



Agenda Item No. 2.a.

To: Finance-Auditing Committee/Committee of the Whole
Meeting of August 13, 2009

From: Gayle S. Prior, Director, Capital and Grant Programs
Joseph M. Wire, Auditor-Controller
Celia G. Kupersmith, General Manager

Subject: **AUTHORIZE FILING AN APPLICATION WITH THE METROPOLITAN
TRANSPORTATION COMMISSION FOR REGIONAL MEASURE 2
FUNDS TO SUPPORT IMPLEMENTATION OF THE GOLDEN GATE
FERRY ELECTRONIC FARE SYSTEM**

Recommendation

The Finance-Auditing Committee recommends that the Board of Directors authorize the General Manager to execute and submit an application, related assurances and allocation request with the Metropolitan Transportation Commission (MTC) for Regional Measure 2 funds in the amount \$400,000 to support implementation of the Golden Gate Ferry Electronic Fare System (EFS) capital project.

Summary

On January 14, 2005, the Board of Directors adopted Resolution 2005-03 which authorized filing an application to MTC to support implementation of the Golden Gate Ferry Faregates project in the amount of \$1,600,000. Additional Regional Measure 2 (RM2) funding in the amount of \$400,000 has been set aside for this project, bringing the total RM2 grant funds to \$2,000,000. In order to receive these additional funds, an allocation request and related assurances must be submitted to MTC.

Originally, the project's title was the Golden Gate Ferry Faregates project. The title has been changed to Golden Gate Ferry "Electronic Fare System" to more accurately describe the project. The project purpose is to design and implement an automated passenger counting and fare collection system. The project will enhance fare collection, passenger counts and access control on its ferry boat operations.

Fiscal Impact

This item authorizes application for grant funds that will provide \$400,000 to support implementation of the Golden Gate Ferry EFS capital project. This project is included in the FY 09/10 Ferry Division Capital Budget in the amount of \$4,000,000 and is 50% grant funded and 50% District funded.

Background

In March 2004, voters passed Regional Measure 2 (RM2) raising the toll for all vehicles on the seven State-owned toll bridges in the San Francisco Bay Area by \$1.00. This extra dollar will be used to fund various transportation projects within the region that have been determined to reduce congestion or to make improvements to travel in the toll bridge corridors.

TransLink is a regional fare payment system, allowing customers to use a single smart card to ride Bay Area buses, trains and ferries. RM2 funds have been set aside for capital projects that will integrate the TransLink system throughout the Bay Area. The Golden Gate Ferry EFS project is eligible for funding under the RM2 TransLink set-aside in that it supports implementation of TransLink accessible fare collection equipment. Securing RM2 funding for this project will serve to improve Golden Gate Ferry operations by employing advanced technologies, improved security and automation to enhance more accurate fare collection, passenger counts and access control.

As a part of MTC's RM2 Regional Traffic Relief Plan Policies and Procedures, project applicants are required to adopt resolutions formally authorizing project application with the MTC and provide various assurances as shown in the Background section of this report. This item authorizes all actions necessary in order to secure RM2 funds to support implementation of the Golden Gate Ferry EFS capital project.

RM2 establishes the Regional Traffic Relief Plan which identifies specific capital projects, programs and transit services eligible to receive RM2 funding as identified in the California Streets and Highways Code. Integrating the Bay Area's regional smart card technology, TransLink, with operator fare collection equipment is an eligible project identified in California Streets and Highways Code §30914(c)(18). The TransLink consortium has established a list of projects eligible for funding under TransLink and the Golden Gate Ferry EFS project is included in the project list. This item authorizes application for \$400,000 to implement the project.

In accordance with MTC's RM2 Regional Traffic Relief Plan Policies and Procedures for receiving capital assistance, the District Board of Directors is required to adopt a resolution authorizing application for RM2 assistance and approving related certifications and assurances as stated below:

1. GGBH&TD and its agents shall comply with the provisions of the MTC's RM2 Policy Guidance (MTC Resolution 3636);
2. The project is consistent with the Regional Transportation Plan;
3. 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;
4. That the RM2 phase or segment is fully funded, and results in an operable and useable segment;
5. GGBH&TD approves the updated Initial Project Report for this project;
6. GGBH&TD approves the cash flow plan attached to the updated Initial Project Report;
7. GGBH&TD 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;

8. GGBH&TD is an eligible sponsor of projects in the RM2 Regional Traffic Relief Plan, Capital Program, in accordance with California Streets and Highways Code §30914(c);
9. GGBH&TD is authorized to submit an application for RM2 funds for Golden Gate Ferry EFS project in accordance with California Streets and Highways Code §30914(c);
10. There is no legal impediment to GGBH&TD making an allocation request for RM2 funds;
11. There is no pending or threatened litigation which might in any way adversely affect the proposed project or the ability of GGBH&TD to deliver such project;
12. GGBH&TD will indemnify, hold 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 GGBH&TD, its officers, employees, agents, or subcontractors, or any of them in connection with its performance of services under this allocation of RM2 funds. In addition to any other remedy authorized by law, so much of the funding due under this allocation of RM2 funds as shall reasonably be considered necessary by MTC may be retained until disposition has been made of any claim for damages;
13. GGBH&TD shall guarantee, if any revenues or profits from any non-governmental use of property or project are collected, 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 MTC is entitled to a proportionate share equal to MTC's percentage participation in the project;
14. That assets purchased with RM2 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, 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 RM2 funds were originally used;
15. GGBH&TD 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 RM2 Toll Revenues; and,
16. GGBH&TD authorizes its General Manager or her designee to execute and submit an allocation request for the design and construction phase with the MTC for RM2 funds in the total amount \$400,000 for the project, purposes and amounts included in the updated Initial Project Report.