

RESOLUTION NO.

A RESOLUTION OF THE GOVERNING BODY OF THE SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT ACCEPTING FUNDS FROM THE ALAMEDA COUNTY TRANSPORTATION COMMISSION

WHEREAS, the Alameda County Transportation Commission (“ALAMEDA CTC”) administers funding programs for projects and programs that benefit the Alameda County transportation system, consisting of 2000 Measure B, 2010 Vehicle Registration Fee (“VRF”), 2014 Measure BB, CMA-TIP, and Transportation Fund for Clean Air Programs, and such funding is collectively defined as and shall be referenced herein as the “ALAMEDA CTC ADMINISTERED FUNDS”; and

WHEREAS, SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT (“FUND RECIPIENT”) submitted funding applications to the ALAMEDA COUNTY TRANSPORTATION COMMISSION (“ALAMEDA CTC”) for LAKE MERRITT TOD AND WEST OAKLAND TOD AND DUBLIN/PLEASANTON BART STATION ACTIVE ACCESS IMPROVEMENTS (“PROJECTS”); and

WHEREAS, the PROJECT will implement the Lake Merritt TOD project which will create a community open space (“Paseo”) and bicycle and pedestrian improvements to enhance station access. The Paseo work will enhance streetscaping, lighting, and wayfinding, and will incorporate pavers, tilework, and signage to create a sense of place. Improvements will also include secured bicycle parking and scooter corrals; a stormwater management system to serve the new TOD buildings; a two-way, protected cycle track; bulb-outs, ADA compliant curb ramps, and sidewalk widening to enhance pedestrian safety. The West Oakland TOD project will create a new community plaza, bike station, and enhanced bicycle and pedestrian infrastructure. The community plaza will be designed with sculptural seating and landscaped areas and will provide flexible space conducive to programmed community events such as farmer’s markets, art events, and local vendor pop-ups. Other improvements will include raised, separated bicycle tracks and signals; up to a 300-space bike station; and improved sidewalks with pedestrian amenities such as seating, wayfinding, lighting, corner bulb-outs, high-visibility crosswalks, and ADA-compliant curb ramps. The Dublin/Pleasanton BART Station Active Access Improvements project will build a two-way cycle-track fully separated from vehicle traffic and from pedestrian sidewalks; an ADA-compliant sidewalk; landscaping and storm water management; pedestrian-scale lighting; wayfinding signage; art; and additional secure bicycle parking; and

WHEREAS, by action of the ALAMEDA CTC Commission at its meeting held on May 25, 2023, Alameda CTC awarded \$24,635,000 in ALAMEDA CTC ADMINISTERED FUNDS to the FUND RECIPIENT for the implementation and delivery of the Construction phases (“AWARDED PHASE(S)”) OF PROJECT(S); and

WHEREAS, prior to receipt of any ALAMEDA CTC ADMINISTERED FUNDS, FUND RECIPIENT shall be required to enter into a Project Funding Agreement with ALAMEDA CTC for PROJECTS (“AGREEMENT”) based on ALAMEDA CTC’S form therefore, which AGREEMENT shall set forth certain project-specific requirements applicable to the PROJECTS; and

WHEREAS, as part of the requirement to receive ALAMEDA CTC ADMINISTERED FUNDS awarded to the PROJECTS, ALAMEDA CTC requires a resolution accepting the awarded funding to be adopted by the FUND RECIPIENT’S governing body confirming the following:

1. FUND RECIPIENT’S commitment to secure matching funds against the awarded ALAMEDA CTC ADMINISTERED FUNDS; and
2. FUND RECIPIENT’S commitment to provide any additional funding required to deliver the AWARDED PHASE(S) OF PROJECT, with an understanding the same shall not be funded with

additional ALAMEDA CTC ADMINISTERED FUNDS; and

3. FUND RECIPIENT's commitment to implement the AWARDED PHASE(S) OF PROJECT as described in the funding application and the subsequent funding agreement between ALAMEDA CTC and the FUND RECIPIENT; and
4. FUND RECIPIENT's commitment to comply with the AGREEMENT; and
5. FUND RECIPIENT's commitment to comply with the applicable requirements set forth in the ALAMEDA CTC'S Local Business Contract Equity ("LBCE") Program for professional services and construction contracts funded with Measure B, Measure BB, and/or VRF funds, and abide by the LBCE procedures in the applicable solicitations and contracts.

NOW, THEREFORE, BE IT RESOLVED that FUND RECIPIENT agrees to accept award of \$24,635,000 (\$7,830,000 for Lake Merritt TOD, \$8,400,000 for West Oakland TOD, and \$8,405,000 for Dublin/Pleasanton BART Station Active Access Improvements) in ALAMEDA CTC ADMINISTERED FUNDS; and be it further

RESOLVED that FUND RECIPIENT, by adopting this Resolution, does hereby state that:

1. FUND RECIPIENT will provide a minimum of \$24.4 million in matching funds (\$10.8 million for Lake Merritt TOD; \$7.3 million for West Oakland TOD; and \$6.3 million for Dublin/Pleasanton BART Station Active Access Improvements). The match funds will consist of Transit and Intercity Rail Capital program (TIRCP); California Department of Housing and Community Development (Cal HCD) Affordable Housing and Sustainable Communities (AHSC); Cal HCD Transit-Oriented Development Housing Program (TOD); Cal HCD Infill Infrastructure Grant (IIG); and BART's Measure RR general obligation bonds;
2. FUND RECIPIENT understands that the FUND RECIPIENT shall be responsible to provide any additional funding required to deliver the AWARDED PHASE(S) OF PROJECT, and the same shall not be funded with additional ALAMEDA CTC ADMINISTERED FUNDS; and
3. AWARDED PHASE(S) OF PROJECT will be implemented as described in the APPLICATION, AGREEMENT, and in this resolution; and
4. FUND RECIPIENT will comply with the AGREEMENT; and
5. FUND RECIPIENT will comply with the applicable requirements set forth in the ALAMEDA CTC'S LBCE Program and therefore, be it further

RESOLVED that FUND RECIPIENT hereby confirms that there is no pending or threatened litigation that might in any way adversely affect the FUND RECIPIENT'S ability to implement and deliver the proposed PROJECTS; and be it further

RESOLVED that FUND RECIPIENT authorizes its General Manager, or designee, to execute the AGREEMENT; and be it further

RESOLVED that FUND RECIPIENT shall provide ALAMEDA CTC with a fully-executed copy of this Resolution.

Duly passed and adopted by San Francisco Bay Area Rapid Transit District at the governing body meeting held on Thursday, June 8, 2023 in Oakland, California by the following votes:

AYES:

NOES:

ABSTAIN:

ABSENT:

SIGNED:

ATTEST:

President Janice Li

District Secretary April Quintanilla