

**Bay Area Infrastructure Finance Authority
(BAIFA)**

June 28, 2023

Agenda Item 3c - 23-0808

**BAIFA Resolution No. 48 - I-80 Express Lanes in Solano County (I-80 Solano Toll System)
Regional Measure 3 (RM3) Allocation Request**

Subject:

A request for approval of BAIFA Resolution No. 48, Regional Measure 3 (RM3) Allocation Request for I-80 Express Lanes in Solano County (I-80 Solano Toll System) project.

Background:

The I-80 Solano Toll System project will be delivered by BAIFA in coordination with the I-80 Express Lanes in Solano County Civil project, being delivered by Solano Transportation Authority and Caltrans. Together the two projects comprise the Solano I-80 Managed Lanes project currently under construction between Red Top Road and I-505.

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. MTC programmed matching funds from the RM3 Express Lanes Program in May 2020 via MTC Resolution No. 4411. With the recent resolution of litigation related to RM3, the Bay Area Toll Authority released the toll funds that were held in escrow during litigation and is making RM3 allocations.

In April 2021, MTC approved a Letter of No Prejudice (LONP) to BAIFA for \$31,276,000 for the I-80 Solano Toll System project under MTC Resolution No. 4412, Revised. In July 2021, MTC approved Resolution No. 4480, which allocated \$2,822,000 in Core Capacity Challenge Grant Program Toll Savings (CCCGP) to BAIFA for the project. The CCCGP funds were originally intended for an AC Transit project, which instead received federal funds earmarked for the I-80 Solano Toll System project. This \$2,822,000 amount is intended as repayment from AC Transit for advanced federal funds.

BAIFA is now requesting approval of an RM3 allocation of \$31,276,000 for the I-80 Solano Toll System project, and staff seeks BAIFA approval of the allocation request made to MTC.

Issues:

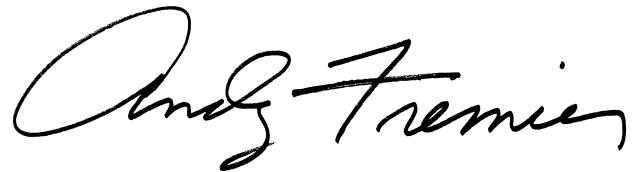
None identified.

Recommendations:

Staff recommends the Authority approve BAIFA Resolution No. 48, Regional Measure 3 Allocation Request for I-80 Solano Toll System project.

Attachments:

- BAIFA Resolution No. 48 – Regional Measure 3 Allocation Request for I-80 Solano Toll System project.

A handwritten signature in black ink, reading "Andrew B. Fremier". The signature is written in a cursive, flowing style.

Andrew B. Fremier

Date: June 28, 2023
Referred By: BAIFA

ABSTRACT

Resolution No. 48

This resolution authorizes the allocation request for Regional Measure 3 funds for the I-80 Express Lanes in Solano County (I-80 Solano Toll System) project.

The resolution contains the following attachments:

Attachment A – Initial Project Report

Attachment B – Allocation Request

Attachment C – Cash Flow

Further discussion of this subject is contained in the BAIFA Summary Sheet dated June 28, 2023.

Date: June 28, 2023
Referred By: BAIFA

RE: Regional Measure 3 Allocation Request

BAY AREA INFRASTRUCTURE FINANCING AUTHORITY
RESOLUTION NO. 48

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, the Bay Area Infrastructure Financing Authority (BAIFA) is an eligible sponsor of transportation project(s) in the Regional Measure 3 Expenditure Plan; and

WHEREAS, the I-80 Express Lanes in Solano County (I-80 Solano Toll System) 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 allocation request, attached hereto in the Initial Project Report and incorporated herein as though set forth at length, lists the project, purpose, schedule, budget, expenditure and cash flow plan for which BAIFA is requesting that MTC allocate Regional Measure 3 funds; now, therefore, be it

RESOLVED, that BAIFA, 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 BAIFA certifies that the 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 BAIFA approves the allocation request and updated Initial Project Report, attached to this resolution; and be it further

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

RESOLVED, that BAIFA 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 Initial Project Report, attached to this resolution; and, be it further

RESOLVED, that BAIFA is an eligible sponsor of projects in the Regional Measure 3 Expenditure Plan, in accordance with California Streets and Highways Code 30914.7(a); and be it further

RESOLVED, that BAIFA is authorized to submit an application for Regional Measure 3 funds for I-80 Express Lanes in Solano County (I-80 Solano Toll System) project in accordance with California Streets and Highways Code 30914.7(a); and be it further

RESOLVED, that BAIFA certifies that the projects and purposes for which RM3 funds are being requested is 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 BAIFA 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 BAIFA to deliver such project; and be it further

RESOLVED, that BAIFA agrees to comply with the requirements of MTC's Transit Coordination Implementation Plan as set forth in MTC Resolution 3866; and be it further

RESOLVED, that BAIFA indemnifies and holds harmless MTC, BATA, 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 BAIFA, its officers, employees or agents, or subcontractors or any of them in connection with its performance of services under this allocation of RM3 funds. BAIFA 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, if any revenues or profits from any non-governmental use of property (or project), 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 project(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 BAIFA 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 BAIFA authorizes its Executive Director to execute and submit an allocation request for the construction phase with MTC for Regional Measure 3 funds in the amount of \$31,276,000, for the project, purposes and amounts included in the project application attached to this resolution; and be it further

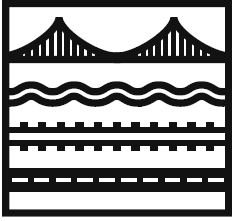
RESOLVED, that the Executive Director is hereby delegated the authority to make non-substantive changes or minor amendments to the allocation request or IPR as he/she deems appropriate.

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

BAY AREA INFRASTRUCTURE FINANCING AUTHORITY

Alfredo Pedroza, Chair

The above resolution was entered into by the Bay Area Infrastructure Financing Authority at a duly called and noticed meeting held in San Francisco, California and at other remote locations, on June 28, 2023.



Regional Measure 3

Initial Project Report

Project/Subproject Details

Basic Project Information

Project Number	2
Project Title	Bay Area Corridor Express Lanes
RM3 Funding Amount	\$300,000,000

Subproject Information

Subproject Number	2.2
Subproject Title	I-80 Express Lanes in Solano County (Toll System)
RM3 Funding Amount	\$31,276,000

I. Overall Subproject Information

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

Bay Area Infrastructure Financing Authority (BAIFA)

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

The I-80 Express Lanes in Solano County project will construction 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.

This subproject is specific to the BAIFA sponsored and implemented Toll System portion of the project. It will connect to priced managed lanes on I-80 through Alameda and Contra Costa County. It also serves as a guideway for SolTrans express bus service from Fairfield to El Cerrito del Norte



BART and enhanced express bus service from Suisun City to El Cerrito del Norte BART. Construction on this project began in 2022 and tolling is expected to start in 2025.

c. Impediments to Project Completion

Availability of funds is a possible impediment to project completion. MTC Resolution 4412, Revised 7/28/21 approved the LONP for the project that allowed use of exchange funds to maintain the delivery commitment of the project. The remaining amount included in this allocation request is needed to complete the toll system implementation.

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)*

BAIFA maintains a risk register that is updated quarterly. The TransCore contract includes 10% contingency.

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

BAIFA is one of four Bay Area agencies that currently have the authority to operate express lanes. BAIFA will be responsible for operating and maintaining the express lanes once the project is completed.

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

Note: Map update in progress; will be added to document when available.

II. Project Phase Description and Status

a. Environmental/Planning

Does NEPA apply? Yes No

PA&ED complete 12/31/2015

b. Design

PS&E complete 6/30/2021

c. Right-of-Way Activities / Acquisition

N/A



d. Construction / Vehicle Acquisition / Operating

This subproject is for the toll system implementation portion of the project. Toll System implementation will be performed by BAIFA contractor TransCore.

III. Project Schedule

Phase-Milestone	Planned	
	Start Date	Completion Date
Environmental Studies, Preliminary Eng. (ENV / PE / PA&ED)		
Final Design - Plans, Specs. & Estimates (PS&E)		
Right-of-Way Activities /Acquisition (R/W)		
Construction (Begin – Open for Use) / Acquisition (CON)	1/18/2022	05/31/2025

IV. Project Budget

Capital

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)	31,276
Total Project Budget (in thousands)	31,276

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)	

Operating	Total Amount - Escalated to Year of Expenditure (YOE)- (Thousands)
Annual Operating Budget	

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.

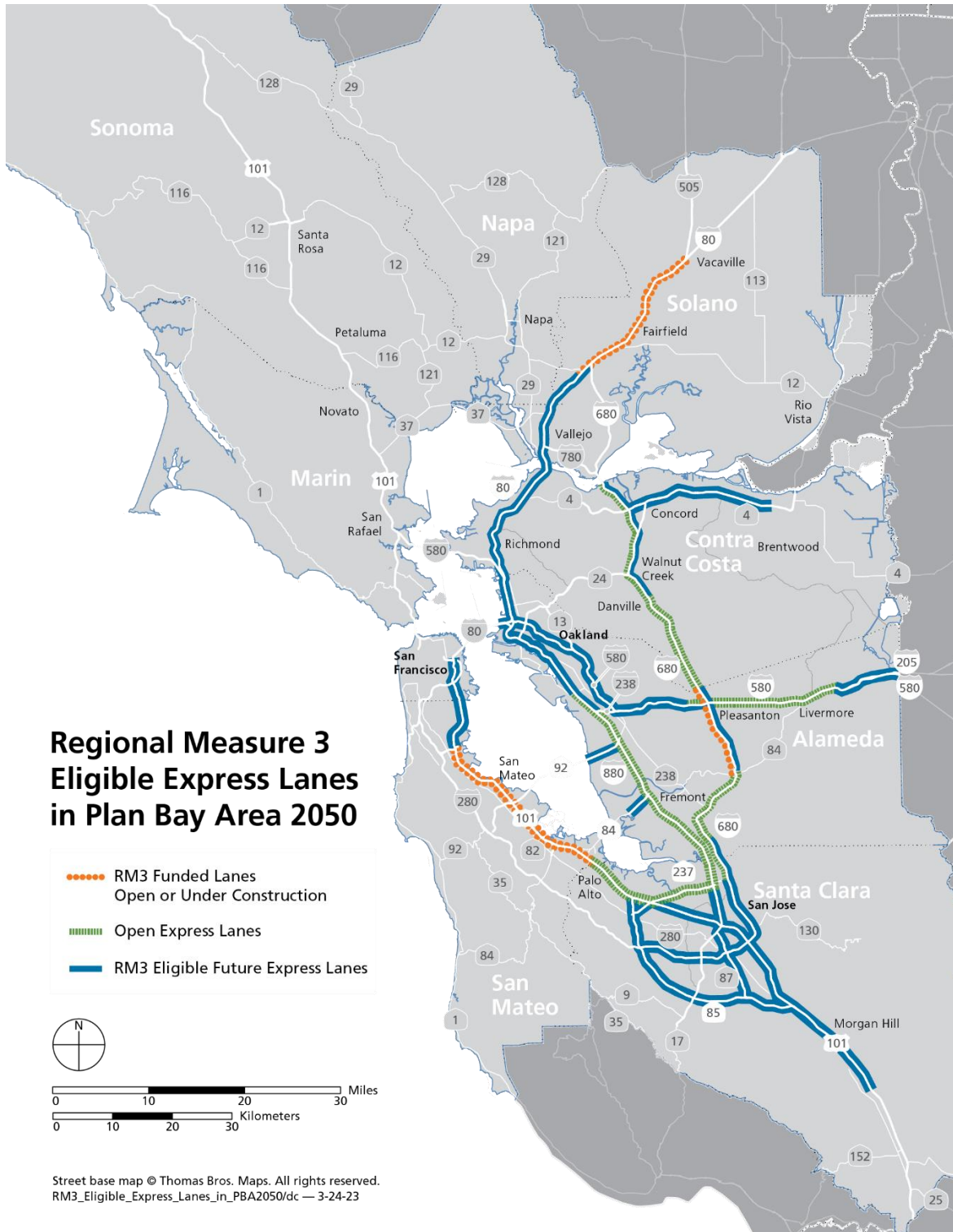
VI. Contact/Preparation Information

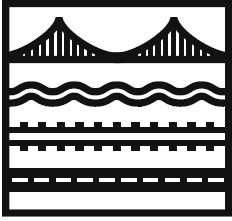
Contact for Project Sponsor

Name: Beth Zelinski
Title: Principal Program Coordinator
Phone: 510-384-7783
Email: bzilinski@bayareametro.gov
Mailing Address: Bay Area Metro Center

Person Preparing Initial Project Report (if different from above)

Name:
Title:
Phone:
Email:
Mailing Address:





Regional Measure 3 Allocation Request

RM3 Project Information

Project Number	2
Project Title	Bay Area Corridor Express Lanes
Project Funding Amount	\$300,000,000

Subproject Information (if different from overall RM3 project)

Subproject Number	2.2
Subproject Title	I-80 Express Lanes in Solano County (I-80 Toll System)
Subproject Funding Amount	\$31,276,000

RM3 Allocation History (Add lines as necessary)

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

Total: \$

Current Allocation Request:

Request submittal date	Amount	Phase
5/12/2023	\$31,276,000	CON

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.

Construction contract bids were opened December 7, 2021 and the contract was awarded January 18, 2022. As of end of April 2023, construction is approximately 30% complete.

- 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.**

No changes from IPR included in approved LONP (MTC Resolution 4412, Revised – 7/28/21).

- 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.**

No changes to overall budget from IPR included in approved LONP (MTC Resolution 4412, Revised – 7/28/21).

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

Expected construction completion date: 5/29/2025

- 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)**

No cost has been spent against the approved RM3 LONP amount. Per MTC Resolution 4480 – 07/28/2021, \$2.822M in Toll Savings (CCCGP) was allocated to BAIFA for the project in exchange for STA Unrestricted Funds. The RM3 allocation request is the same as was approved in the LONP for \$31.276M.

f. Request Details

Amount being requested	\$31,276,000
Project phase being requested	CON
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	
Month/year being requested for MTC commission approval of allocation	June 2023

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**

No other bridge toll allocation requests planned.

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

Project Title:	Bay Area Corridor Express Lanes
Subproject Title	I-80 Express Lanes in Solano County (Toll System)
Project/Subproject Number:	2.2
Total RM3 Funding:	\$ 31,276

(add rows as necessary)

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

Funding Source	Phase	Prior	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	Future committed	Total Amount (\$ thousands)	Amount Expended (\$ thousands)	Amount Remaining (\$ thousands)
RM3	ENV												\$ -		\$ -
	ENV												\$ -		\$ -
													\$ -		\$ -
													\$ -		\$ -
													\$ -		\$ -
ENV Subtotal		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
RM 3	PSE												\$ -		\$ -
	PSE												\$ -		\$ -
													\$ -		\$ -
													\$ -		\$ -
													\$ -		\$ -
PSE Subtotal		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
RM 3	ROW												\$ -		\$ -
	ROW												\$ -		\$ -
													\$ -		\$ -
													\$ -		\$ -
													\$ -		\$ -
ROW Subtotal		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
RM 3	CON					\$ 28,454							\$ 28,454		\$ 28,454
RM3 (Toll Savings)	CON			\$ 2,822									\$ 2,822		\$ 2,822
													\$ -		\$ -
													\$ -		\$ -
													\$ -		\$ -
													\$ -		\$ -
													\$ -		\$ -
													\$ -		\$ -
													\$ -		\$ -
CON Subtotal		\$ -	\$ -	\$ 2,822	\$ -	\$ 28,454	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 31,276	\$ -	\$ 31,276
RM 3 Funding Subtotal		\$ -	\$ -	\$ 2,822	\$ -	\$ 28,454	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 31,276	\$ -	\$ 31,276
Capital Funding Total		\$ -	\$ -	\$ 2,822	\$ -	\$ 28,454	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 31,276	\$ -	\$ 31,276

**Regional Measure 3
Allocation Request
Cash Flow Plan**

Project Title:	Bay Area Corridor Express Lanes
Subproject Title	I-80 Express Lanes in Solano County (Toll System)
Project/Subproject Number:	2.2
Total RM3 Funding:	\$ 31,276

(add rows as necessary)

RM3 Cash Flow Plan for Deliverable Segment - Funding by planned year of expenditure

Funding Source	Phase	Prior	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	Future committed	Total Amount (\$ thousands)	Amount Expended (\$ thousands)	Amount Remaining (\$ thousands)
RM 3	ENV												\$ -	\$ -	\$ -
													\$ -	\$ -	\$ -
													\$ -	\$ -	\$ -
													\$ -	\$ -	\$ -
													\$ -	\$ -	\$ -
													\$ -	\$ -	\$ -
ENV Subtotal		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
RM 3	PSE												\$ -	\$ -	\$ -
													\$ -	\$ -	\$ -
													\$ -	\$ -	\$ -
													\$ -	\$ -	\$ -
													\$ -	\$ -	\$ -
PSE Subtotal		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
RM 3	ROW												\$ -	\$ -	\$ -
													\$ -	\$ -	\$ -
													\$ -	\$ -	\$ -
													\$ -	\$ -	\$ -
													\$ -	\$ -	\$ -
ROW Subtotal		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
RM 3	CON						\$ 18,000	\$ 10,454					\$ 28,454	\$ -	\$ 28,454
RM3 (Toll Savings)	CON				\$ 2,822								\$ 2,822	\$ -	\$ 2,822
													\$ -	\$ -	\$ -
													\$ -	\$ -	\$ -
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													\$ -	\$ -	\$ -
CON Subtotal		\$ -	\$ -	\$ -	\$ 2,822	\$ 18,000	\$ 10,454	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 31,276	\$ -	\$ 31,276
RM 3 Funding Subtotal		\$ -	\$ -	\$ -	\$ 2,822	\$ 18,000	\$ 10,454	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 31,276	\$ -	\$ 31,276
Capital Funding Total		\$ -	\$ -	\$ -	\$ 2,822	\$ 18,000	\$ 10,454	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 31,276	\$ -	\$ 31,276

Notes: RM3 funds should be drawn down approximately proportionately with other funding sources in the same phase. The allocation expiration date will be the end of the final fiscal year in which RM3 funds are planned to be expended for the requested phase.

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

Project Title:	Bay Area Corridor Express Lanes
Subproject Title	I-80 Express Lanes in Solano County (Toll Sytem)
Project/Subproject Number:	2.2
Total RM3 Funding:	\$ 31,276

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
Toll System			\$ 25,925,000
COZEEP			\$ 1,500,000
			\$ -
			\$ -
			\$ -
			\$ -
Direct Capital Costs Subtotal			\$ 27,425,000
4. Consultants (Identify purpose and/or consultant)			
			Total Estimated cost
Construction Management			\$ 2,125,000
Project Management			\$ 1,726,000
Constultants Subtotal			\$ 3,851,000
5. Other direct costs			
			Total Estimated cost
Other Direct Costs Subtotal			\$ -
Total Estimated Costs			\$ 31,276,000

Comments: