

**STAFF REPORT FOR CALENDAR ITEM NO.: 10  
FOR THE MEETING OF: March 14, 2024**

**TRANSBAY JOINT POWERS AUTHORITY**

**BRIEF DESCRIPTION:**

Approve the Operating Agreement Template form dated February 28, 2024, an Implementing Agency Resolution of Project Compliance for the allocation of Regional Measure 3 Funds in an amount not to exceed \$2,990,080, and the required Certification of Assurances.

**EXPLANATION:**

On June 5, 2018, voters passed Regional Measure 3 (RM-3), raising the toll on the nine State-owned toll bridges in the San Francisco Bay Area by \$1 beginning January 2019. Tolls were increased by another \$1 in January 2022, with another \$1 increase set for January 2025. The Metropolitan Transportation Commission's (MTC's) RM-3 Expenditure Plan identifies annual operating funds for Terminal Operations at the Transbay Terminal, now known as the Salesforce Transit Center, equal to a percentage of the actual bridge tolls collected and not to exceed \$5 million. The FY 2023-24 amount available on a reimbursement basis is \$2,990,080.

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, an Operating Agreement Template form, and a Certification of Assurances. (Note that while the attached Certification of Assurances document references the Regional Measure 2 funding program, MTC staff has indicated that completion of this form will suffice for the FY 2023-24 RM-3 funding request.) The Operating Agreement Template form is based on the FY 2023-24 approved operating budget of approximately \$27.6 million.

The balance of operating expenses not covered by the RM-3 operating allocation will be covered by a combination of lease, sponsorship, and advertising revenues, community benefit district assessments, cellular antennae licensing fees, Regional Measure 2 operating funds, and transit operator contributions.

**RECOMMENDATION:**

Approve the Operating Agreement Template form dated February 28, 2024, a Resolution of Project Compliance for the allocation of RM-3 Funds in an amount not to exceed \$2,990,080, and the required Certification of Assurances.

**ENCLOSURES:**

1. RM3 Implementing Agency Resolution of Project Compliance
2. RM3 Operating Agreement Template Form Dated February 28, 2024
3. Certification of Assurances

**TRANSBAY JOINT POWERS AUTHORITY  
BOARD OF DIRECTORS**

**Resolution No. \_\_\_\_\_**

**Implementing Agency:** Transbay Joint Powers Authority

**Project Title:** Terminal Operations at Transbay Terminal, now known as Salesforce Transit Center

WHEREAS, SB 595 (Chapter 650, Statutes 2017), commonly referred as Regional Measure 3, identified projects eligible to receive funding under the Regional Measure 3 Expenditure Plan; and

WHEREAS, The Metropolitan Transportation Commission (MTC) is responsible for funding projects eligible for Regional Measure 3 funds, pursuant to Streets and Highways Code Section 30914.7(a) and (c); and

WHEREAS, MTC has established a process whereby eligible transportation project sponsors may submit allocation requests for Regional Measure 3 funding; and

WHEREAS, Allocation requests to MTC must be submitted consistent with procedures and conditions as outlined in Regional Measure 3 Policies and Procedures (MTC Resolution No. 4404); and

WHEREAS, Transbay Joint Powers Authority (TJPA) is an eligible sponsor of transportation project(s) in the Regional Measure 3 Expenditure Plan; and

WHEREAS, The Terminal Operations at Transbay Terminal, now known as the Salesforce Transit Center, is eligible for consideration in the Regional Measure 3 Expenditure Plan, as identified in California Streets and Highways Code Section 30914.7(a); and

WHEREAS, The Regional Measure 3 allocation request, attached hereto in the Operating Agreement and incorporated herein as though set forth at length, enumerates the project details for which TJPA is requesting that MTC allocate Regional Measure 3 funds; now, therefore, be it

RESOLVED, That TJPA, and its agents shall comply with the provisions of MTC's Regional Measure 3 Policies and Procedures; and be it further

RESOLVED, That TJPA certifies that the project is consistent with the Regional Transportation Plan (RTP); and be it further

RESOLVED, That TJPA approves the updated Operating Agreement Template form, attached to this resolution; and be it further

RESOLVED, That TJPA approves the Certification of Assurances, attached to this resolution; and be it further

RESOLVED, That TJPA is an eligible sponsor of projects in the Regional Measure 3 Expenditure Plan, in accordance with California Streets and Highways Code 30914.7(c); and be it further

RESOLVED, That TJPA is authorized to submit an application for Regional Measure 3 funds for Terminal Operations at Transbay Terminal, now known as Salesforce Transit Center, in accordance with California Streets and Highways Code 30914.7(c); and be it further

RESOLVED, That TJPA certifies that the projects and purposes for which Regional Measure 3 funds are being requested 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.) and, if relevant the National Environmental Policy Act (NEPA), 42 USC Section 4-1 et. seq. and the applicable regulations thereunder; and be it further

RESOLVED, That there is no legal impediment to TJPA making allocation requests for Regional Measure 3 funds; and be it further

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

RESOLVED, That TJPA agrees to comply with the requirements of MTC's Transit Coordination Implementation Plan as set forth in MTC Resolution 3866; and be it further

RESOLVED, That TJPA indemnifies and holds harmless MTC, BATA, and their 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 TJPA, its officers, employees or agents, or subcontractors or any of them in connection with its performance of services under this allocation of Regional Measure 3 funds. TJPA agrees at its own cost, expense, and risk, to defend any and all claims, actions, suits, or other legal proceedings brought or instituted against MTC, BATA, and their Commissioners, officers, agents, and employees, or any of them, arising out of such act or omission, and to pay and satisfy any resulting judgments. In addition to any other remedy authorized by law, so much of the funding due under this allocation of Regional Measure 3 funds as shall reasonably be considered necessary by MTC may be retained until disposition has been made of any claim for damages, and be it further

RESOLVED, That TJPA 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 MTC is entitled to a proportionate share equal to MTC's percentage participation in the projects(s); and be it further

RESOLVED, That TJPA authorizes its Executive Director or their designee to execute and submit an allocation request for operating or planning costs for Fiscal Year 2023-24 with MTC for Regional Measure 3 funds in the amount of \$2,990,080, for the project, purposes and amounts included in the project application attached to this resolution; and be it further

RESOLVED, That the Executive Director or their designee is hereby delegated the authority to make non-substantive changes or minor amendments to the Operating Agreement as they deem appropriate; and be it further

RESOLVED, That a copy of this resolution shall be transmitted to MTC in conjunction with the filing of the TJPA application referenced herein.

I hereby certify that the foregoing resolution was adopted by the Transbay Joint Powers Authority Board of Directors at its meeting of March 14, 2024.

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Secretary, Transbay Joint Powers Authority

**Regional Measure 3 Operating Agreement  
FY2023-24**

**Submittal Date:** 2/28/2024

**Operator:** Transbay Joint Powers Authority

**A. Project Title:** Transit Center Operations

**B1. Brief Description of Service**

Briefly describe service supported by RM3 funds. Include information about markets being served and interoperator connections.

RM3 funds support the operations of the Salesforce Transit Center in downtown San Francisco. The Transit Center serves bus operators from the East Bay, San Francisco, North Bay, and Peninsula, including AC Transit, Muni, Greyhound, WestCAT, Lynx, Golden Gate Transit, and SamTrans.

**B2. Description of Service Changes**

Describe any service changes made in the previous fiscal year and describe any changes planned for the current fiscal year.

None.

**C. Service Description - Not Used**

**D. Cost Allocation Plan/Cost Methodology**

Direct reimbursement of costs. No cost allocation Plan / Cost Methodology used.

**E. Environmental Clearance Type:** 1. *(exempt (state rationale) or environmentally cleared)*

Environmentally cleared

2. **Date:** 11/26/2018

**F. Operating Plan**

	1	2	3
	Past Actual FY 21/22	Current Year Revised FY 22/23	Budget FY 23/24
<b>Operating Budget</b>			
1. <b>Total Operating Cost (Fully Loaded)</b>	20,540,288	31,769,000	27,629,744
1. <b>RM3 Operating Cost (Fully Loaded)</b>	20,540,288	31,769,000	27,629,744
2. -- Fare Revenue (RM3-Funded Service)	-	-	-
3. -- RM 3 Operating Assistance Request	1,526,050	2,700,000	2,990,080
4. -- Other Operating Revenue - Private Sector (RM3-Fur	6,834,645	9,119,000	8,829,774
5. -- Other Subsidy (RM3-Funded Service)	12,179,593	19,950,000	15,809,890
6. <b>Total Subsidy (RM3-Funded Service)</b>	20,540,288	31,769,000	27,629,744
7. <b>Total Revenues (RM3-Funded Service)</b>	20,540,288	31,769,000	27,629,744
8. <b>Surplus/(Deficit) (RM3-Funded Service)</b>	-	-	-

**G. Service Parameters - Not Used**

**H. Performance Measures**

	1	2	3
	Past Actual FY 21/22	Current Year Revised FY 22/23	Budget FY 23/24
<b>Required Measures Per MTC Resolution No. 4404, Revised</b>			
1. Estimated Boardings	1,580,875	2,029,847	2,800,000
2. Percent of Trips Departing Salesforce Transit Center On-Time	87%	86%	90%
3. Annual Lease Revenue	\$ 1,904,329	\$ 2,019,285	\$ 2,500,000
4. Maintenance Documents Provided to MTC			3/22/2024
5. Investment/Policy Summary Provided to MTC			3/22/2024
6. Financial Documents Provided to MTC			3/22/2024
7. Annual TJPA-MTC Meeting Held			Date TBD
8. Percent of Near-Term STC Wayfinding Recommendations Implemented		91%	95%

**RM-2 Operating Assistance Application**

**Certifications**

**FY 2023-2024**

**Submittal Date:**

**Operator:**

**Project:**

**Only complete this form if you do not complete J(a)**

**ENTER an "X" in the yellow cell to the left of each required certification**

**This form must be signed and dated**

x	A.	Applicant certifies that, if RM-2 funding was received in FY 2022-23, it will include the RM-2 costs and revenues in its general fiscal audit for that year. Applicant also assures that it will include the RM-2 costs and revenues in its general fiscal audit which will be completed for FY 2023-24.
	B.	Applicant certifies to one of the following:
N/A	a.	If Applicant is a bus operator, it certifies that it has submitted a copy of the California Highway Patrol (CHP) certification which was issued within the last 13 months indicating compliance with Cal. Veh. Code. §1808.1 (CHP "pull notice system and periodic reports"). (Pub. Util. Code §99251).
N/A	b.	If Applicant is a ferry operator, it certifies that it is current on all inspections and certifications required by federal and state agencies.
N/A	C.	Applicant certifies that it has current "joint fare revenue sharing agreements" in place with transit operators in the MTC region with which its service connects as required by Government Code §66516 and that it has submitted copies of all such agreements to MTC.
x	D.	Applicant agrees to participate in implementation of recommendations from the Integrated Fare Structures and Transit Connectivity Studies which are required by Streets and Highway Code §30914.5.
x	E.	Applicant certifies that it complies with MTC's Transit Coordination Implementation Plan (MTC Resolution No. 3866, Revised). (Public. Util. Code §99314.7 and Gov't Code §66516.5)

**The undersigned attests that the certifications indicated above are true and correct, and further attests to the applicant's intent to comply with the indicated certifications.**

Authorized Representative Signature:

Name: Adam Van de Water

Title: Executive Director, TJPA

Date: