

Metropolitan Transportation Commission

January 26, 2022

Agenda Item 12b - 21-1663

MTC Resolution No. 4509. Caltrain Right-of-Way Repayment to SamTrans

Subject:

Approval of a funding commitment for a \$19.6 million payment to the San Mateo County Transit District (SamTrans) to satisfy the terms of a 2007 settlement agreement related to the purchase of Caltrain right of way (ROW). MTC Resolution No. 4509 sets forth the timing and conditions of the funding commitment.

Background:

At the January 12, 2022 Programming and Allocations Committee, the Committee approved a motion directing staff to present to the Commission for approval a resolution committing \$19.6 million in grant funding to SamTrans as repayment for their fronting of funds for the purchase of the Caltrain ROW. This payment would represent the last and final MTC payment to retire the principal identified in the Real Property Ownership Agreement (RPOA), amended in 2008, between the Santa Clara Valley Transportation Authority, San Francisco City and County, and SamTrans.

The Committee recommended the commitment be subject to the following conditions:

- Principal payment of \$19.6 million constitutes full payment of any and all remaining MTC obligation for monies advanced by SamTrans for the purchase of the Caltrain right of way, with no expectation by SamTrans of future contributions by the Commission.
- Inclusion of a policy statement affirming the JPB agreement around governance does not preclude recommendations forthcoming from the Network Management Business Case and/or the Regional Rail Study.
- Inclusion in the recommendation that any future contemplated evaluation or reconvening of the Caltrain governance process include consultation with MTC regarding the status of ongoing regional governance processes including any network management recommendations that may have been adopted before that time.

Note that the language has been modified slightly based on direction from the Committee to work with JPB staff on mutually agreeable language.

Staff is currently evaluating potential fund sources and will work with SamTrans to identify a source that is agreeable to both agencies for use on a program or project of SamTrans choice and that meets eligibility requirements. Staff proposes that the programming action occur within calendar year 2022, with an accelerated goal of bringing back a recommendation by June 2022.

Issues:

None

Recommendations:

Adopt MTC Resolution No. 4509

Attachments:

- Attachment A: MTC Resolution No. 4509



Therese W. McMillan

Date: January 26, 2022
W.I.: 1515
Referred by: Commission

ABSTRACT

Resolution No. 4509

Funding commitment of \$19.6 million to the San Mateo County Transit District (SamTrans) representing the last and final MTC payment to retire the principal identified in the Real Property Ownership Agreement (RPOA) related to the purchase of the Caltrain right of way, amended in 2008, between the Santa Clara Valley Transportation Authority, San Francisco City and County, and SamTrans.

The resolution includes the following attachment:

Attachment A – Timing and conditions of funding commitment

Further discussion of this action is contained in the Metropolitan Transportation Commission summary sheet dated January 26, 2022.

Date: January 26, 2022
W.I.: 1515
Referred by: Commission

RE: MTC Funding Commitment to SamTrans to Retire Caltrain Right of Way Principal Payment

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION NO. 4509

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

WHEREAS, MTC adopted the FY 2021-22 fund estimate, including the distribution and apportionment of Transportation Development Act (TDA), State Transit Assistance (STA), State of Good Repair (SGR) Program, Assembly Bill (AB) 1107 sales tax, Low Carbon Transit Operations (LCTOP) cap-and-trade auction revenues, and transit-related bridge toll funds (MTC Resolution No. 4450, revised); and

WHEREAS, the San Mateo County Transit District (SamTrans) provided \$82 million for the 1991 Purchase Sale and Option Agreement to the Peninsula Joint Powers Board for the purchase of the Caltrain Mainline Right of Way; and

WHEREAS, in the Real Property Ownership Agreement (RPOA), amended in 2008, the Santa Clara Valley Transportation Authority, San Francisco City and County, and SamTrans agreed to reset the amount of the additional contribution attributable to VTA and San Francisco at \$53.3 million. Of the \$43.3 million to be paid by MTC, approximately 80 percent would be paid on behalf of VTA, and 20 percent on behalf of San Francisco; and

WHEREAS MTC has paid \$23.7 million of the \$43.3 million as identified in the fund estimate (MTC Resolution No. 4450, revised); now, therefore, be it

RESOLVED, that MTC shall identify \$19.6 million in federal, state or other grant funding to retire the remaining principal payment and program, allocate or otherwise direct these funds to SamTrans for an eligible program or project subject to the timing and conditions set forth in Attachment A; and, be it further

RESOLVED, that this \$19.6 million payment represents the last and final payment by MTC related to the RPOA.

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METROPOLITAN TRANSPORTATION COMMISSION

Alfredo Pedroza, Chair

The above resolution was approved by the Metropolitan Transportation Commission at a regular meeting of the Commission held in San Francisco, California, and at other remote Locations, on January 26, 2022.

**Timing and Conditions of MTC Payment to SamTrans to Retire Caltrain Right of Way
Principal Payment**

MTC shall identify \$19.6 million in federal, state or other grant funding to retire the principal payment identified in the Real Property Ownership Agreement (RPOA) and program, allocate or otherwise direct these funds to SamTrans for an eligible program or project subject to the following conditions:

- Principal payment of \$19.6 million constitutes full payment of any and all remaining MTC obligation for monies advanced by SamTrans for the purchase of the Caltrain right of way, with no expectation by SamTrans of future contributions by the Commission.
- Inclusion of a policy statement affirming the JPB agreement around governance does not preclude recommendations forthcoming from the Network Management Business Case and/or the Regional Rail Study.
- Inclusion in the recommendation that any future contemplated evaluation or reconvening of the Caltrain governance process include consultation with MTC regarding the status of ongoing regional governance processes including any network management recommendations that may have been adopted before that time.

MTC shall take a programming or allocation action to operationalize this funding commitment within calendar year 2022, with an accelerated goal of bringing back a recommendation for action by June 2022.