

**THIS STAFF REPORT COVERS CALENDAR ITEM NO.: 9
FOR THE MEETING OF: September 9, 2010**

TRANSBAY JOINT POWERS AUTHORITY

BRIEF DESCRIPTION:

Approve the Operating Assistance Proposal dated September 9, 2010, and an Implementing Agency Resolution of Project Compliance for the allocation of Regional Measure 2 Funds in an amount of \$3,816,838.

SUMMARY:

On March 2, 2004, voters passed Regional Measure 2 (RM-2), raising the toll on the seven State-owned toll bridges in the San Francisco Bay Area by \$1.00. RM-2 establishes the allocation of RM-2 funding for the operation and maintenance of the Transbay Terminal Building. The amount identified in RM-2 legislation is \$3.0 million annually, escalated by 3.5 percent annually beginning in July 2004. As of July 2010, the escalated amount is \$3,816,838.

At midnight on August 6, 2010, the Transbay Joint Powers Authority took over management of the Transbay Terminal Center and became eligible to receive the operating and maintenance funds identified in the legislation, on a pro-rated basis based on the date of possession.

In accordance with the Metropolitan Transportation Commission's (MTC) adopted Policies and Procedures for implementing RM-2, the TJPA is required to submit to MTC an Implementing Agency Resolution and an Operating Assistance Proposal. The Implementing Agency Resolution must be approved by the TJPA Board.

On June 10, 2010, the TJPA Board approved an operating budget in an amount not to exceed \$3,817,000. That operating budget included the operational expenses and revenues for the Temporary Terminal. The budget assumed that the TJPA would commence operations as of July 1, 2010, for ease of budgeting purposes.

The operating budget includes the following expenditures:

- Temporary terminal facility management and security (\$1.1 million);
- Police services as necessary (\$50,000);
- Additional operating support for AC Transit's increased operating costs at the temporary terminal (\$1.5 million);
- Parking Control Officers (\$0.4 million) to manage traffic operations in the vicinity of the temporary terminal;
- Utilities (\$24,000);
- Operating contingency of 10 percent (\$0.3 million); and
- Operating reserve fund (\$0.5 million).

Implementing Agency Resolution of Project Compliance

The required Resolution of Project Compliance indicates that the TJPA is eligible to receive funds to pay for operating and maintaining the Transbay Terminal. The TJPA counsel has reviewed the resolution and has approved it as to form, including the indemnification clause.

ENCLOSURES:

1. RM-2 Implementing Agency Resolution of Project Compliance
2. RM-2 Operating Assistance Proposal

RECOMMENDATION:

Approve the Operating Assistance Proposal dated September 9, 2010, and a Resolution of Project Compliance for the allocation of Regional Measure 2 Funds in an amount of \$3,816,838.

**TRANSBAY JOINT POWERS AUTHORITY
BOARD OF DIRECTORS**

Resolution No. _____

WHEREAS, SB 916 (Chapter 715, Statutes 2004), commonly referred to as Regional Measure 2, required the Metropolitan Transportation Commission (MTC) to allocate toll bridge revenues in an annual amount not to exceed three million dollars (\$3,000,000), plus a 3.5 percent annual increase, to the California Department of Transportation (Caltrans) or the Transbay Joint Powers Authority (TJPA) after Caltrans transfers title to the Transbay Terminal Building to the TJPA, for operation and maintenance expenditures related to the Transbay Terminal Building (codified in California Streets and Highways Code section 30914(b)); and

WHEREAS, Caltrans transferred title to the Transbay Terminal Building to the TJPA on August 6, 2010; and

WHEREAS, At midnight on August 6, 2010, the TJPA closed the Transbay Terminal Building, opened the Temporary Transbay Terminal facility one block away on the block bounded by Howard, Main, Folsom, and Beale Streets, and transferred existing operations and maintenance from the Transbay Terminal Building to the Temporary Transbay Terminal facility in order to allow the TJPA to begin demolition of the Transbay Terminal Building and construction of the new Transbay Transit Center; and

WHEREAS, SB 916 provides that the first annual 3.5 percent increase shall be made on July 1, 2004, and as of July 1, 2010, the amount of escalated funds equals \$3,816,838; now, therefore, be it

RESOLVED, That the Transbay Transit Center Program, including the Temporary Transbay Terminal facility, is consistent with the Regional Transportation Plan; and be it further

RESOLVED, That the TJPA is an eligible recipient of Regional Measure 2 funds; and be it further

RESOLVED, That the projected Fiscal Year (FY) 2011 Temporary Transbay Terminal facility operating revenue is insufficient to pay the cost of the operation and maintenance of the facility without the requested Regional Measure 2 funding from MTC; and be it further

RESOLVED, That the TJPA approves and authorizes staff to submit to MTC the application for allocation of Regional Measure 2 funds for operations and maintenance expenditures associated with the Temporary Transbay Terminal facility in the amount of \$3,816,838 for FY 2011, including its Operating Assistance Program (“Application”), attached hereto and incorporated herein as though set forth at length; and be it further

RESOLVED, That the Operating Assistance Proposal, attached to the Application, demonstrates a fully funded operating plan for which the TJPA is requesting that MTC allocate Regional Measure 2 funds; and be it further

RESOLVED, That the projects and purposes for which the TJPA requests allocation of Regional Measure 2 funds in its Application are in compliance with the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*) and the applicable regulations thereunder (14 California Code of Regulations Section 15000 *et seq.*) and the National Environmental Policy Act (42 USC Section 4321 *et seq.*) and the applicable regulations thereunder; and be it further

RESOLVED, That there is no legal impediment to the TJPA making allocation requests for Regional Measure 2 funds; and be it further

RESOLVED, That there is no pending or threatened litigation which might in any way adversely affect the project, or the ability of the TJPA to deliver the project; and be it further

RESOLVED, That there are no obligations of the TJPA having a statutory or first priority lien against the toll bridge revenues; and be it further

RESOLVED, That Regional Measure 2 funds received by the TJPA in prior years have been included in the TJPA's general fiscal audit for such years, and the TJPA will include any Regional Measure 2 funds allocated under the Application in its general audit for the year in which the funds are requested; and be it further

RESOLVED, That the TJPA 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 the TJPA, its officers, employees or agents, or subcontractors or any of them under the requested allocation of Regional Measure 2 funds in the Application. In addition to any other remedy authorized by law, so much of the funding requested to be allocated under the Application as shall reasonably be considered necessary by MTC may be retained until disposition has been made of any claim against MTC for damages; and be it further

RESOLVED, That the Executive Director is hereby delegated the authority to make non-substantive changes or minor amendments to the Application as she deems appropriate; and be it further

RESOLVED, That the Executive Director, consistent with this resolution and the Application, is hereby delegated the authority to execute such agreements, project reports, allocation packages, and other items, make certifications and assurances, and take actions as may be required in order to receive the Regional Measure 2 allocation requested in the Application.

I hereby certify that the foregoing resolution was adopted by the Transbay Joint Powers Authority Board of Directors at its meeting of September 9, 2010.

Secretary, Transbay Joint Powers Authority

Regional Measure 2 Operating Assistance Proposal Project Summary Page

Project Information

Project

Title:

Briefly describe service (provide map as attachment). Include information about markets being served (both travel demand as well as interoperator connections).

Brief

Description:

The \$4 billion project will replace the current Transbay Terminal at First and Mission streets in San Francisco with a modern regional transit hub connecting eight Bay Area counties and the State of California through 11 transit systems: AC Transit, BART, Caltrain, Golden Gate Transit, Greyhound, Muni, SamTrans, WestCAT Lynx, Amtrak, Paratransit and future High Speed Rail from San Francisco to Los Angeles/Anaheim. An underground rail connection between the new Transbay Transit Center and 4th and King streets will be constructed. The Temporary Terminal, which will serve as the Transbay Transit Center during the demolition and construction of the new Transbay Transit Center, began operations as of midnight August 6, 2010.

	Start Time	End Time	Headways		Vehicles in service		Daily Rev Veh Hrs
			Peak	Off-peak	Peak	Off-peak	
Weekday	NA	NA	NA	NA	NA	NA	NA
Saturday	NA	NA	NA	NA	NA	NA	NA
Sunday	NA	NA	NA	NA	NA	NA	NA

Lead Agency:

Partnering Agency 1:

Partnering Agency 2:

Contact Information

first name last name

phone fax e-mail

address 1
address 2

city state zip

Regional Measure 2 Operating Assistance Proposal

Implementation Status

Proposed Service Start date

Environmental Clearance:

Type

Actual or expected date

Related Capital Funding

Please identify and discuss any capital funding requests that are needed to accompany the operating plan identified below. For example, please list related projects and legislated project numbers as appropriate and date of most recent IPR submittal.

The Transbay Transit Center Project is an eligible recipient for RM2 capital funds. It is RM2 project number 22, and has been allocated \$150,000,000 in RM2 funds to date. The most recent allocation occurred June 10, 2010.

**Regional Measure 2 Operating Assistance Proposal
Operating Plan, Service Parameters, and Performance Measures**

Enter the amount needed in each program year.
Use State fiscal years (July 1 - June 30).

Operating Plan - Request for RM2 Funds

	Past Actual FY 05-06	Current Year Adjusted FY 06-07	FY 07/08	FY 08/09	FY 09/10	FY 10/11	FY 11/12	Total
Operating Budget								
Estimated Annual Revenue Hrs.	NA	NA	NA	NA	NA	NA	NA	NA
Estimated Operating Cost/Revenue Hour	NA	NA	NA	NA	NA	NA	NA	NA
Total Operating Cost	NA	NA	NA	NA	NA	3,816,838	3,950,427	7,767,265
-- Fare Revenue								
-- RM 2 Operating Assistance Request						3,816,838	3,950,427	7,767,265
-- TDA								-
-- Local Sales Tax								-
-- Private Sector Contributions								-
-- Other Subsidy								-
Total Subsidy	-	-	-	-	-	3,816,838	3,950,427	7,767,265
Total Revenues	NA	NA	NA	NA	NA	3,816,838	3,950,427	7,767,265
Surplus/(Deficit)	NA	NA	NA	NA	NA	-	-	-

Service Parameters -- THIS IS NOT APPLICABLE TO THIS PROJECT

	Past Actual FY 05-06	Current Year Adjusted FY 06-07	FY 07/08	FY 08/09	FY 09/10	FY 10/11	FY 11/12	Total
Estimated Annual Ridership	NA	NA	NA	NA	NA	NA	NA	NA
Average Weekday Ridership	NA	NA	NA	NA	NA	NA	NA	NA
Annual Revenue Hours	NA	NA	NA	NA	NA	NA	NA	NA
Annual Revenue Miles	NA	NA	NA	NA	NA	NA	NA	NA

Performance Measures -- THIS IS NOT APPLICABLE TO THIS PROJECT

	Past Actual FY 05-06	Current Year Adjusted FY 06-07	FY 07/08	FY 08/09	FY 09/10	FY 10/11	FY 11/12	Average
Required Measures Per MTC Resolution 3668								
Farebox Recovery Ratio	NA	NA	NA	NA	NA	NA	NA	NA
Passengers/Revenue Hour	NA	NA	NA	NA	NA	NA	NA	NA
Change in Passenger Per Hour	NA	NA	NA	NA	NA	NA	NA	NA
Other Measures								
Cost Per Rider	NA	NA	NA	NA	NA	NA	NA	NA
Subsidy Per Rider	NA	NA	NA	NA	NA	NA	NA	NA
Cost Per Revenue Hour	NA	NA	NA	NA	NA	NA	NA	NA