Transportation Authority of Marin

DATE: December 1, 2016

TO: Transportation Authority of Marin Board of Commissioners

FROM: Dianne Steinhauser, Executive Director
Bill Whitney, Principal Project Delivery Manager

SUBJECT: North-South Greenway Gap Closure Project – Approve RM2 Funding Request and Authority to Distribute to SMART for Right-of-Way Impacts (Action) - Agenda Item No.7e

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RECOMMENDATION:

The Board (1) approve a Resolution authorizing the Executive Director to submit a request to the Metropolitan Transportation Commission to allocate Regional Measure 2 toll bridge funds for right-of-way activities associated with the southern segment of the North-South Greenway Gap Closure Project; (2) approve a resolution authorizing the funds be directed to SMART to address right-of-way impacts including conditions of the allocation, and (3) authorize the Chair send a letter to MTC to acknowledge the potential the path may be removed should SMART extend passenger rail service south from the Larkspur Station.

This item was continued from the October 27th Board Meeting. No action was taken as further discussion was necessary with SMART to consider Board member comments.

Following the Board discussion staff revised the Resolution to incorporate comments made by the Commissioners. These revisions were transmitted to SMART. Specifically they were as follows:

- Revise the attachments to substitute the phase "remove the path" with "remove or relocate the path".
- Include a provision that will prorate the lost lease amount to SMART based on the duration should the duration be less than twenty-five (25) years.

TAM Commissioners and staff have met with SMART officials to discuss the comments stated above. SMART officials are reluctant to include the phase "remove or relocate the path". Prior to the Executive Committee meeting on November 14th the SMART General Manager reaffirmed this position and stated that he and the SMART Board would only agree to the original revised resolution delivered to the TAM Board at their October 28th Board meeting. This position was discussed by the Executive Committee members on November 14th and after considerable debate concluded it is in the best interest of the project to accept SMART's position; however they acknowledged inclusion of the provision to "relocate" is preferred, but is not an option because the right-of-way is controlled by SMART and they do not want to be obligated for any future action, at this time.

TAM staff consulted with County Counsel who confirmed SMART is effectively issuing a license agreement which is revocable, but provides both parties the flexibility in the future to consider alternative alignments.

TAM staff has consulted with MTC staff on the remaining comment. MTC has stated in the case of other projects in the region, and funded under the RM2 program, a prorated clause to adjust funding for a similar condition is implied and not necessary.

BACKGROUND:

On June 26, 2014 the Board approved an allocation request to MTC to initiate environmental and preliminary engineering on the North-South Greenway Gap Closure Project. During earlier discussions the also Board considered an implementation strategy that allowed a portion of the project to be accelerated by splitting the project into a northern segment and a southern segment.

Northern Segment Update

Project development on the northern segment is progressing well. A CEQA compliant environmental document has been approved by Caltrans and we are now in the final design phase. This phase of the project will "close the gap" by creating an accessible multi-use path connecting the new bridge over Sir Francis Drake Blvd with the Greenbrae Pedestrian Overcrossing to the south. Widening the historically narrow Caltrans northbound highway 101 off-ramp sidewalk/path structure over Corte Madera Creek is a signature element of the project. The final design is scheduled to be completed in approximately one year from now.

Southern Segment

The Southern Segment project is being administered by the County of Marin on behalf of TAM. It was recognized early on that this phase has a number of issues that have not been studied to date and would require a more in-depth analysis as compared to the northern segment which has had the benefit of previous engineering efforts. This phase of the project will "close the gap" by creating an accessible multi-use path connecting the northern segment (at the Corte Madera Creek crossing touchdown) with the existing paths at the intersection of Old Redwood Highway and Wornum Drive by way of the SMART right-of-way (R/W) out on the levee. A pass-through corridor from Redwood Highway out to the levee will also be included.

As a condition of the original MTC allocation of funding, a boundary survey and title search of the SMART right-of-way (R/W) was completed in the area south of Corte Madera Creek. This information is being used by County Engineers to establish an alignment that best fits the site conditions and minimizes the environmental and potential land use impacts.

Note the Southern Segment project has been on hold for almost a year pending authority from SMART for temporary use of their right of way.

DISCUSSION/ANALYSIS:

Use of SMART R/W for a Multi-Use Path

SMART has in good faith considered the use of a portion of their R/W for the purpose of constructing, maintaining, and operating a publically accessible multi-use path within the southern segment. They have stated that the use of the R/W must be at no cost to SMART as a condition of use. It is noted that the SMART R/W extends south from the Southern terminus of the Initial Operating Segment at the Larkspur Station and continues over Corte Madera Creek down to the area by the Village Shopping Mall in Corte Madera. Extension of the passenger rail beyond the Larkspur Station remains a possibility in the future.

Preliminary Path Alignment in SMART R/W

The two key constraints associated with selecting a path alignment are the proximity of the salt marsh and the existing land use within the R/W. SMART has historically granted an opportunity for private parties to lease portions of the R/W. The Engineers assessed a number of design variations that evaluated the best fit of a path alignment. It was concluded that placing the majority of the path on the footprint of the existing railroad tracks would minimize the impacts to current lease holders while avoiding the salt marsh habitat. This "best fit alignment" will have unavoidable impacts to existing lease holders.

Lost Lease Revenue to SMART

The County Real Estate & Engineering Divisions have worked with SMART to obtain lease agreement information and used the boundary and title information to establish the lease space boundaries. By comparing the preliminary alignment with the location of the leased space boundaries the impact to each lease holder was determined. In order to proceed with the project SMART will need to re-negotiate or terminate a number of lease agreements.

The County has provided the findings to SMART and they have mutually agreed the lost lease revenue value to SMART over a 25 year period has been established to be $730,000.

Incompatible use of SMART R/W

As stated above the evaluation of the potential alignments examined a number of locations to provide the best fit given the constraints. Unlike the previous projects to the north, namely the Cal Park Tunnel Path or the Central Marin Ferry Connection Path, the conditions for the southern segment do not allow a path alignment to be horizontally separated from the current or future railroad track alignment without significant impacts to either the natural environment or the existing land use conditions. As a result of the site constraints the best fit was generally determined to be the current foot print of the railroad tracks.

Given that SMART considers extension of passenger rail service to be a viable option in the future the compatibility of both a multi-use path and a rail has been very difficult to achieve. It is recognized that in the future when, and if, the passenger rail service is extended south of Corte Madera Creek the path will be required to be removed, with no commitment to replacing it. The County has assessed the cost of removal at a future date to be $120,000.

Conformation of Public Support

TAM and the County have discussed the conclusion of our studies with MTC staff to make the case that the public benefit of proceeding with constructing the path with an understanding the path may be removed in the future is a risk that is considered to be a reasonable risk given the challenges and timeframe of extending passenger rail south.

MTC is supportive of our conclusions and is willing to recommend funding the project; however, they have asked TAM to provide a letter that clearly confirms our understanding the path will be removed at the time rail service is extended south of the Larkspur Station. Staff has drafted a letter for the Board to consider, and if supported, will be conveyed to MTC. Similarly, MTC has asked our local bicycle coalition to consider the conclusion of our analysis that the duel use of the R/W is incompatible and that in the future the path may be required to be removed. TAM has discussed this issue with the coalition and requested their consideration to send a similar letter to MTC.

FISCAL CONSIDERATION:

TAM is requesting the MTC allocate a total of $850,000 of RM2 funding to compensate SMART for their long term lost lease revenue and the future cost to remove the path at the time rail service is extended south. The attached Resolution and updated Initial Project Report are attached for consideration by the Board, including required letter to SMART on removal of the path. If approved, the Executive Director will make the request to MTC.

Note that the Southern Segment project is still in the early planning stages and could run into obstacles in the future that prevent the project from proceeding. Note also that this $850,000 constitutes full and complete payment to SMART for the usage of their right of way. Both of these conditions are so noted in the agreement with SMART to receive the funds from MTC through TAM.

An analysis of the overall project funding plan has been completed. Our overall project funding plan remains valid and the estimated cost of the project including capital and capital support costs are within the available funds as described in the attached Initial Project Report Update.

NEXT STEPS:

Submit the Initial Report Update to MTC for consideration of a funding allocation and work with SMART to enter into a funding agreement per the conditions stated in the Resolution.

Continue to work with the County of Marin to restart the environmental and preliminary engineering phase.

ATTACHMENTS:

1. Resolution to distribute funds to SMART with conditions
2. Letter MTC
3. Initial Project Report – Updated October 27, 2016

TAM RESOLUTION NO. 2016-_____

A RESOLUTION OF THE TRANSPORTATION AUTHORITY OF MARIN (TAM) FOR THE ALLOCATION OF $850,000 OF REGIONAL MEASURE 2 (RM2) FUNDS FOR THE NORTH SOUTH GREENWAY GAP CLOSURE PROJECT TO THE SONOMA MARIN AREA RAIL TRANSIT DISTRICT (SMART)

WHEREAS, The Metropolitan Transportation Commission (MTC) re-directed RM2 funding from the Highway 101 Greenbrae Corridor Improvements (Project No. 11.1) to Bicycle and Pedestrian Improvements referred to as the North/South Greenway Gap Closure Project (Project No. 11.5); and

WHEREAS, TAM approved an implementation plan that splits the project into a northern segment and a southern segment in an effort to accelerate project delivery of portions of the project; and

WHEREAS, MTC has allocated $2.6M of RM2 funds for environmental and preliminary engineering (both northern and southern segment), and allocated $1.5M for design of the northern segment; and

WHEREAS, As a condition of the allocation MTC required and project partners supported a property title search and boundary survey of SMART right-of-way (R/W) which has been used to define project parameters and constraints within the southern segment; and

WHEREAS, SMART has in good faith considered the use of a portion of their R/W for the purpose of constructing, maintaining, and operating a publically accessible multi-use path within the southern segment; and

WHEREAS, A preliminary path alignment has been established that generally follows the existing railroad tracks and is based in part from the results of the boundary and title search along with the known environmental constraints; and

WHEREAS, SMART has historically granted an opportunity for private parties to lease portions of the R/W and under the proposed alignment some of the leases will be impacted to some degree; and

WHEREAS, SMART and the County have assessed the financial loss of renegotiating or terminating existing land use leases over a twenty-five year period and determined the financial loss to be $730,000; and

WHEREAS, SMART possesses the R/W that will allow a future extension of passenger rail service from the Larkspur Station south to the area adjacent to the Village Shopping Center in Corte Madera; and

WHEREAS, SMART will require the path be removed from the R/W at the time the southern rail extension is implemented. SMART and the County have determined the cost to remove the path at a future date to be $120,000; and

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WHEREAS, TAM has submitted a request to MTC for an allocation of RM 2 funds to resolve the SMART R/W issues in the amount of $850,000 to compensate SMART for future loss of lease revenue and for the future cost of removing the multi-use path from SMART R/W.

RESOLVED, That the Transportation Authority of Marin approves the allocations of $850,000 to SMART to resolve the R/W issues within SMART R/W provided that SMART agrees to enter into a written funding agreement with TAM confirming the following commitments:

1. SMART agrees to authorize the use of a portion of their R/W for the purpose of constructing a multi-use path generally following the footprint of the existing railroad track within the southern segment.

2. SMART agrees to enter into a future Memorandum of Understanding (MOU) authorizing the use of a portion of their R/W for the purpose of maintaining and operating a multi-use path within the southern segment. The MOU must be substantially completed with all parties' conceptual agreement prior to proceeding into final design. Formal Board/Council actions may take place as the design progresses. TAM understands the use of the SMART R/W to operate and maintain the path will be at no cost to SMART.

3. SMART agrees the compensation for future lost lease revenue in the amount of $730,000 is based on estimated impacts of current likely affected lease areas.

4. TAM recognizes and supports SMART's right to remove the path at a future date when SMART determines this R/W is needed for their operations. SMART agrees the compensation to remove the path in the future in the amount of $120,000 shall be final and no future demand for additional payment will be made.

5. SMART agrees to submit an invoice for payment to TAM for R/W impacts and future path removal costs. The transfer of funds shall occur at the time SMART notifies lessees to vacate SMART R/W as mutually agreed by parties.

PASSED AND ADOPTED at a regular meeting of the Transportation Authority of Marin held on the 27th day of October 2016, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

_____
Stephanie Moulton-Peters, Chair
Transportation Authority of Marin

ATTEST:

_____
Dianne Steinhauser
Executive Director

DRAFT

Transportation Authority of Marin

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San Anselmo
Tom McInerney

San Rafael
Gary Phillips

Sausalito
Tom Theodores

Tiburon
Alice Fredericks

County of Marin
Damon Connolly
Katie Rice
Kathrin Sears
Steve Kinsey
Judy Arnold

December 1, 2016

Mr. Steve Heminger
Executive Director
Metropolitan Transportation Commission
Bay Area Metro Center
375 Beale Street, Suite 800
San Francisco, CA 94105-2066

RE: North/South Greenway Gap Closure Project (RM2 Project 11.5) – Acknowledgment of Conditional Use of SMART Controlled Lands

Dear Mr. Heminger:

The Transportation Authority of Marin appreciates MTC's support to promote alternative forms of transportation for commuting and recreational travel in Marin County. As with many of our large scale projects the footprint often crosses multiple jurisdictional boundaries. In the case of the Greenway Project the path spans multiple jurisdictional boundaries including property controlled by the Sonoma Marin Area Rail Transit District (SMART).

The portion of Greenway path that utilizes SMART property is in an environmentally sensitive and constrained area just south of Corte Madera Creek. To avoid the sensitive habitat, and to minimize the potential impacts on current land use, an alignment has been proposed that best fits the location by generally following the footprint of the unused tracks.

It is understood that SMART currently controls lands that extend further to the south and that one day SMART my elect to extend passenger rail service from its proposed Larkspur Station. If this happens we understand it will be necessary to reclaim the land for passenger rail service.

The TAM Board has discussed this issue and recognizes the public benefit of converting a portion of the rail right-of-way for non-motorized travel until such time that passenger rail service is extended south. The Board also recognizes that should the right-of-way become necessary for rail service the multi-use path will no longer be compatible and must be removed.

Sincerely,

Stephanie Moulton-Peters
TAM Chair

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REGIONAL MEASURE 2

INITIAL PROJECT REPORT (IPR)

Project No: 11.5

North South Greenway Gap Closure Project (CMFC Phase II)

Project Sponsor:
Transportation Authority of Marin

TAM Board Action Date: December 1, 2016

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Regional Measure 2
Initial Project Report (IPR)

Project Title: North South Greenway Gap Closure Project

RM2 Project No. 11.5

Allocation History:

	MTC Approval Date	Amount	Phase
#1:	7/23/2014 Allocation No. 15364915	$2,600,000	Environmental
#2	12/9/15 (PAC)	($750,000)	Re-direct funds from 11.5 (Southern Segment) to 11.4
#3A **#3B**	8/24/16 (DA) 9/28/16 (Comm)	$500,000 $1,000,000	Northern Segment Design
	Total:	**$3,350,000**	

Current Allocation Request:

IPR Revision Date	Amount Being Requested	Phase Requested
12/1/16	**$850,000**	**Right-of-Way (Southern Segment)**

Regional Measure 2 – INITIAL PROJECT REPORT

I. OVERALL PROJECT INFORMATION

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

Sponsoring Agency: The Transportation Authority of Marin (TAM)
Implementing Agency: TAM, Caltrans & County of Marin

B&C Project Purpose/ Description

The North South Greenway Gap Closure Project will create a new multi-use path connecting the existing paths at the intersection of Old Redwood Highway and Wornum Drive with the pedestrian bridge recently completed over Sir Francis Drake Boulevard (RM2 Project No. 11.4). The overall scope of work includes two distinct segments of new path, a northern segment and a southern segment. The northern segment includes widening of the US101 northbound off-ramp structure over Corte Madera Creek using the existing bent caps to create a widened shoulder and new multi-use path, and extending the path south along Old Redwood Highway to the existing pedestrian overcrossing. The southern segment will connect with the improvements proposed in the northern segment along Old Redwood Highway then traverse east using a future easement to be acquired on private property to the SMART railroad right-of-way. The path will continue south along the right-of-way to intersect the existing paths at Wornum Drive. The path crosses multiple jurisdictions and entities including the City of Larkspur, the Town of Corte Madera, the County of Marin, Caltrans and SMART.

By closing a significant “gap” in the non-motorized transportation network, access and connectivity will be enhanced between the Larkspur Ferry Terminal, the planned Larkspur Passenger Rail Station, the Cal Park Hill Multi-Use Path (RM2 Project No. 11.3), local and regional bus transit services and existing multi-use paths.

D. Impediments to Project Completion

Projects proposed in environmentally sensitive areas must be designed to address regulatory agency review and permitting. Potential impacts will be identified in the preliminary engineering environmental phase. The southern segment requires acquisition of private right-of-way by means of easement and approval to utilize SMART railroad R/W. This funding request will address the use and approval from SMART to use a portion of their R/W south of Corte Madera Creek.

E. Operability

The Northern Segment has an existing maintenance agreement in place between Caltrans and the City of Larkspur. The Southern Segment will require an Inter-Agency Cooperative Agreement that identifies roles and responsibilities for operations, maintenance, and ownership.

II. PROJECT PHASE DESCRIPTION and STATUS

F. Environmental

Does NEPA Apply: ☐ Yes ☐ No

Northern Segment – A CEQA compliant environmental determination has been approved by Caltrans as lead agency.

Regional Measure 2 – INITIAL PROJECT REPORT

Southern Segment – This segment has not previously been studied and will require an initial study to determine the level of environmental document required. A CEQA compliant document will be prepared. The County of Marin will be the environmental lead agency.

G. Design

Northern Segment – TAM, with oversight provided by Caltrans is currently in the design phase.
Southern Segment – County will lead design effort after the conclusion of the PA/ED phase.

H. Right-of-Way Activities / Acquisition

Northern Segment:

- The project is within Caltrans/ City of Larkspur R/W. No additional R/W is required.

Southern Segment:

- The project passes through the local jurisdictions of Larkspur, Corte Madera, and the County of Marin. SMART has a rail right-of-way through the jurisdictions.

- A portion of the path will require acquisition of an easement on private property. Easement location has not been determined pending further preliminary engineering of the path alignment.

- Under the current proposed alignment the path will impact users of the SMART R/W that have historically been granted an opportunity to lease portions of the R/W since rail ceased operations south of Corte Madera Creek. SMART has agreed to allow the use of the R/W for the purpose of constructing, maintaining, and operating a publically accessible path, and agreed to renegotiate or terminate certain land use leases to allow the path to proceed as planned. SMART will only agree to allow the use of the portion of the R/W for a defined period until SMART passenger rail operations are extended south of Corte Madera Creek. At that time the path will be removed from the SMART R/W.

- SMART has assessed the financial loss of renegotiating or terminating existing land use lease over a long term period and determined the financial loss to be $730,000. TAM agrees with this financial assessment.

- SMART will require the path be removed from the R/W at no cost to SMART. SMART has determined the cost to remove the path at a future date to be $120,000. TAM agrees with this financial assessment.

Construction

Northern Segment:

- Caltrans will be implementing agency for construction and construction administration

Southern Segment:

- Lead agency TBD.

- The current path alignment has been modified from the location first contemplated during early conceptual planning. As a result the construction cost has been significantly reduced to allow for re-directing $850,000 to R/W.

Regional Measure 2 – INITIAL PROJECT REPORT

III. PROJECT BUDGET

J. Project Budget (Escalated to year of expenditure)

	Total Amount - Escalated - (Thousands)
Environmental Studies & Preliminary Eng (ENV / PE / PA&ED)	Northern Segment $1,100,000 Southern Segment $1,500,000
Design - Plans, Specifications and Estimates (PS&E)	Northern Segment $1,500,000 Southern Segment $1,200,000
Right-of-Way Activities /Acquisition (R/W)	Southern Segment $600,000 Southern Segment +$850,000
Construction / Rolling Stock Acquisition (CON)	Northern Segment $8,000,000 Southern Segment Original Amount $5,900,000 Re-Directed to 11.4 ($750,000) Re-Direct to R/W ($850,000) $4,300,000
Total Project Budget	Northern Segment $10,600,000 Southern Segment $ 8,450,000 Total Project Budget **$19,050,000**

K. Project Budget (De-escalated to current year)

	Total Amount - De-escalated - (Thousands)
Environmental Studies & Preliminary Eng (ENV / PE / PA&ED)	Northern Segment $1,100,000 Southern Segment $1,500,000
Design - Plans, Specifications and Estimates (PS&E)	Northern Segment $1,500,000 Southern Segment $1,152,000
Right-of-Way Activities /Acquisition (R/W)	Southern Segment $564,000 $850,000
Construction / Rolling Stock Acquisition (CON)	Northern Segment $7,680,000 Southern Segment $4,042,000
Total Project Budget	Northern Segment $10,280,000 Southern Segment $8,008,000 Total De-Escalated Budget $**18,108,000**

Regional Measure 2 – INITIAL PROJECT REPORT

IV. OVERALL PROJECT SCHEDULE

Milestone	Planned (Update as needed)	
	Start Date	Completion Date
Environmental Studies, Preliminary Eng. (ENV / PE / PA&ED)	NS 9/14 SS 9/14	NS 7/16 SS 7/17
Final Design - Plans, Specs. & Estimates (PS&E)	NS 9/16 SS 8/17	NS 9/17 SS 6/18
Right-of-Way Activities /Acquisition (R/W)	SS 1/17	SS 12/17
Construction (Begin – Open for Use) / Acquisition / Operating Service (CON)	NS 1/18 SS 6/18	NS 2/19 SS 6/19

V. ALLOCATION REQUEST INFORMATION

L. Detailed Description of Allocation Request

RM2 funding will be used to provide project management, design activities, coordination of Caltrans oversight, preparation of PS&E and assisting with the Caltrans process to advertise, bid and award contract.

Amount being requested (in escalated dollars)	$850,000
Project Phase being requested	R/W
Are there other fund sources involved in this phase?	☐ Yes X ☐ No
Date of anticipated Implementing Agency Board approval the RM2 IPR Resolution for the allocation being requested	12/1/16
Month/year being requested for MTC Commission approval of allocation	12/16

M. Status of Previous Allocations (if any)

None

N. Work plan

Work plan in Alternate Format Enclosed ☐

TASK NO	Description	Deliverables	Completion Date
1	PE Phase	Determine alignment and footprint	NS 7/2015 SS 12/2016
2	CEQA Env. Clearance	North Segment Southern Segment	NS 7/2016 SS 7/2017

Regional Measure 2 – INITIAL PROJECT REPORT

3	**Right-of-Way**	**SMART R/W Obtain Private Easement**	**11/16 12/2017**
4	**Design**	**PS&E**	**NS 9/2017 SS 6/2018**
5	**Construction**	**Alternative Transportation Facility**	**NS 2/2019 SS 8/2019**

O. Impediments to Allocation Implementation

None

VI. RM-2 FUNDING INFORMATION

P. RM-2 Funding Expenditures for funds being allocated

☐X **The companion Microsoft Excel Project Funding Spreadsheet to this IPR is included**

Next Anticipated RM-2 Funding Allocation Request -TBD

VII. GOVERNING BOARD ACTION

Check the box that applies:

☐X **Governing Board Resolution attached**

☐ **Governing Board Resolution has previously been submitted to MTC**

VIII. CONTACT / PREPARATION INFORMATION

Contact for Applicant's Agency
Name: Dianne Steinhauser
Phone: (415) 226-0820
Title: Executive Director
E-mail: dsteinhauser@tam.ca.gov

Information on Person Preparing IPR
Name: Bill Whitney
Phone: (415) 226-0823
Title: Principal Project Delivery Manager
E-mail: bwhitney@tam.ca.gov

Applicant Agency's Accounting Contact
Name: Li Zhang
Phone: (415) 226-0828
Title: Chief Finance Officer
E-mail: Lzhang@tam.ca.gov

RM-2 Initial Project Report

TOTAL PROJECT FUNDING PLAN

(Amounts Escalated in Thousands)

Project Title: North South Greenway Gap Closure — Project ID: **11.5**

Agency: Transportation Authority of Marin — Date: **10/20/2016**

TOTAL PROJECT: COMMITTED + UNCOMMITTED+ TO BE DETERMINED

Fund Source	Phase	2013-14	2014-15	2015-16	2016-17	2017-18	Future	TOTAL
COMMITTED FUNDING PLAN (PROGRAMMED, ALLOCATED, APPROVED FUNDING)								
Regional Measure 2	Environmental		2,600					2,600
Regional Measure 2	Design				1,500	1,200		2,700
Regional Measure 2	Right-of-Way				850	600		1,450
Regional Measure 2	Construction					12,300		12,300
UNCOMMITTED FUNDING PLAN (NON-PROGRAMMED/ALLOCATED, BUT PLANNED FUNDING)								
FUNDING SOURCE STILL TO BE DETERMINED (LIST POTENTIAL SOURCES THAT WILL LIKELY BE PURSUED)								
							Future	TOTAL
TOTAL PROJECT: COMMITTED + UNCOMMITTED + TBD FUNDING TOTAL								
								19,050

Comments:

Enter all funding for the project - both Committed and Uncommitted. Enter amounts in thousands and escalated to the year of funding

Eligible Phases: ENV (or PA&ED), PS&E, R/W or CON. For planning activites use ENV. For Vehicles, Equipment or Operating use CON. OK to use CT R/W SUP or CT CON SUP for Caltrans support, but not necessary (optional).

RM-2 Initial Project Report

DEFINED SEGMENT FUNDING PLAN

(Amounts Escalated in Thousands)

Project Title:	North South Greenway Gap Closure Project	Project ID:	**11.5**
Agency:	Transportation Authority of Marin	Plan Date:	10/20/16

RM-2 DELIVERABLE SEGMENT - Fully Funded Phase or Segment of Total Project

Fund Source	Phase	2013-14	2014-15	2015-16	2016-17	2017-18	Future	Future Committed	TOTAL
Regional Measure 2	Environmental								
	Northern Segment		1,100						1,100
	Southern Segment		1,500						1,500
Regional Measure 2	Design								
	Northern Segment				1,500				1,500
	Southern Segment					1,200			1,200
Regional Measure 2	Right-of-Way								
	Northern Segment				850	600			1,450
Regional Measure 2	Construction								
	Northern Segment					8,000			8,000
	Southern Segment					4,300			4,300

		Prior	2014-15	2015-16	2016-17	2017-18	Future	Future Committed	TOTAL
RM-2 SEGMENT FUNDING TOTAL									
			2,600		2,350	14,100			19,050

Comments:

(Complete this spreadsheet only if RM-2 funds are dedicated to deliver a specific phase or deliverable segment of the overall total project)

Enter funds on the RM-2 Deliverable Phase or Segment, ONLY if the RM-2 Phase or Segment is different from the overall total project. The RM-2 Segment must be Fully Funded and result in a operable or useable segment.

Enter only funds ***Committed*** to the RM-2 Funded Segment and only if different from Total Project. Enter amounts in thousands and escalated to the year of funding. DO NOT enter uncommitted funding - The RM-2 Phase or Segment must be fully funded.

Eligible Phases: ENV (or PA&ED), PS&E, R/W or CON. For planning activites use ENV. For Vehicles, Equipment or Operating use CON. OK to use CT R/W SUP or CT CON SUP for Caltrans support, but not necessary (optional).

RM-2 Initial Project Report

EXPENDITURES TO-DATE BY PHASE AND FUND SOURCES

Phase	Fund Source	Date of Last Expenditure	Amount Expended to date (Thousands)	Available Balance Remaining (Thousands)
ENV / PA&ED	Regional Measure 2	Jun-16	1375	$ 1,225
PS&E				$ 2,700
R/W				$ 1,350
CON / Operating				$ 12,400
Total to date (in thousands)			1375	$ 17,675

Comments:

As required by RM-2 Legislation, provide funds expended to date for the total project. Provide both expenditure by Fund Source and Expenditure by Phase, with the date of the last expenditure, and any available balance remaining to be expended.

Project ID: 11.5
Date: 10/20/2016

RM-2 Initial Project Report

RM-2 FUNDING CASH FLOW PLAN For Allocation
(RM-2 Allocation Funding Only)

(Amounts Escalated in Thousands)

Project Title:	North South Greenway Gap Closure Project	Project ID:	**11.5**
Agency:	Transportation Authority of Marin	Plan Date:	10/20/16

RM-2 CASH FLOW PLAN

RM-2 Expenditures		2013-14	2014-15	2015-16	2016-17	2017-18	Future	TOTAL
Regional Measure 2	Environmental		2,600					2,600
Regional Measure 2	Design				1,500	1,200		2,700
Regional Measure 2	Right-of-Way				850	600		1,450
Regional Measure 2	Construction					12,300		12,300

	Prior	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	Future	TOTAL
RM-2 CASH FLOW PLAN TOTAL														
			2,600		2,350	14,100								19,050

Comments:

Provide the expected RM-2 expenditures – by phase and year. (This is the amount of the allocation needed for that fiscal year to cover expenditures through June 30th of that fiscal year).
Enter RM-2 amounts in thousands and escalated to the year of funding. The total amount cannot exceed the amount identified in the RM-2 legislation.
Eligible Phases: ENV (or PA&ED), PS&E, R/W or CON. For planning activites use ENV. For Vehicles, Equipment or Operating use CON. OK to use CT R/W SUP or CT CON SUP for Caltrans support, but not necessary (optional).

TAM RESOLUTION NO. 2016-##

RM2 Implementing Agency Resolution of Project Compliance Allocation Request: Project No. 11.5

Project Title: North South Greenway Gap Closure Project

Whereas, SB 916 (Chapter 715, Statutes 2004), commonly referred as Regional Measure 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 Regional Measure 2 funds, pursuant to Streets and Highways Code Section 30914(c) and (d); and

Whereas, MTC has established a process whereby eligible transportation project sponsors may submit allocation requests for Regional Measure 2 funding; and

Whereas, allocations to MTC must be submitted consistent with procedures and conditions as outlined in Regional Measure 2 Policy and Procedures; and

Whereas, Transportation Authority of Marin is an eligible sponsor of transportation project(s) in Regional Measure 2, Regional Traffic Relief Plan funds; and

Whereas, the North South Greenway Gap Closure Project eligible for consideration in the Regional Traffic Relief Plan of Regional Measure 2, as identified in California Streets and Highways Code Section 30914(c) or (d); and

Whereas, the Regional Measure 2 allocation request, attached hereto in the Initial Project Report and incorporated herein as though set forth at length, lists the project, purpose, schedule, budget, expenditure and cash flow plan for which Transportation Authority of Marin is requesting that MTC allocate Regional Measure 2 funds; and

Resolved, that on March 2, 2004, the Marin County Board of Supervisors created the Transportation Authority of Marin by Resolution No. 2004-21, pursuant to Section 180050 of the California Public Utilities Code ("PUC"). As required by California PUC Section 180051(a) and California Government Code Section 65089(a), a majority of City and Town Councils of Marin County, representing a majority of the incorporated population of Marin, have concurred on the membership of the Transportation Authority of Marin and designated the Transportation Authority of Marin as the Congestion Management Agency for Marin County.

Resolved, that Transportation Authority of Marin, and its agents shall comply with the provisions of the Metropolitan Transportation Commission's Regional Measure 2 Policy Guidance (MTC Resolution No. 3636); and be it further

Resolved, that Transportation Authority of Marin certifies that the project is consistent with the Regional Transportation Plan (RTP).

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.

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Resolved, that the Regional Measure 2 phase or segment is fully funded, and results in an operable and useable segment.

Resolved, that Transportation Authority of Marin approves the Updated Initial Project Report, attached to this resolution; and be it further

Resolved, that Transportation Authority of Marin approves the cash flow plan, attached to this resolution; and be it further

Resolved, that Transportation Authority of Marin 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, attached to this resolution; and be it further

Resolved, that Transportation Authority of Marin is an eligible sponsor of projects in the Regional Measure 2 Regional Traffic Relief Plan, Capital Program, in accordance with California Streets and Highways Code 30914(c); and be it further

Resolved, that Transportation Authority of Marin is authorized to submit an application for Regional Measure 2 funds for the North South Greenway Gap Closure Project in accordance with California Streets and Highways Code 30914(c); and be it further

Resolved, that Transportation Authority of Marin certifies that the projects and purposes for which RM2 funds are being requested is in compliance with the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), and with the State Environmental Impact Report Guidelines (14 California Code of Regulations Section 15000 et seq.) and if relevant the National Environmental Policy Act (NEPA), 42 USC Section 4-1 et. Seq. and the applicable regulations thereunder; and be it further

Resolved, that there is no legal impediment to Transportation Authority of Marin making allocation requests for Regional Measure 2 funds; and be it further

Resolved, that there is no pending or threatened litigation which might in any way adversely affect the proposed project, or the ability of Transportation Authority of Marin to deliver such project; and be it further

Resolved, that Transportation Authority of Marin 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 Transportation Authority of Marin, its officers, employees or 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, and be it further

Resolved, that Transportation Authority of Marin shall, if any revenues or profits from any non-governmental use of property (or project) that those revenues or profits shall be used exclusively for the public transportation services for which the project was initially approved, either for capital improvements or maintenance and operational costs,

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otherwise the Metropolitan Transportation Commission is entitled to a proportionate share equal to MTC's percentage participation in the projects(s); and be it further

Resolved, that Transportation Authority of Marin shall post on both ends of the construction site(s) at least two signs visible to the public stating that the Project is funded with Regional Measure 2 Toll Revenues; and be it further

Resolved, that Transportation Authority of Marin authorizes its Executive Director to execute and submit an allocation request for work projected to be in FY 16/17, to fund the Right-Of-Way phase for the North South Greenway Gap Closure Project, in the amount of $850,000 for the purposes and amounts included in the Initial Project Report attached to this resolution; and be it further

Resolved that the Executive Director is hereby delegated the authority to make non-substantive changes or minor amendments to the IPR as deemed appropriate.

Resolved, that a copy of this resolution shall be transmitted to MTC in conjunction with the filing of the Transportation Authority of Marin application referenced herein.

PASSED AND ADOPTED at a regular meeting of the Transportation Authority of Marin held on the 1st day of December 2016, by the following vote:

AYES: Commissioners:
NOES: Commissioners:

ABSENT: Commissioners:

_____
Stephanie Moulton-Peters, Chair
Transportation Authority of Marin

ATTEST:

_____
Dianne Steinhauser
Executive Director

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