

Metropolitan Transportation Commission Programming and Allocations Committee

July 14, 2021

Agenda Item 2h - 21-0886

MTC Resolution Nos. 3989, Revised; 4123, Revised; 4169, Revised; 4202, Revised; 4411, Revised; 4412, Revised; 4479 and 4480

Subject: Funding programming, exchange, and agreements with the Solano Transportation Authority (STA) and Bay Area Infrastructure Financing Authority (BAIFA) for the I-80 managed lanes project in Solano County.

Background: In Fall 2020, the California Transportation Commission (CTC) programmed over \$123 million in Senate Bill 1 (SB1) Trade Corridor Enhancement Program (TCEP) funds for the Solano I-80 Managed Lanes project. This project also has funding from Regional Measure 3 (RM3) which has been challenged and is currently under review in the California Supreme Court. In order to maintain the delivery commitment to CTC, and to avoid escalation costs for a project ready to proceed to construction but on hold due to lack of funding, MTC programmed federal discretionary funds as a backstop to RM3 funds in April 2021. At the same meeting, the Commission approved a Letter of No Prejudice (LONP), allowing the Solano Transportation Authority (STA) to proceed with the project using other funds and be eligible for reimbursement with RM3 funds when and if RM3 funds are made available.

Need for Non-Federal Funds

STA and the Bay Area Infrastructure Finance Authority (BAIFA) have identified project components that cannot use federal funds due to contracting requirements. These project components include design services during construction and the toll system integrator, and total roughly \$40 million.

To keep the project on track, staff proposes exchanging bridge toll savings as part of the Core Capacity Challenge Grant Program (CCCCGP) with federal discretionary funds earmarked for the I-80 project. To start, staff proposes exchanging funds on an annual basis based on cash flow, with STA and BAIFA needing \$4.7 million through the end of calendar year 2022. Staff has identified a bus purchase project sponsored by AC Transit as the source of the exchange; AC Transit will be made whole with federal discretionary funds which are eligible for bus purchases. This action programs \$4.7 million to AC Transit in Res. 4202, Revised; staff will work with AC Transit to ensure these funds are available timely to correspond with bus procurement schedules. Future exchanges will be subject to additional discussion with STA/BAIFA and MTC, and subject to future Commission approval.

The proposed exchange affects eight MTC resolutions, which can be categorized into three groups:

Group 1: Accurately Capture I-80 Project Programming and LONP in RM3 (currently, only STA is listed as project sponsor, but not BAIFA)

- Action 1.1: Separate BAIFA's toll system contract from the overall RM3 I-80 managed lanes project (MTC Resolution No. 4411, Revised)
- Action 1.2: Update the LONP for STA and approve a new LONP for BAIFA based on the updated RM3 programming (MTC Resolution No. 4412, Revised)

Group 2: Exchange Funds between CCCGP and Federal Discretionary Funds

- Action 2.1: Update the Core Capacity Challenge Grant Program to reflect the revised funding mix to AC Transit (MTC Resolution No. 4123, Revised*)
- Action 2.2: Reduce CCCGP bridge toll project savings programmed to AC Transit by \$4.7 million, and program and allocate the I-80 managed lanes project for \$4.7 million (MTC Resolution No. 4169, Revised)
- Action 2.3: Program \$4.7 million to AC Transit in federal discretionary funds originally earmarked for the I-80 managed lanes project (MTC Resolution No. 4202, Revised)

Group 3: Formalize Funding Agreements and Exchange Program

- Action 3.1: Approve funding agreement for the repayment of unrestricted funds to MTC by STA (MTC Resolution No. 4479) and BAIFA (MTC Resolution No. 4480)
- Action 3.2: Include funds from funding agreements in Exchange Program (MTC Resolution No. 3989, Revised)

The agreements in Action 3.1 outline the terms and conditions under which MTC is to provide bridge toll savings funds, in exchange for STA and BAIFA unrestricted funds, which could include funds paid to STA/BAIFA from the RM3 LONP. Highlights of the agreements include:

- Total amount not to exceed \$4.7 million (roughly \$1.8 million for STA and \$2.8 million for BAIFA).
- STA and BAIFA to repay MTC with unrestricted funds that may be used by MTC anywhere within the region.
- STA and BAIFA are not required to repay these funds if the pending litigation is not resolved in favor of allowing disbursement of RM3 funds.

The STA/BAIFA unrestricted funds will be placed into the MTC Exchange Account for programming to projects at the discretion of the Commission.

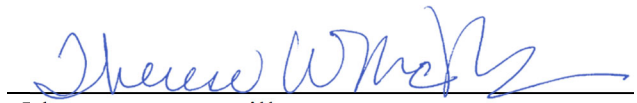
* Additionally, this item includes updates to the Core Capacity Challenge Grant Program (MTC Resolution No. 4123, Revised) to reflect programming commitments made by the Commission in March 2017 as part of the FY2017-FY2020 Transit Capital Priorities program, AB 664 Net Bridge Toll, and BATA Project Savings programs; specifically, the programming of \$152M in bridge tolls previously de-programmed from BART, to SFMTA, offset by a corresponding reduction in FTA/STP funds.

Issues: The exchange assumes RM3 is resolved in favor of allowing disbursement of RM3 funds.

If the pending litigation is not resolved in favor of allowing disbursement of RM3 funds, the bridge toll savings funds would not be required to be paid by STA/BAIFA. While risk of non-repayment exists, the trade-off is that a regionally significant project will be able to proceed with federal funds that leverage substantial state competitive funding.

Recommendation: Refer MTC Resolution Nos. 3989, Revised; 4123, Revised; 4169, Revised; 4202, Revised; 4411, Revised; 4412, Revised; 4479 and 4480 to the Commission for approval. Because Resolution No. 4202 is proposed for revision under item **2j**, it is included once under Agenda Item **2j** with all proposed revisions. Only items referred by the Committee will be forwarded to the Commission.

Attachments: MTC Resolution No. 3989, Revised, Attachment A
MTC Resolution No. 4123, Revised
MTC Resolution No. 4169, Revised, Attachments A and B
MTC Resolution No. 4202, Revised, Attachment B-1 can be found under Agenda Item **2j**.
MTC Resolution No. 4411, Revised, Attachment B
MTC Resolution No. 4412, Revised, Attachments M and O
MTC Resolution No. 4479
MTC Resolution No. 4480


Therese W. McMillan

Date: February 23, 2011
W.I.: 1512
Referred by: PAC
Revised: 10/26/11-C 02/26/14-C 12/21/16-C
07/26/17-C 02/28/18-C 03/28/18-C
11/28/18-C 03/27/19-C 06/26/19-C
09/25/19-C 11/20/19-C 03/25/20-C
11/20/20-C 05/26/21-C 06/23/21-C
07/28/21-C

ABSTRACT

Resolution No. 3989, Revised

This resolution establishes the procedures governing the MTC Exchange Program. This resolution supersedes MTC Resolution No. 3018.

Attachment B was revised on October 26, 2011 to provide \$376,000 in Exchange Program funding to the intertribal Electric Vehicle project.

Attachments B and C were respectively revised on February 26, 2014 to include \$10 million in Exchange Program funding for Transit Oriented Affordable Housing (TOAH), and update final balances of the initial STP Exchange Program (Resolution 3018) to reflect final project close out.

Attachments A and B were revised on December 21, 2016 to program \$1.1 million to the Bay Bridge Forward Commuter Parking Initiative and update the name of the Transit Oriented Affordable Housing Program.

Attachments A and B were revised on July 26, 2017 to program \$8.2 million to the Regional Priority Conservation Area (PCA) program and \$2.8 million to the Regional Active Operational Management Program. An additional \$1 million in exchange funds will be committed to a specific project or program through a future Commission action. This action and associated agreement and programming actions are contingent upon California Transportation Commission (CTC) approval of the amendment to the baseline agreement for the Marin Sonoma Narrows project to accept STP/CMAQ funds rather than local funds.

Attachment B was revised on February 28, 2018 to program \$10 million to the Bay Area Preservation Pilot; \$1,024,000 to Richmond's Bike Share Capital and Outreach project; \$826,000 for the joint Transportation Authority of Marin/Sonoma County Transportation Authority (TAM/SCTA) Bike Share Capital and Outreach project along the SMART Corridor;

and redirect \$2,800,000 from Regional Active Operational Management to the Bay Bridge Forward Commuter Parking Initiative project.

Attachment B was revised on March 28, 2018 to program \$30,000 to the Bay Area Greenprint Priority Conservation Area (PCA) Improvements.

Attachments A and B were revised on November 28, 2018 to add the SCVTA SR 85 Transit Guideway Study and the CCTA I-680 NB HOV/Express Lane exchange agreements, and to program \$4,000,000 in Exchange funds to the following projects: \$619,000 to CCTA for Innovative Deployment for Enhanced Arterials; \$621,000 to the city of Walnut Creek for innovative Deployment for Enhanced Arterials; \$500,000 to the city of Richmond for the Richmond-San Rafael Bridge Bikeway Access; \$1,160,000 to MTC for Richmond-San Rafael Bridge Forward; and \$1,100,000 to MTC for Napa Valley Transportation Demand Management Strategies.

Attachment B was revised on March 27, 2019 to change the recipient of the Concord IDEA project from CCTA to the City of Concord and reduce the funding from \$619,000 to \$589,000; and reduce the funding amount for the MTC Richmond-San Rafael Bridge Forward project from \$1,160,000 to \$1,046,000; and redirect these funds to a new project with MTC as the recipient for the Concord IDEA project for \$144,000. The matching funds for the Concord IDEA project as identified in MTC Resolution 4357, are included within the \$144,000 amount. These changes result in no net change to total funds committed to-date.

Attachment A was revised on June 26, 2019 to cancel the \$1,200,000 exchange agreement with the SCVTA for the SR 85 Transit Guideway Study as the funds provided through the exchange are no longer needed.

Attachment B was revised on September 25, 2019 to reflect MTC as the direct recipient of exchange funds for the Concord and Walnut Creek IDEA projects; funds will be provided on a reimbursement basis to each project sponsor pursuant to their respective funding agreements with MTC.

Attachment B was revised on November 20, 2019 to program \$6,023,000 to 13 projects as part of the Priority Conservation Area (PCA) Grant program; funds will be provided on a

reimbursement basis to each project sponsor pursuant to their respective funding agreements with MTC.

Attachment B was revised on March 25, 2020 to redirect \$25,000 from MTC's Bay Bridge Forward Commuter Parking Initiative to MTC's Fruitvale Quick Build project.

Attachment B was revised on November 20, 2020 to program \$647,000 to four projects as part of the Priority Conservation Area (PCA) Grant program. For the Yerba Buena Island Multi-Use Pathway, which provides access to the San Francisco-Oakland Bay Bridge, \$1 million of federal OBAG 2 funds are being provided at this time for cash flow purposes. The Bay Area Toll Authority will repay non-federal funds to the MTC Exchange Program within three years. MTC's funds for the Twin Peaks trail will be provided to the Coastal Conservancy for management of the two fund sources for this project. Because the Conservancy is a state entity, the funds will be provided as an up-front grant rather than on a reimbursement basis. Funds for projects other than the Twin Peaks Trail will be provided on a reimbursement basis to each project sponsor pursuant to their respective funding agreements with MTC.

Attachment A was revised on May 26, 2021 to add the Transportation Authority of Marin's (TAM's) US 101 Marin-Sonoma Narrows (MSN) High-Occupancy Vehicle (HOV) Lanes project for \$75,651,097.

Attachment A was revised on June 23, 2021 to add the Solano Transportation Authority's (STA's) Solano I-80 Managed Lanes project for \$63,464,510.

Attachment A was revised on July 28, 2021 to add the Solano Transportation Authority's (STA's) Solano I-80 Managed Lanes project for \$1,845,000, and to add the Bay Area Infrastructure Financing Authority's (BAIFA's) Solano I-80 Managed Lanes Toll System project for \$2,822,000.

Further discussions are contained in the Programming and Allocations Committee summary sheet dated February 9, 2011, October 12, 2011, February 12, 2014, December 14, 2016, July 12, 2017, February 14, 2018, March 7, 2018, November 14, 2018, March 6, 2019, June 12, 2019, September 4, 2019, November 8, 2019, March 11, 2020, November 4, 2020, May 12, 2021, June 9, 2021, and July 14, 2021.

Date: February 23, 2011
W.I.: 1512
Referred by: PAC

Re: MTC Exchange Program

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION NO. 3989

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

WHEREAS, MTC is the designated Metropolitan Planning Organization (MPO) for the nine-county San Francisco Bay Area region (the region) and is the recipient for various federal fund sources for the San Francisco Bay Area; and

WHEREAS, MTC develops policies and procedures to be used in the selection of projects to be funded with various federal fund sources within the region consistent with the regional Transportation Plan (RTP); and

WHEREAS, selected projects are sometimes incompatible with or ineligible for federal funding and projects are often ready for implementation in advance of funding availability; and

WHEREAS, MTC assisted the Santa Clara County Traffic Authority (SCCTA) in 1994 by providing Surface Transportation Program (STP) funds, which initiated the original Exchange program implemented through MTC Resolution 3018; and

WHEREAS, the original exchange funding under MTC Resolution 3018 is nearly exhausted and MTC has entered into new funding exchange agreements where the implementation of specific projects with federal funds in exchange for local funds can achieve regional goals and objectives; now, therefore, be it

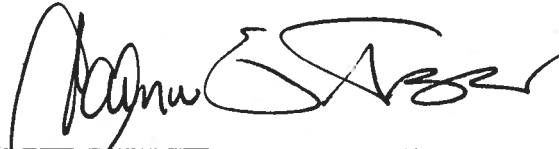
RESOLVED that Attachments A and B reflect the Exchange program balance and agreements approved by the Commission subject to this resolution; and be it further

RESOLVED, that attachment C lists the projects and amounts from the original STP Exchange program (MTC Resolution 3018) incorporated into the new MTC Exchange program; and be it further

RESOLVED that the Executive Director or designee is authorized to revise Attachments A, B and, C as necessary to reflect Commission actions and the on-going balances within the MTC Exchange program; and be it further

RESOLVED that MTC Resolution No. 3018 is superseded by this resolution.

METROPOLITAN TRANSPORTATION COMMISSION



Scott Haggerty, Chair

This resolution was entered into by the Metropolitan Transportation Commission at a regular meeting of the Commission held in Oakland, California on February 23, 2011.

**MTC Exchange Program
Funding Agreements
Attachment A
July 28, 2021**

Agency	Project	Res No.	Res Date	Funding Provided by MTC		Funding Provided by Others To-Date	
				To-Date			
1 SCTA	SON US 101 Steele Lane HOV	3731	2/22/2006	CMAQ	\$1,500,000	Meas M	\$1,500,000
2 TAM	MRN US 101 HOV Gap Closure	3842	11/28/2007	CMAQ	\$12,500,000	Meas A	\$13,253,049
3 SFMTA	SFPark Parking Pricing	3963	5/26/2010	CMAQ	\$22,000,000	Parking Rev	\$22,799,802
4 CCTA	I-80 San Pablo Dam Road I/C	4264	12/21/2016	STP	\$1,100,000	Meas J	\$1,100,000
5 SCTA	SON US 101 MSN Phase B	4305	7/26/2017	STP	\$12,000,000	Meas M	\$4,000,000
6 SCVTA	SCL SR 85 Transit Guideway Study	4356	7/25/2018	STP	\$1,200,000	Meas B	\$0
7 CCTA	CC I-680 NB HOV/Express Lane	4357	9/26/2018	STP	\$4,000,000	Meas J	\$4,000,000
8 TAM	MRN US 101 MSN HOV Lane	4468	5/26/2021	STP/CMAQ/FHIP	\$75,651,097	Unrestricted Funds	
9 STA	SOL I-80 Managed Lanes	4469	6/23/2021	STP/CMAQ/FHIP	\$63,464,510	Unrestricted Funds	
10 STA	SOL I-80 Managed Lanes	4479	7/28/2021	Toll Savings	\$1,845,000	Unrestricted Funds	
11 BAIFA	SOL I-80 Managed Lanes	4480	7/28/2021	Toll Savings	\$2,822,000	Unrestricted Funds	
Total:					\$198,082,607		\$46,652,851

Date: December 18, 2013
W.I.: 1512
Referred by: PAC
Revised: 01/27/16-C
07/28/21-C

ABSTRACT

Resolution No. 4123, Revised

This resolution establishes an investment plan for MTC's Transit Core Capacity Challenge Grant Program that targets federal, state, and regional funds to high-priority transit capital projects between FY2014-15 and FY2029-30.

This resolution includes the following attachments:

A – Funding Plan and Revenue Sources and Assumptions

B – Project Descriptions

C – Terms and Conditions

This resolution was revised by the Commission on January 27, 2016 to revise the funding plan for the BART Rail Car project by increasing the commitment of FTA/STP funds by \$150 million and reducing the commitment of AB 664 Bridge Tolls and BATA Project Savings by a total of \$150 million. The revision also corrected a typographical error in the funding plan table in Attachment A concerning the number of BART Cars included in the program.

This resolution was revised by the Commission on July 28, 2021 to revise the funding plan for AC Transit Fleet Replacement by replacing \$4,677,000 in BATA Project Savings funds with a like amount of STP funds, and to update the funding table to reflect a March 2017 Commission action which replaced \$152,443,401 in FTA funds for SFMTA with \$69,443,401 in AB 664 Bridge Tolls and \$83,000,000 in BATA Project Savings.

Further discussion of these actions is contained in the Programming and Allocations memorandum dated November 13, 2013 and Summary Sheets dated December 11, 2013, January 13, 2016, and July 14, 2021.

Date: December 18, 2013
W.I.: 1512
Referred by: PAC

RE: Transit Core Capacity Challenge Grant Program

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION NO. 4123

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

WHEREAS, the San Francisco Bay Area Rapid Transit District (BART) is a rapid transit district providing rail transit service in the San Francisco Bay Area; and

WHEREAS, the San Francisco Municipal Transportation Agency (SFMTA) provides bus, trolley, light rail, and cable car/historic rail car service in the City of San Francisco, California; and

WHEREAS, the Alameda-Contra Costa Transit District (AC Transit) is constituted as a special district under California law and is an Oakland based public transit agency serving the western portions of Alameda and Contra Costa counties in the San Francisco Bay Area; and

WHEREAS, Plan Bay Area (“Plan”), the region’s long-range transportation and housing plan adopted by MTC, provides the planning foundation for transportation improvements and regional growth throughout the San Francisco Bay Area through 2040; and

WHEREAS, the Plan’s in-fill and transit-oriented growth strategy relies on a well-maintained and robust transit system to meet greenhouse gas emissions reduction targets and other Plan performance objectives; and

WHEREAS, the Plan identifies a total funding need of \$47 billion over nearly three decades to achieve an optimal state of repair for the region’s public transit network; and

WHEREAS, the Core Capacity Challenge Grant Program (“the Program”) addresses funding for transit capital replacement and rehabilitation needs as well as for key transit infrastructure enhancements needed to support future transit service expansion for AC Transit, BART and SFMTA; and

WHEREAS, the Program targets federal, state and regional funds to high-priority transit capital projects for AC transit, BART and SFMTA; and

WHEREAS, federal, state and regional funds will continue to be required to finance the Program including those funds which are reasonably expected to be available under current conditions, and new funds which need to be secured in the future through advocacy with state and federal legislatures and the electorate; now therefore be it

RESOLVED, that the Core Capacity Challenge Grant Program is a comprehensive funding strategy of local, regional, state and federal funding sources as outlined in Attachment A, attached hereto and incorporated herein as though set forth at length; and, be it further


RESOLVED, that MTC’s commitment of funding for the Program is limited to the total amount of MTC funding shown in Attachment A; and be it further

RESOLVED, that MTC agrees to program Federal Transit Administration (FTA) and Federal Highway Administration (FHWA) funds as set forth in Attachment A in a timely manner in order to meet cash flow needs and minimize financing costs, subject to Congressional authorization and appropriation of funds, and MTC’s ability to meet other critical regional transit capital needs; and be it further

RESOLVED, that Attachment B lists the descriptions of the AC Transit, BART and SFMTA projects that will be funded under the Program; and be it further

RESOLVED, that the funding commitments included in Attachment A are subject to the terms and conditions outlined in Attachment C, attached hereto and incorporated herein as though set forth at length.

METROPOLITAN TRANSPORTATION COMMISSION



Amy Rein Worth, Chair

The above resolution was entered into by the
Metropolitan Transportation Commission
at a regular meeting of the Commission held
in Oakland, California, on December 18, 2013

Attachment A

Core Capacity Challenge Grants - Funding Plan (\$ Millions)

Project	Project Cost	Proposed Local \$				Funding Sources for Remaining Need						Total Funding
		BART	SFMTA	AL/CC Sales Tax/Parcel Tax	VTA	FTA/STP	AB664 Bridge Tolls	BATA Project Savings	SFO Net Op Revenue	Cap & Trade	Core Capacity New Starts	
BART Rail Cars (463 cars beyond current funding commitment)	1,521	393				893		15	145	75		1,521
BART Train Control	700	267				163				126	144	700
BART Hayward Maint. Center	433	258			175							433
Subtotal BART	2,654	918	-	-	175	1,056	-	15	145	201	144	2,654
SFMTA Fleet Replacement	2,644		770			1,594	114	167				2,644
SFMTA Fleet Enhance & Expand	648		248							400		648
SFMTA Facilities Core Improvements	209		142							67		209
Subtotal SFMTA (2)	3,502	-	1,160	-	-	1,594	114	167	-	467	-	3,502
AC Transit Fleet Replacement	780			195		481	25	78				780
AC Transit Fleet Expansion	90			40		5				45		90
AC Transit Facility Repl/Rehab	268			106						162		268
Subtotal AC Transit	1,138	-	-	341	-	486	25	78	-	207	-	1,138
Financing	200					200						200
TOTAL	7,494	918	1,160	341	175	3,336	139	261	145	875	144	7,494

(1) Funding sources for BART Rail Cars were revised by Commission in January 2016 to redirect \$150 million of AB664 Bridge Tolls and BATA Project Savings to the BART Car

Phase 1 Funding Plan (MTC Res. 4126), and to replace the bridge tolls with \$150 million of OBAG 2 STP/CMAQ funds transferred from the Phase 1 funding plan.

(2) SFMTA cost estimates adjusted to use regional cost estimates for buses and LRVs, and converted to year-of-expenditure dollars

(3) SFMTA AB 664 funding increased \$69,443,401; BATA Project Savings increased \$83,000,000; FTA Amount reduced \$152,443,401 per Commission Action 3/22/2017; Specific usage of those funds discussed in that action, revisions of Res. 4169, Revised and Res. 4262, Revised, and at 1/9/2019 Programming and Allocations Committee.

(4) AC Transit BATA Project Savings funding decreased \$4,677,000; STP amount increased by like amount on 7/28/2021.

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Attachment A

Revenue Sources and Assumptions

- Local Funding:
 - BART: For BART, the approximately \$900 million local contribution is comprised of fare revenue and Proposition 1A High Speed Rail connecting operator funds approved for the rail car replacement project. In addition, \$175 million in funding will be provided by the Santa Clara Valley Transit Authority as part of their agreement to contribute to core capacity projects, as BART will soon extend into Santa Clara County and its residents will also benefit from these projects.
 - SFMTA: For SFMTA, the nearly \$1.2 billion in local revenues include existing sales tax and revenue bonds as well as anticipated future sales tax, vehicle license fee, and general obligation bonds. A task force has been convened by the San Francisco Mayor's Office and will be finalizing its recommendations by the close of 2013 with the expectation of going to the ballot in 2014 and 2016 to support this local contribution.
 - AC Transit: For AC Transit, the assumed local contribution of \$340 million would come from a portion of future Alameda County and Contra Costa sales tax measures and/or parcel tax augmentations for AC Transit operations and maintenance needs.
- Regional/Other Funding:
 - FTA/STP Funds: The program assumes \$3.5 billion in FTA formula and STP funds. These funds have historically supported transit capital replacement through the Transit Capital Priorities process. Generally, the program timeframe has been 2 to 3 years in duration. The proposed Core Capacity Challenge Grant Program investment strategy would extend the commitment for the identified projects to 15 years. The program would also accelerate FTA and STP funds availability through financing as needed; roughly \$200 million is assumed to pay for financing for timely delivery of this aggressive capital program. The proposal acknowledges the needs of other transit operators in the region by retaining an estimated 33% of expected FTA formula funds for the remaining operators. The proposal also retains funding for the BART Car Phase 1 and on-going fixed guideway priorities for rail and ferry operators. A portion of the federal funds for the BART Railcar Replacement and Expansion project may be programmed to BART's preventive maintenance or another capital project and exchanged for BART local funds deposited into the BART Railcar Replacement Funding

Exchange Account, depending on the cash flow needs of the project. The table below provides more detail.

Projected FTA/STP Revenues 2015-2030:	\$ 7,549	
Core Capacity Challenge Grants	\$ 3,283	43%
Core Capacity Financing Costs	\$ 200	3%
BART & SFMTA Fixed Guideway Caps	\$ 1,235	16%
Remaining BART Car Phase 1 Commitment	\$ 331	4%
Other Operators	\$ 2,500	33%
Total	\$ 7,549	100%

- AB664 Funds: The program assumes \$70 million in AB664 bridge toll funds. These funds have historically supported transit capital replacement by contributing towards local matching funds for eligible operators in the Transit Capital Priorities process. Generally, the funds are programmed annually. The proposed Core Capacity Challenge Grant Program investment strategy would extend the commitment for the identified projects to 15 years, and would accelerate availability of these toll funds by frontloading AB664 revenues that are available as part of a Bay Area Toll Authority (BATA) revenue transfer to MTC in 2010.
- BATA Project Savings: With the completion of the Regional Measure 1 highway and bridge projects and the opening of the New East Span of the Bay Bridge, BATA project savings are proposed to be directed to the Core Capacity Challenge Grant Program. Staff has determined that these transit projects are eligible bridge improvement projects because they will improve functioning or use of one or more of the state-owned bridges. As such, these project expenditures, in an amount of \$250 million, are proposed to be added to BATA's long-range plan and budget. The total includes approximately \$182 million for Core Capacity Challenge Grant Program projects and \$68 million for the BART Rail Car Replacement Phase 1 project (MTC Resolution 4126, Revised).
- SFO Net Operating Revenues: A commitment dating from 1988 and the first rail extension agreement, MTC Resolution 1876, directs \$145 million of the net operating surplus generated by the San Francisco International Airport (SFO) BART Extension to fulfill the remaining SamTrans' capital contribution to the BART system, for the Warm Springs Extension. This proposal would direct these funds to BART's rail car purchase project, which includes rail cars for the Warm Springs extension project. The Warm Springs construction costs were met through other regional funding contributions as part of the 2008 MTC Resolution 3434 Strategic Plan. SFO Net Operating Revenue satisfies SamTrans buy-in to the BART District originally dedicated to the BART to Warm Springs project.

- Cap and Trade Revenues: AB 574 (Lowenthal) seeks to reserve California Cap and Trade allowance revenue from transportation fuels for transportation-related expenditures. Plan Bay Area included an estimated \$3.1 billion over the 28-year period as available to the region. While the distribution of funds to the MPO's has not yet been finalized, a draft framework and set of principles for Cap and Trade revenues, including \$875 million for the Core Capacity Challenge Grant program, has been proposed and is pending Commission approval.
- FTA New Starts Core Capacity: With the enactment of MAP-21, this new category of eligible projects was added to the New Starts Program. Projects eligible for this funding must expand capacity by at least 10% in existing fixed-guideway transit corridors that are already at or above capacity today, or are expected to be at or above capacity within five years. As part of Plan Bay Area's investment strategy, a reserve of \$660 million in New Starts was established for future East Bay and North Bay projects. BART's train control project aligns well with the intent of this new category of FTA competitive funding and the direction outlined in Plan Bay Area.

Date: December 18, 2013
W.I.: 1512
Referred by: PAC

Attachment B
Resolution No. 4123
Page 1 of 3

Attachment B Project Descriptions

BART

BART Railcar Replacement and Expansion includes the purchase of 463 new cars, which, together with previously committed funding, would bring BART's fleet to a total of 873 cars: 669 to replace the current fleet, 91 to increase core capacity, 30 for the Warm Springs extension, 60 for the Berryessa extension, and 23 for the extension to San Jose/Santa Clara. The 23 cars for the Silicon Valley extension is subject to the availability of \$75 million in Cap and Trade funding. 350 of the 669 replacement cars are being funded under MTC Resolution No. 4126 and the 60 cars for the Berryessa extension are being funded by VTA through an agreement with BART. The \$1.52 billion cost is in addition to the \$1.38 billion already committed to the project, including \$871 million in regional funding. A portion of the federal funds for the BART Railcar Replacement and Expansion project may be programmed to BART's preventive maintenance or another capital project and exchanged for BART local funds deposited into the BART Railcar Replacement Funding Exchange Account, depending on the cash flow needs of the project. BART's current fleet is either already overdue or due for replacement by 2019.

BART Train Control System involves implementing a new train control system. The current system is aging and needs replacement to restore and retain reliability. A new train control system would increase peak period/peak direction throughput and allow BART to expand its fleet to meet future demand while maintaining service reliability.

BART Hayward Maintenance Center includes improvements to expand the current Hayward Yard by adding storage and transfer/access tracks on the existing BART property and a primary shop, a vehicle-level overhaul shop, a component repair shop, a central warehouse and an expanded shop and storage facility. This project is needed to store and service BART's expanded fleet and will serve as the primary maintenance shop and storage yard for the Berryessa extension fleet.

SFMTA

SFMTA Fleet Replacement includes replacement of all of SFMTA's vehicles as they reach the end of their useful lives between 2016 and 2030. SFMTA's fleet includes 494 buses, 333 trolleys, 151 light rail vehicles, and 67 paratransit vans. Also included in the project is approximately \$300 million for mid-life overhauls to extend vehicle service life and maintain reliability, and the costs of rehabilitating Muni's cable car and historic streetcar fleets.

SFMTA Fleet Enhancement & Expansion expands Muni's light rail vehicle fleet by 74 cars: 24 for the Central Subway extension and 50 to increase capacity on existing lines. The project would also fund an additional 110 60' articulated buses and the increased cost for replacing 42 40' buses and trolleys with 60' articulated buses and 60' trolleys to increase capacity on high-ridership routes, and the installation of video and data collection systems on Muni vehicles.

SFMTA Facilities Core Improvements provides for the renovation of ageing, overcrowded, and inefficient facilities and the improvements needed to address current and future needs, such as:

- Muni Metro East (MME) Maintenance Facility – construction of a centralized paint and body shop to allow for operational flexibility and added repair bay capacity at Woods Maintenance Facility.
- Burke Central Parts Warehouse – improved retrieval time and productivity through use of high efficiency racking systems and improvements to extend the shelf life of parts and components stored in the facility.
- Woods Maintenance Facility – added repair bay capacity and flexibility to accommodate articulated buses; improvements to extend life of the facility and fully utilize its space efficiently to improve productivity.

AC Transit

AC Transit Fleet Replacement consists of replacement of all of AC Transit's buses as they reach the end of their useful lives between 2015 and 2030. AC Transit's fleet replacement needs during this period include 150 40' standard transit buses, 57 60' articulated buses, 91 30' buses, 67 40' suburban transit buses, and 39 45' over-the-road coaches.

AC Transit Fleet Expansion includes procurement of 79 Diesel Electric Hybrid buses to implement the service expansions called for under AC Transit's Comprehensive Operations Analysis.

AC Transit Facility Replacement & Rehabilitation includes replacement of equipment such as communications and navigation systems, bus lifts, fuel islands, bus washers, waste treatment systems, and underground storage tanks at AC Transit's maintenance and operations facilities as

the equipment reaches the end of its useful life. The funding would also allow for re-opening of the Richmond Maintenance Facility.

Date: December 18, 2013
W.I.: 1512
Referred by: PAC

Attachment C
Resolution No. 4123
Page 1 of 2

Attachment C Terms and Conditions

General Terms

- a) Continue Transit Capital Priorities Process for Other Operators: The FTA revenue assumption acknowledges the needs of other operators in the region by retaining an estimated 33% of expected FTA formula funds for the remaining operators and only commits an estimated 42% of expected FTA formula funds to this program. This percentage attempts to hold all the other operators harmless and retains funding for on-going fixed guideway priorities for rail and ferry operators based on projection of past needs.
- b) Revenues Availability: MTC agrees to program Federal Transit Administration (FTA) and Federal Highway Administration (FHWA) funds as set forth in Attachment A in a timely manner in order to meet cash flow needs and minimize financing costs, subject to Congressional authorization and appropriation of funds, and MTC's ability to meet other critical regional transit capital needs. MTC may substitute other available MTC-controlled funds in place of available FTA funds specified in the Program.
- c) Strategic Review: A strategic review of the Core Capacity Challenge Grant program will be conducted at least every 5 years in order to monitor operator project delivery and local contributions. This will also allow staff to address any changes in the demand for capital projects or the revenue landscape.

Operator Conditions

- a) Local Match Contributions: In order to qualify for challenge grant funding, AC Transit, BART and SFMTA are required to provide a minimum of 30% matching funds overall, and at least 25% for fleet replacement projects. The operators will be required to provide to MTC a board-approved commitment of local match dollars before the Program funds are programmed and allocated to them.
- b) Compliance with TSP Performance Metrics: Plan Bay Area assumed that the recommendations of the Transit Sustainability Project would be implemented to complement cost control and service improvements already implemented by the region's transit operators. In order to qualify for challenge grant funding, this proposal requires AC Transit, BART, and SFMTA to meet the Transit Sustainability Project's performance objectives outlined in MTC Resolution No. 4060 that call for a 5% real reduction in at least

one of three performance measures (cost per service hour, cost per passenger or cost per passenger mile) by FY2016-17 and no growth beyond CPI thereafter.

- c) Compliance with Funding Requirements: AC Transit, BART and SFMTA are required to comply with all the applicable local, state, and federal requirements for funds programmed by MTC.
- d) Cash flow Needs and Updates: AC Transit, BART and SFMTA are required to provide MTC with an initial cash flow before the program funds are programmed and allocated to them; and update MTC whenever there are significant changes to the cash flow or annually at a minimum.

Date: January 28, 2015
W.I.: 1511
Referred by: PAC
Revised: 09/23/15-C 01/27/16-C
12/21/16-C 03/22/17-C
12/20/17-C 06/27/18-C
01/23/19-C 05/22/19-C
09/25/19-C 07/22/20-C
04/28/21-C 06/23/21-C
07/28/21-C

ABSTRACT

Resolution No. 4169, Revised

This resolution establishes the program of projects for BATA Project Savings and allocates these funds to eligible projects.

The following attachment is provided with this resolution:

Attachment A – Program of Projects

Attachment B – Allocations

This resolution was revised on September 23, 2015 to update the conditions associated with the programming of \$84 million of BATA project savings to SFMTA's Light Rail Vehicle purchase (LRV) project, in order to reflect the updated amount of AB 664 funds programmed to the project.

This resolution was revised on January 27, 2016 to program and allocate \$24,922,916 in BATA Project Savings towards AC Transit's Fleet Replacement consistent with the Core Capacity Challenge Grant Program funding plan.

This resolution was revised on December 21, 2016 to de-program \$23,014,657 in BATA Project Savings funds from SFMTA's LRV project due to receipt of TIRCP funding of the same amount in FY2015-16 and update the conditions associated with the programming to reflect the updated amount of AB 664 and BATA Project Savings funds programmed to the project.

This resolution was revised on March 22, 2017 to program and allocate \$5,248,522 in BATA Project Savings funds to AC Transit and program \$23,040,236 and allocate \$4,649,495 in BATA Project Savings funds to SFMTA towards their Fleet Replacement projects.

ABSTRACT

MTC Resolution No. 4169, Revised

Page 2

This resolution was revised on December 20, 2017 program and allocate \$20,167,986 in BATA Project Savings funds to AC Transit and program \$83,921,695 and allocate \$8,091,805 in BATA Project Savings funds to SFMTA toward their Fleet Replacement projects.

This resolution was revised on June 27, 2018 to allocate \$37,270,041 in BATA Project Savings funds to SFMTA toward their Fleet Replacement projects, consistent with the commitments of the Core Capacity Challenge Grant Program, and de-program \$26,867,000 in BATA Project Savings funds from SFMTA's LRV project due to receipt of TIRCP funding of the same amount in FY2017-18 and update the conditions associated with the programming to reflect the updated amount of BATA Project Savings funds programmed to the project.

This resolution was revised on January 23, 2019 to update the programming conditions on SFMTA's LRV Expansion programming from FY2014-15, program an additional \$24,999,671 and allocate \$59,118,014 to SFMTA's LRV Expansion, and program \$5 million for SFMTA projects to execute a funding exchange for their Central Subway project.

This resolution was revised on May 22, 2019 to deprogram \$5 million and remove a project from SFMTA's programming to reflect changes made in the Transit Capital Priorities Program.

This resolution was revised on September 25, 2019 to allocate \$45,729,959 in BATA Project Savings funds to SFMTA toward their Fleet Replacement projects, consistent with the commitments of the Core Capacity Challenge Grant Program, and remove a funding condition related to financing.

This resolution was revised on July 22, 2020 to revise AC Transit's FY2016-17 through FY2019-20 BATA Project Savings programming to match their updated fleet plan, and allocate a total of \$7,890,353 in BATA Project Savings funds to AC Transit (\$3,607,227) and SFMTA (\$4,283,126) toward their Fleet Replacement projects, consistent with the commitments of the Core Capacity Challenge Grant Program, and remove funding conditions on SFMTA programming related to financing.

This resolution was revised on April 28, 2021 to program and allocate a total of \$10,904,715 in BATA Project Savings funds to AC Transit (\$4,912,063) and SFMTA (\$5,992,652) toward their

ABSTRACT

MTC Resolution No. 4169, Revised

Page 3

Fleet Replacement projects, consistent with the commitments of the Core Capacity Challenge Grant Program.

This resolution was revised on June 23, 2021 to extend \$5,248,522 in BATA Project Savings funds to AC Transit for Fleet Replacement projects, consistent with the commitments of the Core Capacity Challenge Grant Program and the Timely Use of Funds policy outlined in MTC Resolution No. 4015.

This resolution was revised on July 28, 2021 to program and allocate \$1,845,000 to Solano Transportation Authority for Design Services During Construction on the Solano 80 Express Lanes Project, and to program and allocate \$2,822,000 to BAIFA for the Toll System on the Solano 80 Express Lanes Project, as part of a funding exchange.

Further discussion of this action is contained in the MTC Programming and Allocations Committee summary sheet dated January 14, 2015, September 9, 2015, January 13, 2016, December 14, 2016, March 8, 2017, December 13, 2017, June 13, 2018, January 9, 2019, May 8, 2019, September 4, 2019, July 8, 2020, April 14, 2021, June 9, 2021, and July 14, 2021.

Date: January 28, 2015
W.I.: 1511
Referred by: PAC

RE: Programming and allocation of BATA Project Savings

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION NO. 4169

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

WHEREAS, Streets and Highways Code Sections 30950 *et seq.* created the Bay Area Toll Authority (“BATA”) which is a public instrumentality governed by the same board as that governing MTC; and

WHEREAS, pursuant to Streets and Highways Code (SHC) Section 31010(b), funds generated in excess of those needed to meet the toll commitments as specified by paragraph (4) of subdivision (b) of Section 188.5 of the SHC shall be available to BATA for funding projects consistent with SHC Sections 30913 and 30914; and

WHEREAS, the BATA Project Savings are bridge toll funds made available from project and financing savings on BATA’s Regional Measure 1 and Toll Bridge Seismic Retrofit programs; and

WHEREAS, MTC adopted Resolution No. 4123, Revised, which established an investment plan for MTC’s Transit Core Capacity Challenge Grant Program that targets federal, state, and regional funds to high-priority transit capital projects between FY2014-15 and FY2029-30, and as part of this investment plan, BATA Project Savings were assigned to certain projects; and

WHEREAS, BATA staff has determined that the Transit Core Capacity Challenge Grant Program is a bridge improvement project that improves the operations of the state-owned toll bridges; and

WHEREAS, BATA has adopted BATA Resolution No. 111, Revised, to amend the BATA budget to include the Transit Core Capacity Challenge Grant Program; and

WHEREAS, BATA has adopted BATA Resolution No. 72, Revised, to amend the BATA Long Range Plan to include the Transit Core Capacity Challenge Grant Program; now, therefore, be it

RESOLVED, that MTC approves the program of projects for BATA Project Savings, for the purposes, and subject to the conditions listed on Attachment A to this resolution, attached hereto and incorporated herein as though set forth at length; and, be it further

RESOLVED, that MTC approves the allocation and reimbursement of BATA Project Savings in accordance with the amount, conditions and reimbursement schedule for the phase, and activities as set forth in Attachment B; and, be it further

RESOLVED, that should the allocation of BATA Project Savings be conditioned on the execution of a funding agreement, that the Executive Director or his designee is authorized to negotiate and enter into a funding agreement with claimant that includes the provisions contained in Attachment A and B.

METROPOLITAN TRANSPORTATION COMMISSION

A handwritten signature in blue ink, appearing to read "Amy Rein Worth", is written over a horizontal line.

Amy Rein Worth, Chair

The above resolution was entered into by the Metropolitan Transportation Commission at a regular meeting of the Commission held in Oakland, California, on January 28, 2015.

Date: January 28, 2015
W.I.: 1511
Referred by: PAC
Revised: 09/23/15-C 01/27/16-C
12/21/16-C 03/22/17-C
12/20/17-C 06/27/18-C
01/23/19-C 05/22/19-C
09/25/19-C 07/22/20-C
04/28/21-C 07/28/21-C

Attachment A
Resolution No. 4169
Page 1 of 2

PROGRAM OF BATA PROJECT SAVINGS FUND PROJECTS

FY2014-15 Program of Projects

Operator	Project	Amount	Conditions
SFMTA	Fleet Expansion - LRV Purchase	34,118,343	This programming counts toward MTC share of replacement LRVs.
Total FY2014-15 Programming:		34,118,343	

FY2015-16 Program of Projects

Operator	Project	Amount	Conditions
AC Transit Projects			
	Replace 29 40-ft Artic Urban buses		
	Purchase 10 40-ft urban buses - Zero-Emission Fuel Cell		
	Purchase 10 double-decker diesel buses		
	<i>Total AC Transit Programming</i>	<i>24,922,916</i>	
Total FY2015-16 Programming:		24,922,916	

FY2016-17 Program of Projects

Operator	Project	Amount	Conditions
AC Transit Projects			
	Purchase 36 Coach Buses (MCIs)		
	<i>Total AC Transit Programming</i>	<i>5,248,522</i>	
SFMTA Projects			
	Replacement of 60' Trolley Coaches		
	<i>Total SFMTA Programming</i>	<i>12,967,639</i>	
Total FY2016-17 Programming:		18,216,161	

FY2017-18 Program of Projects

Operator	Project	Amount	Conditions
AC Transit Projects			
	Purchase 40-ft Urban Buses		
	<i>Total AC Transit Programming</i>	<i>16,560,759</i>	
SFMTA Projects			
	Replacement of 40-ft Trolley Coaches		
	Replacement of 60-ft Motor Coaches		
	Replacement of 30-ft Motor Coaches		
	<i>Total SFMTA Programming</i>	<i>79,638,569</i>	
Total FY2017-18 Programming:		96,199,328	

Date: January 28, 2015
W.I.: 1511
Referred by: PAC
Revised: 09/23/15-C 01/27/16-C
12/21/16-C 03/22/17-C
12/20/17-C 06/27/18-C
01/23/19-C 05/22/19-C
09/25/19-C 07/22/20-C
04/28/21-C 07/28/21-C

Attachment A
Resolution No. 4169
Page 2 of 2

PROGRAM OF BATA PROJECT SAVINGS FUND PROJECTS

FY2018-19 Program of Projects

Operator	Project	Amount	Conditions
AC Transit Projects	Replace 50 40-ft buses		
	<i>Total AC Transit Programming</i>	2,321,181	
SFMTA Projects	Fleet Expansion - LRV Purchase		Note: \$24,999,671 programmed in January 2019. Programming counts toward MTC share of replacement LRVs.
	40-ft Motor Coach Midlife Overhaul		
	Replace 35 Paratransit Cutaway Vans		
	<i>Total SFMTA Programming</i>	27,452,111	
Total FY2018-19 Programming:		29,773,292	

FY2019-20 Program of Projects

Operator	Project	Amount	Conditions
AC Transit Projects	Preventive Maintenance		
	<i>Total AC Transit Programming</i>	1,286,046	
SFMTA Projects	Muni Rail Replacment		
	40-ft Motor Coach Midlife Overhaul		
	<i>Total SFMTA Programming</i>	1,830,686	
Total FY2019-20 Programming:		3,116,732	

FY2020-21 Program of Projects

Operator	Project	Amount	Conditions
AC Transit Projects	Replace (50) 40ft Urban Buses - Diesel		
	<i>Total AC Transit Programming</i>	4,912,063	
SFMTA Projects	Light Rail Vehicle Replacement Procurements		
	<i>Total SFMTA Programming</i>	5,992,652	
Total FY2020-21 Programming:		10,904,715	

FY2021-22 Program of Projects

Operator	Project	Amount	Conditions
Solano Transportation Authority	Solano 80 Express Lanes - Design Services During Construction		Note: The programming is a part of the exchange of federal funds originally earmarked for the I-80 Managed Lanes project in Solano County.
	<i>Total STA Programming</i>	1,845,000	
BAIFA	Solano 80 Express Lanes - Toll System		Note: The programming is a part of the exchange of federal funds originally earmarked for the I-80 Managed Lanes project in Solano County.
	<i>Total SFMTA Programming</i>	2,822,000	
Total FY2021-22 Programming:		4,667,000	

Date: January 28, 2015
W.I.: 1511
Referred by: PAC
Revised: 01/27/16-C 03/22/17-C
12/20/17-C 06/27/18-C
01/23/19-C 09/25/19-C
07/22/20-C 04/28/21-C
06/23/21-C 07/28/21-C

Attachment B
Resolution No. 4169
Page 1 of 1

ALLOCATIONS TO BATA PROJECT SAVINGS FUNDED PROJECTS

Operator	Project	Date	Amount	Allocation No.	Notes
AC Transit	Projects Listed on Attachment A	1/27/2016	24,922,916	16-4169-01	See Notes below
AC Transit	Projects Listed on Attachment A	3/22/2017	5,248,522	17-4169-01	See Notes below
SFMTA	Projects Listed on Attachment A	3/22/2017	4,649,495	17-4169-02	See Notes below
AC Transit	Projects Listed on Attachment A	12/20/2017	16,560,759	18-4169-01	See Notes below
SFMTA	Projects Listed on Attachment A	12/20/2017	4,956,713	18-4169-02	See Notes below
SFMTA	Projects Listed on Attachment A	6/27/2018	37,270,041	18-4169-03	See Notes below
SFMTA	Projects Listed on Attachment A	1/23/2019	59,118,014	19-4169-01	See Notes below
SFMTA	Projects Listed on Attachment A	9/25/2019	45,729,959	20-4169-01	See Notes below
AC Transit	Projects Listed on Attachment A	7/22/2020	3,607,227	21-4169-01	See Notes below
SFMTA	Projects Listed on Attachment A	7/22/2020	4,283,126	21-4169-02	See Notes below
SFMTA	Light Rail Vehicle Replacement	4/28/2021	4,912,063	21-4169-03	See Notes below
AC Transit	Replace (50) 40ft Urban Buses -Diesel	4/28/2021	5,992,652	21-4169-04	See Notes below
STA	Solano 80 Express Lanes - DSDC	7/28/2021	1,845,000	22-4169-01	See Notes below
BAIFA	Solano 80 Express Lanes - Toll System	7/28/2021	2,822,000	22-4169-02	See Notes below
Total Allocations:			221,918,487		

Notes:

- 1 Acceptance of allocations requires operator agreement to comply with the provisions of the AB 664 Net Bridge Toll Revenues section of MTC Resolution No. 4015 and that any BATA Project Savings funds received shall be subject to MTC Resolution No. 4015, unless otherwise agreed to herein.
- 2 Allocation 17-4169-01 shall be extended to 6/30/2022 in accordance with the Timely Use of Funds policy in MTC Resolution No. 4015. See PAC memo dated June 9, 2021 for detail.
- 3 Allocations 22-4169-01 and 22-4169-02 are a part of the exchange of federal funds originally earmarked for the I-80 Managed Lanes project in Solano County. See PAC memo dated July 14, 2021 for more detail.

Date: March 25, 2020
W.I.: 1258
Referred by: PAC
Revised: 05/27/20-C 06/23/21-C
07/28/21-C

ABSTRACT

MTC Resolution No. 4411, Revised

This resolution establishes programming for Regional Measure 3 (RM3) capital projects sponsored or co-sponsored by MTC or BATA.

This resolution includes the following attachments:

Attachment A – Goods Movement and Mitigation Program of Projects

Attachment B – Bay Area Corridor Express Lanes Program of Projects

Attachment C – North Bay Transit Access Improvements Program of Projects

This resolution was revised on May 27, 2020 by Commission Action to add Attachment B – Bay Area Corridor Express Lanes Program of Projects.

This resolution was revised on June 23, 2021 by Commission Action to add Attachment C – North Bay Transit Access Improvements Program of Projects.

This resolution was revised on July 28, 2021 by Commission Action to amend Attachment B – Bay Area Corridor Express Lanes Program of Projects.

Additional discussion of this allocation is contained in the Executive Director’s memorandum and MTC Programming and Allocations Committee Summary sheet dated March 11, 2020, May 13, 2020, June 9, 2021, and July 14, 2021.

Date: March 25, 2020
W.I.: 1258
Referred by: PAC

Re: Programming of Regional Measure 3 Capital Projects Sponsored or Co-Sponsored by MTC or BATA

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION No. 4411

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

WHEREAS, Streets and Highways Code Sections 30950 *et seq.* created the Bay Area Toll Authority (“BATA”) which is a public instrumentality governed by the same board as that governing MTC; and

WHEREAS, on June 5, 2018, a special election was held in the City and County of San Francisco, and the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, and Sonoma (individually, each a “County” and, collectively, the “Counties”) to approve a toll increase of three dollars (\$3.00) phased in over time, including a one dollar (\$1.00) toll increase on January 1, 2019, a one dollar (\$1.00) toll increase on January 1, 2022, and a one dollar (\$1.00) toll increase on January 1, 2025, for vehicles traveling on the state-owned bridges located in the San Francisco Bay Area (“Regional Measure 3”); and

WHEREAS, on September 26, 2018, the Bay Area Toll Authority (“Authority”) adopted Resolution No. 126 accepting certified statements from the Registrar of Voters of the City and County of San Francisco and each of the Counties and observing that a majority of all voters voting on Regional Measure 3 (“RM3”) at such special election voted affirmatively for RM3; and

WHEREAS, on December 19, 2018, the Authority adopted Resolution No. 128 adopting a toll schedule phasing in the toll increase approved pursuant to RM3, effective on January 1, 2019; and

WHEREAS, RM3 establishes the RM3 Expenditure Plan and identifies specific capital projects and programs and operating programs eligible to receive RM3 funding as identified in Sections 30914.7(a) and (c) of the California Streets and Highways Code; and

WHEREAS, BATA shall fund the projects of the RM3 Expenditure Plan by bonding or transfers to MTC; and

WHEREAS, MTC adopted RM3 Policies and Procedures for the implementation of the RM3 Expenditure Plan, specifying the allocation criteria and project compliance requirements for RM3 funding (MTC Resolution No. 4404); and

WHEREAS, the RM3 Expenditure Plan gives certain responsibilities to MTC or BATA for specific projects, including project sponsorship or co-sponsorship, making funds available for projects, providing funding for competitive grant programs, allocating funding to an agency designated to build a project, or consulting with entities to determine a project sponsor, as identified in Sections 30914.7(a) and (c) of the California Streets and Highways Code; and

WHEREAS, pursuant to Section 30914.7(a) of the California Streets and Highways Code, other entities are joint project sponsors of certain RM3 capital projects or otherwise listed in determining the project sponsor;

WHEREAS, the Attachments to this resolution, attached hereto and incorporated herein as though set forth at length, list project programming determinations for specific projects pursuant as Section 30914.7(a) of the California Streets and Highways Code; now, therefore, be it

RESOLVED, that MTC approves the programs of projects as set forth in the Attachments; and be it further


RESOLVED, that MTC may take further action to issue RM3 Letters of No Prejudice based on the programs of projects as set forth in the Attachments; and, be it further

RESOLVED, that further MTC action in the form of approved allocations are required to expend RM3 funds; and, be it further

RESOLVED, that MTC will meet all obligations for these projects regarding joint sponsors and other entities pursuant to Section 30914.7(a) of the California Streets and Highways Code; and be it further

RESOLVED, that a certified copy of this resolution and applicable attachments shall be forwarded to any applicable project sponsor, co-sponsor, or implementing agency.

METROPOLITAN TRANSPORTATION COMMISSION



Scott Haggerty, Chair

The above resolution was entered into
by the Metropolitan Transportation
Commission at the regular meeting
of the Commission held in San Francisco,
California, on March 25, 2020.

RM3 Program of Projects – Bay Area Corridor Express Lanes

RM3 Project No.	2
Project Title	Bay Area Corridor Express Lanes
Funding Amount	\$300,000,000
Statute Project Description	
Fund the environmental review, design, and construction of express lanes to complete the Bay Area Express Lane Network, including supportive operational improvements to connecting transportation facilities. Eligible projects include, but are not limited to, express lanes on Interstate 80, Interstate 580, and Interstate 680 in the Counties of Alameda and Contra Costa, Interstate 880 in the County of Alameda, Interstate 280 in the City and County of San Francisco, Highway 101 in the City and County of San Francisco and the County of San Mateo, State Route 84 and State Route 92 in the Counties of Alameda and San Mateo, Interstate 80 from Red Top Road to the intersection with Interstate 505 in the County of Solano, and express lanes in the County of Santa Clara.	
Statute Project Sponsor	
Eligible project sponsors include the Bay Area Infrastructure Financing Authority, and any countywide or multicounty agency in a bay area county that is authorized to implement express lanes. The Metropolitan Transportation Commission shall make funds available based on performance criteria, including benefit-cost and project readiness.	
Other Project Sponsor Action Required for Programming	
Sponsors must agree to follow regionally consistent toll policies established by MTC/BAIFA	

Program of Projects

Project Sponsor	Project Title	RM3 Amount (\$ millions)
San Mateo County Transportation Authority	US 101 Express Lanes: I-380 to Santa Clara County Line ¹	\$75
Solano Transportation Authority	Interstate 80 Express Lanes: Red Top Road to I-505 ²	\$53.724
Bay Area Infrastructure Financing Authority	Interstate 80 Express Lanes: Red Top Road to I-505 (Toll System) ²	\$31.276
Alameda County Transportation Commission	Interstate 680 Southbound Express Lane: Alcosta Boulevard to SR-84 ²	\$80
Express Lanes Program Reserve	TBD ³	\$60
Total		\$300

¹ Project exempt for requirement to follow regionally consistent toll policies established by MTC/BAIFA since toll funds were committed through prior BATA action.

² Funds programmed to these projects are intended as leverage for 2020 Senate Bill 1 (SB1) Solutions for Congested Corridors Program (SCCP), Trade Corridor Enhancement Program (TCEP), and Local Partnership Program (LPP). If the I-80 project fails to secure sufficient 2020 SB1 funding to fully fund the project and start construction as planned in 2021, the \$80 million in RM3 programmed to this project will be returned to the RM3 Express Lanes Program Reserve. If the I-680 project fails to secure fully funding and meet environmental and regulatory requirements to start construction by the end of calendar year 2022, the \$80 million in RM3 programmed to this project will be returned to the RM3 program reserve.

³ Projects may include development or construction of express lanes or supportive operational improvements. Priority for a portion of this reserve will be given to Interstate 680 Northbound Express Lane: Livorna to Marina Vista, pending completion of environmental review, sufficient design to determine the benefit-cost ratio and development of a full funding plan.

Date: March 25, 2020
Referred by: PAC
Revised: 05/27/20-C 07/22/20-C
10/28/20-C 12/16/20-C
02/24/21-C 04/28/21-C
06/23/21-C 07/28/21-C

ABSTRACT

MTC Resolution No. 4412, Revised

This resolution authorizes the Executive Director to issue Letters of No Prejudice for RM3 funds for eligible projects.

This resolution includes the following attachments:

- Attachment A – Mission Bay Ferry Landing (WETA) LONP Summary
- Attachment B – Goods Movement GoPort 7th Street Grade Separation (Alameda County Transportation Commission (ACTC)) LONP Summary
- Attachment C – I-680/SR-84 Interchange Reconstruction and SR-84 Expressway Widening (ACTC) LONP Summary
- Attachment D – I-80/680/SR-12 Interchange (Solano Transportation Authority) LONP Summary
- Attachment E – US-101/I-580 Direct Connector (Transportation Authority of Marin) LONP Summary
- Attachment F – SMART System Extension to Windsor and Healdsburg (SMART) LONP Summary
- Attachment G – US-101 Marin-Sonoma Narrows Marin Segment Project (Transportation Authority of Marin) LONP Summary
- Attachment H – I-680/SR-4 Interchange Improvement Phase 1 and 2A Project (Contra Costa Transportation Authority) LONP Summary
- Attachment I – Mokelumne Trail Bicycle/Pedestrian Overcrossing of SR-4 Project (Contra Costa Transportation Authority) LONP Summary
- Attachment J – SR-262 (Mission Blvd.) Cross Connector Project (Alameda County Transportation Commission) LONP Summary
- Attachment K – I-80 Westbound Truck Scales Project (Solano Transportation Authority) LONP Summary
- Attachment L – US-101 Marin-Sonoma Narrows Project (Transportation Authority of Marin) LONP Summary

Attachment M – I-80 Express Lanes Project (Solano Transportation Authority) LONP
Summary

Attachment N – Vine Transit Maintenance Facility (Napa Valley Transportation
Authority) LONP Summary

Attachment O – I-80 Express Lanes Project Toll System (Bay Area Infrastructure
Financing Authority) LONP Summary

This resolution was revised by Commission Action on May 27, 2020 to add Attachments B and C, LONP Summaries for two RM3 projects sponsored by the Alameda County Transportation Commission (ACTC).

This resolution was revised by Commission Action on July 22, 2020 to add Attachments D and E, LONP Summaries for two RM3 projects sponsored by the Solano Transportation Authority (STA) and the Transportation Authority of Marin (TAM).

This resolution was revised by Commission Action on October 28, 2020 to add Attachment F, LONP Summary for an RM3 project sponsored by the Sonoma-Marín Area Rail Transit District (SMART).

This resolution was revised by Commission Action on December 16, 2020 to add Attachment G, LONP Summary for an RM3 project sponsored by the Transportation Authority of Marin (TAM).

This resolution was revised by Commission Action on February 24, 2021 to add Attachments H and I, LONP Summaries for two RM3 projects sponsored by the Contra Costa Transportation Authority (CCTA).

This resolution was revised by Commission Action on April 28, 2021 to add Attachment J, LONP Summary for SR-262 (Mission Blvd.) Cross Connector Project sponsored by the Alameda County Transportation Commission; Attachment K, LONP Summary for I-80 Westbound Truck Scales Project sponsored by the Solano Transportation Authority; Attachment L, LONP Summary for US-101 Marin-Sonoma Narrows Project sponsored by the Transportation Authority of Marin; and Attachment M, LONP Summary for I-80 Express Lanes Project sponsored by the Solano Transportation Authority.

This resolution was revised by Commission Action on June 23, 2021 to add Attachment N, LONP Summary for a project sponsored by the Napa Valley Transportation Authority (NVTa).

This resolution was revised by Commission Action on July 28, 2021 to amend Attachment M, LONP Summary for the I-80 Express Lanes Project in Solano County, and to add Attachment O, LONP Summary for the I-80 Express Lanes Toll System Project in Solano County.

Additional discussion of this allocation is contained in the Programming and Allocations Committee Summary sheets dated March 11, 2020, May 13, 2020, July 10, 2020, October 14, 2020, December 9, 2020, February 10, 2021, April 14, 2021, June 9, 2021, and July 14, 2021.

Date: March 25, 2020
W.I.: 1255
Referred by: PAC

Re: Authorization to Issue Letters of No Prejudice for Regional Measure 3 Funds

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION No. 4412

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

WHEREAS, Streets and Highways Code Sections 30950 *et seq.* created the Bay Area Toll Authority (“BATA”) which is a public instrumentality governed by the same board as that governing MTC; and

WHEREAS, on June 5, 2018, a special election was held in the City and County of San Francisco, and the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, and Sonoma (individually, each a “County” and, collectively, the “Counties”) to approve a toll increase of three dollars (\$3.00) phased in over time, including a one dollar (\$1.00) toll increase on January 1, 2019, a one dollar (\$1.00) toll increase on January 1, 2022, and a one dollar (\$1.00) toll increase on January 1, 2025, for vehicles traveling on the state-owned bridges located in the San Francisco Bay Area (“Regional Measure 3”); and

WHEREAS, on September 26, 2018, the Bay Area Toll Authority (“Authority”) adopted Resolution No. 126 accepting certified statements from the Registrar of Voters of the City and County of San Francisco and each of the Counties and observing that a majority of all voters voting on Regional Measure 3 (“RM3”) at such special election voted affirmatively for RM3; and

WHEREAS, on December 19, 2018, the Authority adopted Resolution No. 128 adopting a toll schedule phasing in the toll increase approved pursuant to RM3, effective on January 1, 2019; and

WHEREAS, RM3 establishes the RM3 Expenditure Plan and identifies specific capital projects and programs and operating programs eligible to receive RM3 funding as identified in Sections 30914.7(a) and (c) of the California Streets and Highways Code; and

WHEREAS, BATA shall fund the projects of the RM3 Expenditure Plan by bonding or transfers to MTC; and

WHEREAS, MTC adopted RM3 Policies and Procedures for the implementation of the RM3 Expenditure Plan, specifying the allocation criteria and project compliance requirements for RM3 funding (MTC Resolution No. 4404); and

WHEREAS, the RM3 Policies and Procedures established a process whereby eligible transportation project sponsors may request a Letter of No Prejudice (LONP) for Regional Measure 3 funding; and

WHEREAS, the Attachments to this resolution, attached hereto and incorporated herein as though set forth at length, list the scope, amount, and conditions for which project sponsors have requested an LONP, and the replacement funding source used in place of RM3 funds; and

WHEREAS, the claimants to which an LONP is issued under this resolution have certified that the projects and purposes listed and recorded the Attachments 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.); now, therefore, be it

RESOLVED, that MTC approves MTC staff's review of the LONP requests for the projects listed in the Attachments; and be it further

RESOLVED, that MTC authorizes the Executive Director to issue LONPs in accordance with the amount and activities as set forth in the Attachments; and, be it further

RESOLVED, that future allocation and reimbursement with RM3 funds will be conditioned upon successful outcome of RM3 litigation; and, be it further

RESOLVED, that future allocation and reimbursement with RM3 funds will be conditioned upon compliance with the provisions of the RM3 Policies and Procedures as set forth in length in MTC Resolution No. 4404; and be it further

RESOLVED, that future allocation and reimbursement of RM3 funds are further conditioned upon the project specific conditions as set forth in the Attachments; and, be it further

RESOLVED, that project sponsors receiving an LONP are responsible for delivering the usable project segment or complete phase with alternate funds before RM3 funds are available, at risk to the project sponsor; and be it further

RESOLVED, that an RM3 LONP does not represent a general funding commitment by MTC; in the event that RM3 funds do not become available, there is no expectation that MTC or BATA will provide alternate funds; and be it further

RESOLVED, that a certified copy of this resolution and applicable attachments shall be forwarded to the project sponsor.

METROPOLITAN TRANSPORTATION COMMISSION



Scott Haggerty, Chair

The above resolution was entered into by the Metropolitan Transportation Commission at the regular meeting of the Commission held in San Francisco, California, on March 25, 2020.



Regional Measure 3

Letter of No Prejudice Project Summary

Project Information

RM3 Project Number		2.1
Project Title		I-80 Express Lanes in Solano County
Lead Sponsor(s)	Other Sponsor(s)	Implementing Agency
Solano Transportation Authority (STA)		STA / Caltrans
Legislated Project Description		RM3 Legislated Funding (in \$1,000s)
(2) Bay Area Corridor Express Lanes. Fund the environmental review, design, and construction of express lanes to complete the Bay Area Express Lane Network, including supportive operational improvements to connecting transportation facilities. Eligible projects include, but are not limited to, express lanes on Interstate 80, Interstate 580, and Interstate 680 in the Counties of Alameda and Contra Costa, Interstate 880 in the County of Alameda, Interstate 280 in the City and County of San Francisco, Highway 101 in the City and County of San Francisco and the County of San Mateo, State Route 84 and State Route 92 in the Counties of Alameda and San Mateo, Interstate 80 from Red Top Road to the intersection with Interstate 505 in the County of Solano, and express lanes in the County of Santa Clara. Eligible project sponsors include the Bay Area Infrastructure Financing Authority, and any countywide or multicounty agency in a bay area county that is authorized to implement express lanes. The Metropolitan Transportation Commission shall make funds available based on performance criteria, including benefit-cost and project readiness. Three hundred million dollars (\$300,000,000).		\$300,000
Sponsor Programming and LONP Request Action		
STA approved Resolution No. 2021-06 on 4/14/2021, approving a \$101,700,000 RM3 LONP request. STA will use SB1 Trade Corridor Enhancement Program, STIP, and MTC-loaned federal discretionary funds to construct the project. STA revised Res 2021-06 on 7/14/21 to change LONP amount to \$70,424,000.		
Detailed Project Description		
The proposed project will construct managed lanes on westbound and eastbound I-80 to reduce public transit travel times, increase vehicle and passenger throughput, and decrease congestion. From Red Top Road to just east of Air Base Parkway, the project will convert the existing high-occupancy vehicle (HOV) lanes to express lanes. From just east of Air Base Parkway to east of I-505, the project will widen I-80 to accommodate managed lanes. The project will install static and dynamic overhead signs, electronic tolling equipment, median lighting, toll collection subsystems, electrical and communication conduits, and traffic control devices. The project will also extend an existing multiuse (Class I) trail across I-80 at Ulatis Creek. The project corridor is approximately 18 miles.		
LONP Phase	LONP Amount (in \$1,000s)	LONP Approval Date
CON	\$70,424	4/28/2021; revised 7/28/2021
Scope - Activities eligible for future allocation and reimbursement if RM3 funds become available		
The LONP preserves future RM3 eligibility for costs related to the construction of the I-80 Express Lanes project incurred after the LONP approval date.		
Conditions - In addition to the successful outcome of RM3 litigation, eligibility for future allocation and reimbursement is conditioned upon the following:		
1	Reimbursement subject to executed funding agreement between MTC and STA defining terms and conditions of MTC loan of federal discretionary funding to STA for the I-80 Express Lanes project.	
2	LONP reimbursement of MTC Federal STP/CMAQ funds from BATA to STA shall be repaid to MTC and deposited into the Exchange Fund Program (Res. 3989) for further distribution via the One Bay Area Grant (OBAG) framework.	



Regional Measure 3

Letter of No Prejudice Project Summary

Project Funding Plan and Schedule

RM3 Project Number	2.1
Project Title	I-80 Express Lanes in Solano County
RM3 Replacement Funding Source	MTC Federal Discretionary Funds, STIP Funds, Bridge Toll Savings

Project Funding Plan				Project Schedule	
Phase	Funding Source	Committed? (Yes/No)	Total Amount (\$1,000s)	Start	End
ENV	Toll Funds	Yes	\$ 10,900	Jan-11	Dec-15
	ENV Subtotal		\$ 10,900		
PSE	Toll Funds	Yes	\$ 18,400	Jan-16	Jun-21
	PSE Subtotal		\$ 18,400		
ROW	Toll Funds	Yes	\$ 3,200	Jan-17	Apr-21
	ROW Subtotal		\$ 3,200		
CON	SB1 Trade Corridor Enhancement Program	Yes	\$ 123,400	Sep-21	Dec-24
	MTC Federal STP/CMAQ (RM3 Replacement)	Yes	\$ 63,465		
	STIP (CRRSAA) Funds (RM3 Replacement)	Yes	\$ 1,859		
	STIP Funds (Not RM3 Replacement)	Yes	\$ 17,300		
	Bridge Toll Savings (RM3 Replacement)	Yes	\$ 1,845		
	Other Funds (RM3 Replacement)	No	\$ 3,255		
	CON Subtotal		\$ 211,124		
Capital Funding Total			\$ 243,624		



Regional Measure 3

Letter of No Prejudice Project Summary

Project Information

July 28, 2021
Attachment O
MTC Resolution No. 4412
Revised: 07/28/21-C
Page 1 of 2

RM3 Project Number	2.2	
Project Title	I-80 Express Lanes in Solano County (Toll System)	
Lead Sponsor(s)	Other Sponsor(s)	Implementing Agency
Bay Area Infrastructure Financing Authority (BAIFA)		BAIFA
Legislated Project Description	RM3 Legislated Funding (in \$1,000s)	
(2) Bay Area Corridor Express Lanes. Fund the environmental review, design, and construction of express lanes to complete the Bay Area Express Lane Network, including supportive operational improvements to connecting transportation facilities. Eligible projects include, but are not limited to, express lanes on Interstate 80, Interstate 580, and Interstate 680 in the Counties of Alameda and Contra Costa, Interstate 880 in the County of Alameda, Interstate 280 in the City and County of San Francisco, Highway 101 in the City and County of San Francisco and the County of San Mateo, State Route 84 and State Route 92 in the Counties of Alameda and San Mateo, Interstate 80 from Red Top Road to the intersection with Interstate 505 in the County of Solano, and express lanes in the County of Santa Clara. Eligible project sponsors include the Bay Area Infrastructure Financing Authority, and any countywide or multicounty agency in a bay area county that is authorized to implement express lanes. The Metropolitan Transportation Commission shall make funds available based on performance criteria, including benefit-cost and project readiness. Three hundred million dollars (\$300,000,000).	\$300,000	
Sponsor Programming and LONP Request Action		
BAIFA approved Resolution No. 23 on 7/28/21, approving a \$31,276,000 RM3 LONP request. BAIFA will use various bridge toll funds and other local funds to construct the toll systems portion of the overall project.		
Detailed Project Description		
The proposed project will construct managed lanes on westbound and eastbound I-80 to reduce public transit travel times, increase vehicle and passenger throughput, and decrease congestion. From Red Top Road to just east of Air Base Parkway, the project will convert the existing high-occupancy vehicle (HOV) lanes to express lanes. From just east of Air Base Parkway to east of I-505, the project will widen I-80 to accommodate managed lanes. The project will install static and dynamic overhead signs, electronic tolling equipment, median lighting, toll collection subsystems, electrical and communication conduits, and traffic control devices. The project will also extend an existing multiuse (Class I) trail across I-80 at Ulatis Creek. The project corridor is approximately 18 miles.		
LONP Phase	LONP Amount (in \$1,000s)	LONP Approval Date
CON	\$31,276	28-Jul-21
Scope - Activities eligible for future allocation and reimbursement if RM3 funds become available		
The LONP preserves future RM3 eligibility for costs related to the construction of the I-80 Express Lanes project incurred after the LONP approval date.		
Conditions - In addition to the successful outcome of RM3 litigation, eligibility for future allocation and reimbursement is conditioned upon the following:		
1	None	



Regional Measure 3

Letter of No Prejudice Project Summary

Project Funding Plan and Schedule

July 28, 2021
Attachment O
MTC Resolution No. 4412
Revised: 07/28/21-C
Page 2 of 2

RM3 Project Number	2.2
Project Title	I-80 Express Lanes in Solano County (Toll System)
RM3 Replacement Funding Source	Bridge Toll Savings and Other Bridge Tolls

Project Funding Plan				Project Schedule	
Phase	Funding Source	Committed? (Yes/No)	Total Amount (\$1,000s)	Start	End
ENV					
	ENV Subtotal		\$ -		
PSE					
	PSE Subtotal		\$ -		
ROW					
	ROW Subtotal		\$ -		
CON	Bridge Toll Savings (RM3 Replacement)	Yes	\$ 2,822	Sep-21	Dec-24
	Other Bridge Tolls (RM3 Replacement)	No	\$ 28,904		
	CON Subtotal		\$ 31,726		
Capital Funding Total			\$ 31,726		

Date: July 28, 2021
W.I.: 1515
Referred by: PAC

ABSTRACT

Resolution No. 4479

Establishes conditions for the exchange of Solano Transportation Authority (STA) unrestricted funds with Bridge Toll Savings funds provided by the Metropolitan Transportation Commission (MTC) and the Bay Area Toll Authority (BATA). An agreement for the conditions of this exchange of funds between STA and MTC is included.

The resolution includes the following attachment:

Attachment A – Funding Exchange Agreement

Further discussion of this action is contained in the Programming and Allocation summary sheet dated July 14, 2021.

Date: July 28, 2021
W.I.: 1515
Referred by: PAC

RE: Agreement for the Exchange of MTC/BATA Bridge Toll Savings with Solano Transportation Authority Unrestricted funds

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION NO. 4479

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 is the designated Metropolitan Planning Organization (MPO) for the nine-county San Francisco Bay Area region; and

WHEREAS, the Solano Transportation Authority (STA) is a local transportation authority created under California Public Utilities Code 180000 et seq.; and

WHEREAS, the Solano Transportation Authority (STA) is the sponsoring agency for the Solano I-80 Managed Lanes project, which received Trade Corridor Enhancement Program (TCEP) funds from the California Transportation Commission (CTC) and has Regional Measure 3 (RM3) fund in the funding plan; and

WHEREAS the collection of funds under Regional Measure 3 has been challenged and is currently under review in the California Supreme Court; and

WHEREAS, STA has requested the assistance of MTC to maintain the delivery commitment for the Solano I-80 Managed Lanes project by providing Toll Bridge Project Savings funds directed to the Transit Core Capacity Challenge Grant Program, hereinafter referred as “Toll Savings Funds” in the near term in exchange for STA non-federal unrestricted funds hereinafter referred to as “STA Unrestricted Funds” in the longer term; and

WHEREAS, STA agrees to repay MTC for the Toll Savings Funds with STA Unrestricted Funds as specified in this Agreement, attached and incorporated by reference; and

WHEREAS, the agreement is substantially in the form set forth in Attachment A to this resolution, attached and incorporated as though set forth at length; now, therefore, be it

RESOLVED, that MTC approves the exchange of Toll Savings Funds with STA Unrestricted Funds for the purposes and within the maximum amount established, and subject to the conditions, set forth in Attachment A; and, be it further

RESOLVED, that the STA Unrestricted Funds shall be placed into the MTC Exchange Account for programming to project(s) at the discretion of the Commission; and, be it further

RESOLVED, that MTC's Executive Director is authorized to execute Attachment A, and to make non-substantive changes or minor amendments as deemed appropriate: and, be it further

RESOLVED, that upon execution of Attachment A by the signatory agencies, MTC staff shall implement the exchange of the Toll Savings Funds with STA Unrestricted Funds.

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 July 28, 2021.

Date: July 28, 2021
W.I.: 1515
Referred by: PAC

MTC Resolution No. 4479
Attachment A

**Agreement for the Exchange of MTC/BATA Bridge Toll Savings
Funds with Solano Transportation Authority (STA) Unrestricted
funds**

Agreement between the Metropolitan Transportation Commission (MTC) and the Solano Transportation Authority (STA) for the exchange of bridge toll savings funds for STA non-federal unrestricted funds.

This AGREEMENT is entered into on the first day of August 1, 2021, by and between the SOLANO TRANSPORTATION AUTHORITY (“AUTHORITY”) created under California Public Utilities Code 180000 et seq. and the METROPOLITAN TRANSPORTATION COMMISSION (“MTC”), a regional transportation agency created under California Government Code Sections 66500 et seq.

Recitals

- (1) AUTHORITY is the sponsoring agency for the Solano I-80 Managed Lanes Project within Solano County (“PROJECT”).
- (2) PROJECT will be implemented over several years to relieve traffic congestion on I-80 for travelers within Solano County and between the San Francisco Bay Area and Sacramento regions and beyond.
- (3) PROJECT received Senate Bill 1 (SB1) Trade Corridor Enhancement Program (TCEP) funds from the California Transportation Commission (CTC) and has Regional Measure 3 (RM3) funds in the funding plan.
- (4) Project delivery is a deciding factor in the CTC granting TCEP competitive funding, with PROJECT scheduled to go to construction this year.
- (5) PROJECT is currently on hold and unable to proceed without RM3 funds being made available for PROJECT.
- (6) AUTHORITY has requested the assistance of MTC to maintain the delivery commitment of PROJECT by providing one million, eight hundred forty five thousand dollars (\$1,845,000) in toll bridge project savings funds directed to the Transit Core Capacity Challenge Grant Program, hereinafter referred to as (“TOLL SAVINGS FUNDS”) for PROJECT, in exchange for non-federal funds with no spending or eligibility limitations hereinafter referred to as “STA UNRESTRICTED FUNDS”
- (7) MTC, the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, is eligible to program and assign TOLL SAVINGS FUNDS, and has discretionary funding authority for the funds requested for PROJECT.
- (8) AUTHORITY and MTC desire to proceed with the funding agreement immediately, as nothing in this Agreement adversely affects MTC's responsibility to provide TOLL SAVINGS FUNDS to other existing programmed projects in the Bay Area.
- (9) AUTHORITY and MTC mutually desire to specify the terms and conditions under which MTC is to provide TOLL SAVINGS FUNDS to AUTHORITY, in exchange for AUTHORITY's provision of STA UNRESTRICTED FUNDS to be repaid to MTC.

Now, therefore, in consideration of the mutual covenants contained herein, the parties hereto agree as follows:

Section I

MTC AGREES:

- (1) To perform such actions and to deliver such documents as are necessary to provide TOLL SAVINGS FUNDS to AUTHORITY in accordance with this Agreement.
- (2) To program in the federal Transportation Improvement Program (TIP) by December 31, 2021, a maximum total of one million, eight hundred forty five thousand dollars (\$1,845,000) of TOLL SAVINGS FUNDS to AUTHORITY for implementation of PROJECT.

Section II

AUTHORITY AGREES:

- (1) To meet all federal, state, and regional project funding delivery requirements associated with TOLL SAVINGS FUNDS.
- (2) To request allocation and payment/reimbursement of one million, eight hundred forty five thousand dollars (\$1,845,000) in Regional Measure 3 funds from MTC and/or the Bay Area Toll Authority (BATA), within sixty (60) days of final disposition of the RM3 court case, if such disposition allows distribution of RM3 funds to local projects.
- (3) To provide STA UNRESTRICTED FUNDS in the amount of one million, eight hundred forty five thousand dollars (\$1,845,000) to MTC within sixty (60) days following receipt of RM3 funds from MTC or the Bay Area Toll Authority (BATA).
- (4) To indemnify, defend and hold harmless MTC, its Commissioners, directors, officers, 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 AUTHORITY, its officers, employees or agents, or subcontractors or any of them in connection with its performance of PROJECT under this Agreement.

Section III

IT IS MUTUALLY AGREED:

- (1) The term of this Agreement shall commence on August 1, 2021. With the exception of AUTHORITY'S indemnification, defense and hold harmless responsibilities under item 6 of section II above, which shall survive termination of this Agreement, the Agreement shall terminate upon the satisfaction of AUTHORITY'S obligations to MTC with STA UNRESTRICTED FUNDS, as outlined in Section II of this Agreement. Notwithstanding the above, AUTHORITY may terminate this Agreement by written notice to MTC if AUTHORITY has not received a payment/reimbursement of the TOLL SAVINGS FUNDS by December 31, 2022 and no arrangement for availability of these funds after

December 31, 2022 has been made by MTC to the satisfaction of AUTHORITY. If the Agreement is terminated by AUTHORITY, MTC will reprogram the TOLL SAVINGS FUNDS to other projects selected at MTC's discretion.

- (2) If the pending litigation is not resolved in favor of allowing disbursement of RM3 funds, AUTHORITY is not obligated to repay the funds subject to this agreement.
- (3) MTC reserves the right to withhold from AUTHORITY future regional discretionary funds otherwise going to AUTHORITY, after consultation with AUTHORITY, if the pending RM3 litigation is resolved in favor of allowing disbursement of RM3 and AUTHORITY fails to meet its obligation to make the full payment to MTC under this agreement.
- (4) This Agreement shall bind and benefit the parties hereto and their heirs, successors, and permitted assigns.
- (5) MTC and AUTHORITY agree to do all such things and take all such actions, and to make, execute and deliver such other documents and instruments, as shall be reasonably requested to carry out the provisions, intent, and purpose of the Agreement.
- (6) This Agreement may not be changed, modified, or rescinded except in writing, signed by all parties hereto, and any attempt at oral modification of this Agreement shall be void and of no effect.
- (7) All required, reports, demands and notices may be sent by regular mail or electronic mail. Notices that are mailed by regular mail shall be deemed delivered two (2) business days after deposited in the mail. Notices may be personally delivered and shall be deemed delivered at the time delivered to the appropriate address set forth below. Notices delivered by electronic mail shall be deemed received upon the sender's receipt of an acknowledgment from the intended recipient (such as by the "return receipt requested" function, as available, return electronic mail or other written acknowledgment of receipt); provided that, if such notice is not sent during normal business hours of the recipient, such notice shall be deemed to have been sent at the opening of business on the next business day of the recipient. Unless and until notified otherwise in writing, a party shall send or deliver all such communications relating to this Agreement to the following address:

Daryl Halls
Executive Director
Solano Transportation Authority
One Harbor Center, Suite 130
Suisun City, CA 94585
dkhalls@sta.ca.gov

Kenneth Kao
Assistant Director, Funding Policy and Programs
Metropolitan Transportation Commission
375 Beale St., Suite. 800
San Francisco, CA 94105
kkao@bayareametro.gov

- (8) This Agreement is the entire agreement among MTC and AUTHORITY relating to the subject matter of this Agreement. MTC and AUTHORITY acknowledge they have not relied upon any promise, representation or warranty not expressly set forth in this Agreement in executing this Agreement.

- (9) Should any part of this Agreement be declared unconstitutional, invalid, or beyond the authority of MTC or AUTHORITY to enter into or to carry out, such decision shall not affect the validity of the remainder of this Agreement which shall continue in full force and effect; provided that the remainder of this Agreement can, absent the excised portion, be reasonably interpreted to give effect to the intentions of the parties.
- (10) No waiver by either party of any default or breach of any covenant by the other party shall be implied from any omission to take action on account of such default if such default persists or is repeated and no express waiver shall affect any default other than the default specified in such waiver and then such waiver shall be operative only for the time and to the extent stated in such waiver. Waivers of any covenant, term or condition contained herein shall not be construed as a waiver of any subsequent breach of the same covenant, term, or condition. No waiver of any provision under this Agreement shall be effective unless in writing and signed by the waiving party.
- (11) MTC and AUTHORITY represent and warrant that they are authorized to execute this Agreement.
- (12) This Agreement may be executed in counterparts.

IN WITNESS WHEREOF, MTC and AUTHORITY have executed this Agreement as of the date first written above.

SOLANO TRANSPORTATION
AUTHORITY

METROPOLITAN TRANSPORTATION
COMMISSION

Daryl K. Halls, Executive Director

Therese W. McMillan, Executive Director

Date: July 28, 2021
W.I.: 1515
Referred by: PAC

ABSTRACT

Resolution No. 4480

Establishes conditions for the exchange of Bay Area Infrastructure Financing Authority (BAIFA) unrestricted funds with Bridge Toll Savings funds provided by the Metropolitan Transportation Commission (MTC) and the Bay Area Toll Authority (BATA). An agreement for the conditions of this exchange of funds between BAIFA and MTC is included.

The resolution includes the following attachment:

Attachment A – Funding Exchange Agreement

Further discussion of this action is contained in the Programming and Allocation summary sheet dated July 14, 2021.

Date: July 28, 2021
W.I.: 1515
Referred by: PAC

RE: Agreement for the Exchange of MTC/BATA Bridge Toll Savings with Bay Area Infrastructure Financing Authority Unrestricted funds

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION NO. 4480

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 is the designated Metropolitan Planning Organization (MPO) for the nine-county San Francisco Bay Area region; and

WHEREAS, the Metropolitan Transportation Commission (“MTC”) and the Bay Area Toll Authority (“BATA”) have executed a joint exercise of powers agreement dated as of August 1, 2006, as amended, which created and established the Bay Area Infrastructure Financing Authority (“BAIFA”); and

WHEREAS, the Bay Area Infrastructure Financing Authority (BAIFA) is the sponsoring agency for the Solano I-80 Managed Lanes project’s toll system component, which received Trade Corridor Enhancement Program (TCEP) funds from the California Transportation Commission (CTC) and has Regional Measure 3 (RM3) fund in the funding plan; and

WHEREAS the collection of funds under Regional Measure 3 has been challenged and is currently under review in the California Supreme Court; and

WHEREAS, BAIFA has requested the assistance of MTC to maintain the delivery commitment for the Solano I-80 Managed Lanes project by providing Toll Bridge Project Savings funds directed to the Transit Core Capacity Challenge Grant Program funds, hereinafter referred as “Toll Savings Funds” in the near term in exchange for BAIFA non-federal unrestricted funds hereinafter referred to as “BAIFA Unrestricted Funds” in the longer term; and

WHEREAS, BAIFA agrees to repay MTC for the Toll Savings Funds with BAIFA Unrestricted Funds as specified in this Agreement, attached and incorporated by reference; and

WHEREAS, the agreement is substantially in the form set forth in Attachment A to this resolution, attached and incorporated as though set forth at length; now, therefore, be it

RESOLVED, that MTC approves the exchange of Toll Savings Funds with BAIFA Unrestricted Funds for the purposes and within the maximum amount established, and subject to the conditions, set forth in Attachment A; and, be it further

RESOLVED, that the BAIFA Unrestricted Funds shall be placed into the MTC Exchange Account for programming to project(s) at the discretion of the Commission; and, be it further

RESOLVED, that MTC's Executive Director is authorized to execute Attachment A, and to make non-substantive changes or minor amendments as deemed appropriate: and, be it further

RESOLVED, that upon execution of Attachment A by the signatory agencies, MTC staff shall implement the exchange of the Toll Savings Funds with BAIFA Unrestricted Funds.

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 July 28, 2021.

Date: July 28, 2021
W.I.: 1515
Referred by: PAC

MTC Resolution No. 4480
Attachment A

**Agreement for the Exchange of MTC/BATA Bridge Toll Savings
Funds with Bay Area Infrastructure Financing Authority
(BAIFA) Unrestricted funds**

Agreement between the Metropolitan Transportation Commission (MTC) and the Bay Area Infrastructure Financing Authority (BAIFA) for the exchange of bridge toll savings funds for BAIFA non-federal unrestricted funds.

This AGREEMENT is entered into on the first day of August 1, 2021, by and between the BAY AREA INFRASTRUCTURE FINANCING AUTHORITY (“AUTHORITY”) created under an executed a joint exercise of powers agreement between the Metropolitan Transportation Commission and Bay Area Toll Authority dated as of August 1, 2006, as amended, and the METROPOLITAN TRANSPORTATION COMMISSION (“MTC”), a regional transportation agency created under California Government Code Sections 66500 et seq.

Recitals

- (1) AUTHORITY is the sponsoring agency for the Solano I-80 Managed Lanes Toll Systems Project within Solano County (“PROJECT”).
- (2) PROJECT will be implemented over several years to relieve traffic congestion on I-80 for travelers within Solano County and between the San Francisco Bay Area and Sacramento regions and beyond.
- (3) PROJECT received Senate Bill 1 (SB1) Trade Corridor Enhancement Program (TCEP) funds from the California Transportation Commission (CTC) and has Regional Measure 3 (RM3) funds in the funding plan.
- (4) Project delivery is a deciding factor in the CTC granting TCEP competitive funding, with PROJECT scheduled to go to construction this year.
- (5) PROJECT is currently on hold and unable to proceed without RM3 funds being made available for PROJECT.
- (6) AUTHORITY has requested the assistance of MTC to maintain the delivery commitment of PROJECT by providing two million, eight hundred twenty two thousand dollars (\$2,822,000) in toll bridge project savings funds directed to the Transit Core Capacity Challenge Grant Program, hereinafter referred to as (“TOLL SAVINGS FUNDS”) for PROJECT, in exchange for non-federal funds with no spending or eligibility limitations hereinafter referred to as “STA UNRESTRICTED FUNDS”
- (7) MTC, the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, is eligible to program and assign TOLL SAVINGS FUNDS, and has discretionary funding authority for the funds requested for PROJECT.
- (8) AUTHORITY and MTC desire to proceed with the funding agreement immediately, as nothing in this Agreement adversely affects MTC's responsibility to provide TOLL SAVINGS FUNDS to other existing programmed projects in the Bay Area.
- (9) AUTHORITY and MTC mutually desire to specify the terms and conditions under which MTC is to provide TOLL SAVINGS FUNDS to AUTHORITY, in exchange for AUTHORITY's provision of STA UNRESTRICTED FUNDS to be repaid to MTC.

Now, therefore, in consideration of the mutual covenants contained herein, the parties hereto agree as follows:

Section I

MTC AGREES:

- (1) To perform such actions and to deliver such documents as are necessary to provide TOLL SAVINGS FUNDS to AUTHORITY in accordance with this Agreement.
- (2) To program in the federal Transportation Improvement Program (TIP) by December 31, 2021, a maximum total of two million, eight hundred twenty two thousand dollars (\$2,822,000) of TOLL SAVINGS FUNDS to AUTHORITY for implementation of PROJECT.

Section II

AUTHORITY AGREES:

- (1) To meet all federal, state, and regional project funding delivery requirements associated with TOLL SAVINGS FUNDS.
- (2) To request allocation and payment/reimbursement of one million, eight hundred forty five thousand dollars (\$1,845,000) in Regional Measure 3 funds from MTC and/or the Bay Area Toll Authority (BATA), within sixty (60) days of final disposition of the RM3 court case, if such disposition allows distribution of RM3 funds to local projects.
- (3) To provide STA UNRESTRICTED FUNDS in the amount of one million, eight hundred forty five thousand dollars (\$1,845,000) to MTC within sixty (60) days following receipt of RM3 funds from MTC or the Bay Area Toll Authority (BATA).
- (4) To indemnify, defend and hold harmless MTC, its Commissioners, directors, officers, 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 AUTHORITY, its officers, employees or agents, or subcontractors or any of them in connection with its performance of PROJECT under this Agreement.

Section III

IT IS MUTUALLY AGREED:

- (1) The term of this Agreement shall commence on August 1, 2021. With the exception of AUTHORITY'S indemnification, defense and hold harmless responsibilities under item 6 of section II above, which shall survive termination of this Agreement, the Agreement shall terminate upon the satisfaction of AUTHORITY'S obligations to MTC with STA UNRESTRICTED FUNDS, as outlined in Section II of this Agreement. Notwithstanding the above, AUTHORITY may terminate this Agreement by written notice to MTC if AUTHORITY has not received a payment/reimbursement of the TOLL SAVINGS FUNDS by December 31, 2022 and no arrangement for availability of these funds after

December 31, 2022 has been made by MTC to the satisfaction of AUTHORITY. If the Agreement is terminated by AUTHORITY, MTC will reprogram the TOLL SAVINGS FUNDS to other projects selected at MTC's discretion.

- (2) If the pending litigation is not resolved in favor of allowing disbursement of RM3 funds, AUTHORITY is not obligated to repay the funds subject to this agreement.
- (3) MTC reserves the right to withhold from AUTHORITY future regional discretionary funds otherwise going to AUTHORITY, after consultation with AUTHORITY, if the pending RM3 litigation is resolved in favor of allowing disbursement of RM3 and AUTHORITY fails to meet its obligation to make the full payment to MTC under this agreement.
- (4) This Agreement shall bind and benefit the parties hereto and their heirs, successors, and permitted assigns.
- (5) MTC and AUTHORITY agree to do all such things and take all such actions, and to make, execute and deliver such other documents and instruments, as shall be reasonably requested to carry out the provisions, intent, and purpose of the Agreement.
- (6) This Agreement may not be changed, modified, or rescinded except in writing, signed by all parties hereto, and any attempt at oral modification of this Agreement shall be void and of no effect.
- (7) All required, reports, demands and notices may be sent by regular mail or electronic mail. Notices that are mailed by regular mail shall be deemed delivered two (2) business days after deposited in the mail. Notices may be personally delivered and shall be deemed delivered at the time delivered to the appropriate address set forth below. Notices delivered by electronic mail shall be deemed received upon the sender's receipt of an acknowledgment from the intended recipient (such as by the "return receipt requested" function, as available, return electronic mail or other written acknowledgment of receipt); provided that, if such notice is not sent during normal business hours of the recipient, such notice shall be deemed to have been sent at the opening of business on the next business day of the recipient. Unless and until notified otherwise in writing, a party shall send or deliver all such communications relating to this Agreement to the following address:

Andrew Fremier
Deputy Executive Director, Ops.
Bay Area Inf. Fin. Authority
375 Beale St., Ste. 800
San Francisco, CA 94105
afremier@bayareametro.gov

Kenneth Kao
Assistant Director, Funding Policy and Programs
Metropolitan Transportation Commission
375 Beale St., Ste. 800
San Francisco, CA 94105
kkao@bayareametro.gov

- (8) This Agreement is the entire agreement among MTC and AUTHORITY relating to the subject matter of this Agreement. MTC and AUTHORITY acknowledge they have not relied upon any promise, representation or warranty not expressly set forth in this Agreement in executing this Agreement.

- (9) Should any part of this Agreement be declared unconstitutional, invalid, or beyond the authority of MTC or AUTHORITY to enter into or to carry out, such decision shall not affect the validity of the remainder of this Agreement which shall continue in full force and effect; provided that the remainder of this Agreement can, absent the excised portion, be reasonably interpreted to give effect to the intentions of the parties.
- (10) No waiver by either party of any default or breach of any covenant by the other party shall be implied from any omission to take action on account of such default if such default persists or is repeated and no express waiver shall affect any default other than the default specified in such waiver and then such waiver shall be operative only for the time and to the extent stated in such waiver. Waivers of any covenant, term or condition contained herein shall not be construed as a waiver of any subsequent breach of the same covenant, term, or condition. No waiver of any provision under this Agreement shall be effective unless in writing and signed by the waiving party.
- (11) MTC and AUTHORITY represent and warrant that they are authorized to execute this Agreement.
- (12) This Agreement may be executed in counterparts.

IN WITNESS WHEREOF, MTC and AUTHORITY have executed this Agreement as of the date first written above.

BAY AREA INFRASTRUCTURE
AUTHORITY

METROPOLITAN FINANCING
COMMISSION

Andrew Fremier, Deputy Exec. Director

Therese W. McMillan, Executive Director