

Date: April 24, 2024
W.I.: 1255
Referred by: PAC

ABSTRACT

Resolution No. 4636

This resolution approves the allocation of Regional Measure 3 funds for the BART Expansion Cars project, sponsored by the San Francisco Bay Area Rapid Transit District (BART).

This Resolution includes the following attachments:

Attachment A – Allocation Summary and Conditions of Allocation

Attachment B – Project and Subproject Details

Attachment C – Project Funding Plan and Schedule

Attachment D – RM3 Deliverable Segment/Product Cash Flow Plan

This resolution allocates \$500 million in RM3 funds to the construction phase of the BART Expansion Cars project.

Further discussion of this action is contained in the Programming and Allocations Summary Sheet dated April 10, 2024.

Date: April 24, 2024
W.I.: 1255
Referred by: PAC

RE: Approval of Allocation of Regional Measure 3 Funds for BART Expansion project.

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION NO. 4636

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, 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, BATA 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, 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 BART Expansion Cars project (PROJECT) is identified as capital project number 1 under the RM3 expenditure plan and is eligible to receive RM3 funding as identified in Streets and Highways Code Sections 30914.7(a); and

WHEREAS, the Bay Area Rapid Transit (BART) is the project sponsor for the PROJECT; and

WHEREAS, BART has submitted a request for the allocation of RM3 funds for the PROJECT; and

WHEREAS, SPONSOR has submitted an initial Project Report (IPR), as required pursuant to Streets and Highways Code Section 30914.7(d); and

WHEREAS, Attachment A to this resolution, attached hereto and incorporated herein as though set forth at length, lists the project and phase for which the BART is requesting RM3 funding and the amount recommended for allocation by MTC staff; and

WHEREAS, Attachment B to this resolution, attached hereto and incorporated herein as though set forth at length, lists the required project specific conditions which must be met prior to execution of the allocation and any reimbursement of RM3 funds; and

WHEREAS, Attachment C to this resolution, attached hereto and incorporated herein as though set forth at length, includes MTC staff's review of BART's IPR for this project; and

WHEREAS, Attachment D attached hereto and incorporated herein as though set forth at length, lists the cash flow of RM3 funds and complementary funding for the deliverable RM3 project segment or product; and

WHEREAS, the claimants to which funds are allocated under this resolution have certified that the projects and purposes listed and recorded in Attachment A 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 BART's IPR for this project as set forth in Attachment C; and, be it further

RESOLVED, that MTC approves the allocation and reimbursement of RM3 funds in accordance with the amount, reimbursement schedule, and allocation expiration dates for the phases and activities as set forth in Attachment A; and, be it further

RESOLVED, that the allocation and reimbursement of RM3 funds as set forth in Attachment A are conditioned upon BART complying with the provisions of the RM3 Policies and Procedures as set forth at length in MTC Resolution No. 4404, Revised; and, be it further

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

RESOLVED, that the allocation and reimbursement of RM3 funds as set forth in Attachment A are conditioned upon the availability and expenditure of any complementary funding as set forth in Attachment D; and, be it further

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

METROPOLITAN TRANSPORTATION COMMISSION

Alfredo Pedroza, Chair

The above resolution was entered into by the Metropolitan Transportation Commission at a duly called and noticed meeting held in San Francisco, California and at other remote locations, on April 24, 2024.



Regional Measure 3

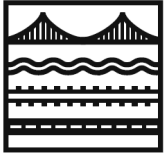
Allocation of Funds

Allocation Summary

RM3 Project Number	1
Project Title	BART Expansion Cars
Project Sponsor	Bay Area Rapid Transit District

Activities to be funded with Allocation #1:				
Partially fund BART's Fleet of the Future Rail Car Procurement Program Phase 2, comprised of 306 expansion rail cars to implement the Core Capacity Program and fulfill BART's obligation to the Federal Transit Administration for the 2020 Capital Investment Grant executed agreement. Activities include funding rail car acquisition contract, project management and consultant services.				
Funding Information:				
Allocation Instruction No.	Phase	Reimbursement Year	Expiration Date	Allocation Amount
24463601	CON	FY 2023-24	30-Jun-30	\$ 500,000,000

Cumulative Total - Allocation 1	\$ 500,000,000
--	-----------------------



Regional Measure 3

Allocation of Funds

Conditions of Allocation

RM3 Project Number	1
Project Title	BART Expansion Cars
Project Sponsor	Bay Area Rapid Transit District

The allocation and reimbursement of RM3 funds for the above project are conditioned upon the following:

Conditions of Allocation #1	
1	None
2	



Regional Measure 3

Allocation of Funds

IPR Review (Project and Subproject Details, Funding Plan, and Schedule)

RM3 Project Number	1	
Project Title	BART Expansion Cars	
Lead Sponsor(s)	Implementing Agency	
BART		BART
Legislated Project Description	RM3 Legislated Funding (in \$1,000s)	
Purchase new railcars for the Bay Area Rapid Transit District (BART) to expand its fleet and improve reliability. The project sponsor is the BART. Five hundred million dollars	\$500,000	
This allocation request was reviewed and approved by BART Board of Directors on 1/25/24 (BART Resolution No. 5578).		
Detailed Project/Subproject Description		
BART's Fleet of the Future (FotF) Rail Car Procurement Program (Rail Car Program) will procure a total of up to 1,200 FotF rail cars, of which 306 expansion rail cars are partially funded by RM3. The Rail Car Procurement Program is made up of two phases: 1) Phase 1, comprised of 669 replacement rail cars (replacing BART's legacy fleet), 60 expansion rail cars to support the Phase 1 BART extension into Santa Clara County, and an additional up to 46 expansion rail cars; and 2) Phase 2, comprised of 306 expansion rail cars to implement the Core Capacity Program (CCP), 48-60 rail cars to support the Phase 2 BART extension into Santa Clara County, and an additional up to 59 expansion rail cars.		



Regional Measure 3

Allocation of Funds

IPR Review (Project and Subproject Details, Funding Plan, and Schedule)

RM3 Project Number	1
Project Title	BART Expansion Cars
Project Sponsor	Bay Area Rapid Transit District

Project Funding Plan

Project Schedule

Phase	Funding Source	Committed? (Yes/No)	Total Amount (\$ thousands)	Start	End
ENV				May-11	Nov-16
	ENV Subtotal				
PSE				Apr-17	Oct-20
	PSE Subtotal				
ROW				Oct-20	Oct-20
	ROW Subtotal				
CON	FTA Capital Investment Grant (CIG)	Yes	\$ 208,871	Jul-24	Mar-26
	MTC Exchange Account	Yes	\$ 179,000		
	BART Operating-to-Capital-Allocations	Yes	\$ 2,219		
	TIRCP (2020 Award)	Yes	\$ 107,100		
	TIRCP (Augment 1/2023 Award)	Yes	\$ 40,000		
	TIRCP (Augment 2/SB 125)	No	\$ 44,918		
	ACTC Measure BB	Yes	\$ 35,295		
	SFCTA Proposition L	Yes	\$ 35,295		
	RM3	Yes	\$ 500,000		
	CON Subtotal		\$ 1,152,698		
Capital Funding Total			\$ 1,152,698		



Regional Measure 3

Allocation of Funds

Cash Flow Plan

RM3 Project Number	1
Project Title	BART Expansion Cars
Project Sponsor	Bay Area Rapid Transit District

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

Funding Source	Prior	2023-24	2024-25	2025-26	2026-27	2027-28	Future committed	Total Amount (\$ thousands)
								\$ -
								\$ -
ENV Subtotal								\$ -
RM 3								\$ -
								\$ -
PSE Subtotal								\$ -
RM 3								\$ -
								\$ -
								\$ -
ROW Subtotal								\$ -
RM 3	\$ -	\$ -	\$ 250,000	\$ 169,299	\$ 19,245	\$ 6,386	\$ 55,069	\$ 500,000
FTA Capital Investment Grant (CIG)	\$ 5,135	\$ 40,183	\$ 163,553	\$ -	\$ -	\$ -		\$ 208,871
MTC Exchange Account	\$ 51,969	\$ 10,024	\$ 69,578	\$ 8,552	\$ -	\$ -	\$ 38,876	\$ 179,000
BART Operating-to-Capital-Allocatio	\$ 757	\$ 22	\$ (779)	\$ -	\$ -	\$ -	\$ 2,219	\$ 2,219
TIRCP (2020 Award)	\$ -	\$ 12,258	\$ 27,594	\$ 67,248	\$ -	\$ -	\$ -	\$ 107,100
TIRCP (Augment 1/2023 Award)	\$ -	\$ -	\$ 40,000			\$ -		\$ 40,000
TIRCP (Augment 2/SB 125)	\$ -	\$ -	\$ -		\$ -	\$ -	\$ 44,918	\$ 44,918
ACTC Measure BB	\$ -	\$ -	\$ 28,306		\$ -	\$ -	\$ 6,989	\$ 35,295
SFCTA Proposition L	\$ -	\$ -	\$ 28,306		\$ -	\$ -	\$ 6,989	\$ 35,295
CON Subtotal	\$ 57,861	\$ 62,487	\$ 606,558	\$ 245,100	\$ 19,245	\$ 6,386	\$ 155,061	\$ 1,152,698
RM 3 Funding Subtotal	\$ -	\$ -	\$ 250,000	\$ 169,299	\$ 19,245	\$ 6,386	\$ 55,069	\$ 500,000
Capital Funding Total	\$ 57,861	\$ 62,487	\$ 606,558	\$ 245,100	\$ 19,245	\$ 6,386	\$ 155,061	\$ 1,152,698