

**ALAMEDA-CONTRA COSTA TRANSIT DISTRICT  
RESOLUTION NO. 25-024**

**A RESOLUTION AUTHORIZING THE GENERAL MANAGER OR THEIR DESIGNEE TO FILE AND  
EXECUTE ALLOCATION REQUESTS FROM THE METROPOLITAN TRANSPORTATION  
COMMISSION (MTC) OF REGIONAL MEASURE 3 (RM3) FUNDS FOR CORE CAPACITY TRANSIT  
IMPROVEMENTS: TRAINING AND EDUCATION CENTER MODERNIZATION AND HAYWARD  
FACILITY HYDROGEN CHARGING INFRASTRUCTURE PROJECTS**

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**WHEREAS**, SB 595 (Chapter 650, Statutes 2017), commonly referred as Regional Measure 3, identified projects eligible to receive funding under the Regional Measure 3 Expenditure Plan; and

**WHEREAS**, the Metropolitan Transportation Commission (MTC) is responsible for funding projects eligible for Regional Measure 3 funds, pursuant to Streets and Highways Code Section 30914.7(a) and (c); and

**WHEREAS**, MTC has established a process whereby eligible transportation project sponsors may submit allocation requests for Regional Measure 3 funding; and

**WHEREAS**, allocation requests to MTC must be submitted consistent with procedures and conditions as outlined in Regional Measure 3 Policies and Procedures (MTC Resolution No. 4404; and

**WHEREAS**, AC Transit is an eligible sponsor of transportation project(s) in the Regional Measure 3 Expenditure Plan; and

**WHEREAS**, the Hayward Facility Hydrogen Charging Infrastructure Project and the Training and Education Center Modernization Project, subprojects of RM3-11: Core Capacity Transit Improvements are eligible for consideration in the Regional Measure 3 Expenditure Plan, as identified in California Streets and Highways Code Section 30914.7(a); and

**WHEREAS**, the Regional Measure 3 updated Initial Project Reports (IPR) and allocation requests, attached hereto and incorporated herein as though set forth at length, lists the project, purpose, schedule, budget, expenditure and cash flow plan for which AC Transit is requesting that MTC allocate Regional Measure 3 funds.

**NOW THEREFORE**, the Board of Directors of the Alameda-Contra Costa Transit District does resolve as follows:

**Section 1.** AC Transit, and its agents shall comply with the provisions of the Metropolitan Transportation Commission's Regional Measure 3 Policies and Procedures).

**Section 2.** AC Transit certifies that Core Capacity Transit Improvements is consistent with the Regional Transportation Plan (RTP).

**Section 3.** 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.

**Section 4.** the Regional Measure 3 phase or segment is fully funded, and results in an operable and useable segment.

**Section 5.** AC Transit approves the allocation requests and updated IPRs, attached to this resolution.

**Section 6.** AC Transit approves the cash flow plans, attached to this resolution.

**Section 7.** AC Transit has reviewed the project needs and has adequate staffing resources to deliver and complete the project within the schedule set forth in the allocation requests and updated IPRs, attached to this resolution.

**Section 8.** AC Transit is authorized to submit an allocation request for Regional Measure 3 funds for Core Capacity Transit Improvements in accordance with California Streets and Highways Code 30914.7(a).

**Section 9.** AC Transit certifies that the projects and purposes for which RM3 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.

**Section 10.** there is no legal impediment to AC Transit making allocation requests for Regional Measure 3 funds.

**Section 11.** there is no pending or threatened litigation which might in any way adversely affect the proposed project, or the ability of AC Transit to deliver such project.

**Section 12.** AC Transit agrees to comply with the requirements of MTC's Transit Coordination Implementation Plan as set forth in MTC Resolution 3866.

**Section 13.** AC Transit indemnifies and holds harmless MTC, BATA, and their 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 AC Transit, its officers, employees or agents, or subcontractors or any of them in connection with its performance of services under this allocation of RM3 funds. AC Transit agrees at its own cost, expense, and risk, to defend any and all claims, actions, suits, or other legal proceedings brought or instituted against MTC, BATA, and their Commissioners, officers, agents, and employees, or any of them, arising out of such act or omission, and to pay and satisfy any resulting judgments. In addition to any other remedy authorized by law, so much of the funding due under this

allocation of RM3 funds as shall reasonably be considered necessary by MTC may be retained until disposition has been made of any claim for damages.

**Section 14.** AC Transit 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, otherwise the Metropolitan Transportation Commission is entitled to a proportionate share equal to MTC's percentage participation in the projects(s).

**Section 15.** assets purchased with RM3 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 Metropolitan Transportation Commission (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 Regional Measure 3 funds were originally used.

**Section 16.** AC Transit 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 3 Toll Revenues.

**Section 17.** AC Transit authorizes its General Manager, or their designee to execute and submit allocation requests for the design phase with MTC for Regional Measure 3 funds in the amount of \$483,000; for the construction phase with MTC for Regional Measure 3 funds in the amount of \$12,617,000, for the project, purposes and amounts included in the allocation requests attached to this resolution.

**Section 18.** the General Manager, or their designee is hereby delegated the authority to make non-substantive changes or minor amendments to the allocation requests or IPRs as he/she deems appropriate.

**Section 19.** a copy of this resolution shall be transmitted to MTC in conjunction with the filing of the AC Transit allocation requests referenced herein.

**Section 20.** This resolution shall become effective immediately upon its passage by four affirmative votes of the Board of Directors.

**PASSED AND ADOPTED** this 11th day of June 2025.

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Diane Shaw  
President

Attest:

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Linda A. Nemeroff  
Board Administrative Officer/District Secretary

I, Linda A. Nemeroff, District Secretary for the Alameda-Contra Costa Transit District, do hereby certify that the foregoing Resolution was passed and adopted at a regular meeting of the Board of Directors held on the 11th day of June, 2025, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Linda A. Nemeroff  
Board Administrative Officer/District Secretary

Approved as to Form and Content:

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Aimee L. Steele  
General Counsel/Chief Legal Officer