

**STAFF REPORT FOR CALENDAR ITEM NO.: 9.2  
FOR THE MEETING OF: May 9, 2019**

**TRANSBAY JOINT POWERS AUTHORITY**

**BRIEF DESCRIPTION:**

Approve the Operating Assistance Proposal dated April 30, 2019, and an Implementing Agency Resolution for the allocation of Regional Measure 2 Funds in an amount not to exceed \$8,201,958.

**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 2019, the escalated amount is \$5,201,958. 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.

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 draft Fiscal Year 2019-20 (FY19-20) operating budget of approximately \$38.4 million at this Board meeting, and following feedback from the Board and public will finalize the budget for approval at the June 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
- Debt service for Phase 1 (paid in full with tax increment)

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, existing reserves, and tax increment funds which fully cover the debt service expenses. The draft operating budget is discussed in further detail in the staff report for the draft fiscal year budget being presented at this same May 9, 2019 Board meeting.

**RECOMMENDATION:**

Approve the Operating Assistance Proposal dated April 30, 2019, and a Resolution of Project Compliance for the allocation of Regional Measure 2 Funds in an amount not to exceed \$8,201,958.

**ENCLOSURES:**

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

**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, 2019, the amount of escalated funds equals \$5,201,958; and

WHEREAS, In 2017 MTC passed Resolution No. 3801 Revised to allocate an additional \$3 million for Transbay Transit Center Operating Support; 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 2019-20 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 \$8,201,958 for FY 2019-20, 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 Executive Director is hereby delegated the authority to make non-substantive changes or minor amendments to the Application as he 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 May 9, 2019.

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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 June 28, 2017.

**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**

	FY13/14 Actuals	FY 14/15 Actuals	FY 15/16 Actuals	FY 16/17 Actuals	FY 17/18 Actuals	FY 18/19	FY 19/20	Total
<b>Operating Budget</b>								
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
<b>Total Operating Cost</b>	<b>4,950,298</b>	<b>4,050,735</b>	<b>4,299,304</b>	<b>5,187,168</b>	<b>10,622,196</b>	<b>33,157,050</b>	<b>38,384,827</b>	<b>100,651,578</b>
-- Fare Revenue								
-- <b>RM 2 Operating Assistance Request</b>	<b>3,716,381</b>	<b>3,644,073</b>	<b>3,817,607</b>	<b>4,691,868</b>	<b>7,856,083</b>	<b>8,026,046</b>	<b>8,201,958</b>	<b>39,954,016</b>
-- TDA								-
-- Local Sales Tax								-
-- Private Sector Contributions	<b>1,233,917</b>	<b>406,662</b>	<b>481,697</b>	<b>495,300</b>	<b>2,766,113</b>	<b>25,131,004</b>	<b>30,182,869</b>	<b>60,697,562</b>
-- Other Subsidy								-
<b>Total Subsidy</b>	<b>4,950,298</b>	<b>4,050,735</b>	<b>4,299,304</b>	<b>5,187,168</b>	<b>10,622,196</b>	<b>33,157,050</b>	<b>38,384,827</b>	<b>100,651,578</b>
<b>Total Revenues</b>	<b>4,950,298</b>	<b>4,050,735</b>	<b>4,299,304</b>	<b>5,187,168</b>	<b>10,622,196</b>	<b>33,157,050</b>	<b>38,384,827</b>	<b>100,651,578</b>
<b>Surplus/(Deficit)</b>	-	-	-	-	-	-	-	-

**Service Parameters -- THIS IS NOT APPLICABLE TO THIS PROJECT**

	FY13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	FY 18/19	FY 19/20	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**

	FY13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	FY 18/19	FY 19/20	Average
<b>Required Measures Per MTC Resolution 3668</b>								
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
<b>Other Measures</b>								
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