

APPENDIX A – 32

Regional Policies: Project Funding and Specific Funding Programs

**BATA Project Savings Program of Projects
and Allocation of Funds
MTC Resolution No. 4169**



Date: January 28, 2015
W.I.: 1511
Referred by: PAC
Revised: 09/23/15-C
01/27/16-C

ABSTRACT

Resolution No. 4169, Revised

This resolution establishes the program of projects for BATA Project Savings and allocates these funds to eligible projects.

The following attachment is provided with this resolution:

Attachment A. Program of Projects

Attachment B. Allocations of BATA Project Savings will be added to this resolution when the resolution is amended to allocate the programmed funds.

This resolution was revised on September 23, 2015 to update the conditions associated with the programming of \$84 million of BATA project savings to SFMTA's Light Rail Vehicle purchase (LRV) project, in order to reflect the updated amount of AB 664 funds programmed to the project.

This resolution was revised on January 27, 2016 to program and allocate \$24,922,916 in BATA Project Savings towards AC Transit's Fleet Replacement consistent with the Core Capacity Challenge Grant Program funding plan.

Further discussion of this action is contained in the MTC Programming and Allocations Committee summary sheet dated January 14, 2015, September 9, 2015 and January 13, 2016.

Date: January 28, 2015
W.I.: 1511
Referred by: PAC

RE: Programming and allocation of BATA Project Savings

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION NO. 4169

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, pursuant to Streets and Highways Code (SHC) Section 31010(b), funds generated in excess of those needed to meet the toll commitments as specified by paragraph (4) of subdivision (b) of Section 188.5 of the SHC shall be available to BATA for funding projects consistent with SHC Sections 30913 and 30914; and

WHEREAS, the BATA Project Savings are bridge toll funds made available from project and financing savings on BATA’s Regional Measure 1 and Toll Bridge Seismic Retrofit programs; and

WHEREAS, MTC adopted Resolution No. 4123, Revised, which established an investment plan for MTC’s Transit Core Capacity Challenge Grant Program that targets federal, state, and regional funds to high-priority transit capital projects between FY2014-15 and FY2029-30, and as part of this investment plan, BATA Project Savings were assigned to certain projects; and

WHEREAS, BATA staff has determined that the Transit Core Capacity Challenge Grant Program is a bridge improvement project that improves the operations of the state-owned toll bridges; and

WHEREAS, BATA has adopted BATA Resolution No. 111, Revised, to amend the BATA budget to include the Transit Core Capacity Challenge Grant Program; and

WHEREAS, BATA has adopted BATA Resolution No. 72, Revised, to amend the BATA Long Range Plan to include the Transit Core Capacity Challenge Grant Program; now, therefore, be it

RESOLVED, that MTC approves the program of projects for BATA Project Savings, for the purposes, and subject to the conditions listed on Attachment A to this resolution, attached hereto and incorporated herein as though set forth at length; and, be it further

RESOLVED, that MTC approves the allocation and reimbursement of BATA Project Savings in accordance with the amount, conditions and reimbursement schedule for the phase, and activities as set forth in Attachment B; and, be it further

RESOLVED, that should the allocation of BATA Project Savings be conditioned on the execution of a funding agreement, that the Executive Director or his designee is authorized to negotiate and enter into a funding agreement with claimant that includes the provisions contained in Attachment A and B.

METROPOLITAN TRANSPORTATION COMMISSION



Amy Rein Worth, Chair

The above resolution was entered into by the Metropolitan Transportation Commission at a regular meeting of the Commission held in Oakland, California, on January 28, 2015.

Date: January 28, 2015
 W.I.: 1511
 Referred by: PAC
 Revised: 09/23/15-C
 01/27/16-C

Attachment A
 Resolution No. 4169
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PROGRAM OF PROJECTS

BATA Project Savings
 Project Commitments

Project	Date	Total	Conditions
SFMTA Fleet Expansion (Light Rail Vehicle purchase)	January 28, 2015	\$84,000,000	<p>a. SFMTA is required to provide \$57 million in their local funds, which could include SFMTA Revenue Bonds, development impact fees and other non-federal sources towards, the cost of the LRV purchase.</p> <p>b. The regional programming will serve as a back-stop for Cap and Trade (C&T) funds. SFMTA will make good faith efforts to obtain a Letter of No Prejudice or other commitment from the California State Transportation Agency to maintain eligibility of the LRVs for the C&T Transit and Intercity Rail program, and to pursue C&T funding for the LRVs when C&T funding is made available.</p> <p>c. If C&T funds are secured for the expansion LRVs, the \$27.6 million of AB 664 and \$84 million of BATA project savings will be restored to SFMTA's LRV replacement project in accordance with the Core Capacity Challenge Grant Program commitment.</p> <p>d. If C&T funds are not secured for the expansion LRVs, SFMTA will replace the \$27.6 million of AB 664 and \$84 million of BATA project savings for SFMTA's LRV replacement project with local funds.</p> <p>e. If C&T funds are not secured for the expansion LRVs, SFMTA agrees to develop an agreement with MTC on the terms of the replacement funding for the LRV replacement projects.</p> <p>MTC reserves the right to withhold allocation of the AB 664 and BATA project savings funds if these conditions are not met.</p>

Project	Date	Total	Conditions
AC Transit (Purchase 10 Double-Deck Diesel Buses)	January 27, 2016	\$1,493,237	Programming & Allocation Action. Allocation No: 16-4169-01. AC Transit agrees to comply with the provisions of the AB 664 Net Bridge Toll Revenues section of MTC Resolution No. 4015 and that any BATA Project Savings funds received shall be subject to MTC Resolution No. 4015, unless otherwise agreed herein.
AC Transit (Purchase (10) 40ft Urban Buses - Zero-emission Fuel Cell)	January 27, 2016	\$4,957,547	Programming & Allocation Action. Allocation No: 16-4169-01. AC Transit agrees to comply with the provisions of the AB 664 Net Bridge Toll Revenues section of MTC Resolution No. 4015 and that any BATA Project Savings funds received shall be subject to MTC Resolution No. 4015, unless otherwise agreed herein.
AC Transit (Replace (29) 60ft Artic Urban Buses - Diesels)	January 27, 2016	\$18,472,132	Programming & Allocation Action. Allocation No: 16-4169-01. AC Transit agrees to comply with the provisions of the AB 664 Net Bridge Toll Revenues section of MTC Resolution No. 4015 and that any BATA Project Savings funds received shall be subject to MTC Resolution No. 4015, unless otherwise agreed herein.
<i>Total</i>		<i>\$108,922,916</i>	