

Date: March 23, 2005
W.I.: 1255
Referred by: PAC
Revised: 12/21/05-C
05/24/06-DA
06/27/07-DA
01/23/08-C

ABSTRACT

MTC Resolution No. 3684, Revised

This resolution approves the allocation of Regional Measure 2 funds for the Rail Extension to East Contra Costa County project sponsored by the San Francisco Bay Area Rapid Transit District (BART) and Contra Costa Transportation Authority (CCTA) and implemented by BART.

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 BART and CCTA's Initial Project Report (IPR) for this project

Attachment D - RM2 Deliverable/Useable Segment Cash Flow Plan

This resolution was revised on December 21, 2005 to allocate \$2,500,000 to CCTA for design of the Loveridge flyover to accommodate a transit structure.

This resolution was revised on May 24, 2006 through Delegated Authority to transfer \$100,000 of CCTA's existing allocation to BART for its work related to the Loveridge flyover project. This does not result in a net change to the overall approved allocations to date for this project.

This resolution was revised on June 27, 2007 through Delegated Authority to rescind \$650,000 on the Loveridge flyover structure work and allocate \$650,000 to amend the 100% design specifications on the Loveridge Road Interchange to accommodate eBART in the median of the project. The reallocation was necessary due to a change of assumptions on the alignment of the eBART project. CCTA has terminated work on the flyover structure.

ABSTRACT

MTC Resolution No. 3684, Revised

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This resolution was revised on January 23, 2008 to allocate \$1.6 million to CCTA and BART for final design work to accommodate the future eBART project into the Highway 4 widening design.

Additional discussion of these allocations is contained in the Executive Director's memoranda to the MTC Programming and Allocations Committee dated March 2, 2005, December 14, 2005 and January 9, 2008.

Date: March 23, 2005
W.I.: 1255
Referred by: PAC

Re: Approval of Allocation of Regional Measure 2 funds for the Rail Extension to East Contra Costa County

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION No. 3684

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, which specifies the allocation criteria and project compliance requirements for RM 2 funding (MTC Resolution No. 3636); and

WHEREAS, Rail Extension to East Contra Costa County 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, BART and CCTA are co-sponsors of the Rail Extension to East Contra and BART is the implementing agency; and

WHEREAS, BART and CCTA have submitted a request for the allocation of RM 2 funds for the Rail Extension to East Contra Costs County project; and

WHEREAS, BART and CCTA has submitted an Initial Project Report ("IPR"), 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 BART is requesting RM2 funding and the reimbursement schedule and 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 BART and CCTA'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; and

WHEREAS, the claimants to which funds are allocated under this resolution have certified that the projects and purposes listed and recorded in Attachment A are in compliance with the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), and with the State Environmental Impact Report Guidelines (14 California Code of Regulations Section 15000 et seq.); now, therefore, be it

RESOLVED, that MTC approves MTC staff's review of BART's 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 BART 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

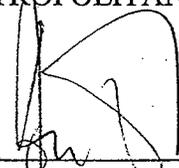
RESOLVED, that the allocation and reimbursement of RM2 funds are further conditioned upon the project specific conditions as set forth in Attachment B; and, be it further

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

RESOLVED, that reimbursement of RM2 funds as set forth in Attachment A is subject to the availability of RM2 funding; and be it further

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

METROPOLITAN TRANSPORTATION COMMISSION



Jon Rubin, Chair

The above resolution was entered into by the Metropolitan Transportation Commission at the regular meeting of the Commission held in Oakland, California, on March 23, 2005.

**REGIONAL MEASURE 2 PROGRAM
Allocation of Funds**

Project Title: Rail Extension to East Contra Costa County
Sponsor: BART and CCTA
Implementing Agency: BART and CCTA
Project Number: 13.1 & 13.2 (See below for respective claimants)

Allocation No. 13.1-1 (Org Key #840-8813-01)						
Claimant: BART						
Activities to be funded with this allocation						
The RM2 funded component delivers the following:						
1. The environmental document						
2. Preliminary engineering report						
3. Right-of-Way Acquisition Plan						
4. Locally adopted Ridership Development Plans (Proposed Stations sites are: Fairgrounds, Hillcrest, Oakley, Brentwood, and Byron).						
Allocation Instruction No.	Approval Date	Amount	Phase	Reimbursement Year	Cumulative Total To Date	
05368401	23-Mar-05	\$ 300,000	ENV	FY2004-05	\$ 300,000	
06368402	23-Mar-05	\$ 6,950,000	ENV	FY2005-06	\$ 7,250,000	
06368403	23-Mar-05	\$ 500,000	ROW-SUP	FY2005-06	\$ 7,750,000	
07368404	23-Mar-05	\$ 8,400,000	ENV	FY2006-07	\$ 16,150,000	
07368405	23-Mar-05	\$ 600,000	ROW-SUP	FY 2006-07	\$ 16,750,000	
08368406	23-Mar-05	\$ 2,000,000	ENV	FY 2007-08	\$ 18,750,000	

Allocation No. 13.2 - 2 (Org Key #840-8813-02)						
Claimant: CCTA						
1) 65% Design for flyover to accommodate transit alternatives being considered as part of e-BART environmental process through the Loveridge Rd. interchange.						
Allocation Instruction No.	Approval Date	Amount	Phase	Reimbursement Year	Cumulative Total To Date	
06368407	21-Dec-05	\$ 1,000,000	Design	FY2005-06	\$ 19,750,000	
07368408	21-Dec-05	\$ 1,500,000	Design	FY2006-07	\$ 21,250,000	
07368408	24-May-06	\$ (100,000)	Design	FY2006-07	\$ 21,150,000	
07368408	27-Jun-07	\$ (650,000)	Design	FY2006-07	\$ 20,500,000	

**REGIONAL MEASURE 2 PROGRAM
Allocation of Funds**

Project Title: Rail Extension to East Contra Costa County
Sponsor: BART and CCTA
Implementing Agency: BART and CCTA
Project Number: 13.1 & 13.2 (See below for respective claimants)

Allocation No. 13.1 -3 (Org Key #840-8813-01)						
Claimant: BART						
Activities to be funded with this allocation						
BART staff costs associated with contribution to the Loveridge Road Flyover project that is being implemented by CCTA. \$100,000 is being shifted from Allocation Instruction # 07368408 to this new allocation.						
Allocation Instruction No.	Approval Date	Amount	Phase	Reimbursement Year		Cumulative Total To Date
07368409	24-May-06	\$ 100,000	Design	FY2006-07	\$	20,600,000

Allocation No. 13.2 -4 (Org Key #840-8813-02)						
Claimant: CCTA						
Revisions to the 100% design specifications on the Loveridge Road interchange project to accommodate the transit alternatives that are being considered as part of the eBART environmental process.						
Allocation Instruction No.	Approval Date	Amount	Phase	Reimbursement Year		Cumulative Total To Date
07368410	27-Jun-07	\$ 650,000	Design	FY2006-07	\$	21,250,000

Allocation No. 13.1 -5 (Org Key #840-8813-01)						
Claimant: BART						
BART consultants will work with Caltrans to incorporate the design (above and below ground structures) of future mass transit in the SR4 median widening construction contract (design to 100%). Specific elements include two structures, drainage, and barrier/retaining walls.						
Allocation Instruction No.	Approval Date	Amount	Phase	Reimbursement Year		Cumulative Total To Date
08368411	23-Jan-08	\$ 800,000	Design	FY2007-08	\$	22,050,000

**REGIONAL MEASURE 2 PROGRAM
 Allocation of Funds**

Project Title: Rail Extension to East Contra Costa County
 Sponsor: BART and CCTA
 Implementing Agency: BART and CCTA
 Project Number: 13.1 & 13.2 (See below for respective claimants)

Allocation No. 13.2 -6 (Org Key #840-8813-02)						
Claimant: CCTA						
Revisions to the 100% design specifications of State Route 4 widening project between Loveridge Road and Somersville Road. Activities include (but not limited to):						
1) Median widening by about 20 additional feet						
2) Structure modifications to Century Boulevard Underpass, Utilities Undercrossing, Old Kirker Creek Reinforced Concrete Box, Los Medanos Wasteway Reinforced Concrete Box, and some retaining walls on the north side of the freeway.						
3) Utility relocation						
Allocation Instruction No.	Approval Date	Amount	Phase	Reimbursement Year	Cumulative Total To Date	
08368412	23-Jan-08	\$ 800,000	Design	FY2007-08	\$	22,850,000

REGIONAL MEASURE 2 PROGRAM Project Specific Conditions

Project Title: Rail Extension to East Contra Costa County Project
Sponsor: BART and CCTA
Implementing Agency: BART
Project Number: 13

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

1. Approval of the allocation package by the BART and CCTA Board of Directors. The allocation package consists of the Initial Project Report (IPR), resolution of project compliance, and opinion of legal counsel.
2. MTC certification of BART and CCTA's evidence of allocation and commitment of complementary funds.
3. Receipt of these funds by the Bay Area Rapid Transit District is conditioned on working cooperatively with MTC to harmonize the District's System Expansion Policy with the Commission's Transit-Oriented Development policy for transit expansion projects funded under Resolution 3434, scheduled for adoption in June 2005. CCTA, BART and MTC will work cooperatively to ensure that both policies are addressed through a unified corridor planning process.
4. BART will work cooperatively with CCTA and MTC to prepare a detailed work plan budget and scope of work for the Ridership Development Plans/ Station Area Plans.
5. CCTA's \$450,000 in Measure C funds and \$100,000 in T-PLUS funds and MTC's \$500,000 in Station Area Planning funds are to be used towards the development of the Ridership Development Plans, to supplement RM2 funds for an estimated total Ridership Development Plan budget of approximately \$2.5 million.
6. Allocations for future phases are dependent upon the environmental analysis of the project. The total project cost as identified in the Initial Project Report is considered conceptual until the completion of the environmental document.
7. BART and CCTA may invoice MTC for eligible project expenses as frequently as monthly, in accordance with the cash flow plan.

RM2 Project Number: 13 Rail Extension to East Contra Costa County (eBART)

Lead Sponsor San Francisco Bay Area Rapid Transit District (BART) Contra Costa Transportation Authority (CCTA)	Other Sponsors(s) N/A	Implementing Agency (if applicable) BART
Legislated Project Description Extend BART from Pittsburg/Bay Point Station to Byron in East Contra Costa County.		
RM2 Legislated Funding (in \$1,000) \$96,000		Total Estimated Project Cost (in \$1,000) \$500,000 (2009 dollars)
Project Purpose and Description The purpose of the project is to bring commute relief to the eastern portion of Contra Costa County, a fast growing part of the Bay Area. The eBART project is a 23-mile rail extension that would utilize a non-BART technology, and link directly into the BART system. The eBART technology is proposed to be diesel-multiple unit trains. The environmental study will examine the route from the existing Pittsburg/Bay Point BART Station to Byron. Because of revenue constraints, the project is proposed for a phased implementation. The first phase would begin at the Pittsburg/Bay Point BART Station and continue eastward to Hillcrest in Antioch (9 miles, 2 new stations). Phase 2 would continue the route from Hillcrest to Oakley, Brentwood, and Byron (three new stations). The environmental analysis will look again at appropriate options for technology and alignment, and could result in a different locally preferred alternative.		
Funding Description Committed Funds: The project has a total of \$502.5 million in committed funds. Uncommitted Funds: Phase 1 is fully funded. Phase 2 is not funded at this time. Operating Capacity: Once in service, eBART would operate as a portion of the BART system, under the same operating source umbrella of fares, sales tax, and property tax. Projected operating costs are \$15.9 million in the first year of operation, with approximately \$12.3 million recovered from fares and parking charges, reflecting a 77 percent recovery rate.		

Overall Project Cost and Schedule

Phase	Scope	Start	End	Cost (in \$1,000)
1	Final Environmental Document	04/2005	01/2009	\$29,100
2	Plans, Specifications and Estimates (to 30% only)	04/2005	03/2009	\$40,000
3	Right-of-Way	04/2005	06/2009	\$129,000
4	Construction (Design - Build)	07/2008	12/2013	\$301,900
Total:				\$500,000

Total Project Funding Plan: Committed and Uncommitted Sources

(Amounts in Thousands)

Project Title	Rail Extension to East Contra Costa County					Project No. 13				
Lead Sponsor	BART and CCTA									
Fund Source	Phase	Prior	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	Future	Total
Committed										
RM2	Environmental		17,750			5,850				23,600
Measure C	Environmental		500							500
TCRP	Environmental				5,000					5,000
RM2	PS&E			2,400		23,600	14,000			40,000
RM2	ROW					4,000				4,000
RM2	Construction					28,400				28,400
AB1171	Construction								115,000	115,000
RM-1	Construction								52,000	52,000
Measure J	Construction								175,000	175,000
Proposition 1B							10,000	10,000	20,000	40,000
ECCFRA									6,000	6,000
STIP	Construction								13,000	13,000
Total:		0	18,250	2,400	5,000	61,850	24,000	10,000	381,000	502,500
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	18,250	2,400	5,000	61,850	24,000	10,000	381,000	502,500

REGIONAL MEASURE 2 PROGRAM Project Cash Flow Plan

Project Title: Rail Extension to East Contra Costa County
 Sponsor: BART and CCTA
 RM2 Project Number: 13

RM2 Project # 13	PRIOR	FY 2004-05	FY 2005-06	FY 2006-07	FY 2007-08	FY 2008-09	TOTAL
RM2 Funds Total		300,000	8,450,000	10,500,000	3,600,000		22,850,000
Environmental (ENV)	0	900,000	7,450,000	8,400,000	2,000,000	0	18,750,000
RM 2		300,000	6,950,000	8,400,000	2,000,000		17,650,000
Measure C		500,000					500,000
CCTA T-Plus Funds		100,000					100,000
MTC Station Area Plans			500,000				500,000
Final Design (PS&E)	0	0	1,000,000	1,500,000	1,600,000	0	4,100,000
RM2			1,000,000	1,500,000	1,600,000		4,100,000
							0
							0
							0
Right of Way	0	0	500,000	600,000	0	0	1,100,000
RM 2			500,000	600,000			1,100,000
							0
							0
							0
Construction	0	0	0	0	0	0	0
							0
							0
							0
							0
TOTAL FUNDING							
Environmental	0	900,000	7,450,000	8,400,000	2,000,000	0	18,750,000
Final Design (PS&E)	0	0	1,000,000	1,500,000	1,600,000	0	4,100,000
Right of Way	0	0	500,000	600,000	0	0	1,100,000
Construction	0	0	0	0	0	0	0
PROJECT TOTAL	0	900,000	8,950,000	10,500,000	3,600,000	0	23,950,000