
AC TRANSIT DISTRICT**Board of Directors**

Executive Summary

GM Memo No. 09-229

Meeting Date: September 30, 2009

Committees:Planning Committee External Affairs Committee Rider Complaint Committee **Board of Directors** Finance and Audit Committee Operations Committee Paratransit Committee **Financing Corporation**

SUBJECT: Consider Recommending the Adoption of **Resolution No. 09-050** Authorizing the General Manager or His Designee to Submit and Execute All Agreements/Documentation for an Allocation of Regional Measure 2 (RM2) Funding for the Richmond Parkway Transit Center-Phase II-Design and Engineering

RECOMMENDED ACTION:

Information Only Briefing Item Recommended Motion

Recommend Adoption of Resolution No. 09-050

Fiscal Impact:

\$3.6 Million in RM2 funding allocated to AC Transit for management of the design and engineering process in conjunction with the Richmond Parkway Transit Center Planning Group.

Background/Discussion:

In March 2004, voters approved \$16 Million for the Richmond Parkway Transit Center passage of Regional Measure 2 (RM2). These funds secured the opportunity to move ahead with the expansion of the Transit Center. Approval of the attached resolution would allow AC Transit to receive an allocation of \$3.6 Million to complete design and engineering work.

Currently, National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) documents are being prepared for approval, which would allow the project to enter into the construction phase. The attached Initial Project Report (IPR), to be submitted to MTC along with the Resolution, supports a request for \$3.6 Million in funding to begin design and engineering work during FY 2009-10, subsequent to NEPA and CEQA approval.

Prior Relevant Board Actions/Policies:

GM Memo 04-370 - Resolution of Project Compliance for Funding from Regional Measure 2 for the Richmond Parkway Transit Center.

Approved Resolution No. 2151 – Project Compliance for funding from regional Measure 2 for the Richmond Parkway Park & Ride Project environmental Work

Attachments:

1. Resolution No. 09-050
2. Region Measure 2 (RM2), Initial Project Report (IPR) Richmond Parkway Park & Ride
3. Regional Measure 2, Initial Project Report - Funding Plans

Approved by: **Rick Fernandez, General Manager**
 Jim Gleich, Deputy General Manager,
 Kenneth C. Scheidig, General Counsel
 Kate Miller, Manager, Capital Planning, Legislation, and Grants

Prepared by: **Lionel Vera, Senior Grants Administrator**

Date Prepared: **Wednesday, September 16, 2009**

ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

RESOLUTION NO. 09-050

A RESOLUTION AUTHORIZING THE GENERAL MANAGER, OR HIS DESIGNEE, TO EXECUTE AND SUBMIT AN ALLOCATION REQUEST FOR THE CONSTRUCTION/EQUIPMENT PHASE WITH MTC FOR REGIONAL MEASURE 2 FUNDS

WHEREAS, SB 916 (Chapter 715, Statutes 2004), commonly referred to as Regional Measure 2 (RM2), identified projects eligible to receive funding under the Regional Traffic Relief Plan; and

WHEREAS, the Metropolitan Transportation Commission (MTC) is responsible for funding projects eligible for RM2 funds, pursuant to Streets and Highways Code Section 30914(c) and (d); and

WHEREAS, the MTC has established a process whereby eligible transportation project sponsors may submit allocation requests for RM2 funding; and

WHEREAS, allocations to the MTC must be submitted consistent with procedures and conditions as outlined in RM2 Policy and Procedures; and

WHEREAS, Alameda-Contra Costa Transit District (AC Transit) is the sponsor for the Richmond Parkway Transit Center Project; and

WHEREAS, AC Transit is an eligible sponsor of transportation project(s) in RM2, Regional Traffic Relief Plan funds; and

WHEREAS, the Richmond Parkway Transit Center Project is eligible for consideration in the Regional Traffic Relief Plan of RM2, as identified in California Streets and Highways Code Section 30914(c) or (d); and

WHEREAS, the RM2 allocation request for the Richmond Parkway Transit Center design and engineering work attached hereto in the Initial Project Report (IPR) and incorporated herein as though set forth at length, lists the project, purpose, schedule, budget, expenditure and cash flow plan for which AC Transit is requesting that MTC allocate RM2 funds.

NOW THEREFORE, the Board of Directors of the Alameda-Contra Costa Transit District does resolve as follows:

Section 1. AC Transit and its agents shall comply with the provisions of the Metropolitan Transportation Commission's RM2 Policy Guidance (MTC Resolution No. 3636).

Section 2. AC Transit certifies that the project is consistent with the Regional Transportation Plan.

Section 3. 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.

Section 4. The RM2 phase or segment is fully funded, and results in an operable and useable segment.

Section 5. AC Transit approves the updated IPR, attached to this resolution.

Section 6. AC Transit approves the cash flow plan, attached to this resolution.

Section 7. AC Transit has reviewed the project needs and has adequate staffing resources to deliver and complete the project within the schedule set forth in the updated IPR, attached to this resolution.

Section 8. AC Transit is an eligible sponsor of projects in the RM2 Regional Traffic Relief Plan, Capital Program, in accordance with California Streets and Highways Code 30914(c).

Section 9. AC Transit is authorized to submit an application for RM2 funds for the Richmond Parkway Transit Center Project in accordance with California Streets and Highways Code 30914(c).

Section 10. There is no legal impediment to AC Transit making allocation requests for RM2 funds.

Section 11. There is no pending or threatened litigation which might in any way adversely affect the proposed project, or the ability of AC Transit to deliver such project.

Section 12. AC Transit indemnifies and holds harmless MTC, its 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 AC Transit, its officers, employees or agents, or subcontractors or any of them in connection with its performance of services under this allocation of RM2 funds. In addition to any other remedy authorized by law, so much of the funding due under this allocation of RM2 funds as shall reasonably be considered necessary by MTC may be retained until disposition has been made of any claim for damages.

Section 13. AC Transit shall, if any revenues or profits from any non-governmental use of property (or project) that 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 MTC is entitled to a proportionate share equal to MTC's percentage participation in the projects(s).

Section 14. Assets purchased with RM2 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 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 RM2 funds were originally used.

Section 15. AC Transit 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 RM2 Toll Revenues.

Section 16. AC Transit authorizes its General Manager, or his designee, to execute and submit an allocation request for the construction/equipment phase with MTC for RM2 funds in the amount of \$3,600,000 for the project, purposes and amounts included in the IPR attached to this resolution.

Section 17. A copy of this resolution shall be transmitted to MTC in conjunction with the filing of the AC Transit IPR, referenced herein.

Section 18. This resolution shall become effective immediately upon its passage by four affirmative votes of the Board of Directors.

PASSED AND ADOPTED THIS 14th day of October, 2009

Ryan "Rocky" Fernandez, President

Attest:

Linda A. Nemeroff, District Secretary

I, Linda A. Nemeroff, District Secretary for the Alameda-Contra Costa Transit District, do hereby certify that the foregoing Resolution was passed and adopted at a Regular Meeting of the Board of Directors held on the 30th day of September 2009, by the following roll call vote:

AYES:

NOES:
ABSENT:
ABSTAIN:

Linda A. Nemeroff, District Secretary

Approved as to Form:

Kenneth C. Scheidig
General Counsel

Regional Measure 2 – INITIAL PROJECT REPORT

Regional Measure 2

Initial Project Report (IPR)

Project Title:

Richmond Parkway Transit Center

RM2 Project No.

9

Allocation History:

	MTC Approval Date	Amount	Phase
#1:	12/01/04	500,000	ENV/PA&ED
#2			
#3			
Total:		\$ 500,000	

Current Allocation Request:

IPR Revision Date	Amount Being Requested	Phase Requested
09/30/09	\$3,600,000	Phase II – (PS&E)

Regional Measure 2 – INITIAL PROJECT REPORT**I. OVERALL PROJECT INFORMATION****A. Project Sponsor / Co-sponsor(s) / Implementing Agency**

Project Sponsor: AC Transit

Co-Sponsors: West Contra Costa Transportation Advisory Committee (WCCTAC); Contra Costa Transit Authority (CCTA); City of Richmond; CalTrans

Implementing Agency: AC Transit

B. Project Purpose

Substantial expansion of current 200-space parking lot and Transit Center, located at the juncture of Highway 80 and the Richmond Parkway at the beginning of the Highway 80 HOV lane to the Bay Bridge. Expansion of this facility would expand parking capacity and reduce overcrowding, and contribute to a significant improvement of Highway 80 traffic flow by removing several hundred, current auto trips occurring during peak commute hours.

C. Project Description (please provide details)

Project Graphics to be sent electronically with This Application

The current 200-space Richmond Parkway parking lot and Transit Center has been recognized by patrons and public agencies as inadequate for casual carpool, local transit, and Transbay transit services.

State Transportation Improvement Program (STIP) funds in the amount of \$8.7 Million were approved in 2001 via the CCTA, and an additional \$4 Million in STIP augmentation funds were approved by the CCTA in 2005 towards construction of an upgraded facility, with the total \$12.7 Million available in FY 2010-11. The \$16 Million in Regional Measure 2 (RM2) funds will support extensive landscaping, design, and engineering, as well as construction work for a 750-space parking facility and a re-designed and expanded Transit Center. Traffic improvements supporting the Transit Center have been identified during the environmental process, and are accounted for within existing funding.

This Initial Project Report (IPR) supports a request for \$3.6 Million to begin design and engineering work in 2010. At this time, NEPA and CEQA documents are nearing official approval. Since the STIP funds are not programmed for design and engineering work and are not available at the present time, RM2 funds are the only currently available source for design and engineering.

D. Impediments to Project Completion

No impediments foreseen at this time. This project is fully funded and enjoys considerable user and public agency support. The Planning Group was created via a Memorandum of Understanding and coordinates activities related to the Richmond Parkway Transit Center. Continued inter-agency cooperation has been pledged.

AC Transit and CalTrans have entered into a cooperative agreement to complete environmental work and are currently working on a second cooperative agreement to cover engineering and construction activity.

Regional Measure 2 – INITIAL PROJECT REPORT

CalTrans will retain ownership of the land and will develop operations and maintenance agreement with AC Transit.

E. Operability

Operation and maintenance of the completed facility would be assumed by AC Transit, which has experience operating similar park and ride, and bus yard facilities.

II. PROJECT PHASE DESCRIPTION and STATUS

F. Environmental –

Does NEPA Apply: Yes No

At this time, a Categorical Exception to satisfy NEPA requirements and a Mitigated Negative Declaration to satisfy CEQA requirements are both anticipated to be certified by the end of this calendar year (2009). Design and Engineering will begin subsequent to certification.

G. Design –

This phase will be funded and completed by the end of 2010.

H. Right-of-Way Activities / Acquisition –

N/A

I. Construction / Vehicle Acquisition –

N/A

III. PROJECT BUDGET

J. Project Budget (Escalated to year of expenditure)

Phase	Total Amount - Escalated - (Thousands)
Environmental Studies & Preliminary Eng (ENV / PE / PA&ED)	580
Design - Plans, Specifications and Estimates (PS&E)	3,600
Right-of-Way Activities /Acquisition (R/W)	250
Construction / Rolling Stock Acquisition (CON)	24,350
Total Project Budget (in thousands)	28,780

K. Project Budget (De-escalated to current year)

Phase	Total Amount - De-escalated - (Thousands)

Regional Measure 2 – INITIAL PROJECT REPORT

Environmental Studies & Preliminary Eng (ENV / PE / PA&ED)	580
Design - Plans, Specifications and Estimates (PS&E)	3,600
Right-of-Way Activities /Acquisition (R/W)	249
Construction / Rolling Stock Acquisition (CON)	24,258
Total Project Budget (in thousands)	28,687

IV. OVERALL PROJECT SCHEDULE

Phase-Milestone	Planned (Update as needed)	
	Start Date	Completion Date
Environmental Document	10/04	12/09
Environmental Studies, Preliminary Eng. (ENV / PE / PA&ED)	7/05	12/10
Final Design - Plans, Specs. & Estimates (PS&E)	1/10	12/10
Right-of-Way Activities /Acquisition (R/W)	7/05	9/05
Construction (Begin – Open for Use) / Acquisition / Operating Service (CON)	7/06	12/11

V. ALLOCATION REQUEST INFORMATION

L. Detailed Description of Allocation Request

Request of \$3,600,000 to begin necessary design and engineering work in preparation of construction of Transit Center.

Amount being requested (in escalated dollars)	\$3,600,000
Project Phase being requested	Phase II-PS&E
Are there other fund sources involved in this phase?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Date of anticipated Implementing Agency Board approval the RM2 IPR Resolution for the allocation being requested	9/30/09
Month/year being requested for MTC Commission approval of allocation	10/09

Regional Measure 2 – INITIAL PROJECT REPORT

M. Status of Previous Allocations (if any)

- (12/01/04) Environmental work now proceeding to AC Transit and CalTrans for NEPA and CEQA approval, which is anticipated before end of CY' 2009.
- (5/01/05) Preparation of Invitation for Bid (IFB) for plans, specifications, and estimates will not be issued or contract awarded until both environmental certifications are completed.

N. Workplan

Workplan in Alternate Format Enclosed

TASK NO	Description	Deliverables	Completion Date
1.	Design/Engineering	Overall Plan, Specifications, & Construction Estimates	12/10

O. Impediments to Allocation Implementation

Implementation contingent on new funding.

VI. RM-2 FUNDING INFORMATION

P. RM-2 Funding Expenditures for funds being allocated

- The companion Microsoft Excel Project Funding Spreadsheet to this IPR is included

Next Anticipated RM-2 Funding Allocation Request

September, 2010

Regional Measure 2 – INITIAL PROJECT REPORT

VII. GOVERNING BOARD ACTION

Check the box that applies:

Governing Board Resolution attached

Governing Board Resolution to be provided on or before:

VIII. CONTACT / PREPARATION INFORMATION

Contact for Applicant's Agency

Name: Kate Miller
Phone: 510-891-7262
Title: Manager, Capital Development, Legislation & Grants
E-mail: kmiller@actransit.org
Address: AC Transit
1600 Franklin St.
Oakland, CA 94612

Information on Person Preparing IPR

Name: Kate Miller
Phone: 510-891-7262
Title: Manager, Capital Development, Legislation & Grants
E-mail: kmiller@actransit.org
Address: AC Transit
1600 Franklin St.
Oakland, CA 94612

Applicant Agency's Accounting Contact

Name: Claudia White
Phone: 510-891-4836
Title: Grants Accountant
E-mail: cwhite@actransit.org
Address: AC Transit
1600 Franklin St.
Oakland, CA 94612

RM-2 Initial Project Report

EXPENDITURES TO-DATE BY PHASE AND FUND SOURCES

Phase	Fund Source	Date of Last Expenditure	Amount Expended to date (Thousands)	Available Balance Remaining (Thousands)
ENV / PA&ED	RM2	5-Dec	330	170
	MTC	5-Dec	40	0
	CCTA	5-Dec	40	0
PS&E	RM2		0	3,600
ROW	RM2		0	250
CON	RM2		0	11,650
	STIP		0	12,700
Total to date (in thousands)			410	28,370

Comments:

Total Funding = \$28,780

As required by RM-2 Legislation, provide funds expended to date for the total project. Provide both expenditure by Fund Source and Expenditure by Phase, with the date of the last expenditure, and any available balance remaining to be expended.

Project ID: 9
Date: 9/25/2009

RM-2 Initial Project Report

**RM-2 FUNDING CASH FLOW PLAN For Allocation
(RM-2 Allocation Funding Only)**

(Amounts Escalated in Thousands)

Project Title: Richmond Parkway Park & Ride/Transit Center	Project ID: 9
Agency: AC Transit	Plan Date: 09/25/09

RM-2 CASH FLOW PLAN

RM-2 Expenditures	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	Future	TOTAL
ENV/PA&ED	580												580
PS&E						3,600							3,600
R/W							250						250
CON							11,650	12,700					24,350

	Prior	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	Future	TOTAL
RM-2 CASH FLOW PLAN TOTAL		580					3,600	11,900	12,700					28,780

Comments:

Provide the expected RM-2 expenditures – by phase and year. (This is the amount of the allocation needed for that fiscal year to cover expenditures through June 30th of that fiscal year).

Enter RM-2 amounts in thousands and escalated to the year of funding. The total amount cannot exceed the amount identified in the RM-2 legislation.

Eligible Phases: ENV (or PA&ED), PS&E, R/W or CON. For planning activities use ENV. For Vehicles, Equipment or Operating use CON. OK to use CT R/W SUP or CT CON SUP for Caltrans support, but not necessary (optional).

Please complete this form based the proposed allocation for your project. The scope should be consistent with the funding you are requesting the MTC allocate. Projects with complementary fund sources, should list the estimated cost of the entire work scope. Note that this information may not only represent the RM2 funding. A separate EBP needs to be completed for each allocation request or each phase of such request.

TITLE OF PROJECT Richmond Parkway Park & Ride/Transit Center	RM2 Legislation ID (and project subelements if any) 9
NAME AND ADDRESS OF IMPLEMENTING AGENCY AC Transit 1600 Franklin Street Oakland, CA 94612	

DETAIL DESCRIPTION	ESTIMATED HOURS	RATE/HOUR	TOTAL ESTIMATED COST (Dollars)
1. DIRECT LABOR of Implementing Agency (Specify by task)			
			0
			0
			0
			0
TOTAL DIRECT LABOR			0
2. DIRECT BENEFITS (Specify)			
	Benefit Rate	X BASE	
		0	
TOTAL BENEFIT			0
3. DIRECT CAPITAL COSTS (include construction, right-of-way, or vehicle acquisition)			
	Unit (if applicable)	Cost per Unit (\$)	
TOTAL DIRECT CAPITAL COSTS			0
4. CONSULTANTS (Identify purpose and or consultant)			
Design & Engineering			3,600,000
TOTAL CONSULTANTS			3,600,000
5. OTHER DIRECT COSTS (Specify - explain costs, if any)			
TOTAL OTHER DIRECT COSTS			
6. TOTAL ESTIMATED COST			3,600,000

Comments:

This Allocation Request is for \$3,600,000

Date: 9/25/2009