

Date: December 18, 2024  
W.I.: 1127  
Referred by: BATA Oversight

ABSTRACT

Resolution No. 181

This resolution requests an allocation for Regional Measure 3 project (17) the Dumbarton Corridor Improvements.

- Attachment A -Allocation Request Form
- Attachment B – Allocation Request Funding Plan
- Attachment C – Initial Project Report
- Attachment D -Initial Project Report Funding Plan
- Attachment E – Project Location & Key Elements

Further discussion of this subject is contained in the Bay Area Toll Authority Oversight Committee Summary Sheet dated December 11, 2024.

Date: December 18, 2024  
W.I.: 1127  
Referred by: BATA Oversight

RE: Regional Measure 3 Dumbarton Corridor Improvements: Sponsor Agency Resolution of Project Compliance – Allocation Request

BAY AREA TOLL AUTHORITY  
RESOLUTION NO. 181

**Sponsor Agency:** Bay Area Toll Authority (BATA)  
**Project Title:** (17) Dumbarton Corridor Improvements  
**Subproject Title:** Marshlands Road Bay Trail

WHEREAS, SB 595 (Chapter 650, Statutes 2017), commonly referred as Regional Measure 3, identified projects eligible to receive funding under the Regional Measure 3 Expenditure Plan; and

WHEREAS, the Metropolitan Transportation Commission (MTC) is responsible for funding projects eligible for Regional Measure 3 funds, pursuant to Streets and Highways Code Section 30914.7(a) and (c); and

WHEREAS, MTC has established a process whereby eligible transportation project sponsors may submit allocation requests for Regional Measure 3 funding; and

WHEREAS, allocation requests to MTC must be submitted consistent with procedures and conditions as outlined in Regional Measure 3 Policies and Procedures (MTC Resolution No. 4404); and

WHEREAS, BATA is an eligible sponsor of transportation project(s) in the Regional Measure 3 Expenditure Plan; and

WHEREAS, the Dumbarton Corridor Improvements – Marshlands Road Bay Trail Project is eligible for consideration in the Regional Measure 3 Expenditure Plan, as identified in California Streets and Highways Code Section 30914.7(a); and

WHEREAS, the Regional Measure 3 updated allocation request, in Attachments A and B, and the Initial Project Report (IPR), in Attachments C, D, and E, for the Marshlands Road Bay Trail Project attached hereto and incorporated herein as though set forth at length, lists the project, purpose, schedule, budget, expenditure and cash flow plan for which BATA is requesting that MTC allocate Regional Measure 3 funds; now, therefore, be it

RESOLVED, that BATA, and its agents shall comply with the provisions of the Metropolitan Transportation Commission's Regional Measure 3 Policies and Procedures); and be it further

RESOLVED, that BATA certifies that the Dumbarton Corridor Improvements – Marshlands Road Bay Trail Project is consistent with the Regional Transportation Plan (RTP); and be it further

RESOLVED, that the year of funding for any design, right-of-way and/or construction phases has taken into consideration the time necessary to obtain environmental clearance and permitting approval for the project; and be it further

RESOLVED, that the Regional Measure 3 phase or segment is fully funded, and results in an operable and useable segment; and be it further

RESOLVED, that BATA approves the allocation request and updated IPR, attached to this resolution; and be it further

RESOLVED, that BATA approves the cash flow plan, attached to this resolution; and be it further

RESOLVED, that BATA has reviewed the project needs and has adequate staffing resources to deliver and complete the project within the schedule set forth in the allocation request and updated IPR, attached to this resolution; and, be it further

RESOLVED, that BATA is authorized to submit an allocation request for Regional Measure 3 funds for the Dumbarton Corridor Improvements – Marshlands Road Bay Trail Project in accordance with California Streets and Highways Code 30914.7(a); and be it further

RESOLVED, that BATA certifies that the projects and purposes for which RM3 funds are being requested 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.) and if relevant the National Environmental Policy Act (NEPA), 42 USC Section 4-1 et. seq. and the applicable regulations thereunder; and be it further

RESOLVED, that there is no legal impediment to BATA making allocation requests for Regional Measure 3 funds; and be it further

RESOLVED, that there is no pending or threatened litigation which might in any way adversely affect the proposed project, or the ability of BATA to deliver such project; and be it further

RESOLVED, that BATA indemnifies and holds harmless MTC and their Commissioners, 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 BATA, its officers, employees or agents, or subcontractors or any of them in connection with its performance of services under this allocation of RM3 funds. BATA agrees at its own cost, expense, and risk, to defend any and all claims, actions, suits, or other legal proceedings brought or instituted against MTC, BATA, and their Commissioners, officers, agents, and employees, or any of them, arising out of such act or omission, and to pay and satisfy any resulting judgments. In addition to any other remedy authorized by law, so much of the funding due under this allocation of RM3 funds as shall reasonably be considered necessary by MTC may be retained until disposition has been made of any claim for damages, and be it further

RESOLVED, that BATA shall, if any revenues or profits from any non-governmental use of property (or project) that those revenues or profits shall be used exclusively for the public transportation services for which the project was initially approved, either for capital improvements or maintenance and operational costs, otherwise the Metropolitan Transportation Commission is entitled to a proportionate share equal to MTC's percentage participation in the projects(s); and be it further

RESOLVED, that assets purchased with RM3 funds including facilities and equipment shall be used for the public transportation uses intended, and should said facilities and equipment cease to be operated or maintained for their intended public transportation purposes for its useful life, that the Metropolitan Transportation Commission (MTC) shall be entitled to a present day value refund or credit (at MTC's option) based on MTC's share of the Fair Market Value of the said facilities and equipment at the time the public transportation uses ceased, which shall be paid back to MTC in the same proportion that Regional Measure 3 funds were originally used; and be it further

RESOLVED, that BATA shall post on both ends of the construction site(s) at least two signs visible to the public stating that the Project is funded with Regional Measure 3 Toll Revenues; and be it further

RESOLVED, that BATA authorizes its Executive Director, or his/her designee to execute and submit an allocation request for the environmental and design phase with MTC for Regional Measure 3 funds in the amount of (\$1,000,000), for the project, purposes and amounts included in the allocation request attached to this resolution; and be it further

RESOLVED, that the (Executive Director, or his/her designee) is hereby delegated the authority to make non-substantive changes or minor amendments to the allocation request or IPR as he/she deems appropriate; and be it further

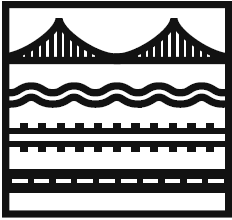
RESOLVED, that a copy of this resolution shall be transmitted to MTC in conjunction with the filing of the BATA allocation request referenced herein.

BAY AREA TOLL AUTHORITY

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Alfredo Pedroza, Chair

The above resolution was entered into by the Bay Area Toll Authority at a duly called and noticed meeting held in San Francisco, California and at other remote locations, on December 18, 2024.



# Regional Measure 3 Allocation Request

## RM3 Project Information

Project Number	17
Project Title	Dumbarton Corridor Improvements
Project Funding Amount	\$130 million

## Subproject Information (if different from overall RM3 project)

Subproject Number	17.4
Subproject Title	Marshlands Road Bay Trail Project
Subproject Funding Amount	\$1 million

## RM3 Allocation History (Add lines as necessary)

	MTC Approval Date	Amount	Phase
#1:			
#2			
#3			

**Total:** \$

## Current Allocation Request:

Request submittal date	Amount	Phase
December 11, 2024	\$1,000,000	PA&ED

## I. RM3 Allocation Request Information

- a. Describe the current status of the project, including any progress since the last allocation request or IPR update, if applicable.

The project has completed the PID process with Caltrans and is moving into the PA&ED phase which will be funded by the RM3 funds requested.

- b. Describe the scope of the allocation request. Provide background and other details as necessary. The scope must be consistent with the RM3 statute. If the scope differs from the most recent IPR for this project, please describe the reason for any changes here; a revised IPR may be necessary.**

The funds requested under this allocation will be utilized to implement the PA&ED phase for the Marshlands Road Bay Trail Project which would improve bicycle and pedestrian access along the Dumbarton Bridge Corridor in Fremont and provide an active transportation commute option within the Dumbarton Bridge Corridor.

- c. Deliverable segment budget – please fill out attached Excel file. If the budget differs from the most recent IPR for this project, please describe the reason for any changes here; a revised IPR may be necessary.**

See attached spreadsheet.

- d. Schedule – what is the expected completion date of the phase for this allocation? Describe any significant milestones.**

This phase of the project is expected to begin June 2025 and completed by June 2027.

- e. If the project received an RM3 Letter of No Prejudice, how much has been spent against the approved RM3 LONP amount? (Note: the scope and RM3 amount for this allocation request should match the approved LONP)**

**f. Request Details**

Amount being requested	\$1,000,000
Project phase being requested	PA&ED
Are there other fund sources involved in this phase?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Date of anticipated Implementing Agency Board approval of RM3 Allocation Request resolution for the allocation being requested	December 18, 2024
Month/year being requested for MTC commission approval of allocation	January 2025

Note: Allocation requests are recommended to be submitted to MTC staff for review sixty (60) days prior to action by the Implementing Agency Board

- g. List any other planned bridge toll allocation requests in the next 12 months**

N/A

**Regional Measure 3  
 Allocation Request  
 Funding Plan - Deliverable Segment - Fully funded phase or segment of total project**

Project Title:	Dumbarton Corridor Improvements
Subproject Title	Marshlands Road Bay Trail Project
Project/Subproject Number:	17/17.4
Total RM3 Funding:	\$ 1,000,000

(add rows as necessary)

**RM3 Deliverable Segment Funding Plan - Funding by planned year of allocation**

Funding Source	Phase	Prior	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	Future committed	Total Amount (\$ thousands)	Amount Expended (\$ thousands)	Amount Remaining (\$ thousands)
RM3	ENV		\$ 5,000	\$ 545,000	\$ 450,000						\$ 1,000,000		\$ 1,000,000
OBAG 3	ENV		\$ 5,000	\$ 597,500	\$ 897,500						\$ 1,500,000		\$ 1,500,000
											\$ -		\$ -
											\$ -		\$ -
											\$ -		\$ -
											\$ -		\$ -
ENV Subtotal		\$ -	\$ 10,000	\$ 1,142,500	\$ 1,347,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,500,000	\$ -	\$ 2,500,000
RM 3	PSE										\$ -		\$ -
OBAG 3	PSE										\$ -		\$ -
											\$ -		\$ -
											\$ -		\$ -
											\$ -		\$ -
											\$ -		\$ -
PSE Subtotal		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
TBD	ROW										\$ -		\$ -
	ROW										\$ -		\$ -
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ROW Subtotal		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
TBD	CON										\$ -		\$ -
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CON Subtotal		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>RM 3 Funding Subtotal</b>		\$ -	\$ 5,000	\$ 545,000	\$ 450,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,000,000	\$ -	\$ 1,000,000
<b>Capital Funding Total</b>		\$ -	\$ 10,000	\$ 1,142,500	\$ 1,347,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,500,000	\$ -	\$ 2,500,000



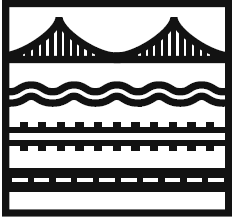


**Regional Measure 3  
 Allocation Request  
 Estimated Budget Plan**

Project Title:	Dumbarton Corridor Improvements
Subproject Title	Marshlands Road Bay Trail Project
Project/Subproject Number:	17/17.4
Total RM3 Funding:	\$ 1,000,000

1. Direct Labor of Implementing Agency (specify by name and job function)			
	Estimated Hours	Rate/Hour	Total Estimated cost
			\$ -
			\$ -
			\$ -
			\$ -
			\$ -
			\$ -
Direct Labor Subtotal			\$ -
2. Overhead and direct benefits (specify)		Rate	x Base
Overhead		\$ -	
		\$ -	
		\$ -	
		\$ -	
		\$ -	
		\$ -	
Overhead and Benefit Subtotal			\$ -
3. Direct Capital Costs (include engineer's estimate on construction, right-of-way, or vehicle acquisition)			
	Unit (if applicable)	Cost per unit	Total Estimated cost
			\$ -
			\$ -
			\$ -
Direct Capital Costs Subtotal			\$ -
4. Consultants (Identify purpose and/or consultant)			Total Estimated cost
Complete PA&ED			\$ 1,000,000
Constultants Subtotal			\$ 1,000,000
5. Other direct costs			Total Estimated cost
Other Direct Costs Subtotal			\$ -
<b>Total Estimated Costs</b>			<b>\$ 1,000,000</b>

Comments:



# Regional Measure 3

## Initial Project Report

### *Project/Subproject Details*

#### Basic Project Information

Project Number	17
Project Title	Dumbarton Corridor Improvements
RM3 Funding Amount	\$130 million

#### Subproject Information

Subproject Number	17.4
Subproject Title	Marshlands Road Bay Trail Project
RM3 Funding Amount	\$1 million

#### I. Overall Subproject Information

##### a. Project Sponsor / Co-sponsor(s) / Implementing Agency

Bay Area Toll Authority (BATA) will be the Project Sponsor and Implementing Agency working with the City of Fremont.

##### b. Detailed Project Description *(include definition of deliverable segment if different from overall project/subproject)*

The funds requested under this allocation will be utilized to implement the PA&ED phase for the Marshlands Road Bay Trail Project which would create bicycle and pedestrian improvements that will close a gap in the Bay Trail system along Marshland Roads in Fremont. This project will improve bicycle and pedestrian access along the Dumbarton Bridge Corridor and provide an active transportation commute option within the Dumbarton Bridge Corridor. The proposed work would include a wide variety of studies needed for the proposed environmental and design work for the project.

##### c. Impediments to Project Completion



Caltrans approval of trail design within their right-of-way.

- d. Risk Management** *(describe risk management process for project budget and schedule, levels of contingency and how they were determined, and risk assessment tools used)*

This funding is for PA&ED. Since it is not a construction phase, no risk assessment needed at this time.

- e. Operability** *(describe entities responsible for operating and maintaining project once completed/implemented)*

The entity that will operate and maintain the project facilities will be determined in a later phase of the project.

- f. Project Graphic(s)** *(include below or attach)*

See attached graphics.

## II. Project Phase Description and Status

- a. Environmental/Planning**

Does NEPA apply? Yes  No

The PID process for this project has been completed, and the funds requested under this allocation will be utilized to implement the PA&ED phase for the Marshlands Road Bay Trail Project. The proposed work would include a wide variety of studies needed for the proposed environmental work for the project.

- b. Design**

The funds requested under this allocation will be utilized to implement the PA&ED phase for the Marshlands Road Bay Trail Project which will inform the design.

- c. Right-of-Way Activities / Acquisition**

N/A

- d. Construction / Vehicle Acquisition / Operating**

N/A



### III. Project Schedule

Phase-Milestone	Planned	
	Start Date	Completion Date
Environmental Studies, Preliminary Eng. (ENV / PE / PA&ED)	June 1, 2025	June 1, 2027
Final Design - Plans, Specs. & Estimates (PS&E)	TBD	TBD
Right-of-Way Activities /Acquisition (R/W)	TBD	TBD
Construction (Begin – Open for Use) / Acquisition (CON)	TBD	TBD

### IV. Project Budget

#### Capital

Project Budget	Total Amount - Escalated to Year of Expenditure (YOE)- (Thousands)
Environmental Studies & Preliminary Eng (ENV / PE / PA&ED)	\$1,000
Design - Plans, Specifications and Estimates (PS&E)	TBD
Right-of-Way Activities /Acquisition (R/W)	TBD
Construction / Rolling Stock Acquisition (CON)	TBD
<b>Total Project Budget (in thousands)</b>	<b>\$1,000</b>

Deliverable Segment Budget (if different from Project budget)	Total Amount - Escalated to Year of Expenditure (YOE)- (Thousands)
Environmental Studies & Preliminary Eng (ENV / PE / PA&ED)	
Design - Plans, Specifications and Estimates (PS&E)	
Right-of-Way Activities /Acquisition (R/W)	
Construction / Rolling Stock Acquisition (CON)	



Total Project Budget (in thousands)	
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Operating	Total Amount - Escalated to Year of Expenditure (YOE)- (Thousands)
Annual Operating Budget	TBD

## V. Project Funding

*Please provide a detailed funding plan in the Excel portion of the IPR. Use this section for additional detail or narrative as needed and to describe plans for any "To Be Determined" funding sources, including phase and year needed.*

See attached spreadsheet.

## VI. Contact/Preparation Information

### Contact for Project Sponsor

Name: Lee Huo

Title: Bay Trail Planner

Phone: 415-820-7915

Email: [lhua@bayareametro.gov](mailto:lhua@bayareametro.gov)

Mailing Address: 375 Beale Street, Suite 800, San Francisco, CA 94105

### Person Preparing Initial Project Report (if different from above)

Name:

Title:

Phone:

Email:

Mailing Address:

**Regional Measure 3  
 Initial Project Report - Subproject Report  
 Funding Plan**

Project Title:	Dumbarton Corridors Improvements
Subproject Title	Marshlands Road Bay Trail Project
Project/Subproject Number:	17/17.4
Total RM3 Funding:	\$ 1,000,000

(add rows as necessary)

**CAPITAL FUNDING**

Funding Source	Committed? (Yes/No)	Total Amount (\$ thousands)	Amount Expended (\$ thousands)	Amount Remaining (\$ thousands)
<b>ENV</b>				
Regional Measure 3	Yes	\$ 1,000		\$ 1,000
OBAG 3	Yes	\$ 1,500		\$ 1,500
				\$ -
				\$ -
				\$ -
ENV Subtotal		\$ 2,500	\$ -	\$ 2,500
<b>PSE</b>				
TBD				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
PSE Subtotal		\$ -	\$ -	\$ -
<b>ROW</b>				
TBD				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
ROW Subtotal		\$ -	\$ -	\$ -
<b>CON</b>				
TBD				\$ -
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				\$ -
				\$ -
				\$ -
				\$ -
CON Subtotal		\$ -	\$ -	\$ -
<b>Capital Funding Total</b>		\$ 2,500	\$ -	\$ 2,500

**OPERATING FUNDING (Annual)**

Funding Source	Phase	Committed? (Yes/No)	Total Amount (\$ thousands)
TBD	Operating		
<b>Operating Funding Total</b>			\$ -

**Regional Measure 3  
 Initial Project Report - Subproject Report  
 Funding Plan - Deliverable Segment - Fully funded phase or segment of total project**

Project Title:	Dumbarton Corridors Improvements
Subproject Title	Marshlands Road Bay Trail Project
Project/Subproject Number:	17/17.4
Total RM3 Funding:	\$ 1,000,000

(add rows as necessary)

**RM3 Deliverable Segment Funding Plan - Funding by planned year of allocation**

Funding Source	Prior	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	Future committed	Total Amount (\$ thousands)	Amount Expended (\$ thousands)	Amount Remaining (\$ thousands)
<b>ENV</b>												
RM-3		\$ 5,000	\$ 545,000	\$ 450,000						\$ 1,000,000		\$ 1,000,000
OBAG 3		\$ 5,000	\$ 597,500	\$ 897,500						\$ 1,500,000		\$ 1,500,000
										\$ -		\$ -
										\$ -		\$ -
										\$ -		\$ -
ENV Subtotal	\$ -	\$ 10,000	\$ 1,142,500	\$ 1,347,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,500,000	\$ -	\$ 2,500,000
<b>PSE</b>												
TBD										\$ -		\$ -
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PSE Subtotal	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>ROW</b>												
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ROW Subtotal	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
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CON Subtotal	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>RM-3 Funding Subtotal</b>	\$ -	\$ 5,000	\$ 545,000	\$ 450,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,000,000	\$ -	\$ 1,000,000
<b>Capital Funding Total</b>	\$ -	\$ 10,000	\$ 1,142,500	\$ 1,347,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,500,000	\$ -	\$ 2,500,000





**Regional Measure 3  
 Initial Project Report - Subproject Report  
 Estimated Budget Plan**

Project Title:	Dumbarton Corridors Improvements
Subproject Title	Marshlands Road Bay Trail Project
Project/Subproject Number:	17/17.4
Total RM3 Funding:	\$ 1,000,000

1. Direct Labor of Implementing Agency (specify by name and job function)			
	Estimated Hours	Rate/Hour	Total Estimated cost
			\$ -
			\$ -
			\$ -
			\$ -
			\$ -
			\$ -
Direct Labor Subtotal			\$ -
2. Overhead and direct benefits (specify)		Rate	x Base
		\$ -	
		0	
		0	
		0	
		0	
Overhead and Benefit Subtotal			\$ -
3. Direct Capital Costs (include engineer's estimate on construction, right-of-way, or vehicle acquisition)			
	Unit (if applicable)	Cost per unit	Total Estimated cost
			\$ -
			\$ -
			\$ -
			\$ -
			\$ -
Direct Capital Costs Subtotal			\$ -
4. Consultants (Identify purpose and/or consultant)			Total Estimated cost
Complete PA&ED			\$ 1,000,000
Constultants Subtotal			\$ 1,000,000
5. Other direct costs			Total Estimated cost
Other Direct Costs Subtotal			\$ -
<b>Total Estimated Costs</b>			<b>\$ 1,000,000</b>

Comments:

# Bay Trail Gap Closure Project – Marshland Road

## Project Location & Key Elements

- New Multi-Purpose Trail Improvements

- Along Marshland Road between Dumbarton Bridge Bike Path and SR84 toll plaza (Caltrans ROW)

