

Metropolitan Transportation Commission Programming and Allocations Committee

April 14, 2021

Agenda Item 2f - 21-0446

MTC Resolution No. 4412, Revised

Subject: Regional Measure 3 (RM3) Letters of No Prejudice to the Alameda County Transportation Commission for the SR-262 (Mission Blvd) Cross Connector Project, and to the Solano Transportation Authority for the I-80 Westbound Truck Scales Project.

Background: **Regional Measure 3 Letters of No Prejudice (LONP)**
 Bay Area voters approved Regional Measure 3 (RM3) on June 5, 2018, and on December 19, 2018, the Bay Area Toll Authority (BATA) adopted a toll schedule phasing in the resulting toll increase. The first dollar of the toll increase was implemented on January 1, 2019. RM3 is under litigation and collected RM3 revenue is being held in an escrow account. No allocations of RM3 funds are anticipated until and unless litigation is resolved in favor of RM3. In December 2019, MTC approved a Letter of No Prejudice (LONP) process as part of the overall RM3 Policies and Procedures to allow project sponsors to move projects forward with alternate funds, at-risk, while maintaining RM3 eligibility if and when RM3 funds are available.

Through MTC Resolution No. 4412, the Commission may approve specific RM3 LONPs, at the request of project sponsors, and following the RM3 Policies and Procedures. Details on each LONP request specifying the amount and scope for which RM3 eligibility will be preserved will be included in the attachments to the resolution.

SR-262 (Mission Blvd.) Cross Connector Project in Alameda County

The Alameda County Transportation Commission (ACTC) submitted an RM3 LONP request for \$10 million for the environmental document phase of the SR-262 (Mission Blvd.) Cross Connector Project, part of RM3 project 29. The Project will improve operations, safety, east-west regional connectivity, and reduce congestion for travel between Interstate 680 and Interstate 880 within the SR-262 Mission Boulevard area in Fremont. The Project is currently in the scoping phase, which should be completed summer 2021. ACTC expects to complete the environmental phase by mid-2025.

I-80 Westbound Truck Scales Project in Solano County

The Solano Transportation Authority (STA) submitted an RM3 LONP request for \$5.3 million for the final design phase of the I-80 Westbound Truck Scales project, part of RM3 project 22. The Project will replace the existing Cordelia Truck Scales along Westbound I-80 in Solano County. The existing truck scales facility was constructed in 1958 and is under capacity to meet today's needs. The Project received \$24 million in Senate Bill 1 (SB1) Trade Corridor Enhancement Program (TCEP) funds in 2020, which requires a \$5.3 million match originally coming from RM3. STA expects to complete the final design phase by mid-2024.

LONP Funding Source

The RM3 Policies and Procedures require that the project sponsor provides 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, ACTC will use its local option sales tax (Measure BB) to complete the environmental document phase of the SR-262 (Mission Blvd.) Cross Connector project, and STA will use State Transportation Improvement Program (STIP) funds to complete the final design phase of the I-80 Westbound Truck Scales project. Note the STIP funds are subject to action by this Committee (under item 2d on this month's agenda) and by the California Transportation Commission (CTC). ACTC and STA understand the risk that RM3 funds may never become available.

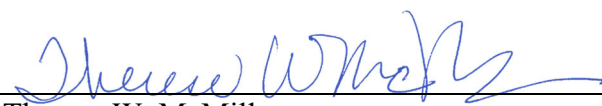
Staff has reviewed the Initial Project Reports and LONP requests and recommend issuing LONPs. Issuing LONPs will preserve the eligibility of activities related to the above-mentioned projects in Alameda and Solano Counties occurring after the issuance of the LONP, for future RM3 allocation and reimbursement if RM3 legislation is resolved favorably.

An RM3 LONP does not represent a general funding commitment by MTC. In the event RM3 funds do not become available, there is no expectation that MTC or BATA will provide alternate funds.

Issues: If the RM3 litigation is not resolved favorably, funds may never become available to reimburse ACTC and STA. ACTC and STA have acknowledged this risk in their agency resolution and MOU. Further, the I-80 Westbound Truck Scales LONP is conditioned on the CTC's approval of the STIP amendment programming \$5.3 million to the project.

Recommendation: Refer MTC Resolution No. 4412, Revised to the Commission for approval. Because Resolution No. 4412, Revised is proposed for revision under another agenda item, it is included once under agenda item 3a with all proposed revisions.

Attachments: Attachment A: Project Area Maps
MTC Resolution No. 4412, Revised can be found under Agenda Item 3a to this packet.


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Attachment A-2

Project Area Map: Solano I-80 Westbound Truck Scales Project

