

Date: December 18, 2013
W.I.: 1512
Referred By: PAC
Revised: 01/27/16-C

ABSTRACT

Resolution No. 4126, Revised

This resolution supersedes MTC Resolution No. 3918 by revising the Funding Plan for Phase 1 of the BART Rail Car Replacement Program, which includes a policy-level commitment of approximately \$871 million in regional funding in fiscal years 2006 through 2019. The funding framework for Phase 2 of the project established by Resolution No. 3918 is superseded by the investment plan included in the Core Capacity Challenge Grant Program, MTC Resolution No. 4123.

This Resolution includes the following attachments:

A – Principles for Phase 1 Funding Plan

B – Phase 1 Funding Plan

Attachment B of this resolution was revised by the Commission on January 27, 2016 to 1) revise the Funding Plan for Phase 1 of the BART Rail Car Replacement Program by reducing the commitment of FTA and STP funds by \$150 million and adding a new commitment of AB 664 Bridge Tolls and BATA Project Savings totaling \$150 million, and 2) to update the amounts programmed through FY 2015-16 and the amounts remaining to be programmed.

Further discussion of the BART Rail Car Replacement Program is contained in the Programming and Allocations Summary Sheet dated December 11, 2013 and January 13, 2016.

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Re: BART Rail Car Replacement Program

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION NO. 4126

WHEREAS, the Metropolitan Transportation Commission (MTC) is the regional transportation planning agency for the San Francisco Bay Area pursuant to Government Code 66500 et. seq.; and

WHEREAS, the San Francisco Bay Area Rapid Transit District (BART) is a rapid transit district providing heavy rail transit service in the San Francisco Bay Area; and

WHEREAS, BART has approved Resolution No. 5134 regarding the BART Rail Car Replacement Program and therein agreed to the matters referenced in the succeeding WHEREAS and RESOLVED clauses; and

WHEREAS, BART wishes to replace 669 rail cars through its Rail Car Replacement Program (PROJECT); and

WHEREAS, BART and MTC wish to establish a funding framework and understanding for the PROJECT; and

WHEREAS, BART and MTC wish to establish a policy-level commitment of funding toward a PHASE 1 FUNDING PLAN in fiscal years 2011 through 2019 in order for BART to award a contract for the PROJECT; and

WHEREAS, MTC previously adopted MTC Resolution No. 3866, the Transit Coordination Implementation Plan; and

WHEREAS, pursuant to Resolution No. 3866, MTC may, at its discretion, withhold, restrict or re-program funds and allocations to an operator that has not made reasonable efforts to implement the requirements of Resolution No. 3866; now be it therefore,

RESOLVED, that BART and MTC have agreed to and approve the PRINCIPLES FOR PHASE 1 FUNDING PLAN set forth in Attachment A and incorporated herein; and be it further

RESOLVED, that BART and MTC have agreed to and approve the PHASE 1 FUNDING PLAN set forth in Attachment B and incorporated herein; and be it further

RESOLVED, that BART and MTC agree that MTC's commitment of funding for the PHASE 1 FUNDING PLAN for the PROJECT is limited to the total amount of MTC Funding shown in the PHASE 1 FUNDING PLAN ; and be it further

RESOLVED, that MTC agrees to program in a timely manner Federal Transit Administration (FTA) and Federal Highway Administration (FHWA) funds as set forth in Attachment B, subject to Congressional authorization and appropriation, availability of funds, and other critical regional transit capital needs in order to meet PHASE 1 FUNDING PLAN cash flow needs and minimize financing costs; and be it further

RESOLVED, that MTC may substitute other MTC-controlled funds in place of available FTA and FHWA funds specified in the PHASE 1 FUNDING PLAN; and be it further

RESOLVED, that BART agrees to use the funds as shown in Attachment B to meet the local match requirements of federal funds for the PHASE 1 FUNDING PLAN; and be it further

RESOLVED, that BART agrees to comply with all applicable local, state, and federal requirements for funds programmed by MTC; and be it further

RESOLVED, that BART and MTC agree to work with the Bay Area Partnership to ensure that the PROJECT funding plan will be developed and programmed in agreement with the region's overall approach to the Transit Capital Priorities program; and be it further

RESOLVED, that BART acknowledges that it has received regional funds from MTC to extend the life of some of its current fleet of rail cars so that they will remain in service while the replacement cars are being procured and delivered, and agrees to maintain its current fleet of rail

cars so that they will remain in service while the replacement cars are being procured and delivered; and be it further


RESOLVED, that BART agrees that it will not request regional funds from MTC for a rehabilitation of its current fleet of railcars; and be it further

RESOLVED, that MTC may withhold amending annual PHASE 1 FUNDING PLAN funds in the Transportation Improvement Program if the Commission finds that BART is not in compliance with MTC Resolution No. 3866; and be it further

RESOLVED, that BART and MTC will work with the FTA to ensure the federal funds are available to the PROJECT; and be it further

RESOLVED, that this resolution supersedes MTC Resolution No. 3918.

METROPOLITAN TRANSPORTATION COMMISSION



Amy ReinWorth, Chair

This resolution was entered into by the Metropolitan Transportation Commission at a regular meeting of the Commission held in Oakland, California, on December 18, 2013.

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Attachment A
Resolution No. 4126
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PRINCIPLES FOR PHASE 1 FUNDING PLAN BART CAR REPLACEMENT PROGRAM

1. Project Definition

The BART Car Replacement Program (PROJECT) consists of replacing 669 A, B, C1 and C2 cars at an estimated cost of \$2.2 billion (in escalated dollars). The procurement of additional capacity expansion cars as well as cars for the Warm Springs and Berryessa extensions is outside of the scope of these Principles.

The PHASE 1 FUNDING PLAN specified in this resolution will address the costs of replacing approximately the first 350 cars at an estimated cost of \$1.2 billion (in escalated dollars).

The PHASE 2 FUNDING PLAN will address the costs of replacing approximately the remaining 319 cars at an estimated cost of \$1.0 billion (in escalated dollars). The PHASE 2 FUNDING PLAN is included in the investment plan established by the Core Capacity Challenge Grant Program, MTC Resolution No. 4123.

2. Background and Prior Actions

MTC Resolution No. 3918 established a funding framework for the BART Rail Car Replacement Program (Phases I and II) and a policy-level commitment of approximately \$780 million in funding toward the Phase 1 Funding Plan for the project in fiscal years 2011 through 2019. Together with regional funds programmed prior to FY 2011, the regional commitment totals \$871 million.

This resolution supersedes MTC Resolution No. 3918 by revising the Phase 1 Funding Plan to reflect changes to the scope and costs for Phase 1 resulting from BART's award of a contract for the rail cars, as specified above under Project Definition. The funding framework for Phase 2 of the project established by Resolution No. 3918 is superseded by the investment plan included in the Core Capacity Challenge Grant Program, MTC Resolution No. 4123.

Transportation 2035 and Plan Bay Area, the region's most recent long-range plans that were adopted in April 2009 and July 2013, respectively, include projected funding to meet BART's capital replacement and rehabilitation needs over the planning period, including the costs of the PROJECT.

3. Regional Share of Phase 1 Project Costs

Consistent with the region's long-range plans and Resolution No. 3918, MTC will provide approximately \$871 million, or about 75%, of the \$1.2 billion PHASE 1 FUNDING PLAN costs.

This includes projected FTA Section 5307, FTA Section 5337, FHWA STP (or successor programs) and/or other anticipated funding sources included in Plan Bay Area, as well as the funds that have been programmed to the PROJECT prior to the adoption of Plan Bay Area and projected earnings on the BART Car Replacement Funding Exchange Account.

Assumptions for Regional Share:

- The total cost of the PHASE 1 FUNDING PLAN is \$1.2 billion and includes replacement of 350 cars.
- The PHASE 1 FUNDING PLAN assumes that any FTA or STP programming not needed for direct project expenditures in the year of programming will be exchanged for BART funds, which will be deposited in the BART Car Replacement Funding Exchange Account.
- The PHASE 1 FUNDING PLAN assumes that a combination of earnings credited to the BART Car Replacement Funding Exchange Account and, if earnings are insufficient, additional programming of STP or other funding sources will provide \$50 million for the PHASE 1 FUNDING PLAN.
- The PHASE 1 FUNDING PLAN assumes that state High Speed Rail Connectivity funds and other local BART funds will be available to BART to meet their \$298 million contribution.
- Major transit capital rehabilitation and replacement needs in the Region can be met as anticipated in Plan Bay Area, including 100% of the cost of replacing revenue vehicles and approximately 76% of the cost of replacing and rehabilitating Fixed Guideway and other Score 16 assets.
- The Region will receive \$20.9 billion in Committed Revenues, including FTA formula funds and AB664 bridge tolls, between FY 2013 and FY 2040 as anticipated in Plan Bay Area.
- The Region's Score 16 transit capital replacement and rehabilitation needs between FY 2013 and FY 2040 will not exceed \$32.7 billion as anticipated in Plan Bay Area.

Should these assumptions, including the cost of the PROJECT, change substantively over time, the terms of this PHASE 1 FUNDING PLAN will be re-examined and an alternate approach will be agreed to by MTC and BART that could include extending the timing of fund commitments, seeking alternate fund sources, or other actions.

4. BART Share of Project Costs

Consistent with Plan Bay Area and Resolution No. 3918, BART will cover approximately \$298 million, or about 25%, of the \$1.2 billion PHASE 1 FUNDING PLAN costs. This includes High Speed Rail funds and BART operating revenues dedicated to the PROJECT through FY 2019. If necessary, BART will either direct future BART-controlled revenue, such as State Transit Assistance Revenue-Based funds, after meeting revenue sharing and coordination expenses, or raise additional funds through General Obligation bonds, parcel taxes, fare increases or other means to help fund its share of PROJECT costs and/or fixed guideway needs. If necessary, BART can meet this commitment, in whole or in part, by funding a larger share of its fixed guideway capital needs, and reducing the need for regional investments in BART's fixed guideway needs below the level currently projected in Plan Bay Area.

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PHASE 1 FUNDING PLAN FOR BART CAR REPLACEMENT PROGRAM

BART Car Replacement Project Phase 1 Preliminary Funding Plan Summary \$000

Funding Source	Prior to FY16	FY16 - FY19	Total
MTC Funding			
FTA Formula Programs	370,189	250,811	621,000
FHWA Regional Discretionary Programs	97,474	2,526	100,000
AB 664 Bridge Tolls & BATA Project Savings	-	150,000	150,000
Subtotal MTC Funding *	467,663	403,337	871,000
BART Funding	204,900	93,100	298,000
Total Funding	672,563	496,437	1,169,000

* MTC Fundng includes programming to other BART projects in exchange for BART funds deposited into the BART Car Replacement Funding Exchange Account, and earnings credited to the account.