

Date: June 28, 2023
W.I.:1251/1254, 1255/1256,1258
Referred by: BATA Oversight
Revised: November 15, 2023
Revised: April 24, 2024

ABSTRACT

BATA Resolution No. 169

This resolution approves the FY 2023-24 BATA Toll Bridge Program Operating and Capital Budgets.

Further discussion of the BATA Operating and Capital Budgets is contained in the BATA Summary Sheet dated June 28, 2023. A budget is attached as Attachments A through G.

Attachment A to this resolution was revised on November 15, 2023. The revision increases the operating revenue budget by \$1.7 million and increases the operating expenses by \$2.3 million. The budget as revised remains balanced. Further discussion is contained in the BATA Oversight Committee Summary Sheet dated November 8, 2023.

Attachment A and B to this resolution were revised on April 24, 2024. The revision increases the operating expenses and transfers budget by \$1.4 million funded by current toll revenue, and increases carryover prior year expenses by \$15.6 million funded by operating reserve. The operating budget as revised remains balanced. The revision also includes the creation of a new capital budget for projects where BATA serves as project sponsor adding \$10 million for projects funded by Regional Measure 3. Further discussion is contained in the BATA Oversight Committee Summary Sheet dated April 10, 2024.

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BAY AREA TOLL AUTHORITY
RESOLUTION No. 169

WHEREAS, Streets and Highways Code Sections § 30950 et seq. created the Bay Area Toll Authority (“BATA”); and

WHEREAS, Streets and Highways Code § 30950 et seq. transfers to BATA certain duties and responsibilities of the California Transportation Commission (“CTC”) and California Department of Transportation (“Caltrans”) for the toll bridges owned and operated by Caltrans in the San Francisco Bay Area; and

WHEREAS, in accordance with Streets and Highways Code §§ 30950.2 and 30886, BATA is responsible for the administration of all toll revenues from state-owned toll bridges within the jurisdiction of the Metropolitan Transportation Commission (“MTC”); and

WHEREAS, Bay Area bridges are defined in Streets and Highways Code § 30910 to include the Antioch, Benicia-Martinez, Carquinez, Richmond-San Rafael, San Francisco-Oakland, San Mateo-Hayward, and Dumbarton Bridges; and

WHEREAS, Streets and Highways Code § 30950.1 requires BATA to adopt an annual operating budget; and

WHEREAS, Streets and Highways Code § 30958 authorizes MTC to retain an amount not to exceed 1 percent of the gross revenues collected from tolls annually on Bay Area bridges to pay for administrative costs, after payments for debt service on outstanding bonds, and BATA’s direct operating costs; and

WHEREAS, Streets & Highway Code § 30959 authorizes BATA to make direct contributions to MTC not to exceed 1% of annual bridge toll revenue and further authorizes BATA to make additional contributions in the form of loans to MTC provided such loans do not exceed 1% of bridge toll revenue and are fully repaid with interest at the rate that would apply to toll bridge revenue bonds of the same duration; and

WHEREAS, BATA staff has prepared a proposed budget for FY 2023-24 that includes anticipated revenues and expenses, as set forth in Attachment A, and reserve designations as set forth in Attachment G to this resolution, attached hereto and incorporated herein by this reference; and

WHEREAS, pursuant to Streets and Highways Code § 30952, the State of California Department of Transportation (“Caltrans”) is responsible for the capital improvements of the state-owned toll bridges in accordance with programming and scheduling requirements as adopted by BATA; and

WHEREAS, Caltrans has requested that BATA adopt budgets for capital outlay and support costs of the Regional Measure 1 (RM1) Program, Rehabilitation (Rehab) Program on the state-owned toll bridges, as listed on attachments to this resolution; and

WHEREAS, pursuant to Streets and Highways Code § 30914, BATA is responsible for the budgeting and disbursing of Regional Measure 2 (RM2) toll revenues for capital and operating projects in the Regional Traffic Relief Program; and

WHEREAS, pursuant to Streets and Highway Code § 30914.7, BATA is responsible for the budgeting and disbursing of Regional Measure 3 (RM3) toll revenues for capital and operating projects in the Bay Area Traffic Relief Plan; and

WHEREAS, pursuant to Streets and Highways Code §§ 30913 and 31010(b), BATA is authorized to budget and fund eligible AB 1171 Capital Program projects from toll bridge seismic

retrofit surcharge funds exceeding legal requirements to fund and finance the Seismic Retrofit Program (SRP); and

WHEREAS, in accordance with the BATA Plan of Finance plan (BATA Resolution No. 110), adopted by BATA on November 20, 2013, and the bond covenants adopted under the Master Indenture and Supplemental Indentures, BATA is required to maintain certain reserves and contingencies including a reserve for operations and maintenance at twice the adopted operating budget and a Self-Insurance Reserve of at least \$50 million which are detailed in Attachment G of this resolution; and

WHEREAS, the final draft BATA budget for FY 2023-24 was reviewed and recommended by the BATA Oversight Committee for approval; now, therefore, be it

RESOLVED, that BATA approves the FY 2023-24 BATA operating and capital budgets attached hereto as Attachment A and incorporated herein as though set forth in length; and, be it further

RESOLVED, that the Executive Director or designee may approve adjustments among line items in the BATA operating budget for FY 2023-24, provided that there shall be no increase in the overall BATA operating budget without prior approval of BATA; and, be it further

RESOLVED, that BATA delegates to the Oversight Committee the authority to approve all contracts and expenditures for operating and capital costs in BATA's budget for FY 2023-24, providing that there shall be no increase in the overall budget without prior approval of BATA; and, be it further

RESOLVED, that the BATA Executive Director or the responsible BATA staff person designated by the Executive Director, shall submit written requests to the BATA Oversight Committee for approval of consultants, professional services, and other expenditures authorized in the BATA budget for FY 2023-24; and, be it further

RESOLVED, that BATA adopt budgets for the FY 2023-24 RM 2, Rehab, AB 1171, and RM 3 Programs for the state-owned toll bridges, as listed in Attachments B through F; and, be it further

RESOLVED, that the Executive Director and Chief Financial Officer are authorized to close projects and reallocate remaining budgets within the authorized Toll Bridge Rehabilitation Program Budget List and to move funds between designated contingency projects and active projects provided there is no overall increase to the total approved Toll Bridge Rehabilitation Program Budget; and, be it further

RESOLVED, that the Executive Director and Chief Financial Officer are authorized to utilize generally available cash and reserves to meet any operational and cash-flow shortfall and as an advance for project cash flow purposes provided the advance is repaid from project funds by the close of the fiscal year; and, be it further

RESOLVED, that BATA's Executive Director and the Chief Financial Officer are authorized to carry over and re-budget all grants, contracts, projects, and funds properly budgeted in the prior year for which expenditures were budgeted and encumbered and which will take place in FY 2023-24; and, be it further

RESOLVED, that the Authority authorizes fund reserve designations, effective June 30, 2023, as listed in Attachment G; and, be it further

RESOLVED, that the Executive Director or Chief Financial Officer are authorized to use available operating reserves to prepay or retire the BATA share of all pensions and OPEB obligations; and, be it further

RESOLVED, that the Executive Director or Chief Financial Officer are authorized to utilize the resources authorized under Streets and Highway Code Section 30959 to make direct

contributions to MTC to assist MTC with the retirement of MTC pension liabilities; and, be it further

RESOLVED, that BATA's Chief Financial Officer is authorized to establish and restrict an operating reserve equivalent to two years of operating revenue and a capital repair and replacement reserve up to the level of accumulated depreciation expense, and to fund the reserve with transfers approved in the annual adopted budget as well as all available funds; and, be it further

RESOLVED, that the Executive Director and Chief Financial Officer are authorized to create and designate a Liability Reserve and to transfer from available funds up to \$5 million for FY 2023-24 with a current contract limit of \$3 million and no further expenditures are authorized from the Liability Reserve without prior approval of the BATA Operations Committee; and, be it further

RESOLVED, that the Executive Director or designee shall furnish the BATA Oversight Committee with a quarterly financial report to reflect budgeted and actual income, expenditures, obligations for professional and consultant services and such other information and data as may be requested by the Committee.

BAY AREA TOLL AUTHORITY

Alfredo Pedroza, Chair

The above resolution was entered into by the Bay Area Toll Authority at a regular meeting of the Authority held in San Francisco, California and at other remote locations, on June 28, 2023.

Date: June 28, 2023

W.I.: 1251/1254, 1255/1256,1258

Revised: November 14, 2023

Revised: April 10, 2024

Attachments

BATA Resolution No. 169 FY2023-24 Toll Bridge Program Operating and Capital Budgets

Attachment A: FY 2023-24 Toll Bridge Program Operating Budget.

Attachment B: Capital Projects Budget, which shows the adopted capital budgets for the BATA Transit - Core Capacity Challenge program and Other Capital Projects.

Attachment C: Toll Bridge Rehabilitation Program, which shows capital outlay and capital outlay support budgets for the toll bridges (comprised of Attachment C-1 and C-2 detailing the FY 2023-24 budgets and allocations).

Attachment D: RM2 Capital Program Budget, which includes all RM2 capital projects listed as part of the Regional Traffic Relief Plan.

Attachment E: AB 1171 Capital Program.

Attachment F: RM3 Capital Program Budget, which includes all RM3 capital projects listed as part of the Bay Area Traffic Relief Plan.

Attachment G: Fund Reserve Designations, effective June 30, 2023.