

**S T A F F   R E P O R T**

SUBJECT: Approval of Resolutions Authorizing Staff to Apply for RM3 funds for Fiscal Year 2023-2024

FROM: Tamara Edwards, Director of Finance

DATE: April 23, 2024

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**Action Requested**

Review and recommend to the Board of Directors approval of the following resolutions:

1. Resolution 12-2024 of the Board of Directors of the Livermore Amador Valley Transit Authority authorizing the filing of a claim with the Metropolitan Transportation Commission (MTC) Regional Measure 3 (RM3) for Fiscal Year 2023-2024

**Background**

In 2018 a Bay Area wide special election was held to approve toll increases of three dollars phased in over time, including a one-dollar toll increase on January 1, 2019, a one dollar toll increase on January 1, 2022 and a one dollar toll increase on January 1, 2025 for vehicles travel on the state-owned bridges located in the San Francisco Bay Area (Regional Measure 3).

Unfortunately, a lawsuit was filed that delayed the distribution of RM3 funds. That law suite came to a close in 2023 allowing MTC to begin distributing funds. In March LAVTA was notified what amount they should be expecting in FY's 24 and 25. After the MTC Commission approved the spending plan for the FY24 funds LAVTA was able to file a claim for these funds. That approval took place on March 27, 2024

Attached for your review and approval is a resolution authorizing LAVTA's Executive Director (or designee) to file a claim with MTC for RM3 funds for Fiscal Year 2023-2024. This resolution is required as part of MTC's claim process.

**Discussion**

Attached to this report is the MTC staff report which accompanied their estimate.

**Budget Considerations**

The next step will be to submit an amended FY2023-2024 claim to MTC and bill them for the RM3 funds for the current fiscal year.

**Recommendation**

Staff recommends that the Finance and Administration Committee recommend that the Board of Directors approve Resolution 12-2024, authorizing the filing of an amended claim with MTC for Allocation of RM3 Funds for Fiscal Year 2023-2024.

## Attachments:

1. Resolution 12-2024
2. MTC resolution no. 4625 Revised

**RESOLUTION NO. 12-2024**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
LIVERMORE AMADOR VALLEY TRANSIT AUTHORITY  
AUTHORIZING THE FILING OF A CLAIM WITH THE  
METROPOLITAN TRANSPORTATION COMMISSION FOR ALLOCATION  
OF REGIONAL MEASURE 3 FUNDS FOR FISCAL YEAR 2023-2024**

**WHEREAS**, on June 5, 2018 a special election was held in the City and County of San Francisco, and the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano and Sonoma to approve a toll increase of three dollars phased over time, including a one dollar toll increase on January 1, 2019, a one dollar toll increase on January 1, 2024 and a one dollar toll increase on January 1, 2025, for vehicles traveling on state-owned bridges located in the San Francisco Bay Area (Regional Measure 3) and;

**WHEREAS**, LAVTA is an eligible sponsor of transportation project(s) in Regional Measure 3, Expenditure Plan; and

**WHEREAS**, the Regional Measure 3 operating program for fiscal year 2023-2024 was approved by the MTC commission on March 27, 2024

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors as follows:

1. That the Executive Director or his designee is authorized to execute and file an appropriate RM3 claim together with all necessary supporting documents, with the Metropolitan Transportation Commission for allocation of RM3 funds in Fiscal Year 2023-2024; and be it further resolved
2. That a copy of this Resolution be transmitted to the Metropolitan Transportation Commission in conjunction with the filing of the claim; and the Metropolitan Transportation Commission be requested to grant the allocation of funds as specified herein; and be it further resolved
3. That LAVTA, and its agents shall comply with the provisions of the Metropolitan Transportation Commission's "Regional Measure 3 Policies and Procedures," (MTC Resolution No. 4404, Amended October 25, 2023); and be it further resolved
4. That LAVTA certifies that the project is consistent with the Regional Transportation Plan (RTP) and is in compliance with the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.); and be it further resolved
5. That LAVTA approves the updated Operating Assistance Proposal, attached to this resolution; and be it further resolved

6. That LAVTA approves the certification of assurances, attached to this resolution; and be it further resolved
7. That there is no pending or threatened litigation which might in any way adversely affect the proposed project, or the ability of LAVTA to deliver such project; and be it further resolved
8. That 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 LAVTA, its officers, employees or agents, or subcontractors or any of them in connection with its performance of services under this allocation of RM2 funds; and be it further resolved
9. That LAVTA authorizes its Executive Director, or his designee to execute and submit an allocation request for operating or planning costs for Fiscal Year 2023-2024 with MTC for Regional Measure 3 funds, for the project, purposes and amounts included in the project application attached to this resolution; and be it further resolved
10. That the Executive Director, or his designee is hereby delegated the authority to make non-substantive changes or minor amendments to the OAP as he/she deems appropriate.

**PASSED AND ADOPTED** this 6th day of May 2024.

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Melissa Hernandez, Chair

**ATTEST:**

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Christy Wegener, Executive Director

Date: December 20, 2023  
W.I.: 1255  
Referred by: PAC  
Revised: 03/27/24-C

ABSTRACT

Resolution No. 4625, Revised

This resolution adopts the Regional Measure 3 (RM3) Operating Program for FY2023-24.

This resolution includes the following attachment:

Attachment A – FY2023-24 RM3 Operating Program – Streets and Highways Code  
30914.7(c)

Attachment A was revised on March 27, 2024 to incorporate programming amounts for sponsors of Express Bus operating projects.

Further discussion of this action is contained in the Programming and Allocations Committee Summary Sheets dated December 13, 2023 and March 13, 2024.

Date: December 20, 2023  
W.I.: 1255  
Referred by: PAC

RE: Adoption of FY2023-24 RM3 Operating Program

METROPOLITAN TRANSPORTATION COMMISSION  
RESOLUTION NO. 4625

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

WHEREAS, Streets and Highways Code Sections 30950 et seq. created the Bay Area Toll Authority (“BATA”), which is a public instrumentality governed by the same board as that governing MTC; and

WHEREAS, on June 5, 2018, a special election was held in the City and County of San Francisco, and the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, and Sonoma (individually, each a “County” and, collectively, the “Counties”) to approve a toll increase of three dollars (\$3.00) phased in over time, including a one dollar (\$1.00) toll increase on January 1, 2019, a one dollar (\$1.00) toll increase on January 1, 2022, and a one dollar (\$1.00) toll increase on January 1, 2025, for vehicles traveling on the state-owned bridges located in the San Francisco Bay Area (“Regional Measure 3”); and

WHEREAS, on September 26, 2018, the Bay Area Toll Authority (“Authority”) adopted Resolution No. 126 accepting certified statements from the Registrar of Voters of the City and County of San Francisco and each of the Counties and observing that a majority of all voters voting on Regional Measure 3 (“RM3”) at such special election voted affirmatively for RM3; and

WHEREAS, on December 19, 2018, the Authority adopted Resolution No. 128 adopting a toll schedule phasing in the toll increase approved pursuant to RM3, effective on January 1, 2019; and

WHEREAS, RM3 establishes the RM3 Expenditure Plan and identifies specific capital projects and operating programs eligible to receive RM3 funding as identified in Sections 30914.7(a) and (c) of the California Streets and Highways Code; and

WHEREAS, RM3 assigns administrative duties and responsibilities for the implementation of the RM3 Expenditure Plan to MTC; and

WHEREAS, BATA shall fund the projects of the RM3 Expenditure Plan by bonding or transfers to MTC; and

WHEREAS, MTC has developed guidelines for the programming and use of the RM3 funds for operating support of transit projects, and

WHEREAS, these guidelines state that MTC will adopt a project specific budget for RM3 operating funds prior to the beginning of each fiscal year, now, therefore be it

RESOLVED, that MTC adopts a program that establishes RM3 operating subsidy amounts for FY2023-24, as outlined in Attachment A and incorporated herewith as though set forth at length; and, be it further

RESOLVED, that the Executive Director is authorized to make programming changes to Attachment A, up to \$200,000 for each project, in consultation with the affected sponsor.

#### METROPOLITAN TRANSPORTATION COMMISSION

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Alfredo Pedroza, Chair

The above resolution was entered into by the Metropolitan Transportation Commission at a regular meeting of the Commission held in San Francisco, California and at other remote locations on December 20, 2023.

Date: December 20, 2023  
W.I.: 1255  
Referred by: PAC  
Revised: 03/27/24-C

**Attachment A  
MTC Resolution No. 4625**

**FY 2023-24 RM3 Operating Program -- Streets and Highways Code 30914.7(c)**

<b>Project #</b>	<b>Project Name</b>	<b>Sponsor</b>	<b>Service (note 1)</b>	<b>Program Amount (notes 2,3)</b>
1	Transbay Terminal	TJPA	Terminal Operations	\$ 2,990,080
		AC Transit	Express Bus	\$ 6,168,059
		CCCTA	Express Bus	\$ 22,630
		GGBHTD	Express Bus	\$ 2,181,768
		LAVTA	Express Bus	\$ 915,829
2	Regional Express Bus	NVTA	Express Bus	\$ 678,760
		SolTrans	Express Bus	\$ 655,951
		ECCTA	Express Bus	\$ 526,491
		WestCAT	Express Bus	\$ 350,512
<b>Total</b>				<b>\$ 11,500,000</b>
3	Ferry Service	WETA	Ferry Service	\$ 8,700,450
<b>Grand Total</b>				<b>\$ 23,190,530</b>

**Notes:**

1. Transit operators will be provided increased flexibility for FY 2023-24 to use funds on eligible service to accommodate changing service demand. Sponsors listed for Project 2 must dedicate RM3 operating program funds to their highest ridership express bus routes that serve an intended bridge corridor/s and/or provide a direct connection to BART. Before allocating funds, MTC staff and project sponsor will confirm route eligibility.
2. Amounts shown are subject to approval of the FY 2023-24 BATA Budget and funding availability.
3. Reimbursement is contingent upon execution of the RM3 Operating Agreement between MTC and individual project sponsors. Sponsors should contact MTC for the latest Operating Agreement form.