

Date: December 18, 2024
W.I.: 1127
Referred by: BATA Oversight

ABSTRACT

Resolution No. 181

This resolution requests an allocation for Regional Measure 3 project (17) the Dumbarton Corridor Improvements.

- Attachment A -Allocation Request Form
- Attachment B – Allocation Request Funding Plan
- Attachment C – Initial Project Report
- Attachment D -Initial Project Report Funding Plan
- Attachment E – Project Location & Key Elements

Further discussion of this subject is contained in the Bay Area Toll Authority Oversight Committee Summary Sheet dated December 11, 2024.

Date: December 18, 2024
W.I.: 1127
Referred by: BATA Oversight

RE: Regional Measure 3 Dumbarton Corridor Improvements: Sponsor Agency Resolution of Project Compliance – Allocation Request

BAY AREA TOLL AUTHORITY
RESOLUTION NO. 181

Sponsor Agency: Bay Area Toll Authority (BATA)
Project Title: (17) Dumbarton Corridor Improvements
Subproject Title: Marshlands Road Bay Trail

WHEREAS, SB 595 (Chapter 650, Statutes 2017), commonly referred as Regional Measure 3, identified projects eligible to receive funding under the Regional Measure 3 Expenditure Plan; and

WHEREAS, the Metropolitan Transportation Commission (MTC) is responsible for funding projects eligible for Regional Measure 3 funds, pursuant to Streets and Highways Code Section 30914.7(a) and (c); and

WHEREAS, MTC has established a process whereby eligible transportation project sponsors may submit allocation requests for Regional Measure 3 funding; and

WHEREAS, allocation requests to MTC must be submitted consistent with procedures and conditions as outlined in Regional Measure 3 Policies and Procedures (MTC Resolution No. 4404; and

WHEREAS, BATA is an eligible sponsor of transportation project(s) in the Regional Measure 3 Expenditure Plan; and

WHEREAS, the Dumbarton Corridor Improvements – Marshlands Road Bay Trail Project is eligible for consideration in the Regional Measure 3 Expenditure Plan, as identified in California Streets and Highways Code Section 30914.7(a); and

WHEREAS, the Regional Measure 3 updated allocation request, in Attachments A and B, and the Initial Project Report (IPR), in Attachments C, D, and E, for the Marshlands Road Bay Trail Project attached hereto and incorporated herein as though set forth at length, lists the project, purpose, schedule, budget, expenditure and cash flow plan for which BATA is requesting that MTC allocate Regional Measure 3 funds; now, therefore, be it

RESOLVED, that BATA, and its agents shall comply with the provisions of the Metropolitan Transportation Commission's Regional Measure 3 Policies and Procedures); and be it further

RESOLVED, that BATA certifies that the Dumbarton Corridor Improvements – Marshlands Road Bay Trail Project is consistent with the Regional Transportation Plan (RTP); and be it further

RESOLVED, that the year of funding for any design, right-of-way and/or construction phases has taken into consideration the time necessary to obtain environmental clearance and permitting approval for the project; and be it further

RESOLVED, that the Regional Measure 3 phase or segment is fully funded, and results in an operable and useable segment; and be it further

RESOLVED, that BATA approves the allocation request and updated IPR, attached to this resolution; and be it further

RESOLVED, that BATA approves the cash flow plan, attached to this resolution; and be it further

RESOLVED, that BATA has reviewed the project needs and has adequate staffing resources to deliver and complete the project within the schedule set forth in the allocation request and updated IPR, attached to this resolution; and, be it further

RESOLVED, that BATA is authorized to submit an allocation request for Regional Measure 3 funds for the Dumbarton Corridor Improvements – Marshlands Road Bay Trail Project in accordance with California Streets and Highways Code 30914.7(a); and be it further

RESOLVED, that BATA certifies that the projects and purposes for which RM3 funds are being requested 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.) and if relevant the National Environmental Policy Act (NEPA), 42 USC Section 4-1 et. seq. and the applicable regulations thereunder; and be it further

RESOLVED, that there is no legal impediment to BATA making allocation requests for Regional Measure 3 funds; and be it further

RESOLVED, that there is no pending or threatened litigation which might in any way adversely affect the proposed project, or the ability of BATA to deliver such project; and be it further

RESOLVED, that BATA indemnifies and holds harmless MTC and their Commissioners, representatives, agents, and employees from and against all claims, injury, suits, demands, liability, losses, damages, and expenses, whether direct or indirect (including any and all costs and expenses in connection therewith), incurred by reason of any act or failure to act of BATA, its officers, employees or agents, or subcontractors or any of them in connection with its performance of services under this allocation of RM3 funds. BATA agrees at its own cost, expense, and risk, to defend any and all claims, actions, suits, or other legal proceedings brought or instituted against MTC, BATA, and their Commissioners, officers, agents, and employees, or any of them, arising out of such act or omission, and to pay and satisfy any resulting judgments. In addition to any other remedy authorized by law, so much of the funding due under this allocation of RM3 funds as shall reasonably be considered necessary by MTC may be retained until disposition has been made of any claim for damages, and be it further

RESOLVED, that BATA shall, if any revenues or profits from any non-governmental use of property (or project) that those revenues or profits shall be used exclusively for the public transportation services for which the project was initially approved, either for capital improvements or maintenance and operational costs, otherwise the Metropolitan Transportation Commission is entitled to a proportionate share equal to MTC's percentage participation in the projects(s); and be it further

RESOLVED, that assets purchased with RM3 funds including facilities and equipment shall be used for the public transportation uses intended, and should said facilities and equipment cease to be operated or maintained for their intended public transportation purposes for its useful life, that the Metropolitan Transportation Commission (MTC) shall be entitled to a present day value refund or credit (at MTC's option) based on MTC's share of the Fair Market Value of the said facilities and equipment at the time the public transportation uses ceased, which shall be paid back to MTC in the same proportion that Regional Measure 3 funds were originally used; and be it further

RESOLVED, that BATA shall post on both ends of the construction site(s) at least two signs visible to the public stating that the Project is funded with Regional Measure 3 Toll Revenues; and be it further

RESOLVED, that BATA authorizes its Executive Director, or his/her designee to execute and submit an allocation request for the environmental and design phase with MTC for Regional Measure 3 funds in the amount of (\$1,000,000), for the project, purposes and amounts included in the allocation request attached to this resolution; and be it further

RESOLVED, that the (Executive Director, or his/her designee) is hereby delegated the authority to make non-substantive changes or minor amendments to the allocation request or IPR as he/she deems appropriate; and be it further

RESOLVED, that a copy of this resolution shall be transmitted to MTC in conjunction with the filing of the BATA allocation request referenced herein.

BAY AREA TOLL AUTHORITY

Alfredo Pedroza, Chair

The above resolution was entered into by the
Bay Area Toll Authority at a
duly called and noticed meeting held in
San Francisco, California and at other remote
locations, on December 18, 2024.