Valley Link AB 1171 Allocation Request – Additional Background and Issues

Background:

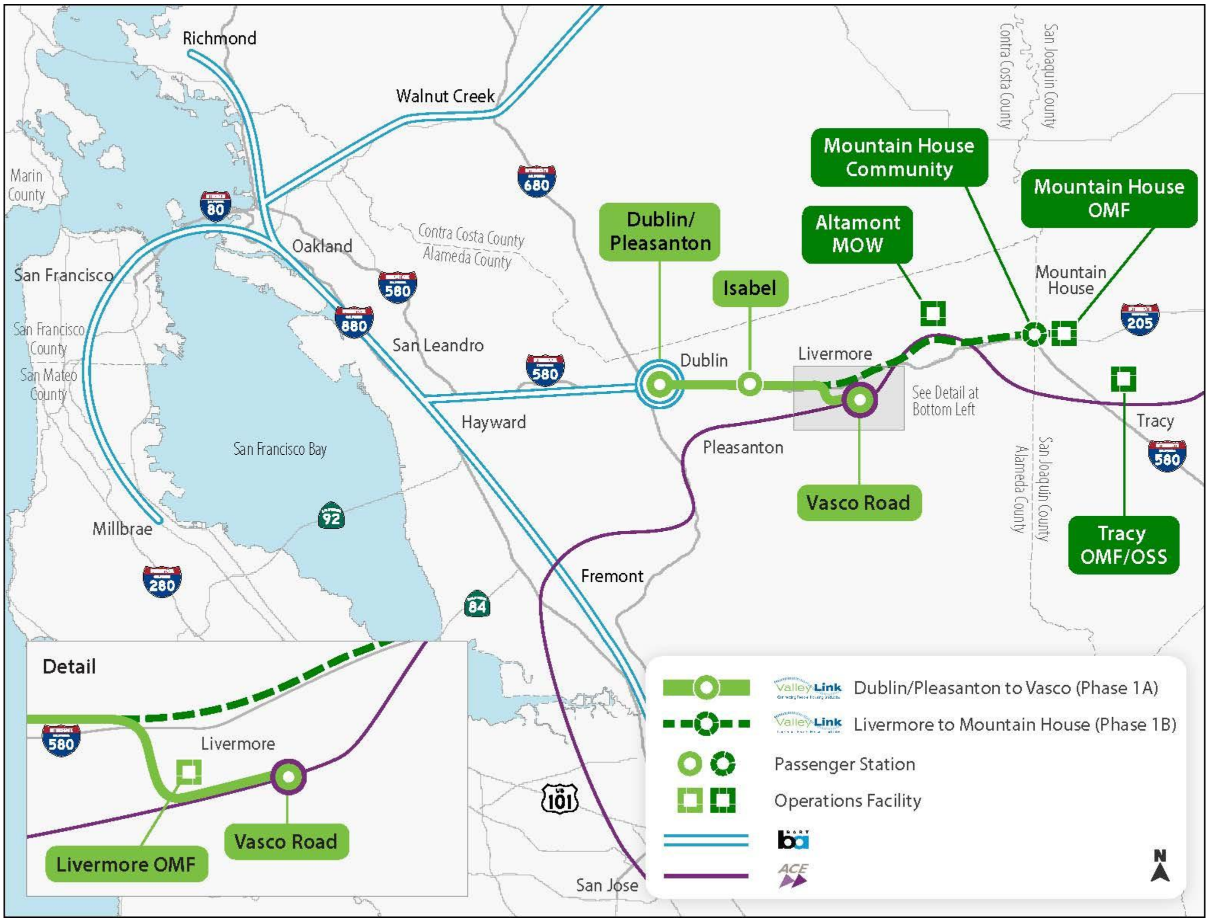
AB 1171, passed by the Legislature and signed by the Governor in 2001, dedicated a portion of the $1 seismic surcharge on state-owned toll bridges to transit projects consistent with the Streets and Highways Code section 30913 and 30914. The conditions for use of the surcharge on transit projects having been met, MTC Resolution No. 3434, as revised in 2008, commits $95 million in AB 1171 Bridge Toll capital funds towards Tri-Valley Transit Access Improvements to/from BART.

In 2017, the TVSJVRRA was established by Assembly Bill 758 "for purposes of planning, developing, and delivering cost-effective and responsive transit connectivity, between BART's rapid transit system and the Altamont Corridor Express commuter rail service in the Tri-Valley region."

To date, the Commission has approved $74.3 million in AB 1171 allocations under the Tri-Valley Transit Access Improvements to/from BART line item, including $11.4 million prior to the establishment of TVSJVRRA.

In June 2020, the Commission approved an allocation of $46.8 million for a broad scope including 30% design, federal environmental review documents, preparation of reports for Caltrans' Project Approval and Environmental Document (PA&ED) phase, and support of various operations and technical reports/studies. In October 2024, the Commission approved a supplemental allocation of $3 million to accommodate an extended schedule for this work due to design changes, including adoption of a phased delivery approach and the need to re-evaluate the environmental impacts of the preferred alternative.

Due to cost increases identified as part of the 30% design and cost estimate update, in June 2025 the TVSJVRRA Board further divided delivery of the project, adopting an initial Phase 1A operating segment that will construct approximately 11 miles of new passenger rail along I-580 to connect the existing BART rail system at Dublin/Pleasanton to the existing ACE rail system at Vasco Road in Livermore, including a third station at Isabel Avenue in Livermore. As detailed in the Summary Sheet, TVSJVRRA requested a $4 million supplemental AB 1171 allocation to update 30% design and Caltrans PA&ED phase for the revised Phase 1A alignment and to initiate CMGC preconstruction services and an independent cost estimate. A map of the adopted Phase 1A and 1B alignments is included below.



Issues:

1. Litigation on Project: Similar to the previous AB 1171 allocation, this allocation is recommended conditioned on TVSJVRRA's compliance with the provisions of MTC Resolution No. 3636, Revised, the Regional Measure 2 Policies and Procedures. One such aspect of the Regional Measure 2 Policies and Procedures is the adoption of a board resolution and/or finding of legal counsel that there is no legal impediment to the project sponsor making application for the funds, and that there is no pending or threatened

litigation that might in any way adversely affect the proposed projects, or the ability of the project sponsor to carry out such projects.

In *Alameda County Taxpayers' Association, Inc., et al. v. Tri-Valley—San Joaquin Valley Regional Rail Authority, et al. (Alameda Superior Court Case No. RG2110126),* the Plaintiffs contend that TVSJVRRA has been unlawfully pursuing development of a rail project running between Alameda and San Joaquin Counties, and that MTC has unlawfully allocated bridge toll funds for the project. MTC and co-defendant TVSJVRRA, et al. deny the Plaintiffs' claims.

In its board resolution and opinion of counsel, TVSJVRRA acknowledges this pending litigation. As co-defendant denying Plaintiffs' claims, MTC accepts TVJSVRRA's materials as satisfactory relative to this allocation condition.