

# Metropolitan Transportation Commission Programming and Allocations Committee

June 9, 2021

Agenda Item 3b - 21-0718

## MTC Resolution Nos. 4411, Revised, and 4412, Revised.

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**Subject:** Regional Measure 3 (RM3): North Bay Transit Access Improvements Programming and RM3 Letter of No Prejudice (LONP) to the Napa Valley Transportation Authority (NVTA) for the Vine Transit Maintenance Facility.

**Background:** Bay Area voters approved Regional Measure 3 (RM3) on June 5, 2018. RM3, as authorized by Senate Bill 595 (Beall, 2017), includes a comprehensive traffic relief program of projects funded by toll increases on the seven state-owned toll bridges in the Bay Area. RM3 is under litigation and collected RM3 revenue is being held in an escrow account. No allocations of RM3 funds are anticipated at this stage of the pending litigation.

### **North Bay Transit Access Improvements Initial Programming**

RM3 Project 26, North Bay Transit Access Improvements, is one of six RM3 programmatic categories subject to further programming by MTC. RM3 provides a total of \$100 million in toll funds for transit improvements, including but not limited to vehicles, facilities, and access to transit facilities, benefiting the Counties of Marin, Sonoma, Napa, Solano, and Contra Costa. MTC is the listed project sponsor, and eligible applicants are any transit operator providing service in the five counties.

Staff recommends initial programming of the North Bay Transit Access Improvements Program to adopt a proposal by the five County Transportation Agencies (CTAs) to split the funding equally. Under this division, each county will be programmed \$20 million for transit improvements within the county.

In programming these funds, MTC delegates project selection to each CTA for their county's share of the funds, including responsibility for soliciting public input. MTC will continue to review selected projects for consistency with the legislation and the RM3 policies and procedures before issuing future LONPs or allocating funds, if and when funds become available.

### **Vine Transit Maintenance Facility LONP**

In December 2019, MTC approved a Letter of No Prejudice (LONP) process to allow sponsors to move projects forward with alternate funds, at-risk, while maintaining RM3 eligibility if and when RM3 funds are available.

NVTA submitted an RM3 LONP request for \$20 million from the North Bay Transit Access Improvements programmatic category for construction of the Vine Transit Maintenance Facility project. The limited size of NVTA's existing transit yard inhibits its ability to expand and enhance service. The new facility will provide sufficient space for existing operations and projected growth for the next 50 years. The project is preparing to start construction and expected to be completed in December 2022.

The RM3 Policies and Procedures require that the project sponsor provide a non-RM3 source of funding to cover the portion that would be covered by RM3 funds, and that a plan be provided in case the RM3 funds never become available. In lieu of RM3 funds at this time, NVTA will use a combination of funds from a Transportation Infrastructure Finance and Innovation Act loan, a private bank loan, and Transportation Development Act funds, which are also backing the loans.

Staff has reviewed the Initial Project Report and LONP request and recommends issuing the LONP. Issuing the LONP will preserve eligibility of construction activities on the Vine Maintenance Facility occurring after the issuance of the LONP for future RM3 allocation and reimbursement if RM3 legislation is resolved favorably.

**Issues:**


1. Issuance of the NVTA LONP is dependent on approval of the North Bay Transit Access Improvements Programming in Resolution No. 4411, Revised.
2. If the RM3 litigation is not resolved favorably, funds may never become available to reimburse NVTA. NVTA has acknowledged this risk in their agency resolution.

**Recommendation:**

Refer MTC Resolution Nos. 4411, Revised and 4412, Revised to the Commission for approval.

**Attachments:**

MTC Resolution No. 4411, Revised  
MTC Resolution No. 4412, Revised



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Therese W. McMillan

Date: March 25, 2020  
W.I.: 1258  
Referred by: PAC  
Revised: 05/27/20-C 06/23/21-C

ABSTRACT

MTC Resolution No. 4411, Revised

This resolution establishes programming for Regional Measure 3 (RM3) capital projects sponsored or co-sponsored by MTC or BATA.

This resolution includes the following attachments:

Attachment A – Goods Movement and Mitigation Program of Projects

Attachment B – Bay Area Corridor Express Lanes Program of Projects

Attachment C – North Bay Transit Access Improvements Program of Projects

This resolution was revised on May 27, 2020 by Commission Action to add Attachment B – Bay Area Corridor Express Lanes Program of Projects.

This resolution was revised on June 23, 2021 by Commission Action to add Attachment C – North Bay Transit Access Improvements Program of Projects.

Additional discussion of this allocation is contained in the Executive Director’s memorandum and MTC Programming and Allocations Committee Summary sheet dated March 11, 2020, May 13, 2020, and June 9, 2021.

Date: March 25, 2020  
W.I.: 1258  
Referred by: PAC

Re: Programming of Regional Measure 3 Capital Projects Sponsored or Co-Sponsored by MTC or BATA

METROPOLITAN TRANSPORTATION COMMISSION  
RESOLUTION No. 4411

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 June 5, 2018, a special election was held in the City and County of San Francisco, and the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, and Sonoma (individually, each a “County” and, collectively, the “Counties”) to approve a toll increase of three dollars (\$3.00) phased in over time, including a one dollar (\$1.00) toll increase on January 1, 2019, a one dollar (\$1.00) toll increase on January 1, 2022, and a one dollar (\$1.00) toll increase on January 1, 2025, for vehicles traveling on the state-owned bridges located in the San Francisco Bay Area (“Regional Measure 3”); and

WHEREAS, on September 26, 2018, the Bay Area Toll Authority (“Authority”) adopted Resolution No. 126 accepting certified statements from the Registrar of Voters of the City and County of San Francisco and each of the Counties and observing that a majority of all voters voting on Regional Measure 3 (“RM3”) at such special election voted affirmatively for RM3; and

WHEREAS, on December 19, 2018, the Authority adopted Resolution No. 128 adopting a toll schedule phasing in the toll increase approved pursuant to RM3, effective on January 1, 2019; and

WHEREAS, RM3 establishes the RM3 Expenditure Plan and identifies specific capital projects and programs and operating programs eligible to receive RM3 funding as identified in Sections 30914.7(a) and (c) of the California Streets and Highways Code; and

WHEREAS, BATA shall fund the projects of the RM3 Expenditure Plan by bonding or transfers to MTC; and

WHEREAS, MTC adopted RM3 Policies and Procedures for the implementation of the RM3 Expenditure Plan, specifying the allocation criteria and project compliance requirements for RM3 funding (MTC Resolution No. 4404); and

WHEREAS, the RM3 Expenditure Plan gives certain responsibilities to MTC or BATA for specific projects, including project sponsorship or co-sponsorship, making funds available for projects, providing funding for competitive grant programs, allocating funding to an agency designated to build a project, or consulting with entities to determine a project sponsor, as identified in Sections 30914.7(a) and (c) of the California Streets and Highways Code; and

WHEREAS, pursuant to Section 30914.7(a) of the California Streets and Highways Code, other entities are joint project sponsors of certain RM3 capital projects or otherwise listed in determining the project sponsor;

WHEREAS, the Attachments to this resolution, attached hereto and incorporated herein as though set forth at length, list project programming determinations for specific projects pursuant as Section 30914.7(a) of the California Streets and Highways Code; now, therefore, be it

RESOLVED, that MTC approves the programs of projects as set forth in the Attachments; and be it further

RESOLVED, that MTC may take further action to issue RM3 Letters of No Prejudice based on the programs of projects as set forth in the Attachments; and, be it further

RESOLVED, that further MTC action in the form of approved allocations are required to expend RM3 funds; and, be it further

RESOLVED, that MTC will meet all obligations for these projects regarding joint sponsors and other entities pursuant to Section 30914.7(a) of the California Streets and Highways Code; and be it further

RESOLVED, that a certified copy of this resolution and applicable attachments shall be forwarded to any applicable project sponsor, co-sponsor, or implementing agency.

METROPOLITAN TRANSPORTATION COMMISSION



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Scott Haggerty, Chair

The above resolution was entered into  
by the Metropolitan Transportation  
Commission at the regular meeting  
of the Commission held in San Francisco,  
California, on March 25, 2020.

**North Bay Transit Access Improvements**

<b>RM3 Project No.</b>	<b>26</b>
<b>Project Title</b>	<b>North Bay Transit Access Improvements</b>
<b>Funding Amount</b>	<b>\$100,000,000</b>
<b>Statute Project Description</b>	
Provide funding for transit improvements, including, but not limited to, bus capital projects, including vehicles, transit facilities, and access to transit facilities, benefiting the Counties of Marin, Sonoma, Napa, Solano, and Contra Costa. Priority shall be given to projects that are fully funded, ready for construction, and serving rail transit or transit service that operates primarily on existing or fully funded high-occupancy vehicle lanes.	
<b>Statute Project Sponsor Description</b>	
The project sponsor is the Metropolitan Transportation Commission. Eligible applicants are any transit operator providing service in the Counties of Contra Costa, Marin, Napa, Solano, or Sonoma.	
<b>Other Project Sponsor Action Required for Programming</b>	
MTC is delegating project selection for each county to the applicable County Transportation Agency, subject to review of consistency with RM3 legislation and RM3 policies and procedures. Prior to MTC programming projects in this category, a Board resolution from relevant County Transportation Agency will be required.	

**Program of Projects**

<b>County</b>	<b>Implementing Agency</b>	<b>Project Title(s)</b>	<b>RM3 Amount (\$ millions)</b>
Napa	Napa Valley Transportation Authority	Vine Transit Maintenance Facility	\$20
Contra Costa	TBD	TBD	\$20
Marin	TBD	TBD	\$20
Solano	TBD	TBD	\$20
Sonoma	TBD	TBD	\$20
<b>Total</b>			<b>\$100</b>

Date: March 25, 2020  
Referred by: PAC  
Revised: 05/27/20-C 07/22/20-C  
10/28/20-C 12/16/20-C  
02/24/21-C 04/28/21-C  
06/23/21-C

ABSTRACT

MTC Resolution No. 4412, Revised

This resolution authorizes the Executive Director to issue Letters of No Prejudice for RM3 funds for eligible projects.

This resolution includes the following attachments:

- Attachment A – Mission Bay Ferry Landing (WETA) LONP Summary
- Attachment B – Goods Movement GoPort 7<sup>th</sup> Street Grade Separation (Alameda County Transportation Commission (ACTC)) LONP Summary
- Attachment C – I-680/SR-84 Interchange Reconstruction and SR-84 Expressway Widening (ACTC) LONP Summary
- Attachment D – I-80/680/SR-12 Interchange (Solano Transportation Authority) LONP Summary
- Attachment E – US-101/I-580 Direct Connector (Transportation Authority of Marin) LONP Summary
- Attachment F – SMART System Extension to Windsor and Healdsburg (SMART) LONP Summary
- Attachment G – US-101 Marin-Sonoma Narrows Marin Segment Project (Transportation Authority of Marin) LONP Summary
- Attachment H – I-680/SR-4 Interchange Improvement Phase 1 and 2A Project (Contra Costa Transportation Authority) LONP Summary
- Attachment I – Mokelumne Trail Bicycle/Pedestrian Overcrossing of SR-4 Project (Contra Costa Transportation Authority) LONP Summary
- Attachment J – SR-262 (Mission Blvd.) Cross Connector Project (Alameda County Transportation Commission) LONP Summary
- Attachment K – I-80 Westbound Truck Scales Project (Solano Transportation Authority) LONP Summary
- Attachment L – US-101 Marin-Sonoma Narrows Project (Transportation Authority of Marin) LONP Summary



Attachment M – I-80 Express Lanes Project (Solano Transportation Authority) LONP  
Summary

Attachment N – Vine Transit Maintenance Facility (Napa Valley Transportation  
Authority) LONP Summary

This resolution was revised by Commission Action on May 27, 2020 to add Attachments B and C, LONP Summaries for two RM3 projects sponsored by the Alameda County Transportation Commission (ACTC).

This resolution was revised by Commission Action on July 22, 2020 to add Attachments D and E, LONP Summaries for two RM3 projects sponsored by the Solano Transportation Authority (STA) and the Transportation Authority of Marin (TAM).

This resolution was revised by Commission Action on October 28, 2020 to add Attachment F, LONP Summary for an RM3 project sponsored by the Sonoma-Marín Area Rail Transit District (SMART).

This resolution was revised by Commission Action on December 16, 2020 to add Attachment G, LONP Summary for an RM3 project sponsored by the Transportation Authority of Marin (TAM).

This resolution was revised by Commission Action on February 24, 2021 to add Attachments H and I, LONP Summaries for two RM3 projects sponsored by the Contra Costa Transportation Authority (CCTA).

This resolution was revised by Commission Action on April 28, 2021 to add Attachment J, LONP Summary for SR-262 (Mission Blvd.) Cross Connector Project sponsored by the Alameda County Transportation Commission; Attachment K, LONP Summary for I-80 Westbound Truck Scales Project sponsored by the Solano Transportation Authority; Attachment L, LONP Summary for US-101 Marin-Sonoma Narrows Project sponsored by the Transportation Authority of Marin; and Attachment M, LONP Summary for I-80 Express Lanes Project sponsored by the Solano Transportation Authority.

This resolution was revised by Commission Action on June 23, 2021 to add Attachment N, LONP Summary for a project sponsored by the Napa Valley Transportation Authority (NVTA).

Additional discussion of this allocation is contained in the Programming and Allocations Committee Summary sheets dated March 11, 2020, May 13, 2020, July 10, 2020, October 14, 2020, December 9, 2020, February 10, 2021, April 14, 2021, and June 9, 2021.

Date: March 25, 2020  
W.I.: 1255  
Referred by: PAC

Re: Authorization to Issue Letters of No Prejudice for Regional Measure 3 Funds

METROPOLITAN TRANSPORTATION COMMISSION  
RESOLUTION No. 4412

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 June 5, 2018, a special election was held in the City and County of San Francisco, and the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, and Sonoma (individually, each a “County” and, collectively, the “Counties”) to approve a toll increase of three dollars (\$3.00) phased in over time, including a one dollar (\$1.00) toll increase on January 1, 2019, a one dollar (\$1.00) toll increase on January 1, 2022, and a one dollar (\$1.00) toll increase on January 1, 2025, for vehicles traveling on the state-owned bridges located in the San Francisco Bay Area (“Regional Measure 3”); and

WHEREAS, on September 26, 2018, the Bay Area Toll Authority (“Authority”) adopted Resolution No. 126 accepting certified statements from the Registrar of Voters of the City and County of San Francisco and each of the Counties and observing that a majority of all voters voting on Regional Measure 3 (“RM3”) at such special election voted affirmatively for RM3; and

WHEREAS, on December 19, 2018, the Authority adopted Resolution No. 128 adopting a toll schedule phasing in the toll increase approved pursuant to RM3, effective on January 1, 2019; and

WHEREAS, RM3 establishes the RM3 Expenditure Plan and identifies specific capital projects and programs and operating programs eligible to receive RM3 funding as identified in Sections 30914.7(a) and (c) of the California Streets and Highways Code; and

WHEREAS, BATA shall fund the projects of the RM3 Expenditure Plan by bonding or transfers to MTC; and

WHEREAS, MTC adopted RM3 Policies and Procedures for the implementation of the RM3 Expenditure Plan, specifying the allocation criteria and project compliance requirements for RM3 funding (MTC Resolution No. 4404); and

WHEREAS, the RM3 Policies and Procedures established a process whereby eligible transportation project sponsors may request a Letter of No Prejudice (LONP) for Regional Measure 3 funding; and

WHEREAS, the Attachments to this resolution, attached hereto and incorporated herein as though set forth at length, list the scope, amount, and conditions for which project sponsors have requested an LONP, and the replacement funding source used in place of RM3 funds; and

WHEREAS, the claimants to which an LONP is issued under this resolution have certified that the projects and purposes listed and recorded the Attachments 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 the LONP requests for the projects listed in the Attachments; and be it further

RESOLVED, that MTC authorizes the Executive Director to issue LONPs in accordance with the amount and activities as set forth in the Attachments; and, be it further

RESOLVED, that future allocation and reimbursement with RM3 funds will be conditioned upon successful outcome of RM3 litigation; and, be it further

RESOLVED, that future allocation and reimbursement with RM3 funds will be conditioned upon compliance with the provisions of the RM3 Policies and Procedures as set forth in length in MTC Resolution No. 4404; and be it further

RESOLVED, that future allocation and reimbursement of RM3 funds are further conditioned upon the project specific conditions as set forth in the Attachments; and, be it further

RESOLVED, that project sponsors receiving an LONP are responsible for delivering the usable project segment or complete phase with alternate funds before RM3 funds are available, at risk to the project sponsor; and be it further

RESOLVED, that an RM3 LONP does not represent a general funding commitment by MTC; in the event that RM3 funds do not become available, there is no expectation that MTC or BATA will provide alternate funds; and be it further

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

METROPOLITAN TRANSPORTATION COMMISSION

  
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Scott Haggerty, Chair

The above resolution was entered into by the Metropolitan Transportation Commission at the regular meeting of the Commission held in San Francisco, California, on March 25, 2020.



## Regional Measure 3

### Letter of No Prejudice Project Summary

#### Project Information

<b>RM3 Project Number</b>	26.1	
<b>Project Title</b>	Vine Transit Maintenance Facility (under North Bay Transit Access Improvements)	
<b>Lead Sponsor(s)</b>	<b>Other Sponsor(s)</b>	<b>Implementing Agency</b>
Napa Valley Transportation Authority (NVTA)		NVTA
<b>Legislated Project Description</b>	<b>RM3 Legislated Funding (in \$1,000s)</b>	
(26) Provide funding for transit improvements, including, but not limited to, bus capital projects, including vehicles, transit facilities, and access to transit facilities, benefiting the Counties of Marin, Sonoma, Napa, Solano, and Contra Costa. Priority shall be given to projects that are fully funded, ready for construction, and serving rail transit or transit service that operates primarily on existing or fully funded high-occupancy vehicle lanes.	\$20,000	
<b>Sponsor Programming and LONP Request Action</b>		
The NVTA Board of Directors approved NVTA Resolution No. 21-02 on January 20, 2021, programming their \$20,000,000 share of the North Bay Transit Access Improvement RM3 project to the Vine Transit Maintenance Facility and approving a \$20,000,000 LONP request.		
<b>Detailed Project Description</b>		
NVTA will build a new bus maintenance, operations and administration facility on land purchased in 2016. The construction of facility includes six operating bays, a dispatch and command center equipped as an emergency response center, stand-alone administrative office building with training rooms, modern bus wash, bus storage for up to 100 transit vehicles of various sizes, photo-voltaic solar panels capable of producing enough to power the facility, electric bus charging stations, regional meeting/ job training center, and parking for employees and visitors.		
<b>LONP Phase</b>	<b>LONP Amount (in \$1,000s)</b>	<b>LONP Approval Date</b>
CON	\$20,000	23-Jun-21
<b>Scope - Activities eligible for future allocation and reimbursement if RM3 funds become available</b>		
The LONP preserves future RM3 eligibility for costs related to construction of the Vine Transit Maintenance Facility incurred after the LONP approval date.		
<b>Conditions - In addition to the successful outcome of RM3 litigation, eligibility for future allocation and reimbursement is conditioned upon the following:</b>		
1	None	



## Regional Measure 3

### Letter of No Prejudice Project Summary

#### Project Funding Plan and Schedule

<b>RM3 Project Number</b>	26.1
<b>Project Title</b>	Vine Transit Maintenance Facility (under North Bay Transit Access Improvements)
<b>RM3 Replacement Funding Source</b>	TIFIA loan, private loan, and TDA funds

**Project Funding Plan**

**Project Schedule**

Phase	Funding Source	Committed? (Yes/No)	Total Amount (\$1,000s)	Start	End
ENV	TDA	Yes	\$ 250	Mar-16	Jan-18
	<b>ENV Subtotal</b>		<b>\$ 250</b>		
PSE	TDA	Yes	\$ 2,029	Aug-17	Sep-19
	<b>PSE Subtotal</b>		<b>\$ 2,029</b>		
ROW	TDA	Yes	\$ 2,624	Sep-18	Sep-18
	<b>ROW Subtotal</b>		<b>\$ 2,624</b>		
CON	TDA (RM3 replacement)	Yes	\$ 4,414	Jun-21	Dec-22
	TIFIA (RM3 replacement)	Yes	\$ 19,917		
	FTA	Yes	\$ 5,253		
	STA SGR	Yes	\$ 63		
	Private Bank Loan (RM3 replacement)	Yes	\$ 5,000		
	SB1 Local Partnership	Yes	\$ 1,100		
	<b>CON Subtotal</b>		<b>\$ 35,747</b>		
	<b>Capital Funding Total</b>		<b>\$ 40,650</b>		