

Metropolitan Transportation Commission Programming and Allocations Committee

December 12, 2007

Item Number 5b

Resolution No. 3839

- Subject:** Policy and Funding commitment to the eBART project
- Background:** As described in the prior item, staff has embarked on a strategic plan for MTC Resolution 3434 – the Region’s Transit Expansion Program. The objective is to provide a framework for successful project delivery of the projects. One project included in the program is eBART. The eBART project, as currently supported by the eBART Policy Advisory Committee, is a rail extension from the Pittsburg/Bay Point BART Station to Hillcrest Avenue that uses non-BART technology, directly links to the BART system, and follows the Route 4 median alignment.
- At an estimated cost of \$500 million, the project is fully funded through a combination of bridge tolls, Measure J sales tax, State Transportation Improvement Program, Proposition 1B funding, Traffic Congestion Relief Program funds, and developer fees.
- A stumbling block for the project has been the cash flow, and the availability of Measure J sales tax revenues during the construction window through FY2015. Contra Costa Transportation Authority (CCTA) is in the process of updating it’s Measure J Strategic Plan. The draft Strategic Plan did not include a full funding commitment of Measure J revenues in the first period between FY2009 and FY2015. The current proposal would commit to a CCTA bond issuance so that full commitment to eBART could be achieved during the first Strategic Plan period by FY2015, subject to availability during the same time period of MTC bridge toll funds.
- Summary:** Staff recommends that the Commission endorse the policy and funding commitment of bridge toll funding, totaling roughly \$241 million in unallocated revenues, to the project. This commitment will help to solidify the funding and cash flow plan for the eBART project. Note that this commitment is consistent with existing bridge toll policies and procedures.
- Issues:**
- 1) The commitment is conditioned on continued commitment by CCTA of the Measure J revenues in the FY2015 timeframe.
 - 2) The commitment is based on the existing scope and schedule as provided by BART staff. The funding commitment is subject to reaffirmation by BART, MTC, and CCTA during the 2010 update of the CCTA Strategic Plan that the cost and schedule for the eBART project results in a deliverable project and that contract award can occur in the timeframe necessary to allow revenue service to begin in FY2015.
 - 3) Funding in this agreement is subject to the existing bridge toll allocation processes.
- Recommendation:** Staff recommends the Programming and Allocations Committee refer the attached eBART policy commitment of bridge tolls funds (MTC Resolution No. 3839) to the Commission for approval.
- Attachments:** MTC Resolution No. 3839

Date: December 19, 2007
W.I.: 1255
Referred by: PAC

ABSTRACT

Resolution No. 3839

This resolution sets forth a policy and funding commitment to the BART extension to eastern Contra Costa County project (eBART).

Further discussion of this action is contained in the Programming and Allocations Committee Summary Sheet dated December 12, 2007.

Attachment A	Terms of Policy and Funding Commitment
Attachment A-1	Estimated Bridge Toll Commitment Schedule

Date: December 19, 2007
W.I.: 1255
Referred by: PAC

RE: Policy and Funding Commitment to the BART extension to eastern Contra Costa County project (eBART)

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION NO. 3839

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, 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 Streets and Highways Code Section 30912 *et seq.*, 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, the eBART/Rail Extension to East Contra Costa project, sponsored by the BART and CCTA, is identified as capital project number 13 under RM 2 and is eligible to receive RM 2 funding as identified in Streets and Highways Code Sections 30914(c); 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 \$52 million in East Bay Rail Extension Reserve Account (“RM1 Rail Reserves”) funds and \$115 million in AB1171 (toll funds reimbursement [Statutes 2001, c. 907]) funds for the BART Extension to Eastern Contra Costa County among other project commitments for these funding sources; and

WHEREAS, the Bay Area Rapid Transit District (BART), the Contra Costa Transportation Authority (CCTA), and MTC have worked cooperatively to develop an implementation plan for the BART extension to the Eastern Contra Costa County; and

WHEREAS, these same agencies desire to memorialize their respective policy and funding commitments to the project to further the goal of achieving revenue service for the eBART project in the FY2015 time period; now, therefore, be it

RESOLVED, that MTC adopts the Policy and Funding Commitment to the eBART project, as attached hereto as Attachments A and A-1 and finds it consistent with MTC’s current Regional Transportation Plan (RTP), referred to in the Transportation 2030 Plan authorized pursuant to MTC Resolution No. 3681 in February, 2005; and, be it further

RESOLVED, that the Executive Director shall forward a copy of this resolution, and such other information as may be required to the partner agencies and to such other agencies as may be appropriate.

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 December 19, 2007.

Date: December 19, 2007
W.I.: 1255
Referred by: PAC

Attachment A
Resolution No. 3839
Page 1 of 1

Terms of Policy and Funding Commitment

1. MTC commits up to \$241 million in bridge tolls (\$74 million in remaining unallocated Regional Measure 2, \$52 million in Regional Measure 1, and \$115 million in AB1171) for environmental, preliminary engineering, right-of-way acquisition, design, and construction – including widening of Route 4 to accommodate the eBART project – between 2008 and 2015 on roughly the schedule shown in Attachment A-1, with the objective of maintaining the schedule to open the eBART project for revenue service in the 2015 timeframe.
2. MTC's commitment is conditional on
 - a) the continued commitment by the Contra Costa Transportation Authority to include essentially the entire funding authorized under Measure J for the eBART project in the first Strategic Plan time period of FY2009 through FY2015. The Measure J funding commitment totals approximately \$175 million (net of financing and related charges), which is comprised of \$39 million in revenue during the FY2009 to FY2015 period and \$136 million from a bond issuance in FY2015.
 - b) the reaffirmation by BART, MTC, and CCTA during the 2009 update of the CCTA Measure J Strategic Plan that the cost and schedule for the eBART project results in a deliverable project and that contract award can occur in the timeframe necessary to allow revenue service to begin in approximately FY2015, following completion of the Route 4 widening and median construction.
 - c) the entire Measure J funding in the eBART category remains dedicated to transit service in the Route 4 corridor;
3. This commitment is a policy commitment and is still subject to existing bridge toll allocation processes, including fund availability.

**East Contra Costa BART Extension (eBART)
Estimated Bridge Toll Cash Flow**

(in Thousands)

	2007-08 and 2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	Future	TOTAL
RM 2	40,000	34,000								74,000
RM 1			16,000	3,000	3,000	30,000				52,000
AB 1171				115,000						115,000
TOTAL	40,000	34,000	16,000	118,000	3,000	30,000				241,000