

# Transportation Solutions Defense and Education Fund

P.O. Box 151439 San Rafael, CA 94915 415-331-1982

April 23, 2013  
By E-Mail

Steve Heminger  
Metropolitan Transportation Commission  
101 Eighth Street  
Oakland, CA 94607

Re: Proposed Amendments to Regional Measure 2

Dear Mr. Heminger:

The Transportation Solutions Defense and Education Fund, TRANSDEF, is an environmental non-profit advocating the regional planning of transportation, land use and air quality. Our focus in recent years has been on reducing the impacts of transportation on climate change. We are writing today to express our opposition to proposed transfers that would eliminate the Dumbarton Rail Corridor Project as an RM 2-funded project. The legal arguments for why MTC is not authorized to amend RM 2 in this manner are contained in a letter from our attorney, Stuart Flashman, Esq., attached hereto. We provide below the transportation planning and public policy arguments for why eliminating the Dumbarton Rail Corridor project is unwise.

We object to the transfer of nearly \$3 million in alleged project savings from the Regional Express Bus Service for San Mateo, Dumbarton, and Bay Bridge Corridors to other corridors. Unless documentation can be provided to demonstrate actual savings in the San Mateo and Bay Bridge Corridors, these so-called "savings" are merely an obfuscation of a further diversion of funds from the Dumbarton project.

The full \$14,843,000 transferred from Dumbarton Rail must be explicitly acknowledged in Resolution 3801, Revised, as remaining in the Dumbarton Bridge corridor. (See attached letter for legal arguments supporting the demand that the funds remain in the corridor.) If savings are recognized in the Dumbarton Bus capital program, they must be banked for future operations funding in the same corridor.

Finally, we also write to support the proposed transfers from Marin's Greenbrae Interchange project to SMART and to the North-South bikeway.

## Transportation Planning

The Bay Area's most expensive long-term challenge is the lack of capacity for future growth in BART's Transbay Tube. A second tube would cost many billions of dollars.

The Dumbarton Rail Corridor project has the potential to offer a fast trip to San Francisco for residents of the Tri-Valley and the Southern East Bay, including Newark and Fremont, thereby taking a portion of the load off the Transbay Tube. That in turn would make capacity available for further growth in the Northern East Bay, at a dramatically lower cost than a second tube.

Unfortunately, MTC staff only considered the project through the narrow lens of the Dumbarton Rail Corridor project. They missed the fact that the Dumbarton Rail Bridge opens up possibilities considerably beyond the Dumbarton Rail Corridor project. For example, ACE could be linked to the Dumbarton Rail Bridge for a direct connection from San Francisco to the San Joaquin and Sacramento Valleys. Once its ridership was proven, that route would be an obvious candidate for upgrading to high-speed status.

From a regional transportation planning perspective, the following points need to be considered:

- Traffic on Highway 101 is bad, especially around the approaches to the Dumbarton highway bridge. Express bus service over the bridge is caught in traffic congestion.
- Major new employment has been sited in the area that would be served by a Dumbarton Rail Corridor project.
- These two facts are strongly supportive of the continuing purpose and need for the project.
- Conventional-gauge rail is a far more cost-effective technology than BART heavy rail. As such, it is much better suited to commuter and intercity rail service in suburbs.
- BART's new focus on its Metro program makes best use of BART's strength: its ability to serve urban areas.
- A network of conventional-gauge rail properties would be far more cost-effective when extending service into low-density suburbs.
- In effect, this would create a Northern California version of Metrolink, acting as a complement to BART.
- Southern California has adopted an approach like that: a well-connected multi-modal transportation plan that includes both heavy rail and commuter rail, leveraging the strengths of each technology.
- The Bay Area would benefit from an integrated rail network that gave at least equal emphasis to commuter rail.
- The Dumbarton Rail Corridor project would act as a nucleus for the formation of a conventional-gauge rail network tying together the East Bay and West Bay. It is worth preserving the funding of this project.

### High-Speed Rail

There is a probability greater than zero that the current high-speed rail project will be dead by summer. That said, there's clearly no urgency to move the \$20 million to Caltrain, or to remove the payback provision to the \$91 million loan to ACCMA, as those projects are not up against any funding deadlines. Why not let this proposal marinate for several months, while the fate of HSR is determined? The only downside to MTC would be the need to bring RM 2 back before the Commission later this year. If HSR stalls, the Dumbarton Rail Corridor would be a great project to build a fallback plan around.

At a minimum, TRANSDEF urges MTC to hold onto the \$20 million and leave the status of the \$91 million loan unchanged, while studying the potential for a Dumbarton Rail Bridge-based network of conventional-gauge properties to reduce the load on the Transbay Tube.

### Public Policy Considerations

The Dumbarton Rail Corridor project was promised to the voters as a "new Transbay commuter rail crossing south of the San Francisco Oakland Bay Bridge." It is the only new transbay crossing in RM 2. That alone would make the proposed elimination of the project especially offensive to voters. Several issues should be carefully considered by MTC before proceeding with the proposed action:

- How important is it to MTC to be trusted by the public? Being seen as playing fast and loose with the public's toll money will damage public support for any future regional measure.
- MTC knew from polling before the RM 2 election that voters would not give MTC a toll increase to allocate however it wished. That is why RM 2 sought authorization for a specific list of projects, rather than complete discretion over allocations.
- It looks like an exercise in bad faith when MTC invites voters to support a specific list of projects, and then overrides the voters' project selections, substituting its preferences instead. This is a classic bait-and-switch.
- It looks like an exercise in bad faith when MTC succeeds in getting the Legislature to adopt seemingly innocuous amendments to the mechanics of the ballot measure, which it then later interpreted as giving MTC discretion to move money around as it sees fit.
- What is the test for a project being "realistic"? MTC has always considered the BART extension to San Jose to be realistic, despite that project's many billions of dollars of funding shortfalls. The Oakland Airport Connector, another BART project, continued to be "realistic" even after the FTA rescinded a \$70 million grant. MTC scraped together replacement funds to make the project happen.
- Because of MTC's role as the region's financing agency, project infeasibility cannot credibly be the result of project funding shortfalls, at least for a project with the relatively modest funding needs (as compared to BART extensions) of

the Dumbarton Rail Corridor project. If MTC wants a project completed, it has the financial resources to see it done.

- It is not permissible under RM 2 to assert a project's completion is unrealistic due to financing obstacles, when the financing obstacle is MTC's unwillingness to fund it. (See attached letter.)

#### Conclusion

TRANSDEF requests the Commission carefully consider the arguments contained herein and in the attached attorney's letter, and put a halt to its proposal 1) to transfer funds to Caltrain electrification; 2) to transfer "project savings" out of the Dumbarton Bus project; and 3) to offer loan forgiveness to ACCMA for the BART Warm Springs Extension project.

Sincerely,

/s/ DAVID SCHONBRUNN

David Schonbrunn,  
President

#### Attachment

Letter from Stuart Flashman, Esq., with exhibits

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April 23, 2014

Steve Heminger, Executive Director  
Metropolitan Transportation  
Commission  
101 Eighth Street  
Oakland, CA 94607

RE: Proposed transfer of RM 2 funds from the Dumbarton Rail Project.

Dear Mr. Heminger:

I am writing to you on behalf of my client, the Transportation Solutions Defense and Education Fund ("TRANSDEF") regarding the MTC staff proposal to reallocate funding provided under Regional Measure 2 ("RM 2") and Streets & Highways Code §30914 subd.(c) from the Dumbarton Rail Project to Caltrain electrification and forgiveness of the loan of funds to the Alameda County Congestion Management Agency<sup>1</sup> ("ACCMA") for the construction of the BART Warm Springs extension. This proposal is in violation of both RM2 and §30914.

### **I. The Proposed Action Violates the Provisions of RM 2.**

RM 2 was placed on the ballot in accordance with the provisions of Streets & Highways Code §30914 subd.(c) and §30921 as enacted by the Legislature in 2003 as SB 916 (Stat. 2003 Ch. 715). That statute called for placing before Bay Area voters a ballot measure authorizing an increase in tolls on Bay Area bridges for the specific purpose of funding a specifically identified group of projects, including the Caltrain Dumbarton Rail Corridor Project (subparagraph (4) under subd.(c)).

The ballot materials for RM 2 (See ballot pamphlet for Measure RM 2, attached hereto as Exhibit A) identified specific provisions about when and how funds could be transferred from any of the specified projects. Those provisions, parts of Streets & Highways Code §30914 as subd.(f), stated as follows:

If an operating program or project cannot achieve its performance objectives described in subdivision (a) of Section 30914.5 or if a program or project cannot be completed or cannot continue due to delivery or financing obstacles making the completion or

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<sup>1</sup> That agency has since been amalgamated into the Alameda County Transportation Commission ("ACTC"). The loan transferred to the successor agency.

continuation of the program or project unrealistic, the commission shall consult with the program or the project sponsor. After consulting with the sponsor, the commission shall hold a public hearing concerning the project. After the hearing, the commission may vote to modify the program or the project's scope, decrease its level of funding, or to reassign all of the funds to another or an additional regional transit program or project *within the same corridor*. [emphasis added]

In approving RM2, the voters were presumed to be aware of the provisions of subd.(f), and to have given their approval to the measure subject to those provisions. Indeed, the description of RM 2 in the ballot handbook (p.9) also stated:

Specifically, the law provides that MTC may amend the level of funding for a project or reassign the funds to another regional transit project *within the same corridor*, but only after the project sponsor is consulted and a public hearing is held. [emphasis added]

It is obvious that the Dumbarton Rail Corridor and the BART Warm Springs Extension, while both included as projects under §30914 subd. (c), are not in the same corridor. The Dumbarton Rail Project is an east-west Transbay corridor project, while the BART Warm Springs Extension is an East Bay north-south corridor project. Thus, the transfer of funds does not satisfy the provisions of RM 2 as understood and approved by the voters.

It is equally obvious that Caltrain electrification is a West Bay north-south corridor project and again is not in the same corridor as the Dumbarton Rail Project. The proposed transfer of \$20 million to that project, which was not even listed in §30914 subd. (c) as presented to the voters, cannot satisfy the provisions of RM 2 as understood and approved by the voters.

## **2. The Commission's Proposed Action is Improper Even with the Legislative Amendments to §30914 Enacted in 2006.**

Staff may argue that although the voters' approval relied upon the statutorily mandated amendment provisions in effect at the time of the ballot measure, the Legislature retained the right to change those procedures later. Even if that were the case, the proposed action would be improper because the action is not justified under a reasonable interpretation of the amended procedures.

In 2006, after the voters had approved RM 2, the Legislature, at the prompting of MTC, approved amendments to §30914. Among those amendments was an amendment to subd.(f) of that section. As amended, the new subdivision reads:

If a program or project identified in subdivision (c) has cost savings after completion, taking into account construction costs and an estimate of future settlement claims, or cannot be completed or cannot continue due to delivery or financing obstacles making the completion or continuation of the program or project unrealistic, the commission shall consult with the program or project sponsor. After consulting with the sponsor, the commission shall hold a public hearing concerning the program or project. After the hearing, the commission may vote to modify the program or the project's scope, decrease its level of funding, or reassign some or all of the funds to another project within the same bridge corridor. *If a program or project identified in subdivision (c) is to be implemented with other funds not derived from tolls*, the commission shall follow the same consultation and hearing process described above and may vote thereafter to reassign the funds to another project consistent with the intent of this chapter. If an operating program or project as identified in subdivision (d) cannot achieve its performance objectives described in subdivision (a) of Section 30914.5 or cannot continue due to delivery or financing obstacles making the completion or continuation of the program or project unrealistic, the commission shall consult with the program or the project sponsor. After consulting with the sponsor, the commission shall hold a public hearing concerning the program or project. After the hearing, the commission may vote to modify the program or the project's scope, decrease its level of funding, or to reassign some or all of the funds to another or an additional regional transit program or project within the same corridor. [emphasis added]

The Dumbarton Rail Corridor project is the only new transbay crossing proposed in RM 2 -- a regional bridge toll measure intended to improve transbay travel. Defunding that project therefore bears particularly close scrutiny to ensure that the voters' intent is being followed. MTC needs to show, based on substantial evidence, that the project truly cannot be continued or completed. While there may be a current funding shortfall for the project, because MTC could fill that funding shortfall in the next regional transportation plan if it chose to do so, the claim that project cannot be continued or completed is highly questionable if not downright fallacious. RM 2 placed before the voters a specific list of projects it was intended to fund. For MTC to substitute its own current preferences for those considered and approved by the voters using the subterfuge of claiming that the Dumbarton Rail Project cannot be continued or completed would be a violation of the voters' intent.

While the 2006 legislative amendments somewhat modified the provisions of §30914 regarding a program or project no longer deemed realistic, those provisions still require that any project to which the funds are to be transferred be in the same bridge corridor. A bridge corridor is not specifically defined in the legislation, but the provisions of §30914 subd. (c) require that revenue from the 2004 toll increase be used for projects which, "have been determined to reduce congestion or to make improvements to travel

in the toll bridge corridors.” The Dumbarton Rail Project being in the bridge corridor for the Dumbarton toll bridge, funds from that project could only be transferred to another project in that corridor – that is, which would reduce congestion or make improvements to that corridor. Neither Caltrain electrification nor the BART Warm Springs Extension qualify as such projects. Providing forgiveness for the loan of RM 2 funds set aside for the Dumbarton Rail Corridor to the BART Warm Springs Project would amount to a transfer of those funds to that project, and would violate §30914.

As already noted, both Caltrain electrification and the BART Warm Springs Extension are north-south corridor projects, rather than transbay corridor projects. In the absence of the Dumbarton Rail Project, neither project would even connect to the Dumbarton Toll Bridge corridor and neither would either improve that corridor or reduce congestion on it. At best, they would improve the north-south transit connections with San Jose and perhaps reduce commuter traffic along north-south highways, but that would not help the Dumbarton Toll Bridge corridor in the slightest.

MTC staff has argued that a more lenient standard can be applied to the funds transfer under the provision addressing programs or projects “to be implemented with other funds not derived from tolls.” Staff argues that because bridge tolls are not the sole source of Dumbarton Rail Project funding, this provision applies. That interpretation is unreasonable.

A statute must be interpreted reasonably and in the context of the surrounding provisions. The overall intent of subdivision (f) is to provide for situations where later post-election events may make it advisable to reallocate project funds. The Assembly Bill Analysis (attached hereto as Exhibit B) states that the 2006 AB 1407 amendments would “Establish procedures to reprogram Regional Measure 2 (RM2) when cost savings occur...” Neither the text nor the legislative history of the 2006 amendments indicate that they were intended to allow MTC to eliminate an RM 2 project based on the unsupported claim that its completion is unrealistic and replace it with an unrelated project.

Events contemplated by subdivision (f) include 1) savings that reduce the need for toll funds for a project; 2) a project being found infeasible; and 3) a project receiving sufficient funding from another source that toll funds are no longer needed for it. The mere fact that a project may be receiving some funding from a non-toll source is not, in itself, a sufficient reason to remove the project's toll funding. Indeed, multiple-source funding is the rule, rather than the exception, for major transportation projects. Rather, the purpose of the provision was to transfer the toll funding if it was no longer needed by the project.

While the Dumbarton Rail Project may have some funding beyond that provided by tolls, its funding situation has not changed significantly since the passage of RM 2. It certainly cannot be said that toll funds are no longer necessary for the project to be completed. Consequently, the provision concerning other funding sources cannot be pointed to as allowing MTC free rein to transfer Dumbarton Rail Corridor funds to other projects regardless of their connection to the Dumbarton Toll Bridge corridor. The transfer of funds from the Dumbarton Rail Project to Caltrain electrification and forgiveness of the BART Warm Springs extension loan are therefore improper under §30914 subd. (f) and violate MTC's mandatory duties under that section.

Most sincerely,

A handwritten signature in cursive script that reads "Stuart M. Flashman".

Stuart M. Flashman

**Exhibit A**  
**(Minus Post-Election Cover and Appendices)**

# Regional Measure 2

## Regional Traffic Relief Plan

### Ballot Pamphlet

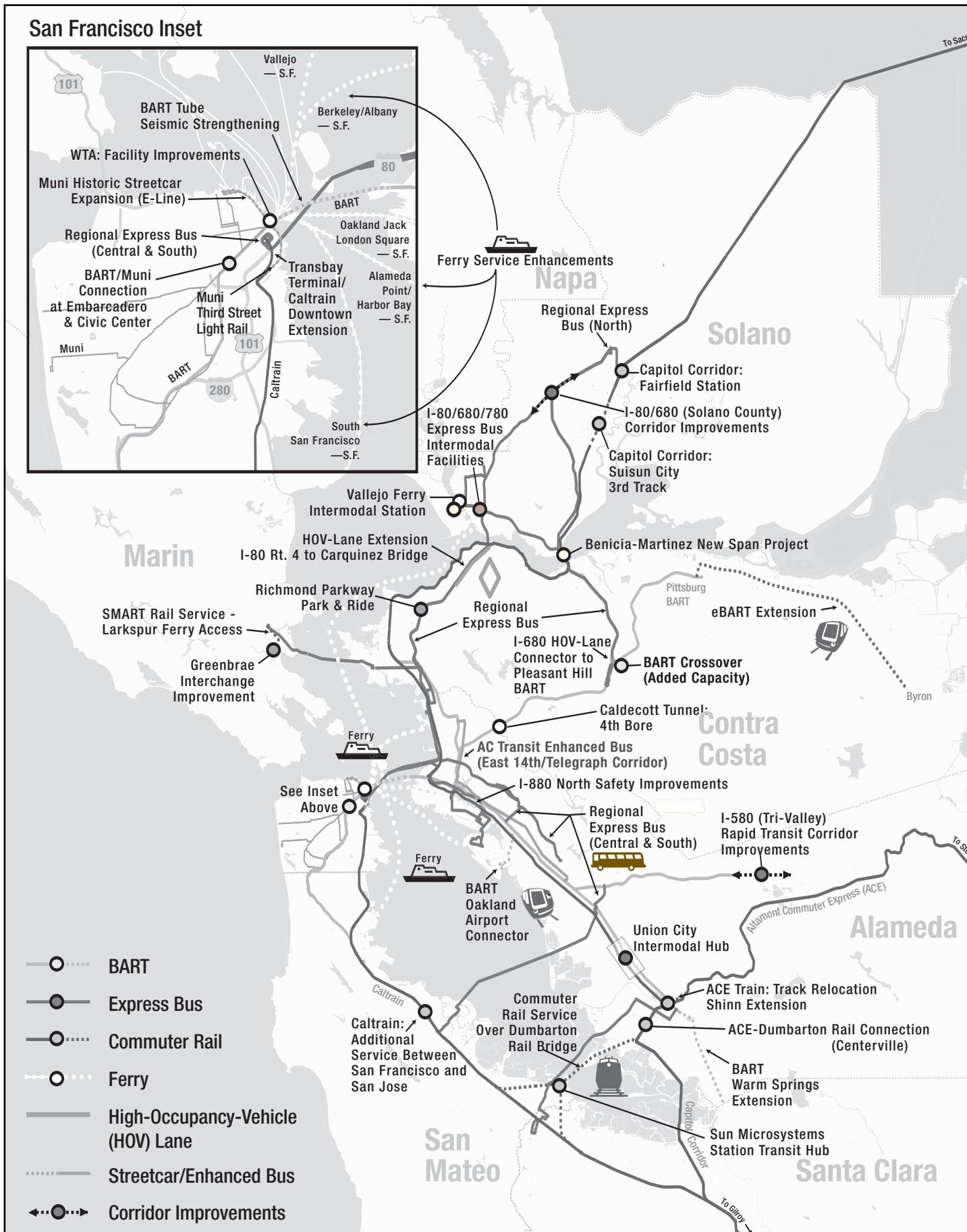


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# Regional Traffic Relief Plan



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**Person trips across Bay Area toll bridge corridors are projected to rise 49 percent by 2025**

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**RM 2 has three primary goals:**

- **New transit options**
  - **Traffic bottleneck relief**
  - **Seamless and safe transit connections**
- 

## Executive Summary

The Bay Area’s population is expected to grow by approximately 1.5 million residents between now and 2025. To help meet the mobility needs of this burgeoning population, Regional Measure 2 (RM 2) invests in new travel options and increased capacity in the Bay Area’s seven state-owned bridge corridors, where trips are projected to rise by almost 50 percent.

Approved on March 2, 2004, by the voters of Alameda, Contra Costa, Marin, San Mateo, Santa Clara and Solano counties and the city and county of San Francisco, RM 2 will implement the Regional Traffic Relief Plan (the Plan) — a balanced set of transportation projects in the bridge corridors that include new mass transit choices and critical highway improvements at key regional bottlenecks. The Plan is designed to meld the region’s bus, rail and ferry systems into one seamless regional mass transit network.

### The Regional Traffic Relief Plan

- Invests substantially in commuter rail, including new BART service in Contra Costa and Alameda counties and BART seismic improvements, as well as new rail service over a rehabilitated Dumbarton rail bridge — connecting the BART, Caltrain, Capitol Corridor (Amtrak) and Altamont Commuter Express (ACE) rail networks — and new commuter rail in Sonoma and Marin counties.
- Funds several important highway projects, including improvements to the Interstate 80/Interstate 680 interchange — also known as the Cordelia Junction — and a fourth bore for the Caldecott Tunnel, allowing for four lanes of traffic in each direction at all times of the day.
- Funds new express bus and ferry service. This includes new and more frequent bus service across the bridges, new park-and-ride lots, and carpool-lane gap closures. The ferry system envisioned by the Plan includes new service to San Francisco from several East Bay locations, more frequent service from Vallejo, as well as service connecting downtown San Francisco to South San Francisco.
- Makes mass transit more convenient by underwriting a “universal” fare card called TransLink®, which allows riders to use a single “smart” card to pay their fare on all Bay Area transit systems. The Plan improves access to transit by expanding parking at key transit stations and investing in real-time information technology at select transit hubs to tell riders when the next bus or train will arrive. It also will build safe bicycle and pedestrian routes to regional transit facilities.
- Provides an infusion of funds to operate commuter rail and express bus and ferry services, recognizing that operating moneys are critical to improving and sustaining transit service. Up to 38 percent of annual revenues produced by RM 2 are dedicated to operating funds.
- Is financed by a \$1 increase in tolls on all Bay Area bridges except the Golden Gate Bridge. The new toll funds will only be spent on transportation improvements in the bridge corridors and may not be used for any other purpose. Annual audits and oversight by the Metropolitan Transportation Commission (MTC) — the nine-county region’s transportation planning, financing and coordinating agency — will ensure efficient use and timely expenditure of bridge toll funds.

RM 2 will generate over \$125 million a year for new Bay Area transportation improvements. This investment will leverage additional local, state and federal funds to complete several of the larger capital projects.

## Selected Highlights of the Plan

	<b>Amount</b> (in 2002 \$)
<b>New Mass Transit Options</b>	
BART extension to Warm Springs and to the Oakland International Airport	\$125 million
BART connection to East Contra Costa County	\$96 million
Dumbarton bridge rail service connecting Union City and Millbrae BART stations	\$135 million
Sonoma-Marin commuter rail extension to Larkspur/San Quentin	\$35 million
Comprehensive regional express bus network, including expanded service, new buses, and new park-and-ride facilities	\$171 million
Ferry service direct to San Francisco from multiple East Bay, North Bay and Peninsula locations	\$84 million
<b>Traffic Bottleneck Relief</b>	
Improvements to the Interstate 80/Interstate 680 (Cordelia) interchange in Solano County	\$100 million
A new fourth bore to relieve congestion at the Caldecott Tunnel	\$51 million
Eastbound Interstate 80 carpool-lane gap closure at Carquinez Bridge	\$50 million
U.S. 101 interchange improvements at Greenbrae	\$65 million
<b>Seamless and Safe Transit Connections</b>	
BART transbay tube seismic strengthening	\$143 million
New Transbay Terminal in San Francisco, linking regional bus service with BART, Muni and future Caltrain and high-speed rail	\$150 million
Implement a universal transit fare payment card (TransLink®)	\$42 million
Real-time transit information	\$20 million
Better access to mass transit for pedestrians and bicyclists	\$22 million
Vallejo intermodal terminal, linking express bus and high-speed ferry service	\$28 million

**RM 2 invests in mass transit options that have a demonstrated ability to attract new riders**

**RM 2 addresses some of the region's most critical highway bottlenecks**

**RM 2 makes mass transit more convenient**

## Introduction

### History of Bridge Tolls

Because of the San Francisco Bay Area's unique topography, bridges serve as essential links in the region's transportation network. They sustain the flow of people and goods and the overall economic health of the region. The tolls charged on the seven state-owned toll bridges — the Antioch, Benicia-Martinez, Carquinez, Dumbarton, Richmond-San Rafael, San Mateo-Hayward and San Francisco-Oakland Bay bridges — are used not only to help keep the bridges in working order but also to make sure that transportation facilities and services in the vicinity of the bridges can accommodate future traffic and population growth.

Of course, bridge tolls have been used to build the bridges themselves — the construction of the San Mateo-Hayward Bridge in 1967 and the Dumbarton Bridge in 1984, for example, was paid for out of tolls collected on the Bay Bridge. Toll revenues also fund transportation improvements that help reduce congestion in the bridge corridors. Thus, toll revenues helped build the original Bay Area Rapid Transit (BART) transbay tube, and funded BART extensions in the bridge corridors.

### Regional Measure 1: First Dollar

In 1988, Bay Area residents voted by a margin of almost 70 percent to standardize all tolls on the region's state-owned bridges at \$1, and to use the new revenues to fund a list of bridge and public transit improvements. (Previously, tolls were set at different rates on each bridge.) The projects listed in the ballot measure — Regional Measure 1 — included a replacement span for the Carquinez Bridge and widening of the San Mateo-Hayward Bridge (both now completed) and construction of the new Benicia-Martinez Bridge and rehabilitation of the Richmond-San Rafael Bridge (both under way). Regional Measure 1 (RM 1) funds are administered by the Bay Area Toll Authority and the Metropolitan Transportation Commission (MTC).

RM 1 also provided substantial funding for mass transit expansion, including BART extensions to Pittsburg/Bay Point, Dublin/Pleasanton, and San Francisco International Airport, as well as improvements to Caltrain and the San Francisco Municipal Railway (Muni). All of these transit extensions are now in revenue service.

### Seismic Safety: Second Dollar

Bridge tolls also are vital in ensuring the safety of Bay Area bridges in the event of earthquakes. In 1997, the California Legislature added the second dollar to the region's bridge tolls to fund needed seismic retrofit work on five of the Bay Area's seven state-owned toll bridges — the Benicia-Martinez, Carquinez, Richmond-San Rafael, San Francisco-Oakland Bay, and San Mateo-Hayward bridges — with revenues from the second dollar administered by Caltrans. Three of these projects have already been completed, and work is ongoing on the remaining two. The total cost of the toll bridge seismic retrofit program is estimated to be \$5 billion, about half of which is paid for by federal and state funds, with the remainder out of the second dollar of the bridge tolls.

(The Golden Gate Bridge — not owned by the state but operated by a separate entity — has a \$5 toll and is not part of the March 2004 Regional Measure 2 ballot measure. See Appendix D for a map showing the use of toll funds for each state-owned bridge.)

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**Bay Area voters raised bridge tolls in 1988 to fund a variety of transportation improvements to both highways and transit**

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**Bridge tolls also are used to fund seismic retrofit improvements to the toll bridges**

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## Current Travel Patterns and Forecast Growth

The Bay Area's roughly 7 million residents crisscross the region in an intricate pattern of more than 20 million trips a day that includes driving alone, carpooling, walking, bicycling, and riding buses, trains, ferries and cable cars. By the year 2025, the population of the nine Bay Area counties is expected to increase to 8.5 million, with the number of daily trips surging by 30 percent to about 26 million. The growing number of daily trips and the magnitude of regional population and job growth will generate a need for additional transportation capacity across bridge corridors, best served by expanding the regional transit system.

One useful way to assess future travel patterns is to look at the number of trips made in either direction past a particular geographic location, such as a bridge. As part of the *2001 Regional Transportation Plan*, MTC projected dramatic growth in person trips across such boundaries, as shown in the chart below.

Bridge/Approach	Daily Trips 1998	Daily Trips 2025	Percent Increase
Bay Bridge Corridor (includes bridge traffic, BART and ferries)	540,000	769,000	+42.5%
Benicia-Martinez Bridge	92,000	152,000	+64.6%
Caldecott Tunnel (between Alameda and Contra Costa counties)	303,000	433,000	+42.7%
Carquinez Bridge	115,000	182,000	+57.5%
Richmond-San Rafael Bridge	48,000	86,000	+79.1%
San Mateo-Hayward and Dumbarton bridges	177,000	262,000	+47.8%

In 2002, MTC conducted the *Bay Crossings Study* with a focus on the San Francisco-Oakland Bay, San Mateo-Hayward and Dumbarton bridge corridors. The study found that 75 percent of transbay person trips will be in the San Francisco-Oakland corridor. This corridor exhibits the largest growth in terms of sheer number of daily trips.

New transit options and highway expansion projects are needed to reduce the projected time during which the various bridges will be congested beyond current levels. Analysis done for the toll plaza delay on the three bridges in the *Bay Crossings Study* found that the hours of a.m. peak congestion for the three bridges will increase by 19 percent for the Bay Bridge, 35 percent for the Dumbarton Bridge and 50 percent for the San Mateo-Hayward Bridge absent new infrastructure improvements.

Toll Plaza Hours of Congestion A.M. Peak			
Toll Plaza	1998 Base	2025 Base	Percent Change
Bay Bridge	4 hours	4 hours 45 minutes	+19%
Dumbarton Bridge	2 hours 50 minutes	3 hours 50 minutes	+35%
San Mateo-Hayward Bridge	2 hours 40 minutes	4 hours	+50%

Between now and 2025 the number of daily trips will grow by 30 percent in the Bay Area as a whole and 49 percent across toll bridge corridors

Today 37 percent of people commuting across the San Francisco-Oakland Bay Bridge corridor do so by transit

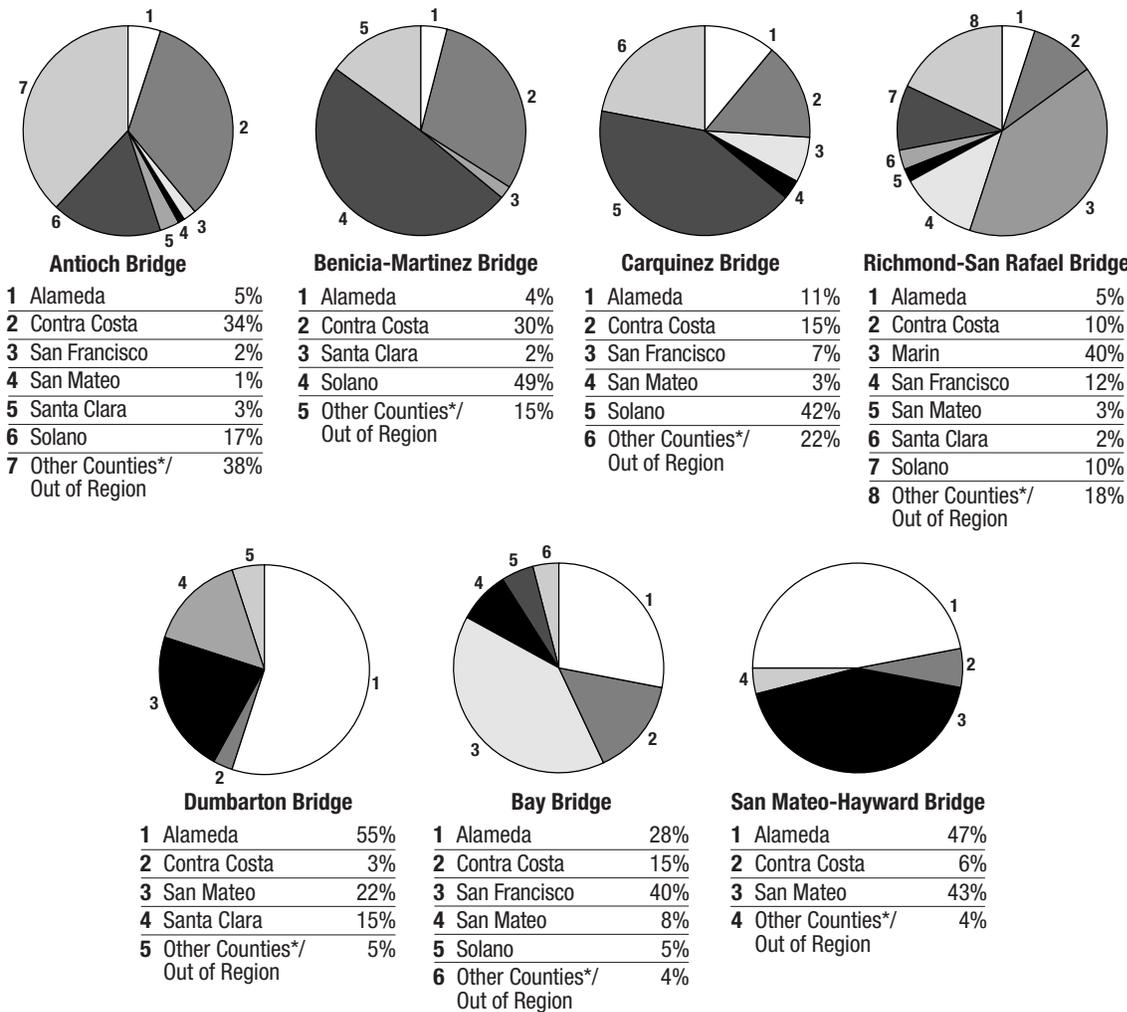
New transit options are needed in the bridge corridors to minimize the increase in congestion that will result from population growth

**Delay at the San Francisco-Oakland Bay Bridge toll plaza is projected to grow by 19 percent by 2025**

Future travel patterns can be determined by examining the origin of trips across transbay bridges or other regional boundaries. Because they are concentrated within a relatively short period of time, work trips exert the greatest pressure on regional transportation facilities and services. Looking at the origin of trips across the Bay Area's seven state-owned toll bridges during a typical peak morning commute period, we find that Alameda, Contra Costa and Solano county residents are the most frequent bridge users.

The RM 2 expenditure plan was developed with all of these trends in mind, to ensure that the funds generated by the additional dollar go toward improvements in the seven bridge corridors that will benefit the greatest number of travelers. If RM 2 is approved by the voters, revenues from the additional dollar will be administered by the Bay Area Toll Authority and MTC.

**Bridge Users by County of Origin (morning commute in both directions)**



Source: 1998 estimates prepared by the Metropolitan Transportation Commission  
 \* "Other counties" includes Napa and Sonoma counties and counties that constitute less than 1 percent of the total.

**Delay at the San Mateo-Hayward Bridge toll plaza is projected to grow by 50 percent by 2025**

## Development and Oversight of the Regional Traffic Relief Plan/ Regional Measure 2

In 2002, the California Legislature initiated hearings on the subject of Bay Area traffic congestion. The Senate Select Committee on Bay Area Transportation reviewed traffic forecasts, and determined that new investment in the bridge corridors, particularly new mass transit options, was needed, along with a new revenue source. The Committee concluded that a toll increase was the most appropriate funding mechanism and formed a public advisory committee to develop an expenditure plan.

The advisory committee consisted of representatives of transportation agencies from throughout the Bay Area as well as business, environmental and social equity organizations. The committee thoroughly investigated the issue and met on 15 occasions to hear project sponsors present ideas for providing new transit options and congestion relief in the bridge corridors. Individual projects were discussed and evaluated by the group based on performance measures, including:

- Proximity to bridge corridor
- Impact on congestion
- Number of new transit riders
- Cost effectiveness
- Transit connectivity
- Project readiness
- Sustainability
- Environmental impacts
- Land-use opportunities
- Safety and social equity

An initial plan was developed, based on the above criteria, and led to the expenditure plan that is before you as Regional Measure 2. The set of projects included in the Plan was adopted by the Legislature in September 2003 and signed by the governor as Senate Bill 916 (Perata).

### Fiscal Management: Ongoing Review and Oversight

The implementation of the Regional Traffic Relief Plan — Regional Measure 2 — will be overseen by MTC, in its role as the Bay Area Toll Authority, which currently administers, programs and allocates revenues from the base toll levied on the seven state-owned toll bridges.

### Performance Measures and Annual Audits

The Plan requires that projects meet performance measures related to transit ridership and cost-effectiveness prior to receiving funds for transit operations. When applying for operating funds, a project sponsor must submit a plan that conforms to the adopted performance measures, including an independent audit verifying that the project is in compliance. This will ensure that only well performing, cost-effective transit will be funded by the measure.

### Process for Amending the Plan

While the Plan lays out the specific uses for the new toll revenues over the next 35 years, it does allow for changes if a project encounters serious problems. Specifically, the law provides that MTC may amend the level of funding for a project or reassign the funds to another regional transit project within the same corridor, but only after the project sponsor is consulted and a public hearing is held.

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**The RM 2 expenditure plan was developed in an open, public process**

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**RM 2 ensures that funds are spent wisely by requiring annual audits and adherence to strict performance measures**

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**RM 2 will not fund poorly performing projects**

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## Regional Traffic Relief Plan Projects

Details on the projects included in the Plan are organized into four sections: regionwide improvements, and improvements in three major bridge groupings: Central Bay (the San Francisco-Oakland Bay Bridge), North Bay (the Antioch, Benicia-Martinez, Carquinez and Richmond-San Rafael bridges), and South Bay (the Dumbarton and San Mateo-Hayward bridges). The majority of funds in the Plan are dedicated to new transit options in the bridge corridors.

### 1. Regionwide Improvements

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RM 2 provides substantial funding for seismic improvements to the BART transbay tube

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#### **New Transbay Terminal/Downtown Caltrain Extension in San Francisco:** \$150 million

- A new Transbay Terminal in San Francisco, connecting AC Transit transbay buses and a Caltrain downtown San Francisco extension with BART, Muni, SamTrans, Greyhound, paratransit and Golden Gate Transit buses, as well as future high-speed rail

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#### **BART Transbay Tube Seismic Strengthening:** \$143 million

- Provides a substantial down payment on a comprehensive seismic retrofit program for the BART transbay tube, based on recommendations made by a panel of expert seismic engineers in 2002

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#### **TransLink® Smart Card Integration:** \$42 million

- Update the region's fare collection systems with TransLink® technology, to enable customers to carry one transit fare card instead of exact change or operator-specific tickets or passes
- \$22 million of the total to assist transit operators in integrating TransLink® technology with existing fare collection equipment and in expanding TransLink® to new transit services
- \$20 million of the total for TransLink® customer service and technology improvements

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#### **Regional Transit Connectivity Plan:** \$0.5 million

- RM 2 requires that MTC develop a regional transit connectivity plan in consultation with transit operators by December 1, 2005.
- The plan shall identify (1) a network of key transit hubs to operate as a timed transfer network; (2) infrastructure improvements to enhance system reliability and connections; and (3) regional standards and procedures to minimize transfer times between transit lines at key transit hubs.

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#### **Integrated Fare Program:** \$1.5 million

- Funds to develop a plan for a zonal monthly transit pass covering all regional rapid transit trips
- Encourage greater use of the public transit network by making it easier and less costly for transit riders to use multiple transit systems

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RM 2 makes transit more convenient by investing in new technology, like real-time transit information at transit stops, and TransLink®, the universal transit fare payment card

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**Safe Routes to Transit (Pedestrian and Bicycle Access):** \$22.5 million

- Improvements in bicycle and pedestrian access to regional transit stations, including sidewalks, bike paths, traffic signal improvements, clearer signage, and secure bicycle parking
- Up to \$2.5 million of the total for City Carshare, a car-sharing organization, to reduce car trips across bridges by providing “shared” cars at convenient transit hubs

**Regional Rail Master Plan:** \$6.5 million

- A plan to integrate passenger rail systems, improve connections at intermodal hubs, expand the regional rapid transit network and coordinate investments with transit-supportive land uses
- Up to \$2.5 million of the total may be used to study Bay Area access to a high-speed rail system.
- Up to \$500,000 of the total may be used by the Metropolitan Transportation Commission to develop the regional transit connectivity plan by December 1, 2005, as described on preceding page.
- Up to \$500,000 of the total may be used to study the feasibility of creating an intermodal transfer hub at Niles Junction in Fremont.

**Real-Time Transit Information:** \$20 million

- A competitive grant program to assist transit operators with implementation of high-technology systems to provide real-time transit information to riders at transit stops or via telephone, wireless or Internet communication
- Priority shall be given to projects identified in the Metropolitan Transportation Commission’s 2005 transit connectivity plan.

**Promotion of Tax Benefits for Transit Users:** \$5 million

- A marketing program to promote tax-saving opportunities for employers and employees, such as Commuter Check™, as specified in Section 132(f)(3) of the Internal Revenue Code
- Educate the public about the benefits of these existing tax-saving opportunities to attract more commuters to mass transit

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**RM 2 will help reduce the cost of riding transit by encouraging employers to offer their employees substantial tax savings for riding transit**

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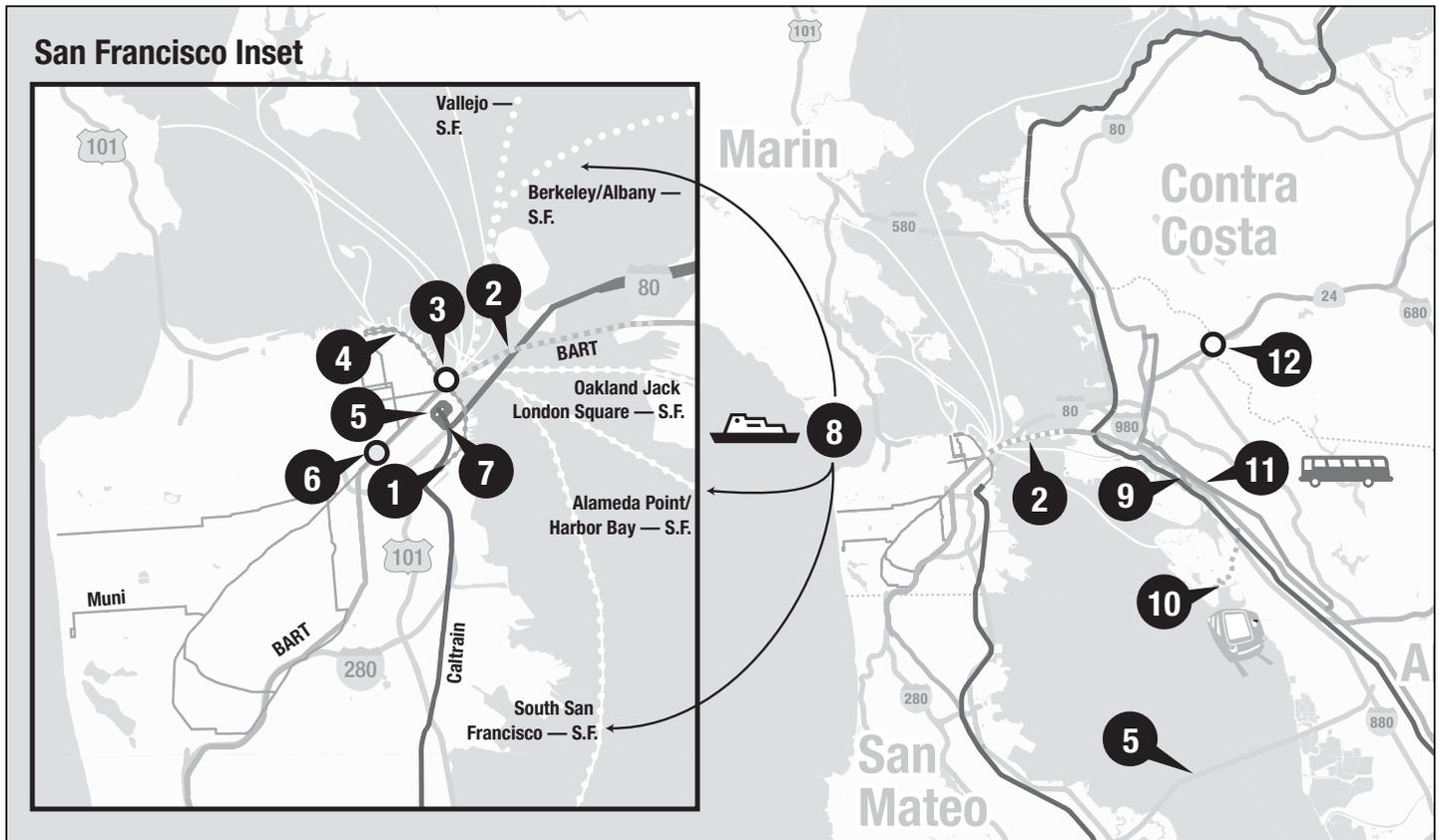


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**RM 2 invests in better bicycle and pedestrian access to regional transit**

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## Central Bay Projects



- 1** Muni Third Street Light Rail  
*(\$30 million)*
- 2** BART Tube Seismic Retrofit *(\$143 million)*
- 3** Water Transit Facility Improvements, Spare Vessels and Environmental Review  
*(\$84 million)*
- 4** Muni Historic Streetcar Expansion (E-Line)  
*(\$10 million)*
- 5** Regional Express Bus for San Mateo, Dumbarton and Bay Bridge Corridors  
*(\$22 million)*
- 6** BART/Muni Connection at Embarcadero and Civic Center  
*(\$3 million)*
- 7** Transbay Terminal/Downtown Extension  
*(\$150 million)*
- 8** Commute Ferry Service for Alameda/Oakland/Harbor Bay; Berkeley/Albany; and South San Francisco  
*(\$12.6 million annually)*
- 9** I-880 North Safety Improvements  
*(\$10 million)*
- 10** BART Oakland Airport Connector  
*(\$30 million)*
- 11** AC Transit Enhanced Bus — Phase 1 (International Blvd./Telegraph Ave. Corridor)  
*(\$65 million)*
- 12** Caldecott Tunnel Fourth Bore  
*(\$50.5 million)*

## 2. Central Bay — San Francisco-Oakland Bay Bridge Corridor

### A. New Mass Transit Options

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#### **BART Oakland Airport Connector:** \$30 million

- Provide the final portion of funds needed for direct BART service between the Oakland Coliseum BART/Amtrak station to terminals at the Oakland International Airport

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#### **Alameda-Contra Costa Transit District (AC Transit) Rapid Bus:** \$65 million capital, plus \$3 million annually to operate the service

- New “rapid bus” service along Telegraph Avenue and International Boulevard corridors, improving access to BART stations
- Includes new buses and other service enhancements

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#### **Regional Ferry System Expansion:** \$84 million capital, \$15.6 million annually to operate the service

- Provides funds to purchase new environmentally friendly ferries and \$12.6 million annually to operate new routes for South San Francisco and Albany/Berkeley, as well as more frequent service on the existing Alameda/Oakland and Vallejo routes
- Up to \$48 million of the total capital funds for spare vessels and improvements to San Francisco’s downtown ferry terminal
- Up to \$1 million of the total capital funds available to study ways to increase ferry ridership at the city of Richmond ferry terminal
- \$3 million of the annual total for overall regional ferry operating needs

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#### **Owl Bus Service in BART Corridors:** \$1.8 million annually

- Provide express bus service along BART’s routes to ensure late-night service along certain BART corridors

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#### **San Francisco Municipal Railway (Muni) Metro East Third Street Light-Rail Line:**

\$30 million, plus \$2.5 million annually to operate the service

- Provide funding for the light-rail transit and maintenance facility to support Muni Metro Third Street light-rail service connecting to Caltrain stations and the E-line waterfront route

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#### **Muni Waterfront Historic Streetcar Expansion:** \$10 million

- Rehabilitate historic streetcars and construct track and terminal facilities to support service from the Caltrain terminal, the Transbay Terminal and the Ferry Building, and to connect the Fisherman’s Wharf and northern waterfront

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**RM 2 will create a regional ferry network providing new and more frequent service from Vallejo and the East Bay to San Francisco**

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**RM 2 funds new late-night bus service along BART corridors**

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**RM 2 makes critical investments in relieving highway bottlenecks along bridge corridors**

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**RM 2 funds a fourth bore for the Caldecott Tunnel**

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**RM 2 creates a continuous carpool lane on eastbound Interstate 80 to the Carquinez Bridge**

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**B. Traffic Bottleneck Relief**

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**Caldecott Tunnel: \$50.5 million**

- Plan and construct a fourth bore for the Caldecott Tunnel between Contra Costa and Alameda counties to facilitate traffic flow on the Interstate 680/Route 24 Bay Bridge corridor. The fourth bore will be located north of the existing three bores and will consist of two lanes and shoulders.
- County Connection (Central Contra Costa Transit Authority) will study ways to increase transit service in the westbound Route 24 corridor from I-680 to the Caldecott Tunnel, including use of an express lane, a high-occupancy-vehicle (carpool) lane and an auxiliary lane.

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**Interstate 80 Eastbound Carpool Lane Extension: \$50 million**

- Extension of the existing bus/carpool lane on eastbound I-80 to the approach of the Carquinez Bridge. Completion of this carpool-lane extension will result in over 18 miles of continuous bus/carpool lane on eastbound I-80 from the Bay Bridge to the Carquinez Bridge in Crockett.

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**Interstate 880 North Safety Improvements: \$10 million**

- Modernize selected on- and off-ramps along I-880 to improve safety between 29th Avenue and 16th Avenue in Oakland and add noise barriers in selected locations

**C. Seamless and Safe Transit Connections**

**New Transbay Terminal/Downtown Caltrain Extension in San Francisco: \$150 million**

- A new Transbay Terminal in San Francisco, connecting AC Transit transbay buses and a Caltrain downtown San Francisco extension with BART, Muni, SamTrans, Greyhound, paratransit and Golden Gate Transit buses, as well as future high-speed rail

**BART Transbay Tube Seismic Strengthening: \$143 million**

- Provides a substantial down payment on a comprehensive seismic retrofit program for the BART transbay tube, based on recommendations made by a panel of expert seismic engineers in 2002

**San Francisco Downtown Ferry Terminal and Spare Vessels: \$48 million**

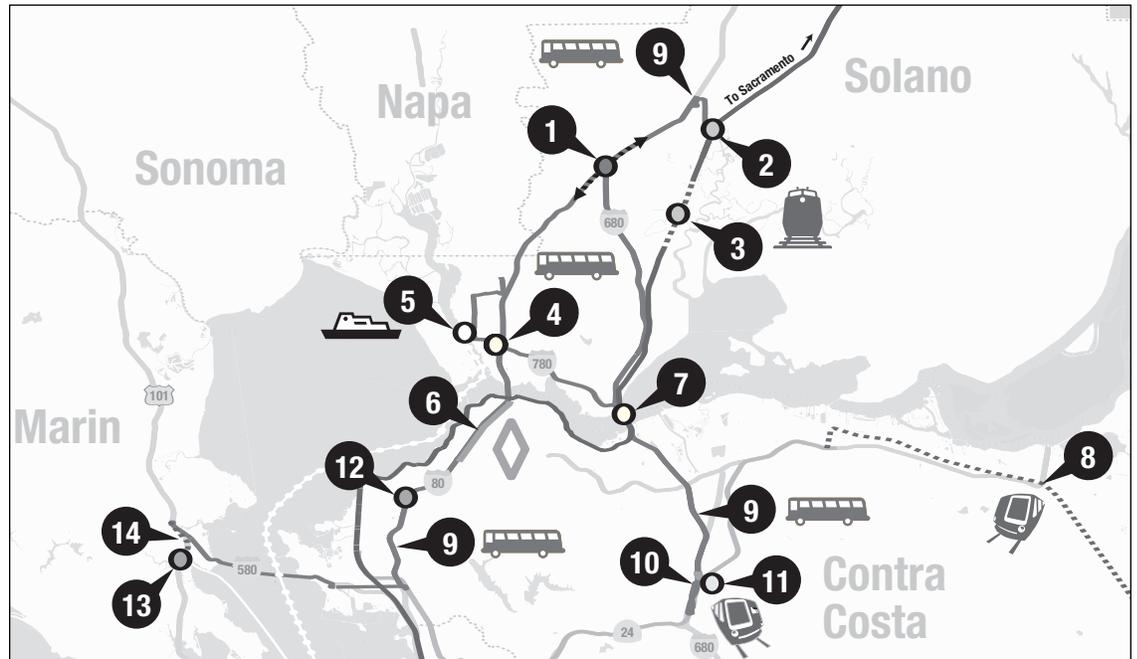
- Two backup vessels for more frequent and reliable ferry service
- Expansion of berthing capacity at the Port of San Francisco, and environmental review and design for other eligible terminal locations

**BART/Muni Connection at Embarcadero: \$3 million**

- Funds a project to allow BART and Muni Metro patrons to move directly between BART and Muni platform levels by removing existing barriers and installing new faregates. The project will reduce transfer time and distance, and improve safety by reducing queuing at faregates, escalators and stairways

**RM 2 funds the new San Francisco Transbay Terminal, a landmark transit hub**

## North Bay Projects



- 1** Interstate 80/Interstate 680 Interchange Improvements (\$100 million)
- 2, 3** Capitol Corridor Improvements in Interstate 80/Interstate 680 Corridor (\$25 million)
- 4** Solano County Express Bus Intermodal Facilities (\$20 million)
- 5** Vallejo Station (\$28 million)
- 6** Interstate 80: Eastbound High-Occupancy-Vehicle (HOV) Lane Extension From Route 4 to Carquinez Bridge (\$50 million)
- 7** Benicia-Martinez Bridge: New Span (\$50 million)
- 8** Rail Extension to East Contra Costa (e-BART) (\$96 million)
- 9** Regional Express Bus North (\$20 million)
- 10** Direct High-Occupancy-Vehicle (HOV) lane connector From Interstate 680 to the Pleasant Hill BART Station (\$15 million)
- 11** Central Contra Costa BART Crossover (\$25 million)
- 12** Richmond Parkway Park-and-Ride (\$16 million)
- 13** U.S. 101 Greenbrae Interchange Improvement (\$65 million)
- 14** Sonoma-Marin Area Rail Transit District (SMART) Extension to Larkspur (\$35 million)

### 3. North Bay — Antioch, Carquinez, Richmond-San Rafael and Benicia-Martinez Bridge Corridors

#### A. New Mass Transit Options

##### Commuter Rail Extension to East Contra Costa (e-BART): \$96 million

- Extend BART rail service from the Pittsburg/Bay Point BART station eastward to the cities of Antioch, Oakley, Brentwood and the community of Byron. The service will utilize diesel light-rail vehicles instead of conventional BART trains and operate on existing freight rail tracks rather than in the median of Route 4.
- Allows BART to develop the project in half the time and at less than half the cost it would normally require to build a freeway median BART extension to Hillcrest Avenue. Timed transfers will allow e-BART vehicles to meet waiting BART trains immediately east of the Pittsburg/Bay Point station.

##### Capitol Corridor Improvements in Interstate 80/Interstate 680 Corridor: \$25 million

- Track and station improvements, including the Suisun City third main track and a new Fairfield station

##### Sonoma-Marin Area Rail Transit District (SMART) Extension to Ferry Service at Larkspur Landing or San Quentin: \$35 million

- SMART North Bay commuter rail service will operate along the publicly owned Northwestern Pacific corridor from Cloverdale in Sonoma County to a ferry terminal in Marin County. Funds would help finance extending the rail line from a downtown San Rafael rail station to a ferry terminal at Larkspur Landing or San Quentin.
- Up to \$5 million of the total may be used to study the potential use of San Quentin property as an intermodal water transit terminal.

##### Regional Express Bus North: \$20 million capital, plus \$5.9 million annually to operate the service

- Develop and improve the express bus network in the I-680 corridor between the Benicia-Martinez Bridge and BART stations in Concord, Walnut Creek, Pleasant Hill and Dublin/Pleasanton. Funds may be used for park-and-ride lots, infrastructure improvements and bus purchases.
- New bus lines will connect commuters in eastern and western Contra Costa County to major transit hubs in Martinez and Concord. Express service will operate every half hour during commute peaks, and every hour throughout the rest of the day.
- At least \$1.6 million of the \$20 million total would go for Golden Gate Transit capital improvements and \$2.1 million of the total annual operating funds to provide bus service over the Richmond-San Rafael Bridge, connecting the San Rafael Transit Center to BART destinations in the East Bay. At least \$2.4 million of the \$20 million total would be dedicated to capital improvements for Napa VINE bus service, while \$390,000 of the total annual funds would be dedicated to VINE's operating costs.

RM 2 funds new park-and-ride lots and carpool lanes to ensure a fast, congestion-free commute for express bus riders

RM 2 funds improvements to Highway 101 in Marin County and closes a key gap in the carpool lane network on I-80

## B. Traffic Bottleneck Relief

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### Interstate 80/Interstate 680 Interchange Improvements: \$100 million

- Improvements will be made to the corridor based on the recommendations of a study to be conducted jointly by Caltrans and the Solano Transportation Authority.
- Cost-effective transit infrastructure investment or service identified in the study shall be considered a high priority.

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### Interstate 80 Eastbound Carpool-lane Extension: \$50 million

- Extension of the existing bus/carpool lane on eastbound I-80 to the approach of the Carquinez Bridge. Completion of this carpool-lane extension will result in over 18 miles of continuous bus/carpool lane on eastbound I-80 from the Bay Bridge to the Carquinez Bridge in Crockett.

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### Interstate 680 High-Occupancy-Vehicle (Carpool) Lane Improvement: \$15 million

- Provide better express bus service along the I-680 corridor. Study to be conducted by County Connection will select the better option between (1) a direct carpool-lane connection to the Pleasant Hill or Walnut Creek BART station or (2) extension of the southbound carpool lane on southbound I-680 from North Main to Livorna Road.
- The Contra Costa Transportation Authority shall adopt a preferred alternative following the study.

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### Benicia-Martinez Bridge: \$50 million

- Completion of new five-lane span between Benicia and Martinez to significantly increase capacity in the I-680 corridor

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### U.S. 101 Greenbrae Interchange/Larkspur Ferry Access Improvements: \$65 million

- Funds improvements around the Greenbrae interchange to reduce traffic congestion and provide multimodal access to the Richmond-San Rafael Bridge and Larkspur ferry terminal. Specific improvements include:
  - (1) constructing a new full service diamond interchange at Wornum Drive
  - (2) extending a multi-use pathway from the new interchange at Wornum Drive to East Sir Francis Drake Boulevard and the Cal Park Hill rail right of way
  - (3) adding a new lane to East Sir Francis Drake Boulevard
  - (4) rehabilitating the Cal Park Hill rail tunnel and right-of-way approaches for bicycle and pedestrian access to connect the San Rafael Transit Center with the Larkspur ferry terminal.

## C. Seamless and Safe Transit Connections

### Central Contra Costa BART Crossover: \$25 million

- Build a “crossover” BART track connection in central Contra Costa County, allowing BART trains the flexibility to turn around and return to San Francisco in the morning commute. Crossover tracks would permit BART to provide more frequent service to congested stations on the Pittsburg/Bay Point line, and give passengers a better chance to get a seat.

### Solano County Express Bus Intermodal Facilities: \$20 million

- A competitive grant program for new transit intermodal facilities, such as park-and-ride lots or train stations in Solano County. Priority projects eligible for funding include: Curtola park-and-ride, Benicia intermodal facility, Fairfield transportation center, and Vacaville intermodal station.
- Priority will be given to projects that have a full funding plan, are ready for construction and will serve transit routes operating primarily on carpool lanes.

### Richmond Parkway: \$16 million

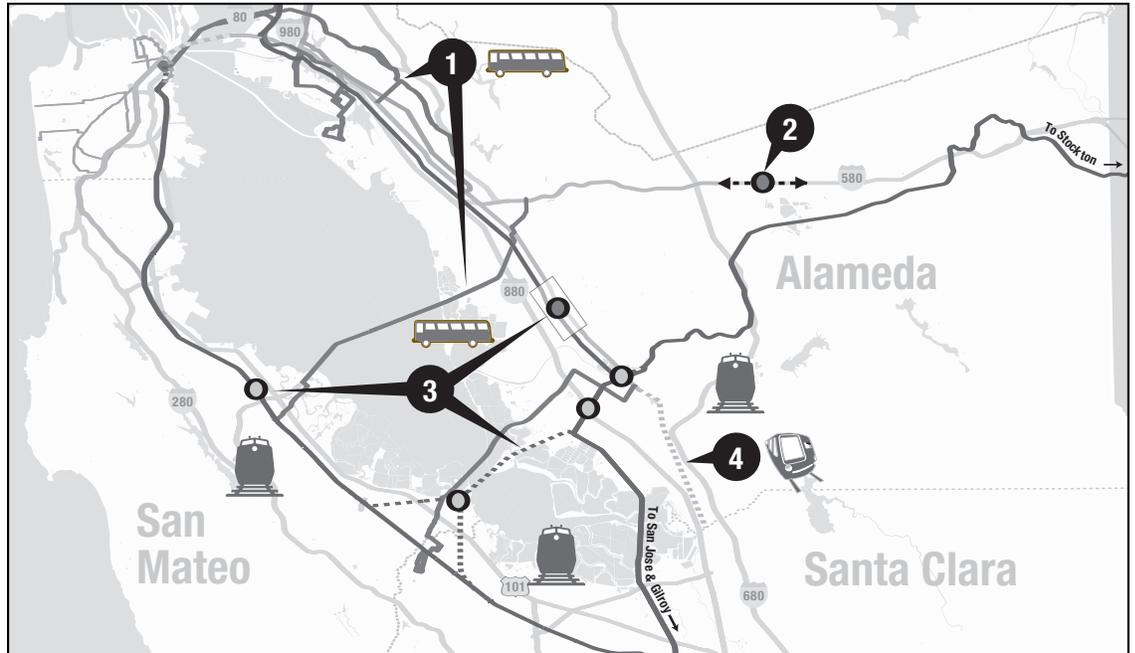
- Design and construction of park-and-ride facility at Interstate 80 and Richmond Parkway, serving Richmond, El Sobrante and Pinole. The facility would have between 750 and 1,000 parking spaces in a secure structure to provide parking for express bus service to downtown San Francisco. Buses currently operate every 10 minutes in the peak period.

### Vallejo Intermodal Terminal: \$28 million

- Construction of an intermodal bus and ferry transportation hub, including a 1,200-space parking structure at the current Vallejo ferry terminal
- Reunites Vallejo’s waterfront and downtown, incorporating residential, commercial, office and retail development, while protecting open space

**RM 2 funds new bus improvements in Solano County, including the Vallejo intermodal terminal**

## South Bay Projects



- 1** Regional Express Bus for San Mateo, Dumbarton and Bay Bridge Corridors  
*(\$22 million)*
- 2** I-580 (Tri Valley) Rapid Transit Corridor Improvements  
*(\$65 million)*
- 3** East to West Bay Commuter Rail Service Over Dumbarton Rail Bridge  
*(\$135 million)*
- 4** BART Warm Springs Extension  
*(\$95 million)*

## 4. South Bay — San Mateo-Hayward and Dumbarton Bridge Corridors

### A. New Mass Transit Options

#### **BART Extension to Warm Springs:** \$95 million

- Provide the final portion of funds needed to construct a 5.4-mile extension south from the existing Fremont station to Warm Springs in southern Alameda County. The project would accommodate future growth in employment and population in the region, and is the first leg of the future BART extension to Silicon Valley.

#### **Dumbarton Rail:** \$135 million, plus \$5.5 million annually to operate the new service

- New trains and track and station improvements for Caltrain to operate commuter rail service linking the East Bay with jobs on the Peninsula. Extends service from Union City, Fremont and Newark to the Peninsula and Silicon Valley across a renovated Dumbarton rail bridge. Funds also eligible to construct a new station at Sun Microsystems in Menlo Park/East Palo Alto
- Connects BART, ACE, Amtrak and Caltrain

#### **Interstate 580 Rapid Transit Corridor Improvements:** \$65 million

- Corridor improvements on I-580 in Alameda County. Funds available for new rail service or express bus improvements, such as a carpool-lane direct connector to Dublin BART

#### **Regional Express Bus South:** \$22 million capital, plus \$6.5 million annually to operate the service

- Funds carpool-lane and freeway ramp improvements for express buses and park-and-ride lot expansion to serve East Bay commuters using the Bay Bridge, San Mateo-Hayward and Dumbarton bridges
- The \$6.5 million annual operating funds would provide for new bus service on the San Mateo-Hayward Bridge to San Mateo/Foster City, Millbrae/SFO, and Redwood Shores/Belmont, making connections to Caltrain via the San Mateo-Hayward Bridge, and additional Dumbarton Bridge bus service to Palo Alto and Caltrain.

### B. Traffic Bottleneck Relief

#### **Interstate 580 Rapid Transit Corridor Improvements**

- As noted in the “Mass Transit Options” above, these improvements may include a new carpool lane along I-580, providing direct traffic relief to the corridor.

### C. Seamless and Safe Transit Connections

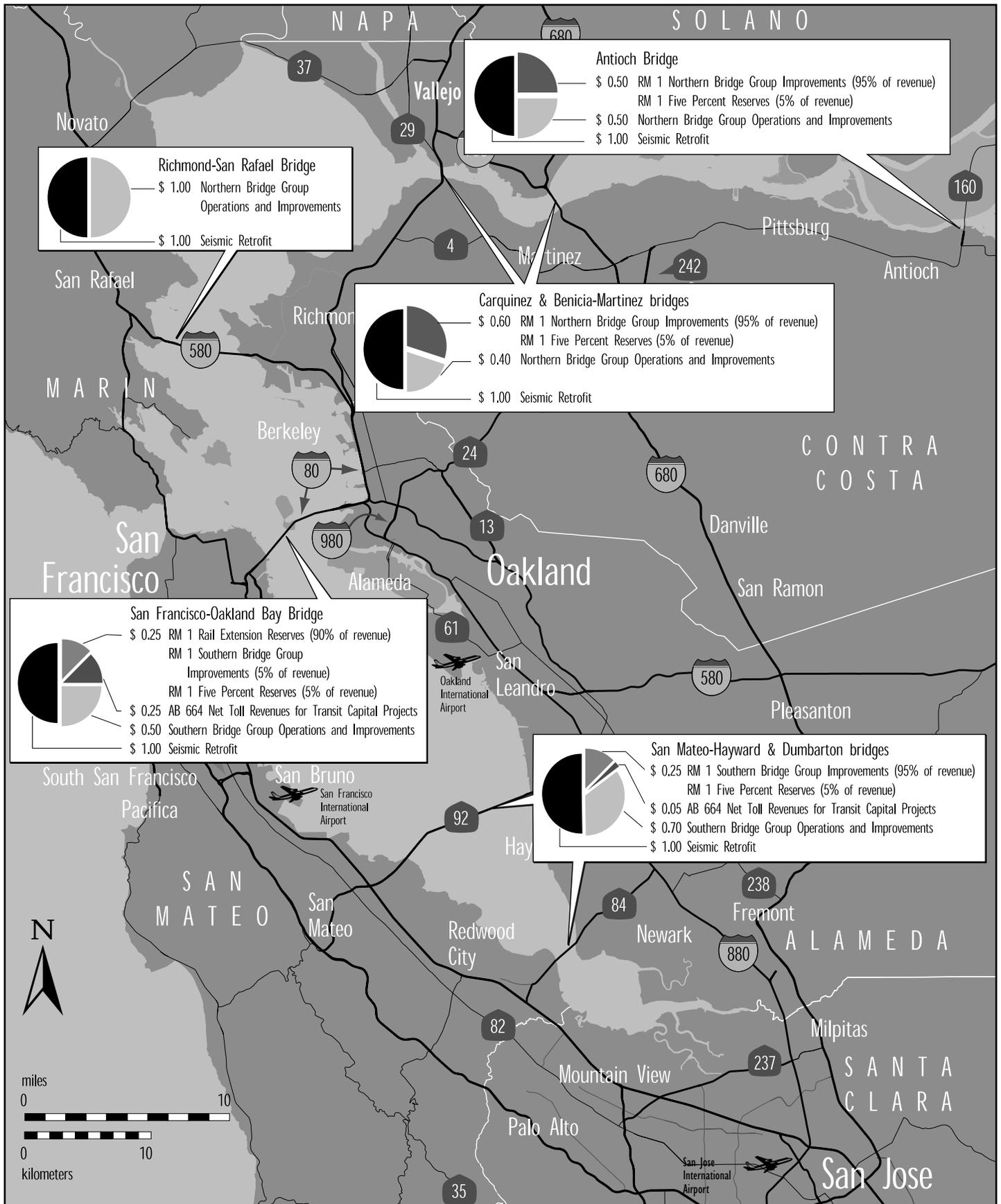
#### **New Transbay Terminal/Downtown Caltrain Extension in San Francisco:** \$150 million

- A new Transbay Terminal in San Francisco, connecting AC Transit transbay buses and a Caltrain downtown San Francisco extension with BART, Muni, SamTrans, Greyhound, paratransit and Golden Gate Transit buses, as well as future high-speed rail

RM 2 makes the largest local investment in rail that the region has seen in over 10 years

RM 2 funds new transit in the I-580 corridor

# APPENDIX A: Use of Current \$2 Toll



Note: This graphic was included in the ballot pamphlet, but does not reflect recent changes to the allocation of funds. For current version please visit [www.mtc.ca.gov/bata/pdfs/Toll\\_Bridge\\_Report\\_2004.pdf](http://www.mtc.ca.gov/bata/pdfs/Toll_Bridge_Report_2004.pdf) or contact the MTC library at (510) 464-7836.

# **Exhibit B**

AB 1407

Page 1

CONCURRENCE IN SENATE AMENDMENTS  
 AB 1407 (Lieber)  
 As Amended August 17, 2006  
 Majority vote

-

ASSEMBLY:	(June 2, 2005)	SENATE:	23-11	(August 24,
				2006)

(vote not relevant)

Original Committee Reference: TRANS.

SUMMARY : Provides for construction cost savings from certain toll bridge projects to be reprogrammed for other projects in the same corridor; requires Bay Area vehicle owners of hybrids with Clean Air stickers to meet high occupancy vehicle (HOV) lane occupancy requirements in order to utilize toll-free or reduced-toll lanes on Bay Area toll bridges; allows Clean Air vehicles to utilize HOV lanes on county expressways.

The Senate amendments delete the Assembly version of this bill, and instead: \_

- 1) Add a number of local and regional agencies to the Rail Plan steering committee of the Metropolitan Transportation Commission (MTC).
- 2) Designate MTC as the fiscal agent for the Rail Plan.
- 3) Change the due date for the Rail Plan from July 1, 2007, to September 27, 2007.
- 4) Authorize that \$6 million of the \$6.5 million programmed for the Rail Plan may be spent by MTC, the San Francisco Bay Area Rapid Transit (BART), and the Peninsula Corridor Joint Powers Board (Caltrain) for the Rail Plan.
- 5) Establish procedures to reprogram revenues when Regional Measure 2 (RM2) cost savings occur, including requirements that MTC consult with project sponsors and hold a public hearing on the project prior to authorizing the transfer. The reprogrammed funds must be spent on other eligible projects in the same project corridor in which the savings occur.

AB 1407

Page 2

- 6) Require Bay Area owners of hybrid vehicles that qualify for HOV lane access to meet vehicle occupancy requirements when using toll-free or reduced-toll HOV lanes on Bay Area toll bridges.
- 7) Require local agencies that operate HOV lanes on their expressways to grant access to those lanes to vehicles displaying Clean Air stickers.

8) Require these agencies to suspend HOV lane access for Clean Air vehicles on specific HOV lanes if a periodic review of those lanes' performance reveals that they exceed level of service C and the operation of Clean Air vehicles will significantly increase congestion in the lanes.

9) Include language to avoid chaptering out AB 2600 (Lieu), regarding HOV lanes on local roadways.

EXISTING LAW : -

1) Provides for a \$1 toll surcharge on state-owned toll bridges in the Bay Area under the previously voter-approved RM2. Revenues are 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.

2) Establishes and identifies specific transit operating assistance and capital projects and programs eligible to receive RM2 funding.

3) Directs MTC to develop various plans that are generally aimed at improving and promoting regional coordination of transit services, including a Bay Area Regional Rail Plan.

4) Authorizes the Department of Motor Vehicles, until January 1, 2008, to issue Clean Air decals and labels for various categories of alternative-fueled vehicles, including hybrids that achieve at least 45 miles per gallon fuel economy.

5) Allows those vehicles, until January 1, 2008, to travel in HOV lanes on state highways regardless of the number of occupants in the vehicle.

AB 1407

Page 3

6) Prohibits the operation of single occupant vehicles in HOV lanes, with the exception of motorcycles and Clean Air vehicles.

7) Requires the owner of a Clean Air vehicle whose vehicle is registered to an address in the Bay Area and who wishes to obtain a sticker allowing access to HOV lanes, to obtain a FasTrak account.

AS PASSED BY THE ASSEMBLY , this bill:

1) Made legislative findings and declarations relating to the harmful effects of diesel exhaust emissions, including particulate matter (PM) and nitrogen oxides (NOx), and its negative impacts on California having the nation's worst air quality.

2) Found that the consequence of poor air quality has exacerbated severe health problems (e.g., asthma, cancer, premature death), and discussed the benefits of creating a fund to help protect public health and help California meet its federal clean air commitments.

3) Required the Air Resources Board to conduct and report a study to the Legislature on or before March 1, 2006, on the

efficiency of imposing a \$0.05 fee on off-road diesel fuel for purposes of generating revenue for the Carl Moyer Memorial Air Quality Standards Attainment Program to mitigate off-road diesel pollution in the state.

FISCAL EFFECT : According to the Senate Appropriations Committee analysis, modifying the duties required of local and regional agencies relative to the Regional Traffic Management Plan would constitute a reimbursable state mandated local program. Any claims for reimbursement, however, are likely to be minor, considering MTC, the primary agency affected by this bill, is requesting these changes.

COMMENTS : SB 916 (Perata), Chapter 715, Statutes of 2003, authorizes Bay Area voters to increase the bridge toll on the seven state-owned Bay Area toll bridges by \$1. The revenue from the increase is to be used for specific transportation services and projects in the travel corridors approaching the bridges.

AB 1407

Page 4

The voters approved the increase in March 2004 by a 57% vote. Among the programs funded by the toll revenue is the preparation of a regional Rail Plan. AB 1407 would clarify the structure of the Rail Plan's management oversight committee, designates MTC as the fiscal agent for the plan, and sets September 29, 2007, as the deadline for the adoption of the plan.

SB 916 made no provisions for reprogramming revenues that result from construction cost savings on projects. AB 1407 would establish procedures to reprogram revenues when cost savings occur, including consultation with project sponsors and a public hearing prior to authorizing the transfer. The reprogrammed funds must be spent on other eligible projects in the corridor in which the savings occur.

AB 2628 (Pavley), Chapter 725, Statutes of 2004, permits certain hybrid vehicles to operate in HOV lanes on state highways, provided they are displaying a valid Clear Air decal. Santa Clara County operates a 62-mile expressway network that features approximately 25 miles of HOV lanes. The expressway network includes the San Tomas, Montague, Lawrence, Capitol, and Central Expressways. Those vehicles with Clean Air vehicle stickers, currently using Santa Clara's HOV lanes and are otherwise in compliance with requirements for HOV lane access on state highways, are nevertheless subject to a \$370 fine. It is reasonable to assume that most motorists are not aware of the distinction between state highways and local expressways and, even if they were, they would not likely realize that their Clean Air vehicle HOV lane access privileges apply only to state highways. Consequently, AB 1407 extends HOV lane access privileges to HOV lanes on roadways operated by cities and counties. In order to prevent the addition of these vehicles from congesting local HOV lanes, AB 1407 also includes the same criteria for closing access to HOV lanes for such vehicles that apply to state operated HOV lanes.

Existing law requires the owners of Clean Air vehicles registered in the nine-county Bay Area to open a FasTrak account in order to obtain a Clean Air decal. This is necessary as the vehicle must pay a bridge toll if it is carrying less than the prescribed number of occupants in a HOV lane at a toll plaza. This bill requires that the registered owners not only open a FasTrak account, but also maintain the account and specifies

that if these vehicles travel in toll-free or reduced-toll lanes

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on Bay Area toll bridges, they must meet the same HOV lane occupancy requirements as apply to non-hybrid vehicles.

Note: With the exception of the provisions regarding HOV lane use on local expressway systems, which were previously approved both by the Assembly Transportation Committee and the full Assembly when they were contained in AB 1879, the contents of this bill have not been reviewed at any time in the Assembly.

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