

**Bay Area Infrastructure Finance Authority
(BAIFA)**

January 25, 2023

Agenda Item 3d - 23-0107

Amendments to Agreements for the San Mateo 101 Express Lanes

i) Cooperative Agreement Amendment - San Mateo 101 Express Lanes Toll System: San Mateo County Express Lanes Joint Powers Authority (SMCELJPA), the San Mateo County Transportation Authority (SMCTA) and the City/County Association of Governments of San Mateo County (C/CAG)

ii) Funding Agreement Amendment - San Mateo 101 Express Lane Civil Construction: San Mateo County Transportation Authority (SMCTA) (\$800,000)

Subject:

A request for i) approval to amend the cooperative agreement with SMCELJPA, SMCTA, and C/CAG to reduce local funds by \$390,000 and BAIFA funds by \$800,000, and ii) approval of an amendment to the funding agreement with SMCTA to add \$800,000 BAIFA funds to address additional funding need for highway planting for the SM-101 Express Lanes Project.

Background:

The San Mateo County US 101 Express Lanes Project (San Mateo 101) involves (1) converting an existing HOV lane to an Express Lane from the Santa Clara County line to Whipple Avenue in San Mateo County, and (2) constructing a new Express Lane from Whipple Avenue in San Mateo County to Interstate 380 in San Mateo County. In February 2019, BAIFA approved an arrangement whereby BAIFA will implement and operate the San Mateo 101 Express Lanes toll system for the owner, San Mateo County Express Lanes Joint Powers Authority (SMCEL-JPA), which was created on May 24, 2019 by the San Mateo City/County Council of Governments (C/CAG) and San Mateo County Transportation Authority (SMCTA).

The FY 2019-20 BAIFA Capital Budget includes \$95 million for San Mateo 101. These funds provided to BAIFA by the Bay Area Toll Authority (BATA) represent the regional commitment of bridge toll funding to the \$586.9 million project, which secured \$200 million in the first cycle of competitive Senate Bill 1 (SB 1) funding. The \$95 million includes:

- \$45 million to pay for BAIFA's costs to implement the San Mateo 101 toll system ("Toll System Funds"), and
- \$50 million to help fund contracts for civil construction such as adding a new lane in each direction north of Whipple Avenue and constructing express lane signs and other improvements to the roadway necessary for the express lanes ("Civil Funds").

The funding agreement approved in November 2019 provides Civil Funds to SMCTA, which serves as a pass through agency in providing funds towards the San Mateo 101 civil construction to Caltrans, which is responsible for the civil construction.

In June 2019, BAIFA authorized a cooperative agreement with SMCELJPA committing an initial amount not to exceed \$3 million for the toll system design phase. BAIFA subsequently entered into the agreement with all of the San Mateo County Agencies. In May 2020, BAIFA approved amending the cooperative agreement in order to undertake the work associated with toll system implementation in an amount not to exceed \$42 million, for a total of \$45 million.

Staff is now requesting to amend the cooperative agreement with the San Mateo County Agencies to reduce the local funds by \$390,000 and to transfer \$800,000 in BAIFA funds to the civil funding agreement to cover additional highway planting costs. The increased planting costs are largely a result of postponing the start of landscaping work until after completion of civil work to avoid work zone conflicts between the two contractors. BAIFA Toll System Funds are available from toll system implementation project cost savings. The total increased costs for highway planting are \$3 million. Consistent with the SB1 application, project cost overruns are to be covered by SMCTA and C/CAG in partnership with MTC. Of the total, BAIFA will fund \$800,000 and the SMCEL-JPA will cover \$2.2 million.

The amendment to the funding agreement would then add the \$800,000 of Toll System Funds to the civil funding agreement to cover the increased highway planting costs.

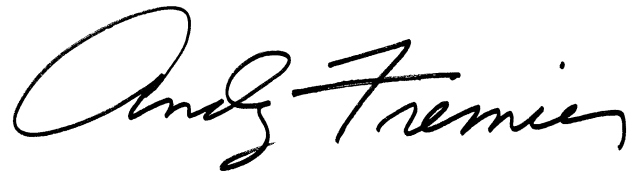
Recommendations:

Staff recommends that the Authority authorize the Executive Director or designee to ii) negotiate and enter into an amendment to the subject cooperative agreement to reduce the local contribution by \$390,000 and BAIFA contribution by \$800,000, and ii) negotiate and enter into

an amendment of the subject funding agreement to add BAIFA funds in an amount not to exceed \$800,000.

Attachments:

- Request for Committee Approval – Summary of Proposed Cooperative Agreement Amendment 2
- Request for Committee Approval – Summary of Proposed Funding Agreement Amendment 1



Andrew B. Fremier

Request for Authority Approval

Summary of Proposed Cooperative Agreement Amendment

Work Item No.: 6853

Agency: San Mateo County Express Lanes Joint Powers Authority (SMCELJPA), the San Mateo County Transportation Authority (SMCTA) and the City/County Association of Governments of San Mateo County (C/CAG)

Work Project Title: San Mateo 101 Express Lanes Toll System

Purpose of Project: Implement an express lane on US 101 in San Mateo County

Brief Scope of Work: Implement the toll system for San Mateo 101 Express. Reduce and reallocate funds to agreement for civil contract for highway planting

Project Cost Not to Exceed: This Amendment (\$800,000)
Current funds \$45,000,000
Funds after this amendment \$44,200,000

Funding Source: BAIFA Capital Budget

Fiscal Impact: Funding is included in the BAIFA Capital Budget

Motion by Authority: That the Executive Director or designee is authorized to negotiate and enter into an amendment to the Cooperative Agreement with the SMCELJPA, SMCTA, and C/CAG for toll system implementation as described above and in the BAIFA Summary Sheet dated January 25, 2023.

Authority:

Alfredo Pedroza, Chair

Approved: January 25, 2023

Request for Authority Approval

Summary of Proposed Funding Agreement Amendment

Work Item No.: 6853

Agency: San Mateo County Transportation Authority
San Carlos CA

Work Project Title: San Mateo 101 Express Lane Funding Agreement for Civil Construction

Purpose of Project: Implement an express lane on US 101 in San Mateo County

Brief Scope of Work: Provide funding to SMCTA to support civil construction of the project for highway planting.

Project Cost Not to Exceed: This Amendment \$800,000
Current Amount \$50,000,000
Total Agreement Amount after amendment \$50,800,000

Funding Source: BAIFA Capital Budget

Fiscal Impact: Funding is included in the BAIFA Capital Budget

Motion by Authority: That the Executive Director or designee is authorized to negotiate and enter into an amendment to the Funding Agreement with the San Mateo County Transportation Authority for civil construction services as described above and in the Bay Area Infrastructure Financing Authority Summary Sheet dated January 25, 2023, and the Chief Financial Officer is authorized to set aside \$800,000 for such Funding Agreement.

Authority:

Alfredo Pedroza, Chair

Approved:

January 25, 2023