

Date: 11/28/07
Referred by: Administration Committee

ABSTRACT

Resolution No. 3836

This resolution assigns MTC's remaining BART Loan receivables of \$47 million in principal plus associated interest to the Bay Area Toll Authority in exchange for a lump sum payment of bridge toll revenues from BATA in an amount of \$47 million.

Further discussion of this action is contained in the MTC "Chief Financial Officer's Memorandum" dated November 14, 2007.

Date: 11/28/07
Referred by: Administration Committee

RE: Assignment by MTC of BART Loan Receivables to BATA in Exchange for Bridge Toll Revenues Cash Payment

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION NO. 3836

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

WHEREAS, MTC adopted Resolution 3434, the Regional Transit Expansion Program of Projects, in December of 2001 and has made subsequent amendments since its original adoption; and

WHEREAS, Resolution 3434 identified \$31 million in East Bay Rail Extension Reserve Account (“RM1 Rail Reserves”) funds for the Oakland Airport Connector project among other project commitments for RM1 Rail Reserves; and

WHEREAS, the Bay Area Rapid Transit District (BART) has made a request for allocation for the \$31 million in RM1 Rail Reserves and other project allocation requests are expected over the next year; and

WHEREAS, the RM1 Rail Reserves currently has insufficient cash to meet a \$31 million request; and

WHEREAS, pursuant to the loan extension and repayment agreement between the San Francisco Bay Area Rapid Transit District (BART) and MTC (MTC Resolution No. 3795) (“BART Loan”), there currently remains a \$47 million principal repayment commitment owed by BART to the RM1 Rail Reserves; and

WHEREAS, the Bay Area Toll Authority (BATA) has sufficient cash to pay MTC \$47 million in exchange for the assignment by MTC of BART loan receivables, including the remaining \$47 million principal plus interest, by MTC to BATA; now, therefore, be it

RESOLVED, that MTC hereby authorizes the assignment to BATA of the remaining principal and interest receivables on the BART Loan established in Exhibit A to MTC Resolution No. 3795 in exchange for a transfer of \$47 million in bridge toll revenues effective November 28, 2007; and

RESOLVED, that MTC hereby retains the responsibility to seek repayment in the unlikely event of a BART default on the Loan Extension and Repayment Agreement dated June 28, 2006, and MTC will retain all of its contract protections and enforcement rights against BART until the BART Loan is paid off; and be it further

RESOLVED, that should there be any disruption or delay in repayment by BART per the provisions of the BART Loan, BATA will withhold the annual East Bay Rail Reserve transfers to MTC; and be it further

RESOLVED, that the Chief Financial Officer is authorized and directed to implement such assignment and payment as described herein on behalf of MTC.

METROPOLITAN TRANSPORTATION COMMISSION

Bill Dodd, Chair

The above resolution was entered into by the Metropolitan Transportation Commission at a regular meeting of the Commission held in Oakland, California, on November 28, 2007.