600,000	ENV	FY 2005-06	\$ 2,900,000	
07365203	22-Sep-04	\$ 1,800,000	ENV	FY 2006-07	\$ 4,700,000	
08365204	22-Sep-04	\$ 1,500,000	ENV	FY 2007-08	\$ 6,200,000	
09365205	22-Sep-04	\$ 800,000	ENV	FY 2008-09	\$ 7,000,000	
07365209	26-Jul-06	\$ 300,000	ENV	FY 2006-07	\$ 7,300,000	
08365204	26-Jul-06	\$ (1,500,000)	ENV	FY 2007-08	\$ 5,800,000	
09365205	26-Jul-06	\$ (800,000)	ENV	FY 2008-09	\$ 5,000,000	

REGIONAL MEASURE 2 PROGRAM Allocation of Funds

Project Title: Water Transit Facilities Improvements and Environmental Review
Sponsor: Water Transit Authority
Project Number: 28.1

Allocation No. 28.1 -						
Activities to be funded with Allocation #2:						
<p>A. The WTA will use the funds to complete 35% of the preliminary design for the South San Francisco Ferry Terminal project located at Oyster Point for \$1.3 million. Scope of work includes:</p> <ol style="list-style-type: none"> 1) Update and confirm design criteria and ferry terminal program 2) Update the conceptual design for the Oyster Point Ferry Terminal 3) Preliminary design for In-water construction (35% PS&E) 4) Project management, coordination and permitting assistance <p>B. Construction management services for the request for proposal document regarding the procurement of two ferry vessels for the future South San Francisco Route. (\$25,000)</p>						
Allocation Instruction No.	Approval Date	Amount	Phase	Reimbursement Year	Cumulative Total To Date	
07365210	24-Jan-07	\$ 750,000	ENV/ PAED	FY 2006-07	\$ 5,750,000	
07365211	28-Mar-07	\$ 550,000	ENV/ PAED	FY 2006-07	\$ 6,300,000	
07365212	28-Mar-07	\$ 25,000	PSE	FY 2006-07	\$ 6,325,000	

Allocation No. 28.1 -						
Activities to be funded with Allocation #3:						
<p>Completion of the Final Design for the South San Francisco Ferry Terminal located at Oyster Point. WTA will provide a copy of the final plans, specifications, and estimates to MTC upon completion of this phase.</p>						
Allocation Instruction No.	Approval Date	Amount	Phase	Reimbursement Year	Cumulative Total To Date	
08365213	25-Jul-07	\$ 1,200,000	PSE	FY 2007-08	\$ 7,525,000	

REGIONAL MEASURE 2 PROGRAM Project Specific Conditions

Project Title: Water Transit Facility Improvements and Environmental Review
Sponsor: Water Transit Authority (WTA)
Project Number: 28

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

1. Approval of the allocation package by the WTA Board of Directors on August 26, 2004. The allocation package consists of the Initial Project Report (IPR), resolution of project compliance, and opinion of legal counsel.
2. Receipt of these funds by the Water Transit Authority is conditioned on working cooperatively with MTC and the relevant local jurisdictions to encourage Transit-Oriented Development with the goal of assuring that an appropriate number of residences, jobs, services and other activities will be planned for and located within walking distance of the ferry terminals.
3. WTA may invoice MTC for eligible expenses as frequently as monthly, in accordance with the cash flow plan.
4. On January 24, 2007, funding for the preliminary design (35%) was approved. An MTC allocation of the funding needed to complete the final design phase is contingent upon WTA's resolution of negotiations with the South San Francisco Harbor District regarding the construction and operation of the terminal.

Regional Measure 2 Regional Traffic Relief Plan

**RM2 Project Number: 28.1
 Water Transit Environmental Review**

<p>Lead Sponsor Water Transit Authority</p>	<p>Other Sponsors(s) N/A</p>	<p>Implementing Agency (if applicable) N/A</p>
<p>Legislated Project Description Provide two backup vessels for WTA services, expand berthing capacity at the Port of San Francisco, and expand environmental studies and design for eligible locations. Up to \$1 million of the funds shall be made available for the WTA to study the accelerating development and other milestones that would potentially increase ridership at the City of Richmond ferry terminal.</p>		
<p>RM2 Legislated Funding (in \$1,000) Total Overall Funding \$48,000 28.1 Environmental Studies (\$7500) 28.2 Spare Vessels (\$17,000) 28.3 Downtown Ferry Terminal (\$23,500)</p>		
<p>Project Purpose and Description The RM 2 deliverable phase is to complete environmental studies for several site-specific and system-wide ferry expansion projects, including: South San Francisco, Berkeley, Richmond, Wake Wash and Rafting Birds, Downtown Ferry Terminal. Other Studies (site-specific and system-wide) may be necessary in the future, estimated at \$2,100. Project also includes design and procurement/construction of spare ferry vessels and the San Francisco Ferry Terminal Improvements. Additional studies are being funded through the planning funds on the operating program.</p>		
<p>Funding Description Committed Funds: The \$48 million in RM2 set-aside for these terminal improvements, vessel procurements, and environmental studies fully funds the environmental studies identified, spare vessels, and the downtown ferry terminal improvements. In addition, there is \$36 million in total, or \$12 million per project, set-aside in RM2 funds for Projects #25, 26, and 27 (per the legislation) to fund design and construction of terminals and vessels for the Alameda/Oakland, Berkeley, and South San Francisco ferry expansion projects. Uncommitted Funds: This RM 2 project is fully funded. However, some of these environmental studies are related to other RM 2 projects. To implement the Berkeley and South San Francisco ferry services – including construction of terminals and procurement of vessels, \$29 million in local and federal sources will need to be secured. The split is \$18 million in uncommitted funds for the South San Francisco project (Project #27) and \$11 million in uncommitted funds for the Berkeley project (Project #26). Operating Capacity: RM2 includes an annual operating subsidy for the Alameda/Oakland, Berkeley, and South San Francisco ferry services. This subsidy plus fares is projected to meet the operating expenses.</p>		
<p>Total Estimated Project Cost (in \$1,000) \$7,500</p>		

Overall Project Cost and Schedule

Phase	Scope	Start	End	Cost (in \$1,000)
1	Environmental Document/Preliminary Engineering	1/2005	10/2008	\$7,500
2	Designs, Plans, Specs, & Estimates	N/A	N/A	\$0
3	Right-of-Way Acquisition	N/A	N/A	\$0
4	Construction	N/A	N/A	\$0

Total: \$7,500

Total Project Funding Plan: Committed and Uncommitted Sources

(Amounts Escalated in Thousands)

Project Title	Water Transit Facilities Improvements, Spare Vessels, and Environmental Project No. 28.1									
Lead Sponsor	WTA									

Fund Source	Phase	Prior	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	Future	Total
Committed										
RM2 -Phase 1	Environmental			1,600	1,800	1,600				5,000
RM2 -Phase 2	Environmental						2,500			2,500
										0
										0
										0
										0
Total:		0	0	1,600	1,800	1,600	2,500	0	0	\$ 7,500
Uncommitted										
Total:		0	0	0	0	0	0	0	0	\$ -
Total Project Committed and Uncommitted										
		Prior	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	Future	Total
		0	0	1,600	1,800	1,600	2,500	0	0	\$ 7,500

REGIONAL MEASURE 2 PROGRAM
Project Cash Flow Plan and Complementary Fund Sources

Project Title: Water Transit Environmental Review and Final Design
 Sponsor: Water Transit Authority
 RM2 Project Number: 28.1

RM2 Project No. 28.1	PRIOR	FY 2004-05	FY 2005-06	FY 2006-07	FY 2007-08	FY 2008-09	TOTAL
RM2 Funds Total	-	1,300,000	1,600,000	3,425,000	1,200,000	-	7,525,000
Environmental (ENV)	0	1,300,000	1,600,000	3,400,000	0	0	6,300,000
RM2		1,300,000	1,600,000	2,100,000			5,000,000
RM2				1,300,000			1,300,000
Final Design (PS&E)	0	0	0	25,000	1,200,000	0	1,225,000
RM 2				25,000	1,200,000		1,225,000
							0
							0
Right of Way	0	0	0	0	0	0	0
							0
							0
							0
Construction	0	0	0	0	0	0	0
							0
							0
							0
TOTAL FUNDING							
Environmental	0	1,300,000	1,600,000	3,400,000	0	0	6,300,000
Final Design (PS&E)	0	0	0	25,000	1,200,000	0	1,225,000
Right of Way	0	0	0	0	0	0	0
Construction	0	0	0	0	0	0	0
PROJECT TOTAL	0	1,300,000	1,600,000	3,425,000	1,200,000	0	7,525,000

**REGIONAL MEASURE 2 PROGRAM
Allocation of Funds**

Project Title: Water Transit Facilities Improvements and Environmental Review
Sponsor: Water Transit Authority
Project Number: 28.2

Allocation No. 28.2-1 - Spare Vessels					
Activities to be funded with Allocation #1:					
Project entails design, construction and delivery of two spare ferry vessels will carry up to 220 passengers and 25 bikes.					
Funding Information for Allocation #1:					
Allocation Instruction No.	Approval Date	Amount	Phase	Reimbursement Year	Cumulative Total To Date
06365206	27-Apr-05	\$ 6,000,000	CON	FY 2005-06	\$ 6,000,000
07365207	27-Apr-05	\$ 6,000,000	CON	FY 2006-07	\$ 12,000,000

Allocation No. 28.2-2 - Spare Vessels					
Activities to be funded with Allocation #2:					
This allocation is to cover a cost increase for the procurement of 2 spare vessels. The funding comes from reducing the environmental studies (project 28.1) allocation by \$2 million and a new allocation of \$3 million from the overall funding available to the RM2 legislated project #28.					
Allocation Instruction No.	Approval Date	Amount	Phase	Reimbursement Year	Cumulative Total To Date
08365208	26-Jul-06	\$ 5,000,000	CON	FY 2007-08	\$ 17,000,000

REGIONAL MEASURE 2 PROGRAM Project Specific Conditions

Project Title: Water Transit Spare Vessels
Sponsor: Water Transit Authority (WTA)
Project Number: 28.2

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

1. Receipt of these funds by the Water Transit Authority is conditioned on working cooperatively with MTC and the relevant local jurisdictions to encourage Transit-Oriented Development with the goal of assuring that an appropriate number of residences, jobs, services and other activities will be planned for and located within walking distance of the ferry terminals.
2. WTA may invoice MTC for eligible expenses as frequently as monthly, in accordance with the cash flow plan.
3. MTC is in receipt of letters from the existing ferry operators in the region expressing a need for the spare ferry vessels the WTA is proposing to construct with the RM2 funds and confirmation that the proposed design of the spare vessels is compatible with the operator's current facilities.

On July 26, 2006, the following conditions were approved for the overall project.

4. The WTA must address its future capital needs and requirements in its next short range transit plan (SRTP). Specifically, WTA's SRTP must outline a fully funded plan for the purchase of 6 spare vessels and facility investments for the Alameda/Oakland/ Harbor Bay, Berkeley/Albany, and South San Francisco services, and the berthing facility expansion in the Port of San Francisco as funded through the Regional Measure 2 program.

Regional Measure 2 Regional Traffic Relief Plan

RM2 Project Number: 28.2 Water Transit Spare Vessels

Lead Sponsor Water Transit Authority	Other Sponsors(s) N/A	Implementing Agency (if applicable) N/A
Legislated Project Description Provide two backup vessels for WTA services, expand berthing capacity at the Port of San Francisco, and expand environmental studies and design for eligible locations. Up to \$1 million of the funds shall be made available for the WTA to study the accelerating development and other milestones that would potentially increase ridership at the City of Richmond ferry terminal.		
RM2 Legislated Funding (in \$1,000) Total Overall Funding \$48,000 28.1 Environmental Studies (\$7,500) 28.2 Spare Vessels (\$17,000) 28.3 Downtown Ferry Terminal (\$23,500)		
28.2 Total Estimated Project Cost (in \$1,000) \$17,000		

Project Purpose and Description
 The RM 2 deliverable phase is to construct two spare vessels that will carry up to 220 passengers and 25 bikes. These vessels will be used to improve the reliability of the ferry system when operating vessels are inoperable or need maintenance. The vessels will benefit both existing ferry operators and the enhanced water transit system to be operated by the WTA.

Funding Description
 Committed Funds: The overall \$48 million in RM2 set-aside for these terminal improvements, vessel procurements, and environmental studies fully funds the environmental studies identified, spare vessels, and the downtown ferry terminal improvements. In addition, there is \$36 million in total, or \$12 million per project, set-aside in RM2 funds for Projects #25, 26, and 27 (per the legislation) to fund design and construction of terminals and vessels for the Alameda/Oakland, Berkeley, and South San Francisco ferry expansion projects.
 Uncommitted Funds: This RM 2 project is fully funded.
 Operating Capacity: RM2 includes an annual operating subsidy for the Alameda/Oakland, Berkeley, and South San Francisco ferry services. This subsidy plus fares is projected to meet the operating expenses. The spare vessels will be operated with funds available to existing operators and the WTA for operating services that are already funded through existing sources.

Overall Project Cost and Schedule			
Phase	Scope	Start	End
1	Environmental Document/Preliminary Engineering	N/A	N/A
2	Designs, Plans, Specs, & Estimates	N/A	N/A
3	Right-of-Way Acquisition	N/A	N/A
4	Construction	6/2006	6/2008
Total:			\$17,000

Total Project Funding Plan: Committed and Uncommitted Sources

(Amounts Escalated in Thousands)

Project Title	Water Transit Spare Vessels	Project No.								
Lead Sponsor	WTA	28.2								
Fund Source	Phase	Prior	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	Future	Total
Committed										
RM2- Spare Vessels	Construction			6,000	6,000	5,000				17,000
										0
										0
										0
Total:		0	0	6,000	6,000	5,000	0	0	0	17,000
Uncommitted										
Total:		0	0	0	0	0	0	0	0	0
Total Project Committed and Uncommitted										
	Prior		2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	Future	Total
Total:		0	0	6,000	6,000	5,000	0	0	0	17,000

