

**THIS PRINT COVERS CALENDAR ITEM NO. : 10.7**

**SAN FRANCISCO  
MUNICIPAL TRANSPORTATION AGENCY**

**DIVISION:** Finance and Information Technology

**BRIEF DESCRIPTION:**

Resolution authorizing the San Francisco Municipal Transportation Agency (SFMTA) to adhere to terms set forth by the Metropolitan Transportation Commission (MTC) for allocation of Regional Measure 2 (RM-2) funds, and to accept and expend \$584,000 of RM-2 funds for a Safe Routes to Transit project.

**SUMMARY:**

- On March 2, 2004, Bay Area voters passed Regional Measure 2 (RM-2), raising the toll on the seven Bay-Area State-owned toll bridges by \$1.00. This extra dollar provides transit operating assistance and funding to specified capital projects that reduce congestion or make improvements to travel in the toll bridge corridors.
- The RM-2 program provides \$20 million for Safe Routes to Transit projects that reduce congestion on State-owned Bay Area bridges by improving pedestrian access to transit.
- The SFMTA has applied for \$584,000 in RM-2 funds to implement a Safe Routes to Transit project to promote and encourage safe bicycling on Polk Street to and from regional transit stations including the Civic Center Station.
- Acting as the Bay Area Toll Authority, MTC allocates RM-2 funds. MTC has adopted procedures and conditions that must be acknowledged and adhered to by recipients of RM-2 funds.
- This action authorizes the SFMTA to accept and expend the allocation of \$584,000 in RM-2 funds for the Polk Street Bicycle Gap Closure Project to promote and encourage safe bicycling on Polk Street to and from regional-serving transit stations.

**ENCLOSURES:**

1. SFMTAB Resolution

**APPROVALS:**

**DATE**

DIRECTOR \_\_\_\_\_

7/10/12

SECRETARY \_\_\_\_\_

7/10/12

**ASSIGNED SFMTAB CALENDAR DATE:** July 17, 2012

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### **PURPOSE**

The SFMTA Board approval of this resolution would authorize the SFMTA to approve and adhere to procedures and conditions set forth by the MTC in regard to the SFMTA receiving an allocation of RM-2 funds. Also, the SFMTA Board approval of this resolution would authorize the SFMTA to accept and expend \$584,000 in RM-2 capital funds for the Polk Street Bicycle Gap Closure Project to promote and encourage safe bicycling on Polk Street to and from regional-serving transit stations.

### **GOAL**

The SFMTA will further the following goals of the Strategic Plan through acceptance of these funds:

Goal 2 – Make transit, walking, bicycling, taxi, ridesharing and carsharing the preferred means of travel

- Objective 2.1: Improve customer service and communications
- Objective 2.2: Improve transit performance
- Objective 2.3: Increase use of all non-private auto modes
- Objective 2.4: Improve parking utilization and manage parking demand

### **DESCRIPTION**

On March 2, 2004, voters in San Francisco, Alameda, Contra Costa, Marin, San Mateo, Santa Clara and Solano Counties cumulatively passed Regional Measure 2 (RM-2), which will raise an estimated \$125 million each year to implement the Regional Traffic Relief Plan. The Regional Traffic Relief Plan will provide transit operating assistance and funding for specified capital projects within the region that reduce congestion or make improvements to travel in the toll bridge corridors. Funding for the Regional Traffic Relief Plan derives from a \$1.00 increase, effective July 1, 2004, in tolls on the region's seven State-owned toll bridges. As the transportation planning, coordinating and financing agency of the nine-county Bay Area, the Metropolitan Transportation Commission (MTC) acting as the Bay Area Toll Authority allocates RM-2 funds.

The RM-2 program provides a total of \$20 million to public agencies for Safe Routes to Transit projects that help reduce congestion on State-owned Bay Area bridges by improving pedestrian access to transit facilities. Specifically, funding is provided for the planning and construction of pedestrian access improvements in close proximity to transit facilities. The SFMTA applied for \$584,000 in RM-2 funds for Polk Street Bicycle Gap Closure Project. Funding will be used to construct a northbound bicycle lane on Polk Street, between Market and McAllister streets, which will fill a gap in the existing bicycle route network in the Civic Center neighborhood. Specifically, funding will be used for traffic striping removal, traffic striping installation, traffic signal work, traffic sign installation, parking meter and sensors work, curb work, curb ramp installations, and median island installation.

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In lieu of a separate funding agreement, MTC expects the SFMTA, through its governing board, to certify that the agency acknowledges and will adhere to the following conditions with respect to the project:

- compliance with provisions of MTC's RM-2 Policy Guidance (MTC Resolution No. 3636);
- consistency with the Regional Transportation Plan;
- SFMTA has taken into consideration the time necessary to obtain applicable environmental clearance and permitting approval for the project in requesting RM-2 funding;
- the RM-2 phase of the project is fully funded based on programmed and planned funding allocations, and results in an operable and useable segment;
- that describes the project and includes a detailed financial plan, has been approved by the SFMTA;
- approval of the cash flow plan for the project;
- SFMTA has adequate staffing resources to complete the project within the schedule set forth in the IPR;
- the project and purpose for which RM-2 funds are being requested are in compliance with applicable environmental requirements and regulations;
- the City and County of San Francisco, through the SFMTA, indemnifies and holds harmless MTC and its representatives against all claims, demands, liability, losses and expenses in connection with the allocation of RM-2 funds;
- any revenues or profits from any non-governmental use of property shall be used for public transportation services for which the project was initially approved;
- assets purchased with RM-2 funds shall be used for public transportation uses as intended; and
- the SFMTA will post signs at construction sites as applicable stating that the project is funded with RM-2 funds.

### **ALTERNATIVES CONSIDERED**

Not applicable.

### **FUNDING IMPACT**

At present, \$959,369 is programmed from various funding sources to implement the Polk Street Bicycle Gap Closure project. Of this, \$584,000 or 61% will be paid from Regional Measure 2 funds. The remaining \$375,369 will be secured from SFCTA Prop. K funds (\$88,039), San Francisco Red Light Photo Enforcement Program (\$10,000) and from MTC Regional Bike and Pedestrian Program

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funds (\$37,630). If we choose not to pursue Regional Measure 2 funds, the SFMTA will have to identify other funding sources to implement the Polk Street Bicycle Gap Closure project.

**OTHER APPROVALS RECEIVED OR STILL REQUIRED**

The proposed project was reviewed under the purview of the EIR for the San Francisco Bicycle Plan. On June 25, 2009, the Bike Plan EIR was certified and the CEQA findings were approved by the San Francisco Planning Commission. These documents (Case # 2007.0347E) can be found at the Major Environmental Analysis section of the San Francisco Planning Department.

The City Attorney's Office has reviewed this calendar item.

**RECOMMENDATION**

Staff recommends that the SFMTA Board approve this resolution, which would authorize the SFMTA to approve and adhere to procedures and conditions set forth by the MTC in regard to the SFMTA receiving an allocation of RM-2 funds. Also, the SFMTA Board approval of this resolution would authorize the SFMTA to accept and expend \$584,000 in RM-2 capital funds to promote and encourage safe bicycling on Polk Street to and from regional-serving transit stations.

SAN FRANCISCO  
MUNICIPAL TRANSPORTATION AGENCY  
BOARD OF DIRECTORS

RESOLUTION No. \_\_\_\_\_

WHEREAS, SB 916 (Chapter 715, Statutes 2004), commonly referred to as Regional Measure 2 (RM-2), identified projects eligible to receive funding under the Regional Traffic Relief Plan; and

WHEREAS, The Metropolitan Transportation Commission (MTC) is responsible for funding projects eligible for RM-2 funds, pursuant to Streets and Highways Code Section 30914(c) and (d); and

WHEREAS, The MTC has established a process whereby eligible transportation project sponsors may submit allocation requests for RM-2 funding; and

WHEREAS, Allocations to MTC must be submitted consistent with procedures and conditions as outlined in RM-2 Policy and Procedures; and

WHEREAS, The Safe Routes to Transit Grant Program: Polk Street Bicycle Gap Closure Project is eligible for consideration in the Regional Traffic Relief Plan of RM-2, as identified in California Streets and Highway Code Section 30914(c) or (d); and

WHEREAS, Under the Safe Routes to Transit Grant Program, the San Francisco Municipal Transportation Agency (SFMTA) has applied for funding in the amount of \$584,000 to promote and encourage safe bicycling on Polk Street to and from regional-serving transit stations including the Civic Center Station (served by BART and Muni Metro), the Ferry Building (served by Muni bus and historic streetcar routes on Market Street) and the 4th/King Caltrain Station (served by Muni bus routes); and

WHEREAS, The RM-2 allocation request, contained in the Initial Project Report (IPR) submitted for the project and incorporated by reference herein as though set forth at length, lists the project, purpose, schedule, budget, expenditure and cash flow plan for which the SFMTA is requesting that MTC allocate RM-2 funds; and

WHEREAS, The application for RM-2 funds includes the certification by legal counsel of SFMTA of assurances required for the allocation of funds by MTC; and

WHEREAS, Under Charter Section 8A.102(b)12, the SFMTA has exclusive authority to apply for, accept and expend federal, state, or other grants for Agency purposes; and

RESOLVED, That the SFMTA Board of Directors authorizes the SFMTA, through its Director of Transportation (or his designee), to accept and expend \$584,000 of RM-2 funds for the Polk Street Bicycle Gap Closure Project to promote and encourage safe bicycling on Polk Street to and from regional-serving transit stations; and, be it further

RESOLVED, That the SFMTA and its agents agree to comply with the provisions of the MTC's RM-2 Policy Guidance (MTC Resolution No. 3636); and be it further

RESOLVED, That the project to promote and encourage safe bicycling to and from the Glen Park BART Station is consistent with the Regional Transportation Plan (RTP); and 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; and be it further

RESOLVED, That the RM-2 phase or segment is fully funded based on programmed and planned funding allocations, and will result in an operable and useable segment; and be it further

RESOLVED, That the SFMTA Board of Directors approves the IPR submitted with this resolution; and be it further

RESOLVED, That the SFMTA Board of Directors approves the cash flow plan submitted with this resolution; and be it further

RESOLVED, That the SFMTA has reviewed the project needs and has adequate staffing resources to deliver and complete the project within the schedule set forth in the IPR submitted with this resolution; and be it further

RESOLVED, That the SFMTA Board of Directors certifies that the City has undertaken an Environmental Impact Report (EIR) to ensure that the project and purpose for which RM-2 funds are being requested is in compliance with the requirements of the California Environmental Quality Act (CEQA) (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 be it further

RESOLVED, That the City and County of San Francisco, through the SFMTA, 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 SFMTA, its officers, employees or agents, or subcontractors or any of them in connection with its performance of services under this allocation of RM-2 funds. In addition to any other remedy authorized by law, so much of the funding due under this allocation of RM-2 funds as shall reasonably be considered necessary by MTC may be retained until disposition has been made of any claim for damages; and be it further

RESOLVED, That if any revenues or profits from any non-governmental use of property (or project) are collected, the SFMTA shall use those revenues or profits exclusively for the public transportation services for which the project(s) was initially approved, either for capital improvements or maintenance and operational costs; otherwise, MTC is entitled to a proportionate share equal to MTC's percentage participation in the project(s); and be it further

RESOLVED, That assets purchased with RM-2 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 RM-2 funds were originally used; and be it further

RESOLVED, That the SFMTA 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 RM-2 Toll Revenues; and be it further

RESOLVED, That the SFMTA Board of Directors delegates to Director of Transportation (or his designee) the authority to make non-substantive changes or minor amendments to the IPR as he/she deems appropriate; and be it further

RESOLVED, That the SFMTA Board of Directors authorizes the Director of Transportation (or his designee) to furnish whatever additional information may be requested by MTC in connection with this request; and be it further

RESOLVED, That the SFMTA Board of Directors authorizes the Director of Transportation (or his designee) to execute any and all agreements necessary to complete the transfer of funds; and be it further

RESOLVED, That a copy of this resolution shall be transmitted to MTC in conjunction with the filing of the SFMTA application referenced herein.

I certify that the foregoing resolution was adopted by San Francisco Municipal Transportation Agency Board of Directors at its meeting of July 17, 2012.

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Secretary to the Board of Directors  
San Francisco Municipal Transportation Agency