

STAFF REPORT

SUBJECT: Application to fund Executive level position for the Altamont Regional Rail Working Group

FROM: Michael Tree, Executive Director

DATE: August 1, 2016

Action Requested

The staff recommendation is that the LAVTA Board approves Resolution 30-2016 and the Initial Project Report to fund from Regional Measure 1 bridge toll funds through MTC an Executive level position for the Altamont Regional Rail Working Group.

Background

The Altamont Regional Rail Working Group (Working Group) was created in October of 2015 to ensure that regional rail planning leads to project implementation that is fast, cost effective and responsive to community goals and objectives.

The Working Group is composed of the following policy makers:

- Scott Haggerty, Supervisor, Alameda County (Chair)
- Moses Zapien, Supervisor, San Joaquin County (Vice-Chair)
- David Haubert, Mayor, City of Dublin
- John Marchand, Mayor, City of Livermore
- Jerry Thorne, Mayor, City of Pleasanton
- Veronica Vargas, Councilmember, City of Tracy
- Vince Hernandez, Board Member, ACE (Manteca)
- John McPartland, Board Member, BART
- Steven Spedowfski, Board Member, LAVTA (Livermore)
- Dale Kaye, CEO Innovation Tri-Valley Leadership Group (Ex-Officio)
- Kristin Connelley, CEO East Bay Leadership Council (Ex-Officio)
- Michael Ammann, CEO, San Joaquin Partnership (Ex-Officio)

The Working Group meetings have been well attended by its members and the public. There is a growing recognition of the importance of the BART to ACE project and the impact it will have on the mega-region in regard to congestion relief on the I-580, which consistently ranks as one of the most congestion roadways in the Bay Area.

The BART to ACE project is currently in the environmental review process, with the draft environmental impact report due to be released in early 2017 and construction scheduled for completion in 2026. However, significant delays in funding for the project are likely to continue as the BART Board and staff show a lack of focus on the project. To this end, the Working Group is looking at alternatives, such as a JPA or the creation of a Construction Authority to keep the project from further delays.

Discussion

To provide a higher level of focus and momentum on the BART to ACE project Supervisor Haggerty requested and received \$330,000 per year from MTC for the next 24 months to fund an Executive for the Working Group. Under the direction of the Executive Director, the Executive will work to ensure that BART to ACE is successful, collaborating with policy makers and the public to assemble required funding and to ensure that the project is delivered efficiently, on-time and within budget.

The Executive position will be advertised in August as a sole focus consultant for the agency. Staff anticipates interviews to take place in early September and a selection made before the September Working Group meeting. Although the Executive position is only funded for 24 months, it is expected that the position will be productive and that the funding will continue under a continuing agreement with MTC.

Financial Impact

The Executive level position for the Working Group is being funded entirely through MTC with Region Measure 1 funding. There is no impact to the LAVTA FY2017 budget.

Recommendation

Staff recommends the LAVTA Board approve Resolution 30-2016 and the Initial Project Report to fund from Regional Measure 1 bridge toll funds through MTC an Executive level position for the Altamont Regional Rail Working Group.

Attachments:

1. Resolution 30-2016
2. Regional Measure 1 Initial Project Report (IPR)

Submitted: _____

PART 1: RM1 IMPLEMENTING AGENCY RESOLUTION OF PROJECT COMPLIANCE

Resolution No. 30-2016

**Implementing Agency:
Livermore Amador
Valley Transit
Authority**

**Project Title: Rail
Planning for the Tri-
Valley**

WHEREAS, SB 916 (Chapter 715, Statutes 2004), commonly referred as Regional Measure 1, 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 Regional Measure 1 (RM1) funds, pursuant to Streets and Highways Code Section 30914(c) and (d); and

WHEREAS, MTC has established a process whereby eligible transportation project sponsors may submit allocation requests for Regional Measure 1 funding; and

WHEREAS, allocations to MTC must be submitted consistent with procedures and conditions as outlined in Regional Measure 1 Policy and Procedures; and

WHEREAS, MTC adopted Resolution No. 4137, Revised, which establishes the program of projects for RM1 90% Rail Reserve funds; and

WHEREAS, the RM1 bridge toll funds allocation request, attached hereto in the Initial Project Report and incorporated herein as though set forth at length, lists the project, purpose, schedule, budget, expenditure and cash flow plan for which the LAVTA is requesting that MTC allocate RM1 90% Rail Reserve funds; now, therefore, be it

RESOLVED, that the LAVTA, and its agents shall comply with the provisions of the Metropolitan Transportation Commission's Regional Measure 1 Policy Guidance (MTC Resolution No. 3636); and be it further

RESOLVED, that the Livermore Amador Valley Transit Authority (LAVTA) certifies that the project is consistent with the Regional Transportation Plan (RTP); and be it further

RESOLVED, that 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; and be it further

RESOLVED, that the RM1 phase or segment is fully funded, and results in an operable and useable segment; and be it further

RESOLVED, that the LAVTA approves the updated Initial Project Report, attached to this resolution; and be it further

RESOLVED, that the LAVTA approves the cash flow plan, attached to this resolution; and be it further

RESOLVED, that the LAVTA has reviewed the project needs and has adequate staffing resources to deliver and complete the project within the schedule set forth in the updated Initial Project Report, attached to this resolution; and, be it further

RESOLVED, that the LAVTA certifies that the projects and purposes for which RM1 funds are being requested is 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 the LAVTA making allocation requests for RM1 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 the LAVTA to deliver such project; and be it further

RESOLVED, that the LAVTA 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 the LAVTA 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 LAVTA, its officers, employees or agents, or subcontractors or any of them in connection with its performance of services under this allocation of RM1 funds. In addition to any other remedy authorized by law, so much of the funding due under this allocation of RM1 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 the LAVTA 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 Metropolitan Transportation Commission is entitled to a proportionate share equal to MTC's percentage participation in the projects(s); and be it further

RESOLVED, that assets purchased with RM1 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 Metropolitan Transportation Commission (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 RM1 funds were originally used; and be it further

RESOLVED, that the LAVTA authorizes its Executive Director to execute and submit an allocation request for the environmental phase with MTC for RM1 funds in the amount of \$660,000, for the project, purposes and amounts included in the project application attached to this resolution; and be it further

RESOLVED, that the Executive Director is hereby delegated the authority to make non-substantive changes or minor amendments to the IPR as he/she deems appropriate.

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

Steven Spedowfski, Chair

ATTEST:

Michael Tree, Executive Director

APPROVED AS TO FORM:

Michael Conneran, Legal Counsel

Regional Measure 1 Initial Project Report (IPR)

Project Title:

Rail Planning for Tri-Valley

RM1 Project No.**Allocation History:**

	MTC Approval Date	Amount	Phase
#1:	N/A	N/A	N/A
#2			
#3			

Total: \$**Current Allocation Request:**

IPR Date	Amount Being Requested	Phase Requested
August 1, 2016	\$660,000	Phase I

I. OVERALL PROJECT INFORMATION

A. Project Sponsor / Co-sponsor(s) / Implementing Agency

The project sponsor is the Livermore Amador Valley Transit Authority

B. Project Purpose

The project purpose is to provide expertise to move the environmental process forward at a quicker, more efficient pace for rail planning in the Tri-Valley.

C. Project Description (please provide details)

Project Graphics to be sent electronically with This Application

LAVTA intends to procure a consultant for two years in order to accomplish the following tasks: coordinate environmental work in Tri-Valley to include BART to ACE project, manage opportunities for environmental work efficiencies such as project scope, timelines, and budgets with lead project team for environmental work, assist project team in articulating EIR process, outcomes, and decision maker/public outreach and comment process, provide leadership for decision makers in the budget approval process to ensure funding is adequate for the project, provide guidance and expertise to assist policy makers in the preferred alternative selection process for preparation of final environmental impact reports.

D. Impediments to Project Completion

-Potential impediments to the environmental work and the progress of the BART to ACE rail project include funding challenges and priority delays by BART.

E. Operability

-N/A

II. PROJECT PHASE DESCRIPTION and STATUS

F. Environmental –

Does NEPA Apply: Yes No

- 2016: Environmental Impact Report (EIR) work in progress
- 2017: Release Draft EIR/Identify Recommended alternative/Release Final EIR
- 2018: Work on Draft Environmental Impact Statement (DEIS)
- 2019: Release DEIS
- 2020: Release FEIS
- 2022: Complete design

Lead agency in this process at the present time in BART.

G. Design – N/A

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)	\$660,000
Design - Plans, Specifications and Estimates (PS&E)	0
Right-of-Way Activities /Acquisition (R/W)	0
Construction / Rolling Stock Acquisition (CON)	0
Total Project Budget (in thousands)	\$660,000

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

Phase	Total Amount - De-escalated - (Thousands)
Environmental Studies & Preliminary Eng (ENV / PE / PA & ED)	\$660,000
Design - Plans, Specifications and Estimates (PS&E)	0
Right-of-Way Activities /Acquisition (R/W)	0
Construction / Rolling Stock Acquisition (CON)	0
Total Project Budget (in thousands)	\$660,000

L. Project Budget – Deliverable Segment (Escalated to year of expenditure)

Phase	Total Amount - Escalated - (Thousands)
Environmental Studies & Preliminary Eng (ENV / PE / PA & ED)	\$660,000
Design - Plans, Specifications and Estimates (PS&E)	0
Right-of-Way Activities /Acquisition (R/W)	0
Construction / Rolling Stock Acquisition (CON)	0
Total Project Budget (in thousands)	\$660,000

M. Project Budget – Deliverable Segment(De-escalated to current year)

Phase	Total Amount - De-escalated - (Thousands)
Environmental Studies & Preliminary Eng (ENV / PE / PA&ED)	\$660,000
Design - Plans, Specifications and Estimates (PS&E)	0
Right-of-Way Activities /Acquisition (R/W)	0
Construction / Rolling Stock Acquisition (CON)	0
Total Project Budget (in thousands)	\$660,000

IV. OVERALL PROJECT SCHEDULE

Phase-Milestone	Planned (Update as needed)	
	Start Date	Completion Date
Environmental Document	9/1/2016	9/1/2018
Environmental Studies, Preliminary Eng. (ENV / PE / PA&ED)	-	-
Final Design - Plans, Specs. & Estimates (PS&E)	-	-
Right-of-Way Activities /Acquisition (R/W)	-	-
Construction (Begin – Open for Use) / Acquisition / Operating Service (CON)	-	-

V. ALLOCATION REQUEST INFORMATION

N. Detailed Description of Allocation Request

Describe the scope of the allocation request. Provide background and other details as necessary.

LAVTA intends to procure a consultant for two years in order to accomplish the following tasks: coordinate environmental work in Tri-Valley to include BART to ACE project, manage opportunities for environmental work efficiencies such as project scope, timelines, and budgets with lead project team for environmental work, assist project team in articulating EIR process, outcomes, and decision maker/public outreach and comment process, provide leadership for decision makers in the budget approval process to ensure funding is adequate for the project, provide guidance and expertise to assist policy makers in the preferred alternative selection process for preparation of final environmental impact reports.

Amount being requested (in escalated dollars)	\$660,000
Project Phase being requested	I
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 RM1 IPR Resolution for the allocation being requested	August 1, 2016
Month/year being requested for MTC Commission approval of allocation	August 2016

O. Status of Previous Allocations (if any)

N/A

P. Workplan

Workplan in Alternate Format Enclosed

TASK NO	Description	Deliverables	Completion Date
1	Monitor EIR process		August 2018
2	Planning for appropriate funding of project		August 2018
3	Articulate to decision makers and public EIR process and results		August 2018

Q. Impediments to Allocation Implementation

- Potential impediments, although not likely, to the work plan include future funding changes/challenges and community and political opposition. Not likely are cost increases due to BART being the lead on the

budget environmental process. Legal impediments and community and political opposition is unpredictable, but could service as the EIR process culminates.

VI. RM-1 FUNDING INFORMATION

R. RM-1 Funding Expenditures for funds being allocated

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

S. Next Anticipated RM1 Allocation Request.

August of 2018

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: Michael Tree

Phone: 925-455-7546

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Information on Person Preparing IPR

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Applicant Agency's Accounting Contact

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