

INTER OFFICE MEMO

To: Board of Directors

Date: 09/08/2023

From: Melody Reeb, Director of Planning, Marketing, & Innovation

Reviewed by: *MR*

SUBJECT: Regional Measure 3 Allocation Request

Background:

Regional Measure 3 (RM 3) raised tolls on the Bay Area's state-owned bridges starting in 2019. Following the dismissal of legal challenges in January 2023, the Metropolitan Transportation Commission (MTC) began allocating funds to eligible projects identified in the RM3 Expenditure Plan, which included \$20 million for transit improvements in Contra Costa County with project selection being delegated to the Contra Costa Transportation Authority (CCTA).

Bus Replacement Project:

Staff is proposing to submit an allocation request for \$5,000,000 in RM3 funds for the replacement of forty (40) 40-foot buses that have reached the end of their useful life. Production of the new buses began in spring, and delivery is expected to be completed this fall. The requested funds would provide local match to a federal grant, and funds cannot be expended until MTC approval of the allocation request, which will be considered at the September 27th Commission meeting and contingent upon approval by the Boards of both County Connection and CCTA.

Financial Implications:

Applying \$5 million in RM3 funds towards the new bus purchase would reduce the amount of Transportation Development Act (TDA) capital funds required for the project.

Recommendation:

The A&F Committee and staff recommend requesting \$5,000,000 in RM3 funds for the purchase of new buses.

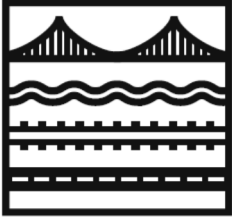
Action Requested:

The A&F Committee and staff request that the Board adopt Resolution No. 2024-05 authorizing the General Manager to submit an allocation request to MTC for RM3 funds.

Attachments:

Attachment 1 – Initial Project Report

Attachment 2 – Resolution No. 2024-05



Regional Measure 3

Initial Project Report

Project/Subproject Details

Basic Project Information

Project Number	26
Project Title	North Bay Transit Improvements
RM3 Funding Amount	\$100,000,000

Subproject Information

Subproject Number	
Subproject Title	County Connection Bus Replacements
RM3 Funding Amount	\$5,000,000

I. Overall Subproject Information

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

Central Contra Costa Transit Authority (County Connection)

b. Detailed Project Description *(include definition of deliverable segment if different from overall project/subproject)*

Match funding to replace forty 40-foot buses as well as related equipment and infrastructure.

c. Impediments to Project Completion

N/A

d. Risk Management *(describe risk management process for project budget and schedule, levels of contingency and how they were determined, and risk assessment tools used)*

N/A



- e. **Operability** *(describe entities responsible for operating and maintaining project once completed/implemented)*

County Connection will operate and maintain the vehicles, equipment, and infrastructure.

- f. **Project Graphic(s)** *(include below or attach)*

N/A

II. Project Phase Description and Status

- a. **Environmental/Planning**

Does NEPA apply? Yes No

N/A

- b. **Design**

N/A

- c. **Right-of-Way Activities / Acquisition**

N/A

- d. **Construction / Vehicle Acquisition / Operating**

Buses are scheduled to begin production at the end of March 2023 and will be delivered starting in mid-April 2023.

III. Project Schedule

Phase-Milestone	Planned	
	Start Date	Completion Date
Environmental Studies, Preliminary Eng. (ENV / PE / PA&ED)	N/A	N/A
Final Design - Plans, Specs. & Estimates (PS&E)	N/A	N/A
Right-of-Way Activities /Acquisition (R/W)	N/A	N/A
Construction (Begin – Open for Use) / Acquisition (CON)	04/01/2023	06/30/2024



IV. Project Budget

Capital

Project Budget	Total Amount - Escalated to Year of Expenditure (YOE)- (Thousands)
Environmental Studies & Preliminary Eng (ENV / PE / PA&ED)	
Design - Plans, Specifications and Estimates (PS&E)	
Right-of-Way Activities /Acquisition (R/W)	
Construction / Rolling Stock Acquisition (CON)	\$26,633
Total Project Budget (in thousands)	\$26,633

Deliverable Segment Budget (if different from Project budget)	Total Amount - Escalated to Year of Expenditure (YOE)- (Thousands)
Environmental Studies & Preliminary Eng (ENV / PE / PA&ED)	
Design - Plans, Specifications and Estimates (PS&E)	
Right-of-Way Activities /Acquisition (R/W)	
Construction / Rolling Stock Acquisition (CON)	
Total Project Budget (in thousands)	

Operating	Total Amount - Escalated to Year of Expenditure (YOE)- (Thousands)
Annual Operating Budget	\$12,322

V. Project Funding

Please provide a detailed funding plan in the Excel portion of the IPR. Use this section for additional detail or narrative as needed and to describe plans for any "To Be Determined" funding sources, including phase and year needed.



VI. Contact/Preparation Information

Contact for Project Sponsor

Name: Melody Reeb

Title: Director of Planning, Marketing, & Innovation

Phone: (925) 680-2029

Email: reeb@cccta.org

Mailing Address: 2477 Arnold Industrial Way, Concord, CA 94520

Person Preparing Initial Project Report (if different from above)

Name:

Title:

Phone:

Email:

Mailing Address:

**Regional Measure 3
Initial Project Report - Subproject Report
Funding Plan**

Project Title:	North Bay Transit Improvements
Subproject Title	County Connection Bus Replacements
Project/Subproject Number:	26
Total RM3 Funding:	\$ 5,000,000

(add rows as necessary)

CAPITAL FUNDING

Funding Source	Committed? (Yes/No)	Total Amount (\$ thousands)	Amount Expended (\$ thousands)	Amount Remaining (\$ thousands)
ENV				
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
ENV Subtotal		\$ -	\$ -	\$ -
PSE				
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
PSE Subtotal		\$ -	\$ -	\$ -
ROW				
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
ROW Subtotal		\$ -	\$ -	\$ -
CON				
FY22 FTA 5307	Yes	\$ 17,136	\$ -	\$ 17,136
FY22 FTA 5339	Yes	\$ 912	\$ -	\$ 912
RM-3	Yes	\$ 5,000	\$ -	\$ 5,000
PTMISEA	Yes	\$ 1,899	\$ -	\$ 1,899
AB 664 Bridge Tolls	Yes	\$ 731	\$ -	\$ 731
TDA Capital	Yes	\$ 935	\$ -	\$ 935
				\$ -
				\$ -
				\$ -
				\$ -
CON Subtotal		\$ 26,613	\$ -	\$ 26,613
Capital Funding Total		\$ 26,613	\$ -	\$ 26,613

OPERATING FUNDING (Annual)

Funding Source	Phase	Committed? (Yes/No)	Total Amount (\$ thousands)
TDA, STA, Fares, Measure J, etc.	Operating	Yes	\$ 12,322
Operating Funding Total			\$ 12,322

**Regional Measure 3
 Initial Project Report - Subproject Report
 Funding Plan - Deliverable Segment - Fully funded phase or segment of total project**

Project Title:	North Bay Transit Improvements
Subproject Title	County Connection Bus Replacements
Project/Subproject Number:	26
Total RM3 Funding:	\$ 5,000,000

(add rows as necessary)

RM3 Deliverable Segment Funding Plan - Funding by planned year of allocation

Funding Source	Prior	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	Future committed	Total Amount (\$ thousands)	Amount Expended (\$ thousands)	Amount Remaining (\$ thousands)
ENV														
RM-3												\$ -		\$ -
												\$ -		\$ -
												\$ -		\$ -
												\$ -		\$ -
												\$ -		\$ -
ENV Subtotal	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PSE														
RM-3												\$ -		\$ -
												\$ -		\$ -
												\$ -		\$ -
												\$ -		\$ -
												\$ -		\$ -
PSE Subtotal	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
ROW														
RM-3												\$ -		\$ -
												\$ -		\$ -
												\$ -		\$ -
												\$ -		\$ -
												\$ -		\$ -
ROW Subtotal	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
CON														
RM-3	CON					\$ 5,000						\$ 5,000		\$ 5,000
FY22 FTA 5307	CON			\$ 17,136								\$ 17,136		\$ 17,136
FY22 FTA 5339	CON			\$ 912								\$ 912		\$ 912
PTMISEA	CON	\$ 1,919										\$ 1,919		\$ 1,919
AB 664 Bridge Tolls	CON			\$ 731								\$ 731		\$ 731
TDA Capital	CON			\$ 935								\$ 935		\$ 935
												\$ -		\$ -
												\$ -		\$ -
												\$ -		\$ -
												\$ -		\$ -
CON Subtotal	\$ -	\$ 1,919	\$ -	\$ 19,714	\$ -	\$ 5,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 26,633	\$ -	\$ 26,633
RM-3 Funding Subtotal	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,000	\$ -	\$ 5,000
Capital Funding Total	\$ -	\$ 1,919	\$ -	\$ 19,714	\$ -	\$ 5,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 26,633	\$ -	\$ 26,633

**Regional Measure 3
Initial Project Report - Subproject Report
Cash Flow Plan**

Project Title:	North Bay Transit Improvements	
Subproject Title	County Connection Bus Replacements	
Project/Subproject Number:	26	
Total RM3 Funding:	\$	5,000,000

(please include all planned funding, add rows as necessary)

RM3 Cash Flow Plan for Deliverable Segment - Funding by planned year of expenditure

Funding Source	Prior	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	Future committed	Total Amount (\$ thousands)
ENV												
RM 3												\$ -
												\$ -
												\$ -
												\$ -
												\$ -
ENV Subtotal	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PSE												
RM 3												\$ -
												\$ -
												\$ -
												\$ -
												\$ -
PSE Subtotal	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
ROW												
RM 3												\$ -
												\$ -
												\$ -
												\$ -
												\$ -
ROW Subtotal	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
CON												
RM 3	CON						\$ 5,000					\$ 5,000
FY22 FTA 5307	CON						\$ 17,136					\$ 17,136
FY22 FTA 5339	CON						\$ 912					\$ 912
PTMISEA	CON					\$ 1,919						\$ 1,919
AB 664 Bridge Tolls	CON					\$ 731						\$ 731
TDA Capital	CON					\$ 446	\$ 489					\$ 935
												\$ -
												\$ -
												\$ -
												\$ -
CON Subtotal	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,096	\$ 23,537	\$ -	\$ -	\$ -	\$ -	\$ 26,633
RM 3 Funding Subtotal	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,000	\$ -	\$ -	\$ -	\$ -	\$ 5,000
Capital Funding Total	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,096	\$ 23,537	\$ -	\$ -	\$ -	\$ -	\$ 26,633

**Regional Measure 3
Initial Project Report - Subproject Report
Estimated Budget Plan**

Project Title:	North Bay Transit Improvements
Subproject Title	County Connection Bus Replacements
Project/Subproject Number:	26
Total RM3 Funding:	\$ 5,000,000

1. Direct Labor of Implementing Agency (specify by name and job function)				Estimated Hours	Rate/Hour	Total Estimated cost
						\$ -
						\$ -
						\$ -
						\$ -
						\$ -
Direct Labor Subtotal						\$ -
2. Overhead and direct benefits (specify)		Rate	x Base			
			\$ -			
			0			
			0			
			0			
			0			
Overhead and Benefit Subtotal						\$ -
3. Direct Capital Costs (include engineer's estimate on construction, right-of-way, or vehicle acquisition)				Unit (if applicable)	Cost per unit	Total Estimated cost
40' Low Floor Diesel Bus		40	\$	654,760	\$	26,190,391
Equipment and infrastructure		40	\$	11,076	\$	443,028
					\$	-
					\$	-
					\$	-
Direct Capital Costs Subtotal						\$ 26,633,418
4. Consultants (Identify purpose and/or consultant)					Total Estimated cost	
Constultants Subtotal					\$ -	
5. Other direct costs					Total Estimated cost	
Other Direct Costs Subtotal					\$ -	
Total Estimated Costs					\$ 26,633,418	

Comments:

RESOLUTION NO. 2024-05

**BOARD OF DIRECTORS, CENTRAL CONTRA COSTA TRANSIT AUTHORITY
STATE OF CALIFORNIA**

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RM3 Implementing Agency Resolution of Project Compliance – Allocation Request

Implementing Agency: Central Contra Costa Transit Authority (CCCTA)

Project Title: County Connection Bus Replacements Project

WHEREAS, the County of Contra Costa and the Cities of Clayton, Concord, the Town of Danville, Lafayette, Martinez, the Town of Moraga, Orinda, Pleasant Hill, San Ramon and Walnut Creek (Member Jurisdictions) have formed the Central Contra Costa Transit Authority (CCCTA), a joint exercise of powers agency created under California Government Code Section 6500 *et seq.*, for the joint exercise of certain powers to provide coordinated and integrated public transportation services within the area of its Member Jurisdictions;

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

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);

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

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);

WHEREAS, CCCTA is an eligible sponsor of transportation project(s) in the Regional Measure 3 Expenditure Plan;

WHEREAS, the County Connection Bus Replacements Project 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 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 CCCTA is requesting that MTC allocate Regional Measure 3 funds.

NOW, THEREFORE, BE IT RESOLVED that CCCTA, and its agents shall comply with the provisions of the Metropolitan Transportation Commission’s Regional Measure 3 Policies and Procedures;

BE IT FURTHER RESOLVED that CCCTA certifies that the project is consistent with the Regional Transportation Plan (RTP);

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;

BE IT FURTHER RESOLVED that the Regional Measure 3 phase or segment is fully funded, and results in an operable and useable segment;

BE IT FURTHER RESOLVED that CCCTA approves the allocation request and updated Initial Project Report, attached to this resolution;

BE IT FURTHER RESOLVED that CCCTA approves the cash flow plan, attached to this resolution;

BE IT FURTHER RESOLVED that CCCTA has reviewed the project needs and has adequate staffing resources to deliver and complete the project within the schedule set forth in the allocation request and updated Initial Project Report, attached to this resolution;

BE IT FURTHER RESOLVED that CCCTA is an eligible sponsor of projects in the Regional Measure 3 Expenditure Plan, in accordance with California Streets and Highways Code 30914.7(a);

BE IT FURTHER RESOLVED that CCCTA is authorized to submit an application for Regional Measure 3 funds for the County Connection Bus Replacements Project in accordance with California Streets and Highways Code 30914.7(a);

BE IT FURTHER RESOLVED that CCCTA certifies that the projects and purposes for which Regional Measure 3 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;

BE IT FURTHER RESOLVED that there is no legal impediment to CCCTA making allocation requests for Regional Measure 3 funds;

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 CCCTA to deliver such project;

BE IT FURTHER RESOLVED that CCCTA agrees to comply with the requirements of MTC's Transit Coordination Implementation Plan as set forth in MTC Resolution 3866;

BE IT FURTHER RESOLVED that CCCTA 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 CCCTA, 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. CCCTA 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 RM3 funds as shall reasonably be considered necessary by MTC may be retained until disposition has been made of any claim for damages;

BE IT FURTHER RESOLVED that CCCTA 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);

BE IT FURTHER RESOLVED that assets purchased with Regional Measure 3 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 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 Regional Measure 3 funds were originally used;

BE IT FURTHER RESOLVED that CCCTA shall post on both ends of the construction site(s) at least two signs visible to the public stating that the Project is funded with Regional Measure 3 Toll Revenues;

BE IT FURTHER RESOLVED that CCCTA authorizes its General Manager or designee to execute and submit an allocation request for the construction/vehicle acquisition phase with MTC for Regional Measure 3 funds in the amount of \$5,000,000, for the project, purposes and amounts included in the project application attached to this resolution;

BE IT FURTHER RESOLVED that the General Manager or designee is hereby delegated the authority to make non-substantive changes or minor amendments to the allocation request or Initial Project Report as he deems appropriate; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be transmitted to MTC in conjunction with the filing of the CCCTA application referenced herein.

Regularly passed and adopted this 28th day of September, 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Amy Worth, Chair, Board of Directors

ATTEST:

Lathina Hill, Clerk to the Board