

STAFF REPORT FOR CALENDAR ITEM NO.: 8.2
FOR THE MEETING OF: June 10, 2021

TRANSBAY JOINT POWERS AUTHORITY

BRIEF DESCRIPTION:

Approve the Operating Assistance Proposal dated April 30, 2021, and an Implementing Agency Resolution for the allocation of Regional Measure 2 Funds in an amount not to exceed \$8,122,468.

EXPLANATION:

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, as well as the operation and maintenance of the temporary terminal. The amount identified in RM-2 legislation is \$3 million annually, escalated by 3.5 percent annually beginning in July 2004. As of July 2021, the escalated amount is \$5,572,468. In July 2017, the Metropolitan Transportation Commission (MTC) took action to allocate an additional \$3 million per year, for five years, for transit center operations.

As a result of the COVID-19 pandemic and Shelter In Place orders in the Bay Area and California, bridge toll collections have dropped substantially. As stated in MTC's Programming and Allocations Committee report of May 13, 2020, "The RM2 Operating Program receives 38 percent of the revenue generated from the \$1 RM2 toll. Based on lower bridge traffic volumes, MTC's Finance Section estimates that the RM2 Operating program will see a revenue decline of approximately 15 percent from what was originally budgeted for Fiscal Year 2019-20 (FY 2019-20) and approximately 30 percent in FY 2020-21 over the previous year." MTC staff has advised TJPA that there will not be any further reductions for FY 2020-21. For FY 2021-22, MTC staff has advised TJPA that the original annual allocation currently totaling \$5,572,468 will not be reduced, but that the temporary allocation of \$3 million should be reduced by 15%, to \$2,550,000. The current requested total of \$8,122,468 reflects this adjustment. MTC requires that TJPA formally request the operating and maintenance funds each fiscal year, via submission of an Implementing Agency Resolution approved by the TJPA Board and an Operating Assistance Proposal.

TJPA staff is presenting a proposed FY 2021-22 operating budget of approximately \$28.4 million for approval at this Board meeting. The following operating expenses are included:

- Transit center facility management, operations & maintenance, security and utilities
- Insurance
- TJPA administrative costs, including a portion of staff salaries and benefits, office expenses, and professional services

The balance of operating expenses not covered by the RM-2 operating allocation will be covered by a combination of lease, sponsorship, and advertising revenues, community benefit district assessments, cellular antennae licensing fees, transit operator contributions, and existing reserves. The anticipated debt service expenses and revenues, including tax increment funds, are included in the separate Debt Service Budget. The proposed operating budget is discussed in

further detail in the staff report for the fiscal year budget being presented at this same June 10, 2021 Board meeting.

RECOMMENDATION:

Approve the Operating Assistance Proposal dated April 30, 2021, and a Resolution of Project Compliance for the allocation of Regional Measure 2 Funds in an amount not to exceed \$8,122,468.

ENCLOSURES:

1. RM2 Implementing Agency Resolution of Project Compliance
2. RM2 Operating Assistance Proposal Dated April 30, 2021

**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 \$3 million, 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 at midnight 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 transit center; and

WHEREAS, SB 916 provides that the first annual 3.5 percent increase shall be made on July 1, 2004. As of July 1, 2021, the amount of escalated funds equals \$5,572,468; and

WHEREAS, In 2017 MTC passed Resolution No. 3801 Revised to allocate an additional \$3 million for Transbay Transit Center Operating Support; and

WHEREAS, MTC has advised TJPA that the \$3 million in Regional Measure 2 Operating Support authorized under MTC Resolution No. 3801 should be reduced by 15%, to \$2,550,000, to reflect reduced bridge toll collections due to the COVID-19 pandemic and Shelter In Place orders; now, therefore, be it

RESOLVED, That the Transbay Program, including the temporary terminal and transit center facilities, 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 FY 2021-22 transit center facilities' operating revenues are insufficient to pay the cost of the operation and maintenance of the facilities without the requested Regional Measure 2 funding from MTC; and be it further

RESOLVED, That the TJPA Board approves and authorizes staff to submit to MTC the application for allocation of Regional Measure 2 funds for operations and maintenance expenses associated with the Transbay facilities in the amount of \$8,122,468 for FY 2021-22, including its Operating Assistance Proposal (the "Application"), attached hereto and incorporated herein as though set forth at length; and be it further

RESOLVED, That the Operating Assistance Proposal 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. 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 Interim 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 Interim 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 June 10, 2021.

Interim 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 project is replacing the former 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 transit center and 4th and King streets will be constructed. The temporary terminal, which serves commuter bus service during the construction of the new transit center, began operations in 2010. The new transit center commenced operations in

	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	<input type="text" value="7-Aug-10"/>		
Environmental Clearance: Type	<input type="text" value="CEQA/NEPA"/>	Actual or expected date	<input type="text" value="8-Feb-05"/>

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 Project is an eligible recipient for RM2 capital funds. It is RM2 project number 22, and has been allocated \$150,000,000 in RM2 capital funds. The most recent capital allocation occurred July 24, 2019.

**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

	FY 14/15 Actuals	FY 15/16 Actuals	FY 16/17 Actuals	FY 17/18 Actuals	FY 18/19 Actuals	FY 19/20 Actuals	FY 20/21	FY 21/22 Budget	Total
Operating Budget									
Estimated Annual Revenue Hrs.	NA	NA	NA	NA	NA	NA	NA	NA	NA
Estimated Operating Cost/Revenue Hour	NA	NA	NA	NA	NA	NA	NA	NA	NA
Total Operating Cost	4,050,735	4,299,304	5,187,168	10,604,348	21,338,765	28,919,942	22,425,369	28,834,030	125,659,661
-- Fare Revenue									
-- RM 2 Operating Assistance Request	3,644,073	3,817,607	4,691,868	7,838,235	8,026,046	8,121,312	7,499,027	8,122,468	51,760,636
-- TDA									-
-- Local Sales Tax									-
-- Private Sector Contributions	406,662	481,697	495,300	2,766,113	10,513,697	12,621,546	8,106,397	8,780,810	44,172,222
-- Other Subsidy					2,799,022	8,177,084	6,819,945	11,930,752	29,726,803
Total Subsidy	4,050,735	4,299,304	5,187,168	10,604,348	21,338,765	28,919,942	22,425,369	28,834,030	125,659,661
Total Revenues	4,050,735	4,299,304	5,187,168	10,604,348	21,338,765	28,919,942	22,425,369	28,834,030	125,659,661
Surplus/(Deficit)	-	-	-	-	-	-	-	-	-

Service Parameters -- THIS IS NOT APPLICABLE TO THIS PROJECT

	FY 14/15	FY 15/16	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	Total
Estimated Annual Ridership	NA	NA							
Average Weekday Ridership	NA	NA							
Annual Revenue Hours	NA	NA							
Annual Revenue Miles	NA	NA							

Performance Measures -- THIS IS NOT APPLICABLE TO THIS PROJECT

	FY 14/15	FY 15/16	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	Average
Required Measures Per MTC Resolution 3668									
Farebox Recovery Ratio	NA	NA							
Passengers/Revenue Hour	NA	NA							
Change in Passenger Per Hour	NA	NA							
Other Measures									
Cost Per Rider	NA	NA							
Subsidy Per Rider	NA	NA							
Cost Per Revenue Hour	NA	NA							