



BAY AREA TOLL AUTHORITY
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San Francisco, CA 94105
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WEB www.mtc.ca.gov

Memorandum

TO: BATA Oversight Committee

DATE: February 6, 2019

FR: Executive Director

W. I. 1237

RE: Resilient SR 37 Program Memorandum of Understanding

This memorandum requests that the Committee refer a Memorandum of Understanding (MOU) with the California Department of Transportation (Caltrans), Solano Transportation Authority, Sonoma County Transportation Authority, Napa Valley Transportation Authority, and Transportation Authority of Marin to deliver the Resilient SR 37 Program to the Authority for approval.

Background

The 21-mile State Route 37 traverses along the northern shore of San Pablo Bay from US 101 in Novato, Marin County to Interstate 80 in Vallejo, Solano County – making it California’s northernmost east-west link between US 101 and Interstate 5 (via I-80 and I-505).

In late 2015, the four North Bay Congestion Management Agencies (CMAs) executed an MOU to develop an expedited transportation/sea level rise implementation strategy for SR 37. In 2016, the SR 37 Executive Steering Committee (ESC) comprised of the CMA executive directors requested planning funds from MTC to develop a SR 37 Corridor Project Study Report or its equivalent. Thereafter, MTC staff began to work collaboratively with the CMAs to develop a scope of work for an engineering study (which we refer to as a Design Alternative Assessment (DAA)) to better understand the conditions, constraints and opportunities for the SR 37 corridor.

Following a competitive procurement in early 2017, MTC entered into a contract with Kimley Horn & Associates with AECOM as a subconsultant to prepare the DAA. Kimley-Horn and AECOM subsequently prepared (1) a SR 37 Transportation and Sea Level Rise Corridor Improvement Plan that recommended near, mid and long-term improvement strategies, (2) identified the mid-section (Segment B) between SR 121 and Mare Island as the priority segment, and (3) conducted an alternative assessment of design options for Segment B. Funded by Caltrans, the North Bay agencies conducted public outreach via open houses and focus groups on the corridor plan and Segment B design options. MTC added consultant funding to engage resource and permitting agencies and environmental conservation organizations in the Segment B alternatives analysis. In 2018, MTC, Caltrans, and the North Bay CMAs staffs and consultants ultimately prepared a Caltrans-required engineering document called a Project Initiation Document (PID) to state the purpose and need, scope the project, and assess costs, schedule and risks for SR 37 Segment B. Caltrans approved and signed the PID in late December 2018. The next phase of work for Segment B is environmental review.

In November 2018, the SR 37 Policy Committee – which was comprised of MTC, Caltrans, and North Bay CMAs executive staff and board members – unanimously approved a funding plan and authorized the applicable sponsor(s) to submit Initial Project Reports to the Metropolitan Transportation Commission for funding consideration under Regional Measure 3, as follows: \$15 million to STA for Segment C-Fairgrounds Interchange, \$20 million to SCTA for Interim Segment B Environmental and Design Phases, \$4 million to SCTA for Environmental Phase for SR 37/121 improvements, \$3 million to TAM for Segment A levee study, and \$58 million to SCTA and TAM for Ultimate Segment A and Segment B improvements. It has been determined that BATA, in place of MTC, should now lead the delivery of the Resilient SR 37 program.

Resilient SR 37 Program MOU

BATA, Caltrans, and the four North Bay CMAs wish to enter into an MOU to formalize the partnership and organize the delivery of the SR 37 Program. Key MOU elements are as follows:

- The organizational structure for the delivery of the SR 37 Program is as follows:
 - BATA, Caltrans, SCTA and TAM are assigned to and have purview over Segment A (US 101 to SR 121);
 - BATA, Caltrans, SCTA, STA and NVTA are assigned to and have purview over Segment B (Sears Point to Mare Island Bridge); and
 - BATA, Caltrans, and STA are assigned to and have purview over Segment C (Mare Island Bridge to I-80).
- The intention is to seek legislation for the segment of SR 37 from Sears Point to Mare Island to become a State-owned bridge, joining the toll bridge financial enterprise administered by BATA.
- The SR 37 Policy Committee, ESC and Project Leadership Team (PLT) continue to perform the same roles and responsibilities except for the technical work, discussions, actions and decisions of the individual party would be targeted and applicable to the project segment for which that party is assigned.
- A Corridor Director to be designated by BATA will serve as staff to the ESC and may serve the SR 37 Policy Committee.

A draft of the MOU is attached to this memorandum as Attachment A.

Recommendation

Staff recommends that this Committee refer a Memorandum of Understanding (MOU) with Caltrans, Solano Transportation Authority, Sonoma County Transportation Authority, Napa Valley Transportation Authority, and Transportation Authority of Marin to deliver the Resilient SR 37 Program to the Authority for approval and authority for the Chair to negotiate and enter into the MOU in substantially the form as Attachment A.



Steve Heminger

SH:an

Attachment

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MEMORANDUM OF UNDERSTANDING
for
THE RESILIENT STATE ROUTE 37 PROGRAM
between
BAY AREA TOLL AUTHORITY
CALIFORNIA DEPARTMENT OF TRANSPORTATION
SOLANO TRANSPORTATION AUTHORITY
SONOMA COUNTY TRANSPORTATION AUTHORITY
TRANSPORTATION AUTHORITY OF MARIN
NAPA VALLEY TRANSPORTATION AUTHORITY

This Memorandum of Understanding (MOU) is entered into and effective as of the last date written below between the Bay Area Toll Authority (“BATA”), California Department of Transportation District 4 (“Caltrans”), the Solano Transportation Authority (“STA”), the Sonoma County Transportation Authority (“SCTA”), Transportation Authority of Marin (“TAM”) and Napa Valley Transportation Authority (“NVTa”) (referred to herein collectively as the “Parties” or individually as a “Party”), to cooperatively determine their mutual responsibilities in delivering the Resilient State Route 37 Program (“Program”).

Recitals

1. The Resilient SR 37 Program aims to address resiliency of transportation infrastructure to sea level rise and flooding, traffic congestion, and opportunities for ecological enhancements, transit, multimodal use and public access along the SR 37 corridor from I-80 to US 101. The Program includes near- and longer-term improvements for a majority of the 20-mile corridor, including the long-term sea level rise vulnerability of a number of low-lying areas throughout the corridor.
2. The SR 37 Policy Committee, Executive Steering Committee (“ESC”) and the Project Leadership Team (“PLT”) currently have varying roles and responsibilities in the development and delivery of the Program. The SR 37 Policy Committee, composed of Executive Directors and Board Members representing BATA, Caltrans, STA, SCTA, TAM, and NVTa, provides policy oversight and dispute resolution to the respective staffs. The Executive Directors of BATA, Caltrans, STA, SCTA, TAM, and NVTa serve on the ESC to provide strategic direction to the Policy Committee and PLT. The Directors and their staffs of BATA, Caltrans, STA, SCTA, TAM, and NVTa participate in the PLT to vet technical, policy, and other related project issues and elevate them as appropriate to the ESC.
3. The BATA, Caltrans, STA, SCTA, TAM and NVTa completed a SR 37 Transportation and Sea Level Rise Corridor Improvement Plan that identified Segment B between and including Sears Point to the Mare Island Bridge (referred to herein as the “Segment B”) as the highest priority. On November 2, 2017, the SR 37 Policy Committee confirmed that Segment B is the priority segment. Subsequently, BATA, STA, SCTA, TAM and NVTa prepared a Project Initiation Document (PID)

for Segment B improvements and submitted it to Caltrans for review and approval. Caltrans approved this PID on December 28, 2018.

4. On November 8, 2018 the SR 37 Policy Committee unanimously approved a funding plan and authorized the applicable sponsor(s) to submit Initial Project Reports to the Metropolitan Transportation Commission for funding consideration under Regional Measure 3, as follows: \$15 million to STA for Segment C-Fairgrounds Interchange, \$20 million to SCTA for Interim Segment B Environmental and Design Phases, \$4 million to SCTA for Environmental Phase for SR 37/121 improvements, \$3 million to TAM for Segment A levee study, and \$58 million to SCTA and TAM for Ultimate Segment A and Segment B improvements.
5. The Parties wish to organize the delivery of the SR 37 Program wherein:
 - a. BATA, Caltrans, SCTA and TAM is assigned to and have purview over Segment A (US 101 to SR121);
 - b. BATA, Caltrans, SCTA, STA and NVTA is assigned to and have purview over Segment B (Sears Point to Mare Island Bridge); and
 - c. BATA, Caltrans, and STA is assigned to and have purview over Segment C (Mare Island Bridge to I-80).

The SR 37 Policy Committee, ESC and PLT continue to perform the same roles and responsibilities except for the technical work, discussions, actions and decisions of the individual Party would be targeted and applicable to the project segment for which that Party is assigned.

6. The Parties commit to continue to make progress on the delivery of the priority Segment B interim and ultimate projects, while also performing feasibility studies, environmental studies, PIDs, and related studies with the goal of coordinating the longer-term delivery of the SR 37 Program.
7. A Party intends to seek legislation to amend Section 30910 of the Streets & Highway Code for the Sears Point-Mare Island Bridge to become a State-owned bridge, joining the toll bridge financial enterprise administered by BATA.
8. The Parties acknowledge the likely need for funding above and beyond toll bridge enterprise funding administered by BATA, and as such, intend to develop a financing and funding plan consisting of other traditional and untraditional funding sources to deliver the Program.
9. The Parties wish to work cooperatively to deliver the Program by exploring alternative project delivery methods (including, but not limited to, Design Build contracts), early environmental enhancements, and traditional and non-traditional funding and partnerships.

I. Term

The term of this MOU shall commence when fully executed, and unless amended earlier, shall terminate at a date agreed upon by the Parties.

II. SR 37 Program Delivery Organization

A. Executive Steering Committee (ESC)

1. Role

The ESC shall guide the identification, development, funding plan and implementation of projects to improve State Route 37. The ESC will select a Chairperson. The Chairperson will rotate between the members every two years. The Chairperson shall preside over the meetings of the ESC and shall perform all other duties incident to the position or as assigned to her or him by the ESC.

2. Members

- a. Executive Director, BATA (or designee)
- b. District 4 Director, Caltrans (or designee)
- c. Executive Director, STA (or designee)
- d. Executive Director, SCTA (or designee)
- e. Executive Director, TAM (or designee)
- f. Executive Director, NVTA (or designee)

3. Assignment

- a. Segment A: BATA, Caltrans, SCTA, TAM
- b. Segment B: BATA, Caltrans, SCTA, STA, NVTA
- c. Segment C: BATA, Caltrans, STA

4. Responsibilities

- a. Approve implementation and funding plan(s), which may include one or more projects.
- b. Define agency roles and responsibilities for individual projects, including project managers.
- c. Approve the scope, schedule, budget and funding plan for individual projects within funding levels approved by the BATA or other funding agencies, as applicable.
- d. Oversee overall project progress and reporting of project status, risk assessments, costs and schedule.
- e. Advise the BATA on contract matters.
- f. Review and approve project staffing plans.

5. Decision-making

The ESC will endeavor to make decisions on a consensus basis. To ensure public accountability, transparency and public disclosure, the decisions will be documented.

6. Meetings

Regular meetings of the ESC shall be held quarterly as otherwise determined by the ESC. Notice shall include an agenda of items on which the ESC will take action. Each member of the ESC has the right to place a matter on the ESC's agenda for consideration. Meetings to be rotated between BATA, Caltrans, STA, SCTA, NVTA, TAM offices or at a location determined by the ESC.

B. Corridor Director of the ESC

1. The Corridor Director serves as staff to the ESC, represents all ESC members and works directly with member agency Executive Directors and their staffs.
 - a. BATA will select, with the ESC, and employ the Corridor Director.
 - b. BATA reserves the right to make decisions regarding hiring, promotion, termination, compensation, and removal of the Corridor Director, in consultation with the ESC.
 - c. The Corridor Director may serve the SR37 Corridor Policy Committee in a similar capacity.
2. Responsibilities
The Corridor Director shall work with the Project Leadership Team, collaborate and provide direction to the project managers, as appropriate, to
 - a. Develop a implementation plan(s) and funding plan(s), including delivery methods
 - b. Develop the scope, schedule, budget and funding plan for individual projects.
 - c. Report regularly to the ESC on project status, risks assessments, change, costs and schedule.
 - d. Develop project staffing plans.
 - e. Prepare agendas for ESC meetings.
 - f. Deliver progress reports to and consult with the SR 37 Corridor Policy Committee.
 - g. Deliver progress reports to ESC and Policy Committee.
 - h. Provide oversight and direction to project managers.

The Corridor Director will also advise the SR37 Corridor Policy Committee on the SR 37 program.

C. Project Leadership Team

1. Role
The ESC hereby establishes a Project Leadership Team (PLT) that shall assist the ESC in the performance of its duties. The members of the PLT shall advise the Corridor Director on matters that are to be brought before the ESC.

2. Members

- a. Deputy Executive Director, Operations, BATA (or designee)
- b. Chief Deputy Director, Caltrans District 4 (or designee)
- c. Deputy Executive Director/Director of Projects, STA (or designee)
- d. Director of Projects and Programming, SCTA (or designee)
- e. Principal Project Delivery Manager, TAM (or designee)
- f. Director of Programs, Projects and Planning, NVTA (or designee)

3. Assignment

- a. Segment A: BATA, Caltrans, SCTA, TAM
- b. Segment B: BATA, Caltrans, SCTA, STA, NVTA
- c. Segment C: BATA, Caltrans, STA

4. Responsibilities

The PLT shall assist the Corridor Director and ESC in the performance of their duties for their assigned segments by

- a. Developing a implementation plan(s) and funding plan(s)
- b. Developing the scope, schedule, budget and funding plan for individual projects.
- c. Reviewing cost estimates, risk assessments, and cash flow requirements.
- d. Reviewing project status, scope and budgets, expenditures, staffing and contractor services to anticipate, identify, evaluate, and report to the Corridor Director concerning any project issues.
- e. Developing project staffing plans and structures.
- f. Preparing other project related reports for ESC review.
- g. Performing such other assignments as appropriate.

5. Meetings

The PLT will meet on an as-needed basis as determined necessary by the members or by the Corridor Director.

III. GENERAL

A. Integration Clause

This Agreement constitutes the complete and entire understanding among the Committee Members.

B. Amendments

This Agreement may be amended in writing from time to time upon agreement of the Committee Members.

C. Counter Parts

This Agreement may be executed in counterparts, each one of which will be an original or the equivalent thereof.

D. Miscellaneous

This Agreement is intended solely as a guide to the obligations, intentions and policies of the Committee Members. It does not constitute an authorization for funding a project nor does it constitute a legally binding agreement amongst the Agencies.

IN WITNESS WHEREOF, the Parties hereto have agreed to this Agreement on the date opposite their respective names.

_____/_____
 Jake Mackenzie Date
 Chair
 Metropolitan Transportation Commission/Bay Area Toll Authority

_____/_____
 Tony Tavares Date
 District 4 Director
 Caltrans

Harry Price	/	Date
Chair		
Solano Transportation Authority		

_____/_____
Mark Landman Date
Chair
Sonoma County Transportation Authority

BATA/Caltrans/STA/SCTA/TAM/NVTA
Memorandum of Understanding
Resilient SR 37 Program

_____/_____
Date
Chair
Transportation Authority of Marin

_____/_____
Date
Chris Canning
Chair
Napa Valley Transportation Authority

RESILIENT SR 37 PROGRAM

*Integrating transportation, ecology, and
sea level rise adaptation into a more resilient SR 37*



BATA Oversight Committee
February 13, 2019

Image: San Pablo Bay National Wildlife Refuge, USFWS



RESILIENTSR37



ONE VISION, ONE PROGRAM



Sea Level
Rise



Ecological
Restoration &
Conservation



Multimodal
Corridor



Access to
Baylands

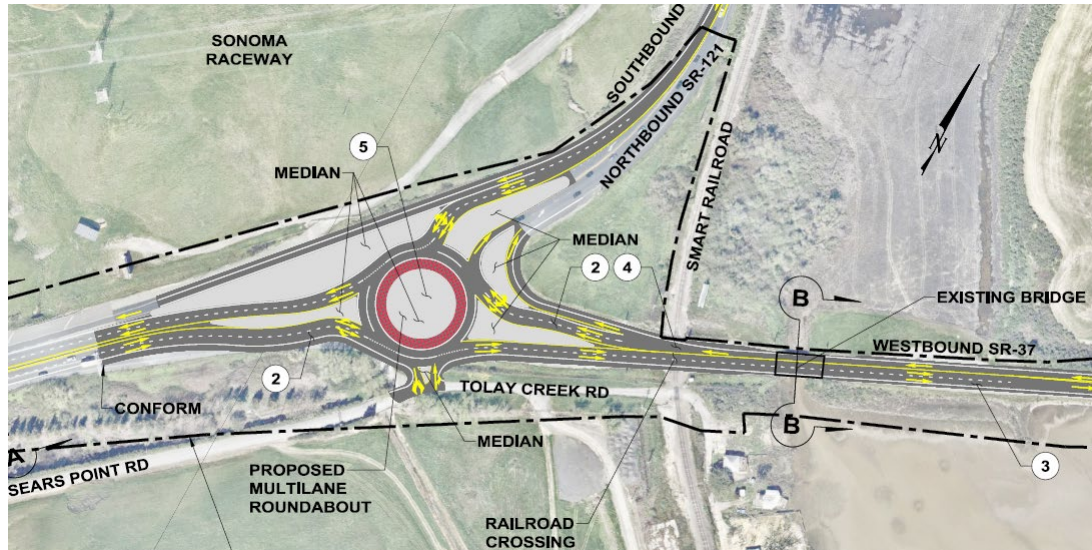


Equity

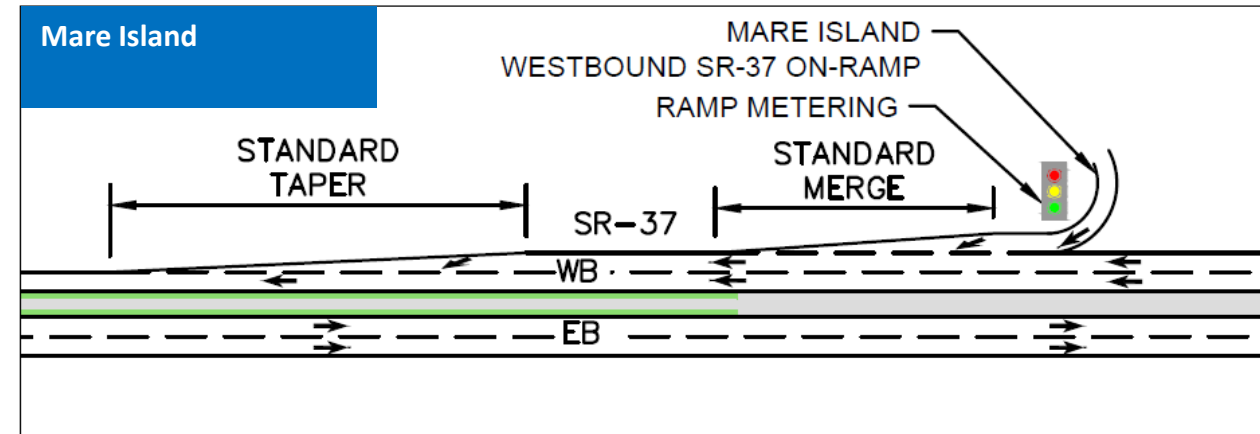
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NEAR-TERM OPERATIONAL EFFICIENCY IMPROVEMENTS (DELIVER IN 3-5 YEARS)



SR 121 Intersection Improvements and
Eastbound Lane Drop Extension



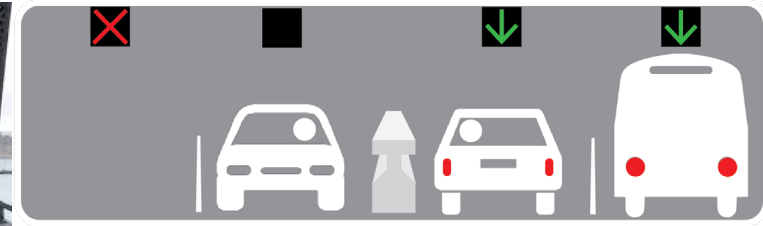
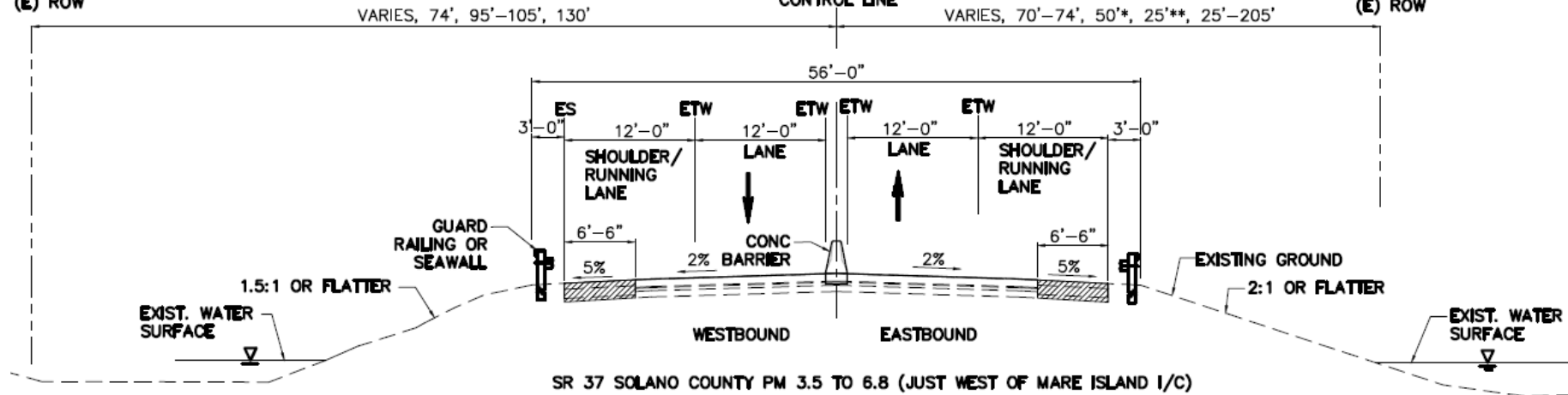
Mare Island Interchange Westbound Lane
Drop Extension and Ramp Metering

SEGMENT B INTERIM CONGESTION RELIEF OPTION B: 4-LANE HIGHWAY

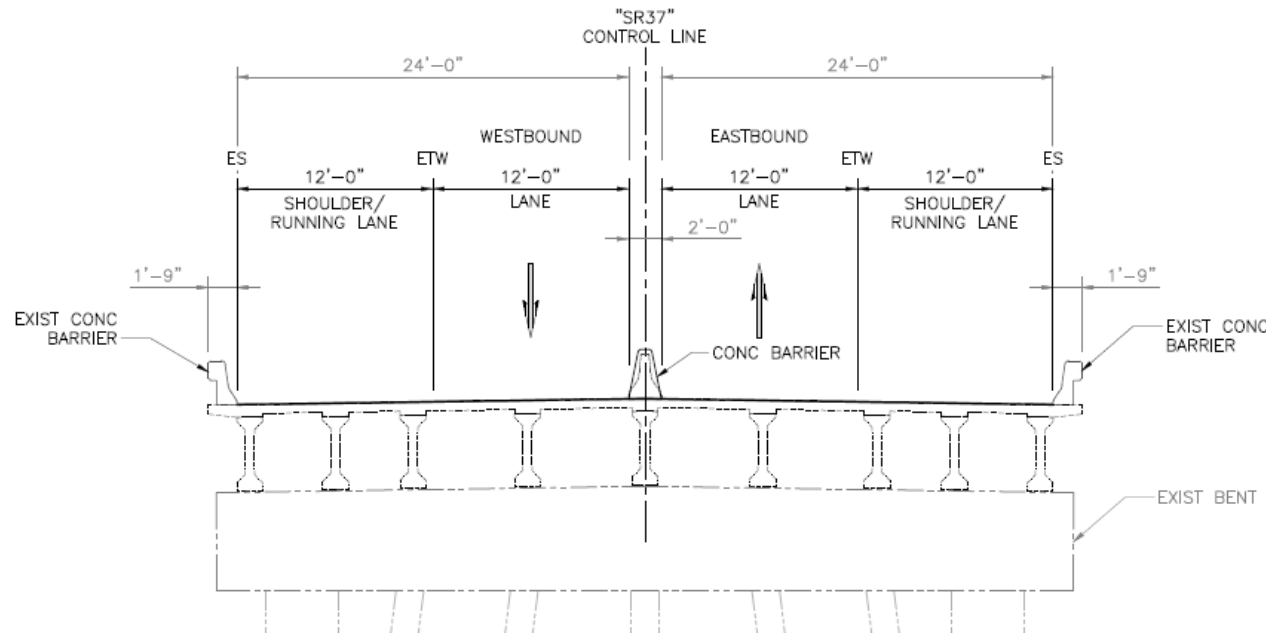


■ MEDIAN BARRIER

(E) ROW



- Standard Lane width
- Part-Time or Regular Full Time 3rd and/or 4th Lanes Using Shoulders
- HOV/Managed Lanes
- 12' outside shoulder and No Inside Shoulder during Non-Peak Periods



- Widening of Tolay Creek Bridge
- Need mitigation for bicycles during Peak Periods

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DELIVERY OF SEGMENT B INTERIM CONGESTION RELIEF PROJECT



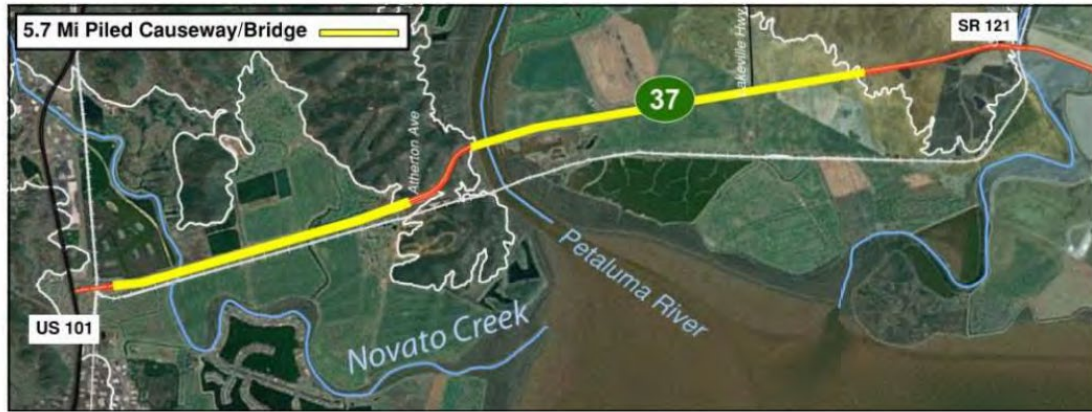
Phase	Draft Estimated Completion Date	Draft Estimated Cost
Project Approval & Environmental Document (PA&ED)	2022	\$8M
Final Design (PS&E)	2022	\$12M
Right-of-Way (ROW)	N/A (Within Existing ROW)	
Construction	Late 2025	\$80M to \$130M
Total	7 Years	\$100M - \$150M

Costs shown in 2018 \$ for alternatives on existing alignment. Schedule assumes environmental phase to start in early 2019.

SEGMENT A SLR ADAPTATION PROJECT CONCEPTS



Alt 1: Elevated Structure Design






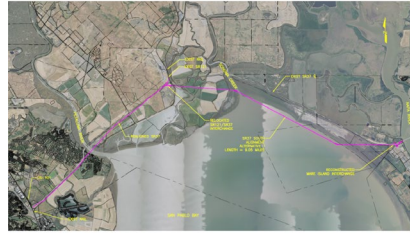

Alt 2: Hybrid Design



TAM is working on a funded Phase 1 study of Sea level Rise impacts on Segment A1. Phase 2 of that study will look at levee protection alternatives in Segments A1 and A2. This work will be used for possible interim improvements as well as in the ultimate project (A+B) CEQA/NEPA phase.

SEGMENT B ULTIMATE SLR ADAPTATION PROJECT — ALTERNATIVES ASSESSMENT SUMMARY



Alternatives	1. Current Alignment Hybrid Existing	2. Current Alignment Causeway	3. Northern Alignment	4. Southern Alignment 1 (Shoreline)	5. Southern Alignment 2 (San Pablo Bay)
					
Key Takeaways	<ul style="list-style-type: none"> • Lowest travel times for Segment B, no increase in daily VMT • Less right of way (ROW) acquisition • Similar GHG emissions compared to existing • Hybrid results in greater biological resources and hydrology impacts • Minimizes impacts to existing land uses • Favored by focus groups 		<ul style="list-style-type: none"> • Longest travel times, increase in daily VMT • Highest ROW acquisition • Avoids coastal areas, but transects more habitats • Potential impacts to cultural resources • Potential to induce growth • Decreases public access • Disliked by focus groups 	<ul style="list-style-type: none"> • Impacts similar to Hybrid Existing and Causeway Existing • Impacts primarily offshore habitats • Decreases public access • Disliked by focus groups 	<ul style="list-style-type: none"> • Lowest travel times for entire corridor • Results in induced demand • High right of way acquisition • Impacts offshore habitats • Potential land use conflicts • Decreases public access • Mixed results from focus groups
ROW Acquisition (acres)	163	113	428	147	264
Total Cost (2018\$)	\$2.4B	\$2.9B	\$3.3B	\$2.9B	\$3.3B

RESILIENT SR 37 PROGRAM — PHASED IMPLEMENTATION

CONCURRENT PROJECT DEVELOPMENT. DELIVER EARLY COMMUNITY BENEFITS.



- SR 37 Interim Congestion Relief (SR 121 —Mare Island)
- Ecological Enhancements
- Bus Transit

Environmental - Design - Construction

Early Benefits



Transition

- SR 37 Corridor Ultimate SLR Adaptation Project (I-80 — US 101)
- Bike/Pedestrian/Public Access
- Rail Transit (Funded and Delivered Independently by SMART)

Environmental - Design - Construction

RESILIENTSR37



Today

2025

2040

2050

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RESILIENT SR 37 PROGRAM — RECOMMENDATIONS FOR ACTION

- Integrated Delivery Team
- Segment B Congestion Relief Project Environmental & Design
- Near-Term SHOPP Projects*
- Segment A Project Initiation Document*
- SR 37 Corridor SLR Adaptation Environmental*
- SHOPP Project Components



(*include shoreline alternatives where possible)

- Legislation
- Shoreline Evaluation & Implementation



- Segment B Congestion Relief Project Construction
- Secure Funding and Finance Plan for SR 37 Corridor SLR Adaptation Project

