



## EXECUTIVE DECISION DOCUMENT

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|---|-------------------------------------|--|---------------------------------------|------------------------|
| GENERAL MANAGER APPROVAL:<br><br>DATE: 4/13/2021 <span style="margin-left: 50px;">5/3/21</span> |                                     | GENERAL MANAGER ACTION REQ'D:<br><br>  |                                       |                        |
| DATE: 4/13/2021   |                                     | BOARD INITIATED ITEM: No               |                                       |                        |
| Originator/Prepared by: Donna Lee<br>Dept: Grant Development<br><br>Signature/Date:<br>5/3/21   | General Counsel<br><br>5/3/2021 [ ] | Controller/Treasurer<br><br>5/3/21 [ ] | District Secretary<br><br><br><br>[ ] | BARC<br><br>5/3/21 [ ] |

### Authorization for the Execution of a Master Agreement and Program Supplements for State-Funded Transit Projects

**PURPOSE:** To request that the Board of Directors adopt the attached Master Agreement Resolution and authorize the execution of a Master Agreement and Program Supplements for State-Funded Transit Projects with the California Department of Transportation (Caltrans), Division of Mass Transportation (DMT).

**DISCUSSION:** The Master Agreement (MA) for State-Funded Transit Projects is a contract between the DMT and the local agency (Recipient) which will receive State funds for transit projects. The MA sets forth general conditions the Recipient will adhere to whenever accepting State funds covered by the MA. Fund recipients are still required to enter into "project-specific" agreements, but the MA serves to cover the general requirements expected from all State-Funded Transit Projects. State fund sources may include the following:

- General Fund
- State Highway Account
- Public Transportation Account
- Clean Air and Transportation Improvement Act of 1990 (PROP. 116) Bond Fund
- Traffic Congestion Relief Fund (TCR), GC 14556.40
- Proposition 1A, the Safe, Reliable High-Speed Passenger Train Bond Act
- Road Repair and Accountability Act of 2017, Senate Bill 1
- 2018 Local Partnership Program
- Other State Funding Sources (Existing and Future)

The MA contains all of the legal, contract-related language specific to the individual



Recipient. It must be executed prior to, or concurrent with, approval by the California Transportation Commission's (CTC) transit project application. The current Caltrans MA will expire on June 14, 2021. This MA covers all transit-related applications throughout the term of the 10-year agreement period, which extends from June 15, 2021 to June 15, 2031. Specific technical information regarding each individual transit project, including a detailed cost, scope, schedule, etc., will be contained in the Program Supplement (PS) agreement for each project. The PS covers project-specific rules and regulations, which are called special covenants and are signed by the Caltrans District Office (the District Office). While Caltrans Headquarters must sign-off on all MAs, the District Office will execute the PSs and will be the point of contact for each Recipient. The District Office will oversee the implementation process and ensure that each Recipient has a MA in place prior to, or concurrent with, the submittal of a State-funded transit project application to the CTC.

Topics addressed in this MA include, but are not limited to:

- Project Administration
- Allowable Costs and Payments
- Funding Provisions, including local match provisions
- Audits and Reports Provisions, including project review
- Special Requirements, including compliance with standards, codes and policies
- Special Provisions, including bond provisions

**FISCAL IMPACT:** Approval of the Master Agreement Resolution is a requirement for BART to receive State funds from Caltrans Division of Mass Transportation. This action will have no fiscal impact on unprogrammed BART District Reserves.

**ALTERNATIVES:** Do not approve the Master Agreement Resolution. This will preclude BART from accessing State grant funds.

**RECOMMENDATION:** Adopt the following motion.

**MOTION:** The Board adopts the attached Master Agreement Resolution authorizing the General Manager to enter into a Master Agreement and Program Supplement Agreements with Caltrans Division of Mass Transportation.

**ATTACHMENT II**

**RESOLUTION #\_\_\_\_\_**

**AUTHORIZATION FOR THE EXECUTION OF A MASTER AGREEMENT AND  
PROGRAM SUPPLEMENTS FOR STATE-FUNDED TRANSIT PROJECTS**

**WHEREAS**, the San Francisco Bay Area Rapid Transit District may receive state funding from the California Department of Transportation (Department) now or sometime in the future for transit projects; and

**WHEREAS**, substantial revisions were made to the programming and funding process for the transportation projects programmed in the State Transportation Improvement Program, by Chapter 622 (SB 45) of the Statutes of 1997; and

**WHEREAS**, the statutes related to state-funded transit projects require a local or regional implementing agency to execute an agreement with the Department before it can be reimbursed for project expenditures; and

**WHEREAS**, the Department utilizes Master Agreements for State-Funded Transit Projects, along with associated Program Supplements, for the purpose of administering and reimbursing state transit funds to local agencies; and

**WHEREAS**, the San Francisco Bay Area Rapid Transit District wishes to delegate authorization to execute these agreements and any amendments thereto to the General Manager.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the San Francisco Bay Area Rapid Transit District that the fund recipient agrees to comply with all conditions and requirements set forth in this agreement and applicable statutes, regulations and guidelines for all state-funded transit projects.

**NOW THEREFORE, BE IT FURTHER RESOLVED** that the General Manager be authorized to execute the Master Agreement and all Program Supplements for State-Funded Transit Projects and any Amendments thereto with the California Department of Transportation.

**AGENCY BOARD DESIGNEE:**

**BY:** \_\_\_\_\_