



**BOARD MEETING NOTICE**  
**Thursday, January 26, 2012, 3:00 P.M.**  
 1333 Broadway, Suite 300  
 Oakland, California 94612  
 (see map on last page of agenda)

**Commission Chair**  
 Mark Green, Mayor – Union City

**Commission Vice Chair**  
 Scott Haggerty, Supervisor – District 1

**AC Transit**  
 Greg Harper, Director

Mark Green  
 Scott Haggerty

Chair  
 Vice Chair

Arthur L. Dao  
 Vanessa Lee

Executive Director  
 Clerk of the Commission

**Alameda County**  
 Supervisors  
 Nadia Lockyer – District 2  
 Wilma Chan – District 3  
 Nate Miley – District 4  
 Keith Carson – District 5

**BART**  
 Thomas Blalock, Director

**City of Alameda**  
 Rob Bonta, Vice Mayor

**City of Albany**  
 Farid Javandel, Mayor

**City of Berkeley**  
 Laurie Capitelli, Councilmember

**City of Dublin**  
 Tim Sbranti, Mayor

**City of Emeryville**  
 Ruth Atkin, Councilmember

**City of Fremont**  
 Suzanne Chan, Vice Mayor

**City of Hayward**  
 Olden Henson, Councilmember

**City of Livermore**  
 John Marchand, Mayor

**City of Newark**  
 Luis Freitas, Vice Mayor

**City of Oakland**  
 Councilmembers  
 Larry Reid  
 Rebecca Kaplan

**City of Piedmont**  
 John Chiang, Vice Mayor

**City of Pleasanton**  
 Jennifer Hosterman, Mayor

**City of San Leandro**  
 Joyce R. Starosciak, Councilmember

**Executive Director**  
 Arthur L. Dao

**AGENDA**

*Copies of Individual Agenda Items are Available on the  
 Alameda CTC Website -- [www.alamedactc.org](http://www.alamedactc.org)*

**1 Pledge of Allegiance**

**2 Roll Call**

**3 Public Comment**

Members of the public may address the Board during “Public Comment” on any item not on the agenda. Public comment on an agenda item will be heard as part of that specific agenda item. Only matters within the Commission’s jurisdictions may be addressed. If you wish to comment make your desire known by filling out a speaker card and handing it to the Clerk of the Commission. Please wait until the Chair calls your name. Walk to the microphone when called; give your name, and your comments. Please be brief and limit comments to the specific subject under discussion. Please limit your comment to three minutes.

**4 Chair/Vice-Chair’s Report**

**5 Approval of Consent Calendar**

- |     |  |          |
|-----|--|----------|
| 5A. | Minutes of December 01, 2011 – <b>Page 1</b>   | <b>A</b> |
| 5B. | Minutes of December 16, 2011 Board Retreat– <b>Page 9</b>  | <b>A</b> |
| 5C. | Summary of the Alameda CTC’s Review and Comments on Environmental Documents and General Plan Amendments Prepared by Local Jurisdictions – <b>Page 21</b> | <b>I</b> |
| 5D. | Review of Draft Bike to Work Day and Ride into Life/ Get Rolling Campaign Assessment Report– <b>Page 39</b>  | <b>I</b> |
| 5E. | Approval of Bike to Work Day 2012 Funding Request– <b>Page 57</b>  | <b>A</b> |

- 5F. Review of Countywide Transportation Plan (CWTP) and Transportation Expenditure Plan and Update on Development of Sustainable Community Strategy (SCS)/Regional Transportation Plan (RTP) – **Page 65** **I**
- 5G. Approval of Third Cycle Lifeline Program Structure – **Page 77** **A**
- 5H. Approval of the Reallocation of \$400,000 of Measure B Bicycle and Pedestrian Countywide Discretionary Fund (CDF) from Grant Agreement A09-0018, Alamo Canal Regional Trail I-580 Undercrossing Project, to the East Bay Greenway Project and the Bicycle Safety Education Program A09-0025 – **Page 109** **A**
- 5I. Approval of City of Fremont’s Request to Modify Scope Elements of the Irvington Area Pedestrian Improvement Project, Measure B Bicycle and Pedestrian Countywide Discretionary Fund Grant Agreement No. A09-0020 – **Page 125** **A**
- 5J. Approval of Transportation Fund for Clean Air Program Manager Funding for a Goods Movement Emission Reduction Program (Engine MY 2004 Port Truck Replacement Program) – **Page 133** **A**
- 5K. Approval of STIP Award Deadline Time Extension Request for the Union City Intermodal Station Project, Phase II – **Page 155** **A**
- 5L. Update on Second Draft of One Bay Area Grant Program – **Page 165** **I**
- 5M. Southbound I-680 Express Lane Project - Approval of Amendments to Professional Services Agreements with Solem & Associates and Wilbur Smith Associates – **Page 221** **A**
- 5N. Congestion Relief Emergency Funds Project (ACTIA No. 27) Approval to Reallocate Funds Between Sub-Projects and Amend the Project Title and Description of the I-880 Sub-Project– **Page 225** **A**
- 5O. I-880 Southbound HOV Lane Project (APN 730.0) Approval of Amendment No. 3 to Professional Services Agreement with WMH Corporation for Final Design Services – **Page 229** **A**
- 5P. East 14<sup>th</sup> Street/Hesperian Blvd./150<sup>th</sup> Avenue Intersection Improvements Project (ACTIA No. 19) – Approval of Amendments to the Right of Way and PS&E Project Specific Funding Agreements to Extend Termination Dates – **Page 233** **A**
- 5Q. Telegraph Avenue Corridor Transit Project (ACTIA No. 7A) - Approval of Allocation of Measure B Funding for the Preliminary Engineering/Environmental Studies Phase – **Page 235** **A**

- 5R. Amendment of Alameda County Transportation Commission Administrative Code for Eminent Domain Process; Adoption of Resolution to Hear Necessity Resolutions for I-880 SB HOV Lane Project – **Page 247** **A**
- 5S. I-80 Integrated Corridor Mobility (ICM) Project – Authorization to Select and Negotiate a Contract with the Top-Ranked Firm for System Integrator Services and Approval of an Amendment to a Professional Services Agreement with Kimley-Horn & Associates for System Manager Services – **Page 291** **A**
- 5T. Approval and Adoption of the Alameda County Transportation Commission Salaries and Benefits Resolution for the Remainder of the 2012 Calendar Year – **Page 293** **A**
- 5U. Approval and Adoption of a Cafeteria Plan for Active Employees and a Health Reimbursement Arrangement for Retirees of the Alameda County Transportation Commission – **Page 305** **A**
- 5V. Approval of Modification to the Organizational Structure Upgrading One Senior Accountant Position to an Accounting Manager Position – **Page 371** **A**
- 5W. Approval of the Annually Renewed Contracts Plan for Administrative Services for Fiscal Year 2012-13 – **Page 373** **A**
- 5X. Approval of Appointments for the Community Advisory Committees – **Page 379** **A**
- 5Y. FY2011-12 2nd Quarter Investment Report Handout Notification – **Page 427** **I**

**6 Community Advisory Committee Reports – (Time Limit: 3 minutes per speaker)**

- 6A. Bicycle and Pedestrian Advisory Committee- Midori Tabata, Chair – **Page 429** **I**
- 6B. Citizens Advisory Committee–Cynthia Dorsey, Chair – **Page 453** **I**
- 6C. Citizens Watchdog Committee – James Paxson, Chair – **Page 455** **I**
- 6D. Paratransit Advisory and Planning Committee – Sylvia Stadmire, Chair – **Page 469** **I**

**7 Planning, Policy and Legislation Committee Action Items**

- 7A. Approval of Alameda County's 2012 Transportation Expenditure Plan – **Page 487** **A**
- 7B. Approval of Alameda CTC Title VI Assurances for MTC– **Page 537** **A**
- 7C. Approval of 2012 Legislative Program – **Page 541** **A**

**8 Programs and Projects Committee Action Items**

- 8A. Approval of Advance Programming of \$45,000 of Lifeline Cycle 3 funding to the Neighborhood Bike Centers Program – **Page 559** **A**
- 8B. 2012 State Transportation Improvement Program Exchange Proposal – **Page 575** **A**

**9 Finance and Administration Committee Action Items**

- 9A. Acceptance of ACTIA Fiscal Year 2010-2011 Draft Audited Basic Financial Statements – **Page 581** **A**
- 9B. Acceptance of ACCMA FY2010-11 Draft Audited Basic Financial Statements – **Page 643** **A**

**10 Member Reports (Verbal)**

**11 Staff Reports (Verbal)**

**12 Adjournment: Next Meeting – February 23, 2012**

(#) All items on the agenda are subject to action and/or change by the Alameda CTC Commission.

*PLEASE DO NOT WEAR SCENTED PRODUCTS SO INDIVIDUALS WITH ENVIRONMENTAL SENSITIVITIES MAY ATTEND*



***February 2012 Meeting Schedule: Some dates are tentative. Persons interested in attending should check dates with Alameda CTC staff.***

Citizens Advisory Committee (CAC)	5:30 pm	No February meeting	1333 Broadway Suite 300
Citizens Watchdog Committee (CWC)	6:30 pm	No February meeting	1333 Broadway Suite 300
Alameda County Transportation Advisory Committee (ACTAC)	1:30 pm	February 7, 2012	1333 Broadway Suite 300
I-680 Sunol Express Lane Joint Powers Authority	9:30 am	February 13, 2012	1333 Broadway Suite 300
I-580 Policy Advisory Committee (PAC)	9:45 am	February 13, 2012	1333 Broadway Suite 300
Planning, Policy and Legislation Committee	11:00 am	February 13, 2012	1333 Broadway Suite 300
Programs and Projects Committee (PPC)	12:15 pm	February 13, 2012	1333 Broadway Suite 300
Finance and Administration Committee (FAC)	1:30 pm	February 13, 2012	1333 Broadway Suite 300
Bicycle and Pedestrian Advisory Committee	5:30 pm	TBD	1333 Broadway Suite 220
Paratransit Technical Advisory Committee	9:30 am	February 14, 2012	1333 Broadway Suite 300
Paratransit Advisory and Planning Committee and Paratransit Technical Advisory Committee (Joint) Meeting	1:00 pm	February 27, 2012	1333 Broadway Suite 300
Countywide Transportation Plan and Expenditure Plan Development Steering Committee (CWTP-TEP)	12:00 pm	March 22, 2012	1333 Broadway Suite 300
Technical Advisory Working Group (TAWG) and Community Advisory Working Group Joint Meeting (CAWG)	1:30 pm (CAWG)	March 8, 2012)	1333 Broadway Suite 300
Alameda County Transportation Commission Board Meeting	3:00 pm	February 23, 2012	1333 Broadway Suite 300

## Glossary of Acronyms

<b>ABAG</b>	Association of Bay Area Governments	<b>MTC</b>	Metropolitan Transportation Commission
<b>ACCMA</b>	Alameda County Congestion Management Agency	<b>MTS</b>	Metropolitan Transportation System
<b>ACE</b>	Altamont Commuter Express	<b>NEPA</b>	National Environmental Policy Act
<b>ACTA</b>	Alameda County Transportation Authority (1986 Measure B authority)	<b>NOP</b>	Notice of Preparation
<b>ACTAC</b>	Alameda County Technical Advisory Committee	<b>PCI</b>	Pavement Condition Index
<b>ACTC</b>	Alameda County Transportation Commission	<b>PSR</b>	Project Study Report
<b>ACTIA</b>	Alameda County Transportation Improvement Authority (2000 Measure B authority)	<b>RM 2</b>	Regional Measure 2 (Bridge toll)
<b>ADA</b>	Americans with Disabilities Act	<b>RTIP</b>	Regional Transportation Improvement Program
<b>BAAQMD</b>	Bay Area Air Quality Management District	<b>RTP</b>	Regional Transportation Plan (MTC's Transportation 2035)
<b>BART</b>	Bay Area Rapid Transit District	<b>SAFETEA-LU</b>	Safe, Accountable, Flexible, Efficient Transportation Equity Act
<b>BRT</b>	Bus Rapid Transit	<b>SCS</b>	Sustainable Community Strategy
<b>Caltrans</b>	California Department of Transportation	<b>SR</b>	State Route
<b>CEQA</b>	California Environmental Quality Act	<b>SRS</b>	Safe Routes to Schools
<b>CIP</b>	Capital Investment Program	<b>STA</b>	State Transit Assistance
<b>CMAQ</b>	Federal Congestion Mitigation and Air Quality	<b>STIP</b>	State Transportation Improvement Program
<b>CMP</b>	Congestion Management Program	<b>STP</b>	Federal Surface Transportation Program
<b>CTC</b>	California Transportation Commission	<b>TCM</b>	Transportation Control Measures
<b>CWTP</b>	Countywide Transportation Plan	<b>TCRP</b>	Transportation Congestion Relief Program
<b>EIR</b>	Environmental Impact Report	<b>TDA</b>	Transportation Development Act
<b>FHWA</b>	Federal Highway Administration	<b>TDM</b>	Travel-Demand Management
<b>FTA</b>	Federal Transit Administration	<b>TEP</b>	Transportation Expenditure Plan
<b>GHG</b>	Greenhouse Gas	<b>TFCA</b>	Transportation Fund for Clean Air
<b>HOT</b>	High occupancy toll	<b>TIP</b>	Federal Transportation Improvement Program
<b>HOV</b>	High occupancy vehicle	<b>TLC</b>	Transportation for Livable Communities
<b>ITIP</b>	State Interregional Transportation Improvement Program	<b>TMP</b>	Traffic Management Plan
<b>LATIP</b>	Local Area Transportation Improvement Program	<b>TMS</b>	Transportation Management System
<b>LAVTA</b>	Livermore-Amador Valley Transportation Authority	<b>TOD</b>	Transit-Oriented Development
<b>LOS</b>	Level of service	<b>TOS</b>	Transportation Operations Systems
		<b>TVTC</b>	Tri Valley Transportation Committee
		<b>VHD</b>	Vehicle Hours of Delay
		<b>VMT</b>	Vehicle miles traveled



1333 Broadway, Suites 220 & 300

Oakland, CA 94612

PH: (510) 208-7400

[www.AlamedaCTC.org](http://www.AlamedaCTC.org)



**Directions to the Offices of the Alameda County Transportation Commission:**

**1333 Broadway, Suite 220  
Oakland, CA 94612**

### **Public Transportation Access:**

**BART:** City Center / 12<sup>th</sup> Street Station

### **AC Transit:**

Lines 1,1R, 11, 12, 13, 14, 15, 18, 40, 51, 63, 72, 72M, 72R, 314, 800, 801, 802, 805, 840

### **Auto Access:**

- Traveling South: Take 11<sup>th</sup> Street exit from I-980 to 11<sup>th</sup> Street
- Traveling North: Take 11<sup>th</sup> Street/Convention Center Exit from I-980 to 11<sup>th</sup> Street
- Parking:  
City Center Garage –  
Underground Parking,  
(Parking entrances located on 11<sup>th</sup> or 14<sup>th</sup> Street)

**Alameda County  
Transportation Commission  
1333 Broadway, Suite 220  
Oakland, CA 94612**



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**ALAMEDA COUNTY TRANSPORTATION COMMISSION  
MINUTES OF DECEMBER 01, 2011  
OAKLAND, CALIFORNIA**

**1. Call to Order/Pledge of Allegiance**

Chair Green convened the meeting at 3:48 p.m.

**2. Roll Call**

Lee conducted the roll call to confirm quorum. The meeting roster is attached.

**3. Public Comment**

There was no public comment.

**4.0 Chair/Vice-Chair's Report**

Mayor Green stated that he attended the Caldecott Tunnel Break-Through Event and voiced his support for the project.

**5. Approval of Consent Calendar**

5A. Minutes of October 27, 2011

5B. Approval of Amendment No. 1 to the Professional Services Agreement (ACTIA #A10- 0021) with Eisen|Letunic for the Countywide Pedestrian and Bicycle Plan Update Project

5C. Approval of Amendment No. 2 to the 2012 Level of Service (LOS) Monitoring Study Contract (CMA #A09-024)

5D. Alameda CTC Strategic Communications Plan and Document Design Guidelines

5E. Coordination and Mobility Management Program (CMMP) – Approval of Contract Amendment with Nelson Nygaard to include scope to implement CMMP Pilot projects

5F. Approval of State Transportation Improvement Program (STIP) At Risk Report

5G. Approval of Transportation Fund for Clean Air (TFCA) Program At Risk Report

5H. Approval of Federal Surface Transportation/Congestion Mitigation and Air Quality (STP/CMAQ) Program At Risk Report

5I. Approval of CMA Exchange Program Quarterly Status Monitoring Report

5J. I-80 Gilman Interchange Improvements Project – Approval to Execute Agreement with the Department of Transportation to Provide Independent Quality Assurance Services for the Project Study Report

5K. Dumbarton Rail Corridor Project (ACTIA No. 25) - Approval to Issue a Request for Proposals for Preliminary Right of Way Services and to Negotiate and Execute a Professional Services Agreement

5L. Approval of Consolidated FY11-12 First Quarter Investment Report

5M. Approval of Consolidated FY11-12 First Quarter Financial Report

5N. Approval of the Issuance of a Request for Proposals (RFP) for Financial Audit Services and Authorization to Negotiate and Execute a Contract

5O. Approval of Appointments for the Community Advisory Committees

Mayor Green stated that Item 5O on the Consent Calendar would be deferred to the January 26 Commission Meeting. Councilmember Kaplan motioned to approve the Consent Calendar. Supervisor Miley seconded the motion. This motion passed 21-0.

**6. Community Advisory Committee Reports**

**6A. Bicycle and Pedestrian Advisory Committee (BPAC)**

No one was present from the Bicycle and Pedestrian Committee.

**6B. Citizens Advisory Committee (CAC)**

No one was present from the Citizens Advisory Committee.

**6C. Citizens Watchdog Committee (CWC)**

James Paxson reported that the CWC Sub-Committee met on November 3 with staff to review the newly proposed funding agreements. Mr. Paxson stated that the CWC was supportive of the work that was done since the last master funding agreements were executed. He concluded by stating that the next CWC meeting was scheduled for December 1 at the Alameda CTC offices.

**6D. Paratransit Advisory and Planning Committee (PAPCO)**

Sylvia Stadmire reported that PAPCO had begun to address funding formulas in the Master Funding Agreements. Ms. Stadmire stated that a joint meeting will be held to review data sources and possible factors for the formulas. She concluded by informing the Board that MTC approved the Alameda CTC application for Freedom Funding for mobility management.

**7. Planning, Policy and Legislation Committee Action Items**

**7A. Public Hearing Agenda**

1. Presentation of 2011 Final Congestion Management Program Report
2. Public Comment
3. Approval of Final 2011 Congestion Management Program Report
4. Close Public Hearing

Mayor Green opened a public hearing for the 2011 Final Congestion Management Program. Saravana Suthanthira recommended that the Commission approve the final 2011 Congestion Management Program. She informed the Commission that the draft 2011 CMP was approved by the Commission in

September 22 and was subsequently sent to MTC and libraries in Alameda County and posted on the Alameda CTC website for public comment. No comments on the CMP were received by the November 11, 2011 due date. Once approved, the final CMP, which will include the final STIP, will be sent to MTC, and printed and distributed to the local jurisdictions in addition to being posted on the Alameda CTC website. MTC Commission approved the Draft Alameda CTC CMP on November 16.

There were no public comments on this Item.

Councilmember Kaplan motioned to approve this Item. Director Blalock seconded this motion. The motion was passed 20-0. Mayor Green then closed the public hearing.

**7B. Approval of the Final Conformity Findings for the 2011 Congestion management Program**  
**(Requires 14 affirmative votes)**

Laurel Poeton recommended that the Commission approve and accept the Final Conformity findings and the three deficiency plans updates. All local jurisdictions are in conformance with the CMP annual conformity requirements.

Director Blalock motioned to approve this Item. Councilmember Reid seconded the motion. The motion passed 20-0.

**7C. Review of Countywide Transportation Plan (CWTP) and Transportation Expenditure Plan and Update on Development of Sustainable Community strategy (SCS)/Regional Transportation Plan (RTP)**

Beth Walukas and Tess Lengyel provided information on regional and countywide transportation planning activities and outlined the next steps staff was planning to take. On the regional side, Ms. Walukas informed the Board that the draft results of the project performance assessment were released by MTC in early November. She stated that local priorities are due in December, and after the December 16 Board Retreat staff will be able to forward priorities to MTC for use in the Regional Transportation Plan. The Alameda County outreach meeting will be held in Dublin on January 11. Ms. Walukas informed the Commission that the CWTP-TEP Steering Committee released the administrative draft CWTP for comment and evaluation. The polling results were presented to the Steering Committee at their last meeting.

Tess Lengyel covered the Transportation Expenditure Plan. She highlighted the outreach efforts and polling that has been conducted. Ms. Lengyel stated that the draft TEP included the highest level of funding going to mass transit, followed by local streets and roads. She stated that there is funding for highways, bike/pedestrians, support for sustainability, land use and transportation, as well as technology and innovation, and finally crate and goods movements. Ms. Lengyel concluded by stating that the Steering Committee acted to create an Ad-Hoc committee made up of six Steering Committee members to conduct meetings with advocacy groups on the TEP, and finally, Ms. Lengyel stated that the draft TEP will be presented to the full Board at the December 16 Board Retreat and again, for final approval, at the January 26 Board Meeting.

This Item was for information only.

**7D. Legislative Update**

Tess Lengyel gave the Commission a brief update on state and federal activities and requested feedback for legislative priorities for 2012. She highlighted the state budget as it relates to transportation revenues. On the federal side, Ms. Lengyel updated the Commission on the Joint Select Committee meeting held on November 23 which focused on Deficit Reduction. She also requested feedback on the 2012 Legislative Program and informed the Board that the program will be drafted and presented to the Committees and Boards in January.

Councilmember Atkin requested that the differences between fix-it first and programs verses projects be described more accurately in the legislative program. Councilmember Kaplan asked for more depth around the transportation bill and its movement through Senate. Director Blalock recommended highlighting project delivery and transportation funding.

Councilmember Henson asked if the TIGER program was funded. Ms. Lengyel stated that the TIGER program was funded and a call for project had been released.

This Item was for information only.

**8. Programs and Projects Committee Action Items**

**8A. Acceptance of Semi- Annual Alameda CTC Program Status Update on Pass- through Fund Program and Grant Programs**

Art Dao summarized the Semi-Annual Alameda CTC Program Status Update on the Pass-Through Fund Program and Grant Programs. Alameda CTC allocates an estimated 60 percent of the net revenues received from the Measure B funds throughout the County for essential programs, services, and projects. Pass-through program recipients are required to submit annual independent compliance audits and accompanying annual compliance reports for each fiscal year by the end of each calendar year.

Councilmember Worthington motioned to approve this Item. Councilmember Kaplan seconded the motion. This motion was passed 20-0.

**9. Finance and Administraion Committee Action Items**

**9A. Adoption of a Resolution Authorizing a Contract with CalPERS, a Resolution Authorizing Employer Paid Member Contributions, and a Resolution Electing to be Subject to Public Employee's Medical and Hospital Care Act and Fixing the Employers Contribution at an Amount Equal to or Greater than that Prescribed by Government Code Section 22892(b)**

Art Dao recommended that the Commission approve the following resolutions: a final resolution to enter into a contract with CalPERS; a resolution authorizing Employer Paid Member Contributions (EPMC); and a resolution electing to be subject to PEMHCA. The cost for the first year of the pension contract shows the reduction in the EPMC from 7.0 percent to 5.0 percent. Mr. Dao informed the Board that the Alameda CTC expects to contract with CalPERS for PEMHCA medical coverage effective February 1, 2012 and that this will bring the Alameda CTC one step closer to completing consolidation efforts.

Zack Wasserman recommended that the motion included the allowance for staff and legal counsel to continue to work on possible modifications of the actuary study done by CalPERS.



Councilmember Kaplan motioned to approve this Item as amended. Councilmember Starosciak seconded the motion. The motion passed 20-0.

**9B. Adoption of a Resolution Authorizing the Employer “Pick-up” of Employee Contributions for Alameda County Transportation Improvement Authority**

Art Dao recommended that the Commission approve the adoption of a resolution authorizing the employer “pick-up” of employee contributions for the Alameda County Transportation Improvement Authority (ACTIA) which allows these funds to be treated as employer contributions for tax purposes.

Councilmember Kaplan motioned to approve this Item. Councilmember Worthington seconded the motion. The motion passed 20-0.

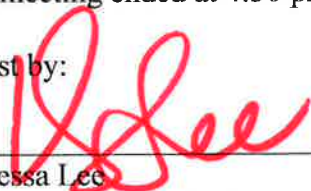
**10. Member and Staff Reports**

There were no Member Reports. Art Dao informed the Commission and members of the public that the Alameda CTC Board Retreat would be held at the Newark Pavilion on December 16 at 8:30 am.

**11. Adjournment: Next Meeting – December 16 at 8:30 AM**

The meeting ended at 4:30 pm. The next meeting will be held on December 16, 2011 at 8:30 am.

Attest by:



Vanessa Lee  
Clerk of the Commission

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**ALAMEDA COUNTY TRANSPORTATION COMMISSION BOARD MEETING  
ROSTER OF MEETING ATTENDANCE  
December 01, 2011  
1333 Broadway, Suite 300, Oakland, CA 94612**

JURISDICTION/AGENCY	COMMISSIONERS	Initials	ALTERNATES	Initials
AC Transit	Greg Harper		Elsa Ortiz	
Alameda County, District 1	Scott Haggerty, Vice Chair		William Harrison	
Alameda County, District 2	Nadia Lockyer	NL	Marvin Peixoto	
Alameda County, District 3	Wilma Chan		Michael Gregory	
Alameda County, District 4	Nate Miley			
Alameda County, District 5	Keith Carson		Kriss Worthington	
BART	Thomas Blalock		Robert Franklin - BART	
City of Alameda	Rob Bonta		Beverly Johnson	
City of Albany	Farid Javandel		Peggy Thomsen	
City of Berkeley	Laurie Capitelli		Kriss Worthington	
City of Dublin	Tim Sbranti		Don Biddle	
City of Emeryville	Ruth Atkin		Kurt Brinkman	
City of Fremont	Suzanne Chan		William Harrison	
City of Hayward	Olden Henson		Marvin Peixoto	
City of Livermore	John Marchand		Jeff Williams	
City of Newark	Luis Freitas		Alberto Huezo	
City of Oakland	Larry Reid		Patricia Kernighan	
	Rebecca Kaplan		Jane Brunner	
City of Piedmont	John Chiang		Garrett Keating	
City of Pleasanton	Jennifer Hosterman		Cheryl Cook-Kallio	
City of San Leandro	Joyce R. Starosciak		Pauline Russo Cutter	
City of Union	Mark Green, Chair		Emily Duncan	
LEGAL COUNSELS	Zack Wasserman - WRBD			
	Arachna Dandekar - WRBD			
	Geoffrey Gibbs - GLG			

STAFF	Initials	STAFF/CONSULTANT	Initials
Arthur L. Dao – Executive Director	<i>and</i>	Gladys Parmelee – Office Supervisor	
Tess Lengyel – Deputy Director of Policy, Public Affairs and Legislation		Vanessa Lee – Clerk of the Commission	<i>VL</i>
Beth Walukas – Deputy Director of Planning	<i>BW</i>	Liz Brazil – Contract Compliance and Outreach Analyst	
Patricia Reavey – Director of Finance	<i>PR</i>	Yvonne Chan – Accounting Manager	<i>Y</i>
Stewart Ng, Director of Programming and Project Management		Lei Lam – Senior Accountant	
Matt Todd - Manager of Programming	<i>MT</i>	Sammy Ng – Senior Accountant	
Ray Akkawi – Manager of Project Delivery		Seung Cho – Contract Procurement Analyst	
Saravana Suthanthira - Senior Transportation Planner	<i>SS</i>	Patty Seu - Accountant	
Diane Stark - Senior Transportation Planner		Linda Adams – Executive Assistant	<i>LA</i>
Steve Haas – Senior Transportation Engineer		Victoria Winn – Administrative Assistant III	
John Hemiup – Senior Transportation Engineer	<i>JH</i>	Claudia Leyva - Administrative Assistant III	
Vivek Bhat - Senior Transportation Engineer	<i>VB</i>	Frank R. Furger – Executive Director, I-680 JPA	
Arun Goel – Project Controls Engineer	<i>AG</i>	James O'Brien	
Jacki Taylor – Programming Analyst	<i>JT</i>	Stefan Garcia	
Laurel Poeton – Assistant Transportation Planner	<i>LP</i>		

NAME	JURISDICTION / AGENCY	TELEPHONE	E-MAIL
1. Chris Miley	Ala Co BOS	(510) 272-6676	
2. <i>Harriet Saunders</i> F.W.S	AKC/CWC/PAPCO	(510) 473-0690	
3. Donna Lee	BART	(510) 464-6282	dlee@bart.gov
4. H.C. Christian	Peoples Alameda - Contra Costa Transit		CPeoples@actransit.org
5. Sylvia Madonia	PAPCO		
6. Jane Kramer	STAND	(510) 522-6423	jane@jrkramer.com
7. Rev. Carolyn M. ON	PAPCO	510-436-0537	
8. Bob Vonn	Livermore	925-960-4516	
9. Chad Sheets	Livermore	925-960-4510	
10.			
11.			
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**ALAMEDA COUNTY TRANSPORTATION COMMISSION  
MINUTES OF DECEMBER 16, 2011  
NEWARK, CALIFORNIA**

*Note: The Recording of the Alameda CTC December 16 Board Retreat can be found at [www. Alamedactc.org](http://www.Alamedactc.org)*

**1. Call to Order/Pledge of Allegiance**

Chair Green convened the meeting at 9:08 a.m.

**2. Welcome and Meeting Overview**

Chair Green welcomed fellow board members as well as members of the public to the Alameda CTC Board Retreat. He went over a brief review of the agenda, highlighting the significance of the Transportation Expenditure Plan discussion and ultimate approval on January 26, 2012 and he welcomed comments from both Commissioners as well as members of the public.

**3. Roll Call**

Lee conducted the roll call to confirm quorum. The meeting roster is attached.

**4. Public Comment**

There were no Public Comments.

**5. Approval of Master Program Funding Agreements**

Tess Lengyel recommended approval of the Master Program Funding Agreements and Implementation Guidelines. She stated that these agreements and guidelines will serve as the contracts for the new Measure B Pass-Through Program as well as the Vehicle Registration Fee Program and will specify the types of funds that the agencies and local jurisdictions can receive. The implementation guidelines provide guidance on each of the specific funds type's, eligible uses and expenditures. Ms. Lengyel explained that the Alameda CTC created 10-year Master Programs Funding Agreements and Implementation Guidelines specific to each fund source that specify funding uses, definitions and eligibility. Transit agencies and local jurisdictions have agreements to receive Measure B pass-through funds for bicycle and pedestrian, local streets and roads, mass transit, and Paratransit. The majority of these agreements will expire in the mid 2012. She went on to state that for the Vehicle Registration Fee, Alameda CTC, acting as the congestion management agency for Alameda County, distributes the funds received from the VRF to Local streets and roads (60 percent); Transit (25 percent); Local transportation technology (10 percent) and Bicycle and pedestrian projects (5 percent).

Vice Mayor Freitas motioned to approve this Item. Councilmember Reid seconded the motion. This motion was passed 17-0.

Mayor Green recessed the meeting to allow for a break.

**6. Presentation on Regional and Countywide Plans Development and Draft Expenditure Plan**

Beth Walukas and Tess Lengyel presented a PowerPoint Presentation on the CWTP as well as the proposed TEP. Ms. Walukas informed the Board that the TEP is based on the concurrent update of the

*Note: The Recording of the Alameda CTC December 16 Board Retreat can be found at [www. Alamedactc.org](http://www.Alamedactc.org)*



CWTP. Ms. Walukas stated that the Alameda CTC Steering Committee received input on the development of the CWTP and the TEP by a Community and Technical Advisory Working Group and has reviewed updates on the public outreach and polling results.

**8. Consideration of the Transportation Expenditure Plan for Final Approval on January 26, 2012**

Art Dao introduced these items by stating that the Regional and Countywide Transportation Plans form the basis for transportation planning/investments and establishes performance-based planning through sustainability based performance measures.

Assemblymember Robert Wieckowski commented on the importance of the two-year development of the TEP and extended his support for transportation investments that support jobs, sustainable communities and deliver congestion relief.

Tess Lengyel stated that all of the aforementioned actions influenced the development of a draft TEP that was submitted to the Steering Committee on December 1, 2011. She stated that the proposed TEP specifies how \$7.7 billion would be allocated to transportation projects and programs through an augmentation and extension of the existing transportation sales tax measure.

The following Public Comments were heard:

**Item #6**  
**Presentation on Regional and  
Countywide Plans Development and  
Draft Expenditure Plan**

**Michael Diehl  
JoAnne Eteve  
Ron Geren  
Valerie Raymond  
Linda Jeffery Sailors  
Bob Battzer  
Paul Weiss  
Michael Fredrich  
Robert Allen  
Vanessa Bridges  
Darren Nelson  
Richard Ryan  
Carol Hardesty  
Anna Cunningham  
Joan Seppala  
Joel Ramos  
Mandlo Gonzales  
Lindsay Iman**

**Carmen Angelandretti  
Dave Campbell  
Betsy Morris  
Dalene ( no last name provided)  
Clarissa (no last name provided)  
Vernon Rodrigues  
Warren Cushman  
Jana Lane  
Alia Phelps  
Debirab Carney  
Paula Beal  
Jean King  
Andrew Fields  
Matt Vander Slvis  
Dale Kage  
Andy Stitka  
John McPartland**

**Item #8**  
**Consideration of the Transportation  
Expenditure Plan for Final Approval  
on January 26, 2012**

**Andreas Clover  
Brian Lester  
Mike Crollx  
Rob Stoker**

Mayor Green summarized the comments from the public as well as fellow Alameda CTC Board Members into the following: Require that local streets and roads funds support at a minimum 15% of investments for bicycle and pedestrian elements of projects; allow BART flexibility for the Station Modernization/Metro

Mobility Project to be used for capital or operations; add Oak Street Interchange and the Broadway Streetcar as an eligible project expenditure; look at funding formulas within a two to five year time frame; support an increase in Transit operating funds for AC Transit; for large projects, ensure that when they are evaluated, they support the most efficient and effective technologies.

Art Dao ensured that staff as well as both the Steering Committee and Steering AD-HOC Committee would review all proposed comments. No action was taken on this item.

## **10. The Year Ahead**

### **10A. Presentation on Major Upcoming Alameda CTC Actions in 2012**

A presentation was given on the major upcoming actions in 2012. The presentation covered the mission and principals of the Alameda County Transportation Commission. Tess Lengyel highlighted policy initiatives including development and adoption of Transportation Expenditure Plan; a local business contracting Program; transit oriented development and guidelines; Youth Transit Pass Program Development and a new legislative program. Beth Walukas highlighted goals on the planning end which included development of a Comprehensive Countywide Transit Plan that tiers from the on-going regional Transit Sustainability Project, building on a Guaranteed Ride Home Program and development of a Comprehensive TDM Program, including parking management and development of a Goods Movement Plan. Stewart Ng highlighted goals and initiatives on the projects and programs specifically identify needs of programming as it relates to STIP, VRF, Measure B and OneBayAreaGrant funding and delivery of projects. Finally, Patricia Reavey updated the Board on the merger and consolidation efforts including salary and benefits consolidation, policy updates, updated budget projections and independent financial audits.

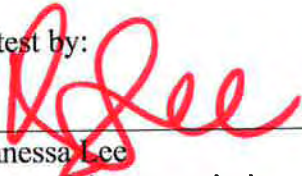
## **11. Closing Remarks by CTC Chair**

Chair Green closed the meeting by commending Alameda CTC staff on the amount of effort put into all the transportation and congestion management work throughout 2011 especially on the CWTP and TEP development. He reminded the Commission as well as members of the public that a collaborative approach was the most effective way to get a consensus to take to the voters. He also commended Executive Director Art Dao on his leadership and thanked Newark Pavilion for hosting the Alameda CTC Board Retreat.

## **11. Adjournment**

The meeting ended at 2:10 pm.

Attest by:



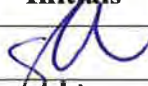

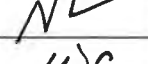
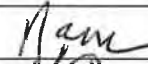



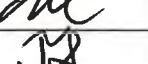

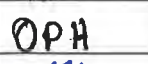


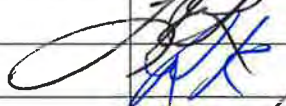




Vanessa Lee  
Clerk of the Commission

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**ALAMEDA COUNTY TRANSPORTATION COMMISSION BOARD RETREAT  
ROSTER OF MEETING ATTENDANCE  
December 16, 2011  
Newark Pavilion**

JURISDICTION/AGENCY	COMMISSIONERS	Initials	ALTERNATES	Initials
AC Transit	Greg Harper		Elsa Ortiz	
Alameda County, District 1	Scott Haggerty, Vice Chair		William Harrison	
Alameda County, District 2	Nadia Lockyer		Marvin Peixoto	
Alameda County, District 3	Wilma Chan	WC	Michael Gregory	
Alameda County, District 4	Nate Miley			
Alameda County, District 5	Keith Carson	KG	Kriss Worthington	
BART	Thomas Blalock		Robert Franklin - BART	
City of Alameda	Rob Bonta		Beverly Johnson	
City of Albany	Farid Javandel		Peggy Thomsen	
City of Berkeley	Laurie Capitelli		Kriss Worthington	
City of Dublin	Tim Sbranti	TS	Don Biddle	
City of Emeryville	Ruth Atkin		Kurt Brinkman	
City of Fremont	Suzanne Chan		William Harrison	
City of Hayward	Olden Henson	OPH	Marvin Peixoto	
City of Livermore	John Marchand		Stuart Gary	
City of Newark	Luis Freitas		Alberto Huezo	
City of Oakland	Larry Reid		Patricia Kernighan	
	Rebecca Kaplan		Jane Brunner	
City of Piedmont	John Chiang		Garrett Keating	
City of Pleasanton	Jennifer Hosterman		Cheryl Cook-Kallio	
City of San Leandro	Joyce R. Starosciak	JS	Pauline Russo Cutter	
City of Union	Mark Green, Chair		Emily Duncan	
LEGAL COUNSELS	Zack Wasserman – WRBD			
	Neal Parish – WRBD			
	Geoffrey Gibbs - GLG			

**ALAMEDA COUNTY TRANSPORTATION COMMISSION BOARD RETREAT**  
**ROSTER OF ATTENDANCE**  
**December 16, 2011**  
**Newark Pavilion**

STAFF	Initials	STAFF/CONSULTANT	Initials
Arthur L. Dao – Executive Director	<i>and</i>	Gladys Parmelee – Office Supervisor	<i>gyp</i>
Tess Lengyel – Deputy Director of Policy, Public Affairs and Legislation	<i>tl</i>	Vanessa Lee – Clerk of the Commission	<i>1889</i>
Beth Walukas – Deputy Director of Planning	<i>low</i>	Liz Brazil – Contract Compliance and Outreach Analyst	<i>lz</i>
Patricia Reavey – Director of Finance	<i>pmr</i>	Yvonne Chan – Accounting Manager	
Stewart Ng, Director of Programming and Project Management	<i>Sty</i>	Lei Lam – Senior Accountant	
Matt Todd - Manager of Programming	<i>mt</i>	Sammy Ng – Senior Accountant	
Saravana Suthanthira - Senior Transportation Planner	<i>SS</i>	Seung Cho – Contract Procurement Analyst	<i>sc</i>
Diane Stark - Senior Transportation Planner	<i>DS</i>	Patty Seu - Accountant	
Steve Haas – Senior Transportation Engineer		Linda Adams – Executive Assistant	
John Hemiup – Senior Transportation Engineer	<i>je</i>	Victoria Winn – Administrative Assistant III	<i>vw</i>
Vivek Bhat - Senior Transportation Engineer		Claudia Leyva - Administrative Assistant III	<i>CDL</i>
Arun Goel – Project Controls Engineer	<i>AKG</i>	Frank R. Furger – Executive Director, I-680 JPA	
Jacki Taylor – Programming Analyst	<i>JT</i>	James O'Brien	
Laurel Poeton – Assistant Transportation Planner	<i>LP</i>	Stefan Garcia	
<i>Angie Ayers</i>	<i>AA</i>	<i>Gary Sidhu</i>	<i>GS</i>

**ALAMEDA COUNTY TRANSPORTATION COMMISSION BOARD RETREAT  
ROSTER OF ATTENDANCE  
December 16, 2011  
Newark Pavilion**

NAME	JURISDICTION / AGENCY	TELEPHONE	E-MAIL
Valerie Raymond	Key BART on 580	(925) 447-4027	b_raymond@netzen.net
Thomas Ewen	Local 180	(707) 720-5950	tankewen@gmail.com
<b>HAZEL CAMERON P.O. Box 55 HAY, 94543</b>			
Don Frascinella	Hayward	510-583-4781	donfrascinella@hayward.ca.gov
Bob Vinu	Livermore	925 960 4516	bvinu@california.com
Carter Man	BART	511-464-6194	cman@bart.gov
Jaimie Bourgeois	Dublin	925-833-6634	jaimie.bourgeois@dublin.ca.gov
Carmen Jangelandrette	BOSS, ACCE	510-372-7970	duyphome@yahoo.com
Mike Croi	OE# 3	510 748-7446	mcroi@oe3.org
Manolo Gonzalez-Estey			
Nathan London	AC Transit	510-891-4792	Nlondon@actransit.org
H. E Christian	Peeples	AC Transit	
Robert Sallen	BART on 580	(925) 449-1387	robertsallen@gmail.com
Peggy Claassen	NEWARK	(510) 570-4671	peggy.claassen@newark.org
Gary Sills	ACTC	530-922-6352	gsills@clarkerc.org
Richard Ryan	Livermore	925-447-8907	dickryna@comcast.net
James Pearson	CAL	925.774.6500	james@hawaii.org
Allysa Evans	Youth uprising		aevans@youthuprising.org
<b>Rick Lee</b>	<b>BART</b>		<b>rlee@bart.gov</b>
Midori Tabata	ACTC BPAC	510 562-8488	
Claire Cabanigan	Urban Habitat		claire@urbanhabitat.org
Betsy Morris	Berkeley	842-6224	betsy@cali.com
Jana Lane	Benares Oakland	531-2003	jana.lane@comcast.net
Alia Phelps	ACCE	(510) 228-7918	ap Phelps@california.org
Jean King		925-443-0388	whjakking@comcast.net



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**Newark Pavilion**

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**Newark Pavilion**

Linda Jeffery Sailors BARTON 580 925 449-7274 madammayor@comcast.net  
 Amy Petre Hill Oakland 510-272-9029 amypetre@gmail.com  
 Dave Campbell East Bay Bicycle Coalition dave.campbell@ebc.org  
 Amy Straco Sup. Carson's Office Amy.Straco@accu.org  
 Paul Weiss Self 925 337 0997  
 Aparna Dhingra - 510-676-3586 aparna.dhingra@yahoo.com  
 Michael Gomez Self 415-274-5220  
 GEORGE MAZUR CS 510 879-4322  
 Andrew Slivka Carpenters Union 510-581-7817 aslivka@uccece.org  
 Bob Wredawski State Assembly 510 440-9030  
 VERNON RODRIGUES Jath VPRing bingo.casino  
 DOLLENE Jones GENESIS (510) 812-6446 @3bajball.net  
 Joel Ramos Transform (510) 740-3150 joel@Transform.org  
 Lindsay Ingui Urban Habitat on file  
 Keith Cooke City of San Leandro 510-577-3439 kcooke@sanleandro.org  
 MATT VANDER SHUIS GREENBELT ALLIANCE  
 Andi Fiedl CTS 916 759 1001 afiedl@rebuild.org  
 Richard Yates Independent Newspaper 925-243-8700 richard.yates@gmail.com



**ALAMEDA COUNTY TRANSPORTATION COMMISSION BOARD RETREAT**  
**ROSTER OF ATTENDANCE**  
**December 16, 2011**  
**Newark Pavilion**

NAME	JURISDICTION / AGENCY	TELEPHONE	E-MAIL
Mike Tassano	Plansanton	925 931-5650	mtassano@ci.Plansanton.CA.US
Chris Sheets	Livermore	925-960-4510	crsheets@ci.livermore.ca.us
John Pock	NCCRC	408 640 7740	
Pat Pias	CAWG/Sierra Club		
John Chiang	Piedmont		jchiang@ci.piedmont-ca.us
Jo Anne Etave			etavey@hotmail.com
RON GEREN	KEEP BARTON 580	925-292-1922	RGEREN46@comcast.net
Kelly Hubbard	HUSD	(510) 784-2600	khubbard@hustd.k12.ca.us
Brian Lester	IUOE 3	510 748 7416	blester@iuoe3.org
Terrence Grindall	City of Newark		Terrence.Grindall@cityofnewark.org
ANTONIO LIMEKE			
PEDRO SEVANHOS			
JoAnn Brown		510-228-6455	
Jeray Castan	NCCRC		
Janet O'Brien	ACTC Regd Controls	(510) 208-7464	
Michael Dill	BOSS	(510) 688-6685	adversary359@yahoo.com
Andreas Cluver	AeBTC	(510) 430-8664	btca@slglobal.net
Chris Miley	Ala Co.	(510) 272-6692	
Donna Lee	BART	(510) 464-6242	dlee@bart.gov
Michael Friedrich	Self	925-245-1272	efredham@yahoo.com
BARRY FERRIER	ACTC-CAC	(510) 489-4767	BFERRIER@cs.com
Joan Seppala	<del>Livermore</del>	925-871-9533	joan.seppala@gmail.com
Emma Gammagosa		925-200-0214	Tricestag@gmail.com
Deborah Ann	Hope Collaborative	510 613-5901	deborahann12@yahoo.com

**ALAMEDA COUNTY TRANSPORTATION COMMISSION BOARD RETREAT  
ROSTER OF ATTENDANCE  
December 16, 2011  
Newark Pavilion**

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## **Memorandum**

**DATE:** January 17, 2012  
**TO:** Alameda County Transportation Commission  
**FROM:** Planning, Policy and Legislation Committee  
**SUBJECT:** **Summary of the Alameda CTC's Review and Comments on Environmental Documents and General Plan Amendments prepared by Local Jurisdictions**

### **Recommendation**

This item is for information only. No action is requested.

### **Summary**

This item fulfills one of the requirements under the Land Use Analysis Program (LUAP) element of the Congestion Management Program (CMP). For the LUAP, Alameda CTC is required to review Notices of Preparations (NOPs), General Plan Amendments (GPAs), and Environmental Impact Reports (EIRs) prepared by local jurisdictions and comment on them regarding the potential impact of proposed land development on regional transportation system. Staff will report to the Alameda CTC Commission on comments made.

In November and December of 2011, staff reviewed 10 NOPs, GPAs and EIRs. Comments were submitted on 6 of them and are attached.

### **Attachments**

#### **Attachment A –**

Comment letter for City of Berkeley, West Berkeley Project  
Comment letter for City of Berkeley, Acheson Commons Project  
Comment letter for City of Oakland, 1800 San Pablo Avenue Project  
Comment letter for City of Oakland, Emerald Views Residential Development Project  
Comment letter for City of Oakland, Central Estuary Implementation Guide Project  
Comment letter for City of Berkeley, Iceland Adaptive Reuse Project

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November 10, 2011

Debra Sanderson  
Land Use Planning Manager  
City of Berkeley  
2120 Milvia Street, 2<sup>nd</sup> Floor  
Berkeley, CA 94704

SUBJECT: Comments on the Notice of Preparation of a Supplemental Environmental Impact Report (SEIR) for City of Berkeley West Berkeley Project

Dear Ms. Sanderson:

Thank you for the opportunity to comment on the Notice of Preparation (NOP) for a Supplemental Environmental Impact Report (SEIR) for the City of Berkeley. The West Berkeley Project Area covers the area bordered by the City of Albany on the north, the eastern edges of Central Berkeley and South Berkeley adjacent to San Pablo Avenue on the east, the cities of Emeryville and Oakland on the south, and Interstate 80/Interstate 580 on the west, in Berkeley California.

The Supplemental EIR will consider the potential environmental impacts of the following options related to the Master Use Permit process, as directed by the City Council:

- Allow increased housing density within four specific potential Master Use Permit (“MUP”) sites that also include Mixed Use Residential and/or Commercial Warehouse zones property:
  - 1) Peerless Greens, 2246 Fifth Street;
  - 2) Saul Zantz Media Center, 2657 Tenth Street;
  - 3) Marchant Building, 1035 Folger Avenue;
  - 4) OSH/H.S. Heinz Company Plant Building, 1099 Ashby/2900 San Pablo Avenue.
- Allow increase building height (up to 100 feet) for essential industrial equipment and processes in all MUP sites;
- Allow flexible placement of manufacturing and residential uses through MUP sites;
- Address potential impacts of MUP’s on Aquatic Park and its habitat.

The Alameda County Transportation Commission (Alameda CTC), on behalf of the Alameda County Congestion Management Agency (ACCMA) through the powers delegated to Alameda CTC by the joint powers agreement which created Alameda CTC, respectfully submits the following comments:

- The City of Berkeley adopted Resolution No. 56-593 on September 29, 1992 establishing guidelines for reviewing the impacts of local land use decisions consistent with the Alameda County Congestion Management Program (CMP). If the proposed project is expected to generate at least 100 p.m. peak hour trips over existing conditions, the CMP Land Use Analysis Program requires the City to conduct a traffic analysis of the project using the Countywide Transportation Demand Model for projection years 2020 and 2035 conditions. Please note the following paragraph as it discusses the responsibility for modeling.
  - The CMP was amended on March 26<sup>th</sup>, 1998 so that local jurisdictions are responsible for conducting the model runs themselves or through a consultant. The Alameda CTC and ACCMA have a Countywide model that is available for this purpose. The City of Berkeley and the ACCMA signed a Countywide Model Agreement on September 15, 2010. Before the model can be used for this project, a letter must be submitted to the Alameda CTC requesting use of the model and describing the project. A copy of a sample letter agreement is available upon request.
- The SEIR should address all potential impacts of the project on the MTS roadway and transit systems. These include MTS roadways as shown in the attached map as well as BART and AC Transit. The MTS roads in the city of Berkeley in the project study area are; Buchanan Street, Marin Avenue, Gilman Street, University Avenue, Ashby Avenue, Powell Street, 6<sup>th</sup> Street, 7<sup>th</sup> Street, San Pablo Avenue, I-80 and I-580 (see 2011 CMP Figure 2). Potential impacts of the project must be addressed for 2020 and 2035 conditions.
  - Please note that the Alameda CTC has *not* adopted any policy for determining a threshold of significance for Level of Service for the Land Use Analysis Program of the CMP. Professional judgment should be applied to determine the significance of project impacts (Please see chapter 6 of 2011 CMP for more information).
  - For the purposes of CMP Land Use Analysis, 2000 Highway Capacity Manual is used.
- The adequacy of any project mitigation measures should be discussed. On February 25, 1993, the ACCMA Board adopted three criteria for evaluating the adequacy of SEIR project mitigation measures:
  - Project mitigation measures must be adequate to sustain CMP service standards for roadways and transit;
  - Project mitigation measures must be fully funded to be considered adequate;
  - Project mitigation measures that rely on state or federal funds directed by or influenced by the CMA must be consistent with the project funding priorities established in the Capital Improvement Program (CIP) section of the CMP or the Regional Transportation Plan (RTP).

The SEIR should include a discussion on the adequacy of proposed mitigation measures relative to these criteria. In particular, the SEIR should detail when proposed roadway or transit route improvements are expected to be completed, how they will be funded, and what would be the effect on LOS if only the funded portions of these projects were assumed to be built prior to project completion.

- Potential impacts of the project on CMP transit levels of service must be analyzed. (See 2011 CMP, Chapter 4). Transit service standards are 15-30 minute headways for bus service and 3.75-15 minute headways for BART during peak hours. The SEIR should address the issue of transit funding as a mitigation measure in the context of the Alameda CTC/ACCMA policies discussed above.
- The SEIR should also consider demand-related strategies that are designed to reduce the need for new roadway facilities over the long term and to make the most efficient use of existing facilities (see 2011 CMP, Chapter 5). The SEIR should consider the use of TDM measures, in conjunction with roadway and transit improvements, as a means of attaining acceptable levels of service. Whenever possible, mechanisms that encourage ridesharing, flextime, transit, bicycling, telecommuting and other means of reducing peak hour traffic trips should be considered. The Site Design Guidelines Checklist may be useful during the review of the development proposal. A copy of the checklist is enclosed.
- The EIR should consider opportunities to promote countywide bicycle and pedestrian routes identified in the Alameda Countywide Bicycle and Pedestrian Plans, which were adopted in October 2006 and are currently being updated. These plans describe the status of walking and biking in Alameda County and set countywide priorities to guide the bicycle/pedestrian safety grant program, as well as other funding for walking and biking improvements. The approved Countywide Bike and Pedestrian Plans are available at [http://www.actia2022.com/app\\_pages/view/1651](http://www.actia2022.com/app_pages/view/1651).
- For projects adjacent to state roadway facilities, the analysis should address noise impacts of the project. If the analysis finds an impact, then mitigation measures (i.e., soundwalls) should be incorporated as part of the conditions of approval of the proposed project. It should not be assumed that federal or state funding is available.
- Local jurisdictions are encouraged to consider a comprehensive Transit Oriented Development (TOD) Program, including environmentally clearing all access improvements necessary to support TOD development as part of the environmental documentation.

Thank you for the opportunity to comment on this Notice of Preparation. Please do not hesitate to contact me at 510.208.7405 if you require additional information.

Sincerely,



Beth Walukas  
Deputy Director of Planning

Cc: Laurel Poeton, Assistant Transportation Planner  
File: CMP – Environmental Review Opinions – Responses - 2011



November 17, 2011

Greg Powell  
Senior Planner  
City of Berkeley  
Planning and Development Department  
2120 Milvia Street  
Berkeley, CA 94704  
[gpowell@ci.berkeley.ca.us](mailto:gpowell@ci.berkeley.ca.us)

SUBJECT: Comments on the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) and Scoping Session for the Acheson Commons Project for the City of Berkeley

Dear Mr. Powell:

Thank you for the opportunity to comment on the Notice of Preparation (NOP) for a Draft Environmental Impact Report (DEIR) for the City of Berkeley. The project area is located in Downtown Berkeley bounded by Shattuck Avenue to the west, University Avenue to the south, Walnut Street on the east and Berkeley Way to the north.

The proposed Acheson Project would involve construction of 202 new dwelling units, 3 live/work units and the rehabilitation of approximately 33,250 square feet of commercial space. New five-story residential structures would be built above the MacFarlane, Krishna Copy Center and the Ace Hardware Buildings. Ground floor commercial space would remain and the historic buildings and facades along University Avenue would be retained and rehabilitated. The Acheson Physicians Building would be converted from office use to residential use. The two vacant residential buildings on Walnut Street would be demolished or relocated, and a new mixed-use structure would be built. The ground floor of the Walnut Street Building would include a 50 stall parking garage.

The Alameda County Transportation Commission (Alameda CTC), on behalf of the Alameda County Congestion Management Agency (ACCMA) through the powers delegated to Alameda CTC by the joint powers agreement which created Alameda CTC, respectfully submits the following comments:

- The City of Berkeley adopted Resolution No. 56593 on September 29, 1992 establishing guidelines for reviewing the impacts of local land use decisions consistent with the Alameda County Congestion Management Program (CMP). If the proposed project is expected to generate at least 100 p.m. peak hour trips over existing conditions, the CMP Land Use Analysis Program requires the City to conduct a traffic analysis of the project using the

Countywide Transportation Demand Model for projection years 2020 and 2035 conditions. Please note the following paragraph as it discusses the responsibility for modeling.

- The CMP was amended on March 26<sup>th</sup>, 1998 so that local jurisdictions are responsible for conducting the model runs themselves or through a consultant. The Alameda CTC has a countywide model that is available for this purpose. The City of Berkeley and the Alameda CTC signed a Countywide Model Agreement on September 15, 2010. Before the model can be used for this project, a letter must be submitted to the Alameda CTC requesting use of the model and describing the project. A copy of a sample letter agreement is available upon request.
- The DEIR should address all potential impacts of the project on the MTS roadway and transit systems. These include MTS roadways as shown in the attached map as well as BART and AC Transit. The MTS roads in the city of Berkeley in the project study area are; Shattuck Avenue, University Avenue, Martin Luther King Junior Way, Bancroft Way and Dwight Way. (See 2011 CMP Figure 2). Potential impacts of the project must be addressed for 2020 and 2035 conditions.
  - Please note that the Alameda CTC has *not* adopted any policy for determining a threshold of significance for Level of Service for the Land Use Analysis Program of the CMP. Professional judgment should be applied to determine the significance of project impacts (Please see chapter 6 of 2011 CMP for more information).
  - For the purposes of CMP Land Use Analysis, 2000 Highway Capacity Manual is used.
- The adequacy of any project mitigation measures should be discussed. On February 25, 1993, the ACCMA Board adopted three criteria for evaluating the adequacy of DEIR project mitigation measures:
  - Project mitigation measures must be adequate to sustain CMP service standards for roadways and transit;
  - Project mitigation measures must be fully funded to be considered adequate;
  - Project mitigation measures that rely on state or federal funds directed by or influenced by the CMA must be consistent with the project funding priorities established in the Capital Improvement Program (CIP) section of the CMP or the Regional Transportation Plan (RTP).

The DEIR should include a discussion on the adequacy of proposed mitigation measures relative to these criteria. In particular, the DEIR should detail when proposed roadway or transit route improvements are expected to be completed, how they will be funded, and what would be the effect on LOS if only the funded portions of these projects were assumed to be built prior to project completion.

- Potential impacts of the project on CMP transit levels of service must be analyzed. (See 2011 CMP, Chapter 4). Transit service standards are 15-30 minute headways for bus service and 3.75-15 minute headways for BART during peak hours. The DEIR should address the issue of transit funding as a mitigation measure in the context of the Alameda CTC/ACCMA policies discussed above.

- The DEIR should also consider demand-related strategies that are designed to reduce the need for new roadway facilities over the long term and to make the most efficient use of existing facilities (see 2011 CMP, Chapter 5). The DEIR should consider the use of TDM measures, in conjunction with roadway and transit improvements, as a means of attaining acceptable levels of service. Whenever possible, mechanisms that encourage ridesharing, flextime, transit, bicycling, telecommuting and other means of reducing peak hour traffic trips should be considered. The Site Design Guidelines Checklist may be useful during the review of the development proposal. A copy of the checklist is enclosed.
- The EIR should consider opportunities to promote countywide bicycle and pedestrian routes identified in the Alameda Countywide Bicycle and Pedestrian Plans, which were approved in October 2006. The approved Countywide Bike Plan and Pedestrian Plan are available at [http://www.actia2022.com/app\\_pages/view/58](http://www.actia2022.com/app_pages/view/58)
- For projects adjacent to state roadway facilities, the analysis should address noise impacts of the project. If the analysis finds an impact, then mitigation measures (i.e., soundwalls) should be incorporated as part of the conditions of approval of the proposed project. It should not be assumed that federal or state funding is available.
- Local jurisdictions are encouraged to consider a comprehensive Transit Oriented Development (TOD) Program, including environmentally clearing all access improvements necessary to support TOD development as part of the environmental documentation.

Thank you for the opportunity to comment on this Notice of Preparation. Please do not hesitate to contact me at 510.208.7405 if you require additional information.

Sincerely,



Beth Walukas  
Deputy Director of Planning

Cc: Laurel Poeton, Assistant Transportation Planner  
File: CMP – Environmental Review Opinions – Responses - 2011





November 17, 2011

Lynn Warner  
Planner III  
City of Oakland  
Community and Economic Development Agency  
250 Frank H. Ogawa Plaza, Suite 3315  
Oakland, CA 94612

SUBJECT: Comments on the Revised Notice of Preparation (NOP) of a Draft Supplemental Environmental Impact Report (DSEIR) for the 1800 San Pablo Avenue Project in the City of Oakland (Case Number ER 110014)

Dear Ms. Warner:

Thank you for the opportunity to comment on the Notice of Preparation (NOP) for a Draft Supplemental Environmental Impact Report (DSEIR) for the City of Oakland. The project area site consists of a surface parking lot containing 70 fee parking spaces. The site is surrounded by 19<sup>th</sup> Street (with residential uses beyond) to the north; residential uses to the east; 18<sup>th</sup> Street (with retail uses beyond) to the south; and San Pablo Avenue (with commercial uses beyond) to the west.

The project would construct a seven-story (above grade) structure containing residential and commercial uses and a parking garage. The building would contain approximately 120,000 square feet of commercial space and up to 100 residential units. Up to 309 parking spaces would be constructed on three floors below grade.

The Alameda County Transportation Commission (Alameda CTC), on behalf of the Alameda County Congestion Management Agency (ACCMA) through the powers delegated to Alameda CTC by the joint powers agreement which created Alameda CTC, respectfully submits the following comments:

- The City of Oakland adopted Resolution No.69475 on November 19, 1992 establishing guidelines for reviewing the impacts of local land use decisions consistent with the Alameda County Congestion Management Program (CMP). If the proposed project is expected to generate at least 100 p.m. peak hour trips over existing conditions, the CMP Land Use Analysis Program requires the City to conduct a traffic analysis of the project using the Countywide Transportation Demand Model for projection years 2020 and 2035 conditions. Please note the following paragraph as it discusses the responsibility for modeling.

- The CMP was amended on March 26<sup>th</sup>, 1998 so that local jurisdictions are responsible for conducting the model runs themselves or through a consultant. The Alameda CTC has a Countywide model that is available for this purpose. The City of Oakland and the Alameda CTC signed a Countywide Model Agreement on May 28, 2009. Before the model can be used for this project, a letter must be submitted to the Alameda CTC requesting use of the model and describing the project. A copy of a sample letter agreement is available upon request.
- The DSEIR should address all potential impacts of the project on the MTS roadway and transit systems. These include MTS roadways as shown in the attached map as well as BART and AC Transit. The MTS roads in the city of Oakland in the project study area are; I-980, Martin Luther King Jr. Way, San Pablo Avenue, Telegraph Avenue, Broadway, Harrison Street, West Grand Avenue and 14<sup>th</sup> Street. (See 2011 CMP Figure 2). Potential impacts of the project must be addressed for 2020 and 2035 conditions.
  - Please note that the Alameda CTC has *not* adopted any policy for determining a threshold of significance for Level of Service for the Land Use Analysis Program of the CMP. Professional judgment should be applied to determine the significance of project impacts (Please see chapter 6 of 2011 CMP for more information).
  - For the purposes of CMP Land Use Analysis, 2000 Highway Capacity Manual is used.
- The adequacy of any project mitigation measures should be discussed. On February 25, 1993, the ACCMA Board adopted three criteria for evaluating the adequacy of DSEIR project mitigation measures:
  - Project mitigation measures must be adequate to sustain CMP service standards for roadways and transit;
  - Project mitigation measures must be fully funded to be considered adequate;
  - Project mitigation measures that rely on state or federal funds directed by or influenced by the CMA must be consistent with the project funding priorities established in the Capital Improvement Program (CIP) section of the CMP or the Regional Transportation Plan (RTP).

The DSEIR should include a discussion on the adequacy of proposed mitigation measures relative to these criteria. In particular, the DSEIR should detail when proposed roadway or transit route improvements are expected to be completed, how they will be funded, and what would be the effect on LOS if only the funded portions of these projects were assumed to be built prior to project completion.

- Potential impacts of the project on CMP transit levels of service must be analyzed. (See 2011 CMP, Chapter 4). Transit service standards are 15-30 minute headways for bus service and 3.75-15 minute headways for BART during peak hours. The DEIR should address the issue of transit funding as a mitigation measure in the context of the Alameda CTC/ACCMA policies discussed above.
- The DSEIR should also consider demand-related strategies that are designed to reduce the need for new roadway facilities over the long term and to make the most efficient use of

existing facilities (see 2011 CMP, Chapter 5). The DSEIR should consider the use of TDM measures, in conjunction with roadway and transit improvements, as a means of attaining acceptable levels of service. Whenever possible, mechanisms that encourage ridesharing, flextime, transit, bicycling, telecommuting and other means of reducing peak hour traffic trips should be considered. The Site Design Guidelines Checklist may be useful during the review of the development proposal. A copy of the checklist is enclosed.

- The DSEIR should consider opportunities to promote countywide bicycle and pedestrian routes identified in the Alameda Countywide Bicycle and Pedestrian Plans, which were approved in October 2006. The approved Countywide Bike Plan and Pedestrian Plan are available at [http://www.actia2022.com/app\\_pages/view/58](http://www.actia2022.com/app_pages/view/58)
- For projects adjacent to state roadway facilities, the analysis should address noise impacts of the project. If the analysis finds an impact, then mitigation measures (i.e., soundwalls) should be incorporated as part of the conditions of approval of the proposed project. It should not be assumed that federal or state funding is available.
- Local jurisdictions are encouraged to consider a comprehensive Transit Oriented Development (TOD) Program, including environmentally clearing all access improvements necessary to support TOD development as part of the environmental documentation.

Thank you for the opportunity to comment on this Notice of Preparation. Please do not hesitate to contact me at 510.208.7405 if you require additional information.

Sincerely,



Beth Walukas  
Deputy Director of Planning

Cc: Laurel Poeton, Assistant Transportation Planner  
File: CMP – Environmental Review Opinions – Responses - 2011



November 21, 2011

Heather Klein  
Community and Economic Development Agency  
Planning Division  
City of Oakland  
250 Frank H. Ogawa Plaza, Suite 3315  
Oakland, CA 94612

SUBJECT: Comments on the Draft Environmental Impact Report (DEIR) for City of Oakland Emerald Views Residential Development Project

Dear Ms. Klein:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the City of Oakland. The proposed project would include the construction of a high-rise residential tower (approximately 457 feet tall) with approximately 370 residential units (including a mix of on- and two- bedroom units). The ground floor of the tower would include a lobby, café, lounge, management offices and other uses. The project is located in Central Oakland, within the block that is bounded by 19<sup>th</sup> Street, Harrison Street, 20<sup>th</sup> Street, Lakeside Drive and Jackson Street.

The Alameda CTC respectfully submits the following comment:

- MTS Roadways requiring analysis p. 132: Alameda CTC response to the NOP sent on 12/07/07 identified the MTS and CMP roadways that needed to be addressed in the traffic study portion of the DEIR. This list included: I-880, I-580, I-80, I-980, SR 24, West Grand Avenue, San Pablo Avenue, Telegraph Avenue, 14<sup>th</sup> Street, Martin Luther King Jr. Way, Broadway as well as BART and AC Transit. SR 24, I-580, Martin Luther King Junior Way, San Pablo Avenue, and 14<sup>th</sup> Street do not appear to be analyzed in the DEIR Transportation Chapter. These roadways should be added to the DEIR for all scenarios.

Thank you for the opportunity to comment on this Draft Environmental Impact Report. Please do not hesitate to contact me at 510.208.7405 if you require additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Beth Walukas".

Beth Walukas  
Deputy Director of Planning



December 15, 2011

Alicia Parker  
Planner II  
Strategic Planning Division  
City of Oakland Community and Economic Development Agency  
250 Frank Ogawa Plaza, Suite 3315  
Oakland, CA 94612  
[aparker@oaklandnet.com](mailto:aparker@oaklandnet.com)

SUBJECT: Comments on the Notice of Preparation of a Supplemental Environmental Impact Report (SEIR) for the Central Estuary Implementation Guide in the City of Oakland

Dear Ms. Parker:

Thank you for the opportunity to comment on the Notice of Preparation (NOP) of a Supplemental Environmental Impact Report (SEIR) for the Central Estuary Implementation Guide in the City of Oakland. The project area covers the Central Estuary and encompasses about 416 acres of land, including about 319 acres of individual parcels, and about 100 acres of public rights-of-way. The project area is bordered by Interstate 880 (I-880) to the northeast and the Oakland Estuary to the southwest.

The Draft Central Estuary Implementation Guide (CEIG) is a 20-year planning document that would, if approved, modify or clarify land uses and associated densities within the Central Estuary area. As a companion document to the City's 1999 Estuary Policy Plan (EPP), the Draft CEIG identifies steps to be undertaken to implement the recommendations of the EPP.

The majority of the area is currently zoned for heavy industrial uses, although given the evolution of residential, commercial, park, and office uses, simply perpetuating the heavy industrial designation is no longer appropriate or viable. The Draft CEIG proposes to maintain existing industrial uses while allowing for an increment of new commercial, residential, and office development in appropriate locations. Implementation of the CEIG required changes to general plan maps and the zoning code; the development of design guidelines to reconcile conflicting land use priorities, and the implementation of transportation improvements to address infrastructure deficiencies.

The Alameda County Transportation Commission (Alameda CTC), on behalf of the Alameda County Congestion Management Agency (ACCMA) through the powers delegated to Alameda CTC by the joint powers agreement which created Alameda CTC, respectfully submits the following comments:

- The City of Oakland adopted Resolution No. 69475 on November 19, 1992 establishing guidelines for reviewing the impacts of local land use decisions consistent with the Alameda County Congestion Management Program (CMP). It appears that the proposed project will generate at least 100 p.m. peak hour trips over existing conditions and therefore the CMP Land Use Analysis Program requires the City to conduct a traffic analysis of the project using the Countywide Transportation Demand Model for projection years 2020 and 2035 conditions. Please note the following paragraph as it discusses the responsibility for modeling.
  - The CMP was amended on March 26<sup>th</sup>, 1998 so that local jurisdictions are responsible for conducting the model runs themselves or through a consultant. The Alameda CTC has a Countywide model that is available for this purpose. The City of Oakland and the Alameda CTC signed a Countywide Model Agreement on May 28, 2009. Before the model can be used for this project, a letter must be submitted to the Alameda CTC requesting use of the model and describing the project. A copy of a sample letter agreement is available upon request.
- The SEIR should address all potential impacts of the project on the MTS roadway and transit systems. These include MTS roadways as shown in the attached map as well as BART and AC Transit. The MTS roads in the city of Oakland in the project study area are; I-880, International Boulevard, San Leandro, Fruitvale Avenue, Park Street, High Street and 42<sup>nd</sup> Avenue. (See 2011 CMP Figure 2). Potential impacts of the project must be addressed for 2020 and 2035 conditions.
  - Please note that the Alameda CTC has *not* adopted any policy for determining a threshold of significance for Level of Service for the Land Use Analysis Program of the CMP. Professional judgment should be applied to determine the significance of project impacts (Please see chapter 6 of 2011 CMP for more information).
  - For the purposes of CMP Land Use Analysis, 2000 Highway Capacity Manual is used.
- The adequacy of any project mitigation measures should be discussed. On February 25, 1993, the ACCMA Board adopted three criteria for evaluating the adequacy of DEIR project mitigation measures:
  - Project mitigation measures must be adequate to sustain CMP service standards for roadways and transit;
  - Project mitigation measures must be fully funded to be considered adequate;
  - Project mitigation measures that rely on state or federal funds directed by or influenced by the CMA must be consistent with the project funding priorities established in the Capital Improvement Program (CIP) section of the CMP or the Regional Transportation Plan (RTP).

The DEIR should include a discussion on the adequacy of proposed mitigation measures relative to these criteria. In particular, the DEIR should detail when proposed roadway or

transit route improvements are expected to be completed, how they will be funded, and what would be the effect on LOS if only the funded portions of these projects were assumed to be built prior to project completion.

- Potential impacts of the project on CMP transit levels of service must be analyzed. (See 2011 CMP, Chapter 4). Transit service standards are 15-30 minute headways for bus service and 3.75-15 minute headways for BART during peak hours. The DEIR should address the issue of transit funding as a mitigation measure in the context of the Alameda CTC/ACCMA policies discussed above.
- The DEIR should also consider demand-related strategies that are designed to reduce the need for new roadway facilities over the long term and to make the most efficient use of existing facilities (see 2011 CMP, Chapter 5). The DEIR should consider the use of TDM measures, in conjunction with roadway and transit improvements, as a means of attaining acceptable levels of service. Whenever possible, mechanisms that encourage ridesharing, flextime, transit, bicycling, telecommuting and other means of reducing peak hour traffic trips should be considered. The Site Design Guidelines Checklist may be useful during the review of the development proposal. A copy of the checklist is enclosed.
- The EIR should consider opportunities to promote countywide bicycle and pedestrian routes identified in the Alameda Countywide Bicycle and Pedestrian Plans, which were approved in October 2006. The approved Countywide Bike Plan and Pedestrian Plan are available at [http://www.actia2022.com/app\\_pages/view/58](http://www.actia2022.com/app_pages/view/58).
- For projects adjacent to state roadway facilities, the analysis should address noise impacts of the project. If the analysis finds an impact, then mitigation measures (i.e., soundwalls) should be incorporated as part of the conditions of approval of the proposed project. It should not be assumed that federal or state funding is available.
- Local jurisdictions are encouraged to consider a comprehensive Transit Oriented Development (TOD) Program, including environmentally clearing all access improvements necessary to support TOD development as part of the environmental documentation.

Thank you for the opportunity to comment on this Notice of Preparation. Please do not hesitate to contact me at 510.208.7405 if you require additional information.

Sincerely,



Beth Walukas  
Deputy Director of Planning

Cc: Laurel Poeton, Assistant Transportation Planner  
File: CMP – Environmental Review Opinions – Responses - 2011



December 20, 2011

Leslie Mendez  
Planner  
Land Use Planning Division  
City of Berkeley Planning and Development Department  
2120 Milvia Street  
Berkeley, CA  
[LMendez@ci.berkeley.ca.us](mailto:LMendez@ci.berkeley.ca.us)

SUBJECT: Comments on the Draft Environmental Impact Report (DEIR) for the Berkeley Iceland Adaptive Reuse Project (2727 Milvia Street) in the City of Berkeley

Dear Ms. Mendez:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Berkeley Iceland Adaptive Reuse Project (2727 Milvia Street) in the City of Berkeley. The Berkeley Iceland Adaptive Reuse project proposes to rehabilitate the 53,334 square-foot Berkeley Iceland building consistent with the Secretary of the Interior's Standards for Historic Rehabilitation and convert the building to commercial retail use. The adaptation of the structure would include the removal of the existing internal and external earthen berms to accommodate off-street parking and interior improvements including the removal of wood bleachers and construction of the two interior mezzanine areas. The renovated building would include a total of 71,862 square foot of commercial retail space (including accessory office and storage areas). Approximately 5,196 square feet of the building would be available to host community events. The project proposes a total of 44 off-street vehicle parking spaces, two off-street loading spaces, 64 off-street bike parking spaces and an additional 40 employee bicycle parking spaces within the store.

The Alameda County Transportation Commission (Alameda CTC), on behalf of the Alameda County Congestion Management Agency (ACCMA) through the powers delegated to Alameda CTC by the joint powers agreement which created Alameda CTC, respectfully submits the following comments:

- As part of the Alameda County Congestion Management Program's Land Use Analysis Program, the City of Berkeley is required to send all Notices of Preparation (NOP) to the Alameda CTC for review and comment. While the City of Berkeley has in the past forwarded all NOPs to us, to our knowledge we never received the NOP for this project. We assume this is an oversight or a mail delivery issue, but would appreciate the City double checking that the Alameda County Transportation Commission is included on the City's mailing list to receive future notifications.



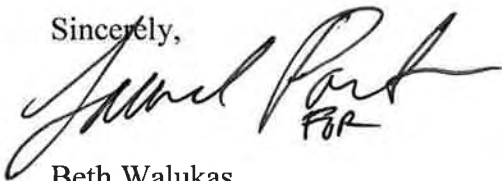
- Based on our review of the information provided in the DEIR, specifically the trip generation calculations shown on page 81 Table IV C-5, the project is expected to generate more than 100 p.m. peak hour trips over existing conditions which triggers a Tier 1 transportation analysis. Therefore, the following comments are respectfully submitted.
- The City of Berkeley adopted Resolution No. 56,593 on September 29, 1992 establishing guidelines for reviewing the impacts of local land use decisions consistent with the Alameda County Congestion Management Program (CMP). If the proposed project is expected to generate at least 100 p.m. peak hour trips over existing conditions, the CMP Land Use Analysis Program requires the City to conduct a traffic analysis of the project using the Countywide Transportation Demand Model for projection years 2020 and 2035 conditions. Please note the following paragraph as it discusses the responsibility for modeling.
  - The CMP was amended on March 26<sup>th</sup>, 1998 so that local jurisdictions are responsible for conducting the model runs themselves or through a consultant. The Alameda CTC has a Countywide model that is available for this purpose. The City of Berkeley and the Alameda CTC signed a Countywide Model Agreement on September 15, 2010. Before the model can be used for this project, a letter must be submitted to the Alameda CTC requesting use of the model and describing the project. A copy of a sample letter agreement is available upon request.
- The DEIR should address all potential impacts of the project on the MTS roadway and transit systems. These include MTS roadways as shown in the attached map as well as BART and AC Transit. The MTS roads in the City of Berkeley in the project study area are: Sacramento Street, Martin Luther King Jr. Way, Shattuck Avenue, Bancroft Way, Dwight Way, SR 13, and Adeline Street. (See 2011 CMP Figure 2). Potential impacts of the project must be addressed for 2020 and 2035 conditions.
  - Please note that the Alameda CTC has *not* adopted any policy for determining a threshold of significance for Level of Service for the Land Use Analysis Program of the CMP. Professional judgment should be applied to determine the significance of project impacts (Please see chapter 6 of 2011 CMP for more information).
  - For the purposes of CMP Land Use Analysis, 2000 Highway Capacity Manual is used.
- The adequacy of any project mitigation measures should be discussed. On February 25, 1993, the ACCMA Board adopted three criteria for evaluating the adequacy of DEIR project mitigation measures:
  - Project mitigation measures must be adequate to sustain CMP service standards for roadways and transit;
  - Project mitigation measures must be fully funded to be considered adequate;
  - Project mitigation measures that rely on state or federal funds directed by or influenced by the CMA must be consistent with the project funding priorities established in the Capital Improvement Program (CIP) section of the CMP or the Regional Transportation Plan (RTP).

The DEIR should include a discussion on the adequacy of proposed mitigation measures relative to these criteria. In particular, the DEIR should detail when proposed roadway or transit route improvements are expected to be completed, how they will be funded, and what would be the effect on LOS if only the funded portions of these projects were assumed to be built prior to project completion.

- Potential impacts of the project on CMP transit levels of service must be analyzed. (See 2011 CMP, Chapter 4). Transit service standards are 15-30 minute headways for bus service and 3.75-15 minute headways for BART during peak hours. The DEIR should address the issue of transit funding as a mitigation measure in the context of the Alameda CTC/ACCMA policies discussed above.
- The DEIR should also consider demand-related strategies that are designed to reduce the need for new roadway facilities over the long term and to make the most efficient use of existing facilities (see 2011 CMP, Chapter 5). The DEIR should consider the use of TDM measures, in conjunction with roadway and transit improvements, as a means of attaining acceptable levels of service. Whenever possible, mechanisms that encourage ridesharing, flextime, transit, bicycling, telecommuting and other means of reducing peak hour traffic trips should be considered. The Site Design Guidelines Checklist may be useful during the review of the development proposal. A copy of the checklist is enclosed.
- The EIR should consider opportunities to promote countywide bicycle and pedestrian routes identified in the Alameda Countywide Bicycle and Pedestrian Plans, which were approved in October 2006. The approved Countywide Bike Plan is and Pedestrian Plan are available at [http://www.actia2022.com/app\\_pages/view/58](http://www.actia2022.com/app_pages/view/58)
- For projects adjacent to state roadway facilities, the analysis should address noise impacts of the project. If the analysis finds an impact, then mitigation measures (i.e., soundwalls) should be incorporated as part of the conditions of approval of the proposed project. It should not be assumed that federal or state funding is available.
- Local jurisdictions are encouraged to consider a comprehensive Transit Oriented Development (TOD) Program, including environmentally clearing all access improvements necessary to support TOD development as part of the environmental documentation.

Thank you for the opportunity to comment on this Notice of Preparation. Please do not hesitate to contact me at 510.208.7405 if you require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Beth Walukas", with a stylized flourish underneath.

Beth Walukas  
Deputy Director of Planning

Cc: Laurel Poeton, Assistant Transportation Planner  
File: CMP – Environmental Review Opinions – Responses - 2011



## MEMORANDUM

**Date:** January 10, 2012

**To:** Alameda County Transportation Commission

**From:** Programs Policy and Legislation Committee

**Subject:** **Review of Draft Bike to Work Day and Ride into Life/Get Rolling Campaign Assessment Report**

### Recommendations

It is requested that the Commission review and provide input on the draft Bike to Work Day and *Get Rolling* Advertising Campaign Assessment Report. The Executive Summary is included in Attachment A. The complete report is available on line.

### Summary

The Draft Bike to Work Day and *Get Rolling* Advertising Campaign Assessment Report is the result of an assessment of how effective the *Get Rolling/Ride into Life* advertising campaigns and the Bike to Work Day program are in encouraging commuters to travel to work by bicycle and to bicycle more in general. The assessment was conducted per direction of the Alameda CTC Board in October 2009 and was funded through TFCA grant funds. The Board was seeking information to help guide decisions about whether the *Get Rolling* advertising campaign and Bike to Work Day Program should continue to be funded, and at what level, and to identify other ways to encourage commuters to bicycle to work. These findings and recommendations will be used to help guide how funding and resources will be applied to Bike to Work Day and the advertising campaign in 2012, and beyond.

### Background

In October 2009, the Alameda CTC Board approved Transportation for Clean Air (TFCA) funding to conduct a two year study to assess how effective the *Get Rolling* advertising campaign and the Bike to Work Day program are at encouraging commuters to travel to work by bicycle. The information from the study was intended to provide information to help guide the Board's decisions about whether the Bike to Work Day Program should continue to be funded at the same level and to identify other ways to encourage commuters to bicycle to work, and to bicycle in general. The Board has been supporting the Bike to Work Day effort with funding since 2007. The *Get Rolling* advertising campaign was initiated in 2008, and has been implemented every year since then. The campaign name was changed to *Ride into Life* in 2011. The Bike to Work Day effort is one of the ways that Alameda CTC encourages Alameda County residents to workers to make trips via other transportation modes besides driving alone in their cars. This is part of Alameda CTC's mission and legislative requirements under the Congestion Management Program and state clean air legislation (SB 375 and AB 32) to reduce traffic congestion, promote transportation choices and reduce air pollution emissions from cars.

The Draft Assessment Report is based on two years of surveys and a comparison of Alameda CTC's Bike to Work Day program to other Bike to Work Day programs throughout the U.S. The surveys were conducted in November/December 2010 and again in June 2011. In both 2010 and 2011, a telephone survey was conducted to adult residents throughout the county and a web survey was conducted targeting bicyclists in the county. The telephone surveys reached approximately 400 adult residents each year while the web survey reached over 650 bicyclists each year. Bike to Work Day was held in May of each year. The surveys were conducted at different intervals after Bike to Work Day and the advertising campaign period occurred, and therefore likely reflect differing recollections about behaviors on Bike to Work Day and memories of seeing the *Get Rolling/Ride into Life* campaign advertisements.

The Draft Assessment Report includes highlights of the findings regarding Bike to Work Day, the *Get Rolling/Ride into Life* campaigns and other ways to encourage commuters and residents to travel by bicycle in Alameda County. It includes recommendations based on these findings for the Bike to Work Day effort and *Get Rolling/Ride into Life* campaigns going forward. The Draft Report describes two methodologies (one for 2010 and one for 2011) for segmenting the county's adult population into groups that are most likely to bicycle, as a way to determine who to effectively target for the Bike to Work Day and advertising campaign efforts. The Draft Report includes detailed findings from the various surveys as well as comparisons to other Bike to Work Day programs throughout the United States.

The findings and recommendations from the draft Assessment Report are intended to help guide how funding and resources can be applied to Bike to Work Day and the advertising campaign in 2012, and beyond. The Draft Report was brought to a Working Group of stakeholders for their input on December 13, 2011, to the Alameda Bicycle Pedestrian Advisory Committee (BPAC) meeting on December 15, 2011, ACTAC on January 3, 2012 and Planning, Policy and Legislation Committee (PPLC) on January 9, 2012.

**BPAC Comments:**

- 1) Recommend encouraging employer support, for example by encouraging employers to provide pre-tax reimbursement of the cost of biking to employees.
- 2) For advertisements, add Public Service Announcements (PSAs).

These comments, which are not directly related to the results of the Bike to Work Day report, will be considered for the Bike to Work Day program and Bicycle/Pedestrian efforts of Alameda CTC.

**ACTAC comments:**

ACTAC asked whether the report provides information on bicycle parking at schools and workplaces. This was included in the surveys and will be included in the report.

**PPLC comments:**

- What data can we show at the city level?
  - Data is not available at the city level with the survey data, however, American Community Survey (ACS) data is available and will be included in the 2012 update of the Alameda Countywide Bicycle and Pedestrian Plans.
- Re-order recommendations – put infrastructure at the top of the list since it is a large deterrent from biking.

- Recommendations will be re-ordered.
- “Bicycling is fun” should be added to the ad campaign.
  - The survey did not test this, but it will be considered as part of future ad campaigns.
- How can we reach minorities with messaging about bicycling?
  - Tables will be added to the report with information about barriers and reasons to bicycle by ethnicity, which may provide information that would help guide messaging about bicycling to different ethnicities.
- Do cities with colleges have more bicyclists?
  - The survey did not include a sample size that can accurately show this information.
- Focus advertisements on large employers and large campuses as a pilot program to see what works best to increase participation in Bike to Work Day.
  - This has been added to the recommendations and will be considered as part of future ad campaigns and Bike to Work District efforts subject to available budget.
- Provide more information on the relationship between bicycling and public transportation.
  - This information was gathered in the survey and has been added to the report.
- Do people have access to bicycle maps?
  - The survey found that knowing the route is not as much of a barrier to biking compared with safety, distance, and other logistical concerns. Providing more information on the best routes for biking did not rank highly in the list of possible improvements. Bike maps are available through 511.org and other sources and will be noted in the final report.
- Recommend locating ads in new places where people can see them where there are not bus shelters, like on moving bikes.
  - This will be considered as an option in future ad campaigns.
- Have a “Bike for Life” campaign instead of merely a “Bike to Work” Campaign.
  - This will be considered as part of future bike campaigns, subject to available funding. The current ad campaign is “Ride with Life.”
- Provide free bikes to lower income kids as a way to get them biking at a young age and later in life.
  - The Draft 2012 Countywide Bicycle Plan includes a program category for implementing the bicycle programs in the Community Based Transportation Plans (CBTPs), which focus on low income communities. The CBTPs include programs that provide low income people with bikes by earning them. A broader bike program for low income residents will be considered as a modification to the Draft 2012 Countywide Bicycle Plan.

## **Attachments**

Attachment A:           Executive Summary, Draft Bike to Work Day and Get Rolling Advertising Campaign Assessment Report

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## EXECUTIVE SUMMARY

### Bike To Work Day & *Get Rolling* Advertising Campaign Assessment

This memorandum is an executive summary of the results of the two-year Bike to Work Day/*Get Rolling* Advertising Campaign Assessment project conducted by EMC Research, Inc.

#### Top Research Findings

##### Bicycling in Alameda County

- About half of Alameda County residents (48%) have access to a working bicycle, while 83% have access to a car.
- One in five Alameda County residents (20%) report riding a bicycle at least once a week for any purpose, while another 15% say they ride less frequently (but more than never).
- North County (Oakland, Alameda, Albany, Berkeley, Emeryville and Piedmont) has the highest concentration of cyclists using their bicycles for transportation, while East County residents (Dublin, Pleasanton and Livermore) are most likely to ride for health and recreation.
- More people ride bicycles for health and recreation than for any other purpose, and health benefits are the most compelling reason to ride for both overall residents and cyclists.
  - Environmental benefits, reduced energy usage, air quality improvements, and reduced greenhouse gas emissions are also strong motivators for bicycle riding.
  - Reduction in traffic congestion and avoidance of traffic do not rank as highly as motivators for bicycle riding.
- Approximately one in ten (11%) of working residents in the county say they ride their bicycle for at least part of their trip to work at least once a week.
- One out of four Alameda County residents who drive (or 21% of the county adult population) say it would not be difficult to replace at least one car trip per week with bicycling.

- The safety of riding a bicycle is a top concern for many current and would-be bicyclists, particularly with cars on roadways – 66% are worried about riding with cars on the road, 65% believe there aren't enough bike lanes on their route, 64% are worried about personal safety, and 63% are worried about getting home in an emergency. Trip distance is also a significant barrier for many residents, with 65% saying they go places that are too far away to ride.
  - The top concerns remained consistent over the two-year study period.
- Residents are most likely to ride more often if they have more places where bikes can ride away from cars, like bike paths (56% more likely to ride), followed by safety improvements at major intersections (54% more likely to ride), more secure bike parking (51%), more dedicated bike lanes (49%), and more secure parking at transit stations (47%).

### Bike to Work Day

- Nearly two-thirds (72%) of adult residents of Alameda County have heard of Bike to Work Day (BTWD).
- In the 2011 telephone survey, 9% of adult residents said they have participated in Bike to Work Day at some point, with 2% participating in 2011.
  - These figures are lower than reported in 2010, when 17% said they had participated in Bike to Work Day at some point, and 5% said they participated in that year.
- Three quarters (74%) of 2011 BTWD participants from the bicyclists' web survey rode their bikes the entire distance to work on Bike to Work Day; 20% combined biking and public transit; 2% combined biking and driving a car.
  - Two out of three bicyclists who participated in Bike to Work Day were likely to have ridden their bicycles anyway, but 30% would have driven in a car alone.
- In the two years studied, according to self-reported participation and mileage figures, and understanding that survey data is subject to known and unknown sources of sampling and other margins of error, Alameda County residents drove about one hundred thousand to one hundred fifty thousand miles less on Bike to Work Day.
  - **2010:** 15,210 solo trips replaced x 10.25 average miles traveled by bicycle = 156,358.8 reduced Vehicle Miles Traveled (VMT).
  - **2011:** 7,005 solo trips replaced x 13.17 average miles traveled by bicycle = 92,250 reduced VMT.
- Participants in the 2011 bicyclists' survey heard about Bike to Work day from a variety of sources, including the East Bay Bicycle Coalition (EBBC) website (33%), their employer (32%), a coworker (32%), a poster or billboard (18%), 511.org (16%), a local bicycle organization newsletter (16%), or [www.youcanbikethere.com](http://www.youcanbikethere.com) (the Bay Area BTWD website) (15%).



- Almost all Bike to Work Day participants are likely to participate again. In 2011, 67% of adult residents and 94% of bicyclists who participated in Bike to Work Day say they are very likely to participate in 2012, with most of the remainder saying they are somewhat likely to participate in 2012.
- Twenty-seven percent (27%) of participants from the bicyclists' web survey who participated in BTWD 2011 say they ride their bicycles more often since participating, with 11% of this group saying they ride a lot more often.
- Those residents whose employers generally support bicycling to work report a higher level of participation in BTWD than those who have less supportive employers.

### Team Bike Challenge

- Approximately one in ten adult residents of Alameda County (9%) have heard of the Team Bike Challenge, while approximately three-quarters (73%) of those from the bicyclists' web survey have heard of it.
  - Amongst bicyclists from the web survey, awareness of and participation in the Team Bike Challenges (TBC) is highest in Central County (Hayward, San Leandro, unincorporated Central County including San Lorenzo): 80% are aware of TBC, and 45% participated.
- Nearly half of bicyclists who participated in the Team Bike Challenge did so due to workplace support or peer relationships.
  - Fifteen percent (15%) of past participants who did not participate in TBC in 2011 couldn't find a team/teammates.
- Thirty-five percent (35%) of 2011 Team Bike Challenge participants from the web survey of bicyclists say they ride more after participating in the TBC (with 9% saying a lot more). This is higher than the rate of 27% of all BTWD participants who say they bicycle more after participating in BTWD (with 11% saying they participate a lot more)

### Walk and Roll to School Day

- One in five adult Alameda County residents (21%) have heard of Walk & Roll to School Day, with awareness slightly higher amongst those who took the bicyclist survey (30%).
  - Participation in Walk & Roll to School Day is consistent across surveys as well, as well, with 9% of adult residents in the 2011 telephone survey and 10% of bicyclists in the web survey reporting participation.
  - Participation in Walk and Roll to School Day 2011 by adult residents was highest in East County (17%), followed by South (Union City, Newark and Fremont) (12%) and North (11%). Just 2% of Central County adult residents participated in Walk & Roll to School Day.

## Advertising

- While advertising penetration is low in Alameda County, people that have seen the advertisements find them effective, and the campaign gets the message of riding a bicycle as a regular form of transportation across to those who have seen it.
  - Bicyclists are more likely than the overall population to recall the ads.
  - When they view the ads, most bicyclists believe they are effective in promoting bicycling as a form of transportation.
- Four out of five (81%) of those from the 2011 bicyclists survey who said they had seen *Get Rolling/Ride Into Life* ads thought they had something to do with bicycling.
- Upon viewing a sample of the ads in the 2011 web survey, 60% of bicyclist respondents thought the ads were either very or somewhat effective, while 34% thought they were not very effective, and 5% thought they were not at all effective.
- The image that recalls gas prices and suggests that money could be saved by cycling was cited most often as the most effective component of the ad campaign, with 37% finding that imagery effective in 2011, as compared to 22% in 2010. (The 2011 survey was taken more shortly after Bike to Work Day than the 2010 survey.)

## Segmentation of Bicyclists and Potential Targets

- Nearly the same size target groups of county residents most likely to increase biking resulted from the two “segmentation methods,” discussed below. This shows that there is some widespread receptivity to messaging about cycling as transportation with about one in five adults in Alameda County.
  - To identify and target groups most likely to increase bike ridership, the two adult population surveyed by phone were segmented using two distinct methods:
    - in the 2010 survey, current biking habits and attitudes about barriers to bicycling were used as a segmentation method, and
    - in the 2011 survey, current driving behavior and self-reported ease of replacing a car trip with a bike trip were used as a segmentation method.
- Committed bicyclists who already use a bicycle as transportation with frequency are largely men in North County. Whites (36%) and Hispanics (28%) make up a majority of this group.
- While encouraging bicycling as a means of transportation for all residents and workers in Alameda County is a goal, several potential bicycling groups were identified for future targeting as having the highest potential for increasing bicycle ridership:
  - One of the groups with the highest potential to increase bike ridership is white men in North County who ride bicycles as transportation occasionally, but could be encouraged to ride more. They tend to be solo drivers who are concerned about safety issues and ride logistics (like weather, secure bicycle parking, and showers).

- Another potential target group to increase bike ridership is those who frequently ride recreationally, but do not use their bicycles as a mode of transportation. Two-thirds of this group are men, with East County residents having the largest share (as compared with the overall population). This group also tends to drive alone most often, with safety and distance to travel ranking high on their list of concerns.
- A third target group was created from those who drive regularly but say they can replace a car trip with a bike trip with relative ease. Half of this group are women, and they tend to be from North or Central County. This group equally cites safety concerns and difficulty as reasons they don't ride more often as transportation.

### Summary of Findings from Comparative Bike to Work Day Program Analysis

To learn about other Bike to Work Day programs, Alta Planning + Design conducted a survey of selected existing Bike to Work programs in North America by interviewing program staff. The results of the survey include successes and lessons learned from each of eight programs, as summarized below.

#### Programs Surveyed

Based on the jurisdiction size, location, and program elements, as well as the ability to interview program staff, Bike to Work programs from the following locations were included in the survey:

- San Luis Obispo County, California
- Silicon Valley, California
- Boulder, Colorado
- Denver, Colorado
- Chicago, Illinois
- Oregon
- Toronto, Ontario
- Victoria, British Columbia

#### Program Highlights and Successes

The following Bike to Work program elements emerged as unique and innovative strategies currently being implemented:

- Mobile applications for trip-tracking (Silicon Valley/Bay Area)

- Executive and celebrity bike commute challenges (San Luis Obispo, Silicon Valley)
- Robust event calendars (Toronto)
- Commuter stations sponsored by local businesses (Chicago)
- Competition among workplaces (Oregon)
- Media event with a bike/auto/transit race (Victoria)

Further, program staff recommended the following strategies as effective Bike to Work program components:

- Online trip-tracking
- Competition between individuals or groups
- Incentives/rewards for participating
- Promotion through workplaces, social media, and word of mouth
- Regional programs and branding (for cohesive messaging and to fully capture all commuters within a given area)

### Lessons Learned

Based on the interviews completed, program coordinators should consider the following options when creating or modifying a Bike to Work program:

- Timeframe: single day vs. week- or month-long programs
- Audience: workplace-based vs. individual- or team-based programs
- Structure: trip-tracking competition vs. informal events
- Incentives: whether or not to use them in the interest of encouraging participation

Based on the eight programs evaluated, the following strategies are not recommended based on a lack of evidence that they are successful in meeting the goals of this type of program:

- Paper-based trip tracking: As program participation grows, this type of tracking is seen as unsustainable for effective program management.
- Single-day programs: These events are effective at generating media attention, but they are expensive relative to their impact.
- Incentives/rewards for all participants: Attractive rewards can be expensive, particularly as program participation grows.
- Local programs that duplicate or compete with elements of a regional program: Participants may be confused, and multiple efforts may fragment workplaces or teams.

## Recommendations

### **Bike to Work Day**

- **Provide support for employers to promote Bike to Work Day at the workplace, encourage employers to provide bicycle support facilities such as bike parking and showers, and promote communications about bike routes between work and home. These efforts can all help increase bicycling as a regular commute mode.** The workplace is the most common place people got information about Bike to Work Day, most likely reflecting the heavy outreach to employers throughout Alameda County and the region. Bike to Work Day participants had most often heard of Bike to Work Day from their employer. People who did not participate did not receive much information about it from their employers. Workplaces are key partners in supporting biking to work and Bike to Work Day. Helping more employers create a culture where cycling can be easily integrated into worker commutes could help increase cycling in the county. Some of the county's larger employers could be targeted for pilot programs to understand how such a relationship would affect bicycling behaviors.
- **Build on people's enthusiasm for sharing about their participation in Bike to Work Day with friends, co-workers and classmates.** Many participants felt pride in their Bike to Work Day participation, shared it through social media, and discussed it with friends and coworkers. Encouraging this type of sharing can help spread the word about Bike to Work Day.
- **Team Bike Challenges and Walk and Roll to School Day are opportunities to reach throughout Alameda County.**
  - Participants in the Team Bike Challenge (TBC) are more likely to increase future bicycling frequency than the rest of Bike to Work Day participants; however, finding a team or teammates has been a challenge for some past TBC participants. Facilitating TBC team formation can encourage more people to bike ride more often.
  - Walk and Roll to School Day participants come from throughout the county, with the highest participation rates coming from East Alameda County. The Walk and Roll to School Day event presents an opportunity to communicate about bicycling with a group that sometimes sees it as too difficult to fit into their daily lives.

## Advertising

- **Continue to run image-based advertising similar to the current approach, at least at the current funding levels; increase the number and placements of advertisements if possible.** The current image-based advertising campaign is effective at communicating about bicycling as a mode of transportation, for those that have seen the ads. Delivering more ads to the populations most likely to increase their bicycling behavior is the most cost-efficient way to use limited resources to the greatest potential benefit.
- **Continue to place ads in highly visible places.** Ads on buses and bus shelters were highly visible in 2010, and flyers and handouts were most commonly recalled in 2011.
- **Look for other approaches to promote BTWD and bicycling in areas of the county where bus and banner advertising is not as prevalent, such as through employers, community events, and local schools.** Ads in these areas could also be complemented by other marketing approaches, such as increasing outreach to businesses and schools through the Team Bike Challenge and Walk and Roll to School Day.
- **The most compelling messaging and images about bicycling are those that communicate the potential to save money and the environment while improving personal health.** While some of the current images are communicating the money-saving potential (such as the image with high gas prices), more clearly connecting bicycle riding with money savings, the environment, and a healthy lifestyle would encourage more people who are “on the fence” to integrate cycling more into their regular travel habits.
- **A focus on increasing riding by people who are currently bicycling is likely to be a more effective strategy for reducing vehicle traffic and increasing bicycling than attempting to convert non-cyclists.** Those who are already bicycling on occasion, for any reason, are more likely to view cycling as a viable mode of transportation than those who are not currently bicycling.
- **Provide target groups with the tools they need to increase their ridership: how to ride on the road safely and how to effectively deal with weather and distance challenges.** Many in the target groups are concerned about safety riding with cars, distance, weather, and showering issues. These issues can be addressed in communications about riding safely on the road or help finding bike-safe routes, gear information (for safety and visibility, for bad weather, and for staying cool and sweat-free during the commute) and logistics details (to help those concerned about effort or distance find solutions that allow them to commute more easily by bicycle).

### Additional Approaches to Encouraging Bicycling in Alameda County

- **Bicycle safety infrastructure improvements should be pursued to encourage more cycling.** The safety of cycling is a major concern across the board. This concern appears to be related more to riding with cars on the roads and lack of bicycle facilities (like bicycle lanes and bicycle paths) than it is to the bicyclists' concern of their bike riding skills. Facilities that separate cars from bicyclists, such as bike lanes and bike paths, were more frequently mentioned as making people more likely to ride than other facility improvements. The need for safe and secure bicycle parking also rose to the top as a major barrier to biking to work.
- At the same time, **finding ways to help cyclists be more comfortable on the road**, such as through bicycle safety education classes for all ages, would help lower one major barrier to cycling.
- **When marketing bike safety classes, a greater focus on riding confidently and safely with cars on the road, with less focus on how to handle a bike, would appeal to a wide range of potential participants and address some of the barriers felt by the target groups.** Some of the target groups report that riding with cars on the road is one of their greatest concerns about bicycling more often as a form of transportation. Communicating that bike safety classes will give them tools and strategies for safely sharing roadways with cars can boost participation in classes, and lead to increased bicycling.

### Recommendations from Comparative Bike to Work Day Program Analysis

#### Overall

- To make efficient use of technological and financial investments in the Bike to Work Day program, it should be longer than one day (e.g., a week- or month-long event).
- In an area with a successful regional program, Alameda County should continue to partner with and learning from existing Bike to Work Day efforts in the Bay Area.

#### Trip Tracking

- As a way to encourage and streamline participation in Bike to Work Day, consider using an existing website/database that is used within the region. This will allow participants to easily track their trips. It will also avert high costs of building a new trip-tracking website.
- Use mobile applications for trip tracking.



- In a trip-tracking program, encourage individuals to easily participate with simple steps such as going online, registering, and logging their first trip. Reduce barriers to participation such as being required to ask permission from a supervisor, recruit a team, make a donation, or take other extraneous action in order to participate in the program.

### Team Bike Challenge

- In order to attract more new riders, consider adding competitive elements beyond distance, such as percentage of days participants commuted by bike or percentage of employees at a workplace participating.
- When promoting team participation, as an alternative to being required to create a team, allow participants to have their default team be their workplace. This would eliminate a potential barrier to participation.

### Encouragement

- Be creative with rewards structures and messaging. Participants respond to rewards, both tangible (prizes) and intangible (information about calories burned, dollars saved).
- Get civic and employer leaders to commit to riding as inspiration for others.

### Marketing

- Market bicycling as a positive, appealing commute option rather than conveying a potentially discouraging safety message.
- Brand the Bike to Work Day program with as few names as possible. For example, Oregon has Oregon's Bike Commute Challenge, in contrast to the San Francisco Bay Area Bike to Work Day program, which includes several brands such as Silicon Valley/Bay Area's Team Bike Challenge, iBikeChallenge, Bike to Work Day and youcanbikethere.com.
- Allow participants to create and promote their own events through the program's website or calendar (as in Toronto and Oregon).

## Research Methodology

A total of four surveys were conducted as part of this assessment. Two of the surveys were random representative telephone surveys of Alameda County adults, which serve to give a general picture of countywide attitudes towards biking, participation in Bike to Work Day activities, and *Get Rolling/Ride Into Life* ad penetration. The other two surveys were web-based surveys targeted to people who bicycle in Alameda County. Because the telephone survey sample yielded only a small sample of bicyclists (due to low representation in the countywide population), the web-based survey of bicyclists allows exploration in more depth about the attitudes and behaviors of bicyclists in the county.

### **Wave 1 Surveys:**

A telephone survey of a representative sample of 400 adult residents of Alameda County was conducted November 30 – December 5, 2010. The results have a margin of error of  $\pm 4.9$  percentage points at the county level.

Following the initial telephone survey, a web survey targeted to bicyclists in Alameda County was conducted. The survey was distributed through many online channels, including the East Bay Bike Coalition mailing list, Bike to Work Day energizer station sign-in sheets, and social networking pages for organizations like the Bay Area Bike Coalition, TransForm, Walk Oakland Bike Oakland, UC Berkeley, and Oakland Yellowjackets. A total of 656 bicyclists completed the web survey, which was open from December 7, 2010 through January 17, 2011.

### **Wave 2 Surveys:**

The second representative countywide telephone survey was conducted with 402 adult residents of Alameda County June 20 – 26, 2011. The results have a margin of error of  $\pm 4.9$  percentage points at the county level.

Following the second telephone survey, the second web survey of bicyclists in Alameda County was conducted. The survey was again distributed through online channels, including the East Bay Bike Coalition mailing list, Bike to Work Day energizer station sign-in sheets, and social networking pages for organizations like the Bay Area Bike Coalition, TransForm, Walk Oakland Bike Oakland, UC Berkeley, and Oakland Yellowjackets. A total of 679 bicyclists completed the web survey, which was open from July 26 through August 25, 2011.

## Project Background

### Alameda County Transportation Commission

The Alameda County Transportation Commission (Alameda CTC) is the public agency in Alameda County charged with planning, funding, and delivering a broad range of transportation projects and programs to provide a range of transportation choices throughout Alameda County. As part of its mission and legislative requirements under the Congestion Management Program and state clean air legislation (SB 375 and AB 32), Alameda CTC supports and encourages transportation choices to help reduce traffic congestion and air pollution emissions from cars. One of the ways it does this is to support Alameda County's Bike to Work Day efforts.

### Bike to Work Day

Bike to Work Day is a San Francisco Bay-Area event designed to promote bicycling for Bay Area commutes. It is held in early to mid-May as a component of National Bike Month, which was started nationally in 1956. Alameda County is one of the nine Bay Area counties that participates in Bike to Work Day-related events and activities throughout the month and especially on Bike to Work Day itself. The event was initiated in Alameda County in 1994, and regionally in 1995.

Starting in 2008, the East Bay Bicycle Coalition (EBBC) and Alameda CTC (formerly Alameda County Transportation Improvement Authority (ACTIA) and Alameda County Congestion Management Agency (ACCMA)) have collaborated on an advertising campaign that is designed to promote bicycling in general. The ads have run in April and May of each year to also support the promotion of Bike to Work Day. For each of the two years studied in this report, 2010 and 2011, Alameda CTC provided \$20,000 in funding, as well as a significant amount of in-kind assistance, to support the advertising campaign to encourage more bicycling in Alameda County.

### Project

In October 2009, the Alameda CTC Board approved Transportation for Clean Air (TFCA) funding to conduct a two year study to assess how effective the *Get Rolling* advertising campaign and the Bike to Work Day program are at encouraging commuters to travel to work by bicycle. The information from the study was intended to provide information to help guide the Board's decisions about whether the Bike to Work Day Program should continue to be funded at the

same level and to identify other ways to encourage commuters to bicycle to work, and to bicycle in general.

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## Memorandum

**DATE:** January 19, 2012

**TO:** Alameda County Transportation Commission

**FROM:** Planning, Policy and Legislation Committee

**SUBJECT:** Approval of Bike to Work Day 2012 Funding Request

### Recommendations

It is recommended that the Alameda County Transportation Commission (Alameda CTC) authorize the use of \$20,000 in Measure B Countywide Bicycle and Pedestrian Safety Funds to contribute towards the local and regional funding for Alameda County's 2012 Bike to Work Day promotion. The Planning Policy and Legislation Committee (PPLC) approved this item at its January 9, 2012 meeting. The Alameda CTC's Bicycle and Pedestrian Advisory Committee (BPAC) concurred with this recommendation at its December 15, 2011 meeting.

### Summary

The Alameda CTC and its predecessor agencies have supported the countywide Bike to Work Day efforts for the past five years. The proposed Measure B funding would contribute toward implementing Bike to Work Day 2012 in general, and specifically the countywide advertising campaign, which has been coordinated with Bike to Work Day over the past four years and promotes bicycling for all purposes (see Attachment A for sample images of the ads over these years). Alameda CTC staff also would provide in-kind support, through staffing and existing consultant contracts, which would be dedicated primarily to the advertising campaign. The recently completed evaluation of the effectiveness of the Bike to Work Day effort and the *Get Rolling* campaign determined that both efforts are generally successful. The recommendations from this evaluation will guide improvements to the 2012 and future Bike to Work Day efforts, including the promotion of bicycling in Alameda County.

### Background

On May 10, 2012, Alameda County residents and employees will participate in the region's 18th annual Bike to Work Day event. This statewide event encourages people to bicycle to work and school, and promotes safe bicycle riding. Over the years, the event has grown to include both events and promotions on the day of Bike to Work Day (BTWD), and also many events leading up to BTWD, and during the month of May.

Based on counts at energizer stations, the number of bicyclists participating in Bike to Work Day in Alameda County has been steadily increasing since 2006, as shown below:

- 5,350 cyclists in 2007
- 6,682 cyclists in 2008

- Over 10,000 cyclists in 2009
- 9,799 cyclists in 2010
- 11,083 cyclists in 2011

Bike to Work Day 2011 and the many other events leading up to it were a success, as demonstrated by the following:

- Increases in participating bicyclists by 13% from 2010 to 2011 (as counted at energizer stations).
- For the first time, four energizer stations counted over 500 bicyclists each during the morning commute.
- Increases in the number of energizer stations available to bicycle commuters throughout the East Bay from 101 in 2010, to 110 in 2011.
- Increases in sponsorship support by 26% from 2010 to 2011, amounting to \$86,700.
- Over 1200 businesses receiving materials about Bike to Work Day and the related events.
- Continuing the successful Bike to Market Day, with over 8 participating East Bay markets.
- The City of San Leandro hosting its first City Council ride on Bike to Work Day, and the City of Oakland continuing its long-standing Council ride.
- The largest Bike Away from Work Party yet, with approximately 700 cyclists.
- Continuing Bike-In Movie Nights, a popular set of events leading up to BTWD.
- Awarding the Bike-Friendly Business Awards for small, large, retail and non-retail employers.

A base amount of funding for BTWD is provided by MTC to the Bay Area Bicycle Coalition (BABC) to organize the regional Bike to Work Day activities. In turn, BABC provides funding to each county to organize county-level promotional activities such as energizer stations, the Team Bike challenge and outreach. Each county must designate a “lead agency” to be responsible for these county-level activities. In Alameda County, the East Bay Bicycle Coalition (EBBC) is the lead agency, and has received a \$10,000 stipend from BABC for organizing BTWD. EBBC organizes many safety, encouragement and fun activities to promote bicycling in the months leading up to BTWD, and on BTWD itself.

For the past five years, the Alameda CTC and its predecessor agencies have supported Bike to Work Day and related activities, as shown in the table below.

<b>Year</b>	<b>Amount *</b>	<b>Agency</b>	<b>Source</b>	<b>Activities supported</b>
2007	\$6,000	ACTIA	Measure B	Bike safety classes and outreach to minority communities
2008	\$10,000	ACTIA	Measure B	Ad campaign
2009	\$10,000	ACTIA	Measure B	Ad campaign
2010	\$20,000	ACTIA & ACCMA	Measure B & TFCA	Ad campaign
2011	\$20,000	Alameda CTC	Measure B & TFCA	Ad campaign

*\* These amounts do not include significant in-kind support through existing Alameda CTC contracts.*

For the past four years EBBC and the Alameda CTC have worked collaboratively on an advertising campaign that runs in the weeks leading up to BTWD and promotes bicycling for all purposes (see ads in Attachment A). This ad campaign, now called “Ride into Life” (previously it had been called “Get Rolling”) was started in 2008. In past years, EBBC has raised between \$30,000 to \$68,000 for



the campaign, including from local jurisdictions and businesses. These funds, plus in-kind staffing from Alameda CTC and EBBC, cover the development of the print advertising campaign, plus the purchase of ad space.

As presented in a separate item on this same meeting agenda, an assessment of the effectiveness of Bike to Work Day and the advertising campaign was conducted in 2010 and 2011, using TFCA funding. Two sets of random countywide telephone surveys and web-based surveys of BTWD participants were conducted (once in 2010 and once in 2011). Highlights of research findings from this assessment include:

- About 70% of Alameda County adult residents have heard of Bike to Work Day.
- Between 9% and 17% of residents have participated in BTWD in the past.
- From the survey of bicyclists, 27% said that they ride their bicycles more often since participating in the Bike to Work Day, with 11% of this group saying they ride *a lot* more often than before.
- From 4% to 12% of residents, and about 15% of surveyed bicyclists, recalled seeing the “Ride into Life” ads in 2011 (one month after the ads ran).
- The vast majority of surveyed bicyclists (about 80%) understood the message of the ads - that they were about encouraging bicycling, whether for everyday transportation or for Bike to Work Day.
- A majority of the surveyed bicyclists (60%) felt the ads were either very or somewhat effective.

Given the above results, the increasing amounts of bicycling in the county, and the potential to target specific groups of people to bicycle more often, as described in the *Assessment Report*, staff recommends continuing to fund Bike to Work Day and the advertising campaign. Staff will work with EBBC to implement the recommendations in the *Assessment Report*, with the goal of a promotional program that reaches all parts of the county to increase bicycling. The recommendations will be used to shape the images used in the ad campaign, the groups targeted, the geographic areas targeted and the best mediums for advertising.

Staff is recommending that \$20,000 in Measure B Bicycle/Pedestrian Safety funds be dedicated to Bike to Work 2012. The BPAC concurred with this recommendation at its December 15, 2011 meeting. Staff also explored using Transportation Fund for Clean Air funds, which have been used over the past two years for BTWD. The previous TFCA allocation was for two years only and the funds have been expended. While it is unlikely that additional TFCA funds will be received from this source in the upcoming funding cycle, staff will continue to pursue this and other sources of funding for future BTWD efforts.

The adopted 2006 Countywide Bicycle and Pedestrian Plans both identify the promotion of bicycling and walking as priorities for the county. Bike to Work Day is a regionally and statewide recognized effort with Alameda CTC as a key participant. The draft Bicycle and Pedestrian Plan updates will both also continue to include promotion as an important element of encouraging increased walking and biking in the county.

### **Fiscal Impacts**

This action would allocate \$20,000 from the Measure B Bicycle and Pedestrian Safety fund.

### **Attachments**

Attachment A: Get Rolling Ads from 2008 to 2011

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## 2008 GET ROLLING ADS

The image displays three overlapping 'GET ROLLING' advertisements, each featuring a different cycling theme and a 'RIDE STRIDE LIVE' logo.

**Top Ad: Family today.** A man and a woman are riding bicycles on a path. The ad includes logos for 511.org, ACTIA, Kaiser Permanente, thrive, and the East Bay Bicycle Coalition.

**Middle Ad: Commuting today.** A man and a woman are riding bicycles on a city street. The ad includes logos for 511.org, ACTIA, Kaiser Permanente, thrive, and the East Bay Bicycle Coalition.

**Bottom Ad: Shopping today.** A woman is riding a bicycle past a fruit stand. The ad includes logos for 511.org, ACTIA, Kaiser Permanente, thrive, and the East Bay Bicycle Coalition.

**Right Ad: Fitness today.** A man and a woman are riding bicycles on a path. The ad includes logos for 511.org, ACTIA, Kaiser Permanente, thrive, and the East Bay Bicycle Coalition.



# 2009 GET ROLLING ADS

Saving today.

GET ROLLING

**RIDE STRIDE LIVE**

511.org  
BIKE TO WORK DAY  
ACTIA  
KAISER PERMANENTE thrive

Working today.

GET ROLLING

**RIDE STRIDE LIVE**

511.org  
BIKE TO WORK DAY  
EAST BAY BICYCLE COALITION  
KAISER PERMANENTE thrive

Learning today.

GET ROLLING

**RIDE STRIDE LIVE**

511.org

Entertainment tonight.

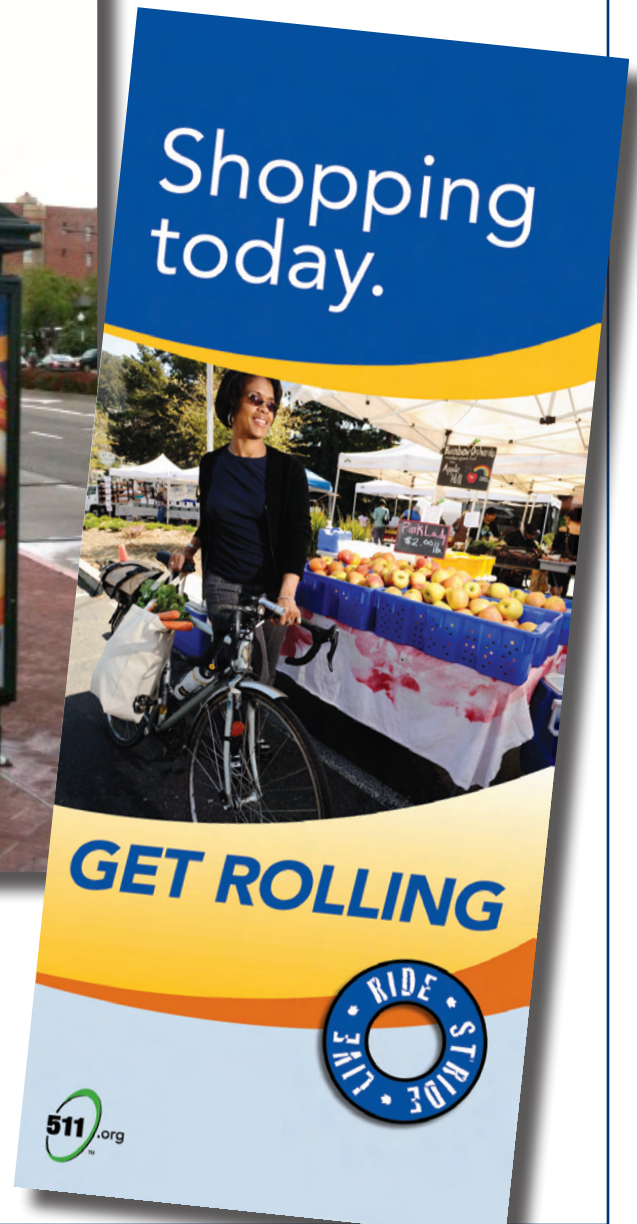
GET ROLLING

**RIDE STRIDE LIVE**

511.org  
BIKE TO WORK DAY  
EAST BAY BICYCLE COALITION  
ACTIA  
KAISER PERMANENTE thrive



## 2010 GET ROLLING ADS





# 2011 RIDE INTO LIFE ADS

**Ride into life!**

**Get Rolling**

511.org

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## Memorandum

**DATE:** January 11, 2012

**TO:** Alameda County Transportation Commission

**FROM:** Planning, Policy and Legislation Committee

**SUBJECT:** Review of Countywide Transportation Plan (CWTP) and Transportation Expenditure Plan and Update on Development of a Sustainable Community Strategy (SCS)/Regional Transportation Plan (RTP)

### Recommendation

This item is for information only. No action is requested.

### Summary

This item provides information on regional and countywide transportation planning efforts related to the updates of the Countywide Transportation Plan and Sales Tax Transportation Expenditure Plan (CWTP-TEP) as well as the Regional Transportation Plan (RTP) and the development of the Sustainable Community Strategy (SCS).

### Discussion

Ten separate committees receive monthly updates on the progress of the CWTP-TEP and RTP/SCS, including ACTAC, the Planning, Policy and Legislation Committee (PPLC), the Alameda CTC Board, the CWTP-TEP Steering Committee, the Citizen's Watchdog Committee, the Paratransit Advisory and Planning Committee, the Citizen's Advisory Committee, the Bicycle and Pedestrian Advisory Committee, and the Technical and Community Advisory Working Groups. The purpose of this report is to keep various Committee and Working Groups updated on regional and countywide planning activities, alert Committee members about issues and opportunities requiring input in the near term, and provide an opportunity for Committee feedback in a timely manner. CWTP-TEP Committee agendas and related documents are available on the Alameda CTC website. RTP/SCS related documents are available at [www.onebayarea.org](http://www.onebayarea.org).

### January 2012 Update:

This report focuses on the month of January 2012. A summary of countywide and regional planning activities for the next three months is found in Attachment A and a three year schedule for the countywide and the regional processes is found in Attachments B and C, respectively. Highlights at the regional level include release of draft Project Performance and Targets Assessment results, draft Scenario Analysis results and the beginning of the discussion about tradeoffs and investment strategies. At the county level, highlights include the release of the draft Transportation Expenditure Plan for approval by the Alameda CTC Board at its January meeting and submittal of draft CWTP projects and programs to MTC for development of the Preferred SCS and transportation network.

### *1) SCS/RTP*



MTC released draft results of the project performance and targets assessment in November 2011 followed by the draft scenario analysis results on December 9, 2011. ABAG continued work on the One Bay Area Alternative Land Use Scenarios. Comment letters are being prepared by Alameda CTC staff and will be distributed to the committees as they are available. MTC and ABAG will use the results of the project performance and targets assessment along with the results of the scenario analysis to begin framing the discussion about tradeoffs and investment strategies that will ultimately result in the selection of a preferred land use and transportation scenario. This scenario will be evaluated February 2012 and results released in March 2012.

## 2) CWTP-TEP

At the December 16, 2011 Commission retreat, staff presented the Administrative Draft CWTP, revised project and program list, draft CWTP evaluation results and second draft Transportation Expenditure Plan. After receiving extensive public comment on the draft Transportation Expenditure Plan, the Commission directed staff to set up a meeting between an ad hoc committee made up of members of the CWTP-TEP Steering Committee and specific advocacy groups to discuss aspects of the expenditure plan. These meetings will be held by mid-January in order to prepare and distribute the Draft Transportation Expenditure Plan for Steering Committee review. At its January meeting, the Steering Committee is anticipated to recommend that the Commission approve the Transportation Expenditure at its meeting the same day. Once approved the Transportation Expenditure Plan will be taken to each city council and the Board of Supervisors for approval by May 2012. Both the Draft Transportation Expenditure Plan and the CWTP will be brought to the Commission in May/June 2012 for approval so that the Board of Supervisors can be requested at their July 2012 to place the Transportation Expenditure Plan on the ballot on November 6, 2012.

## 3) Upcoming Meetings Related to Countywide and Regional Planning Efforts:

<b>Committee</b>	<b>Regular Meeting Date and Time</b>	<b>Next Meeting</b>
CWTP-TEP Steering Committee	Typically the 4 <sup>th</sup> Thursday of the month, noon Location: Alameda CTC offices	January 26, 2012 March 22, 2012 May 24, 2012
CWTP-TEP Technical Advisory Working Group	2 <sup>nd</sup> Thursday of the month, 1:30 p.m. Location: Alameda CTC	January 12, 2012 March 8, 2012 May 10, 2012
CWTP-TEP Community Advisory Working Group	Typically the 1 <sup>st</sup> Thursday of the month, 2:30 p.m. Location: Alameda CTC	January 12, 2012* March 1, 2012 May 3, 2012  *Note: The January CAWG meeting will be held jointly with the TAWG and will begin at 1:30.
SCS/RTP Regional Advisory Working Group	1 <sup>st</sup> Tuesday of the month, 9:30 a.m. Location: MetroCenter, Oakland	<del>January 3, 2012</del> * February 7, 2012 March 7, 2012  *Meeting cancelled
SCS/RTP Equity Working Group	2 <sup>nd</sup> Wednesday of the month, 11:15 a.m. Location: MetroCenter, Oakland	January 11, 2012 February 8, 2012 March 7, 2012
SCS Housing Methodology Committee	Typically the 4 <sup>th</sup> Thursday of the	February 23, 2012

Committee	Regular Meeting Date and Time	Next Meeting
	month, 10 a.m. Location: BCDC, 50 California St., 26 <sup>th</sup> Floor, San Francisco	
One Bay Area Public Outreach One meeting per County	Time and Location 6:00 PM; City of Dublin Civic Center	January 11, 2012

### **Fiscal Impact**

None.

### **Attachments**

Attachment A: Summary of Next Quarter Countywide and Regional Planning Activities  
Attachment B: CWTP-TEP-RTP-SCS Development Implementation Schedule  
Attachment C: OneBayArea SCS Planning Process (revised October 2011)

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**Summary of Next Quarter Countywide and Regional Planning Activities  
(January 2012 through March 2012)**

Countywide Planning Efforts (CWTP-TEP)

The three year CWTP-TEP schedule showing countywide and regional planning milestone schedules is found in Attachment B. Major milestone dates are presented at the end of this memo. During the January 2012 through March 2012 time period, the CWTP-TEP Committees will be focusing on:

- Coordinating with ABAG and local jurisdictions to provide comments on the Alternative Land Use Scenarios for the Sustainable Communities Strategy (SCS);
- Preparing and submitting comments to MTC on the project performance and targets assessment and scenario evaluation results;
- Coordinating with the local jurisdictions and ABAG to develop a draft Alameda County Locally Preferred SCS to test with the financially constrained transportation network in Spring 2012;
- Responding to comments on the Administrative Draft and releasing the Draft CWTP;
- Refining the financially constrained list of projects and programs for the Draft CWTP;
- Refining the countywide 28-year revenue projections consistent and concurrent with MTC's 28-year revenue projections;
- Presenting the Draft CWTP and Draft TEP to the Steering Committee and Commission for approval; and
- Seek jurisdiction approvals of the Draft TEP.

Regional Planning Efforts (RTP-SCS)

Staff continues to coordinate the CWTP-TEP with planning efforts at the regional level including the Regional Transportation Plan (MTC), the Sustainable Communities Strategy (ABAG), Climate Change Bay Plan and amendments (San Francisco Bay Conservation and Development Commission (BCDC)) and CEQA Guidelines (Bay Area Air Quality Management District (BAAQMD)).

In the three month period for which this report covers, MTC and ABAG are or will be:

- Framing the tradeoff and investment strategy discussion and developing policy initiatives for consideration;
- Refining draft 28-year revenue projections;
- Finalizing maintenance needs and Regional Programs estimates; and
- Conducting public outreach.

Staff will be coordinating with the regional agencies and providing feedback on these issues, through:

- Participating on the MTC/ABAG Regional Advisory Working Group (RAWG);
- Submitting local transportation network priorities through the CWTP-TEP process; and
- Assisting in public outreach.

### Key Dates and Opportunities for Input<sup>1</sup>

The key dates shown below are indications of where input and comment are desired. The major activities and dates are highlighted below by activity:

#### *Sustainable Communities Strategy:*

Presentation of SCS information to local jurisdictions: Completed

Initial Vision Scenario Released: March 11, 2011: Completed

Draft Alternative Land Use Scenarios Released: Completed (released August 26, 2011)

Preferred SCS Scenario Released/Approved: March/May 2012

#### *RHNA*

RHNA Process Begins: January 2011

Draft RHNA Methodology Adopted: July 2012

Draft RHNA Plan released: July 2012

Final RHNA Plan released/Adopted: April/May 2013

#### *RTP*

Develop Financial Forecasts and Committed Funding Policy: Completed

Call for RTP Transportation Projects: Completed

Conduct Performance Assessment: Completed

Transportation Policy Investment Dialogue: November 2011 – April 2012

Prepare SCS/RTP Plan: April 2012 – October 2012

Draft RTP/SCS for Released: November 2012

Prepare EIR: December 2012 – March 2013

Adopt SCS/RTP: April 2013

#### *CWTP-TEP*

Develop Alameda County Locally Preferred SCS Scenario: May 2011 – May 2012

Call for Projects: Completed

Administrative Draft CWTP: Completed

Preliminary TEP Program and Project list: Completed

Draft TEP Released: January 2012

Draft CWTP Released: March 2012

TEP Outreach: January 2011 – June 2012

Adopt Final CWTP and TEP: May/June 2012

TEP Submitted for Ballot: July 2012

Calendar Year 2010

Task	2010						Meeting		2010				Nov	Dec
	January	February	March	April	May	June	July	August	Sept	Oct				
Alameda CTC Committee/Public Process														
Steering Committee			Establish Steering Committee	Working meeting to establish roles/responsibilities, community working group	RFP feedback, tech working group	Update on Transportation/Finance issues	Approval of Community working group and steering committee next steps	No Meetings		Feedback from Tech, comm. working groups	No Meetings	Expand vision and goals for County ?		
Technical Advisory Working Group								No Meetings		Roles, resp. schedule, vision discussion/feedback	No Meetings	Education: Trans statistics, issues, financials overview		
Community Advisory Working Group								No Meetings		Roles, resp. schedule, vision discussion/feedback	No Meetings	Education: Transportation statistics, issues, financials overview		
Public Participation								No Meetings			Stakeholder outreach			
Agency Public Education and Outreach	Information about upcoming CWTP Update and reauthorization													
Alameda CTC Technical Work														
Technical Studies/RFP/Work timelines: All this work will be done in relation to SCS work at the regional level						Board authorization for release of RFPs	Pri-Bid meetings	Proposals reviewed	ALF/ALC approves shortlist and interview; Board approves top ranked, shortlist to negotiate or NTP		Technical Work			
Polling														
Sustainable Communities Strategy/Regional Transportation Plan														
Regional Sustainable Community Strategy Development Process - Final RTP in April 2013			Local Land Use Update P2009 begins & PDA Assessment begins						Green House Gas Target approved by CARB.		Start Vision Scenario Discussions			
											Adopt methodology for Job/Housing Forecast (Salary Target)	Projections 2011 Base Case		
												Adopt Voluntary Performance		

Task		2011					FY2011-2012		2011				
		January	February	March	April	May	June	July	August	Sept	Oct	Nov	Dec
Alameda CTC Committee/Public Process													
Steering Committee	Adopt vision and goals; begin discussion on performance measures, key needs	Performance measures, costs guidelines, call for projects and prioritization process; approve polling questions, initial vision scenario discussion	Review workshop outcomes, transportation issue papers, programs, finalize performance measures, land use discussion, call for projects update	Outreach and call for projects update (draft list approval), project and program packaging, county land use	Outreach update, project and program screening outcomes, call for projects final list to MTC, TEP strategic parameters, land use, financials, committed projects	No Meetings.	Project evaluation outcomes; outline of CWTP; TEP Strategies for project and program selection	No Meetings	1st Draft, CWTP, TEP potential project and program packages, outreach and polling discussion	Meeting moved to December due to holiday conflict	Review 2nd draft CWTP, 1st draft TEP		
	Comment on vision and goals; begin discussion on performance measures, key needs	Continue discussion on performance measures, costs guidelines, call for projects, briefing book, outreach	Review workshop outcomes, transportation issue papers, programs, finalize performance measures, land use discussion, call for projects update	Outreach and call for projects update, project and program packaging, county land use	Outreach update, project and program screening outcomes, call for projects update, TEP strategic parameters, land use, financials, committed projects	No Meetings.	Project evaluation outcomes; outline of CWTP; TEP Strategies for project and program selection	No Meetings	1st Draft, CWTP, TEP potential project and program packages, outreach and polling discussion	Review 2nd draft CWTP, 1st draft TEP, poll results update	No Meetings		
Community Advisory Working Group	Comment on vision and goals; begin discussion on performance measures, key needs	Continue discussion on performance measures, costs guidelines, call for projects, briefing book, outreach	Review workshop outcomes, transportation issue papers, programs, finalize performance measures, land use discussion, call for projects update	Outreach and call for projects update, project and program packaging, county land use	Outreach update, project and program screening outcomes, call for projects update, TEP strategic parameters, land use, financials, committed projects	No Meetings.	Project evaluation outcomes; outline of CWTP; TEP Strategies for project and program selection	No Meetings	1st Draft, CWTP, TEP potential project and program packages, outreach and polling discussion	Review 2nd draft CWTP, 1st draft TEP, poll results update	No Meetings		
Public Participation	Public Workshops in two areas of County: vision and needs; Central County Transportation Forum	Public Workshops in all areas of County: vision and needs	East County Transportation Forum				South County Transportation Forum	No Meetings		2nd round of public workshops in County; feedback on CWTP; TEP; North County Transportation Forum	No Meetings		
Agency Public Education and Outreach													
Alameda CTC Technical Work													
Technical Studies/RFP/Work timelines: All this work will be done in relation to SCS work at the regional level	Feedback on Technical Work, Modified Vision, Preliminary projects lists				Work with feedback on CWTP and financial scenarios		Technical work refinement and development of Expenditure plan, 2nd draft CWTP						
Polling	Conduct baseline poll									Polling on possible Expenditure Plan projects & programs			
Sustainable Communities Strategy/Regional Transportation Plan													
Regional Sustainable Community Strategy Development Process - Final RTP in April 2013		Release Initial Vision Scenario	Detailed SCS Scenario Development			Release Detailed SCS Scenarios	Technical Analysis of SCS Scenarios; Adoption of Regional Housing Needs Allocation Methodology	SCS Scenario Results/and funding discussions		Release Preferred SCS Scenario			
	Discuss Call for Projects	Call for Transportation Projects and Project Performance Assessment	Project Evaluation			Draft Regional Housing Needs Allocation Methodology							
Develop Draft 25-year Transportation Financial Forecasts and Committed													

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# BayArea Plan

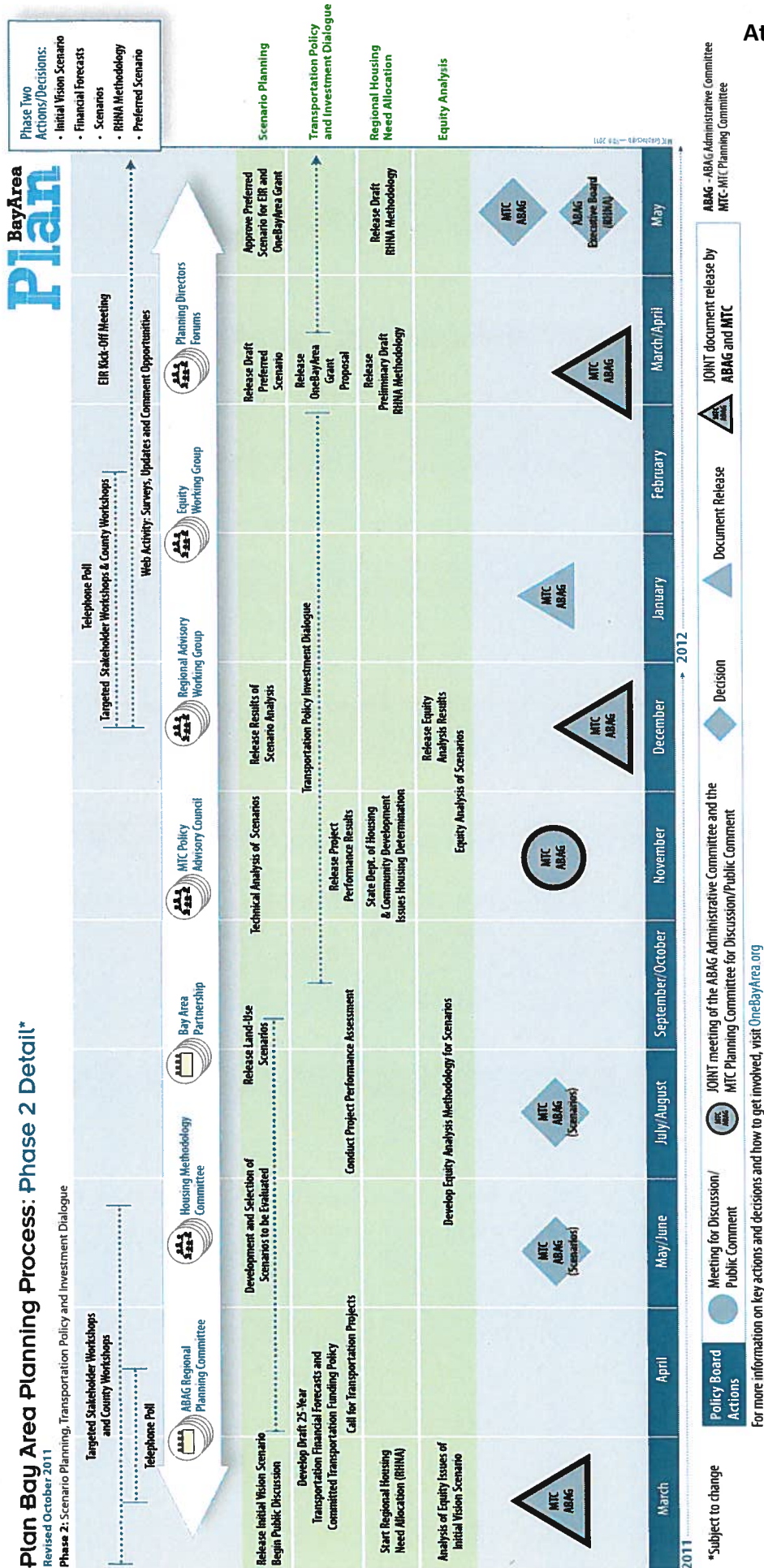
Revised October 2011

## Phase 2: Scenario Planning, Transportation Policy and Investment Dialogue

## Local Government and Public Engagement

## Milestones

## Policy Board Action

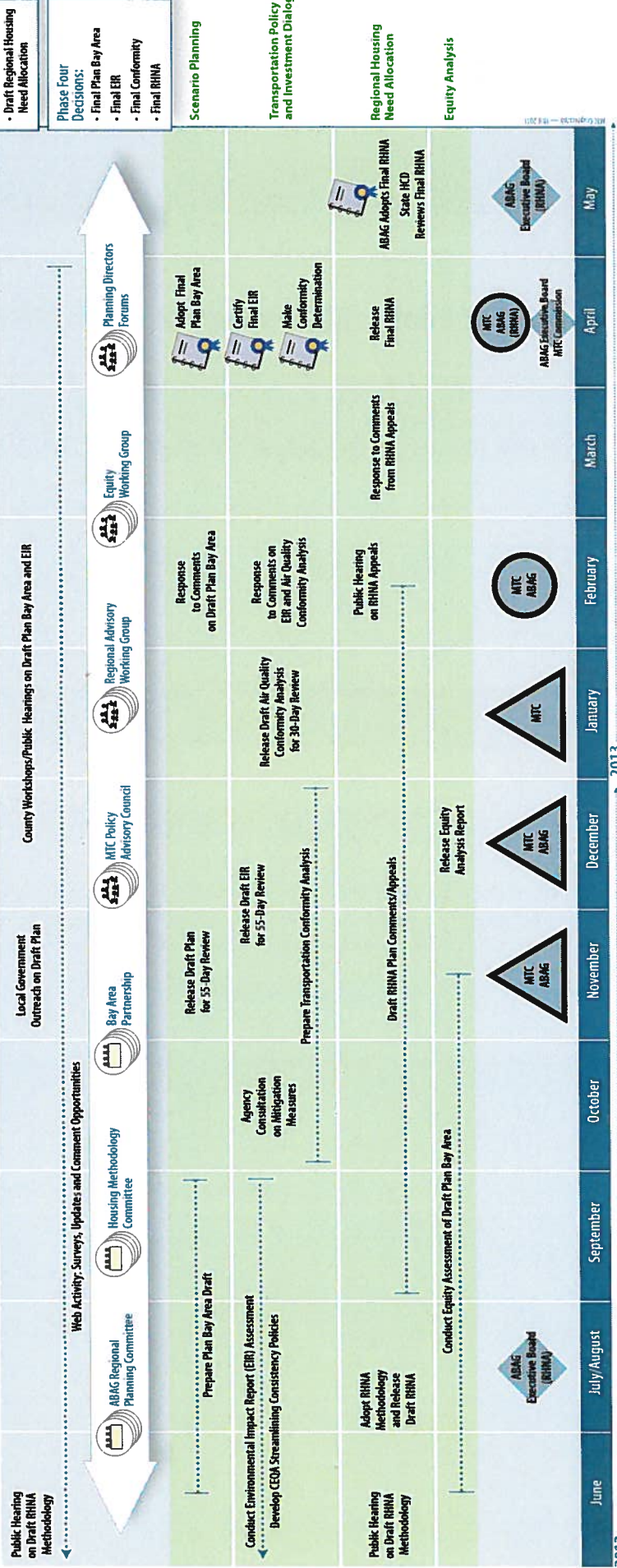


## Plan Bay Area Planning Process: Phases 3 & 4 Details for 2012-2013\*

Revised October 2011

Phase 3: Regional Housing Need Allocation (RHNA), Environmental/Technical Analyses and Draft Plans

Phase 4: Plan Adoption



\*Subject to change

Policy Board Actions

Meeting for Discussion/ Public Comment

Document Release

JOINT document release by MTC - ABAG and MTC

ABAG - ABAG Administrative Committee MTC - MTC Planning Committee

For more information on key actions and decisions and how to get involved, visit [OneBayArea.org](http://OneBayArea.org)



## **Memorandum**

**DATE:** January 18, 2011

**TO:** Alameda County Transportation Commission

**FROM:** Programs and Projects Committee

**SUBJECT:** Approval of Third Cycle Lifeline Program Structure

### **Recommendation**

It is recommended the Commission:

1. Approve the project evaluation criteria and weighting to be used for the project selection process of the Third Cycle Lifeline Transportation Program (Cycle 3), and
2. Approve the programming of Cycle 3 funding for updating Community-Based Transportation Plans (CBTPs).

### **Summary**

MTC released the Third Cycle Lifeline Transportation Program Guidelines on December 21<sup>st</sup>. As with the Cycle 2 Lifeline program the Alameda CTC, as the Congestion Management Agency, has been designated as the county-level Lifeline Program Administrator. Changes from the Cycle 2 program are proposed and include the addition of STP funds which allow for CBTP updates. The MTC Guidelines allow for additional evaluation criteria and weighting to be added to MTC's standard evaluation criteria (Attachment E). The call for projects is scheduled to be released in late January and adopted county programs are due to MTC in May 2012 (schedule included as Attachment D).

### **Background**

MTC established the Lifeline Transportation Program in 2006 to address the mobility needs of low-income residents of the San Francisco Bay Area. The Lifeline Program is intended to support community-based transportation projects that:

- Are developed through a collaborative and inclusive planning process that includes broad partnerships among a variety of stakeholders.
- Address transportation gaps and/or barriers identified through a Community-Based Transportation Plan (CBTP) or are otherwise based on a documented assessment of needs within the designated communities of concern.
- Expand the range of transportation choices by adding a variety of new or expanded services.

Two Lifeline funding cycles have been completed to date, providing \$74 million for 125 projects regionwide. Projects are selected at the county level and are tailored to meet a broad range of locally identified needs, including fixed-route transit, transit stop improvements, pedestrian and bicycle

access improvements, senior and children's transportation, community shuttles, auto loan programs, and mobility management activities.

### Third Cycle Program

MTC's Third Cycle Lifeline Transportation Program Guidelines are attached (Attachment A). Cycle 3 proposes \$87 million in funding for the region from the following mix of state and federal funds:

- Proposition 1B Transit,
- State Transportation Assistance (STA),
- Job Access and Reverse Commute (JARC), and
- Surface Transportation Program (STP).

Of this amount, \$9.5 million is estimated for Alameda County from the STA, JARC, and STP sources, with the Proposition 1B funds programmed directly to transit operators in the county (See MTC Guidelines, Tables B and C). Appendix 1 of the MTC Guidelines provides detailed information by fund source, including sponsor and project eligibility, local match, timing of funds, and reporting requirements. Changes from the Cycle 2 Lifeline program include the following:

- Proposition 1B Transit funds to be distributed directly to transit operators, approximately \$46 million region-wide, with Alameda CTC concurrence required. This revised process streamlines program administration by recognizing Proposition 1B funding eligibility limitations.
- Low-income population factors to be updated with 2010 Census Data.
- Three year funding cycle (note the amount of funds anticipated for the 3<sup>rd</sup> year, FY 12/13, is uncertain).
- Expands the list of acceptable plans from which Lifeline projects must be derived. CBTPs or "other substantive local planning efforts" are accepted.
- Includes a mobility management solicitation. MTC will solicit 1 or 2 mobility management projects toward development of Consolidated Transportation Agencies (CTSAs) using approximately \$0.7 million in available JARC funds.
- Applicants with multi-county projects will apply to all affected counties. Lifeline Program Administrators will work together to score and if selected, determine appropriate funding.
- \$1 million of program to be set aside for the development /implementation of a regional means-based fare discount program.
- For MTC grant administration, transit operators will be required to apply for and maintain their own FTA grants. MTC will apply for and maintain FTA grants for non-transit operators.
- Added project delivery requirements. MTC may reprogram funds if project sponsors fail to obligate funds within 12 months of program approval. Sponsors have three years to complete their projects.

An estimated \$2.1 million of STP funds is included in the overall \$9.5 million available, and should provide a flexible funding mix for the program including allowing for Community-Based Transportation Plan (CBTP) updates. Staff proposes to use a portion of the available STP to update the previously completed CBTPs in Alameda County, detailed in Attachment B. MTC requires a county-led process involving multiple stakeholders to establish a way to prioritize the updates (e.g.,

oldest first, largest populations, highest percentage of implemented projects). Staff proposes use up to 5% of the total Cycle 3 Lifeline Program funds (about \$475,000 of STP) to update CBTPs. Staff proposes to prioritize CBTPs completed prior to 2008. Because the expenditure period for Cycle3 funds is three years, the number of CBTP updates proposed for Cycle 3 may be limited. The maps included in Attachment C show the MTC-defined Communities of Concern (COC) areas of Alameda County (as defined in 2000 and 2011). As part of the equity analysis for the new RTP, the COC definition is proposed to be revised from the 2000 definition that considered minority and income factors to consider additional socioeconomic factors including low-income, minority, seniors, and disabled populations. The changes may affect the boundaries of the existing CBTP areas, although MTC is granting some flexibility to CMAs in determining updated CBTP areas. The 2011 COC definition is part of the new RTP (approval is pending) so it will apply only to the proposed CBTP updates and future Lifeline programming cycles. The evaluation of projects proposed for Lifeline Cycle 3 funding will be based on the current CBTPs and the current (2000) COC definition.

#### Project Selection Process

Attachment D is the Alameda CTC's proposed programming schedule for the Lifeline Cycle 3 program. The Call for Projects is scheduled for release by the end of January. Proposition 1B applications will be due mid-February with applications for all other fund sources due at the end of February. In light of the complex mix of funding sources and eligibility requirements, the Alameda CTC plans to hold an application workshop in February. Received applications will be evaluated by a review panel as per the MTC Guidelines.

MTC has established standard evaluation criteria to be used to assess and select projects. The six criteria include (1) project need/goals and objectives, (2) community-identified priority, (3) implementation plan and project management capacity, (4) coordination and program outreach, (5) cost-effectiveness and performance indicators, and (6) project budget/sustainability. Lifeline Program Administrators may establish the weight to be assigned for each criterion in the assessment process. Additional criteria may be added to a county program but should not replace or supplant the regional criteria. MTC staff will review the proposed county program criteria to ensure consistency and to facilitate coordination among county programs.

Attachment E details the evaluation criteria and weighting used for the Cycle 2 Lifeline Program and the proposed criteria for Cycle 3.

#### **Attachments**

Attachment A: MTC Third Cycle Lifeline Transportation Program Guidelines

Attachment B: Alameda County Community-based Transportation Plans

Attachment C: Communities of Concern Maps

Attachment D: Alameda CTC Proposed Programming Schedule for Lifeline Cycle 3 Program

Attachment E: Lifeline Cycle 2 Evaluation Criteria and Weighting



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Date: December 21, 2011  
W.I.: 1311  
Referred by: PAC

**ABSTRACT**

Resolution No. 4033

This Resolution adopts the Third Cycle Lifeline Transportation Program Guidelines and Fund Estimate.

The following attachment is provided with this Resolution:

Attachment A — Third Cycle Lifeline Transportation Program Guidelines and Funding  
FY2010-11 through FY2012-13

Further discussion of the Lifeline Program Guidelines is provided in the Programming and Allocations Committee Summary dated December 14, 2011.



Date: December 21, 2011  
W.I.: 1311  
Referred by: PAC

RE: Third Cycle Lifeline Transportation Program Guidelines and Fund Estimate

METROPOLITAN TRANSPORTATION COMMISSION  
RESOLUTION NO. 4033

WHEREAS, the Metropolitan Transportation Commission (MTC) is the regional transportation agency for the San Francisco Bay Area pursuant to Government Code Section 66500 *et seq.*; and

WHEREAS, MTC adopted Resolution 3814, which directed Proposition 1B funds to the Lifeline Transportation Program; and

WHEREAS, MTC adopted Resolution 3837, which established a consolidated policy for State Transit Assistance (STA) – population-based funds, including a set percentage to the Lifeline Transportation Program; and

WHEREAS, MTC is the designated recipient for federal Job Access Reverse Commute (JARC) funds and has incorporated these funds into the Lifeline Transportation Program; and

WHEREAS, MTC is the designated recipient for regional Surface Transportation Program (STP) and Congestion Mitigation and Air Quality Improvement (CMAQ) funds for the San Francisco Bay Area and has incorporated or will incorporate certain STP and/or CMAQ funds into the Lifeline Transportation Program; and

WHEREAS, MTC has conducted a program evaluation of the Lifeline Transportation Program and has made revisions to the program based on evaluation results; and

WHEREAS, MTC will use the process and criteria set forth in Attachment A of this Resolution to fund a program of projects for the third-cycle of the Lifeline Transportation Program; now, therefore be it

RESOLVED, that MTC approves the program guidelines to be used in the administration and selection of the Third Cycle of Lifeline Transportation projects, as set forth in Attachment A of this Resolution; and be it further

RESOLVED, that the Executive Director of MTC is authorized and directed to modify the programming targets in Attachment A if the final Lifeline funding apportionments differ from the estimated amounts; and be it further

RESOLVED, that the Executive Director of MTC shall forward a copy of this Resolution, and such other information as may be required, to such other agencies as may be appropriate.

METROPOLITAN TRANSPORTATION COMMISSION

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Adrienne J. Tissier, Chair

The above Resolution was entered into by the Metropolitan Transportation Commission at a regular meeting of the Commission held in Oakland, California on December 21, 2011.

Date: December 21, 2011  
W.I.: 1311  
Referred by: PAC

Attachment A  
MTC Resolution No. 4033  
Page 1 of 16

### **Third Cycle Lifeline Transportation Program Guidelines and Funding FY 2011 through FY 2013**

Program Goals: The Lifeline Transportation Program is intended to fund projects that result in improved mobility for low-income residents of the nine San Francisco Bay Area counties, and are expected to carry out the following regional Lifeline Program goals:

The Lifeline Program supports community-based transportation projects that:

- Are developed through a collaborative and inclusive planning process that includes broad partnerships among a variety of stakeholders such as public agencies, transit operators, community-based organizations and other community stakeholders, and outreach to underrepresented stakeholders.
- Improve a range of transportation choices by adding a variety of new or expanded services including but not limited to: enhanced fixed route transit services, shuttles, children's programs, taxi voucher programs, improved access to autos, and capital improvement projects.
- Address transportation gaps and/or barriers identified in Community-Based Transportation Plans (CBTP) or other substantive local planning efforts involving focused outreach to low-income populations. While preference will be given to community-based plan priorities, strategies emerging from countywide or regional welfare-to-work transportation plans, the Coordinated Public Transit-Human Services Transportation Plan or other documented assessment of need within the designated communities of concern will also be considered. Findings emerging from one or more CBTPs or other relevant planning efforts may also be applied to other low-income areas, or otherwise be directed to serve low-income constituencies within the county, as applicable.
- Transportation needs specific to elderly and disabled residents of low-income communities may also be considered when funding projects. Existing transportation services may also be eligible for funding.

Program Administration: The Lifeline Program will be administered by county congestion management agencies (CMAs) or other designated county-wide agencies as follows:

County	Lifeline Program Administrator
Alameda	Alameda County Transportation Commission
Contra Costa	Contra Costa Transportation Authority
Marin	Transportation Authority of Marin
Napa	Napa County Transportation Planning Agency
San Francisco	San Francisco County Transportation Authority
San Mateo	City/County Association of Governments
Santa Clara	Santa Clara Valley Transportation Authority and Santa Clara County
Solano	Solano Transportation Authority
Sonoma	Sonoma County Transportation Authority

Lifeline Program Administrators are responsible for soliciting applications for the Lifeline Program. This requires a full commitment to a broad, inclusive public involvement process and using multiple methods of public outreach. Methods of public outreach include, but are not limited to highlighting the program and application solicitation on the CMA website; sending targeted postcards and e-mails to local community-based organizations, city departments, and non-profit organizations (particularly those that have previously participated in local planning processes); and contacting local elected officials and their staffs. Further guidance for public involvement is contained in MTC's Public Participation Plan.

For the selection of projects involving federal funds, Lifeline Program Administrators must also consider fair and equitable solicitation and selection of project candidates in accordance with federal Title VI requirements, i.e. funds must be distributed without regard to race, color, and national origin.

**Fund Availability:** Fund sources for the Third Cycle Lifeline Program (FY2010-2011 to FY2012-2013) include State Transit Assistance (STA), Proposition 1B - Transit funds, Job Access and Reverse Commute (JARC), and Surface Transportation Program (STP), as shown in Table A. Note that MTC may apply Congestion Mitigation and Air Quality Improvement (CMAQ) funds instead of STP to CMAQ-eligible projects, and references throughout these guidelines to "STP" should be considered as "STP or CMAQ". Funding for STA, JARC<sup>1</sup>, and STP will be assigned to counties by each fund source, based on the county's share of the regional poverty population consistent with the estimated distribution outlined in Table B. Note that the county shares were updated using 2010 census data which resulted in some shifts compared to previous Lifeline cycles. Lifeline Program Administrators will assign funds to eligible projects in their counties based on a competitive process to be conducted by the Lifeline Program Administrators in each county. Proposition 1B funding will be assigned by MTC directly to transit operators and counties based on a formula that distributes half of the funds according to the transit operators' share of the regional low-income ridership and half of the funds according to the transit operators' share of the regional low-income population. The formula distribution is shown in Table C. All funded projects must meet the eligibility requirements of the respective funding source. See Appendix 1 for detailed eligibility requirements by fund source.

<sup>1</sup> Consistent with federal JARC guidance, MTC may set aside up to five percent of the region's FY11, FY12 and FY13 JARC apportionments to fund administration, planning and technical assistance.

MTC will set aside up to \$1 million in STA funds toward the development and implementation of a regional means-based discount. In Phase 1 of the means-based discount project, MTC will develop the regional concept, including identifying who is eligible, costs, funding, relationship to other discounts, etc. MTC will convene a regional Technical Advisory Committee to assist with scope development and project oversight. Depending on the results of Phase 1, any remaining funds from the \$1 million set-aside will be used for implementation activities.

Multi-Year Programming: The Third Cycle Lifeline Transportation Program will cover a three-year programming cycle, FY2010-2011 to FY2012-2013.

Competitive Process: Projects must be selected through an open, competitive process with the following exceptions:

(1) In an effort to address the sustainability of fixed-route transit operations, Lifeline Program Administrators may elect to allocate some or all of their STA funds directly to transit operators for Lifeline transit operations within the county. Projects must be identified as Lifeline projects before transit operators can claim funds, and will be subject to Lifeline Program reporting requirements.

(2) In most cases, Proposition 1B Transit funds will be allocated directly to transit operators by MTC, due to the limited eligibility and uses of this fund source. Upon concurrence from the applicable governing board of the CMA, transit operators may program funds to any capital project that is consistent with the Lifeline Program and goals, and is eligible for this fund source. Transit operators are encouraged to consider needs throughout their service area. Projects must be identified as Lifeline projects before transit operators can claim funds, and, at the discretion of the Lifeline Program Administrators, may be subject to Lifeline Program reporting requirements. For Solano and Sonoma counties, Proposition 1B funds are being directed to the CMA, who should include these funds in the overall Lifeline programming effort (keeping in mind the limited sponsor and project eligibility of Proposition 1B funds).

Other exceptions may be considered by MTC on a case-by-case basis but must meet the guidelines/restrictions of the applicable fund sources. LPAs should contact MTC staff as early as possible for any exception requests.

Grant Application: To ensure a streamlined application process for project sponsors, a universal application form (or standard format and content for project proposals) will be used, but, with review and approval from MTC, may be modified as appropriate by the Lifeline Program Administrator for inclusion of county-specific grant requirements.

Applicants with multi-county projects must notify the relevant Lifeline Program Administrators and MTC about their intent to submit a multi-county project, and submit copies of their application to all of the relevant counties. If the counties have different application forms, the applicant can submit the same form to all counties, but should contact the Lifeline Program Administrators to determine the appropriate form. If the counties have different application deadlines, the applicant should adhere to the earliest deadline. The Lifeline Program Administrators will work together to score and rank the multi-county projects, and, if selected, to

determine appropriate funding. (Note: Multi-county operators with projects that are located in a single county need only apply to the county where the project is located.)

Program Match: The Lifeline Program requires a minimum local match of 20% of the total project cost; new Lifeline Transportation Program funds may cover a maximum of 80% of the total project cost.

There are two exceptions to the 20% match requirement:

(1) JARC operating projects require a 50% match. However, consistent with MTC's approach in previous funding cycles, Lifeline Program Administrators may use STA funds to cover the 30% difference for projects that are eligible for **both** JARC and STA funds.

(2) All auto-related projects require a 50% match.

Project sponsors may use certain federal or local funding sources (Transportation Development Act, operator controlled State Transit Assistance, local sales tax revenue, etc.) to meet the match requirement. The match may include a non-cash component such as donations, volunteer services, or in-kind contributions as long as the value of each is documented and supported, represents a cost that would otherwise be eligible under the program, and is included in the net project costs in the project budget.

For JARC projects, the local match can be *non*-Department of Transportation (DOT) federal funds. Eligible sources of non-DOT federal funds include: Temporary Assistance to Needy Families (TANF), Community Services Block Grants (CSBG) and Social Services Block Grants (SSBG) administered by the US Department of Health and Human Services or Community Development Block grants (CDBG) and HOPE VI grants administered by the US Department of Housing and Urban Development (HUD). Grant funds from private foundations may also be used to meet the match requirement.

Eligible Projects: Per the requirements set forth in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), projects selected for funding under the JARC program must be "derived from a locally developed, coordinated public transit-human services transportation plan", and the plan must be "developed through a process that includes representatives of public, private, and non-profit transportation and human services providers and participation by members of the public." A locally developed, coordinated, public transit-human services transportation plan ("coordinated plan") identified the transportation needs of individuals with disabilities, older adults, and people with low incomes, and provides strategies for meeting those local needs. The Bay Area's Coordinated Plan was adopted in December 2007 and is available at <http://www.mtc.ca.gov/planning/pths/>. The plan includes a low-income component and an elderly and disabled component.

Eligible operating projects, consistent with requirements of funding sources, may include (but are not limited to) new or enhanced fixed route transit services, restoration of lifeline-related transit services eliminated due to budget shortfalls, shuttles, children's transportation programs,

taxi voucher programs, improved access to autos, etc. See Appendix 1 for additional details about eligibility by funding source.

Eligible capital projects, consistent with requirements of funding sources, include (but are not limited to) purchase of vehicles; bus stop enhancements, including the provision of bus shelters, benches, lighting or sidewalk improvements at or near transit stops; rehabilitation, safety or modernization improvements; or other enhancements to improve transportation access for residents of low-income communities. See Appendix 1 for additional details about eligibility by funding source.

Eligible planning projects, consistent with requirements of funding sources, include (but are not limited to) planning assistance for updating Community-Based Transportation Plans (CBTP), consolidated transportation services planning, and bicycle and pedestrian planning projects. CBTP updates are eligible for STP funding provided the following conditions are met: 1) All of the previously identified CBTPs in the county have been completed<sup>2</sup>; 2) The county has identified a lead agency to update the status of existing plans, needs, and projects, and to track implementation of projects over time; 3) A county-led process involving multiple stakeholders has established a way to set priorities for plan updates within the county (e.g., oldest first, largest populations, highest percentage of implemented projects); 4) Communities getting plan updates must be identified as Communities of Concern (CoCs) as part of the Plan Bay Area process to have priority, but countywide updates will be considered in counties with either no CoCs or with more than two-thirds of the county low-income population residing outside designated CoCs. Counties may decide whether and/or how to prioritize CBTP updates over other eligible uses such as bicycle and pedestrian projects. See Appendix 1 for additional details about eligibility by funding source.

Transportation needs specific to elderly and disabled residents of low-income communities may also be considered when funding Lifeline projects.

Project Selection/Draft Program of Projects: MTC is the designated recipient for the Bay Area's large Urbanized Area (UA) funding apportionment of JARC funds. Caltrans is the designated recipient for California's small and non-UA funding apportionment of JARC funds. As the designated recipient, MTC is responsible for ensuring a competitive selection process to determine which projects should receive funding. For the large UA apportionment, the competitive selection is conducted on a county-wide basis. For the small and non-UA apportionment, the competitive selection is conducted by Caltrans.

For the MTC process, standard evaluation criteria will be used to assess and select projects. The six criteria include (1) project need/goals and objectives, (2) community-identified priority, (3) implementation plan and project management capacity, (4) coordination and program outreach, (5) cost-effectiveness and performance indicators, and (6) project budget/sustainability.<sup>3</sup> Lifeline

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<sup>2</sup> Because funding has been available for completing the region's remaining CBTPs since 2008, counties who have not completed all of their existing plans will not be eligible for any plan update funds. MTC's expectation is that all CBTPs will be complete by the end of this cycle.

<sup>3</sup> For future cycles of the Lifeline Transportation Program, transit operations projects will need to be consistent with recommendations stemming from MTC's Transit Sustainability Project. See <http://www.mtc.ca.gov/planning/tsp/>

Program Administrators may establish the weight to be assigned for each criterion in the assessment process.

Additional criteria may be added to a county program but should not replace or supplant the regional criteria. MTC staff will review the proposed county program criteria to ensure consistency and to facilitate coordination among county programs.

Each county will appoint a local review team of CMA staff, the local low-income or minority representative from MTC's Policy Advisory Council, and representatives of local stakeholders, such as, transit operators, other transportation providers, community-based organizations, social service agencies, and local jurisdictions, to score and select projects. Counties are strongly encouraged to appoint a diverse group of stakeholders for their local review team. Each county will assign local priorities for project selection.

In funding projects, preference will be given to strategies emerging from local CBTP processes or other substantive local planning efforts involving focused outreach to low-income populations. Projects included in countywide regional welfare-to-work transportation plans, the Coordinated Public Transit-Human Services Transportation Plan or other documented assessment of need within the designated communities of concern will also be considered. Findings emerging from one or more CBTPs or other relevant planning efforts may also be applied to other low-income areas, or otherwise be directed to serve low-income constituencies within the county, as applicable. Regional Lifeline funds should not supplant or replace existing sources of funds.

A full program of projects is due to MTC from each Lifeline Program Administrator on May 15, 2012. However, with state and federal funding uncertainties, sponsors with projects selected for FY2013 JARC funds should plan to defer the start of those projects until the funding is appropriated and secured. Lifeline Program Administrators, at their discretion, may opt to prioritize high scoring projects with FY2011 and FY2012 funds. MTC staff will work with Lifeline Program Administrators on this sequencing; more will be known about the FY2013 funds near the end of calendar year 2012.

Project Delivery: All projects funded under the county programs are subject to MTC obligation deadlines and project delivery requirements. STP funds are subject to all of the delivery requirements in MTC Res. 3606. All projects will be subject to a "use it or lose it" policy. Beginning this cycle, MTC is adding a project delivery requirement that project sponsors must expend the Lifeline Transportation funds within three years of the grant award or execution of subrecipient agreement with MTC, whichever is applicable.

Policy Board Adoption: Prior to the programming of funds to any project, MTC requires that the project sponsor adopt and submit a resolution of local support. Projects recommended for STA, JARC and STP funding must be submitted to and approved by the respective governing board of the Lifeline Program Administrator. Projects funded with Proposition 1B Transit funds must have concurrence from the applicable CMA; furthermore, Caltrans requires that Proposition 1B - Transit projects either be consistent with the project sponsor's most recent short-range transit plan (SRTP), as evidenced by attaching the relevant SRTP page to the allocation request, or be accompanied by a certified Board Resolution from the project sponsor's governing board. For all



funds, the appropriate governing board shall resolve that approved projects not only exemplify Lifeline Program goals, but that the local project sponsors understand and agree to meeting all project delivery, funding match and eligibility requirements, and obligation and reporting deadlines and requirements.

Project Oversight: For Lifeline projects funded by STA, JARC, and STP, Lifeline Program Administrators are responsible for programmatic and fiscal oversight, and for ensuring projects meet MTC obligation deadlines and project delivery requirements. In addition, Lifeline Program Administrators will ensure that projects substantially carry out the scope described in the grant applications for the period of performance, and are responsible for approving reimbursement requests, budget changes, and scope of work changes, prior to MTC's authorization. All scope changes must be fully explained and must demonstrate consistency with Lifeline Program goals. Any changes to JARC or STP funded projects must be reported to MTC and reconciled with FTA (or FHWA, as applicable for STP funds).

For projects funded by Proposition 1B, the Lifeline Program Administrators are encouraged to continue coordination efforts with the project sponsors if they feel that it would be beneficial toward meeting the Lifeline goals; however, this may not be necessary or beneficial for all Proposition 1B projects.

See appendix 1 for detailed accountability and reporting requirements by funding source.

As part of the Call for Projects, applicants will be asked to establish project goals, and to identify basic performance indicators to be collected in order to measure the effectiveness of the Lifeline projects. At a minimum, performance measures for service-related projects would include: documentation of new "units" of service provided with the funding (e.g., number of trips, service hours, workshops held, car loans provided), cost per unit of service, and a qualitative summary of service delivery procedures employed for the project. For capital projects, project sponsors are responsible for establishing milestones and reporting on the status of project delivery. For planning projects, project sponsors are responsible for establishing a schedule of deliverables related to the project. Project sponsors are responsible for satisfying all reporting requirements, as referenced in Appendix 1. Lifeline Program Administrators will forward all reports containing performance measures to MTC for review and overall monitoring of the Lifeline Transportation Program.

Fund Administration:

*For projects receiving JARC Funds:* MTC will enter all projects into the Transportation Improvement Program (TIP). For projects sponsored by non-Federal Transit Administration (FTA) grantees, e.g., nonprofits or other local government entities, MTC will enter projects into MTC's FTA grant planned to be submitted in fall 2012. Following FTA approval of the grant, MTC will enter into funding agreements with subrecipients. Transit operators who are FTA grantees will act as direct recipients, and will submit grant applications to FTA directly. MTC reserves the right to reprogram funds if direct recipients fail to obligate the funds through grant submittal and FTA approval within 12 months of program approval. See Appendix 2 for federal compliance requirements.

*For projects receiving STA funds:* For transit operators receiving STA funds, MTC will allocate funds directly through the annual STA claims process. For other STA eligible projects administered by sponsors who are not STA eligible recipients, the project sponsor is responsible for identifying a local transit operator who will act as a pass-through for the STA funds, and will likely seek to enter into a funding agreement directly with the project sponsor.

*For projects receiving Proposition 1B Transit Funds:* Project sponsors receiving Proposition 1B funds must submit a Proposition 1B application to MTC for submittal to Caltrans with prior review by MTC. The estimated due date to Caltrans is June 1, 2012. The state will distribute funds directly to the project sponsor. Note that although the Proposition 1B Transit Program is intended to be an advance-payment program, actual disbursement of funds is dependent on the State budget and State bond sales.

*For projects receiving STP funds:* Projects must comply with the provisions of the Cycle 2 STP/CMAQ programming guidelines and program adoption, and project sponsors must submit a Local Resolution of Support (template located on MTC's Website at: <http://www.mtc.ca.gov/funding/STPCMAQ/>) meet all of the delivery requirements in MTC Resolution 3606 (located on MTC's Website at: <http://www.mtc.ca.gov/funding/delivery/>) and STP funds must be obligated by the Federal Highway Administration (FHWA) or transferred to FTA by April 30, 2014. Furthermore, the following provisions apply accordingly:

- Transit operators who are FTA grantees will act as direct recipients, and will enter projects into the TIP, request FHWA transfers through Caltrans and submit grant applications to FTA directly. MTC reserves the right to reprogram funds if direct recipients fail to obligate the funds through grant submittal and FTA approval within 18 months of MTC approval of the project.
- For non-FTA grantees with transit projects, the CMA (or appropriate agency) will enter projects into the TIP, request a transfer of funds from FHWA to FTA, and include the projects into an FTA grant for submittal in spring 2013. Following FTA approval of the grant, the CMA or appropriate agency will execute funding agreements with the implementing entity.
- Local non-transit agencies with non-transit projects (e.g., planning, bicycle, and pedestrian projects) will receive the funding directly, and will enter projects into the TIP and submit obligation/authorization requests through Caltrans to FHWA. (See Appendix 2 for federal compliance requirements.)

### Timeline Summary

<b>Program</b>	<b>Action</b>	<b>Date</b>
JARC/STA/STP	MTC issues guidelines to counties	December 21, 2011
Prop 1B	Transit operators submit draft project lists to CMAs	February 15, 2012
Prop 1B	Allocation requests due to MTC (concurrence from the CMA is required)	April 11, 2012
Prop 1B	MTC & transit operators submit TIP amendments	End of April – Deadline TBD
<b>Prop 1B</b>	<b>Commission approval of Prop 1B projects</b>	<b>May 23, 2012</b>
Prop 1B	MTC submits FY11 request to Caltrans	June 1, 2012
JARC/STA/STP	Board-approved programs due to MTC from CMAs	May 15, 2012
JARC/STA/STP	MTC and transit operators submit TIP Amendments	June/July 2012 – Deadline TBD
<b>JARC/STA/STP</b>	<b>Commission approval of Program of Projects</b>	<b>June 27, 2012</b>
STA	Operators can file claims for FY12 and FY13	After Commission Approval
JARC	MTC and transit operators submit FTA grants with FY11 and FY12 JARC projects	November/December 2012 (following TIP approval)
JARC	FY11 and FY12 JARC-funded project sponsors enter into funding agreements	January/February 2013 (following FTA grant approval)
JARC/STP	MTC confirms availability of FY13 funds; MTC and transit operators submit TIP Amendments for FY13 projects	Winter/Spring 2013 (est.)
JARC/STP	MTC and transit operators submit FTA grant or FHWA obligation request with FY13 projects	Spring/Summer 2013 (following TIP approval)
JARC/STP	FY13 project sponsors enter into funding agreements (if applicable)	Summer/Fall 2013 (following FTA grant approval)
STP	Deadline for STP funds to be obligated or transferred to FTA	April 30, 2014

**Table A – Lifeline Transportation Program  
Third Cycle Funding  
FY2010-11 through FY2012-13**

<b>Fund Source</b>	<b>FY2011 Actual</b>	<b>FY2012 Estimate</b>	<b>FY2013 Estimate</b>	<b>Total</b>
STA <sup>1</sup>	(Programmed in Cycle 2)	\$ 11,673,561	\$ 11,907,032	\$ 23,580,593
Prop 1B <sup>2</sup>	\$ 46,519,967	-	-	\$ 46,519,967
JARC <sup>3</sup>	\$ 2,562,648	\$ 2,562,648	\$ 2,562,648	\$ 7,687,944
STP <sup>4</sup>	\$ -	\$ -	\$ 8,971,587	\$ 8,971,587
<b>Total</b>	<b>\$ 49,082,615</b>	<b>\$ 14,236,209</b>	<b>\$ 23,441,267</b>	<b>\$ 86,760,091</b>

**Notes:**

- (1) FY2011 STA Funds were programmed in Cycle 2. The FY2011-12 STA Estimates reflect the \$413.2 million in the FY2011-12 State Budget. The FY2012-13 STA estimates assume 2% growth.
- (2) FY2011 Prop 1B appropriations represent three years of funding.
- (3) Consistent with federal JARC guidance, MTC may set aside five percent of the region's FY11, FY12 and FY13 apportionment to fund administration, planning and technical assistance. Amounts shown here are prior to any MTC set-aside.
- (4) STP funds are available to the Lifeline Program starting in FY13, as part of MTC's "Resolution 3814 payback" being implemented in the 2nd cycle STP/CMAQ program (proposed One Bay Area Grants). Note that MTC may apply Congestion Mitigation and Air Quality Improvement (CMAQ) funds instead of STP to CMAQ-eligible projects, and references to "STP" should be considered as "STP or CMAQ."

**Table B – Estimated Funding Target by Fund Source per County**

County & Share of Regional Low Income Population	FY2011		FY2012		FY2013		Total
	STA <sup>1</sup>	JARC <sup>2</sup>	STA	JARC <sup>2</sup>	STA	STP <sup>3</sup>	
Alameda	23.7%	685,806	2,653,456	685,806	2,708,899	2,130,539	9,550,312
Contra Costa	13.4%	387,331	1,498,625	387,331	1,529,939	1,203,291	5,393,849
Marin	2.6%	75,235	291,094	75,235	297,176	233,728	1,047,704
Napa	2.2%	-	245,095	-	250,216	196,794	692,105
San Francisco	13.1%	378,258	1,463,520	378,258	1,494,100	1,175,104	5,267,499
San Mateo	7.6%	218,838	846,709	218,838	864,401	679,848	3,047,472
Santa Clara	23.7%	561,175	2,650,265	561,175	2,705,643	2,127,977	9,167,409
Solano	5.8%	-	649,332	-	662,900	521,368	1,833,601
Sonoma	7.8%	127,873	875,465	127,873	893,757	702,937	2,855,777
MTC - Means-Based Discount Project		-	500,000	-	500,000	-	1,000,000
MTC - Admin, Planning, Technical Assistance <sup>2</sup>		128,132	-	128,132	-	-	384,397
<b>Total</b>	<b>100.0%</b>	<b>2,562,648</b>	<b>11,673,561</b>	<b>2,562,648</b>	<b>11,907,032</b>	<b>8,971,587</b>	<b>40,240,123</b>

(1) FY2011 STA Funds were programmed in Cycle 2

(2) Consistent with federal JARC guidance, MTC will set aside five percent of the region's FY11, FY12 and FY13 apportionment to fund administration, planning and technical assistance

(3) STP funds are available to the Lifeline Program starting in FY13, as part of MTC's "Resolution 3814 payback" being implemented in the 2nd cycle STP/CMAQ program (proposed One Bay Area Grants). Note that MTC may apply Congestion Mitigation and Air Quality Improvement (CMAQ) funds instead of STP to CMAQ-eligible projects, and references to "STP" should be considered as "STP or CMAQ."

**Table C – Estimated Funding Target for Proposition 1B Transit Funds per Transit Operator and County**

Transit Operator & Hybrid Formula (Share of Regional Low Income Ridership & Share of Regional Low Income Population) <sup>2</sup>	Prop 1B <sup>1</sup>		Total
	FY2011	FY2012	
AC Transit	18.1%	8,403,487	8,403,487
BART	17.6%	8,173,010	8,173,010
County Connection (CCCTA)	1.0%	484,534	484,534
Golden Gate Transit/Marin Transit	3.2%	1,477,729	1,477,729
Wheels (LAVTA)	0.5%	240,910	240,910
Muni (SFMTA)	25.2%	11,723,430	11,723,430
SamTrans	4.9%	2,272,697	2,272,697
Tri Delta Transit (ECCTA)	0.7%	327,019	327,019
VINE (NCTPA)	1.3%	597,647	597,647
VTA	19.7%	9,186,049	9,186,049
WestCat (WCCCTA)	0.3%	147,335	147,335
Solano County Operators	3.3%	1,547,328	1,547,328
Sonoma County Operators	4.2%	1,938,791	1,938,791
<b>Total</b>	<b>100.0%</b>	<b>46,519,967</b>	<b>46,519,967</b>

(1) FY2011 Prop 1B appropriations represent three years of funding.

(2) Only transit operators who have previously received Proposition 1B Lifeline funds are included in the formula distribution

## Appendix 1 Lifeline Transportation Program Third Cycle Funding

### Funding Source Information

	State Transit Assistance (STA)	Proposition 1B – Transit	Job Access and Reverse Commute (JARC)	Surface Transportation Program (STP)
<b>Purpose of Fund Source</b>	To improve existing public transportation services and encourage regional transportation coordination	To help advance the State's goals of providing mobility choices for all residents, reducing congestion, and protecting the environment	To improve access to transportation services to employment and related activities for welfare recipients and eligible low-income individuals	To fund highway improvements, including projects on eligible public roads, transit capital projects, and intracity/ intercity bus terminals and facilities.
<b>Detailed Guidelines</b>	<a href="http://www.dot.ca.gov/hq/MassTrans/Docs-Pdfs/TDA2007Work.pdf">http://www.dot.ca.gov/hq/MassTrans/Docs-Pdfs/TDA2007Work.pdf</a>	<a href="http://www.mtc.ca.gov/funding/infrastructure/PTMISEA_12-05-07.PDF">www.mtc.ca.gov/funding/infrastructure/PTMISEA_12-05-07.PDF</a>	<a href="http://www.fta.dot.gov/documents/FTA_C_9050_1_JARC.pdf">www.fta.dot.gov/documents/FTA_C_9050_1_JARC.pdf</a>	<a href="http://www.fhwa.dot.gov/programadmin/13005.cfm">http://www.fhwa.dot.gov/programadmin/13005.cfm</a>
<b>Use of Funds</b>	For public transportation purposes including community transit services	For public transportation purposes	For transportation services that meet the transportation needs of low-income persons	For public transportation purposes
<b>Eligible Recipients</b>	<ul style="list-style-type: none"> <li>Transit operators</li> <li>Cities and Counties if eligible to claim TDA</li> <li>MTC for regional coordination</li> <li>Other entities, under an agreement with an eligible recipient</li> </ul>	Transit operators or local agencies that are eligible to receive STA funds, as listed by State Controller's Office	<ul style="list-style-type: none"> <li>Operators of public transportation services, including private operators of public transportation services</li> <li>Private non-profit organizations</li> <li>State or local governmental authority</li> </ul>	<ul style="list-style-type: none"> <li>Operators of public transportation services.</li> <li>State or local governmental authority</li> </ul>
<b>Eligible Projects</b>	<p>Transit Capital and Operations, including:</p> <ul style="list-style-type: none"> <li>New, continued or expanded fixed-route service</li> <li>Purchase of vehicles</li> <li>Shuttle service if available for use by the general public</li> <li>Purchase of technology (i.e. GPS, other ITS applications)</li> <li>Capital projects such as bus stop improvements, including bus benches, shelters, etc.</li> <li>Various elements of mobility management, if consistent with STA program purpose and allowable use. These may include planning, coordinating, capital or operating activities.</li> </ul>	<p>Transit Capital (including a minimum operable segment of a project) for:</p> <ul style="list-style-type: none"> <li>Rehab, safety, or modernization improvements</li> <li>Capital service enhancements or expansions</li> <li>New capital projects</li> <li>Bus rapid transit improvements</li> <li>Rolling stock procurement, rehab, or replacements</li> </ul> <p>Projects must be consistent with most recently adopted short-range transit plan or other publicly adopted plan that includes transit capital improvements.</p>	<p>Capital and Operating projects including:</p> <ul style="list-style-type: none"> <li>Services (e.g. late-night &amp; weekend, shuttles)</li> <li>Ridesharing and carpooling</li> <li>Transit-related aspects of bicycling</li> <li>Local car loan programs</li> <li>Marketing</li> <li>Certain pedestrian and bicycle projects</li> <li>Administration and expenses for voucher programs</li> <li>ITS, AVL, etc. for improving scheduling and dispatch</li> <li>Mobility management</li> </ul> <p>Projects must be derived from the regionally-adopted Coordinated Public Transit-Human Services Transportation Plan.</p>	<p>Capital and Planning projects including:</p> <ul style="list-style-type: none"> <li>Public transit capital improvements</li> <li>Rehab, safety, or modernization improvements</li> <li>Pedestrian and bicycle facilities</li> <li>Transportation planning activities</li> <li>Community-Based Transportation Plan updates</li> <li>Consolidated transportation services planning</li> </ul>

	State Transit Assistance (STA)	Proposition 1B – Transit	Job Access and Reverse Commute (JARC)	Surface Transportation Program (STP)
<b>Lifeline Program Local Match</b>	20%	20%	<ul style="list-style-type: none"> <li>50% for operating projects (may use STA funds to cover up to 30% if project is eligible for <b>both</b> JARC and STA)</li> <li>50% for auto projects</li> <li>20% for capital projects</li> </ul>	20%
<b>Estimated timing for availability of funds to project sponsor</b>	<ul style="list-style-type: none"> <li>Transit operators and eligible cities and counties can initiate claims for FY12 and FY13 funds immediately following MTC approval of program of projects for current fiscal year funds.</li> <li>For “other entities”, the eligible recipient acting as fiscal agent will initiate a funding agreement following MTC approval of program of projects. Funds will be available on a reimbursement basis after execution of the agreement.</li> </ul>	Project sponsors must submit a Proposition 1B application to MTC for submittal to Caltrans by April 11, 2012. Disbursement timing depends on bond sales.	For FY11 and FY12 funds, following MTC approval of the program of projects, there will be a 3-6 month process of entering projects in the TIP, applying for the FTA grant, FTA review and award. Following FTA award, there will be an additional 3 month process of entering into funding agreements with the non-FTA recipient project sponsors. Funds will be available on a reimbursement basis after execution of agreements. For FY13 funds, the 6-9 month process of entering projects in the TIP, applying for the FTA grant, and entering into funding agreements will start as soon as the funds are appropriated and secured (approximately Spring 2013).	<p><b>For transit projects:</b> After approval by the Commission, the sponsor will enter projects in the TIP, apply to FHWA for a funds transfer to FTA, apply for the FTA grant, FTA review and award. Following FTA award, there will be an additional process of entering into funding agreements with the non-FTA recipient project sponsors. Funds will be available on a reimbursement basis after execution of agreements.</p> <p><b>For local agencies with non-transit projects (e.g., bicycle and pedestrian facilities):</b> After project approval by the MTC Commission, the sponsor will enter projects in the TIP, followed by submitting the obligation requests to FHWA. Project sponsors cannot spend STP funds until after they receive FHWA authorization.</p>
<b>Accountability &amp; Reporting Requirements</b>	<ul style="list-style-type: none"> <li>Transit operators and eligible cities and counties must submit annual performance (i.e., ridership) statistics for the project, first to Lifeline Program Administrators for review, and then to MTC along with annual claim.</li> <li>Depending on the arrangement with the pass-through agency, “other entities” will likely submit quarterly performance reports with invoices, first to the pass-through agency for reimbursement, and then to Lifeline Program Administrators for review.</li> </ul>	<p>Using designated Caltrans forms, project sponsors are required to submit project activities and progress reports to the state every six months, as well as a project close-out form. Caltrans will track and publicize progress via their website.</p> <p>Project sponsor will not be required to submit progress reports to the Lifeline Program Administrator unless the LPA believes that county-level project monitoring would be beneficial.</p>	<p>Non-FTA recipient sponsors will submit quarterly performance reports with invoices, first to Lifeline Program Administrators for review, and then to MTC for reimbursement. Non-FTA recipient sponsors will also submit FTA Certifications and Assurances and Title VI reports annually to MTC, and are subject to Title VI monitoring. FTA recipients are responsible for following all applicable federal requirements for preparing and maintaining their JARC grants. All project sponsors will submit annual JARC reporting information to MTC.</p>	<p>Non-FTA recipient sponsors will submit quarterly performance reports with invoices, first to Lifeline Program Administrators for review, and then to MTC for reimbursement. Non-FTA recipient sponsors will also submit FTA Certifications and Assurances and Title VI reports annually to MTC, and are subject to Title VI monitoring. FTA recipients are responsible for following all applicable federal requirements for preparing and maintaining their STP grants. All project sponsors will submit annual STP reporting information to MTC.</p>

**Note:** Information on this chart is accurate as of December 2011. MTC will strive to make Lifeline Program Administrators aware of any changes to fund source guidelines that may be enacted by the appropriating agencies (i.e. State of California, Federal Transit Administration).

## **Appendix 2 Lifeline Transportation Program Third Cycle Funding**

### **Compliance with Federal Requirements for Job Access and Reverse Commute (JARC) and Surface Transportation Program (STP) Funds**

Applicants should be prepared to abide by all applicable federal requirements as specified in 49 U.S.C. Section 5316, FTA Circulars C 9050.1 and 4702.1A, the most current FTA Master Agreement MA(13), and the most current Certifications and Assurances for FTA Assistance Programs.

MTC includes language regarding these federal requirements in its funding agreements with subrecipients and requires each subrecipient to execute a certification of compliance with the relevant federal requirements. Subrecipient certifications are required of the subrecipient prior to the execution of a funding agreement by MTC and annually thereafter when FTA publishes the annual list of certifications and assurances.

Direct recipients are responsible for adhering to FTA requirements through their agreements and grants with FTA directly.

#### Title VI of the Civil Rights Act

In connection with MTC's Title VI monitoring obligations, as outlined in FTA Circular 4702.1A (Title VI and Title VI-Dependent Guidelines for Federal Transit Administration Recipients), applicants will be required to provide the following information in the grant application:

- a. The organization's policy regarding Civil Rights (based on Title VI of the Civil Rights Act) and for ensuring that benefits of the project are distributed equitably among low-income and minority population groups in the project's service area.
- b. Information on whether the project will provide assistance to predominately minority and low-income populations. (Projects are classified as providing service to predominately minority and low-income populations if the proportion of minority and low-income people in the project's service area exceeds the regional average minority and low-income population.)

In order to document that federal funds are passed through without regard to race, color or national origin, and to document that minority populations are not being denied the benefits of or excluded from participation in the Lifeline Transportation Program, MTC will keep a record of applications submitted for Lifeline funding. MTC's records will identify those applicants that would use grant program funds to provide assistance to predominately minority and low-income populations and indicate whether those applicants were accepted or rejected for funding.

MTC requires that all JARC and STP subrecipients submit all appropriate FTA certifications and assurances to MTC prior to funding agreement execution and annually thereafter when FTA publishes the annual list of certifications and assurances. MTC will not execute any funding agreements prior to having received these items from the selected subrecipients. MTC, within its administration, planning, and technical assistance capacity, also will comply with all appropriate certifications and assurances for FTA assistance programs and will submit this information to the FTA as required.

The certifications and assurances pertaining to civil rights include:

1. Nondiscrimination Assurances in Accordance with the Civil Rights Act
2. Documentation Pertaining to Civil Rights Lawsuits and Complaints

Nondiscrimination assurances included above involve the prohibition of discrimination on the basis of race, color, creed, national origin, sex, or age, and prohibit discrimination in employment or business opportunity, as specified by 49 U.S.C. 5332 (otherwise known as Title VI of the Civil Rights Act of 1964O, as amended (42 U.S.C. 2000d et seq.) and U.S. DOT regulations, *Nondiscrimination in Federally-Assisted Programs of the*



*Department of Transportation-Effectuation of Title VI of the Civil Rights Act*, 49 C.F.R. Part 21. By complying with the Civil Rights Act, no person, on the basis of race, color, national origin, creed, sex, or age, will be excluded from participation in, be denied the benefits of any program for which the subrecipient receives federal funding via MTC.

As a condition of receiving JARC and STP funds, subrecipients must comply with the requirements of the US Department of Transportation's Title VI regulations. The purpose of Title VI is to ensure that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Subrecipients are also responsible for ensuring compliance of each third party contractor at any tier of the project.

Subrecipients must develop procedures for investigating and tracking Title Vi complaints filed against them and make their procedures for filing a complaint available to members of the public upon request. In order to reduce the administrative burden associated with this requirement, subrecipients may adopt the Title VI complaint investigation and tracking procedures developed by MTC.

Subrecipients must prepare and maintain a list of any active investigations conducted by entities other than FTA, lawsuits, or complaints naming the subrecipient that allege discrimination on the basis of race, color, or national origin. This list shall include the date, summary of allegations, current status, and actions taken by the subrecipient in response to the investigation, lawsuit, or complaint.

Subrecipients must provide information to the public regarding their Title VI obligations and apprise members of the public of the protections against discrimination afforded to them by Title VI. Subrecipients that provide transit service shall disseminate this information to the public through measures that can include but shall not be limited to a posting on the agency's Web site.

All successful subrecipients must submit compliance reports to MTC. The following contents will be required with the submission of the standard agreement and annually thereafter with the submission of the annual FTA certifications and assurances:

1. A summary of public outreach and involvement activities undertaken and a description of steps taken to ensure that minority and low-income people had meaningful access to these activities.
2. A copy of the subrecipient's plan for providing language assistance for persons with limited English proficiency (LEP) that was based on the DOT LEP Guidance or a copy of the agency's alternative framework for providing language assistance.
3. A copy of the subrecipient procedures for tracking and investigating Title VI complaints.
4. A list of any Title VI investigations, complaints, or lawsuits filed with the subrecipient. This list should include only those investigations, complaints, or lawsuits that pertain to the subrecipient submitting the report, not necessarily the larger agency or department of which the entity is a part.
5. A copy of the subrecipient's notice to the public that it complies with Title VI and instructions to the public on how to file a discrimination complaint.

The first compliance report, submitted with the standard agreement, must contain all of the contents listed above. If, prior to the deadline for subsequent compliance reports, the subrecipient has not altered items 2, 3 and 5 above (its language assistance policies, procedures for tracking and investigating a Title VI complaint, or its notice to the public that it complies with Title VI and instructions to the public on how to file a Title VI complaint), the

subrecipient should submit a statement to this effect in lieu of copies of the original documents. The annual compliance report should include an update on items 1 and 4.

Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS)

JARC and STP recipients/subrecipients will be required to have a Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number and provide it during the application process.<sup>4</sup> A DUNS number may be obtained from D&B by telephone (866-705-5711) or the Internet (<http://fedgov.dnb.com/webform>).

Role of Recipients/Subrecipients: JARC and STP recipients/subrecipients' responsibilities include:

- For direct recipients (transit operators who are FTA grantees), submitting a grant application to FTA and carrying out the terms of the grant;
- Meeting program requirements and grant/funding agreements requirements including, but not limited to, Title VI reporting requirements;
- Making best efforts to execute selected projects; and
- Complying with other applicable local, state, and federal requirements.

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<sup>4</sup> A Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number is a unique, non-indicative 9-digit identifier issued and maintained by D&B that verifies the existence of a business entity. The DUNS number is a universal identifier required for Federal financial assistance applicants, as well as recipients and their direct subrecipients.

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**Alameda County Community-Based Transportation Plans (CBTPs)**

<b>Completed CBTP</b>	<b>Date Completed</b>	<b>Budget <sup>(1)</sup></b>	
Central Alameda County (Cherryland, Ashland, South Hayward)	2004	\$50,000 <sup>(2)</sup>	Proposed Priority <sup>4</sup>
West Oakland	2006	\$60,000	
Central and East Oakland	2007	\$120,000 <sup>(3)</sup>	
West Berkeley	2007	\$60,000	
Alameda	2009	\$60,000	
<b>Total</b>		<b>\$350,000</b>	

Total Cycle 3 STP available:      \$2,130,500

**Notes:**

- (1) All five plans were funded by MTC. Due to the need for extensive community outreach, including identifying the outreach groups, most of the plans went over budget (the overages were absorbed by the consultant).
- (2) The first plan had a lower budget, which was increased after the counties commented to MTC that it was too low for community plans.
- (3) Central and East Oakland was a large area with 14 neighborhoods and six Oakland Council Districts.
- (4) The number of plan updates may be limited by the three-year expenditure period for Lifeline Cycle 3 funds.

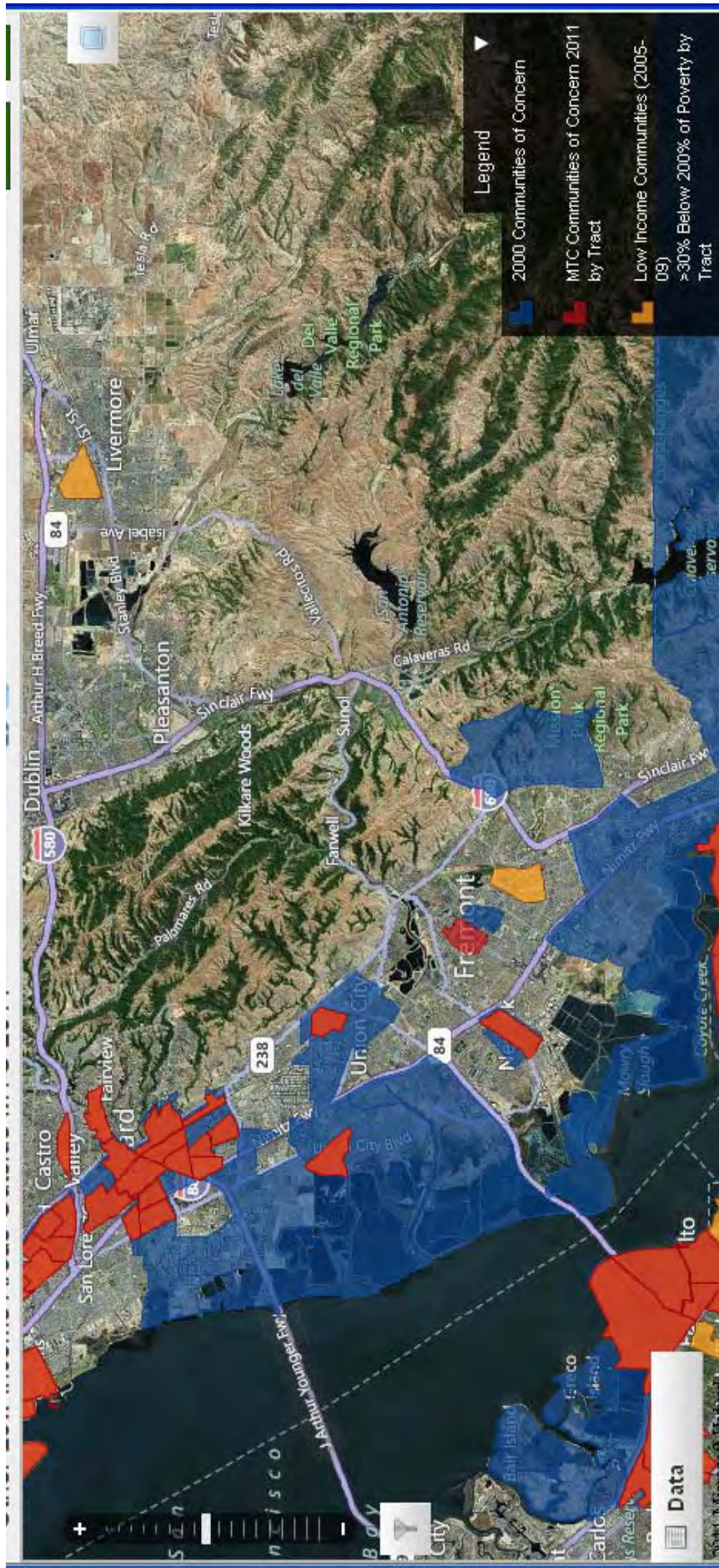
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Communities of Concern by Census Tract  
*North, Central and East Alameda County*





# Communities of Concern by Census Tract South, Central and East Alameda County



**Alameda CTC Proposed Programming Schedule for Lifeline Cycle 3**

<b>Programming Activities</b>	<b>Date</b>
Draft fund estimate and schedule to ACTAC	December 6, 2011
MTC to release guidelines	December 21, 2011
Alameda CTC review/approve process	January 2012
Alameda CTC to release Call for Projects (CFP)	January 31, 2012
Alameda CTC to hold application workshop	February 2012
Applications due to Alameda CTC for Transit Operator Prop. 1B requests	Mid-February 2012
Applications due to Alameda CTC for other (STA/JARC/STP) funding sources requests	End of February 2012
Alameda CTC to approve Transit Operator Prop. 1 B proposed projects	March/April 2011
Draft program of projects to Alameda CTC Committees and Board	April 2012
Alameda CTC approved Transit Operator Prop. 1B requests due to MTC	April 11, 2012
Final program to Alameda CTC Committees and Board	May 2012
Alameda CTC approved program due to MTC	May 15, 2012
MTC approval of program	June 27, 2012
Operators can file STA claims for FYs 11/12 and 12/13	Following MTC approval
Sponsors of FYs 10/11 and 11/12 JARC/STP funded projects enter into funding agreements with MTC	Jan/Feb 2013



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Lifeline Cycle 2		Lifeline Cycle 3	
Index	MTC Standard Criteria:	ACCMA Cycle 2 Weight	Alameda CTC-Proposed Weight
1	Project Need/Stated Goals and Objectives	30%	30%
2	Project is a CBTP <sup>1</sup> Priority Project	10%	10%
3	Implementation Plan	10%	10%
4	Project Budget/Sustainability	10%	10%
5	Coordination and Program Outreach	5%	5%
6	Cost-effectiveness and Performance	10%	10%
	<b>ACCMA Additional Criteria:</b>		
7	Demand	10%	10%
8	Funding	5%	5%
9	Project Readiness	10%	10%
		100%	100%

Notes:

- 1) Community-Based Transportation Plan
- 2) MTC standard criteria is community-identified priority. Due to the age of the Alameda County CBTPs, it is recommended that priority projects from other local planning efforts also be considered for the 10% weighting on a case-by-case basis.

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## **Memorandum**

**Date:** January 17, 2012

**To:** Alameda County Transportation Commission

**From:** Programs and Projects Committee

**Subject:** **Approval of the Reallocation of \$400,000 of Measure B Bicycle and Pedestrian Countywide Discretionary Fund (CDF) from Grant Agreement A09-0018, Alamo Canal Regional Trail I-580 Undercrossing Project, to the East Bay Greenway Project and the Bicycle Safety Education Program A09-0025**

### **Recommendations**

It is recommended the Commission approve the reallocation of \$400,000 of Measure B Bicycle and Pedestrian Countywide Discretionary Fund (CDF) grant funds from the Alamo Canal Regional Trail I-580 Undercrossing Project (Agreement No. A09-0018), to the East Bay Greenway project and Bicycle Safety Education program as follows:

- (1) \$350,000 to the East Bay Greenway project, for Construction/Maintenance phase activities.
- (2) \$50,000 to the Bicycle Safety Education program (Agreement No. A09-0025), to expand the program scope to include the Neighborhood Bike Centers program. The current budget, schedule and deliverables for the existing components of the Bicycle Safety Education Program would remain unchanged.

### **Summary**

The City of Dublin was awarded \$891,000 from the CDF for construction of the Alamo Canal Regional Trail I-580 Undercrossing project. Since the time the Measure B funds were initially approved for the project in 2009, additional funds have been acquired for the project. In light of the identified surplus, staff is proposing to reallocate \$400,000 of the CDF grant funds to two other projects in the county, the East Bay Greenway (EBG) Project and the Bicycle Safety Education Program (Neighborhood Bike Centers Program). The reallocation of Measure B CDF will allow for all three projects to proceed. The Countywide Bicycle and Pedestrian Advisory Committee (BPAC) unanimously concurred with both recommendations at its December 2011 meeting.

### **Background**

The City of Dublin was awarded \$891,000 from the CDF for construction of the Alamo Canal Regional Trail I-580 Undercrossing project (Agreement No. A09-0018). Since the time the Measure B funds were initially approved for the project in 2009, additional funds have been

acquired for the project through a portion of the federal TIGER II grant awarded to East Bay Regional Parks District (EBRPD). Combining the new TIGER II funds with the previously identified EBRPD Measure WW funds provides a funding surplus. In light of the identified surplus, staff is proposing to reallocate \$400,000 of the CDF grant funds to two other projects in the county.

Additional project-specific background information is detailed below:

#### East Bay Greenway (EBG) Project

This regional project will build a 12-mile trail below the BART tracks through Oakland, San Leandro, Unincorporated Areas, and Hayward. The project begins at 18th Avenue in Oakland and extends south to the Downtown Hayward BART Station. The Alameda CTC is managing the delivery of the EBG project. The project has been awarded \$1.01 million in Measure B CDF funds to advance the development of the project as well as \$300,000 intended for the early phases of the 12 mile project, or the San Leandro segment of the project.

The first segment of the project to be constructed will be a 0.5-mile trail segment (of the 12-mile project) from the Coliseum BART Station to 85th Avenue in Oakland. The Alameda CTC's completion of the environmental and design work for the overall project is leveraging the federal TIGER II and Measure WW funding, which will be used for construction of the first segment of the EBG. The EBRPD allocated \$1.16 million of the TIGER II funds and \$290,000 of local funds (total of \$1.45 million), to the construction phase of the EBG project. There is also a maintenance requirement for this project, which includes costs that are not eligible for the TIGER II funds. The total need for this segment of the project is about \$1.8 million. The project budget is detailed in Attachment A. The additional \$350,000 of measure B would provide the remaining funds. Without the funding package in place, the 0.5 mile Project will not be able to proceed and meet the obligation requirements of the TIGER II grant by March 2012. Staff and the project delivery team will continue to work to identify and compete for other funding sources.

The EBG expands and enhances bicycle and pedestrian access, convenience, safety and usage on a regional route. The EBG will connect communities, offering residents healthier and safer modes of transportation between home, work and school destinations which will cover 12 miles across 4 local agencies. The EBG was the highest scoring project in the Cycle 4 CDF program. The project also provides access to transit as well as Communities of Concern.

#### Neighborhood Bike Centers Program

As detailed in Attachment B, the Neighborhood Bike Centers (Bike-Go-Round) Program, operated by the non-profit, Cycles of Change, recovers, restores, and distributes bicycles for use by eligible low-income residents of targeted communities of concern. Individuals are invited to take part in the program based on their commitment to use bicycling and transit as their primary transportation. In addition to receiving a bicycle lock and helmet, program participants complete an urban cycling training course from certified instructors and are given personal transportation consultation which enables them to plan and conduct their daily activities using bicycles and transit. Neighborhood Bike Centers currently operate at the following two locations: (1) West Oakland, based at MOHR 1 Community Center at 741 Filbert St. serving residents within a two-mile radius of the West Oakland BART station, and (2) Central/East Oakland, based at the

Bikery, Cycles of Change Community Bicycle shop, at 2289 International Blvd, serving residents within two miles of the 12th St., 19th St., Fruitvale, and Coliseum BART stations.

In 2009, the Alameda County Congestion Management Agency (a predecessor agency to the Alameda CTC) approved funding through the Lifeline Transportation Program for the Neighborhood Bike Centers. Lifeline is a funding program that addresses the mobility needs of low-income residents and is intended to support community-based transportation projects that address transportation gaps and/or barriers within designated communities of concern and expand the range of transportation choices by adding a variety of new or expanded services. The Neighborhood Bike Centers program has provided a total of 1,450 adults and youth with on-road safety training and distributing 325 bicycles to youth for the purpose of attending school and to 440 adults for their commute needs. In MTC's recent evaluation report of the Lifeline program, the Neighborhood Bike Centers program was highlighted as an example of best practices. Attachment D provides an overview the first year of the program (2010).

The Lifeline grant provided \$314,000 for two years of program operations, ending June 30, 2011. The federal funding provided through Lifeline required a 50% match. Through cost savings and reduced program operations, Cycles for Change has been able to stretch the original 2-year budget to last an additional 6 months, through December 31, 2011, but they have not been successful in securing additional funds to continue the program beyond this date. A call for projects for the next cycle of Lifeline programming is scheduled to be released in early 2012, but the funding will not be available to the approved projects until early 2013. Cycles of Change intends to apply for the next cycle of Lifeline funding, but even if successful, is faced with a one-year funding gap for 2012 and have indicated that program operations will cease unless additional funding can be secured.

Working with MTC, Cycles of Change, East Bay Bicycle Coalition and other Lifeline program partners, staff propose to advance a small amount of the next cycle of Lifeline funding to the Neighborhood Bike Centers program. This scenario is dependent upon securing the 50% local match required for the proposed federal funds. Cycles of Change has prepared a budget (Attachment C) showing two program options: (1) continuation of the current program (that allows for two classes per month) with a \$161,600 annual cost and (2) a scaled-back program of approximately 50% of current operations (allowing for one class per month) with a \$95,000 annual cost. Given that the identified federal funding is limited to \$45,000, staff is proposing to fund the scaled-back program and is proposing a \$50,000 local match from Measure B. This proposal will provide funding to maintain operations of the adult component of the program and allow for the application for additional funds in the next Lifeline programming cycle. Attachment B has been revised to clarify the proposed scope for 2012. The programming of the federal funds is covered under agenda item 8A.

While the Neighborhood Bike Centers program has not previously received Measure B Bicycle-Pedestrian grant funding, it would be considered an eligible program under the most recent CDF Program Guidelines. The project provides bicycle safety education, which is called out in the current adopted Countywide Bicycle Plan. Additionally, the project also provides for bicycle repair and maintenance, and serves Communities of Concern (low income areas with transportation gaps) which are both supported in the latest Countywide Bicycle and Pedestrian Plan update.

Cycles of Change is an established sub-consultant to the CDF grant funded EBBC Bicycle Safety Education Program, currently operating the bike rodeo component. Due to the similar goals of the two programs of providing bike training and safety education, as well as to streamline the administration of the proposed CDF funds, staff is proposing to amend the scope and funding to the existing Bicycle Safety Education CDF grant-funded program. EBBC has concurred with the addition of the proposed scope.

#### Alamo Canal Regional Trail I-580 Undercrossing Project

Staff has worked with City of Dublin and EBRPD staff in regards to this proposal. The City of Dublin has released a contract with bids due on January 11, 2012. We understand the bids received were below the engineers estimate. The City of Dublin staff is currently reviewing the bid submittals for completeness. Based on the bids received being below the engineers estimate and the amount of budgeted funds available to deliver the project, the City of Dublin will have a complete funding plan for the project after accounting for this CDF grant amendment. Staff will report on the status of the contract award at the Board meeting. Alameda CTC staff will continue to work with all the project sponsors to ensure all projects are successfully completed.

The BPAC unanimously concurred with the requested reallocation of Bicycle and Pedestrian Countywide Discretionary Grant Funds, contingent on the construction bids received by City of Dublin being within the funding package remaining on the Alamo Canal Regional Trail I-580 Undercrossing Project and also authorizing the use of additional matching funds (\$100,000) available through the BPAC Matching Fund program if required.

#### **Attachments**

- |               |  |
|---------------|--|
| Attachment A: | East Bay Greenway Current Budget   |
| Attachment B: | Neighborhood Bike Centers program - 2012 Scope                             |
| Attachment C: | Neighborhood Bike Centers program - 2012 Project Budget                    |
| Attachment D: | Neighborhood Bicycle Transportation Centers program – Year One<br>Overview |
| Attachment E: | EBRPD Letter of Support  |

## East Bay Greenway Project

## Budget

Item	Amount (12 mi)	Amount (0.5 mi)
Preliminary engineering	\$ 465,660	\$ 60,000
Environmental review (CEQA)	\$ 222,333	\$ 9,667
NEPA & final design	\$ -	\$ 160,000
Construction & maintenance	Unknown	\$ 1,801,500
Former San Leandro Slough grant	\$ 299,500	\$ -
<b>Total costs</b>	Unknown	\$ 2,031,167

## Funding

Agency/Source	Amount (12 mi)	Amount (0.5 mi)
Alameda CTC/Measure B (Approved)	\$ 1,082,333	\$ 229,667
FHWA/TIGER II	\$ -	\$ 1,161,200
EBRPD/Measure WW	\$ 109,700	\$ 290,300
Alameda CTC/Measure B (Proposed)	\$ -	\$ 350,000
<b>Total funding</b>	Unknown	\$ 2,031,167

## Notes

12-mile project extends from 19th Avenue in Oakland south through San Leandro, Unincorporated Alameda County and Hayward to the Hayward BART station.

0.5-mile segment is a portion of the 12-mile project and extends from the Coliseum BART station to 85th Avenue in Oakland.



**Lifeline Transportation Program: Cycles of Change Neighborhood Bicycle Centers**

**2-YEAR PROGRAM OUTCOMES**

Number of adults and youth provided on-road safety training: 1,450

Youth that received bicycle for purpose of attending educational institution: 325

Adults that received bicycle for purpose of attending employment/other: 440

**AMENDED SCOPE OF WORK (for Lifeline funding agreement)**

Proposed outcomes for 3<sup>rd</sup> year (2012) with modified schedule (scaled back by one half):

Number of adults and youth provided on-road safety training: 600

Youth receiving bicycle for purpose of attending educational institution: 100

Adults receiving bicycle for purpose of attending employment/other: 120

RECIPIENT shall use Lifeline funds to continue its Neighborhood Bicycle Transportation Centers bicycle distribution and education program at two neighborhood-based centers of social services:

1. West Oakland, based at MOHR 1 Community Center at 741 Filbert St. serving residents within a two-mile radius of the BART station.
2. Central/East Oakland, based at the Bikery, Cycles of Change Community Bicycle shop at 2289 International Blvd, serving residents within two miles of the 12th St. and 19th St. Oakland BART stations, Fruitvale, and Coliseum BART station.

RECIPIENT shall continue to work with existing partnerships to recover, restore, and distribute bicycles for use by eligible low-income residents of targeted communities of concern. Individuals shall be invited to take part in the program based on their commitment to use the bicycle and transit as their primary transportation in getting to work, school, shopping, and other daily needs. In addition to receiving a bicycle lock and helmet, program participants shall complete an urban cycling training course from certified instructors. Finally, program participants shall be given personal transportation consultation which shall enable them to plan and conduct all their weekly activities using bicycles and transit.

Over the next year, RECIPIENT's bicycle distribution and education programs shall enable 600 low-income residents of the targeted areas to successfully use their bicycle and transit system to satisfy their daily transportation needs. Participants will be able to reach jobs over a wide geographic range that involve working off-hours, or are away from major bus lines. In addition, bicycles and training received will allow easier access to far more choices for basic necessities, services, and community resources. Having an

efficient, reliable, zero-cost, flexible, safe transportation system will open up a wide array of economic possibilities for participants while easing one of the major stresses of their lives.

Cycles of Change currently operates bicycle education and distribution programs at schools and community centers in low-income communities around the East Bay. The neighborhood-based service centers would continue to overcome basic barriers by:

- Making commuter-outfitted bicycles (helmet, rack, lock) available at no cost;
- Educating participants how to ride safely in traffic;
- Teaching participants how to maintain and fix their bicycles; and
- Creating a personalized bicycle-based transportation plan using routes that are safe from traffic and other hazards, and making connections to BART and main bus lines.

RECIPIENT shall select individuals who are interested in the program based on their commitment to use the bicycle as a main form of transportation (50% of trips), including to get to work or school. As part of the selection process, each participant shall be asked to attend a workshop to introduce them to the basics of how to use the bike to get around their area, including safe riding practices, route-planning, and basic maintenance. At the end of each workshop, program staff shall give individual consultation to each participant, walking them through their daily transportation needs and advising them on how to meet them using bicycles and transit-based travel.

A month after receiving the bicycle (along with helmet, lock, and bicycle map), program staff shall do a follow-up evaluation with each participant that tracks how they are using the bicycle to meet their daily transportation needs. Through these follow-up evaluations, along with initial surveys, staff will be able to determine the effect to which the program is achieving desired program goals of providing low-income persons with low-cost, efficient transportation to work, school, and basic needs. The program coordinator shall record operating data in a spreadsheet and monitor program expenses using existing processes that track financial and operating information.

## Cycles of Change Neighborhood Bike Centers (Bike-Go-Round) Program

PROGRAM BUDGET - January 1 through December 31, 2012

Costs	Current Program		Reduced Program		Description
	Hours	Amount	Hours	Amount	
	<i>Two classes per month, serving 250 new bicycle commuters</i>		<i>One class per month, serving 120 new bicycle commuters</i>		
Project Administrator	156.00	3,946.80	78.00	1,973.40	Schedule classes, reporting & evaluation
Coordinators	1,040.00	26,312.00	520.00	13,156.00	participants
Educators	1,040.00	26,312.00	520.00	13,156.00	Prepare and teach classes
Mechanics	1,560.00	34,086.00	780.00	17,043.00	Rehab bikes and support participants
<b>TOTAL PERSONNEL</b>	<b>3,640.00</b>	<b>86,710.00</b>	<b>1,820.00</b>	<b>43,355.00</b>	
Bicycles		5,000.00		0.00	Purchased bicycles
Facilities		24,000.00		24,000.00	Rent
Tools/Supplies		7,000.00		4,000.00	For bike rehab
Helmets, locks, racks, & panniers		15,000.00		7,500.00	Accessories for participants
Hauling		3,000.00		1,500.00	For donation pickups & deliveries
<b>TOTAL NON-PERSONNEL</b>		<b>54,000.00</b>		<b>37,000.00</b>	
<b>TOTAL DIRECT EXPENSE</b>		<b>140,710.00</b>		<b>80,355.00</b>	
OVERHEAD		21,885.20		14,642.60	Insurance, accounting, telephone, postage
<b>TOTAL EXPENSE</b>		<b>162,595.20</b>		<b>94,997.60</b>	

# CYCLES OF CHANGE



## Bike-Go-Round Adult Commuter Program Year One Program Overview

January 20, 2010

<b><u>SECTION</u></b>	<b><u>Page #</u></b>
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<b>2. Partners</b>	<b>3</b>
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# 1. Accomplishments

## *Background:*

Since 1998, Cycles of Change has operated bicycle distribution and bicycle education programs in low-income areas around the east bay. Working in close partnership with public schools, community centers, and social service providers we have assisted over 13,500 youth and adults in using bikes and public transit systems as their main transportation.

Lifeline funds for 2009-2011 has enabled Cycles to expand this work through our existing and newly forged partnerships. Our objective of recovering, restoring, and distributing bicycles for use by eligible low-income adult residents, has met with great success in our targeted communities.

## *B-G-R*

As stated by our plan, our intention was to present a class in urban bike commuting safety and give the participants a restored mountain or commuter bike, equipped with a cargo rack, safety lights, a U-lock, and a helmet. The four hour training we provide to participants includes on-road training, basic traffic laws and basic bike maintenance. Upon completion of this one-day session, the new Bike Go Round (BGR) member is ready to hit the streets with their new transportation options. Six weeks after this training, participants return for a follow-up survey and consultation to let us know how often they ride and any outstanding concerns.

Our plan to operate from existing neighborhood bicycle centers in our target communities has been successful and contributed to our expanding the level of services provided in those neighborhoods. Our most developed Neighborhood Bicycle Center to date is the East Oakland site, the Cycles of Change bike repair shop, The Bikery.

Located at 2289 International Blvd., a half mile away from Cycles of Change first school program at Roosevelt Middle School (founded in 1998), the Bikery facility opened in the Summer of 2009. Since that time, Lifeline funding has expanded our hours of operation and supports salaries for bike mechanic staff that restore donated bicycles to recycle back out to the community through the Bike Go Round Program.

Our initial plan identified three target communities in the greater east bay where we wanted to be viable. These areas are West Oakland (2-mile radius of West Oakland BART station), East Oakland (2-mile radius of Fruitvale and Coliseum BART stations), and West Alameda (West of Webster Street and Naval Base). [see APENDIX i, page 6]

Our first class and bike give-away in West Oakland was held Sunday, March 7, 2010. Fifteen adult participants were present for the class, and they all received bikes and the accompanying gear. To date, we have given five classes, and given away thirty-eight bikes in West Oakland.

The first class in West Alameda was held on Sunday, March 21, 2010. This class consisted of eleven adults, and each received bicycles and gear. To date, two classes have been held in this community, and seventeen bikes have been distributed.

Our final target area of East Oakland had it's first class at the Cycles of Change Bikery in the densely populated community called The Fruitvale. The class was held on Sunday, April 25, 2010, with eight people in attendance. All participants received bikes and the accompanying gear. To date this site has held ten classes, and distributed 130 bikes.

## 2. Partners

Our initial application for the Lifeline Funding was submitted to the MTC in Summer of 2008. At the time, three service areas, connected to community service organizations to be known as Partners, were designated. However, by the time we were awarded the funds in late 2009, changes within those organizations initially contacted required us to adjust, recruit and establish new partnerships.

### A. Original Regions\* and Partner Organizations: (\*see appendix i.)

West Oakland - **Oakland Housing Authority/Science Discovery Center**-Serving residents within a two mile radius of the BART Station. 950 Union St., Oakland, CA

Central/East Oakland - **Day Laborers' Center** - Serving residents within two miles of the Fruitvale BART Station, and within two miles of the Coliseum BART Station.

West Alameda- **Alameda Point Collaborative (APC)** - Serving residents within two miles of the decommissioned Naval Base.

An example of Cycles of Change's experience with the need to be flexible in terms of partnerships can be seen in the following instance. To serve low-income citizens residing in the Downtown area of Oakland, an additional partnership with the **St. Vincent de Paul Organization** (SVDP) had been discussed. Their long valued work amongst the homeless men and women of this region led us to regard this potential partnership as a particularly promising relationship.

However, after many efforts to schedule a class, we were only successful in holding one class at the site. Eight bikes were distributed to the receptive group. Follow-up discussions with the SVDP staff revealed that in the time between our initial discussions and the current year, they had begun donating bicycles to a similar program for youth and were not interested in steering any of those resources towards their adult clients, which precluded a working relationship with us.

As far as the Oakland Housing Authority, we have had initial meetings and pitched the program to them, but as of yet, they haven't followed up to coordinate next steps.

The Day Labor Center ceased operation and closed after our initial grant proposal was filled.

### B. New Partners

The Bike Go Round Program's expansion is due to our success with the groups that have heard of our work, largely by word of mouth, and referral from happy bike recipients. We are also involved in ongoing active recruitment on a person to person, as well as organizational basis. As a result of this, the growing list of our new partners is noted below:

West Oakland	<b>MOHR I Apartments</b> - 741 Filbert St., Oakland, CA <b>Prescott Elementary School</b> - 920 Campbell Street, Oakland CA <b>Bikes 4 Life Bike Shop</b> -1600 7th Street, Oakland CA
East Oakland	<b>International Rescue Committee (IRC)</b> -1305 Franklin St. Oakland, CA <b>Crossroads Shelter</b> - 7515 International Blvd., Oakland, CA <b>Black Organizing Project (BOP)</b> -1218 East 21st St. Oakland, CA <b>Cycles of Change/The Bikery</b> - 2289 International Blvd., Oakland, CA
Alameda	<b>Playa del Alameda</b> - 148 Crolls Garden Court, Alameda, CA <b>Changing Gears Bike Shop (Formerly APC)</b> - 677 Ranger Alameda, CA

### 3. Year Two Targets

Our year two implementations will expand to reach development goals laid out in the initial proposal of this project. The first of these is job training for local residents. To accomplish this, we will be training high school youth in bicycle maintenance through paid internships. Youth will learn mechanical skills, as well as organizational and teaching skills.

The second new implementation will be to create opportunities for bike recipients themselves to learn more advanced mechanical skills that will make bike commuting more sustainable as a reliant mode of everyday transportation. To accomplish this we will offer mechanics classes to former BGR participants out of our Neighborhood Bicycle Center, the Bikery, situated in the community where most of the participants to date live.

We will also ally with existing Neighborhood Bicycle Centers such as Bikes 4 Life in West Oakland and Changing Gears in Alameda to provide follow-up support for program participants, as many of them may not have the time or ability to learn bicycle mechanics.

Finally we will coordinate group rides and other social activities for participants geared towards making riders more safe and competent on the road, which will also serve as a visible reflection of our support for participants as a growing bicycle community centered here in Oakland, CA.

## 4. Project Recognition

### Press for B-G-R:

- Ticket to Ride? Get a Bike – and training – through new Oakland program  
[http://www.mtc.ca.gov/news/info/cycles\\_of\\_change.htm](http://www.mtc.ca.gov/news/info/cycles_of_change.htm) (originally from [oaklandlocal.com](http://oaklandlocal.com))

### Press for THE BIKERY:

- Eugene Kang & Cycles of Change  
<http://oaklandlocal.com/article/eugene-kang-cycles-change>

### Awards for Cycles of Change:

- MTC Biennial Transportation Award  
[http://www.mtc.ca.gov/about\\_mtc/awards/index.htm](http://www.mtc.ca.gov/about_mtc/awards/index.htm)

*MTC's Transportation Awards recognize people and organizations who have made extraordinary contributions to the way people get around in the Bay Area each day. For nearly three decades, MTC has recognized day-to-day and long-term efforts that are improving transportation in the region.*

### Awards for The Bikery:

- Oaklandish Innovator Award  
<http://www.oaklandish.org/COMMUNITY/community.html>

*This award was created in the spirit of those Oakland legends who have had a direct influence on global culture; Architect Julia Morgan, Martial Artist Bruce Lee, Musician Larry Graham, Dancer Isadora Duncan, Aviator Joe Fong Guey, Artist Mike "Dream" Francisco, and Director Russ Myer, among many many others.*

### Testimony from BGR Members (Bike Recipients)

“It helped me loose 10 pounds and get to the store and park without driving.”

**-Shavonne Scott 4/20/10**

“This is better than Christmas!”

**-Jack Johnson 4/25/10**

“I am learning to be free of a car and saving money. It is a challenge to ride my bike long distance... Nevertheless it is a good daily exercise and I have noticed some persons ask me with a tone of surprise about my bike as a way of transportation. “

**-Rosa Sanson 9/14/10**

“Being able to ride has allowed me to slow down and appreciate life in a different sense. This is such a bike friendly city and I appreciate being able to be a better steward of the planet.”

**- Nacole Predom 9/29/10**



## Appendix

### i. Target Areas: (Includes all or part of zip codes listed)

**WEST ALAMEDA: 94501**

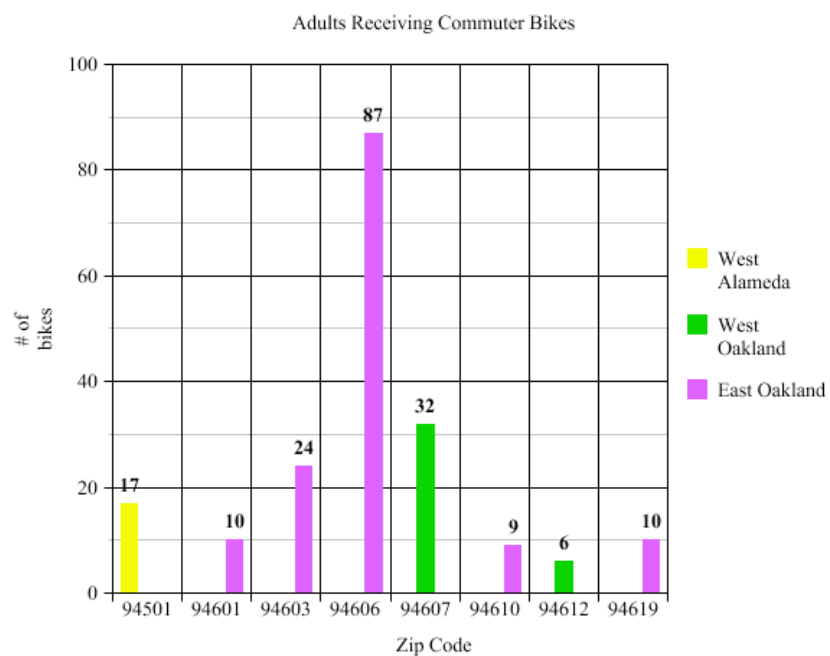
**EAST OAKLAND: 94606, 94601, 94602**

**WEST OAKLAND: 94607, 94625, 94612**

**EAST OAKLAND: 94603, 94619, 94621**



### ii. Adult Bike Distribution by Region



### iii. Photos



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## Memorandum

**Date:** January 17, 2012

**To:** Alameda County Transportation Commission

**From:** Programs and Projects Committee

**Subject:** **Approval of City of Fremont's Request to Modify Scope Elements of the Irvington Area Pedestrian Improvement Project, Measure B Bicycle and Pedestrian Countywide Discretionary Fund Grant Agreement No. A09-0020.**

### Recommendation

It is recommended the Commission approve the City of Fremont's request to modify scope elements of the Irvington Area Pedestrian Improvement project, Measure B Bicycle and Pedestrian Countywide Discretionary Fund (CDF) Grant Agreement No. A09-0020.

### Summary

The City of Fremont is requesting to modify the scope of the Irvington Area Pedestrian Improvements project (Agreement No. A09-0020). The revised total cost of the project is \$335,000 and per the grant agreement, the Measure B funds will cover 85.5% of the total project cost, or \$286,000. The original scope of work, requested scope revisions, rationale for each request, and revised scope of work are summarized in Attachment A. The Countywide Bicycle and Pedestrian Advisory Committee (BPAC) concurred with the recommendation at its December 2011 meeting.

### Background

In 2009, the City of Fremont was awarded \$342,000 of Measure B Countywide Discretionary Cycle 4 funds for the Irvington Area Pedestrian Improvements project (Agreement No. A09-0020). The project proposed pedestrian improvements along Fremont Boulevard between Eugene Street and Washington Boulevard, in the Irvington District and intended to improve pedestrian safety at signalized and non-signalized intersections, some of which are adjacent to bus stops.

For a variety of reasons, the City of Fremont has requested revisions to the original scope of work. Minor changes to the scope of work may be reviewed and approved by Alameda CTC staff, but based on the requested revisions this amendment request is being brought to the Commission for its consideration.

The original scope of work, requested scope revisions, rationale for each request, and revised scope of work are summarized in Attachment A. The original total project cost was \$400,000. With these scope revisions, the total cost of the project will be \$335,000 - significantly lower than originally anticipated. Per the grant agreement, the Measure B funds will cover 85.5% of the total project cost, or \$286,000. For reference, a project location map, from the original grant application, is included as Attachment B.

The original expiration date for this agreement of October 31, 2011 was extended to October 31, 2012 through a prior administrative amendment, to allow completion of the construction contract under the latest schedule Information.

#### Attachments

Attachment A:	Project Scope Change Details
Attachment B:	Project Location Map

Ref. #	Original Scope of Work	Requested Changes to Scope of Work	Reason For Change	Proposed Revised Scope of Work
1.	Install ADA-compliant curb ramps at six intersections along Fremont Boulevard (Eugene Street, Grimmer Boulevard, Clough Avenue, Chapel Way, Papazian Way and Washington Boulevard/Union Street.)	<p>Delete the intersection of Fremont Boulevard/Papazian Way from the project, which consisted of installing two curb ramps that satisfy Americans with Disabilities Act (ADA) requirements.</p> <p>Remove from the project scope installation of new ADA curb ramps at the intersections of Fremont Boulevard/Eugene Street and Fremont Boulevard/Grimmer Boulevard.</p> <p>Add two new curb ramps at the northeast and southeast corners of the Fremont Boulevard/James Avenue intersection to replace the Papazian Way ramps. Also, reconstruct the intersection corner radius from 30' to 20' in order to shorten pedestrian walk distance and improve curb ramp orientation.</p>	<p>New ADA ramps were installed as part of the City's Bay Street Improvement project, so this part of the project is no longer needed.</p> <p>New ADA curb ramps were installed at these intersections as part of a separate traffic signal project.</p> <p>New work added, to replace the work deleted from the scope.</p>	Install ADA compliant curb ramps at four intersections along Fremont Boulevard: Clough Ave, Chapel Way, James Avenue, and Washington Boulevard/Union Street.

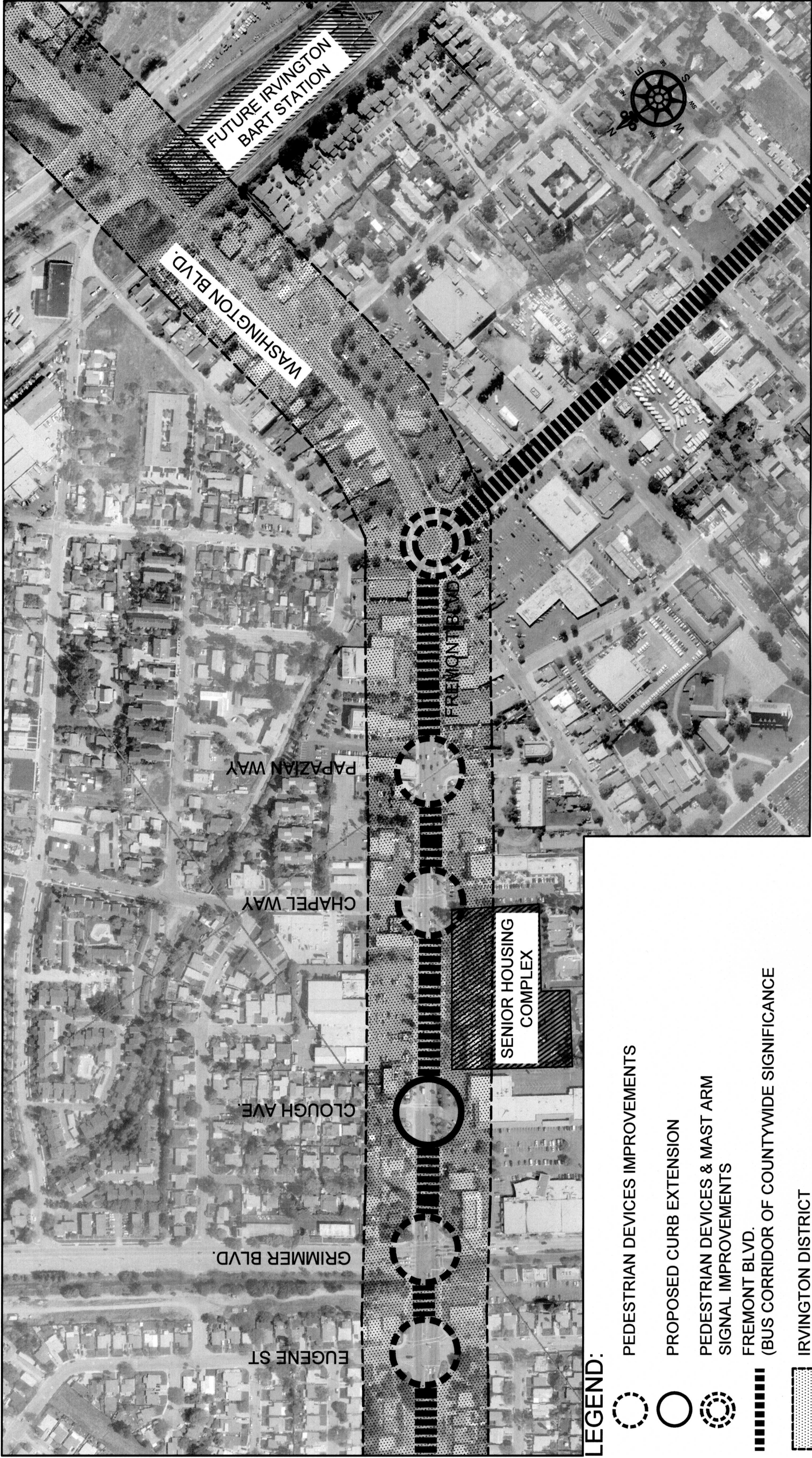
<b>Ref. #</b>	<b>Original Scope of Work</b>	<b>Requested Changes to Scope of Work</b>	<b>Reason For Change</b>	<b>Proposed Revised Scope of Work</b>
2.	Install accessible pedestrian signal devices and pedestrian countdown signals at the intersections of Fremont Boulevard and the following four intersecting streets: Eugene Street, Grimmer Boulevard, Chapel Way and Washington Boulevard/ Union Street.	Accessible pedestrian signal devices will not be installed at the intersections of Fremont Boulevard/Eugene Street and Fremont Boulevard/Grimmer Boulevard.	The reason for this change is that installing the accessible pedestrian signal device controller with the traffic signal controller/software could potentially put the intersection in "flash", causing continual operational problems that are difficult to resolve, based on past experiences. These two signalized intersections operate using a master controller, and the software designer for the controller is no longer in business. Staff believes it is prudent not to change its current operation. The City will proceed with the installation of pedestrian count-down signals as originally planned for the other two intersections.	Install accessible pedestrian signal devices and pedestrian countdown signals at the intersections of Fremont Boulevard and the following two intersecting streets: Chapel Way and Washington Boulevard/ Union Street.  Install pedestrian countdown signals at the intersections of Fremont Boulevard and the following two streets: Eugene Street, Grimmer Boulevard.
3.	At Clough Avenue, construct curb extensions, reduce corner turning radii, and add a center median on the southern leg of the crossing of Fremont Boulevard, to narrow the travel lanes and pedestrian crossing distances.	No scope change requested.	N/A	<i>Same as original.</i>

<b>Ref. #</b>	<b>Original Scope of Work</b>	<b>Requested Changes to Scope of Work</b>	<b>Reason For Change</b>	<b>Proposed Revised Scope of Work</b>
4.	At Washington Boulevard / Union Street / Fremont Boulevard, modify southbound lane configuration and signage, and install a mast arm pole right turn signal ahead to minimize vehicle right-turn-on red violations during pedestrian crossing phases. Also, adjust pedestrian push button heights and reach, to improve accessibility for people using wheelchairs.	Remove from the project scope the removal and replacement of the southbound mast arm traffic signal pole at the northwest corner of the intersection of Fremont Boulevard/Washington Boulevard/Union Street/Bay Street.	<p>The installation of a new longer mast arm traffic signal pole was originally planned in order to improve traffic signal head alignment on the mast pole with the vehicle travel lanes which includes two southbound through lanes and a separate right and left turn only lane. The new traffic signal heads would have been aligned so that the indicators were directly centered on the through lanes and right-turn-only lane helping to minimize right-turn-on-red conflicts with pedestrians at the Fremont Boulevard/Washington intersection southbound right-turn movement. The City has reconsidered the operations of this movement and has determined that the existing operations are adequate, and the traffic signal pole removal and replacement is not needed. The City's Traffic Signal Operations staff also believes the installation of a longer mast arm pole for the near side traffic signal heads could potentially block the far side traffic signal heads on the mast arm pole.</p>	At Washington Boulevard/Union Street/Fremont Boulevard, adjust pedestrian push button heights and reach, to improve accessibility for people using wheelchairs.



<b>Ref. #</b>	<b>Original Scope of Work</b>	<b>Requested Changes to Scope of Work</b>	<b>Reason For Change</b>	<b>Proposed Revised Scope of Work</b>
5.	N/A	Add to the scope of work the replacement of 60 square feet of sidewalk and a traffic signal pull box (concrete box within sidewalk area that encloses the electrical wires and conduits for the traffic signal light system) at the intersection of Fremont Boulevard/Washington Boulevard/Union Street.	The existing sidewalk area to be repaired has major crack and joint separation adjacent to the curb ramp, pull box and back of curb. The crack and joint separation poses a tripping hazard for pedestrians and the crack and joint separation will lead to water seepage further deteriorating and damaging the sidewalk. Re-construction of this sidewalk area will provide a smooth and even walking surface for pedestrians traveling through the intersection.	Replace 60 square feet of sidewalk and a traffic signal pull box at the intersection of Fremont Boulevard/Washington Boulevard/Union Street.

**IRVINGTON AREA PEDESTRIAN  
IMPROVEMENT  
CAPITAL PROJECT MAP**



LEGEND:

- PEDESTRIAN DEVICES IMPROVEMENTS
- PROPOSED CURB EXTENSION
- PEDESTRIAN DEVICES & MAST ARM SIGNAL IMPROVEMENTS
- FREMONT BLVD.  
(BUS CORRIDOR OF COUNTYWIDE SIGNIFICANCE)
- IRVINGTON DISTRICT  
(COUNTY PEDESTRIAN PLAN AREA OF SIGNIFICANCE)

NOTE:  
PEDESTRIAN DEVICE IMPROVEMENTS CONSISTING OF 1 OR ALL OF THE FOLLOWING, NEW CURB RAMP, PED COUNTDOWN SIGNAL, ACCESSIBLE PEDESTRIAN SIGNAL DEVICES.

2008-09 MEASURE B DISCRETIONARY GRANT APPLICATION IRVINGTON AREA PEDESTRIAN IMPROVEMENTS PROJECT		Designed By: RD
		Drawn By: AL
		Date: DEC. 2008
		Project No.:
		CAD File:
Fremont COMMUNITY DEVELOPMENT DEPARTMENT		Approved - Senior Engineer
		Recommended - Project Manager
		Date
		SHEET 1 of 1



## Memorandum

**DATE:** January 17, 2012

**TO:** Alameda County Transportation Commission

**FROM:** Programs and Projects Committee

**SUBJECT:** **Approval of Transportation Fund for Clean Air Program Manager Funding for a Goods Movement Emission Reduction Program (Engine MY 2004 Port Truck Replacement Program)**

### Recommendation

It is recommended the Commission approve the programming of \$1.43 million of Transportation Fund for Clean Air (TFCA) Program Manager funding for a Goods Movement Emission Reduction Program (Engine MY 2004 Port Truck Replacement Program). The Committee also recommended that the Alameda CTC contribution to the program include the following stipulations:

- Regional funds should be used first, and Alameda funds last,
- Alameda funds will only be used for vehicles registered in Alameda,
- Funds not required, based on the initial applications received through January 13, 2012 should be returned to the Alameda CTC,
- The amount of TFCA funds eligible for administrative costs will be based on total annual TFCA revenue of the Alameda program, and
- This is a one time contribution to assist with the December 31, 2011 milestone, the Alameda CTC will not participate in programs that will provide assistance to meet future ARB drayage truck requirements.

### Summary

The California Air Resources Board (ARB) Statewide Drayage Truck Regulation and the resulting December 31, 2011 milestone requirement that model year (MY) 2004 Port drayage trucks meet certain emission standards was discussed at the September 22, 2011 and October 27, 2011 Alameda CTC Board meetings. The Plans and Programs Committee recommends that the Alameda CTC participate in the BAAQMD sponsored MY 2004 Drayage Truck Replacement Program that offers assistance to Alameda County truck owners in meeting the December 31, 2011 regulation requirement.



## Background

In December 2007, the ARB approved a new regulation to reduce emissions from drayage trucks. Drayage trucks are defined as those that access ports and intermodal rail yards. The first phase of the regulation went into effect on December 31, 2009, beginning a series of milestones that culminate in requirements to MY 2005 and 2006 engines by December 31, 2012. The December 31, 2011 milestone requires MY 2004 engines to meet an improved emission standard. Phase 2 of the regulation requires all drayage trucks to meet 2007 engine emission standards by December 31, 2013.

**Table 1: ARB Drayage truck regulation compliance schedule**

Phase	Date	Engine Model Years (MY)	Regulation requirement
<b>Phase 1</b>	12/31/09	1993 and older	Prohibited from operation as a drayage truck
		1994 – 2003	Install a Level 3 retrofit device
	12/31/11	2004	Install a Level 3 retrofit device
	12/31/12	2005 and 2006	Install a Level 3 retrofit device
<b>Phase 2</b>	12/31/13	1994 – 2006	Meet 2007 * engine emissions standards

\* Trucks with 2007-2009 model year engines are compliant through 2022. Trucks with 2010 and newer engines are fully compliant

The Bay Area Air Quality Management District (BAAQMD) has offered financial assistance in the past to assist owners of trucks in meeting the regulation requirements for drayage trucks. Approximately \$26 million was used to assist over 1,500 trucks operating at the Port of Oakland to meet ARB regulations. Those funds have been exhausted.

**Table 2: Drayage truck population as of July 2011**

Engine Model Year (MY)	Compliant until	# of Drayage trucks in Northern CA*	# of trucks that received grant funds	Grant funds expended **
MY 1994-2003 (w/ retrofits)	12/31/13	1,700	1,319	\$15,586,534
MY 2004	12/31/11	700	0	\$0
MY 2005 & 2006	12/31/12	2,150	0	\$0
MY 2007 – 2009	2022	1,350	203	\$10,150,000
MY 2010 +	Fully compliant	400		
<b>Total</b>		<b>6,300</b>	<b>1,522</b>	<b>\$25,736,534</b>

\* Number of trucks registered in the ARB Drayage Truck Registry (DTR) with zip codes North of Fresno.

\*\* Funding sources for the BAAQMD's Year 1 port truck funding program: TFCA (\$5 million), Port (\$5 million), ARB Prop 1B (\$13,835,133), and DERA (~\$2 million)

Approximately 700 MY 2004 trucks are identified in the ARB Drayage Truck Registry (DTR) with zip codes North of Fresno. Based on further analysis of the ARB DTR by BAAQMD staff:

- Of the 700 vehicles, 247 trucks (35%) are registered to a Bay Area addresses
- Of the 247 trucks with Bay Area addresses, 143 trucks are registered to addresses in Alameda County to 74 companies
- Of the 143 trucks located in Alameda County
  - About 50 are in fleets of 4 trucks or more
  - About 90 trucks are in fleets of three or fewer (most likely owned by single owner/operators)
  - Information regarding truck registration by city is included in Attachment A

For a drayage truck with a MY 2004 engine to continue to access the Port of Oakland after December 31, 2011, the truck must:

- Have a level 3 retrofit device installed (provides reduction of particulate matter (PM))
  - Will provide compliance with Port Drayage Truck Regulations through December 31, 2013 (2 years)

OR

- Upgrade to a MY 2007 or newer engine (provides reduction of PM and NOx)
  - Will provide compliance with Port Drayage Truck Regulations through at least 2022

#### Funding Assistance Opportunities

Currently, the ARB will offer a 15% loan guarantee (15% of the cost of a truck) to a financial institution which is a member of the CalCap program. The CalCap program is a form of loan portfolio insurance provided by the State through the California Pollution Control Financing Authority which may provide a certain percentage of coverage on loan defaults and would benefit truck owners who may not ordinarily qualify for loans. Loan guarantees are not restricted to truck owners with poor credit and are available to all owners of MY 2004 vehicles.

Information on the ARBs program is available at:

<http://www.arb.ca.gov/msprog/truckstop/truckstop.htm>.

#### BAAQMD Goods Movement Emission Reduction Program (Engine MY 2004 Port Truck Replacement Program)

The BAAQMD has implemented a regional MY 2004 Drayage Truck Replacement Program (Program) that will assist truck owners in meeting the December 31, 2011 regulation requirement. Grant funding will provide approximately \$10,000 for each eligible Bay Area truck owner towards the cost of a truck with a compliant MY 2007 engine. The program allows the engine MY 2004 truck owner to trade their current vehicle in for its worth. The BAAQMD has procured a contractor program administrator that guarantees that the trade-in and replacement is done in such a manner that the engine MY 2004 trucks surrendered do not return to service in California for 10 years.

The BAAQMD program includes:

- Replacement truck costs cannot exceed \$60,000.
- A trade-in value of between \$8,000 and \$15,000 on the engine MY 2004 truck being traded in (dependent on condition).

- Use of a "CalCap" qualified lender
- Assistance to truckers in availing themselves of the program and to meet all Air District administrative requirements.

Applications for the program were required to be submitted by January 13, 2012. Additional information on the program applications received will be available at the meeting.. Additional information about the BAAQMD program is included in Attachment B.

#### County TFCA Program Manager Funds

TFCA is generated by a \$4.00 vehicle registration fee and collected by the BAAQMD. As the TFCA Program Manager for Alameda County, the Alameda CTC is responsible for programming 40 percent of the four dollar vehicle registration fee that is collected in Alameda County for this program. Per the Alameda CTC TFCA Guidelines, 70 percent of the available funds are allocated to the cities/county based on population, with a minimum of \$10,000 to each jurisdiction. The remaining 30 percent of the funds are allocated to transit-related projects on a discretionary basis. All available TFCA funds are required to be completely programmed annually. Projects proposed for TFCA funding are required to meet the eligibility and cost-effectiveness requirements of the TFCA Program. This program generates approximately \$1.8 million annually and is administered in accordance with the BAAQMD approved TFCA Program Manager Guidelines.

#### Funding Options

The BAAQMD has requested the Alameda CTC to contribute (program) \$1.43 million of TFCA County Program Manager funds (based on 143 Alameda County trucks x \$10,000/truck). The BAAQMD has also requested funding from partner agencies such as Bay Area CMAs and the Port of Oakland to provide additional funds for the program (see Attachment C). The BAAQMD has programmed \$1.04 million in TFCA Regional Fund monies to support the Program. The \$1.04 million would provide funding for 104 drayage trucks, or 42% of the 247 total MY 2004 drayage trucks registered in the Bay Area.

There was considerable discussion on the question of funding the Engine MY 2004 Port Truck Replacement Program at the Alameda CTC committee meetings. The air quality aspect of the project would make it seem federal Congestion Mitigation and Air Quality (CMAQ) funds may be an appropriate fund source, but the contribution of funds to individual truck owners as well as the timing of the program implementation already being underway make the use of CMAQ infeasible.

The BAAQMD has indicated that TFCA County Program Manager funds are eligible to fund the Engine MY 2004 Port Truck Replacement Program. The next TFCA Program Manager funds would be available for FY 2012/13. The BAAQMD staff have indicated that the Alameda CTC could program the 2012/13 funds in January 2012 and the funds would be eligible to fund the proposed MY 2004 Drayage Truck Replacement Program. The 2012/13 TFCA Program Manager funds are projected to be about \$1.8 million. \$1.43 million is about 80% of the annual projected revenue.

Through the discussion at the various Committees, many issues and concerns were discussed including:

- Concern that the Port of Oakland has not contributed financially,
- Concern regarding the use of “local” TFCA funds for a regional program,
- Concern regarding the precedent of assisting in the regional program for one year’s milestone, with additional milestones and additional vehicles being impacted over the next two years,
- Concern costs of program are localized with the benefit of the Port extending across the region, state and nation,
- Concern regarding precedent of using TFCA funds for the benefit of privately owned vehicles, and
- Concern on effect of certain projects/programs that have received TFCA funds for ongoing operations.

The East Bay Bicycle Coalition has also submitted a letter in opposition to the use of Alameda TFCA Program Manager funds for the Engine MY 2004 Port Truck Replacement Program (Attachement D).

It is recommended the Commission approve the programming of \$1.43 million of Transportation Fund for Clean Air (TFCA) Program Manager funding for a Engine MY 2004 Port Truck Replacement Program.

Per the Alameda CTC TFCA Guidelines (70 percent to the cities-county based on population / 30 percent transit-related projects) funds are allotted to various sponsors/project types. It is recommended the funding for the Engine MY 2004 Port Truck Replacement Program be assigned by TFCA population percentage across the cities/county and allow the remaining funds to be focused on certain ongoing operational projects (Attachment E).

Using of \$1.43 million of TFCA Program Manager funds would preclude the use of the funds for other TFCA eligible projects. Funding would not be available to fund traditional TFCA projects such as bike projects and the “Free B” Broadway shuttle in Oakland and City of Alameda shuttle programs and arterial management projects. It should be noted that all available TFCA funds are required to be completely programmed annually, so any remaining funds not programmed to a drayage truck program will still need to be programmed to an eligible project(s).

The Committee also recommended that the Alameda CTC contribution to the program include the following stipulations:

- Regional funds should be used first, and Alameda funds last,
- Alameda funds will only be used for vehicles registered in Alameda,
- Funds not required, based on the initial applications received through January 13, 2012 should be returned to the Alameda CTC,
- The amount of TFCA funds eligible for administrative costs will be based on total annual TFCA revenue of the Alameda program, and
- This is a one time contribution to assist with the December 31, 2011 milestone, the Alameda CTC will not participate in programs that will provide assistance to meet future ARB drayage truck requirements.



The BAAQMD initiated the Engine MY 2004 Port Truck Replacement Program in December 2011 with the release of a call for projects. Applications for the Program were due January 13, 2012. The BAAQMD will be able to fund approximately 104 trucks with the funding currently allocated to the program. Additional funding would allow for the Program to provide assistance for additional truck purchases.

Alameda CTC will defer the release of the call for projects for 2012/13 TFCA County Program Manager funds from the end of December 2011 to the end of January 2012 to allow the consideration of Alameda CTC to contribute TFCA funds to the Engine MY 2004 Port Truck Replacement Program.

### **Attachments**

- Attachment A: Analysis of Trucks Registered by City in Alameda County
- Attachment B: Engine MY 2004 Port Truck Replacement Program Fact Sheet
- Attachment C: Copy of Letter from BAAQMD to Port of Oakland
- Attachment D: East Bay Bicycle Coalition Letter
- Attachment E: TFCA Program Manager Proposed Funding Scenario
- Attachment F: Overview of Statewide Drayage Truck Regulation

## Alameda County Trucks

City	Number of Companies	Number of Trucks	% of Trucks
Alameda	1	3	2%
Berkeley	1	1	1%
Dublin	1	1	1%
Emeryville	1	4	3%
Fremont	2	4	3%
Hayward	1	23	16%
Livermore	1	3	2%
Newark	1	5	3%
Oakland	1	70	49%
San Leandro	3	23	16%
San Lorenzo	1	1	1%
Union City	1	5	3%
<b>Totals</b>	<b>14</b>	<b>143</b>	<b>100%</b>

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## Bay Area Air Quality Management District Engine MY2004 Port Truck Replacement Program Fact Sheet

### When can I apply?

Between **December 14, 2011 and January 13, 2012**, the Bay Area Air Quality Management District (District) will accept applications for Class 8 (GVWR 33,001+ lbs) drayage trucks with engines manufactured in 2004 that operate primarily in Bay Area maritime and rail ports and are registered in California Air Resources Board (CARB) Drayage Truck Registry (DTR) at an address within the nine-county Bay Area jurisdiction. The District anticipates contracting for selected projects within the first two months of 2012.

### How much funding is available for 2004 truck replacement projects?

At least \$1.04 million is available for funding eligible projects. If additional funding becomes available, it will be assigned to trucks in this same Program. Each project is anticipated to receive a \$10,000 grant towards the purchase of a replacement truck with an engine certified to 2007 emissions standard or cleaner. These trucks are expected to cost between \$59,000 and \$69,400 depending on their mileage. The District has contracted with Cascade Sierra Solutions (CSS) to ensure trade-in values for old/existing trucks that further offset the purchase price. Grantees are responsible for paying the balance, including taxes, fees, and warranties.

### Which trucks are eligible for replacement through this Program?

Class 8 (GVWR 33,001lbs or greater) drayage trucks with engines manufactured in 2004, travel an average of 20,000 miles per year, are registered at addresses within the Bay Area air basin\*, currently entered into the CARB DTR, and are primarily used to transport bulk or containerized cargo to or from Bay Area maritime or rail ports.

(\*Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, S. Sonoma Co., S. Solano Co.)

### How will projects be selected?

Funds will be awarded to eligible projects on a first-come, first-served basis. All applications will be screened to ensure Program requirements are met. Trucks applied for will be pre-inspected soon after the application is received. Submitting an application for the Program is **not** a guarantee of funding but will be used to determine the potential emission reduction benefits of the proposed project. Any equipment purchased before the full execution of a Grant Agreement signed with the District for this Program will not be considered for funding.

### How can I apply?

Project applications are available at OT411 (Maritime Ave/Alaska Rd, Port of Oakland) or may be printed from the District's website: [www.baaqmd.gov/goods](http://www.baaqmd.gov/goods). Only complete applications will be accepted. Paper application and all required supplemental materials must be hand-delivered to Program staff at OT411 (Mon-Fri 11am-4pm). No mailed, faxed or emailed applications will be accepted. Applications must be completed and **submitted no later than Friday, January 13, 2012, at 5:00pm PST**.

### What paperwork do I need to submit with my application?

Submit a photocopy of your current DMV registration card, current proof of insurance and mileage documentation (see below) with your application form. At the time of pre-inspection, your photo identification will be photographed: for driver/owners this will be a TWIC card, if truck owner does not have a TWIC card, substitute CA Driver's License. If the owner of a truck is a company, a photocopy of the TWIC or Driver's License of the company's contract-signing-authority should be submitted.

Preferred mileage documentation is any type of maintenance/repair, operational, tax or inspection records that show a *clear odometer reading with date* for the specific truck applied for. Two (2) odometer records are required: one from approximately 24 months ago and one from approximately 12 months ago. The District requests as few documents as possible to show odometer or miles driven. If no records of odometer readings are available, examples of alternate materials that may be submitted are:

- Daily manifest, driver log, safety booklet, electronic tracking record or similar records showing daily miles driven. If this option is used, discuss which records to submit in advance with Program staff. Excessive photocopies will not be accepted without staff permission.
- Any records such as GPS, fuel tax reports, gas card tracking, etc. that allow Program staff to calculate average miles driven for two 12 month periods during the past 2 years.
- Part IV or Part V of U.S. Federal Tax form Schedule C (Business Profit & Loss) showing claimed mileage or deducted annual diesel expenses of each separate truck (not for a fleet);
- If odometer is broken or no records are available, discuss documentation options with Program staff

**Where can I get answers to my questions, and help with my application?**

- Visit OT411 Trucker Information Center – Maritime Ave/Alaska Rd, Port of Oakland, Mon-Fri 11:00 am-4:00 pm
- Contact the District (general questions): 415/749-4994 (option 1), Email [grants@baaqmd.gov](mailto:grants@baaqmd.gov), Website: [www.baaqmd.gov/goods](http://www.baaqmd.gov/goods), or
- Contact Cascade Sierra Solutions (application & loan info): 541/246-2344

**Can I choose whom to purchase the replacement truck from?**

The District has contracted with Cascade Sierra Solutions to assist with program administration and to provide replacement trucks for this Program. All truck purchases must be processed through Cascade Sierra Solutions to ensure compliance with the Program requirements.

**How do I arrange financing for the replacement truck?**

CSS can assist applicants with financing. Alternately, an applicant may arrange financing on their own but must work with CSS to ensure that financing arrangements comply with Program requirements.

**What happens to my old truck?**

All existing trucks funded by the Program must be turned in to CSS for resale overseas or outside California. CSS will be able to offer up to \$15,000 of trade-in value for existing trucks based on condition. DMV title for the old truck must be clear, meaning all leases or loans paid and title signed off by lessor/lender. Existing (old) trucks are required to remain out of California for a minimum of 10 years.

**When will I get the grant funding to replace my truck?**

The District will enter into a Grant Agreement (contract) for each truck funded as part of this Program. The grant will be paid after the new truck has been delivered and inspected, and the old truck has been removed from service.

**Will I be able to continue entering ports with my existing truck until I receive my new vehicle?**

Participation in this Program does not allow waiver or extension of any CA truck regulations. Grant recipients will continue to be subject to the CARB Drayage Truck Regulation. The CARB Drayage Truck Regulation requires trucks with 2004 model year engine to have a retrofit installed to enter a California port or railyard after December 31, 2011. The Regulation is a state rule and any modifications to the compliance schedule can only be made by CARB.



December 14, 2011

Ms. Patricia Calloway  
President, Board of Commissioners  
**Port of Oakland**  
530 Water Street,  
Oakland, CA 94607

DEC 16 2011

**BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT**

**ALAMEDA COUNTY**  
Tom Bates  
(Chairperson)  
Scott Haggerty  
Jennifer Hosterman  
Nate Miley

**CONTRA COSTA COUNTY**  
John Giola  
(Vice-Chair)  
David Hudson  
Mark Ross  
Gayle B. Uilkema

**MARIN COUNTY**  
Harold C. Brown, Jr.

**NAPA COUNTY**  
Brad Wagenknecht

**SAN FRANCISCO COUNTY**  
John Avalos  
Edwin M. Lee  
Eric Mar

**SAN MATEO COUNTY**  
Carole Groom  
Carol Klatt

**SANTA CLARA COUNTY**  
Susan Garner  
Ash Kalra  
(Secretary)  
Liz Kniss  
Ken Yeager

**SOLANO COUNTY**  
James Sperling

**SONOMA COUNTY**  
Susan Gorin  
Shirlee Zane

**Re: Upcoming California Air Resources Board Drayage Truck Regulation Compliance Deadlines**

Dear Ms. Calloway,

On behalf of the Bay Area Air Quality Management District (Air District) Board of Directors (Board), I am writing this letter to strongly encourage you and your colleagues on the Board of Port Commissioners (Commission) to take additional actions to build upon our past successes in working together to reduce air pollutant emissions and health impacts from operations at the Port of Oakland (Port). Specifically, the Board encourages the Commission to work with us to take additional actions to clean up emissions from drayage trucks operating at, in and around your facilities in West Oakland.

This letter is also intended to emphasize comments offered to the Port's Executive Director in a letter dated November 16, 2011, and in testimony to the Commission on November 17, 2011, by the Air District's Executive Officer/APCO, Jack P. Broadbent.

As you may know, the Port and the surrounding West Oakland community was identified in a 2008 Health Risk Assessment, conducted by the California Air Resources Board (ARB), as having a cancer risk from toxic air contaminants of 2 to 3 times the Bay Area average. This cancer risk is primarily caused by diesel particulate material (DPM) emissions. Both the Port's MAQIP and the Air District's Community Air Risk Evaluation (CARE) Program have identified controlling DPM emissions from drayage trucks as being an important component of reducing this risk. A more recent study conducted by the Air District indicates that drayage truck DPM may contribute more to the overall health risk at the Port than was indicated in the 2008 Health Risk Assessment.

While the \$5 million contribution made by the Port to the Air District's \$26 million drayage truck upgrade program in 2009/10 significantly assisted in the retrofit and replacement of 1,522 vehicles (1,319 truck retrofits and 203 truck replacements), this funding only assisted truckers in meeting the first in a series of compliance deadlines that will require additional action. These additional compliance deadlines (see attachment 1) and corresponding bans on noncompliant trucks were included in an amendment to the Port's tariff that the Commission adopted on November 17, 2011.

While the Board commends the Commission for taking the step to ban noncompliant drayage trucks from Port entry, additional actions are still needed to

Jack P. Broadbent  
EXECUTIVE OFFICER/APCO

ensure that the harmful DPM emissions from drayage truck operations at the Port continue to be reduced in the coming years.

Attachment 1, also provides an analysis of the number of vehicles affected by upcoming compliance deadlines in northern California. The Air District believes that the majority of these trucks are in service at the Port and in order to assist the owners of these trucks to come into compliance ahead of ARB requirements, the Board is requesting the Commission direct Port staff to explore the following actions:

- **Explore options to provide funding support to drayage truckers to upgrade equipment.** The Air District believes that the success of our joint 2009/10 program has provided the Port with an abundance of compliant drayage trucks that have allowed the flow of goods and services at your facilities to continue uninterrupted. In analyzing the upcoming ARB drayage truck rule deadlines, the Air District believes as many as 4,550 vehicles will need to be replaced with engine model year (MY) 2007 trucks in order to remain in compliance. While current economic studies show that the Port may not need all of these trucks, the fact remains that a large portion of these trucks will still be required to serve the Port.

Based on our experiences in 2009/10, the Air District believes that the Port needs to be a financial partner in solving the drayage truck upgrade issue. The Board is therefore requesting that the Commission direct Port staff to investigate all mechanisms available to provide funding support for drayage truck owners to upgrade their equipment to the required MY 2007 standards, including additional grant funding, revolving loan fund and/or credit and financing programs that will assist drayage truck owners to make the necessary upgrades. The Air District plans to complement this effort by seeking additional funding from ARB to match local funding from Air District grant programs and Federal funding from the United States Environmental Protection Agency (USEPA) to perform additional drayage truck upgrades at Bay Area ports.

- **Assist with providing accurate and timely compliance information to drayage truckers.** Based on the experiences from the 2009/10 truck upgrades, the Air District believes it is crucial that accurate and timely information be distributed to drayage truckers regarding upcoming compliance deadlines and assistance opportunities. The Air District believes that the Port and its staff have good credibility with and access to the drayage trucking community. The Port has many communication tools, including mobile billboards, warfingers, terminal owners and motor carriers, and its own drayage truck information system to inform the drayage community of all upcoming regulatory deadlines and compliance assistance opportunities.

Therefore, the Board urges the Commission to direct Port staff to perform sufficient outreach to ensure that drivers are aware of upcoming compliance requirements, any available funding or assistance available for truck upgrades, and any updates to Port or terminal procedures related to enforcement of compliance deadlines.

- **Leverage the Port's relationship with the City of Oakland (City) to provide additional financial, outreach and retraining support to drayage truck owners.** The Board also urges the Commission to direct Port staff to investigate leveraging their relationship with the City to provide any additional financial, outreach or retraining support available to drayage truck owners. Based on the Air District's experiences in 2009/10, support from the City in terms of providing links for truckers to financial packages, outreach to minority communities and outreach on retraining opportunities was helpful in assisting the drayage trucking community to understand and meet that compliance deadline. Bringing those resources to the table will round out a comprehensive support, outreach and financial mechanism to assist drayage truck drivers.
- **Conduct a comprehensive analysis of methods employed at Southern California Ports to address drayage truck compliance and implement applicable mechanisms to upgrade equipment.** The Board urges the Commission to direct Port staff to analyze, consider and implement applicable methods employed by the Southern California ports of Los Angeles and Long Beach to reduce the health risks from their drayage trucks. Both of these ports have managed to implement systems whereby their drayage truck fleets were replaced with lower emitting vehicles prior to ARB regulatory deadlines.

This turnover was achieved primarily through the implementation of container fees and concession models for the drayage trucking industry. Additionally, these models were supported by the beneficial cargo owners (BCO), railway companies and shippers at those ports. The Board also suggests that the Commission direct Port staff to engage the railway companies, shippers and BCO in the discussion regarding the upcoming compliance dates. It may also be possible to seek voluntary financial support from the BCO, railway companies and shippers to assist in the upgrade of the drayage truck fleet.

The Air District acknowledges that the business models in Oakland and Southern California ports differ. However, without engaging these entities and exploring and implementing what has been successful at other ports a



comprehensive solution to the upcoming drayage truck compliance issue cannot be achieved.

In conclusion, the Board encourages the Commission to take quick, deliberate and coordinated action to assist Port drayage truckers in complying with upcoming ARB regulations. We recognize that these are difficult economic times and that the Port is in the process of making a large investment into compliance with the ARB shore-power regulation. However, in order to ensure that necessary air quality improvements and health risk reductions occur in West Oakland, and that the Port continues to be economically vital we must act together.

I encourage the Commission to take the actions listed in this letter in partnership with the Air District. I would welcome the opportunity to discuss these issues with you in greater detail.

Sincerely,



Tom Bates  
Chairperson  
Bay Area Air Quality Management District

CC: Air District Board of Directors  
Board of Port Commissioners  
California Air Resources Board: Mary Nichols, Cynthia Marvin, James Goldstene  
ACTA: Art Dao

## Attachment 1-Upcoming ARB Regulatory Compliance Dates and Northern California Drayage Truck Analysis

**Table 1: ARB Drayage Truck Regulation Compliance Schedule**

Phase	Date	Engine Model Years (MY)	Regulation requirement
<b>Phase 1</b>	12/31/09	1993 and older	Prohibited from operation as a drayage truck
		1994 – 2003	Install a Level 3 retrofit device
	12/31/11	2004	Install a Level 3 retrofit device
	12/31/12	2005 and 2006	Install a Level 3 retrofit device
<b>Phase 2</b>	12/31/13	1994 – 2006	Meet 2007 * engine emissions standards

\* Trucks with 2007-2009 model year engines are compliant through 2022. Trucks with 2010 and newer engines are fully compliant

**Table 2: Drayage Truck Population in Northern California as of July 2011**

Engine MY	Compliant until	# of Drayage trucks in Northern CA*	# of trucks that received grant funds	Grant funds expended **
MY 1994-2003 (w/ retrofits)	12/31/13	1,700	1,319	\$15,586,534
MY 2004	12/31/11	700	0	\$0
MY 2005 & 2006	12/31/12	2,150	0	\$0
MY 2007 – 2009	2022	1,350	203	\$10,150,000
MY 2010 +	Fully compliant	400		
<b>Total</b>		<b>6,300</b>	<b>1,522</b>	<b>\$25,736,534</b>

\* Number of trucks registered in the ARB Drayage Truck Registry (DTR) with zip codes North of Fresno.

\*\* Funding sources for the Air District's Year 1 port truck funding program: TFCA (\$5 million), Port (\$5 million), ARB Prop 1B (\$13,835,133), and DERA (~\$2 million)

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# EAST BAY BICYCLE COALITION

*Working for safe, convenient and enjoyable bicycling for all people in the East Bay*

December 19, 2011

Matt Todd,  
Manager of Programming  
Alameda County Transportation Commission  
1333 Broadway, Suite 200  
Oakland CA 94612

Re: Transportation Fund for Clean Air County Program Manager Funds Model Year 2004  
Drayage Truck Replacement Program

Dear Mr. Todd:

The East Bay Bicycle Coalition strongly opposes any proposal to use TFCA funds in Alameda County for the purchase of new trucks and new truck engines for Drayage trucks at the Port of Oakland. TFCA funds are used in our County to fund many important bikeway projects and the staff proposal to redirect \$1.43 million in TFCA 2012/2013 fund year would decimate this program for that year.

We support efforts to clean the technology of vehicles and we know that the community of West Oakland is unfairly impacted by dirty diesel trucks entering and leaving the Port of Oakland. We also support the development of a truck parking facility in West Oakland away from neighborhoods. However, the Port of Oakland, and its clients, should pay for the replacement trucks/engines of Drayage trucks. Taxpayers should have to shoulder these costs. Before any additional staff proposals are brought forward, we also request to the Alameda CTC consider the following information:

1. How much money the Port of Oakland is contributing to this proposal and how much money they should be contributing as a matter of good public policy?
2. What bikeway projects would cities in Alameda County use this \$1.43 million to fund?

This additional information is necessary before an informed discussion and decision can be made about how best to address the issue of polluting diesel trucks at the Port of Oakland. Until this information is available, we are adamantly opposed to this proposal.

For context, the recent Countywide Transportation Plan call for projects resulted in \$4.5 billion in bike/ped projects submitted for funding. This was the 2nd highest category of need in the County (behind transit operations). To our knowledge, the Port of Oakland did not even submit this proposal as a project. Regardless, there is simply too much demand for bikeway projects in Alameda County for this proposal to be considered sound transportation planning. Please develop an alternative planning scenario, such as additional Prop 1B money, or state or federal funding sources.

Thank you for your consideration of our position on this matter.

Sincerely,

Dave Campbell  
Program Director  
Email: [dave.campbell@ebbc.org](mailto:dave.campbell@ebbc.org)

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# TFCA FY 2012/13 Draft Fund Estimate - Drayage Truck Funding

Agency	Population (Estimate)	% Population	Total % of Funding	TFCA Funds Available This FY	FY 11/12 Rollover Debits/ Credits	TFCA Balance & Rollover	Current Program Balance	\$ to Drayage Trucks <sup>1</sup>
Alameda	74,081	4.87%	4.86%	\$ 59,154	\$ (488,271)	\$ (429,117)	\$ -	\$ 69,450
Alameda County	141,898	9.33%	9.30%	\$ 113,306	\$ 18,290	\$ 131,596	\$ 131,596	\$ 133,028
Albany	18,622	1.22%	1.22%	\$ 14,870	\$ (44,755)	\$ (29,885)	\$ -	\$ 17,458
Berkeley	114,046	7.50%	7.48%	\$ 91,066	\$ 129,078	\$ 220,144	\$ 220,144	\$ 106,917
Dublin	46,743	3.07%	3.06%	\$ 37,324	\$ 121,059	\$ 158,383	\$ 158,383	\$ 43,821
Emeryville	10,125	0.67%	0.82%	\$ 10,000	\$ 19,075	\$ 29,075	\$ 29,075	\$ 11,741
Fremont	215,711	14.18%	14.14%	\$ 172,246	\$ 59,960	\$ 232,206	\$ 232,206	\$ 202,226
Hayward	145,839	9.59%	9.56%	\$ 116,453	\$ (646,919)	\$ (530,466)	\$ -	\$ 136,722
Livermore	81,687	5.37%	5.36%	\$ 65,227	\$ 250,397	\$ 315,624	\$ 315,624	\$ 76,581
Newark	42,764	2.81%	2.80%	\$ 34,147	\$ 198,279	\$ 232,426	\$ 232,426	\$ 40,091
Oakland	392,932	25.83%	25.76%	\$ 313,758	\$ 215,238	\$ 528,996	\$ 528,996	\$ 368,369
Piedmont	10,726	0.71%	0.82%	\$ 10,000	\$ 36,409	\$ 46,409	\$ 46,409	\$ 11,741
Pleasanton	70,643	4.64%	4.63%	\$ 56,409	\$ (19,980)	\$ 36,429	\$ 36,429	\$ 66,227
San Leandro	85,490	5.62%	5.60%	\$ 68,264	\$ 36,113	\$ 104,377	\$ 104,377	\$ 80,146
Union City	69,850	4.59%	4.58%	\$ 55,775	\$ 105,414	\$ 161,189	\$ 161,189	\$ 65,484
<b>TOTAL:</b>	<b>1,521,157</b>	<b>100.00%</b>	<b>100.00%</b>	<b>\$ 1,218,000</b>	<b>\$ (10,613)</b>	<b>\$ 1,207,387</b>	<b>\$ 2,196,855</b>	<b>\$ 1,430,000</b>

FY 12/13 TFCA Funds (estimated)	\$ 1,800,000
10/11 Interest Earned	\$ 30,000
Programming Capacity	\$ 1,830,000
Less 5% for Program Administration	\$ 90,000
<b>Total Estimated Programming Capacity</b>	<b>\$ 1,740,000</b>
Amount of City/County Balance to Drayage Trucks	\$ 1,430,000
Remaining Programming Capacity	\$ 310,000

## Notes:

1. Distributes the \$1.43 million drayage truck request among the Cities and County by the FY 12/13 "Total % of Funding".
2. Population estimates as of 1/01/11 from Dept. of Finance ([www.dof.ca.gov](http://www.dof.ca.gov)).

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## OVERVIEW OF

## **The Statewide Drayage Truck Regulation**

*Rule to achieve significant emission reductions and protect public health.*

In December 2007, the California Air Resources Board (ARB) approved a new regulation to reduce emissions from drayage trucks at California's ports and intermodal rail yards. Staff subsequently proposed, and the board approved, changes to the regulation at the ARB's December 17th, 2010 hearing. These changes will become law upon Office of Administrative Law approval.

### **Why is this regulation needed?**

Drayage trucks tend to be older vehicles with little or no emission controls. These vehicles tend to congregate near ports and rail yards and emit large amounts of smog forming oxides on nitrogen (NO<sub>x</sub>), and toxic soot (Particulate Matter (PM)). Nearby communities are more heavily impacted by these emissions which contribute to many adverse health effects, including asthma, cancer, and premature deaths. Reducing emissions from these trucks is necessary to meet federally imposed clean air standards and to reduce adverse health effects – especially to nearby communities.

### **What types of vehicles are subject to this regulation?**

The regulation applies to all on-road class-7\* and class 8 (GVWR > 26,000 lbs) diesel-fueled vehicles that visit California's ports and intermodal rail yards regardless of the state or country of origin or visit frequency. The regulation does not apply to certain types of vehicles including emergency vehicles, military tactical support vehicles and dedicated use vehicles.

\*During the December 2010 Board hearing, the Board approved the expansion of the regulation's applicability to include class-7 trucks (GVWR 26,001 to 33,000 lbs) and drayage trucks operating off of port or intermodal rail yard properties. These changes will become effective pending Office of Administrative Law approval.

### **Can I re-certify my truck to lower the GVWR (Gross Vehicle Weight Rating)?**

No. According to Vehicle Code Section 350:

- "Gross Vehicle Weight Rating" (GVWR) means the weight specified by the manufacturer as a loaded weight of the single vehicle.

The GVWR on the certification label can only be assigned by the manufacturer and it is the only valid GVWR for complying with the Drayage Truck Regulation's requirements.

### **Who must comply with the regulation?**

The regulation establishes requirements for drayage truck drivers, drayage truck owners, motor carriers that dispatch drayage trucks, port and marine terminals, intermodal rail yards, and port and rail authorities.

### **What does the regulation require?**

In general, the regulation requires emission reductions from drayage trucks as well as recordkeeping and reporting to help monitor compliance and enforcement efforts. The basic responsibilities for each stakeholder are as follows: truck drivers must provide motor carrier contact information, load destination, and origin to enforcement officers, if requested; truck



owners are required to register their trucks in the State administered Drayage Truck Registry (DTR), ensure their trucks meet emission standards by the appropriate deadline dates (see table below), and ensure that emission control technologies are functioning properly; motor carriers must ensure that dispatched trucks are compliant with the regulation, provide a copy of the regulation to truck owners, and keep dispatch records for five years; and terminals are required to collect information from each noncompliant truck entering their facility and report it to their respective port or rail authority, who then reports this information to the ARB.

#### **When do truck owner requirements take effect?**

The regulation requires truck owners to register their trucks in the State run DTR prior to port or railyard entry. Truck owners are also required to meet emission standards shown in the following table.

#### **Class 8 compliance schedule**

Truck Engine Model Year	Emission Requirements
1993 and Older	Prohibited by December 31, 2009
1994 thru 2003	After December 31, 2009, reduce PM emissions by 85% and After December 31, 2013, meet 2007 engine emission standard
2004	After December 31, 2011, reduce PM emissions by 85% and After December 31, 2013, meet 2007 engine emission standard
2005 and 2006	After December 31, 2012, reduce PM emissions by 85% and After December 31, 2013, meet 2007 engine emission standard
2007-2009	Compliant through 2022
2010 and Newer	Fully compliant

#### **Class 7 compliance schedule**

Truck Engine Model Year	Emission Requirements
1993 and older	Prohibited
1994 thru 2006 while operating in the South Coast Air Basin	After December 31, 2011, reduce PM emissions by 85% and After December 31, 2013, meet 2007 engine emission standard
1994 thru 2006	After December 31, 2013, meet 2007 engine emission standard
2007 thru 2009	Compliant through 2022
2010 and Newer	Fully compliant

#### **What are the benefits of the regulation?**

The regulation is projected to provide significant emission reductions that will have a positive air quality impact in California – especially in and around affected ports and intermodal rail yards. PM emissions are projected to be reduced by about 2.6 tons per day starting in 2010 and NO<sub>x</sub> emissions are projected to be reduced by 34 tons per day starting in 2014. Staff estimates that approximately 580 premature deaths would be avoided by 2014 in addition to 17,000 fewer cases of asthma-related symptoms.

#### **Is incentive money available?**

Incentive funds may be available in many areas of the state. Please see the following ARB website for additional information: [www.arb.ca.gov/ba/fininfo.htm](http://www.arb.ca.gov/ba/fininfo.htm).

#### **For more information**

Contact the ARB Drayage Truck Hotline at 888-247-4821.  
Please visit our website at : [www.arb.ca.gov/drayagetruck](http://www.arb.ca.gov/drayagetruck)

To obtain this document in an alternative format or language please contact the ARB's Helpline at (800) 242-4450 or at [helpline@arb.ca.gov](mailto:helpline@arb.ca.gov). TTY/TDD/ Speech to Speech users may dial 711 for the California Relay Service.



## **Memorandum**

**DATE:** January 17, 2012

**TO:** Alameda County Transportation Commission

**FROM:** Programs and Projects Committee

**SUBJECT:** **Approval of STIP Award Deadline Time Extension Request for the Union City Intermodal Station Project, Phase II**

### **Recommendation**

It is recommended the Commission approve the request for a six-month time extension to the STIP award deadline for the Union City Intermodal Station, Phase II. Union City is requesting a six-month extension from December 31, 2011 to June 30, 2012.

### **Summary**

Union City requests a six-month time extension to the STIP award deadline from December 31, 2011 to June 30, 2012 for both \$715,000 of STIP and \$3,000,000 of STIP TE for a total of \$3,715,000, allocated on June 23, 2011, for the Construction phase of the project. The total project cost for Phase 2 is approximately \$20 million. The two extension requests are attached.

### **Background**

The STIP timely use of funds provisions enacted by SB 45 are intended to encourage local and regional agencies to accurately program, monitor and deliver STIP projects in a timely manner. Per the STIP Guidelines, the CTC may grant a one-time extension to each of the allocation, expenditure, award (which includes FTA transfer), and completion deadlines only if it finds that an unforeseen and extraordinary circumstance beyond the control of the responsible agency has occurred that justifies the extension. The extension will not exceed the period of delay directly attributed to the extraordinary circumstance and will in no event be for more than 20 months.

This Intermodal Station infrastructure project continues to modify and reconfigure the existing Union City BART Station to improve access for all modes - pedestrians, bicyclists, vehicles and transit - which includes the creation of an east side entrance to the Station including installation of fare gates and other automated fare collection equipment; relocation of elevators; expansion of the east platform; improvements to pedestrian circulation in and around the Station and construction of a pedestrian overpass as required by the California PUC.

The City of Union City is partnering with BART to deliver this project. The agencies have executed a cooperative agreement, under which BART will award and administer the construction contract. The funding for the project includes \$715,000 of STIP funding and \$3.0 million in STIP-TE funds which have been requested to be transferred to an FTA grant. At the time of the CTC allocation in June 2011, it was expected that the funds would be transferred to the FTA and a contract awarded within the 6-month timeframe stipulated in the STIP Guidelines.

An extension is requested due to the delay of the FTA transfer. The transfer request was not processed until November 2011 with the delay caused by issues with the transition to the new federal fiscal year (October 1<sup>st</sup> to September 30<sup>th</sup>). This has in turn delayed the contract award as BART policy prohibits advertising the project until all funding agreements are executed. Consequently, project advertisement will not occur prior to January 2012, which is the earliest the FTA transfer is anticipated to be completed. The two agencies have coordinated closely from the project's inception and will continue to work together to expedite awarding the contract.

The extension request for the \$715,000 STIP funding was submitted to Caltrans in November 2011 and may be scheduled for consideration at the January 25, 2012 CTC meeting, while the second extension request for the \$3 million STIP-TE was submitted in December 2011 and will likely be scheduled for consideration at the February 23, 2012 CTC meeting. MTC requires Alameda CTC concurrence for all STIP extension requests.

**Attachments**

Attachment A – STIP Time Extension Request for \$715,000

Attachment B – STIP Time Extension Request for \$3,000,000

## REQUEST FOR TIME EXTENSION LOCAL HIGHWAY PROJECTS

PPNO: 2110A  
PROJECT #: \_\_\_\_\_  
EA: R738TD  
Union City Intermodal Station Phase II  
Location: Union City  
County: Alameda County  
Assembly District: 18  
Senate District: 10

The City of Union City requests that the California Transportation Commission approve a request for a time extension for this project. Our Program Supplement number for this project is 04A0074-03.

This Intermodal Station infrastructure project continues to modify and reconfigure the existing Union City BART Station to improve access for all modes – pedestrians, bicyclists, vehicles and transit which includes the creation of an east side entrance to the Station (including installation of fare gates and other automated fare collection equipment); relocation of elevators, expansion of the east platform, and improvements to pedestrian circulation in and around the Station; and construction of a pedestrian overpass as required by the California PUC.

	FY 11/ 12	Total
ENV		-
PS&E		-
R/W		-
CON	715	715
<b>Total</b>	<b>715</b>	<b>715</b>

Allocation	Expenditure	X Award	Completion (contract acceptance)
------------	-------------	---------	-------------------------------------

☐ Environmental Studies & Permits ☐ Plans, Specs. & Estimate ☐ Right of Way ☒ Construction\*

D. Allocation and deadline summary

Allocation Date By Phase (if applicable)	Allocated Amount By Phase (if applicable)	Original Deadline	Number of Months of Extension Requested	Extended Deadline
6/23/11	\$715,000	12/31/2011	6 months	6/30/2012

E. Reason for project delay

The City of Union City is partnering with BART to deliver this project, which will modify and reconfigure the existing BART station. The agencies have executed a cooperative agreement, under which BART will award and administer the construction contract.

The funding for the project includes \$3.0 M in TE funds which were transferred to an FTA grant. The transfer was delayed due to the transition between federal fiscal years and was not processed until November 2011. BART policy prohibits advertising the project until all funding agreements are executed. Consequently, project advertisement will not occur until January 2012 at the earliest.

The two agencies have coordinated closely from the project's inception and will continue to work together to expedite awarding the contract.

F. Status of project milestones/revised project milestones

1) Completion of Environmental Document:

CEQA - Categorical Exemption, March 2002

NEPA - Categorical Exclusion, July 2003 (FTA NEPA Revalidation, January 2006)

2) Right of Way Certification:

Indicate the date right of way was certified (or will be certified) for the project - June 2006

3) Construction:

Indicate the date the project was advertised - January 2012 (estimated)

Indicate the date the project was awarded - May 2012 (estimated)


G. Timely Use of Funds

We request that the Commission approve this request at the January 25, 2012 meeting.

H. Local Agency Certification:

This Request for Time Extension has been prepared in accordance with the *Procedures for Administering Local Grant Projects in the State Transportation Improvement Program (STIP)*. I certify that the information provided in the document is accurate and correct. I understand that if the required information has not been provided this form will be returned and the request may be delayed. Please advise us as soon as the time extension has been approved. You may direct any questions to

Mintze Cheng at (510) 675-5036  
(name) (phone number)

Signature  Title: Public Works Director Date: November 21, 2011

Agency/Commission: CITY OF UNION CITY

I. Caltrans District State Transit Grants Branch Chief Acceptance:

I have reviewed the information submitted on the Request for Time Extension and agree it is complete and has been prepared in accordance with the *Procedures for Administering Local Grant Projects in the State Transportation Improvement Program*.

Signature: \_\_\_\_\_

Title: Chief, State Grants Branch, D-4 Transportation Planning A

Date: \_\_\_\_\_

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34009 ALVARADO-NILES ROAD  
UNION CITY, CALIFORNIA 94587  
(510) 471-3232

## REQUEST FOR TIME EXTENSION LOCAL HIGHWAY PROJECTS

To: Ms. Sylvia Fung, Chief  
District 4 Local Assistance Engineer  
Caltrans, Office of Local Assistance  
111 Grand Avenue  
Oakland, CA 94612

Date: December 22, 2011

PPNO: 2110A  
PROJECT #: FTASTPLE-5354(031)  
EA: R738A  
Union City Intermodal Station Phase II  
Location: Union City  
County: Alameda County  
Assembly District: 18  
Senate District: 10

Dear Ms. Fung,

The City of Union City requests that the California Transportation Commission approve a request for a post-fact time extension for this project.

**A. Project description:**

This Intermodal Station infrastructure project continues to modify and reconfigure the existing Union City BART Station to improve access for all modes – pedestrians, bicyclists, vehicles and transit which includes the creation of an east side entrance to the Station (including installation of fare gates and other automated fare collection equipment); relocation of elevators, expansion of the east platform, and improvements to pedestrian circulation in and around the Station; and construction of a pedestrian overpass as required by the California PUC.

**Programmed STIP TE Funding Level by Phase (X \$1,000):**

	FY 11/ 12	Total
ENV		-
PS&E		-
R/W		-
CON	3,000	3,000
<b>Total</b>	<b>3,000</b>	<b>3,000</b>

**B. Project element for which extension requested: (check appropriate box)**

☐ Allocation
 ☐ Expenditure
 ☒ Award
 ☐ Completion  
(contract acceptance)

**C. Phase (component) of project: (check appropriate box or boxes)**

☐ Environmental  
Studies & Permits
 ☐ Plans, Specs. &  
Estimate
 ☐ Right  
Way
 of ☒ Construction\*



City of Union City  
Time Extension Request

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D. Allocation and deadline summary

Allocation Date By Phase (if applicable)	Allocated Amount By Phase (if applicable)	Original Deadline	Number of Months of Extension Requested	Extended Deadline
6/23/11	\$3,000,000	12/31/2011	6 months	6/30/2012

E. Reason for project delay

The City of Union City is partnering with BART to deliver this project, which will modify and reconfigure the existing BART station. The agencies have executed a cooperative agreement, under which BART will award and administer the construction contract.

The funding for the project includes \$3.0 M in TE funds which were to be transferred to an FTA grant. The transfer was delayed due to the transition between federal fiscal years and was not processed until November 2011. FHWA staff advised that the earliest FTA transfer would occur in January 2012. BART policy prohibits advertising the project until all funding agreements are executed. Consequently, project advertisement will not occur until January 2012 at the earliest.

The two agencies have coordinated closely from the project's inception and will continue to work together to expedite awarding the contract.

F. Status of project milestones/revised project milestones

1) Completion of Environmental Document:

CEQA - Categorical Exemption, March 2002

NEPA - Categorical Exclusion, July 2003 (FTA NEPA Revalidation, January 2006)

2) Right of Way Certification:

Indicate the date right of way was certified (or will be certified) for the project - June 2006

3) Construction:

Indicate the date the project was advertised - January 2012 (estimated)

Indicate the date the project was awarded - May 2012 (estimated)

G. Timely Use of Funds

We request that the Commission approve this request at the February 23, 2012 meeting.

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H. Local Agency Certification:

This Request for Time Extension has been prepared in accordance with the *Procedures for Administering Local Grant Projects in the State Transportation Improvement Program (STIP)*. I certify that the information provided in the document is accurate and correct. I understand that if the required information has not been provided this form will be returned and the request may be delayed. Please advise us as soon as the time extension has been approved. You may direct any questions to

Mintze Cheng at (510) 675-5036  
(name) (phone number)

Signature  Title: Public Works Director Date: December 22, 2011

Agency/Commission: CITY OF UNION CITY

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I. Regional Transportation Planning Agency/County Transportation Commission Concurrence:

**Concurred**

Signature \_\_\_\_\_  
Title \_\_\_\_\_

Metropolitan Transportation Commission Date: \_\_\_\_\_  
(Agency/Commission)

J. Caltrans District Local Assistance Engineer Chief Acceptance:

I have reviewed the information submitted on the Request for Time Extension and agree it is complete and has been prepared in accordance with the *Procedures for Administering Local Grant Projects in the State Transportation Improvement Program*.

Signature: \_\_\_\_\_

Title: Chief, Local Assistance Engineer, D-4 Office of Local Assistance

Date: \_\_\_\_\_

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## **Memorandum**

**DATE:** January 19, 2012

**TO:** Alameda County Transportation Commission

**FROM:** Programming and Projects Committee

**SUBJECT:** Update on Second Draft of One Bay Area Grant Program

### **Recommendation**

This is an informational item only.

### **Summary**

In July 2011, MTC formally released draft proposed policies for allocation of the Cycle 2 Federal Surface Transportation Program and Congestion Mitigation Air Quality (STP/CMAQ) funds for the next three fiscal years (2012/2013, 2013/2014, 2014/2015), known as the "OneBayArea" Grant Program or OBAG. MTC's proposed grant program includes funding objectives, funding distributions, policy outcomes and implementation issues. A preliminary draft of MTC grant program was presented to the Alameda CTC in July 2011 and the Commission acted on specific comments in September 2011. A letter of Alameda CTC comments along with a summary of survey findings on readiness to meet the OBAG draft objectives was submitted to MTC in December 2011 (Attachment A).

In January 2012, MTC released a second draft of the OBAG program (Attachment B) in response to comments received. The second draft is under review by the public and MTC's commissioners. Since this second draft of the program came out in January after the Alameda CTC mail out dates, a full discussion of OBAG was not able to take place at ACTAC and at PPC. Staff will present an overview of the second draft OBAG program in January and seek comments in February for submission to MTC.

### **Discussion**

The OBAG proposal is linked to the development of the Sustainable Communities Strategy (SCS) in the Bay Area. Influenced by the requirements of SB 375, an unfunded mandate, to reduce greenhouse gas emissions and to house the region's population by all income sectors, the OBAG proposal aims to provide flexible funding to support implementation of the SCS, which will primarily be implemented through focused growth in Priority Development Areas (PDAs) and Growth Opportunity Areas (GOAs), protection of Priority Conservation Areas (PCAs) and linking transportation investments with these land uses. Significant regional work has been underway in developing the region's first SCS, which is scheduled to be adopted in April 2013 along with the Regional Transportation Plan (RTP) for a planning and funding horizon through 2040.

Concurrent with SCS planning activities, MTC has drafted the OBAG Program with the aim of financially supporting and rewarding jurisdictions that help in fulfilling the state's mandates, as well as many of the additional targets adopted in the region for the Bay Area SCS. MTC plans to adopt a final OBAG Program in May 2012.

**Fiscal Impact**

None at this time.

**Attachments:**

- |               |   |
|---------------|---|
| Attachment A: | Alameda CTC's Letter to MTC and countywide survey results on the first draft OBAG program |
| Attachment B: | Second Draft One Bay Area Grant Program   |



**Commission Chair**  
Mark Green, Mayor - Union City

**Commission Vice Chair**  
Scott Haggerty, Supervisor - District 1

**AC Transit**  
Greg Harper, Director

**Alameda County**  
Supervisors  
Nadia Lockyer - District 2  
Wilma Chan - District 3  
Nate Miley - District 4  
Keith Carson - District 5

**BART**  
Thomas Blalock, Director

**City of Alameda**  
Rob Bonta, Vice Mayor

**City of Albany**  
Farid Javandel, Mayor

**City of Berkeley**  
Laurie Capitelli, Councilmember

**City of Dublin**  
Tim Sbranti, Mayor

**City of Emeryville**  
Ruth Atkin, Councilmember

**City of Fremont**  
Suzanne Chan, Vice Mayor

**City of Hayward**  
Olden Henson, Councilmember

**City of Livermore**  
John Marchand, Mayor

**City of Newark**  
Luis Freitas, Vice Mayor

**City of Oakland**  
Councilmembers  
Larry Reid  
Rebecca Kaplan

**City of Piedmont**  
John Chiang, Vice Mayor

**City of Pleasanton**  
Jennifer Hosterman, Mayor

**City of San Leandro**  
Joyce R. Starosciak, Councilmember

**Executive Director**  
Arthur L. Dao

December 19, 2011

Steve Heminger, Executive Director  
Metropolitan Transportation Commission  
101 Eighth Street  
Oakland, CA 94607

SUBJECT: Alameda CTC Comments on One Bay Area Grant Proposal

Dear Mr. Heminger,

The Alameda County Transportation Commission appreciates the opportunity that the Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG) have provided for comments on the draft One Bay Area Grant Program (OBAG) guidelines. In July and September 2011, the Alameda County Transportation Commission discussed the OBAG proposal and provided several comments, as noted below. The Alameda CTC also coordinated with the other Bay Area Congestion Management Agencies (CMAs) on the list of comments that were submitted to MTC in November from the CMAs.

Prior to submitting the Commission comments, the Alameda CTC staff created a process to identify whether the jurisdictions within the County would be able to meet the proposed OBAG requirements as written in the draft proposal for the Supportive Local Transportation and Land Use Policies, and to identify any obstacles in meeting them. To that end, the Alameda CTC performed a survey of cities and the county to identify readiness with OBAG proposed requirements and the final results were completed in mid-December; the results are included in Attachment A. In summary, over 50% of the Alameda County jurisdictions currently meet the proposed supportive land use and transportation policies in the proposed OBAG program. However, most noted that both technical and funding assistance would enable them to create more supportive policies and to develop plans such as the Community Risk Reduction Plans.

The following comments on the proposed OBAG program are based upon Commissioner feedback.

The Alameda CTC supports and commends many features included in the OBAG proposal to support and encourage development that links transportation and land uses to help meet the goals of SB 375's Sustainable Communities Strategy mandate.

In general, the Alameda CTC supports the following elements of the grant program:

- Combining multiple programs into a flexible program allows greater opportunities to fund the particular needs of Alameda County.
- The ability to flex up to 5% of the funds allocated to Priority Development Areas to Priority Conservation Areas allows counties to support the resources and transportation needs of PCAs.

Some recommended modifications for consideration to the OBAG guidelines include the following:

- A baseline funding amount for streets and roads is necessary. Allow counties the flexibility to apply certain portions of the funding to Local Streets and Roads Rehabilitation (LSR) funds from the PDA funding amount, and do not require the application of the Supportive Local Transportation and Land Use Policies to any LSR funds that a county has chosen to separate from the PDA funding amount. This provides more flexibility to jurisdictions to support a fix-it-first approach and address on-going LSR maintenance needs. In sum, allow each county to provide 50-70% to be applied to PDAs, with the remainder to local streets and roads, or other programs such as Safe Routes to Schools.
- Establishment of a regionally administered PCA program of \$5 million is important to protect the conservation lands within jurisdictions throughout the region. To that end, establish a baseline amount for smaller counties so they do not have to compete for these funds, but allow a portion to be accessible to larger counties through a competitive process.
- The Supportive Local Transportation and Land Use Policies need to be clarified regarding policy intent and how implementation will be monitored.
- Regarding MTC policy outcomes for housing policies that don't allow displacement of low-income housing, consider adding a requirement for quality affordable housing in PDAs to ensure that the housing stock is of durable, good quality.
- Clarify the timeline for adoption of all policies to be eligible for funding. The Approved Housing Element as part of the Supportive Land Use policy requires adoption of a housing element under the new RHNA to be done by September 2014;

however, it is our understanding, based upon discussions with MTC staff, that policy adoption must occur at the local or countywide level by October 1, 2013. Please confirm that timeline.

- Regarding the policy outcomes for the parking/pricing and employer trip reduction, change this from all inclusive to allow for one or the other, not all.
- The increase in funding to the counties for PDA implementation will help to advance the goals of the SCS; however, if funding allocations were based upon where actual PDAs and PCAs are located, and not based upon keeping a funding floor for each county, the region could move more quickly in implementing PDA development by providing more funds to the areas that have more PDAs.

Please let me know if you have any questions regarding these comments.

Sincerely,



Arthur L. Dao

Executive Director

Attachment A: Alameda CTC Survey of Cities and the County on OBAG criteria



TO: Beth Walukas and Tess Lengyel, Alameda County Transportation Commission

FROM: Judis Santos, Parsons Brinckerhoff

THROUGH: Rebecca Kohlstrand, Parsons Brinckerhoff

SUBJECT: Final Results of ACTAC Survey on OneBayArea Grant Criteria

DATE: December 16, 2011

**Introduction**

**Purpose:** The purpose of this task is to gather information that 1) determines how well Alameda County jurisdictions meet proposed criteria for the OneBayArea grant program and 2) identifies assistance needed by the jurisdictions to meet them. The Alameda County Transportation Commission (Alameda CTC) is preparing a response to MTC that will include a discussion of the jurisdictions' needs based on the results of this information-gathering effort.

**Background:** In July 2011, the Metropolitan Transportation Commission (MTC) released a draft of proposed policies to guide allocation of the Cycle 2 Federal Surface Transportation Program and Congestion Mitigation Air Quality (STP/CMAQ) funds, known as the "OneBayArea" Grant Program, for the next three fiscal years. The Program includes funding objectives, funding distributions, policy outcomes and implementation issues. Policy outcomes described in the program to help support the implementation of the Sustainable Communities Strategy include:

1. **Supportive Local Transportation and Land-Use Policies**
  - a. Parking/pricing policies (e.g. cash out, peak pricing, on-street/off-street pricing differentials, eliminate parking minimums, unbundled parking) and adopted city and/or countywide employer trip reduction ordinances.
  - b. Adopted Community Risk Reduction Plans (CRRP) per CEQA guidelines
  - c. Have affordable housing policies in place or policies that ensure that new development projects do not displace low income housing
  - d. Adopted bicycle/pedestrian plan and complete streets policy in general plans pursuant to Complete Streets Act of 2008.

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2. **Approved Housing Element:**

- a. Adoption of a housing element that meets the current RHNA before the new RHNA is adopted, or
- b. The adoption of a housing element that meets the new RHNA after its approval early in 2012. Jurisdictions have 18 months after the adoption of the Sustainable Communities Strategy to meet the new RHNA; therefore, compliance is expected and required by September 2014. Any jurisdiction failing to meet either one of these deadlines will not be allowed to receive grant funding. Lastly, any jurisdiction without adopted housing elements addressing the new RHNA by September 2014 will be ineligible to receive any funding after Cycle 2 until they have adopted a housing element.

**Scope:** The objective of this task is to collect baseline information that determines whether jurisdictions have certain policies in place to be compliant with the OneBayArea Grant Program criteria as proposed. Specifically, this task focuses on jurisdictions' readiness to have adopted supportive local transportation and land-use policies and/or to secure an approved housing element. The consultant scope of work includes the following:

- Working with the Alameda CTC, develop a list of questions that assess a jurisdiction's readiness in meeting proposed criteria for the OneBayArea program;
- Determine appropriate methodology based on scope, budget, and schedule deadline (i.e. survey, phone interview, focus group discussion);
- Once methodology determined, contact and work through the Alameda County Technical Advisory Committee (ACTAC) members to obtain the information; and,
- Compile and summarize survey results.

**Methodology:** Information was gathered through a twenty (20) question survey addressing seven (7) topics (Attachment 1). Attachments 2 and 3 summarize survey responses and additional comments. The survey was initially developed in an "on-line"/web-format for user-friendliness. The format was changed to a PDF document/survey because of the likelihood that various departments/individuals may be involved in completing the survey. A total of fifteen (15) ACTAC members were contacted via phone and provided with the survey via email. All fifteen (15) jurisdictions responded with completed surveys and comments—Alameda County, City of Alameda, Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland, Piedmont, Pleasanton, San Leandro, and Union City. In addition to the survey, ACTAC members were provided with an introductory email, reference documents and a link to Alameda CTC Board materials. The survey collected information on whether the following policies are in place: Parking and pricing policies, community risk reduction plans, affordable housing policies, complete streets/adopted bicycle plans, and

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approved housing element. In addition, questions about ineligibility concerns and requested training/support were included to identify additional issues.

### **General Findings**

To be compliant with OneBayArea grant program's proposed criteria, at least two of the four policies need to be met under supportive local transportation and land-use policies. In addition, an approved housing element is a proposed condition for any jurisdiction receiving Cycle 2 OneBayArea grants. Out of the 15 jurisdictions that reported survey results, to date eight (8) jurisdictions (City of Alameda, Emeryville, Fremont, Hayward, Newark, Oakland, San Leandro, Union City) meet the supportive local transportation and land-use policies and approved housing element requirements.

There are efforts in moving towards becoming compliant with an approved housing element and transportation/land-use policies in place. For example, thirteen (13) out of the fifteen (15) jurisdictions reported expected compliance with the approved housing element by September 2014. Under supportive local transportation and land-use policies, the following policy areas are more likely to have compliance by the jurisdictions: affordable housing policies and an updated General Plan to comply with the state Complete Streets Act. Of the 15 jurisdictions responding, twelve (12) jurisdictions have affordable housing policies (Alameda County, Alameda, Albany, Dublin, Emeryville, Fremont, Hayward, Newark, Oakland, Piedmont, San Leandro, Union City). Regarding Complete Streets, although two (2) jurisdictions' (Piedmont and Fremont) General Plans have been updated for compliance, eleven (11) jurisdictions (Alameda, Albany, Berkeley, Dublin, Emeryville, Hayward, Livermore, Newark, Oakland, San Leandro, Union City) plan on revising their General Plans to incorporate the Complete Streets Policy.

### **Conclusions**

- Survey results report that to date, eight (8) out of the fifteen (15) jurisdictions show compliance with the proposed OneBayArea Grant criteria. The eight jurisdictions include the cities of Alameda, Emeryville, Fremont, Hayward, Newark, Oakland, San Leandro and Union City.
- One of the challenges for compliance under the supportive local transportation and land-use policies is the development of "Community Risk Reduction Plans." All of the fifteen jurisdictions reported not having adopted nor are they in the process of developing a CRRP per CEQA guidelines. Eight (8) jurisdictions out of fifteen (15) reported on CRRPs being a useful

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alternative, while eleven (11) out of fifteen (15) jurisdictions reported on potentially developing a CRRP if additional funding and/or technical assistance was provided.

- Fourteen (14) out of the fifteen (15) jurisdictions reported that training and additional resources will be needed to create, adopt and/or implement programs to be compliant with OneBayArea grant criteria. Training (i.e. workshops) is helpful mostly in the area of parking/pricing policies. Other additional training/workshop areas of interest include: trip reduction ordinances, CRRPs, affordable housing policies, Complete Streets, and meeting the deadline of September 2014 to have an approved housing element.
- Lastly, the survey identifies what policies are in place at each jurisdiction. There may be a need to conduct a more in-depth study on causes and reasons why certain policies are in development (and why some are not). This includes such policies as the community risk reduction program and parking/pricing policies. This type of assessment is more appropriate utilizing focus groups or informational interviewing techniques.

## ACTAC Survey

*Questions? Please contact Judis Santos, Parsons Brinckerhoff, at: 415-243-4688 or santosjg@pbworld.com*

**Does your jurisdiction have any of the following plans/policies adopted and in place?**

**A. PARKING AND PRICING POLICIES**

**1. Cash out program?** *(State law requires certain employers who provide subsidized parking for their employees to offer a cash allowance in lieu of a parking space. This law is called the parking cash-out program.)*

☐ YES ☐ NO

If yes, when was it adopted? Date: \_\_\_\_\_

If no, do you plan to adopt one? ☐ YES ☐ NO

If yes, what is the timeline for adoption? ☐ 6 months ☐ 1 Year ☐ 2 or More Years

If no, please describe why \_\_\_\_\_

**2. Peak pricing?** *(Surcharging users of a transport network in periods of peak demand to reduce traffic congestion)*

☐ YES ☐ NO

If yes, when was it adopted? Date: \_\_\_\_\_

If no, do you plan to adopt one? ☐ YES ☐ NO

If yes, what is the timeline for adoption? ☐ 6 months ☐ 1 Year ☐ 2 or More Years

If no, please describe why \_\_\_\_\_

**3. On-street/Off-Street Parking Differentials?**

☐ YES ☐ NO

If yes, when was it adopted? Date: \_\_\_\_\_

If no, do you plan to adopt one? ☐ YES ☐ NO

If yes, what is the timeline for adoption? ☐ 6 months ☐ 1 Year ☐ 2 or More Years

If no, please describe why \_\_\_\_\_

**4. Eliminate parking minimums?** *(Parking minimums are set for every land use to satisfy peak parking demand. In other words, cities and towns mandate that planners provide parking spaces for most residents of new buildings or to accommodate patrons on the busiest days of the year.)*

☐ YES ☐ NO

If yes, when was it adopted? Date: \_\_\_\_\_

If no, do you plan to adopt one? ☐ YES ☐ NO

If yes, what is the timeline for adoption? ☐ 6 months ☐ 1 Year ☐ 2 or More Years

If no, please describe why \_\_\_\_\_

**5. Unbundled parking** *(Unbundled parking means that parking is rented or sold separately. Unpriced parking is often "bundled" with building costs, which means that a certain number of spaces are automatically included with building purchases or leases.)*

☐ YES ☐ NO

If yes, when was it adopted? Date: \_\_\_\_\_

If no, do you plan to adopt one? ☐ YES ☐ NO

If yes, what is the timeline for adoption? ☐ 6 months ☐ 1 Year ☐ 2 or More Years

If no, please describe why \_\_\_\_\_

**6. Adopted city and/or countywide employer trip reduction ordinances?** *(designed to encourage the use of transportation alternatives)*

☐ YES ☐ NO

If yes, when was it adopted? Date: \_\_\_\_\_

If no, do you plan to adopt one? ☐ YES ☐ NO

If yes, what is the timeline for adoption? ☐ 6 months ☐ 1 Year ☐ 2 or More Years

If no, please describe why \_\_\_\_\_

**B. COMMUNITY RISK REDUCTION PLANS (CRRP).**

1. In May 2011, the Bay Area Air Quality Management District issued updated CEQA Guidelines that provide an option of developing a CRRP as an alternative to performing individual air quality analysis to determine if a project exceeds the thresholds of significance of toxic air contaminants and fine particulate matter.

Are you familiar with the new Guidelines? ☐ YES ☐ NO

2. Has your jurisdiction adopted or considered developing a Community Risk Reduction Plan (CRRP) per CEQA Guidelines?

☐ YES ☐ NO

If yes, when was it adopted? Date: \_\_\_\_\_

If no, do you plan to adopt one? ☐ YES ☐ NO

If yes, what is the timeline for adoption? ☐ 6 months ☐ 1 Year ☐ 2 or More Years

If no, please describe why \_\_\_\_\_

3. A CRRP could provide a coordinated approach for assessing relevant air quality risks and identifying mitigation measures, but could require significant resources for its development. The benefits a CRRP could offer would be its usefulness in not having to develop site-specific risk analysis on a project by project basis.

**Do you agree that CRRPs could serve as a useful alternative for your jurisdiction? Why or why not?**

\_\_\_\_\_

4. Would you consider developing a CRRP for your projects if additional funding and/or technical assistance were provided? ☐ YES ☐ NO

5. Would you participate in the development of a multi-jurisdictional CRRP? ☐ YES ☐ NO

### C. AFFORDABLE HOUSING

1. Does your jurisdiction have affordable housing policies in place or policies that ensure that new development projects do not displace low income housing?

☐ YES ☐ NO

If yes, when was it adopted? Date: \_\_\_\_\_

If no, do you plan to adopt one? ☐ YES ☐ NO

If yes, what is the timeline for adoption? ☐ 6 months ☐ 1 Year ☐ 2 or More Years

If no, please describe why \_\_\_\_\_

### D. COMPLETE STREET/ADOPTED BICYCLE PEDESTRIAN PLANS

1. Does your jurisdiction have an adopted Complete Streets policy? ☐ YES ☐ NO

If yes, when was it adopted? Date: \_\_\_\_\_

What is the timeline for adoption? ☐ 6 month ☐ 1 Year ☐ 2 or More Years

Can you please describe them briefly here? \_\_\_\_\_

2. Have you updated your General Plan to comply with the state Complete Streets Act (2008, AB 1358) which took effect January 1, 2011?

☐ YES ☐ NO

If yes, when was this done? \_\_\_\_\_

If no, does your General Plan already meet the requirements of AB1358? ☐ YES ☐ NO

If not, when is your next planned "substantial revision of the circulation element" of your General Plan? Date \_\_\_\_\_

Do you plan to revise it to incorporate the Complete Streets Act? ☐ YES ☐ NO

Alameda CTC recently surveyed the jurisdictions for the status of their bike and ped plans. As of August 2011, can you please list your bike and pedestrian plan update years and status? \_\_\_\_\_

### E. APPROVED HOUSING ELEMENT

In the proposed criteria, there are two ways to demonstrate compliance for the "approved housing element" criteria: Adoption of a housing element that meets the current Regional Housing Need Allocation before the new RHNA is adopted OR Adoption of a housing element that meets the new RHNA after its approval in Spring 2012 (jurisdictions have 18 months to do this and must be in compliance by September 2014).

1. Is your jurisdiction able to demonstrate compliance through one of the two options above?

☐ YES ☐ NO

If yes, which option applies to you: ☐ meets current RHNA ☐ or new RHNA (see question 1A)

If no, are you scheduled to adopt one in the next 6 months? ☐ YES ☐ NO

- 1A. If future RHNA: You plan to adopt a housing element that meets the new RHNA after its approval in Spring 2012? ☐ YES ☐ NO

If yes, what is your schedule to incorporate the new RHNA and adopt a new housing element? Dates: \_\_\_\_\_

3. If jurisdiction is not able to demonstrate compliance with one of the two options: why not and what issues are preventing you from adopting a housing element?

4. Jurisdictions are expected to comply with an approved housing element by September 2014. your jurisdiction be compliant by then? ☐ YES ☐ NO

#### F. INELIGIBILITY FOR FUNDING

Any jurisdiction without adopted housing elements addressing the new Regional Housing Need Allocation by September 2014, will be ineligible to receive any funding in Cycle 2 or after until they have adopted a housing element.

In addition, under the proposed ABAG criteria, local agencies are required to meet at least two of the four transportation and land use policies (parking/pricing, CRRP, affordable housing, bicycle/ped plans and complete streets) to be eligible for grant funds in Cycle 2 and after.

1. Alameda CTC is trying to determine how best to assist Alameda County jurisdictions in meeting these criteria as they are currently proposed, what do you think are your jurisdiction's greatest obstacles to overcome in order to fulfill the OneBayArea Grant requirements?

#### G. TRAINING AND SUPPORT

Alameda CTC would like to know a little more about what training, support or resources you would need to create, adopt or implement any of these programs (please check all that apply):

	Training (i.e. workshops)	Resources other support (i.e. staff)
Parking/Pricing policies	<input type="checkbox"/>	<input type="checkbox"/>
Trip Reduction Ordinances	<input type="checkbox"/>	<input type="checkbox"/>
CRRPs	<input type="checkbox"/>	<input type="checkbox"/>
Affordable housing policies	<input type="checkbox"/>	<input type="checkbox"/>
Complete Streets policies/Develop or Update Bike Pedestrian Plans	<input type="checkbox"/>	<input type="checkbox"/>
Meeting the deadline of September 2014 to have an approved housing element	<input type="checkbox"/>	<input type="checkbox"/>

2. Lastly, Alameda CTC would like to share with you that they will be contacting the jurisdictions to gather information in the future about these types of things. In the very near term, they will be gathering more information on the status of Priority Development Area/Transit Oriented Development implementation.

What are the best methods to gather information from your jurisdiction? (eg., surveys, call specific contact, email)

3. Any other comments you would like to share?

*Thank you for your participation.*



**OneBayAreaGrant Criteria Checklist Summary**  
(Date: 12/16/2011)

Legend: **X** = Yes

☐ = Did not respond to question

<div>Legend: X = Yes <div></div> = Did not respond to question</div>		Alameda County														
		City of Alameda														
		Albany	Berkeley	Dublin	Emeryville	Fremont	Hayward	Livermore	Newark	Oakland	Piedmont	Pleasanton	San Leandro	Union City		
Overall Summary of Requirements Met		a) Parking/pricing policies (e.g. cash out, peak pricing, on-street/off street pricing differentials, eliminate parking minimums, unbundled parking) and adopted city and/or countywide employer trip reduction ordinances.	X	X	X	X								X	X	
		b) Adopted Community Risk Reduction Plans (CRRP) per CEQA guidelines														
		c) Have affordable housing policies in place or policies that ensure that new development projects do not displace low income housing		X	X		X	X	X		X	X		X	X	X
		d) Adopted bicycle/pedestrian plan and complete streets policy in general plans pursuant to Complete Streets Act of 2008					X					X				
		Approved Housing Element	a) adoption of a housing element that meets the current RHNA before the new RHNA is adopted	X				X	X	X	X	X	X		X	X
	b) the adoption of a housing element that meets the new RHNA after is approval early in 2012	X														
Detailed Summary of Requirements Met																
Parking and Pricing Policies		Cash Out Program													X	
		Peak Pricing														
		On-Street/Off-Street Parking Differentials		X	X	X										
		Eliminate Parking Minimums							X							
		Unbundled Parking?			X		X							X		
	Adopted city and/or countywide employer trip reduction ordinances?				X			X	X	X				X	X	

**OneBayAreaGrant Criteria Checklist Summary**  
**(Date: 12/16/2011)**

Legend: **X** = Yes

☐ = Did not respond to question

<div>Legend: X = Yes</div> <div><input type="checkbox"/> = Did not respond to question</div>												
CRRP	Familiar with new CEQA Guidelines	X	X	X	X	X	X	X	X	X	X	X
	Has your jurisdiction adopted or considered development a Community Risk Reduction Plan per CEQA guidelines?											
	CRRPS could serve as a useful alternative for your jurisdictions?		X	X				X	X	X		X
	Would you consider development a CRRP for your projects if additional funding and/or technical assistance were provided?	X	X	X				X	X	X	X	X
	Would you participate in the development of a multi-jurisdictional CRRP?	X	X					X	X	X	X	X
Affordable Housing	Does your jurisdiction have affordable housing policies in place or policies that ensure that new development projects do not displace low income housing?	X	X	X				X	X	X	X	X
Complete Street/Adopted Bicycle Pedestrian Plan	Does your jurisdiction have an adopted Complete Streets policy?		X		X			X	X			
	Have you updated you General Plan to comply with the state Complete Streets Act (2008, AB 1358) which took effect January 1, 2011?							X			X	
	If no, does your General Plan already meet the requirements?								X			
	Do you plan to revise it to incorporate Complete Streets Act?		X	X	X	X	X	X	X	X	X	X

(Date: 12/16/2011)

 = Did not respond to question

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# Attachment 3

Summary of OneBay/aregrant Criteria Survey Responses (Date: 12/16/2011)				
Overall Summary of Requirements Met		YES	NO	No Response
1. Supportive Local Transportation and Land-Use Policies				
Comment				
a) Parking/pricing policies (e.g. cash out, peak pricing, on-street/off street pricing differentials, eliminate parking minimums, unbundled parking) and adopted city and/or countywide employer trip reduction ordinances	City of Alameda Albany Berkeley Emeryville Hayward Newark Oakland San Leandro Union City	Alameda County Dublin Fremont Livermore Piedmont Pleasanton		Of the 15 jurisdictions, 0 of 15 had all of the six (6) parking/pricing policies listed. Berkeley had 3 of 6 policies (on-street/off-street differentials, unbundled parking, and employer trip reduction ordinances). Newark, Union City, and Emeryville followed having 2 of 6 policies (Newark: eliminate parking minimums, employer trip reduction ordinances; Union City: cash out, trip reduction ordinances; Emeryville: unbundled parking, employer trip reduction ordinances). Albany and City of Alameda had on-street/off-street differentials. San Leandro had unbundled parking. Hayward has eliminated parking minimums. Oakland had employer trip reduction ordinances.
b) Adopted Community Risk Reduction Plans (CRRP) per CEQA guidelines	some interest in multi-jurisdictional CRRP	Alameda County City of Alameda Albany Berkeley Dublin Emeryville Fremont Hayward Livermore Newark Piedmont Pleasanton San Leandro Union City		Of the 15 jurisdictions, 10 (Alameda County, Alameda, Albany, Dublin, Emeryville, Fremont, Hayward, Newark, San Leandro, Union City) were familiar with new CEQA guidelines; None are developing a CRRP. Eight (Alameda, Albany, Emeryville, Fremont, Hayward, Livermore, Piedmont, Union City) agree that CRRPs are a useful alternative; 11 jurisdictions (Alameda, Alameda County, Emeryville, Fremont, Hayward, Newark, Oakland, Piedmont, Pleasanton, San Leandro, Union City) would consider developing a CRRP for projects if funding/assistance was provided, and Livermore would maybe consider developing a CRRP; 12 jurisdictions (Alameda, Alameda County, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland, Piedmont, Pleasanton, San Leandro, Union City) would participate in a multi-jurisdictional CRRP.
c) Have affordable housing policies in place or policies that ensure that new development projects do not displace low income housing	Alameda County City of Alameda Albany Dublin Emeryville Fremont Hayward Newark Oakland Piedmont San Leandro Union City	Berkeley Livermore Pleasanton		Of the 15 jurisdictions, 12 have affordable housing policies in place.

**Summary of OneBayArea Grant Criteria Survey Responses**  
(Date: 12/16/2011)

	YES	NO	No Response	Comment
d) Adopted bicycle/pedestrian plan and Complete Streets policy in General Plans pursuant to Complete Streets Act of 2008	Fremont Piedmont	Alameda County City of Alameda Albany Berkeley Dublin Emeryville Hayward Livermore Newark Oakland San Leandro Union City	Pleasanton	Of the 15 jurisdictions, 2 (Fremont and Piedmont) has an adopted bicycle/pedestrian plan and Complete Streets policy in General Plans pursuant to 2008 Complete Streets Act. Ten (Alameda, Albany, Berkeley, Dublin, Emeryville, Hayward, Livermore, Newark, San Leandro, Union City) are planning to incorporate Complete Streets Act in the next substantial revision of their General Plan.
<b>2. Approved Housing Element</b>				
a) Adoption of a housing element that meets the current RHNA before the new RHNA is adopted	Alameda County Dublin Emeryville Fremont Hayward Livermore Newark Oakland San Leandro Union City	Albany Piedmont	Berkeley Pleasanton	Of the 15 jurisdictions, 13 (Alameda County, Alameda, Albany, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland, Piedmont, San Leandro, Union City) reported being compliant by September 2014.
b) The adoption of a housing element that meets the new RHNA after is approval early in 2012	City of Alameda			

**Summary of OneBayAreaGrant Criteria Survey Responses**  
(Date: 12/16/2011)

<b>Detailed Summary of Requirements Met</b>				<b>Comment</b>
	<b>YES</b>	<b>NO</b>	<b>No Response</b>	
<b>A. Parking and Pricing Policies</b>				
1. Cash out program?	Union City (October 2010)	Alameda County City of Alameda Albany Berkeley Dublin Emeryville Fremont Hayward Livermore Newark Oakland Piedmont Pleasanton San Leandro		City of Alameda: Does not plan to adopt one, due cost of implementation and limited transportation options Albany: The City has not considered a cash out program. Dublin: Does not plan to adopt one because parking is free Fremont: Does not plan to adopt one because parking is free Newark: There are no parking subsidies in the City. Hayward: Plans to adopt one within 2 or more years Oakland: Does not plan to adopt one. Piedmont: Small size and lack of parking facilities. There is little demand. Pleasanton: Does not plan to adopt one, no subsidized parking in Pleasanton San Leandro: Budgetary constraints
2. Peak Pricing?		Alameda County City of Alameda Albany Berkeley Dublin Hayward Emeryville Fremont Livermore Newark Piedmont Pleasanton San Leandro Union City		City of Alameda: Does not plan to adopt one, due to cost of implementation and limited transportation options Albany: The City is small and does not have staff capacity to implement congestion pricing Dublin: Does not plan to adopt one, because parking is free Emeryville: Does not plan to adopt one, due to no control over regional roadways Fremont: Does not plan to adopt one, states there is no need. Hayward: Plans to adopt one within 2 or more years. Livermore: Plans to adopt one within 2 or more years. Congestion pricing for future I-580/Isabel BART Station future. Explore paid parking downtown. Newark: No mechanism for peak pricing in Newark. Oakland: Do not plan to adopt one, City doesn't control transport network. Some parking garages have early bird specials. Piedmont: Small size and largely residential parking, there is little demand for commercial parking Pleasanton: Does not plan to adopt one San Leandro: Need to assess further Union City: Extent of congestion in City does not warrant
3. On-street/Off-Street Parking Differentials?	City of Alameda (11/6/2007) Albany (2009) Berkeley	Alameda County Dublin Emeryville Fremont Hayward Livermore Newark Oakland Piedmont Pleasanton San Leandro Union City		Dublin: Does not plan to adopt one, on-street parking is not regulated Fremont: Does not plan to adopt one, all on street and off street parking in Fremont is free Hayward: Plans to adopt one within 2 or more years Newark: No need identified Oakland: Hopes to adopt one within 6 months for certain districts Piedmont: Small size and lack of parking facilities. Little demand. Pleasanton: Do not plan to adopt one, no paid on or off street parking in Pleasanton San Leandro: Need to assess further

**Summary of OneBayAreaGrant Criteria Survey Responses**  
(Date: 12/16/2011)

	YES	NO	No Response	Comment
4. Eliminate parking minimums?	Hayward Newark	Alameda County City of Alameda Albany Berkeley Dublin Emeryville Fremont Livermore Oakland Piedmont Pleasanton San Leandro Union City		Alameda County: Do not plan to adopt one, Draft Design Guidelines incorporate maximum parking concepts City of Alameda: Do not plan to adopt one due to limited transit Albany: Amendment would require public vote Berkeley: To retain leverage with developers, but enabling TDM based waivers Dublin: Does not plan to adopt one, but it is under consideration for a few targeted areas Emeryville: Plans to adopt one within 1 year Fremont: Does not plan to adopt one, there is no charged parking in Fremont. Hayward: Adopted September 2011 for South Hayward BART Area Newark: Adopted some in August 2011 as part of a specific plan, but not on a Citywide basis. Oakland: Does not plan to adopt one (interpreting this to be eliminate all parking minimums). Piedmont: Small size and lack of parking facilities. There is little demand. Pleasanton: Do not plan to adopt one, Pleasanton provides reduced parking minimums for TOD San Leandro: Would need to be assessed further depending on location Union City: Do not plan to adopt one, potential off-site parking impacts
5. Unbundled parking?	Berkeley Emeryville (GP 10/2009) San Leandro (2007)	Alameda County City of Alameda Albany Dublin Fremont Hayward Livermore Newark Oakland Piedmont Pleasanton Union City		City of Alameda: Do not plan to adopt one due to lack of development support, limited transit Albany: The City has not considered that policy Berkeley: On a case by case basis. Plan to adopt within 6 months in one area, with the adoption of the Zoning reforms for our Downtown Area. Expected in early 2012 Dublin: Does not plan to adopt one Fremont: Does not plan to adopt one Hayward: Plans to adopt one within 2 or more years Newark: No need identified. Oakland: Plans to adopt one within 1 year, requirements for unbundling are being considered for specific plan Piedmont: Small size and lack of parking facilities. There is little demand. Pleasanton: Do not plan to adopt one, no charged parking in Pleasanton Union City: Plans to adopt one within 1 year

**Summary of OneBayAreaGrant Criteria Survey Responses**  
(Date: 12/16/2011)

	YES	NO	No Response	Comment
6. Adopted city and/or countywide employer trip reduction ordinances?	Berkeley (2009) Oakland (Unsure) Newark (1992) Union City (Sept 2010)	Alameda County City of Alameda Albany Dublin Emeryville Fremont Hayward Livermore Piedmont Pleasanton San Leandro		Alameda County: Do not plan to adopt one, Climate Action Plan includes Employer Trip Reduction strategies City of Alameda: Plans to adopt one in 1 year Albany: Plan to adopt one, our recently adopted Climate Action Plan directs the city to adopt those ordinances Dublin: Does not plan to adopt one, recently adopted downtown SP encourages participation but does not require trip reduction Emeryville: Plans to adopt one within 1 year Fremont: Does not plan to adopt one, there is no demand Hayward: Plans to adopt one within 2 or more years Livermore: Does not plan to adopt one, isn't this prohibited by state law? We do implement TR on certain projects through Development Agreements. Oakland: Does not plan to adopt one, the employer based trip reduction ordinance was adopted prior to the State Piedmont: Small size and lack of parking facilities. There is little demand. Pleasanton: Do not plan to adopt one, voluntary program in Pleasanton. Ordinance reference SB 437 (1995) San Leandro: Need to assess further
<b>B. Community Risk Reduction Plans (CRRP)</b>				
1. Familiar with new CEQA guidelines?	Alameda County City of Alameda Albany Dublin Emeryville Fremont Hayward Newark San Leandro Union City	Livermore Oakland Piedmont Pleasanton	Berkeley	
2. Has your jurisdiction adopted or considered development a Community Risk Reduction Plan per CEQA guidelines?		Alameda County City of Alameda Albany Dublin Emeryville Fremont Hayward Livermore Newark Oakland Piedmont Pleasanton San Leandro Union City	Berkeley	City of Alameda: too costly to prepare Albany: The City does not have funds to develop this plan. Interested in coordinating with other small cities Dublin: Does not plan to adopt one, downtown SP has development standards designed to minimize potential impacts Fremont: Does not plan to adopt one, currently prefer analysis on project by project basis when needed Hayward: Plans to adopt one within 2 or more years Livermore: Maybe in two or more years, depends on cost Newark: Prefer to do a project by project analysis. Oakland: Plans to adopt one within 2 or more years Piedmont: Lack of commercial or industrial zones reduces the likelihood of hazardous air quality issues Pleasanton: No knowledge of CRRP. San Leandro: Will be considered when we begin our General Plan Update in 2013 Union City: Lack of funds to prepare



**Summary of OneBayAreaGrant Criteria Survey Responses**  
(Date: 12/16/2011)

	YES	NO	No Response	Comment
3. Do you agree that CRRPs could serve as a useful alternative for your jurisdiction?	City of Alameda Albany Emeryville Fremont Hayward Livermore Piedmont Union City	Newark San Leandro	Alameda County Berkeley Dublin Oakland (possibly) Pleasanton	Alameda County: CRRP incorporated into Community Health & Wellness General Plan Element Albany: This will save time in the long run Emeryville: Yes, it will enable developers to tier off our CEQA document. Fremont: Yes, it could provide efficiency and consistency. Hayward: Yes, it would be very useful in that it would provide greater ability to develop housing near transit. Livermore: Yes. Would support streamlined environmental process and help economic development. Newark: No, cost is high and project analysis provides better legal protection. Oakland: Possibly agree. Air Quality risk is clustered near highways. Piedmont: Lack of commercial or industrial zones reduces the likelihood of hazardous air quality issues San Leandro: Will be considered when we begin our General Plan Update in 2013 Union City: Agree that CRRPs could serve as a useful alternative.
4. Would you consider development of a CRRP for your projects if additional funding and/or technical assistance were provided?	Alameda County City of Alameda Albany Emeryville Fremont Hayward Oakland Newark Oakland Piedmont Pleasanton Union City	San Leandro	Berkeley Dublin	Livermore: maybe
5. Would you participate in the development of a multi-jurisdictional CRRP?	Alameda County City of Alameda Emeryville Fremont Hayward Livermore Newark Oakland Piedmont Pleasanton San Leandro Union City		Albany Berkeley Dublin	Livermore: Yes, with funding.

**Summary of OneBayAreaGrant Criteria Survey Responses**  
(Date: 12/16/2011)

<b>C. Affordable Housing</b>				
	<b>YES</b>	<b>NO</b>	<b>No Response</b>	<b>Comment</b>
1. Does your jurisdiction have affordable housing policies in place or policies that ensure that new development projects do not displace low income housing?	Alameda County (2011) City of Alameda (1991 & 2003) Albany (2009) Dublin (2002) Emeryville (2009) Fremont (2010) Hayward (2010) Newark (2001) Oakland (2002) Piedmont (2005) San Leandro (2005) Union City (Nov 2010)	Berkeley	Livermore Pleasanton	Alameda County: The following Ordinance sections comprise our Affordable Housing Policies to date. Berkeley: Berkeley's excellent 2-year history of 20% Inclusionary zoning was struck down in 2009 by a California Supreme Court decision. Emeryville: Housing Element 2009 and Zoning Ordinance 2006 Density Bonus Chapter 17.65; Housing Element; Mobile Home Rent Stabilization Section Chapter 3.32. Fremont: Adopted 07/14/2009 and Amended 06/15/2010
<b>D. Complete Street/Adopted Bicycle pedestrian Plans</b>				
1. Does your jurisdiction have an adopted Complete Streets policy?	City of Alameda (2009 & 2010) Berkeley Emeryville (2009) Fremont (2005 & 2007)	Alameda County Albany Dublin Hayward Livermore Newark Oakland Piedmont San Leandro Union City	Pleasanton	Alameda County: Timeline for adoption is 6 months; The Complete Streets policy will be adopted in Bicycle Pedestrian Master Plan February 2012 City of Alameda: Bike Plan and Pedestrian Plan Albany: Currently developing first Pedestrian Master Plan and updating Bicycle Master Plan. Includes features of Complete Streets Berkeley: Timeline for adoption is 1 year Dublin: Possibly within 1 year, looking at as part of GP update currently underway but details are unknown Emeryville: General Plan proposes type of streets accommodating all modes and incorporating CS policy Fremont: Bike Master Plan (09/27/2005) and Pedestrian Master Plan (12/04/2007) Hayward: Plans to adopt one within 2 or more years, will be included as a component of the General Plan update which will begin in the next fiscal year. Livermore: timeline for adoption is 1 year. Newark: Timeline for adoption is 2 or more years Oakland: Timeline for adoption is 1 year. City has many of the elements of a completed street policy. However, City has not specifically adopted a separate complete streets policy. Union City: Timeline for adoption is 6 months

**Summary of OneBayAreaGrant Criteria Survey Responses**  
(Date: 12/16/2011)

	YES	NO	No Response	Comment
2. Have you updated you General Plan to comply with the state Complete Streets Act (2008, AB 1358) which took effect January 1, 2012?	Piedmont (April 2009) Fremont (Dec 2011)	Alameda County City of Alameda Albany Berkeley Dublin Emeryville Hayward Livermore Newark Oakland San Leandro Union City	Pleasanton	
2A. If no, does your General Plan already meet the requirements?	Oakland	City of Alameda Albany Berkeley Dublin Hayward Newark Union City	Alameda County Emeryville Fremont Livermore Piedmont Pleasanton San Leandro	
2B. If not, when is your next planned "substantial revision of the circulation element" of your General Plan?			Fremont Livermore Piedmont Pleasanton	Alameda County: Castro Valley General Plan (January 2012) City of Alameda: waiting for guidelines to be developed by MTC/Alameda CTC Albany (end of 2012) Berkeley (most likely 2021. It was adopted in 2001) Dublin: 2012 Emeryville: May 12, 2009. Bike & Pedestrian adoption Hayward: Estimated to be completed by 2014-2015. Newark (2012-2013) Oakland: Not planned at this time. San Leandro (2013) Union City (March 2012)
2C. Do you plan to revise it to incorporate Complete Streets Act?	City of Alameda Albany Berkeley Dublin Emeryville Hayward Livermore Newark Oakland San Leandro Union City		Alameda County Fremont Piedmont Pleasanton	

**Summary of OneBayAreaGrant Criteria Survey Responses**  
(Date: 12/16/2011)

	YES	NO	No Response	Comment
2D. As of August 2011, please list your bike and pedestrian plan updates, years and status?			Alameda County Piedmont Pleasanton	City of Alameda: Bike Plan 11/2010 and Ped Plan 01/2009 Albany: Bicycle and Pedestrian Master Plan will be finalized in the spring of 2012. Berkeley: Bike Plan, adopted 2001, updated 2005; Ped Plan, adopted 2010. Dublin: Bikeways update starting in July 2012: will incorporate a new pedestrian element Emeryville: Updated 1998. Next update 2012. Unclear what language the City needs to add to comply. Fremont: Bike Plan underway (2011), Pedestrian Plan in 2012 Hayward: Bicycle Plan adopted 2008. Ped Plan will be incorporated into circulation element update. Livermore: Bike Plan updated in 2010. City needs Pedestrian Plan Newark: In draft form, formal adoption planned in 2012. Oakland: Bicycle Master Plan 2007 (will be updated 2012). Pedestrian Master Plan 2002. San Leandro: Last updated in 2011 Union City: Adopted Oct 2006, an update is in process.
<b>E. Approved Housing Element</b>				
1. Is your jurisdiction able to demonstrate compliance through one of the two options above?	Alameda County (current RHNA) City of Alameda (new RHNA) Dublin (current) Emeryville (current RHNA) Fremont (Current RHNA) Hayward (current RHNA) Livermore (current RHNA) Newark (current RHNA) Oakland (current RHNA) San Leandro (current RHNA) Union City (current RHNA)	Albany Piedmont	Berkeley Pleasanton	City of Alameda: Plans to adopt a housing element that meets the new RHNA on 12/31/2012
1A. If no, are you scheduled to adopt one in the next 6 months?	Albany	Piedmont		Newark: Plans to adopt a housing element that meets the new RHNA after its approval in Spring 2012 and incorporate the new RHNA/adopt a new housing element in 2014
3. If your jurisdiction is not able to demonstrate compliance with one of the two options: why not and what issues are preventing you from adopting a housing element?			Alameda County City of Alameda Berkeley Dublin Emeryville Fremont Hayward Livermore Newark Oakland Pleasanton San Leandro Union City	Albany: The Housing Element is currently being prepared Piedmont: We have adopted a new housing element as of 2005, more information about the RHNA criteria and whether or not it met is needed.

**Summary of OneBayAreaGrant Criteria Survey Responses**  
(Date: 12/16/2011)

	YES	NO	No Response	Comment
4. Jurisdictions are expected to comply with an approved housing element by September 2014. Will your jurisdiction be compliant by then?	Alameda County City of Alameda Albany Dublin Emeryville Fremont Hayward Livermore Newark Oakland Piedmont San Leandro Union City		Berkeley Pleasanton	
<b>F. Ineligibility for Funding</b>				
1. Alameda CTC is trying to determine how best to assist Alameda County jurisdictions in meeting these criteria as they are currently proposed, what do you think are your jurisdiction's greatest obstacles to overcome in order to fulfill the OneBayArea Grant requirements?			Alameda County Berkeley Fremont Livermore Pleasanton San Leandro	City of Alameda: City would like to know what is needed to incorporate the Complete Street Policy Albany: The Challenge for urban cities is that we are already built out and there is not much space available for development or redevelopment. Dublin: We should be able to meet requirements, with ped plan and complete streets expected by 2013 and 2012, respectively. Emeryville: None related to Housing except hard to meet RHNA without redevelopment Hayward: Funding to help develop a CRRP, funding to help develop best practices for a citywide TDM program, provision of a boilerplate Complete Streets Policy. Newark: Cost of environmental process Oakland: Funding completion of CRRP Plans is probably the greatest obstacle. Piedmont: Implementing parking regulations Union City: Lack of funding and impact on staff resources to satisfy mandates
<b>G. Training/Support</b>				
2. What are the best methods to gather information from your jurisdiction? (eg, surveys, call, email)			City of Alameda Emeryville Pleasanton	Alameda County: All of the above Albany: Any methods listed works Berkeley: Conduct in person or phone interviews with Planning staff (land use) and Public Works (Transportation) Dublin: email Fremont: surveys, email and call specific contacts. Hayward: Email and phone Livermore: Email Newark: Email Oakland: Email Piedmont: Email San Leandro: Surveys, call specific contacts Union City: Survey email.

**Summary of OneBayAreaGrant Criteria Survey Responses**  
(Date: 12/16/2011)

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3. Any other comments?	YES	NO	No Response	Comment
			Alameda County Albany Fremont Livermore Newark Oakland Piedmont Pleasanton San Leandro	<p><i>City of Alameda</i>: City would like to obtain help in reviewing the current Transportation Element. City believes that is has policies that meet the Complete Street Requirements.</p> <p><i>Berkeley</i>: There are only 14 cities in Alameda County. Surveys like this are not the best way to gather information from such a small pool. You're not looking for bits of statistically significant information; you're looking for full answers. Also the questions don't have sufficient definitions to be useful. There are many scopes possible for Trip Reduction Ordinance, for instance. An off-street/on-street parking differential can mean almost anything (except that they're exactly the same.)</p> <p><i>Emeryville</i>: Unclear what language we need to add to our general plan to comply with Ab 1358 or if in compliance as approved prior.</p> <p><i>Hayward</i>: The City is currently working to implement a form based code for several areas. A FBC has been adopted for the South Hayward BART area and will be adopted for the Mission corridor next year. From based codes accomplish many of the objectives of complete streets policies since they look at areas from a complete community standpoint to analyze of the streets and the buildings and community spaces work together to promote more sustainable communities.</p>

**Summary of OneBayArea Criteria Survey Responses**  
(Date: 12/16/2011)

<b>G. Training/Support</b>				
	<i>Training (i.e. workshops)</i>	<i>Resources other support (i.e. staff)</i>		
Parking/pricing policies	Alameda County City of Alameda Albany Emeryville Fremont Oakland Piedmont San Leandro Union City	Alameda County City of Alameda Albany Berkeley Emeryville Fremont Hayward Newark Oakland Piedmont Union City		
Trip Reduction Ordinances	Alameda County City of Alameda Emeryville Fremont Livermore San Leandro Union City	Alameda County City of Alameda Albany Berkeley Emeryville Fremont Hayward Newark Union City		
CRRPs	Alameda County City of Alameda Albany Fremont Hayward Livermore Oakland Union City	Alameda County City of Alameda Berkeley Emeryville Fremont Newark Oakland San Leandro Union City		
Affordable housing policies	Alameda County City of Alameda Union City	Alameda County City of Alameda Newark Oakland San Leandro Union City		
Complete Streets policies/Develop or Update Bike Pedestrian Plans	Alameda County City of Alameda Emeryville Piedmont Union City	Alameda County City of Alameda Albany Hayward Newark Oakland Piedmont San Leandro Union City		
Meeting the deadline of September 2014 to have an approved housing element	Alameda County Emeryville Fremont Piedmont Union City	Alameda County City of Alameda Albany Emeryville Fremont Hayward Newark Piedmont San Leandro Union City		

# Plan BayArea

TO: MTC Planning Committee /  
ABAG Administrative Committee

DATE: 1/13/2012

FR: Deputy Executive Director, Policy, MTC  
Executive Director, ABAG

RE: Update on Proposed OneBayArea Grant — Cycle 2 STP/CMAQ Funding

## Background

The OneBayArea Grant (OBAG) represents a significant step toward integrating the region's federal transportation program and its land-use and housing policies by:

- Rewarding jurisdictions that accept housing allocations and produce housing with additional transportation dollars.
- Supporting the Sustainable Communities Strategy (SCS) for the Bay Area by promoting transportation investments in priority development areas (PDAs) and by initiating a pilot program in the North Bay Counties that will support open space preservation in priority conservation areas (PCAs).
- Increasing funding levels and eliminating program silos for greater local investment flexibility.

Staff presented the OneBayArea Grant proposal to the MTC Planning Committee / ABAG Administrative Committee on July 8, 2011. At that meeting, the committee directed that staff release the proposal for public review. That initial proposal can be downloaded from the MTC website at <http://www.mtc.ca.gov/funding/onebayarea/>. Since then MTC has received numerous comment letters from stakeholders, transportation agencies and local jurisdictions. Staff has given presentations to the Bay Area Partnership working groups, Policy Advisory Council, ABAG Executive Board, ABAG Planning Committee, Regional Advisory Working Group, and the Regional Bicycle Working Group, as well as at various workshops in conjunction with the Plan Bay Area development.

## Stakeholder Response to OBAG Proposal

Attachment A lists the comment letters received to date. The letters are available at the website referenced above with numbering consistent with the comment reference numbers in the attachment. Overall, the comments are supportive of several key elements of the program proposal, including greater program flexibility, increased funding subject to local priority-setting, and financial rewards for accepting Regional Housing Needs Allocation (RHNA) commitments.

## Comments Requesting Material Changes to Initial OBAG Proposal:

1. Priority Development Areas: There is support for lowering the proposed requirement that 70% of funding to each county be used to fund projects in PDAs, and providing more flexibility with respect to the use of these funds, particularly for counties with relatively few existing PDAs. In contrast, several stakeholder groups and the MTC Policy Advisory Council support retaining the 70% requirement. Because many noted that project benefits to PDAs are not just from those



projects funded directly within the PDA limits, comment letters recommended allowing projects that support or provide benefit to PDAs count towards the PDA requirements. There were requests to exempt certain OBAG program eligibility categories from the PDA requirements, such as streets and roads rehabilitation, regional bicycle, and Safe Routes to School. A reason cited was that transportation needs do not always align geographically with PDAs.

2. Priority Conservation Areas: Some comments call for expanding the eligible use of PCA funding beyond planning purposes in order to fund capital projects such as farm-to-market and open space access needs. Additional comments call for expanding the regional pilot program eligibility beyond the four North Bay counties.
3. Low Income Housing and Protections for Communities of Concern: Comments recommend modifying the OBAG funding formula to reward jurisdictions that zone for or produce low income housing units. In addition, some stakeholders also cited the need for policies that will prevent displacement of low-income residents, which was noted as a potentially unintended outcome of new housing and transportation investments in PDAs.
4. Performance and Accountability: In the areas of performance and accountability, many comments asked for more flexibility, such as reasonable progress toward, instead of final approval of, required policy actions, in the first round of OBAG funding. The reason cited was limited time and staff resources to enact new policies in the timeframe proposed.
5. Regional Program: We received requests to continue funding the Safe Routes to School Program (SR2S) as a regional program within the Climate Initiatives Program since the implementation of SR2S at the county level is uneven throughout the region.

### **Recommended Program Revisions**

As a result of the input received and continued regional agency dialogue, staff recommends that the Committee consider significant revisions to the July 8, 2011 proposal, as outlined in the presentation slides (Attachment B) and explained more fully below. Staff proposes to increase the OneBayArea Grant from the initial \$211 million funding level to \$250 million. The increase comprises \$39 million in federal funds, with \$3 million directed specifically to preserve the “hold harmless” provision for Marin, Napa and Solano Counties, after accounting for Cycle 1 planning and SR2S funds. The funding distribution is also revised to reflect the formula changes discussed below to reward jurisdictions for very-low and low-income housing units. Attachment C provides the revised funding levels and distribution amounts.

1. Priority Development Areas
  - ***Increase PDA Flexibility***: Staff recommends reducing the requirement that at least 70% of investments be directed to the PDAs to 50% for the four North Bay counties (Marin, Napa, Solano, and Sonoma) as there are relatively fewer PDA opportunities in these counties. Further, staff recommends that for all counties a project outside of a PDA count towards the PDA minimum if it directly connects to or provides proximate access to a PDA. However, staff does not recommend exempting certain programs or using different formulas to address any single program investment as this would run counter to the flexibility of the OneBayArea grant.
  - ***Strengthen Planning Integration***: While an entire county is rewarded financially if its individual jurisdictions accept housing to meet RHNA targets, there is a need to ensure that RHNA, PDAs, and supporting zoning policies are effectively aligned. Therefore, staff

recommends that all jurisdictions receiving OBAG funding be required to pass a non-binding resolution of intent to align these three elements. Staff also recommends that CMAs prepare and adopt a PDA development strategy to guide transportation investments that are supportive of PDAs. Specific requirements will be developed as part of the next round of planning agreements between MTC and the CMAs.

- **Clarify Eligibility for Programs:** Staff is proposing to clarify that both pedestrian and all bicycle facilities would be eligible for OBAG funding and CMA planning costs would partially count towards PDA targets (50% or 70%), in line with its PDA funding requirement.

2. Priority Conservation Areas (PCAs)

- **Focus on North Bay through Competitive Pilot Program:** Staff recommends that the \$5 million pilot program continue to be limited to the North Bay Counties and be conducted as a regional competitive program. However, eligibility would be expanded from planning to land / easement acquisition, farm-to-market capital projects, and open space access projects.
- **Leverage Additional Funding:** A priority for these funds should be to partner with state agencies and private foundations to leverage outside funds for these projects, particularly for land acquisition and open space access. ABAG and MTC would pursue these leveraging opportunities.

3. Low-Income/Workforce Housing

- **Reward counties for low-income/workforce housing production:** Staff recommends revising the funding formula to recognize the importance of planning for and producing very low and/or low-income housing by directing 25% in total, or 50% of the housing share; to very low and low-income housing production and RHNA share.

4. Performance and Accountability

- **Streamline Requirements:** Staff recommends streamlining the performance and accountability requirements in recognition of the considerable lead time required to implement these requirements. Jurisdictions will need to be in compliance with the Complete Streets Act of 2008 by July 1, 2013 to be eligible for OBAG funds. Staff will work with jurisdictions to develop a strategy for meeting this timeline that considers individual jurisdiction's general plan update schedules. MTC will also revise its Complete Streets Policy to ensure that public review and input for projects occurs early enough to better inform CMA project selection.
- **Retain Housing Element Requirement:** Staff recommends no change to the proposal that a jurisdiction be required to have its general plan housing element adopted and approved by HCD for 2007-14 RHNA prior to July 1, 2013. Attachment D summarizes current compliance, with 72% of Bay Area jurisdictions already meeting this requirement.


5. Regional Programs: Within the Climate Initiatives program, the SR2S Program would be continued as a regional program with \$10 million being distributed to the counties to be used only for that purpose. Staff proposes that the remaining \$10 million be used for electric vehicle infrastructure and other climate strategies. Staff is also proposing a new regional \$30 million pilot Transit Performance Initiative Program to implement transit supportive investments in major transit corridors. Finally, within the regional TLC Program, \$15 million would be directed to PDA planning grants with a special focus on selected PDAs with greater potential for residential displacement, and to develop and implement community risk reduction plans.

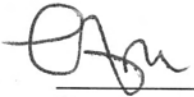

### Next Steps

Based on the Committee's direction at this meeting, staff will modify the proposal and return to the Committee in March 2012 to present the draft program policies. The Commission will then consider approval of the final OneBayArea Grant Program in May 2012. Throughout this process, staff will continue to seek further feedback from stakeholder and technical working groups. The OBAG development schedule will continue to be coordinated with the activities leading to approval of the Plan Bay Area preferred alternative which are italicized in the schedule below:

#### OBAG / Plan Bay Area Development Schedule

January 2012	<ul style="list-style-type: none"><li>▪ <i>Outreach / Define preferred scenario</i></li><li>▪ Joint Planning / ABAG Administrative Committee to review initial responses and potential revisions to address major comments for the One Bay Area Grant</li></ul>
February 2012	<ul style="list-style-type: none"><li>▪ <i>Release guidance for applying project performance assessment results to the Plan Bay Area investment strategy</i></li></ul>
March 2012	<ul style="list-style-type: none"><li>▪ Release revised Draft Cycle2 One Bay Area Grant proposal</li><li>▪ <i>Release preliminary preferred scenario for Plan Bay Area (includes investment strategy)</i></li></ul>
May 2012	<ul style="list-style-type: none"><li>▪ Commission Approves Cycle 2 One Bay Area Grant</li><li>▪ <i>MTC / ABAG approves preferred scenario for Plan Bay Area</i></li></ul>

  
Ann Flemer

   
Ezra Rapport

### Attachments

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## Attachment A: Comment Letters Received in Response to the OneBayArea Grant Proposal Released on July 8, 2011

Letter #	Date	Organization	From
1	03/31/11	STA (Solano Transportation Authority) - re SB 375 Open Space & Ag Land	Harry Price, Chair, STA; Mayor, City of Fairfield
2	06/21/11	City/County Association of Governments of San Mateo County (C/CAG) - Letter 1	Richard Napier, Executive Director
3	07/05/11	TAM (Transportation Authority of Marin)	Dianne Steinhauer, Executive Director
4	08/05/11	Marshall_NCTPA TAC (Napa County Transportation & Planning Agency)	Rick Marshall, Chair, NCTPA TAC
5	08/12/11	City/Council Association of Governments of San Mateo County (C/CAG) - Letter 2	Richard Napier, Executive Director
6	08/25/11	Cortese_Santa Clara County Board of Supervisors	Dave Cortese, President, Board of Supervisors
7	08/31/11	Town of Los Gatos	Greg Larson, Town Manager
8	08/31/11	City of Half Moon Bay	Naomi Patridge, Mayor
9	08/31/11	City of Millbrae	David F. Quigg, Mayor
10	09/01/11	City of Burlingame	Terry Nagel, Mayor
11	09/01/11	Contra Costa County	Catherine O. Kutsuris, Director, Conservation and Development Department and Julie Burren, Director, Public Works Department
12	09/02/11	City of Mountain View	Michael A. Fuller, Public Works Director and Randal Tsuda, Community Development Director
13	09/09/11	City of Brisbane	Randy L. Breault, PE, Director of Public Works/City Engineer
14	09/09/11	City of Milpitas	Jose Esteves, Mayor
15	09/14/11	City of Fremont / LSRWG	Norm Hughes, Chair, Local Streets & Roads Working Group; Assistant Public Works Director/City Engineer
16	09/15/11	SCTA (Sonoma County Transportation Authority/Regional Climate Protection Authority)	Jake Mackenzie, Chair, SCTA/RCPA
17	09/15/11	City of Rohnert Park	Darren Jenkins, PE, Director of Development Services/City Engineer
18	09/22/11	City of Sunnyvale	Melinda Hamilton, Mayor
19	09/29/11	Contra Costa Transportation Authority (CCTA)	David E. Durant, Chair, Board of Commissioners

Letter #	Date	Organization	From
20	10/12/11	City of Lafayette	Carl Anduri, Mayor
21	10/26/11	City of Morgan Hill	Steve Tate, Mayor
22	10/26/11	County of Sonoma	Efren Carrillo, Chairman, Sonoma County Board of Supervisors
23	10/28/11	Bay Area Business Coalition [Bay Area Council, Bay Planning Coalition, BIA Bay Area, Contra Costa Council, East Bay EDA, Jobs & Housing Coalition, North Bay Leadership Couynclil, Silicon Valley Leadership Group, SAMCEDA, Solano EDC]	In order of organizations named in adjoining column: Jim Wunderman, President & CEO; John Coleman, Executive Director; Paul Campos, Senior VP, Govt. Affairs; Linda Best, President & CEO; Karen Engel, Executive Director; Gregory McConnell, President & CEO; Cynthia Murray, President & CEO; Carl Guardino, President & CEO; Rosanne Foust, President & CEO; Sandy Person, President
24	11/03/11	Greenbelt Alliance	Stephanie Reyes, Policy Director
25	11/04/11	SFCTA (San Francisco County Transportation Authority)	Ross Mirkarimi, Chair of the Board
26	11/15/11	City of Napa	Jill Techel, Mayor
27	11/18/11	OBAG Comment Letter: Asian Pacific Environmental Network, Bay Localize, California WALKS, Causa Justa::Just Cause, Chinatown Community Development Center, Council of Community Housing Organizations (CCHO), East Bay Housing Organizations (EBHO), Genesis, Green Youth Alliance, Greenbelt Alliance, The League of Women Voters of the Bay Area, National CAPACD, Public Advocates, TransForm, Unitarian Universalist Legislative Ministry, Urban Habitat	(no names provided)
28	11/22/11	Santa Clara VTA (Valley Transportation Authority)	John Ristow, VTA Chief CMA Officer
29	11/28/11	City of Palo Alto	Sidney Espinosa, Mayor
30	11/28/11	SRTSNP (Safe Routes to School National Partnership)_BABC (Bay Area Bicycle Coalition)	Deb Hubsmith, Director, SRTSNP and Corrine Winter, Chair, BABC
31	12/02/11	City of Richmond	William Lindsay, City Manager
32	12/06/11	County of Napa	Bill Dodd, Chairman, Board of Supervisors
33	12/07/11	City of Santa Rosa	Ernesto Oliveras, Mayor
34	12/09/11	City of American Canyon	Richard Ramirez, Acting City Manager
35	12/12/11	Housing Leadership Council of San Mateo County	Mark Moulton, Executive Director
36	12/19/11	Alameda County Transportation Commission	Art Dao, Executive Director
37	12/19/11	City of Petaluma	David Glass, Mayor

Letter #	Date	Organization	From
38	12/21/11	San Mateo County Health System	SaraT L. Mayer, Director
39	12/23/11	City of Oakland City and County of San Francisco City of San Jose Bay Area Rapid Transit District San Francisco Municipal Transportation Agency Alameda-Contra Costa Transit District San Francisco County Transportation Authority	Fred Blackwell, Assistant City Administrator Jose Campos, Chief of Citywide Planning Laurel Prevetti, Assistant Planning Director Carter Mau, Executive Manager of Budget and Planning Timothy Papandreou, Deputy Director for Sustainable Streets Tina Spencer, Director of Service Development and Planning Tilly Chang, Deputy Director for Planning

# **Plan**

## **BayArea**

### **OneBayArea Grant**

Joint MTC Planning/ABAG Administrative Committee  
January 2012

# Overview

- **Priority Development Areas**
- **Priority Conservation Areas**
- **Performance and Accountability**
- **Northern County– Hold Harmless**
- **Revised Funding Framework**
  - Funding Augmentation
  - Regional Program Detail
  - OBAG Flexibility



# Proposed Revisions: Priority Development Areas

- Overall Requirement:
  - Reduce 70% requirement to 50% for the North Bay Counties
  - Require PDA growth strategy to be adopted by CMAs (add to CMA planning agreements)
  - Link RHNA, PDAs, and zoning policies. Jurisdictions must pass a resolution of intent to align these three elements
- Eligible Projects:
  - Allow a project to count toward the PDA target if it connects to or provides proximate access to a PDA
  - Clarify expanded eligibility for pedestrian and bicycle facilities, not just limited to the regional bike network
- Planning Funds:
  - Allow 70% or 50% of planning costs to count toward PDA targets to align with OBAG PDA investments

# Proposed Revisions: Priority Conservation Areas

- **North Bay Pilot Program:**
  - Limited to 4 North Bay counties
  - **Project Eligibility for MTC/ABAG Selection:**
    - Planning
    - Land / easement acquisition
    - Farm to market capital projects
    - Open space access
  - Secure matching funds from state agencies/private foundations
- **Remaining Counties:**
  - Expand eligibility for “anywhere funds” to include project types above

# Proposed Revisions: Performance and Accountability

1. Supportive Transportation and Land Use Policies
  - Move from a menu approach (2 of 4) to 1 requirement.
  - Complete Streets Compliance:
    - For Cycle 2, amendment to the circulation element of the General Plan to comply with the California Complete Streets Act of 2008 by **July 1, 2013**.
    - Complete Streets checklist to be revised to allow public review and input prior to county project selection.
2. Retain Housing Element Requirement:
  - Require HCD approval of revised housing element to meet current 2007-14 RHNA prior to **July 1, 2013**.

# Proposed Revisions: Low-Income/Workforce Housing

- Revised Funding Formula:
  - Add weighting to formula to recognize very low and low income categories.
  - Direct 25% overall, or 50% of housing share, on very low and low income categories

County	% Change From July Proposal to Reflect Low Income Housing Weighting
Alameda	-3%
Contra Costa	-1%
Marin	2%
Napa	-2%
San Francisco	4%
San Mateo	-2%
Santa Clara	2%
Solano	-7%
Sonoma	5%
<b>Bay Area Total</b>	

# Proposed Revisions: County Funding Levels

- Hold Harmless:
  - Add \$3 million for address Marin, Napa, and Solano counties so that all counties see either growth or equivalent funding levels as compared to Cycle 2 status quo

# Proposed OBAG Funding Augmentation

- Increase from \$211 million to \$250 million
  - Add \$18 million in federal STP/CMAQ funds to OBAG
  - Add \$18 million in 2012 STIP TE funds (can be used for bicycle facilities and other enhancement projects)
  - Add \$3 million for “hold harmless” for Marin, Napa, and Solano

# Revised Funding Framework

New Act Cycle 2 Funding	Existing Framework (as updated Jul 8, 2011)		Original Proposal Jul 8, 2011		Revised Proposal * Jan 13, 2012		Revised Cycle 2 Total
	Cycle 2 Status Quo	CMA Block Grant	Cycle 2 OneBayArea	Regional	One Bay Area Grant	Cycle 2 OneBayArea	
STP/CMAQ (\$591M)							
RTIP/TE (\$18M)							
Air District (\$6M)							
	Regional		Regional		Regional		
1 Regional Planning	26		5	5	21	5	26
2 Regional Operations	74		74	74		74	74
3 Freeway Performance Initiative (FPI)	66		66	66		66	66
4 Transit Capital Rehabilitation	125		125	125		125	125
5 Local Streets and Roads Rehabilitation	7	70	3	74		3	77
6 Climate Initiatives	40		25	12		20	32
7 Regional Bicycle Program		20		20			20
8 Transportation for Livable Communities (TLC)	64	32	15	85		25	110
9 Priority Conservation Area Planning Pilot			5			5	5
10 MTC Res 3814 Transit Payback Commitment	25		25			12	12
11 Transit Sustainability Project						30	30
12 Augmentation							39
Total	426	122	343	211		365	615
	78%	22%	62%	38%		59%	
Grant Totals:			Original Cycle 2 One Bay Area		Revised Cycle 2 One Bay Area		
		122	211		250		
		22%	38%		41%		

\* Includes \$6 million from Air District

# Regional Program Detail

Regional Program Area	Amount
<b>Climate Initiatives</b>	<b>\$20 million</b>
Safe Routes to School	\$10 million
Climate Strategy	\$10 million
<b>Transportation for Livable Communities</b>	<b>\$25 million</b>
PDA Planning Grants	\$15 million
Affordable TOD Fund	\$10 million
<b>Transit Performance Initiative (per TSP)</b>	<b>\$30 million</b>



# Climate Initiatives Program

- **Safe Routes to Schools (\$10 million):**
  - Continue Safe Routes to School program to supplement OBAG investments and focus on non-infrastructure programs that may or not be in PDAs
  
- **Climate Strategy Reserve (\$10 million):**
  - Consider EV infrastructure and other promising projects; specific projects TBD.

SR2S Fund Distribution by Total Student Enrollment* (millions \$s)		
Alameda	21%	\$2.1
Contra Costa	16%	\$1.6
Marin	3%	\$0.3
Napa	2%	\$0.2
San Francisco	7%	\$0.7
San Mateo	10%	\$0.9
Santa Clara	27%	\$2.7
Solano	6%	\$0.6
Sonoma	7%	\$0.7
Total	100%	\$10.0

\*Includes public and private K-12

# Transportation for Livable Communities

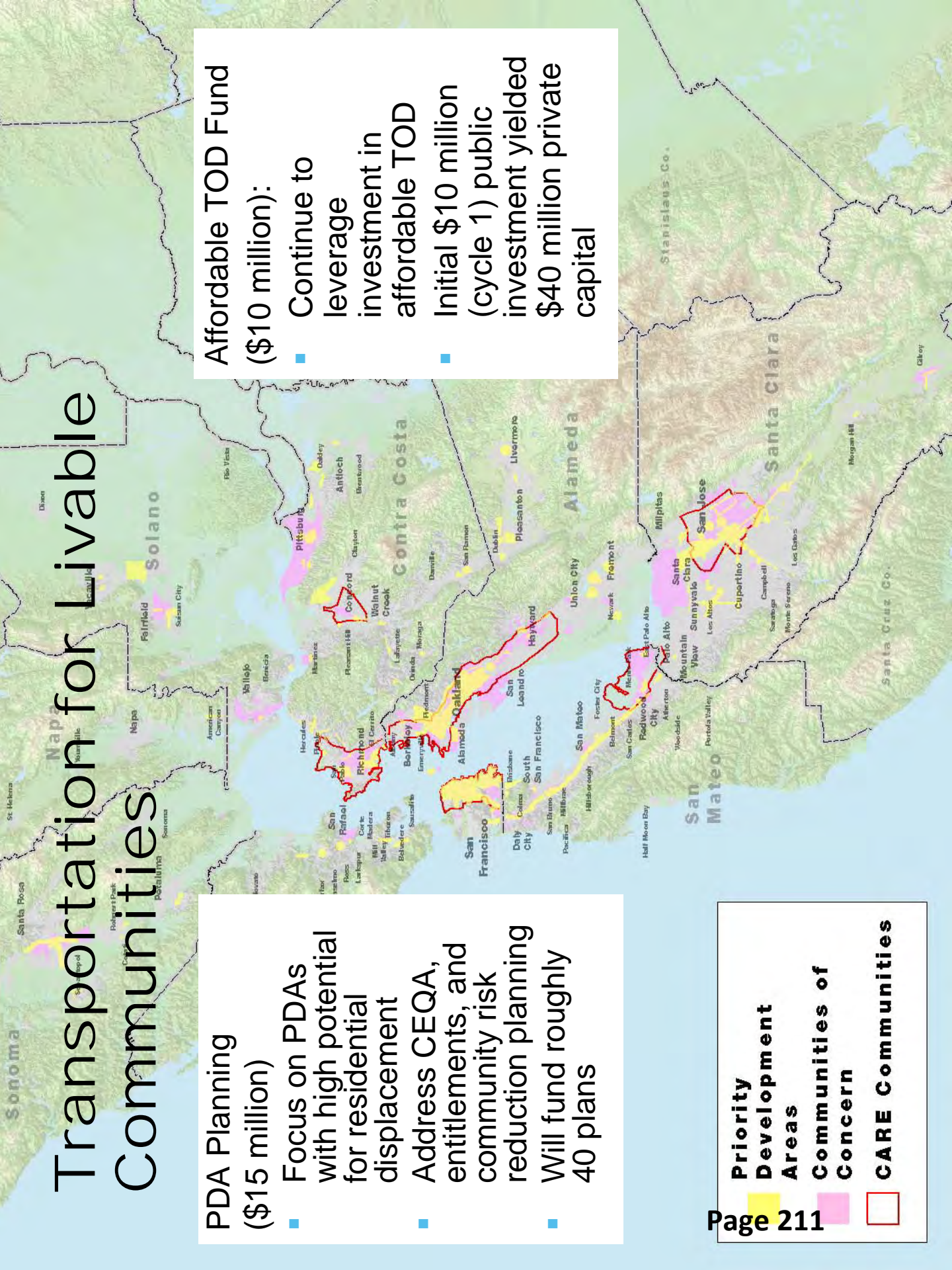
## PDA Planning (\$15 million)

- Focus on PDAs with high potential for residential displacement
- Address CEQA, entitlements, and community risk reduction planning
- Will fund roughly 40 plans

## Affordable TOD Fund (\$10 million):

- Continue to leverage investment in affordable TOD
- Initial \$10 million (cycle 1) public investment yielded \$40 million private capital

**Priority Development Areas**  
**Communities of Concern**  
**CARE Communities**



# Transit Performance Initiative

- **Implement pilot program focused on transit supportive investments in major transit corridors**
  - Initial ~\$30 million capital to improve operations and customer experience
  - Implement several “quick wins” within 12 to 24 months
  - Projects could include transit signal prioritization, passenger circulation improvements at major hubs, and boarding/stop improvements
  - Approve the first program of projects in April 2012 with the TSP adoption
- **Require local jurisdictions to implement transit-supportive arterial management strategies**
- **Rescoped “Freeway Performance Initiative” includes funding for major arterials that can be used to support transit performance improvements**

# OneBayArea Grant Flexibility

Program and Project Categories	Priority Development Areas	“Anywhere”
Planning Activities	X  Up to 50% (North Counties) Up to 70% (Remaining Counties)	X
Augment Regional Safe Routes to School	X	X
Streets and Roads Rehabilitation	X	X
Transportation for Livable Communities	X	X
Bicycle and Pedestrian Projects	X	X
Priority Conservation Areas		X

# County Funding at Augmented Levels

## Cycle 2 OBAG

(\$ millions)

County	Cycle 2 Status Quo Grant Program	July Initial Proposal	Revised* 50%-25%-25% (Pop-RHNA- Housing Production)	\$ Difference (Revised - July)
Alameda	\$25	\$42	\$48	\$6
Contra Costa	\$17	\$31	\$36	\$5
Marin	\$5	\$6	\$9	\$3
Napa	\$3	\$4	\$6	\$2
San Francisco	\$12	\$25	\$30	\$5
San Mateo	\$11	\$17	\$20	\$2
Santa Clara	\$28	\$55	\$66	\$10
Solano	\$9	\$14	\$16	\$2
Sonoma	\$12	\$16	\$19	\$4
<b>Bay Area Total</b>	<b>\$122</b>	<b>\$211</b>	<b>\$250</b>	<b>\$39</b>

\* Proposal includes Low-Income and Very Low-Income weighting

# County Funding Geographic Split

(\$ millions)

	Total Funds	PDA/"Anywhere" Split	Within PDAs	"Anywhere" Funds
<b>Alameda</b>	\$48	70/30	\$34	\$14
<b>Contra Costa</b>	\$36	70/30	\$25	\$11
<b>Marin</b>	\$9	50/50	\$4	\$4
<b>Napa</b>	\$6	50/50	\$3	\$3
<b>San Francisco</b>	\$30	70/30	\$21	\$9
<b>San Mateo</b>	\$20	70/30	\$14	\$6
<b>Santa Clara</b>	\$66	70/30	\$46	\$20
<b>Solano</b>	\$16	50/50	\$8	\$8
<b>Sonoma</b>	\$19	50/50	\$10	\$10
<b>Regional Total</b>	\$250		\$165	\$85



# Proposed OBAG Schedule Approval

- December 2011: Release scenario analysis results
- January 2012
  - Public outreach on scenario results
  - **Joint Planning / ABAG Administrative Committee review of initial comments and staff recommendations**
- February 2012
  - Release Guidance for applying Project Performance Assessment to Investment Strategy
- March 2012
  - **Release Final Draft Cycle 2 One Bay Area Grant proposal**
  - Release Preliminary Preferred Scenario for Plan Bay Area
  - Preliminary Investment Strategy for Plan Bay Area
- May 2012
  - **Commission Approves Cycle 2 One Bay Area Grant program**
  - MTC / ABAG approves Preferred Scenario for Plan Bay Area

# Attachment C: Revised Funding Distribution

Cycle 2 OBAG (\$ millions)				
County	Cycle 2 Status Quo Grant Program	July Initial Proposal	Revised* 50%-25%-25% (Pop-RHNA- Housing Production)	\$ Difference (Revised - July)
Alameda	\$25	\$42	\$48	\$6
Contra Costa	\$17	\$31	\$36	\$5
Marin	\$5	\$6	\$9	\$3
Napa	\$3	\$4	\$6	\$2
San Francisco	\$12	\$25	\$30	\$5
San Mateo	\$11	\$17	\$20	\$2
Santa Clara	\$28	\$55	\$66	\$10
Solano	\$9	\$14	\$16	\$2
Sonoma	\$12	\$16	\$19	\$4
<b>Bay Area Total</b>	<b>\$122</b>	<b>\$211</b>	<b>\$250</b>	<b>\$39</b>

\* Proposal includes Low-Income and Very Low-Income weighting



Attachment D

**Bay Area Jurisdictions' General Plan  
Housing Element Compliance**

#	County	HCD Report dtd 12/21/11
<b>Alameda County</b>		
1	Alameda	
2	Albany	
3	Berkeley	X
4	Dublin	X
5	Emeryville	X
6	Fremont	X
7	Hayward	X
8	Livermore	X
9	Newark	X
10	Oakland	X
11	Piedmont	X
12	Pleasanton	
13	San Leandro	X
14	Union City	X
15	Alameda County Unincorporated	X
<b>Contra Costa County</b>		
16	Antioch	X
17	Brentwood	
18	Clayton	X
19	Concord	X
20	Danville	X
21	El Cerrito	IN REVIEW
22	Hercules	
23	Lafayette	X
24	Martinez	X
25	Moraga	X
26	Oakley	X
27	Orinda	
28	Pinole	X
29	Pittsburg	X
30	Pleasant Hill	X
31	Richmond	
32	San Pablo	X
33	San Ramon	X
34	Walnut Creek	X
35	Contra Costa County Unincorporated	X
<b>Marin County</b>		
36	Belvedere	X
37	Corte Madera	X
38	Fairfax	
39	Larkspur	X

## Bay Area Jurisdictions' General Plan Housing Element Compliance

#	County	HCD Report dtd 12/21/11
40	Mill Valley	
41	Novato	
42	Ross	X
43	San Anselmo	
44	San Rafael	X
45	Sausalito	
46	Tiburon	
47	Marin County Unincorporated	
<b>Napa County</b>		
48	American Canyon	X
49	Calistoga	X
50	Napa	X
51	St. Helena	X
52	Yountville	X
53	Napa County Unincorporated	
<b>San Francisco County</b>		
54	San Francisco	X
<b>San Mateo County</b>		
55	Atherton	X
56	Belmont	X
57	Brisbane	X
58	Burlingame	X
59	Colma	
60	Daly City	
61	East Palo Alto	X
62	Foster City	X
63	Half Moon Bay	X
64	Hillsborough	X
65	Menlo Park	
66	Millbrae	
67	Pacifica	
68	Portola Valley	X
69	Redwood City	X
70	San Bruno	X
71	San Carlos	X
72	San Mateo	X
73	South San Francisco	X
74	Woodside	X
75	San Mateo County Unincorporated	IN REVIEW
<b>Santa Clara County</b>		
76	Campbell	X
77	Cupertino	X
78	Gilroy	
79	Los Altos	X

## Bay Area Jurisdictions' General Plan Housing Element Compliance

#	County	HCD Report dtd 12/21/11
80	Los Altos Hills	X
81	Los Gatos	
82	Milpitas	X
83	Monte Sereno	X
84	Morgan Hill	X
85	Mountain View	IN REVIEW
86	Palo Alto	
87	San Jose	X
88	Santa Clara	
89	Saratoga	X
90	Sunnyvale	X
91	Santa Clara County Unincorporated	X
<b>Solano County</b>		
92	Benicia	
93	Dixon	X
94	Fairfield	X
95	Rio Vista	X
96	Suisun City	X
97	Vacaville	X
98	Vallejo	X
99	Solano County Unincorporated	X
<b>Sonoma County</b>		
100	Cloverdale	X
101	Cotati	
102	Healdsburg	X
103	Petaluma	X
104	Rohnert Park	X
105	Santa Rosa	X
106	Sebastopol	X
107	Sonoma	
108	Windsor	X
109	Sonoma County Unincorporated	X
<b>109</b>	<b>Bay Area Total</b>	<b>79</b>
		<b>72%</b>



## Memorandum

**DATE:** January 18, 2012

**TO:** Alameda County Transportation Commission

**FROM:** Programs and Projects Committee

**SUBJECT:** Southbound I-680 Express Lane Project: Approval of Amendments to Professional Services Agreements with Solem & Associates and Wilbur Smith Associates

### Recommendation

It is recommended the Commission approve the following two actions in support of the final system acceptance and operations of the Southbound I-680 Express Lane Project ("the Project"):

1. Amendment No. 5 to Consultant Services Agreement (CMA#06-019) with Solem & Associates to extend the term of the Agreement from December 31, 2011 to June 30, 2012, with no additional budget. The time extension to the Agreement is needed to continue the public education and marketing services during the operations phase of the Project, including maintaining the Project website, providing public/media outreach, and routinely responding to public inquiries, etc.; and
2. Amendment No. 6 to Consultant Services Agreement (CMA#04-007) with Wilbur Smith Associates to a) extend the term of the Agreement from March 31, 2012 to June 30, 2012, and b) include additional compensation for the new or improved services in the amount of \$178,000. Pending Commission's approval, the not to exceed maximum compensation amount included in this Agreement will be revised as \$2,063,821. The time extension and additional compensation are needed to continue the system manager oversight services for managing the system integration contractor, and to provide new services for monitoring and managing the daily activities associated with the operations of the Project.

Funding for Commission's Action 2 will be provided from the approved project budget.

### Summary

The Southbound I-680 Express Lane, opened to traffic in September 2009 is the first and only express lane that is currently in operation in Northern California. The ACCMA (now Commission) is the managing agency of the I-680 Express Lane facility that allows carpool users to travel free of charge while charging a toll for single occupancy vehicles to use the excess capacity in the express lane. The system integration contractor has completed the final system testing and is in the process of reviewing the punch list items. The final system acceptance is expected in early 2012. Upon completion of this task, the operations and maintenance of this express lane facility will continue. In spring 2012, the

staff will present a work plan to the Commission that will outline the services required and a funding plan, for the operations and maintenance of the express lane facility beyond the current fiscal year.

### **Background**

Since 2006, the ACCMA (now Commission) has implemented a robust public education and marketing activity for introducing, communicating and educating the customers about the new I-680 Express Lanes facility. Through continued implementation of an Education and Marketing Plan, communications regarding the appearance of the new toll lanes, the rules and requirements for use of the facility, and the safety and/or concerns of travelers have been carefully addressed. Based on surveys conducted, the express lanes have been well received by the public as a potential solution to the growing traffic congestion problem. During the operation phase of the Project, continuation of limited public education and outreach services is necessary to ensure customer services and educate the public/media regarding the benefits of the Project.

The consultant services have been utilized for the specialized system management and operations services. These services are necessary to oversee the final system acceptance and continue the staff augmentation required for achieving Project's daily operations needs.

#### *Action 1:*

During early phases of the Project, it was planned to implement the public education and marketing plan in two phases; the first phase for educating the public and marketing the facility prior to opening the express lane; the second phase for maintaining the website, performing periodic evaluation of the users of the facility, and if needed, providing additional marketing and media campaigns. With this plan in mind, an Agreement with Solem & Associates was executed in October 2006. Subsequently, the Agreement was amended four times; in January 2008, July 2009, April 2010, and in April 2011 to include new and improved consulting scope of services and extend the term of the Agreement to December 2010.

It is necessary to continue the customer services through this public education and marketing consultant services Agreement, such as maintaining project website, providing public/media outreach, preparing presentation materials, and routinely responding to public inquiries, etc. Adequate funds are included in the current total compensation maximum, allowed in the Agreement and no additional funds are required to extend the services until the end of fiscal year 2011/12, i.e.) June 30, 2012. The not to exceed maximum compensation amount, allowed in this Agreement will remain as 1,127,910.

Staff recommends that the Commission authorize the Executive Director of Alameda CTC to amend the Agreement with Solem & Associates (CMA#06-019), for extending the term of the Agreement to June 30, 2012.

#### *Action 2:*

In December 2004, the ACCMA executed an Agreement with Wilbur Smith Associates for providing system manager oversight on a system integration contractor's design and implementation of a toll facility. Subsequently, the Agreement was amended five times; in July 2007, September 2008, August 2009, May 2010, and in April 2011 to include new and improved consulting services and extend the term of the Agreement to March 31, 2012. Wilbur Smith Associates tasks also included validation of the System Integrator dynamic pricing algorithm for its capability to meet the contract's requirements and the development of the Express Lane Operations Manual needed to document all policies, procedures, parameters and functional requirements of how the express lane operates.

The system integration contractor has completed the final system testing and the final system acceptance is expected in early 2012. The time extension and additional compensation are needed to continue the system manager oversight services for managing the system integration contractor, and to provide new services for monitoring and managing the daily activities associated with the operations of the Project. An additional compensation of \$178,000 will be added in the Wilbur Smith Associates Agreement for providing this added or improved scope of services. Pending Commission's approval of this amendment request, the total not to exceed compensation maximum amount allowed will be revised as \$2,063,821.

Staff recommends that the Commission authorize the Executive Director of Alameda CTC to amend the Agreement with Wilbur Smith Associates (CMA#04-007), for including additional compensation of \$178,000 and extending the term of the Agreement to June 30, 2012.

### **Fiscal Impact**

#### *Action 1:*

Approval of the requested action will have no impact on the approved budget. This action will only extend the term of the Agreement.

#### *Action 2:*

Approval of the requested action will encumber additional \$178,000 of Measure B funds. The existing allocated amount of Measure B funds for the Project includes sufficient capacity.

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## **Memorandum**

**DATE:** January 18, 2012

**TO:** Alameda County Transportation Commission

**FROM:** Programs and Projects Committee

**SUBJECT:** **Congestion Relief Emergency Funds Project (ACTIA No. 27)**  
**Approval to Reallocate Funds Between Sub-Projects and**  
**Amend the Project Title and Description of the I-880 Sub-Project**

### **Recommendations**

It is recommended that the Commission approve the following actions related to the Congestion Relief Emergency Funds Project (ACTIA No. 27):

- Revise the project title for Sub-Project 27C from, “I-880 North Safety and Operational Improvements at 23<sup>rd</sup>/29<sup>th</sup> Avenues Project” to, “I-880 Corridor Improvements in Oakland and San Leandro;”
- Revise the project description for Sub-Project 27C to include the current description plus the two segments, north and south, of the I-880 Southbound High Occupancy Vehicle (HOV) Lane - Hegenberger Road to Marina Boulevard Project;
- Approve the reallocation of \$1,000,000 of Measure B funds from Sub-Project 27E to 27B; and
- Approve the reallocation of \$1,500,000 of Measure B funds from Sub-Project 27E to 27C.
- Approve revisions to the currently approved project funding plans for the I-80 Integrated Corridor Mobility Project, the I-880 North Operational and Safety Improvements at 23<sup>rd</sup> and 29<sup>th</sup> Avenues Project, and the I-880 Southbound HOV Lane – Hegenberger to Marina Project to reflect the additional Measure B funding.

### **Summary**

The Measure B Expenditure Plan states that the Congestion Relief Emergency Funds (CREF) “shall be available to fund high-priority projects that address major regional congestion problems that emerge during the lifetime of the Plan and which are not addressed by the proposed Plan.” The total Measure B Commitment for ACTIA No. 27 in FY 11/12 dollars, consisting of the amounts allocated for each of the sub-projects to date, equals \$10.251 million. Table 1 below summarizes the amounts allocated to date for each of the sub-projects.



<b>Table 1: Summary of Currently Approved Measure B Allocations for the Congestion Relief Emergency Funds Project (ACTIA No. 27)</b>	
<b>Description</b>	<b>Amount Allocated (\$ x 1,000)</b>
27A Vasco Road Safety Improvements	\$ 1,500
27B I-80 Integrated Corridor Mobility Project	\$ 1,800
27C I-880 North Operational and Safety Improvements at 23rd and 29th	\$ 750
27D CWTP/TEP Development	\$ 50
27E Project Studies for Congested Segments and Locations on the CMP Network	\$ 6,151
<b>Total Amount Allocated</b>	<b>\$ 10,251</b>

The recommended actions would reallocate \$1,000,000 of Measure B funds from Sub-Project 27E to Sub-Project 27B, and \$1,500,000 to Sub-Project 27C. The funds allocated for Sub-Project 27E have not been encumbered. The reallocation of funds would make an additional \$1,000,000 available for encumbrance and subsequent expenditure to fund costs related to the delivery of the bond-funded I-80 Integrated Corridor Mobility Project, and an additional \$1,500,000 available for the three bond-funded projects in the I-880 corridor in Oakland and San Leandro: 1) the I-880 North Safety and Operational Improvements at 23<sup>rd</sup> and 29<sup>th</sup> Avenues; 2) the I-880 Southbound HOV Lane – Hegenberger to Marina (North Segment); and 3) the I-880 Southbound HOV Lane – Hegenberger to Marina (South Segment). Table 2 below reflects the recommended actions and the revised amounts allocated for each of the sub-projects.

<b>Table 2: Summary of Revised (Recommended) Measure B Allocations for the Congestion Relief Emergency Funds Project (ACTIA No. 27)</b>	
<b>Description</b>	<b>Amount Allocated (\$ x 1,000)</b>
27A Vasco Road Safety Improvements	\$ 1,500
27B I-80 Integrated Corridor Mobility Project	\$ 2,800
27C I-880 Corridor Improvements in Oakland and San Leandro	\$ 2,250
27D CWTP/TEP Development	\$ 50
27E Project Studies for Congested Segments and Locations on the CMP Network	\$ 3,651
<b>Total Amount Allocated</b>	<b>\$ 10,251</b>

The recommended actions would also expand the description of Sub-Project 27C to include the two segments of the I-880 Southbound HOV Lane – Hegenberger to Marina Project. Eligible costs to be funded by the additional Measure B funds include funds for the completion of the design phase, corridor coordination with the various agencies involved in the funding and delivery of the projects, right of way support, and support during the bidding phase required to move the projects forward to the award contract milestone in the construction phase. The I-Bond funding has a strict contract award deadline which must be achieved in order to secure the construction phase funding. The I-80 and I-880 Sub-Projects are slated to receive a total of more than \$244 million of I-Bond funding for the construction phases.

### **Discussion/Background**

The Alameda CTC (ACCMA at the time) entered into Baseline Agreements with Caltrans, the Metropolitan Transportation Commission (MTC), and the California Transportation Commission (CTC) to deliver the I-80 Integrated Corridor Mobility Project, the I-880 North Operational and Safety Improvements at 23rd and 29<sup>th</sup> Avenues Project, and the I-880 Southbound HOV Lane – Hegenberger to Marina Project. The I-Bond funding committed in the Baseline Agreements is only available for the construction phase of the projects with a legislative deadline for award of the construction contracts by December 2012 (December 2013 for the I-880 North Safety and Operational Improvements Project). Project development, right of way certification, and other pre-construction requirements are the responsibility of the Alameda CTC. Since each of the projects involves the State Highway System, each must be prepared for construction in accordance with Caltrans policies and procedures. The Caltrans procedures require securing the allocation vote by the CTC prior to advertising and subsequent contract award.

The CTC has announced that they will be evaluating the project readiness for construction of the I-Bond funded projects in the February 2012 timeframe to determine if funds should be removed from projects deemed at risk of not meeting the contract award deadline. The CTC's evaluation will include reviewing the project delivery and funding plans for each project in order to assess the project readiness to receive the allocation vote necessary for the I-Bond funding in the April-May 2012 timeframe in order to allow for advertising and contract award by December 2012.

The improvements in the area of the I-880/23<sup>rd</sup> and I-880/29<sup>th</sup> Interchanges were approved as eligible for the CREF by the Alameda CTC in December 2010. The inclusion of the I-880 Southbound HOV Lane – Hegenberger to Marina improvements in Sub-Project 27C is consistent with the requirements for the CREF set forth in the 2000 Measure B Expenditure Plan. The I-880 Southbound HOV Lane project was identified at the same time as the I-880 23<sup>rd</sup>/29<sup>th</sup> improvements as a candidate for the I-Bond funding approved by the California voters in November 2006.

### **Fiscal Impact**

There are no significant impacts anticipated as a result of the recommended actions due to the fact that the recommended actions involve shifting Measure B funds previously allocated.

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## **Memorandum**

**DATE:** January 18, 2012

**TO:** Alameda County Transportation Commission

**FROM:** Programs and Projects Committee

**SUBJECT:** **I-880 Southbound HOV Lane Project (APN 730.0)**  
**Approval of Amendment No. 3 to Professional Services Agreement with**  
**WMH Corporation for Final Design Services**

### **Recommendations**

It is recommended that the Commission approve the following action related to the southern segment of the Southbound High Occupancy Vehicle (HOV) Lane - Hegenberger Road to Marina Boulevard Project (APN 730.0):

- Authorize the execution of Amendment No. 3 to the professional services agreement with WMH Corporation (Agreement No. A08-0017.WMH) to provide additional final design and bidding support services for an additional contract amount not to exceed \$630,000.

### **Summary**

The I-880 Southbound High Occupancy Vehicle (HOV) Lane – Hegenberger to Marina project is one of the Alameda CTC's projects funded by the I-Bond funding approved by the California voters in November 2006. The preliminary engineering and environmental studies for the entire length from Hegenberger Road to Marina Boulevard, i.e. the north and south segments, were performed under a separate contract. The final design for each of the segments was split into separate contracts with WMH Corporation selected to provide the design services for the south segment from Davis Street to Marina Boulevard. Table 1 below summarizes the contract actions related to Agreement No. A08-0017.WMH.

<b>Table 1: Summary of Agreement No. A08-0017.WMH with WMH Corporation</b>		
<b>Description</b>	<b>Amendment Amount</b>	<b>Total Contract Not to Exceed Amount</b>
Professional Services Agreement (PSA) with WMH Corporation (A08-0017.WMH) for Final Design Services dated March 16, 2009	NA	\$4,181,365
Amendment No. 1 to A08-0017.WMH for additional services dated May 12, 2010.	\$ 782,850	\$ 4,964,215
Amendment No. 2 to A08-0017.WMH for additional services dated February 17, 2011.	\$ 683,104	\$ 5,647,319
Recommended Amendment No. 3 to A08-0017.WMH (This Agenda Item)	\$ 630,000	\$ 6,277,319
<b>Total Amended Contract Not to Exceed Amount</b>		<b>\$ 6,277,319</b>

The recommended action would increase the contract not to exceed amount as shown in Table 1 to provide additional contract budget to complete the project plans, specifications and estimates (PS&E), to coordinate with Caltrans during their review processes, and to provide support during the contract bidding period culminating at contract award.

The consultant, WMH Corporation, has submitted a request for an amendment in the amount of \$630,000. Staff and the project controls team have reviewed the request and concluded that \$530,000 is warranted for additional work, i.e. work not included in the current approved scope, required to complete the PS&E and to provide support during the bidding period until award of the construction contract is approved by Caltrans. The difference of \$100,000 is primarily due to the estimated level of effort to coordinate with Caltrans during their review process and to provide support during the bidding phase. Both of these efforts are difficult to predict since the level of effort required by the consultant will be dependent in large part on the number of inquiries to be responded to by the consultant, the number of changes to the PS&E required by Caltrans, and any addenda needed after the project is advertised for bids by Caltrans.

The recommended action includes authorization for the full amount requested by the consultant. Staff proposes to keep the \$100,000 in the amendment as an on-call task that will only be accessible to the consultant with prior written approval by the Alameda CTC. If the on-call budget of \$100,000 is not needed prior to award of the construction contract by Caltrans, any remaining capacity will be held in reserve to fund design services during construction, for which the Alameda CTC will be responsible since the PS&E were prepared under contract to the Alameda CTC.

The Alameda CTC is beginning negotiations with Caltrans for this I-Bond project (and the other I-Bond projects not yet in construction) to determine the budgets and funding for the design services during construction. Support during the construction phase is eligible for the I-Bond funding, but there is a limited amount of I-Bond funding to cover both the construction capital and support. The negotiations with Caltrans involve identifying which costs will be funded by the I-Bond. Once the negotiations are complete, any additional commitments required of the Alameda CTC will be brought before the Alameda CTC committees and Board for approval, if not previously approved.

### **Background**

The Alameda CTC is implementing the project development phases for a number of projects receiving funding from the I-Bond approved by the California voters in November 2006. More than \$400 million of I-Bond funding is programmed for projects along the I-580 corridor in East County, the I-880 corridor in Oakland and San Leandro, the I-80 corridor in Alameda and Contra Costa counties, and Route 84 in Livermore. With the exception of the \$73 million programmed for the I-880 North Safety and Operational Improvements at 23<sup>rd</sup> and 29<sup>th</sup> Avenues in Oakland, the I-Bond funding for construction requires that the award of the construction contract be approved by December 2012. (The funding for the I-880 23<sup>rd</sup>/29<sup>th</sup> project has a contract award deadline of December 2013.)

The Alameda CTC agreed to implement the project development and right of way phases for the I-Bond projects in Alameda County, and therefore is responsible for getting the projects ready for construction. The Alameda CTC has cobbled together local, regional, state and federal funding from a number of sources to fund the project development and right of way phases of the I-Bond projects.

The project funding plan for the I-880 southbound HOV Lane – Hegenberger to Marina Project includes federal STP/CMAQ, CMA TIP, local funds from the City of San Leandro, and Measure B funds (as proposed under a separate item on this agenda) for the project development and right of way phases.

### **Fiscal Impact**

The recommended action will result in the encumbrance of an additional \$630,000 for the project. The project funding plan (as proposed under a separate item on this agenda) includes adequate funding for the recommended action.

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## Memorandum

**DATE:** January 18, 2012

**TO:** Alameda County Transportation Commission

**FROM:** Programs and Projects Committee

**SUBJECT:** **East 14<sup>th</sup> Street/Hesperian Boulevard/150<sup>th</sup> Avenue Intersection Improvements Project (ACTIA No. 19) – Approval of Amendments to the Right of Way and PS&E Project Specific Funding Agreements to Extend Termination Dates**

### Recommendations

It is recommended that the Commission approve the following actions related to the East 14<sup>th</sup> Street/Hesperian Boulevard/150<sup>th</sup> Avenue Intersection Improvements Project (ACTIA No. 19):

- Authorize the execution of Amendment No. 2 to the Project Specific Funding Agreement (PSFA) with the City of San Leandro for the Right of Way Capital and Support Phases (Agreement No. A07-0064) to extend the termination date of the PSFA to December 31, 2013 to allow for completion and close out of the phase; and
- Authorize the execution of Amendment No. 1 to the Project Specific Funding Agreement (PSFA) with the City of San Leandro for the Plans, Specifications and Estimates (PS&E) Phase (Agreement No. A09-0012) to extend the termination date of the PSFA to December 31, 2013 to allow for completion and close out of the phase.

### Summary

The East 14<sup>th</sup> Street/Hesperian Boulevard/150<sup>th</sup> Avenue Intersection Improvements Project (ACTIA No. 19) is one of the 27 capital projects included in the 2000 measure B Expenditure Plan. The City of San Leandro is the project sponsor. Right of way and final design activities are underway. The project activities include ground water monitoring and a remedial action plan for property clean up of a parcel required for the project. Construction is scheduled to begin before the end of 2013.

The total Measure B commitment for this project is \$1,030,000 which has been allocated. The amount reimbursed to date is approximately \$164,000.

### Fiscal Impact

There are no significant impacts anticipated as a result of the recommended actions.



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## Memorandum

**DATE:** January 18, 2012

**TO:** Alameda County Transportation Commission

**FROM:** Programs and Projects Committee

**SUBJECT:** Telegraph Avenue Corridor Transit Project (ACTIA No. 07A)  
Approval of Allocation of Measure B Funding for the  
Preliminary Engineering/Environmental Studies Phase

### Recommendations

It is recommended that the Commission approve the following actions related to the Telegraph Avenue Corridor Transit Project (ACTIA No. 07A):

- Allocate \$3,128,000 of Measure B funding for the Preliminary Engineering / Environmental Studies Phase; and
- Authorize the execution of Amendment No. 5 to the Project Specific Funding Agreement (PSFA) with AC Transit for the Preliminary Engineering / Environmental Studies Phase (Agreement No. A05-0005) to encumber the allocated funds and to extend the termination date of the PSFA to December 31, 2012 to allow for completion and close out of the phase.

### Summary

The Telegraph Avenue Corridor Transit Project (ACTIA 07A) is one the 27 capital projects included in the 2000 Measure B Expenditure Plan. The project is currently in the Preliminary Engineering/ Environmental Studies phase and is being implemented by AC Transit.

AC Transit has requested the recommended allocation and amendment to PSFA No. A05-0005. A copy of the request is attached. The provision for maintaining the date of eligibility for reimbursable expenditures included in the existing PSFA A05-0005 was approved by the Programs and Projects Committee at their January 9, 2012 meeting.

The current budget for the Preliminary Engineering/ Environmental Studies phase of the project is \$21.0 million. The phase budget includes \$9.1 million of Measure B funds (i.e. 43.3% of the total phase budget) and a mix of federal, state and regional funds. The attached request package includes details about the phase budget and overall project delivery plan. Table 1 below summarizes the total Measure B commitment to the project and the allocated amount.

<b>Table 1: Summary of Telegraph Avenue Corridor Transit Project (ACTIA No. 07A) Measure B Commitment</b>		
<b>Description</b>	<b>Allocation Amount</b>	<b>Remaining Measure B Programmed (Un-Allocated) Balance (\$ x 1,000)</b>
Total Measure B Commitment (FY11/12 Dollars)	NA	\$ 10,427
Previously Allocated Amount	\$ 5,971	\$ 4,456
Recommended Allocation (This Agenda Item)	\$ 3,128	\$ 1,328
<b>Remaining Measure B Programmed Balance</b>		<b>\$ 1,328</b>

Table 2 below summarizes the encumbrances for PSFA A05-0005 and the amendments approved to date.

<b>Table 2: Summary of Project Specific Funding Agreement No. A05-0005</b>		
<b>Description</b>	<b>Amendment Amount</b>	<b>Total Amount Encumbered (\$ x 1,000)</b>
Original PSFA A05-0005 dated March 2, 2005	NA	\$ 4,025
Amendment No. 1 to A05-0005 dated June 26, 2008	\$ 946	\$ 4,971
Amendment No. 2 to A05-005 dated September 8, 2009	\$ 0 <sup>1</sup>	\$ 4,971
Amendment No. 3 to A05-0005 dated March 26, 2010	\$ 0 <sup>2</sup>	\$ 4,971
Amendment No. 4 to A05-0005 dated July 22, 2010	\$ 1,000	\$ 5,971
Recommended Amendment No. 5 to A05-0005 (This Agenda Item)	\$ 3,128	\$ 9,099
<b>Total Amount Encumbered</b>		<b>\$ 9,099</b>
<b>Notes:</b>		
1. Amendment No. 2 revised the amounts per fiscal year without adding new capacity.		
2. Amendment No. 3 extended the termination date without adding new capacity.		

### **Discussion**

The BRT project extends from the north in the City of Berkeley, through the City of Oakland, and south into the City of San Leandro. The environmental studies for the BRT project began in March 2003. The Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) was published in May 2007, but work was delayed on the completion of the Final EIS/EIR due to concerns expressed by the local jurisdictions regarding the development of a locally acceptable project. The completion of the Preliminary Engineering / Environmental Studies Phase for the Telegraph Avenue Corridor Transit Project has been delayed due to additional analysis and outreach efforts requested by the local jurisdictions along the corridor.

In late 2008, AC Transit reactivated the Technical Advisory Committee and the Policy Steering Committee (PSC) to begin actively working with the local jurisdictions and funding agencies on the development of a Locally Preferred Alternative (LPA). In 2009, a revised schedule for adoption of the Final EIS/EIR extended the environmental review process for one year to allow each local jurisdiction to initiate independent processes for obtaining community input into the selection of an LPA. As part of this process, AC Transit provided additional analyses to support the local outreach efforts.

AC Transit has been working with the Alameda CTC, the Metropolitan Transportation Commission (MTC), and the Federal Transit Administration (FTA) to finalize the project delivery and funding plan. The recommended action is consistent with the project delivery plan developed in conjunction with the agencies involved. MTC is providing approximately 24% of the Preliminary Engineering/ Environmental Studies phase budget with federal and state funding representing the remaining 33% as shown on the attached request package.

### **Fiscal Impact**

The recommended actions will result in the encumbrance and subsequent expenditure of \$3,128,000 of Measure B funds. The anticipated expenditures are consistent with the FY 2011/2012 Strategic Plan and the Measure B capital projects program-wide financial model.

**Attachment A:** Request for Allocation Package from AC Transit dated December 21, 2011

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Alameda-Contra Costa Transit District

Capital Planning, Legislation and Grants

December 21, 2011

**RECEIVED**

DEC 27 2011

**ALAMEDA CTC**

Arthur L. Dao, P.E.  
Deputy Director and Project Development Manager  
Alameda County Transportation Improvement Authority  
1333 Broadway, Suite 300  
Oakland, CA 94612

Subject: Request for Allocation of Measure B Funding  
For the Preliminary Engineering Phase of the  
Telegraph Avenue Corridor Transit Project, ACTIA Project No. 7A,  
Agreement A05-0005

Dear Mr. Dao:

We are hereby requesting an allocation of Measure B funding for the subject project and phase. The allocation history for this phase of the project is as follows:

Total Previously Approved Allocation Amount	5,971,000
Allocation Amount Requested	3,128,000
Total Allocated Amount (Including this Request)	9,099,000

Currently, the total allocated budget for the PE and Environmental phases of this project is \$16.9 million. This includes \$1.5 million in RM2 funding received in January 2010 to extend the existing contract with Cambridge Systematics which included preparation of necessary reports; conducting public outreach; updating engineering, capital, and operating costs; and providing technical support for AC Transit Technical Advisory and AC Transit Policy Steering Committee. It also includes \$2.5 million just allocated to complete the environmental phase and branding.

An additional \$3,128,000 in Measure B funds is being requested to match Federal Transit Administration (FTA) New Starts funds for these items:

- Awarding the contract for preliminary engineering (PE). After an RFP process, AC Transit selected the Parsons Transportation Group as the primary contractor for design and engineering services. The initial phase of the contract for PE will be approximately \$5 million. Future evaluations will determine whether to extend the contract to cover later phases of the project. (\$1,100,000)
- The first three years of three new AC Transit staff positions to directly manage and support the BRT project. The positions include a project director, an engineer, and support staff. This augmentation of District staff will promise more timely and successful project execution, and have been added in response to recommendations from the FTA triennial findings. (\$320,000)

- A new project management consultant (to be selected) for the design and engineering phases of the project. (\$1,708,000)

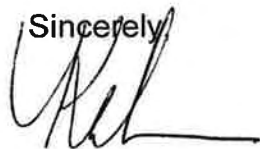
The current project includes some modifications which were developed and refined through an extensive local process by each of the three municipalities – Berkeley, Oakland, and San Leandro. These modifications include refinements to 28 BRT station locations – most of which have changed from a split platform to a center platform configuration – bicycle lanes, and traffic lane striping. Additionally, AC Transit will operate dual door buses along the route, again based on outreach with the communities on the best ways to address concerns about traffic, bike and pedestrian access.

We have attached an ACTIA Project Update Package (Attachment 1) that reflects current project scope, cost, funding, and schedule information to support our Request for Allocation. We understand that a Project Specific Funding Agreement (PSFA) is required prior to incurring costs eligible for reimbursement.

  X   We are hereby requesting that ACTIA initiate the development of a PSFA, or amendment to an existing PSFA, for the allocation requested herein and have included Attachment 2; or

       We are not requesting the development of a PSFA, or amendment to existing PSFA, at this time. We expect that we will request the necessary PSFA, or amendment, and submit the required Phase Funding Breakdown by the end of *month/year*.

If you have any questions regarding this request, please contact me (510-891-4859 kmiller@actransit.org) or my staff member, Chris Andrichak (510-891-4855/ candrichak@actransit.org).

Sincerely,  


Kate Miller  
Manager  
Capital Development, Legislation & Grants

Attachments: 1. ACTIA Project UpdatePackage  
2. Initiation of Project Specific Funding Agreement

cc: James O'Brien, Project Coordinator, ACTIA (w/atts.)  
Lewis Clinton, Chief Financial Officer, AC Transit (w/atts.)  
Tina Spencer, Planning Manager, AC Transit (w/atts.)

ACTIA Project Update Package  
ACTIA Project No. 7A  
ACTIA PSFA No. A05-0005  
Date: December 21, 2011

### **Attachment 1: ACTIA Project Update Package**

See Attached Project Update Package which includes PE/Environmental Phase

- Budget / Expenses by fund source
- Schedule



PE/Environmental/ROW Phase Budget and Expenses by Fund Source

ACTIA Project Name      Telegraph Ave Corridor Transit Project  
 ACTIA Project Number      7A

PE/Env Phase	Source of funds	Type of funds	Budget	Allocated/ Appropriated	Encumbered	Expended	Balance
Environmental	FTA	5339	\$ 237,500	\$ 237,500	\$ -	\$ 237,500	\$ -
Environmental	ACTC	Measure B	\$ 5,971,000	\$ 5,970,964	\$ 96,120	\$ 5,874,880	\$ -
Environmental	MTC	Regional Measure 2	\$ 4,000,000	\$ 4,000,000			\$ 4,000,000
Environmental	STIP	PTA	\$ 2,700,000	\$ 2,700,000		\$ 2,700,000	\$ -
Preliminary Engineering	FTA	5309 BUS	\$ 971,000	\$ 971,000		\$ 971,000	\$ -
Preliminary Engineering	FTA	5309 NS	\$ 3,000,000	\$ 3,000,000			\$ 3,000,000
Preliminary Engineering	ACTC	Measure B	\$ 1,420,000				\$ 1,420,000
Preliminary Engineering	MTC	Regional Measure 2	\$ 1,011,000				\$ 1,011,000
Design Project Mgmt	ACTC	Measure B	\$ 1,708,000				\$ 1,708,000
<b>TOTAL</b>			<b>\$ 21,018,500</b>	<b>\$ 16,879,464</b>	<b>\$ 96,120</b>	<b>\$ 9,783,380</b>	<b>\$ 11,139,000</b>

43.3%

Measure B as a percentage of total

## PE/Environmental Phase Schedule

ACTIA Project Name      Telegraph Ave Corridor Transit Project  
 ACTIA Project Number      7A

Task	Start	Finish	FY 02-03	FY 03-04	FY 04-05	FY 05-06	FY 06-07	FY 07-08	FY 08-09	FY 09-10	FY 10-11	FY 11-12	FY 12-13	FY 13-14	FY 14-15	FY 15-16
Draft EIS/EIR	May 2003	Jul 2007														
Prepare Final EIS/EIR	Sep 2008	April 2012														
Record of Decision	Apr 2012	July 2012														
Design Project Mgmt	Dec 2011	Nov 2013														
Preliminary Engineering	Dec 2011	Oct 2012														
Final Design/PS&E	Oct 2012	Nov 2013														
Construction	Nov 2013	Apr 2016														

Phase Cost/Funding Breakdown  
ACTIA Project No. 7A  
ACTIA PSFA No. A05-0005  
Date: December 21, 2011

**Attachment 2: Initiation of Project Specific Funding Agreement  
(Required for PSFA)**

See attached Spreadsheet

# Measure B Initiation of Project Specific Funding Agreement

ACTIA Project Name

Telegraph Ave Corridor Transit Project

ACTIA Project Number

7A

FORM A - Allocation by Phase						
Phase	Allocation Request by Phase (\$ x 1,000)	Allocation Distribution by Fiscal Year (\$ x 1,000)				
		FY 2011/12	FY 2012/13	FY 2013/14	FY 2014/15	FY 2015/16
Scope						
PE/Env	\$ 3,128	870	1,580	678		
PS&E						
ROW Support						
ROW Capital						
Utility Relocation						
Equipment						
Other (Describe)						
<b>TOTAL</b>	<b>\$ 3,128</b>	<b>\$ 870</b>	<b>\$ 1,580</b>	<b>\$ 678</b>	<b>\$ -</b>	<b>\$ -</b>

FORM B - Phase Funding Breakdown by Line Item SAMPLE						
Construction Support Phase	Measure B Pro Rata Share	Measure B	Federal Earmark	STIP-RIP	Local	Funding Totals
Line Item						
Design Services During Construction (Consultant Contract)	#DIV/0!					
Construction Services (Caltrans)	#DIV/0!					
Construction Management (Consultant Contract)	#DIV/0!					
SPONSOR Staff Costs	#DIV/0!					
ACTIA Incurred Expenses	#DIV/0!					
<b>Phase Totals</b>		<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>

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## **Memorandum**

DATE: January 18, 2012

TO: Alameda County Transportation Commission

FROM: Programs and Projects Committee

SUBJECT: **Amendment of Alameda County Transportation Commission  
Administrative Code for Eminent Domain Process; Adoption of  
Resolution to Hear Necessity Resolutions for I-880 SB HOV Lane  
Project**

### **Recommendation**

It is recommended that the Commission, as two separate action items:

- (1) Amend Alameda CTC's Administrative Code to allow Alameda CTC to adopt resolutions of necessity for the use of eminent domain to acquire real property necessary for public projects:
  - (a) By a two-thirds vote (or greater if required) of the membership of the Alameda CTC governing body, rather than the weighted voting currently required by the Administrative Code, and
  - (b) Without prior review or action from any Alameda CTC Committee.
- (2) Adopt, by a four-fifths vote of the Members of the governing body, Resolution 12-001 agreeing to hear resolutions of necessity should an eminent domain action be required for the Interstate 880 Southbound HOV Lane Project. This requires the affirmative vote of 18 Members or Alternates.

### **Summary**

Alameda CTC is taking steps to acquire the power of eminent domain to better be able to deliver its projects. As part of this process, revisions to the Administrative Code are required. This memorandum discusses the power of eminent domain and the reasons for these amendments.

The first project for which Alameda CTC might be required to use the power of eminent domain, including the consideration and adoption of the resolutions of necessity which will initiate the eminent domain process, is the Interstate 880 Southbound HOV Lane Project. Caltrans requires that local agencies hearing resolutions of necessity for projects on the State highway system adopt a resolution agreeing to hear the resolutions of necessity for the project. This memorandum discusses the Interstate 880 Southbound HOV Lane Project, and the resolution required by Caltrans.

### **Background**

### **History of use of eminent domain for Alameda Agencies**

The agencies that preceded the Alameda County Transportation Commission – the Alameda County Transportation Authority (“ACTA”), the Alameda County Transportation Improvement Authority (“ACTIA”), and the Alameda County Congestion Management Agency (“CMA”) (collectively the “Alameda Agencies”) – did not have the power of eminent domain because State law did not grant ACTA and ACTIA the power of eminent domain and the CMA Joint Powers Agreement did not explicitly grant this power. As a result, the Alameda Agencies have a long history of using other public agencies’ power of eminent domain through a variety of cooperative agreements to deliver the projects contained in the Expenditure and Countywide plans. For instance, ACTA relied on Caltrans to acquire the real property interests necessary for the Mission Spots Project, and ACTIA relied on Alameda County to acquire the real property interests necessary for the I-880 Widening Project.

This system has served the Alameda Agencies well and resulted in the delivery of numerous projects for the residents and businesses within Alameda County. However, it is not without faults. Significant staff time is necessary to negotiate the often complex cooperative agreements required for another agency to take on an Alameda CTC project’s eminent domain duties. In addition, Alameda CTC gives up control over the eminent domain process by having other agencies act as the condemning authority for right of way necessary for its projects, which leads to lesser control over such matters as right-of-way staff activities, treatment of property owners, acquisition budgets, and timing of delivery of the project. Acquisitions by the State for Alameda CTC present even more difficult issues, since Caltrans District Directors are now required to be involved in any meetings prior to the resolution of necessity hearings if requested by affected property owners, and to be involved in the resolutions of necessity hearings before the California Transportation Commission. The California Transportation Commission will take resolution of necessity hearings off calendar if a property owner asks to speak at the hearing, which can jeopardize project funding.

The power of eminent domain is a weighty burden, which must be pursued ethically and competently, and must never be undertaken lightly. Although the Alameda Agencies have not held the power, the municipalities, the County, and transit agencies that are members of the Alameda CTC do hold this power, and Alameda CTC Commissioners are familiar with the limits and obligations of this power. In acquiring the power of eminent domain, Alameda CTC will be able to better control the process, which will better lead to the construction of transportation projects on time, within budget, and in support of the Alameda CTC’s purpose, mission, vision, and goals. Having the power of eminent domain will allow Alameda CTC to uphold and continue the Alameda Agencies’ reputation for treating private property owners fairly and ethically.

### **Next steps in gaining the power of eminent domain for Alameda CTC**

A joint powers authority such as Alameda CTC can hold the power of eminent domain if all the member agencies hold the power, and if the joint powers authority agreement explicitly grants the jointly held power of eminent domain to the joint powers authority.

In the case of Alameda CTC, we ensured that the Joint Powers Agreement explicitly provides that one of Alameda CTC's powers is to "acquire property by eminent domain to the extent allowed by state law." Joint Powers Agreement, Section 11(f). However, because the current membership of Alameda CTC includes ACTIA and CMA, two agencies that do not have the power of eminent domain, California law prevents Alameda CTC from exercising the power of eminent domain at this time. Once ACTIA and CMA are dissolved, Alameda CTC will automatically have the power of eminent domain based on the terms of the Joint Powers Agreement. We currently expect CMA, ACTIA and Alameda CTC to hold a joint Board meeting in February, at which time all three agencies will take the requisite actions to terminate CMA and ACTIA, and transfer all of their respective powers to Alameda CTC. Upon the adoption of these resolutions and the termination of CMA and ACTIA, Alameda CTC will automatically gain the power of eminent domain.

To hear resolutions of necessity for State highway projects at the local level, Caltrans requires the board of the local agency to adopt, by a four-fifths vote, a resolution agreeing to hear such resolutions of necessity, should any be necessary. This is discussed in greater detail below.

Before exercising the power of eminent domain, the governing board of a public agency must consider and adopt a resolution of necessity authorizing the filing of an eminent domain action. Cal. Civ. Proc. Code section 1245.220. Except under certain circumstances that are not present here, only the governing board of a public agency may consider and adopt resolutions of necessity. Cal. Civ. Proc. Code §1245.235(c). Generally, unless a greater vote is required, a resolution of necessity must be adopted by no less than a two-thirds vote of the members of the governing board of a public agency. Cal. Civ. Proc. Code section 1245.240. However, because the Interstate 880 Southbound HOV Lane Project is on the State highway system, any resolutions of necessity must be adopted by a four-fifths vote. Cal. Sts. & High. Code §760.

The Administrative Code of the Alameda CTC provides that the Programs and Projects Committee ("PPC") has authority over eminent domain proceedings. Administrative Code section 4.9.4.8. Because resolutions of necessity can be adopted only after a hearing of the full board of a public agency, and because the timing of resolutions of necessity is often very sensitive, we recommend amending the Administrative Code to provide that resolutions of necessity may go directly to the Commission without prior committee review. The PPC will retain the ability to provide valuable input with respect to eminent domain matters, since the PPC will retain its responsibility for review of projects, and will be asked to review and recommend resolutions agreeing to hear resolutions of necessity on a project-by-project basis, as is being done with this memorandum.



The Administrative Code must also be amended to allow the adoption of a resolution of necessity with a two-thirds vote (15/22) of the Commission *members*. With respect to projects on the State highway system, due to State law and Caltrans requirements, the Administrative Code must provide for a four-fifths vote (18/22) for both a resolution agreeing to hear resolutions of necessity, and for a four-fifths vote (18/22) to approve the resolutions of necessity themselves. These will each represent a change from the current voting procedure, which requires a majority of the weighted vote of Alameda CTC Commissioners present at the time of the vote, as set forth in section 4.2.4 of the Administrative Code, and is required to insure consistency with controlling California law. Additionally, we are proposing that the Administrative Code be amended so that the governing body of the Alameda CTC is referenced as the Commission rather than as the Board while the entity itself is referenced as Alameda CTC rather than as the Commission, and to remove references to Staff being employees of ACTIA and ACCMA, all to ensure consistency with the current practice of Alameda CTC.

Attachment A shows, in redline format, the specific changes required to accommodate the exercise of the power of eminent domain by Alameda CTC. Attachment B is a redline of the entire Administrative Code, showing all of the changes proposed at this time, and Attachment C is a clean copy of the full Administrative Code we are asking the Commission to approve today.

### **The Interstate 880 Southbound HOV Lane Project**

The Interstate 880 Southbound HOV Lane Project is funded in part by California Transportation Commission Corridor Mobility Improvement Account (“CMIA”) program funds. To be eligible to receive the funds, this project must hold resolution of necessity hearings, file eminent domain actions, and set up court hearing dates for possession of the real property interests well in advance of an April 30, 2012 California Transportation Commission project certification deadline.

Although staff is working to gain all the necessary property rights by negotiation, to ensure that these deadlines are met, in the event use of the eminent domain power is required, the hearings for resolutions of necessity must be held no later than late March 2012. Although the California Transportation Commission can hear these resolutions, as noted above, the process for hearing resolutions of necessity at the State level is ponderous and could result in a delay beyond March 2012, which would result in the loss of funds for the project. If Alameda CTC hears the resolutions of necessity, any issues with property owners can be handled while keeping the scheduled resolution of necessity hearing on the calendar, thus avoiding a loss of project funding.

As noted above, for Alameda CTC to hear resolutions of necessity to acquire the property interests necessary for the Interstate 880 Southbound HOV Lane Project, the Commission must adopt a resolution authorizing it to hear such resolutions of necessity. Although Alameda CTC does not yet have the power of eminent domain, Caltrans has agreed to allow Alameda CTC to adopt the resolution agreeing to hear the resolutions of necessity prior to acquiring that power, effective only when it acquires the power of eminent

domain. Approval of the resolution requires the affirmative vote of 18 Members or Alternates.

Attached as Attachment D is the Resolution, which will authorize Alameda CTC to hear resolutions of necessity for the acquisition of property interests necessary for the Interstate 880 Southbound HOV Lane Project. Once the attached resolution is adopted, Caltrans will authorize the Commission to hear the requisite resolutions of necessity for the Interstate 880 Southbound HOV Lane Project once it has the power of eminent domain.

If staff is unable to negotiate the acquisition of the property rights necessary for the project, which are almost entirely temporary construction easements, in time to meet the California Transportation Commission project certification deadline, staff will return to Alameda CTC with resolutions of necessity at the March 22, 2012 meeting. The staff reports for the resolutions of necessity will provide detail about the specific necessary temporary construction easements and the project.

A similar resolution will be required for the acquisition of the necessary property interests for the I-880 Operational and Safety Improvements at 29<sup>th</sup> Avenue and 23<sup>rd</sup> Avenue Overcrossings Project. The certification date for this project is in the fall of 2012, and staff will bring this resolution to the PPC and Alameda CTC in the coming months.

## **Attachments**

Attachment A:	Specific Administrative Code changes to accommodate the use of eminent domain by Alameda CTC
Attachment B:	Redline of all proposed Administrative Code changes
Attachment C:	Clean copy of amended Administrative Code
Attachment D:	Resolution of the Alameda County Transportation Commission Electing to Hear Resolutions of Necessity for the Interstate 880 Southbound HOV Lane Project

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**Attachment A**

**Specific Administrative Code changes to accommodate the use of eminent domain  
by Alameda CTC**

**4.1.9** To acquire, hold, or dispose of real property and other property by any lawful means, including without limitation, gift, purchase, lease, lease purchase or sale, including use of the power of eminent domain to the extent the ~~Commission~~ Alameda CTC is legally entitled to exercise such power. In compliance with applicable State law, resolutions of necessity related to the exercise of such power shall be heard by the Commission without prior review by any Standing Committee.

**4.2.5** Adoption of a resolution of necessity authorizing the exercise of the power of eminent domain requires approval by not less than 15 Commission Members (and/or Alternates eligible to vote), since a two-thirds vote of the 22 Commission Members is required by law. For projects on the State highway system, adoption of a resolution of necessity requires approval by not less than 18 Commission Members (and/or Alternates eligible to vote), since a four-fifths vote of the 22 Commission Members is required by law. Further, in compliance with Caltrans' requirements, adoption of a resolution agreeing to hear resolutions of necessity for projects on the State highway system requires approval by not less than 18 Commission Members (and/or Alternates eligible to vote). Weighted voting may not be used for the adoption of any resolutions discussed in this Section.

**4.9.4.8** Eminent domain proceedings, subject to the provisions of Section 4.1.9, pursuant to which resolutions of necessity shall be heard by the Commission without prior Standing Committee review.

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**ALAMEDA COUNTY TRANSPORTATION COMMISSION  
ADMINISTRATIVE CODE**  
[\(as amended on 1/26/12\)](#)

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**ALAMEDA COUNTY TRANSPORTATION COMMISSION**  
**ADMINISTRATIVE CODE**  
(as amended on 1/26/12)

**ARTICLE 1**  
**GENERAL PROVISIONS**

**1.1 Title.** This Code is enacted by the Alameda County Transportation Commission (“Alameda CTC” or “~~Commission~~ACTC”) pursuant to the provisions of California Public Utilities Code Section 180105 and the Joint Powers Agreement dated for reference purposes as of March 25, 2010 (as it may subsequently be amended from time to time) which created the ~~Commission~~Alameda CTC (“JPA”). This Code may be referred to as the “Alameda County Transportation Commission Administrative Code.” This Code prescribes the powers and duties of officers of ~~the Commission~~ Alameda CTC, the method of appointment of employees of ~~the Commission~~Alameda CTC, and the methods, procedures, and systems of operation and management of ~~the Commission~~Alameda CTC.

**1.2 Reference Includes Amendments.** Reference to this Code or any portion thereof includes later amendments thereto. This Code may be amended by motion, resolution or other proper action of the ~~Board~~Commission.

**1.3 Severability.** If any term or provision of this Code is ever determined to be invalid or unenforceable for any reason, such term or provision shall be severed from this Code without affecting the validity or enforceability of the remainder of this Code.

**1.4 Interpretation.** Section headings in this Code are for convenience of reference only and shall not affect the meaning or interpretation of any provision of this Code. As used herein: (a) the singular shall include the plural (and vice versa) and the masculine or neuter gender shall include the feminine gender (and vice versa) where the context so requires; (b) locative adverbs such as “herein,” “hereto,” and “hereunder” shall refer to this Code in its entirety and not to any specific Section or paragraph; (c) the terms “include,” “including,” and similar terms shall be construed as though followed immediately by the phrase “but not limited to;” and (d) “shall,” “will” and “must” are mandatory and “may” is permissive.

**ARTICLE 2**  
**CODE OF ETHICS**

**2.1 Ethics Statement.** The foundation of any democratic institution or governmental agency relies upon the trust and confidence its citizens place in its elected officials, appointed managers or administrators, and staff. Honesty, integrity and professionalism must serve as the guiding principles for ~~the Commission~~Alameda CTC in carrying out its deliberations and ~~the Commission~~Alameda CTC’s business. The ethical operation of local government requires that decision-makers be impartial and accountable. ~~The Commission~~Alameda CTC expects its representatives, including but not limited to ~~Board~~Commission Members, employees, contractors, and advisory committee members to act in a manner that retains and inspires the trust and confidence of the people they serve.

**2.2 Expectations.** It is the general policy of ~~the Commission~~Alameda CTC to promote the highest standards of personal and professional ethics by individuals charged with carrying out ~~the Commission~~Alameda CTC's business. ~~The Commission~~Alameda CTC expects all participants to:

**2.2.1** Conduct public deliberations and ~~Commission~~Alameda CTC business in an atmosphere of mutual respect, consideration, cooperation and civility.

**2.2.2** Conduct public processes openly, unless legally required to be confidential.

**2.2.3** Comply with both the letter and spirit of the laws and policies affecting the operations of government in general and ~~the Commission~~Alameda CTC specifically, including but not limited to the Conflict of Interest Code.

**2.2.4** Use public service for the public good, not for personal gain.

### **ARTICLE 3 DEFINITIONS**

**3.1 Existing Definitions Adopted.** For the purposes of this Code, all words not defined herein shall have such meanings as (i) have been established in a controlling Expenditure Plan, or (ii) have been determined by the laws of the State and decisions of the courts of the State.

**3.2 “1986 Expenditure Plan”** means the Alameda County Transportation Expenditure Plan approved by the voters of Alameda County pursuant to the passage of the original Measure B on November 4, 1986, as it may subsequently be amended from time to time.

**3.3 “2000 Expenditure Plan”** means Alameda County’s 20-Year Transportation Expenditure Plan, dated July 2000 and funded by the retail transactions and use tax imposed pursuant to 2000 Measure B, as it may subsequently be amended from time to time.

**3.4 “2000 Measure B”** means Measure B as adopted by the voters of Alameda County on November 7, 2000 pursuant to Section 180206 of the Act.

**3.5 “Act”** means Division 9 of the California Public Utilities Code, Sections 180000 et seq., also known the Local Transportation Authority and Improvement Act, as the Act may be amended from time to time.

**3.6 “ACCMA” or “CMA”** each mean the Alameda County Congestion Management Agency, the agency originally tasked with the duty of adopting and implementing the Congestion Management Program.

**3.7 “ACTA”** means the Alameda County Transportation Authority, the agency originally tasked with the duty of implementing the 1986 Expenditure Plan. ACTA has now been dissolved, and ACTIA has assumed its duties, rights and obligations, which have been delegated to the Commission pursuant to the JPA.



**3.8** “ACTAC” means the Alameda County Transportation Advisory Committee, the technical advisory committee to the Commission, as described herein.

**3.9** “ACTIA” means the Alameda County Transportation Improvement Authority, the agency originally tasked with the duty of implementing the 2000 Expenditure Plan.

**3.10** “Advisory Committee” means each advisory committee established by or for the Commission.

**3.11** “Alameda CTC” and “~~Commission~~ACTC” each mean the Alameda County Transportation Commission.

**3.12** “Alternate” means each of those persons appointed, pursuant to the JPA, to serve and vote as an alternate member of the ~~Board~~Commission or of a Standing Committee in the absence of a specific ~~Board~~Commission Member.

**3.13** “Annual Budget” means the budget for ~~the Commission~~Alameda CTC, including separate budget sections related to (i) the 1986 Expenditure Plan, (ii) the 2000 Expenditure Plan, as required by Section 180105 of the Act, (iii) the Congestion Management Program, (iv) the VRF Expenditure Plan, and (v) other matters.

**3.14** “Authorized Vote” means the total number of weighted votes represented by all ~~Board~~Commission Members, pursuant to the provisions of the JPA.

**3.15** “~~Board~~” and “~~Board of Directors~~” each mean Commission” means the governing body of ~~the Commission~~Alameda CTC, which constitutes the legislative body of ~~the Commission~~Alameda CTC as defined under Section 54952 of the Brown Act. The Commission is referenced as the “Board” in the JPA and certain other documentation to ensure consistency with the practice of ACTA, ACTIA, and ACCMA.

**3.16** “~~Board~~Commission Member” means and “Commissioner” each mean each of those persons appointed to serve as a member of the ~~Board~~Commission pursuant to the JPA.

**3.17** “Board of Supervisors” means the Board of Supervisors of the County.

**3.18** “Bonds” means indebtedness and securities of any kind or class, including but not limited to bonds, refunding bonds, or revenue anticipation notes.

**3.19** “Brown Act” means the Ralph M. Brown Act, Government Code Sections 54950 *et seq.*, as it may be amended from time to time.

**3.20** “Chair” means the Chair of the ~~Board~~Commission, as elected by the ~~Board~~Commission.

**3.21** “Citizens Watchdog Committee” means the Advisory Committee for 2000 Measure B required by the 2000 Expenditure Plan.

**3.22** “City” means any incorporated city or town within the County.

3.23 ~~3.23~~ **“Clerk”** means the Staff member designated by the Executive Director to serve as the Clerk of the Commission.

3.24 ~~3.23~~ **“Code”** means this Administrative Code of the Alameda County Transportation Commission.

3.25 ~~3.24~~ **“Commission Engineer”** means a Staff member holding and maintaining a California Professional Civil Engineer license who is designated by the Executive Director as the Commission Engineer.

3.26 ~~3.25~~ **“Conflict of Interest Code”** means the Conflict of Interest Code of the ~~Commission~~ Alameda CTC, as adopted and regularly updated by the ~~Board~~ Commission pursuant to the provisions of Government Code Section 87300 *et seq.*

3.27 ~~3.26~~ **“Congestion Management Agency”** means the ~~Commission~~ Alameda CTC serving in its role as the County’s Congestion Management Program agency, as designated pursuant to Government Code Section 65089 and the JPA.

3.28 ~~3.27~~ **“Congestion Management Program”** means the program developed and administered by the Congestion Management Agency, as successor to the ACCMA, in accordance with the provisions of Government Code Section 65089.

3.29 ~~3.28~~ **“County”** means the County of Alameda.

3.30 ~~3.29~~ **“Elected Official”** means (i) any duly elected and serving official of the legislative body, as defined in Government Code Sections 34000 and 34002, of any City, (ii) any duly elected and serving member of the Board of Supervisors, and (iii) any duly elected and serving official of the legislative body of any Member Transit Agency.

3.31 ~~3.30~~ **“Executive Director”** means the chief executive officer selected by the ~~Board~~ Commission to conduct the overall and day-to-day management of the activities of ~~the Commission~~ Alameda CTC.

3.32 ~~3.31~~ **“Expenditure Plan Project”** means a project and/or a program described in one or more of the Expenditure Plans.

3.33 ~~3.32~~ **“Expenditure Plans”** means the 1986 Expenditure Plan, the 2000 Expenditure Plan, and the VRF Expenditure Plan.

3.34 ~~3.33~~ **“Finance and Administration Committee”** or **“FAC”** each mean such Standing Committee as described herein.

3.35 ~~3.34~~ **“Fiscal Year”** means July 1 to and including the following June 30.

3.36 ~~3.35~~ **“General Counsel”** or **“Legal Counsel”** means the attorney(s) or law firm(s) acting as general counsel to ~~the Commission~~ Alameda CTC.

**3.37** ~~3.36~~ “**Geographic Area**” means the four subareas in the County, consisting of North County (the cities of Albany, Berkeley, Emeryville, Piedmont, Oakland and Alameda), Central County (the cities of San Leandro and Hayward and the unincorporated areas of Castro Valley, San Lorenzo, Ashland and others in the central section of the County), South County (the cities of Union City, Newark and Fremont), and East County (the cities of Dublin, Pleasanton and Livermore and the unincorporated areas of the Livermore Valley).

**3.38** ~~3.37~~ “**Holiday**” means any day observed by ~~the Commission~~ Alameda CTC as a holiday, other than a Saturday or Sunday.

**3.39** ~~3.38~~ “**Investment Policy**” means any investment policy adopted by the ~~Board~~ Commission in conformance with applicable law.

**3.40** ~~3.39~~ “**JPA**” means the Joint Powers Agreement which created ~~the Commission~~ Alameda CTC, dated for reference purposes as of March 25, 2010, as it may subsequently be amended from time to time.

**3.41** ~~3.40~~ “**Member Agency**” means each public agency which is a member of ~~the Commission~~ Alameda CTC pursuant to the JPA.

**3.42** ~~3.41~~ “**Member Transit Agency**” means each transit agency which is a Member Agency.

**3.43** ~~3.42~~ “**Metropolitan Transportation Commission**” means the regional transportation planning agency for the San Francisco Bay Area authorized and created by Government Code Sections 66500 *et seq.*

**3.44** ~~3.43~~ “**Net Revenues**” means respectively (i) gross revenues derived from imposition of a retail transactions and use tax, less Board of Equalization administrative and other charges, with respect to the 1986 Expenditure Plan and 2000 Expenditure Plans, or (ii) gross revenues derived from imposition of the VRF, less Department of Motor Vehicles administrative and other charges, with respect to the VRF Expenditure Plan.

**3.45** ~~3.44~~ “**Official Acts**” means all substantive actions taken by the ~~Board~~ Commission, excluding matters which are procedural in nature.

**3.46** ~~3.45~~ “**Planning, Policy, and Legislation Committee**” and “**PPLC**” each mean such Standing Committee as described herein.

**3.47** ~~3.46~~ “**Programs and Projects Committee**” or “**PPC**” each mean such Standing Committee as described herein.

**3.48** ~~3.47~~ “**Procurement Policy**” means any policy or policies adopted by the ~~Board~~ Commission regarding procurement of goods, services and supplies, and hiring of consultants and contractors, as such policy or policies may be amended from time to time. Until such time as the ~~Board~~ Commission adopts a Procurement Policy, (i) all such procurement and hiring of consultants and contractors related to ACTIA projects, programs and activities shall be governed by the ACTIA Procurement Policy, Local Business Contract Equity Program, and

related policies; (ii) all such procurement and hiring of consultants and contractors related to ACCMA projects, programs and activities shall be governed by the ACCMA Project Delivery Administration Guide, the ACCMA Small Business Enterprise Policy, the ACCMA Local Business Enterprise Policy and other applicable ACCMA policies.

~~3.48 “Secretary” means the Staff member designated by the Executive Director to serve as the Secretary of the Board.~~

~~3.49 “Staff” means direct employees of the Commission, and also means employees of ACCMA or ACTIA acting as employees of the Commission pursuant to agreement or contract between the Commission and such agency~~employees of Alameda CTC.

~~3.50 “Standing Committee” means each of the standing subcommittees of the Board~~Commission as described herein, consisting of the FAC, the PPLC and the PPC.

3.51 “State” means the State of California.

3.52 “Vice Chair” means the Vice Chair of the ~~Board~~Commission, as elected by the ~~Board~~Commission.

3.53 “VRF” means any vehicle registration fee adopted by the voters of the County pursuant to Government Code Section 65089.20, as codified pursuant to Senate Bill 83 in 2009.

3.54 “VRF Expenditure Plan” means the expenditure plan adopted with respect to the VRF, and as it may subsequently be amended from time to time.

3.55 “Working Day” means any day other than a Saturday, Sunday or Holiday.

#### ARTICLE 4 POWERS, AUTHORITY AND DUTIES

4.1 **Power, Authority and Duty of the ~~Board~~Commission.** The ~~Board~~Commission shall have the power, authority, and duty to do all of those things necessary and required to accomplish the stated purpose and goals of ~~the Commission~~Alameda CTC as set forth in the JPA. Except as otherwise provided herein, the ~~Board~~Commission may delegate its power and authority to the Executive Director, who may further delegate such power and authority to Staff. Without limiting the generality of the foregoing, the ~~Board~~Commission shall have the power and authority to do any of the following on behalf of ~~the Commission~~Alameda CTC:

4.1.1 To administer and amend, as necessary, the Expenditure Plans, to provide for the design, financing and constructing of the projects described therein, and to determine the use of Net Revenues in conformance with the parameters established in the Expenditure Plans, and in conformance with governing statutes.

4.1.2 To provide for the design, financing and constructing of other projects as may be undertaken from time to time by ~~the~~ Alameda CTC.

**4.1.3** To prepare, adopt, implement and administer the Congestion Management Program as the designated congestion management agency for Alameda County.

**4.1.4** To establish, update and amend the Annual Budget.

**4.1.5** To enter in a contract with the Executive Director, which contract shall include the rate of compensation and other benefits of the Executive Director.

**4.1.6** To establish and revise the salary and benefit structure for ~~Commission~~Alameda CTC employees from time to time.

**4.1.7** To make and enter into contracts.

**4.1.8** To appoint agents.

**4.1.9** To acquire, hold, or dispose of real property and other property by any lawful means, including without limitation, gift, purchase, lease, lease purchase or sale, including use of the power of eminent domain to the extent the ~~Commission~~Alameda CTC is legally entitled to exercise such power. In compliance with applicable State law, resolutions of necessity related to the exercise of such power shall be heard by the Commission without prior review by any Standing Committee.

**4.1.10** To incur debts, liabilities or obligations subject to applicable limitations, including without limitation the issuance of Bonds.

**4.1.11** Subject to applicable reporting and other limitations as set forth in the Conflict of Interest Code, to receive gifts, contributions and donations of property, funds, services and other forms of financial assistance from persons, firms, corporations and any governmental entity.

**4.1.12** To sue and be sued on behalf of ~~the Commission~~Alameda CTC.

**4.1.13** To apply for appropriate grants under any federal, state, regional or local programs for assistance in developing any of its projects, administering any of its programs, or carrying out any other duties of ~~the Commission~~Alameda CTC pursuant to the JPA.

**4.1.14** To create, modify and/or terminate the Standing Committees, Advisory Committees, and ad hoc committees as may be deemed necessary by the ~~Board~~Commission, subject to compliance with the Expenditure Plans and applicable laws.

**4.1.15** To review and amend the Administrative Code as necessary.

**4.1.16** To establish such policies for the ~~Board and/or Commission~~ and/or Alameda CTC as the ~~Board~~Commission deems necessary or are required by applicable law, and thereafter to amend such policies as appropriate.

**4.1.17** To exercise any other powers authorized in the JPA, the Act, the congestion management statutes (Government Code §§65088 *et seq.*), and/or any other applicable state or federal laws or regulations.

**4.1.18** To administer ~~the Commission~~ Alameda CTC in furtherance of all the above.

**4.2 Rules For Proceedings.** Except as otherwise provided herein, the following rules shall apply to all meetings of the ~~Board~~ Commission, the Standing Committees and all Advisory Committees.

**4.2.1** All proceedings shall be governed by Robert's Rules of Order, unless otherwise specifically provided in this Code.

**4.2.2** All meetings shall be conducted in the manner prescribed by the Brown Act.

**4.2.3** A majority of the members of the ~~Board~~ Commission constitutes a quorum for the transaction of business of the ~~Board~~ Commission, regardless of the percentage of Authorized Vote present at the time.

**4.2.4** Except as otherwise provided herein or otherwise required by applicable law, all Official Acts require the affirmative vote of a majority of the weighted vote of the ~~Board~~ Commission Members (and/or Alternates eligible to vote) present at the time of the vote.

**4.2.5** As required by applicable State law, adoption of a resolution of necessity for the exercise of the power of eminent domain requires approval by not less than 15 Commission Members (and/or Alternates eligible to vote), since a two-thirds vote of the 22 Commission Members is required by law. For projects on the State highway system, adoption of a resolution of necessity requires approval by not less than 18 Commission Members (and/or Alternates eligible to vote), since a four-fifths vote of the 22 Commission Members is required by law. Weighted voting may not be used for the adoption of such resolutions.

**4.2.6** ~~4.2.5~~ As required by the 2000 Expenditure Plan, two-thirds of the weighted vote of the ~~Board~~ Commission Members (and/or Alternates eligible to vote) present at the time of the vote is required to approve an amendment to the 2000 Expenditure Plan.

**4.2.7** ~~4.2.6~~ A majority of the total Authorized Vote shall be required for each of the following actions by the ~~Board~~ Commission:

**4.2.7.1** ~~4.2.6.1~~ To adopt or amend the Congestion Management Program.

**4.2.7.2** ~~4.2.6.2~~ To adopt a resolution of conformance or non-conformance with the adopted Congestion Management Program.

**4.2.7.3** ~~4.2.6.3~~ To approve or reject a deficiency plan.

4.2.7.4 ~~4.2.6.4~~ To adopt or amend the Countywide Transportation Plan.

4.2.7.5 ~~4.2.6.5~~ To approve federal or state funding programs.

4.2.7.6 ~~4.2.6.6~~ To adopt the Annual Budget or to levy fees or charges on any Member Agency.

4.2.8 ~~4.2.7~~ Annually, or as otherwise determined by the ~~Board~~Commission, the ~~Board~~Commission shall elect the Chair and Vice Chair. In choosing the Chair and Vice Chair, Members shall give reasonable consideration to rotating these positions among the Geographic Areas and the transit representatives, among other factors.

4.2.9 ~~4.2.8~~ The acts of the ~~Board~~Commission shall be expressed by motion, resolution, or ordinance.

4.2.10 ~~4.2.9~~ A majority of the members of an Advisory Committee or Standing Committee constitutes a quorum for the transaction of business of such committee.

4.2.11 ~~4.2.10~~ The acts of the Standing Committees and Advisory Committees shall be expressed by motion.

**4.3 Compensation of ~~Board~~Commission Members and Alternates.** ~~Board~~Commission Members or Alternates attending and participating in any meeting of the ~~Board~~Commission, a Standing Committee, or any external committee where such ~~Board~~Commission Member or Alternate serves as the appointed or designated representative of ~~the Commission~~Alameda CTC, shall be compensated at the rate of \$225 for each such meeting, plus travel costs at the per diem rate of \$25. Notwithstanding anything to contrary in the administrative code of ACTIA or ACCMA, no ~~Board~~Commission Member or Alternate shall receive any compensation for meetings of ACTIA or ACCMA which are held concurrently with, or immediately before or after, any meeting for which compensation is payable under this Code.

**4.4 Powers Reserved to ~~Board~~Commission.** The matters not delegated to the Executive Director but rather specifically reserved for the ~~Board~~Commission include adoption of the Annual Budget, establishment of strategy and policies for ~~the Commission~~Alameda CTC, and succession planning for the Executive Director.

**4.5 ~~Board~~Commission Directions to Staff through Executive Director.** Neither the ~~Board~~Commission nor any ~~Board~~Commission Member or Alternate shall give orders or directions to any Staff member except by and through the Executive Director. This shall not prohibit the ~~Board, Board~~Commission, Commission Members or Alternates from contacting Staff members for purposes of response or inquiry, to obtain information, or as authorized by the Executive Director.

**4.6 Power, Authority and Duty of the Executive Director.** The ~~Board~~Commission delegates to the Executive Director all matters necessary for the day-to-day management of ~~the Commission~~Alameda CTC, except matters specifically reserved for the ~~Board~~Commission herein. The Executive Director shall, on behalf of ~~the Commission~~Alameda CTC, be responsible



for instituting those methods, procedures and systems of operations and management which, in his/her discretion, shall best accomplish the mission and goals of ~~the Commission~~Alameda CTC. Without limitation, the Executive Director shall have the power, authority, and duty to do each of the following:

**4.6.1** To serve as the chief executive officer of ~~the Commission~~Alameda CTC and to be responsible to the ~~Board~~Commission for the proper administration of all ~~Commission~~Alameda CTC affairs.

**4.6.2** To prepare and submit an annual budget, and such amendments thereto as may be necessary, to the ~~Board~~Commission for its approval.

**4.6.3** To prepare and submit an annual salary and benefits plan, and such amendments thereto as may be necessary, to the ~~Board~~Commission for its approval.

**4.6.4** To administer the personnel system of ~~the Commission~~Alameda CTC, including hiring, controlling, supervising, promoting, transferring, suspending with or without pay or discharging any employee, including but not limited to determination of a staffing plan and determination of each employee's level of salary, subject to conformance with the Annual Budget and the salary and benefit plan established from time to time by the ~~Board~~Commission.

**4.6.5** To prepare periodic reports updating the ~~Board and the~~ Commission on financial and project status, as well as other activities of ~~the Commission~~Alameda CTC and Staff.

**4.6.6** To approve and execute contracts on behalf of ~~the Commission~~Alameda CTC following such approvals as may be required hereunder, subject to compliance with the Procurement Policy and any other applicable direction or policy of the ~~Board~~Commission, and in accord with the Annual Budget.

**4.6.7** To see that all rules, regulations, ordinances, policies, procedures and resolutions of ~~the Commission~~Alameda CTC are enforced.

**4.6.8** To accept and consent to deeds or grants conveying any interest in or easement upon real estate to ~~the Commission~~Alameda CTC pursuant to Government Code Section 27281 and to prepare and execute certificates of acceptances therefor from time to time as the Executive Director determines to be in furtherance of the purposes of the Commission. Such authority shall be limited to actions of a ministerial nature necessary to carry out conveyances authorized by the ~~Board~~Commission.

**4.6.9** To designate, in writing, the Commission Engineer and such Commission Engineer's authorized delegates. Any such designations will remain in effect until modified or revoked by the Executive Director.

**4.7 Power, Authority and Duty of the Commission Engineer.** The Commission Engineer shall do the following:



**4.7.1** Sign plans for conformance with project requirements and design exceptions.

**4.7.2** Certify matters related to utilities and rights-of-way in connection with right-of-way programs approved by the ~~Board~~[Commission](#).

**4.7.3** Approve construction contract change orders (CCOs) and other documents which require, or recommend, the signature of ~~a Commission~~[an Alameda CTC](#) representative with a California Professional Civil Engineering license, all in accordance with the applicable construction program manual.

#### **4.8 Power, Authority and Duty of the Chair and Vice Chair.**

**4.8.1** The Chair shall preside over all meetings of the ~~Board~~[Commission](#). In the absence of the Chair, the Vice Chair shall serve as and have the authority of the Chair. In the event of absence of both the Chair and Vice Chair or their inability to act, the members present shall select one of their members to act as Chair Pro Tempore, who, while so acting, shall have the authority of the Chair.

**4.8.2** The Chair shall appoint all members, and select the chair and vice-chair, of each Standing Committee. In making such appointments, the Chair shall endeavor to include members from all four geographic areas on each Standing Committee.

**4.8.3** The Chair and Vice Chair shall serve as voting ex-officio members of each Standing Committee.

**4.8.4** In urgent situations where ~~Board~~[Commission](#) action is impractical or impossible, the Chair may take and communicate positions on behalf of ~~the Commission~~[Alameda CTC](#) regarding legislative matters. The Chair shall report to the ~~Board~~[Commission](#) and the appropriate Standing Committee at the next meeting of each said body regarding any such actions taken by the Chair.

#### **4.9 Power, Authority and Duty of the Standing Committees.**

**4.9.1** The following general provisions apply to each of the Standing Committees:

**4.9.1.1** All members of the Standing Committees shall be ~~Board~~[Commission](#) Members, and shall be appointed by the Chair after consultation with the Members and solicitation of information regarding each Member's interests. Appointments to the Standing Committees shall occur when a vacancy occurs, or as otherwise needed or desired. Upon the removal or resignation of a ~~Board~~[Commission](#) Member, such ~~Board~~[Commission](#) Member shall cease to be a member of any Standing Committee.

**4.9.1.2** Each member of a Standing Committee shall carry one vote.

**4.9.1.3** The Standing Committees may meet as committees of the whole with respect to the ~~Board~~[Commission](#).

**4.9.1.4** Whether or not a Standing Committee meets as a committee of the whole, no recommendation by a Standing Committee shall be deemed an action of the ~~Board~~Commission, except with respect to any actions that the Standing Committee may be specifically authorized to approve by ~~Board~~Commission Action.

**4.9.1.5** Unless specifically stated otherwise, all actions of the Standing Committees are advisory and consist of recommendations to the ~~Board~~Commission.

**4.9.1.6** All ~~Board~~Commission Members shall be notified of the time and date of Standing Committee meetings. However, ~~Board~~Commission Members and Alternates who are not members of a given Standing Committee may attend such meetings as members of the public, including sitting with other members of public rather than with the Standing Committee members, neither voting nor participating in discussions except as a member of the public.

**4.9.2** The functions and authority of the Finance and Administration Committee (FAC) are as follows:

**4.9.2.1** ~~Agency~~Alameda CTC operations and performance.

**4.9.2.2** Human resources and personnel policies and procedures.

**4.9.2.3** Administrative Code.

**4.9.2.4** Salary and benefits.

**4.9.2.5** Procurement policies and procedures.

**4.9.2.6** Procurement of administrative contracts.

**4.9.2.7** Contract preference programs for entities such as local business enterprises, small business enterprises and disabled business enterprises, including consideration of participation reports.

**4.9.2.8** Bid protests and complaints related to administrative contract procurement.

**4.9.2.9** Annual budget and financial reports.

**4.9.2.10** Investment policy and reports.

**4.9.2.11** Audit reports, financial reporting, internal controls and risk management.

**4.9.2.12** Annual work program.

**4.9.2.13** Other matters as assigned by the ~~Board~~Commission or Chair.

**4.9.3** The functions and authority of the Planning, Policy, and Legislation Committee (PPLC) are as follows:

- 4.9.3.1** Congestion Management Program (CMP).
- 4.9.3.2** Countywide Transportation Plan (CWTP).
- 4.9.3.3** Federal, state, regional and local transportation and land-use planning policies.
- 4.9.3.4** Transportation and land use planning studies and policies.
- 4.9.3.5** Amendments to the 1986 Expenditure Plan or the 2000 Expenditure Plans.
- 4.9.3.6** Amendments to the VRF Expenditure Plan.
- 4.9.3.7** Transit oriented development, priority development areas projects and programs.
- 4.9.3.8** Annual legislative program.
- 4.9.3.9** State and Federal legislative matters.
- 4.9.3.10** General and targeted outreach programs (public information, media relations, and public participation).
- 4.9.3.11** Advisory committees' performance and effectiveness.
- 4.9.3.12** Other matters as assigned by the ~~Board~~[Commission](#) or Chair.

**4.9.4** The functions and authority of the Programs and Projects Committee (PPC) are as follows:

- 4.9.4.1** Local, state, ACCMA Transportation Improvement Program (TIP), TFCA vehicle registration fee programs, and Expenditure Plan programs and projects.
- 4.9.4.2** Local, state and federally funded projects and funding programs.
- 4.9.4.3** Annual Strategic Plan for programs and projects.
- 4.9.4.4** Funding requests from project sponsors and other eligible recipients.
- 4.9.4.5** Paratransit services programs and projects.
- 4.9.4.6** Bicycle and pedestrian projects and programs.

4.9.4.7 Funding allocations to the various transportation programs and projects.

4.9.4.8 Eminent domain proceedings, subject to the provisions of Section 4.1.9, pursuant to which resolutions of necessity shall be heard by the Commission without prior Standing Committee review.

4.9.4.9 Environmental evaluations.

4.9.4.10 Contract procurement for specific engineering and construction contracts not delegated to the Executive Director.

4.9.4.11 Good faith efforts policies and procedures.

4.9.4.12 Bid protests and complaints regarding engineering and construction contract procurement.

4.9.4.13 Other matters as assigned by the ~~Board~~Commission or Chair.

## **ARTICLE 5 ADVISORY AND EXTERNAL COMMITTEES**

**5.1 Continuance of Existing Advisory Committees.** All ACTIA and ACCMA advisory committees in existence as of the first adoption of this Code shall continue in their current form and purpose until and unless the ~~Board~~Commission determines otherwise.

**5.2 Citizens Watchdog Committee.** The Citizens Watchdog Committee defined in and required by the 2000 Expenditure Plan shall continue to have all duties and obligations as described therein with respect to the 2000 Expenditure Plan, and shall have the membership required thereby.

**5.3 Alameda County Transportation Advisory Committee.** ACTAC shall be composed of one staff representative, preferably from a planning or public works department, from each of the following: ~~the Commission~~Alameda CTC, each City, the County, each Member Transit Agency, the Livermore Amador Valley Transit Agency, the Port of Oakland, the Metropolitan Transportation Commission, and Caltrans. Each representative shall have one vote. ACTAC may form subcommittees as necessary. The Executive Director or his/her designee shall preside over the meetings of the ACTAC.

**5.4 Other Advisory Committees.** The ~~Board~~Commission shall establish and appoint such advisory committees as it deems necessary, and as may be required by the Expenditure Plans or applicable statutes.

**5.5 Compensation of Advisory Committee Members and Alternates.** Any person appointed as a member or alternate to, and participating as a voting representative at a meeting of, any Advisory Committee shall be compensated at the rate of \$50 for each such meeting. Notwithstanding the foregoing, no compensation shall be payable hereunder to any representative of ACTAC.

**5.6 Geographic Area Meetings.** Meetings of representatives (including ~~Board~~[Commission](#) Members, Alternates and ACTAC members) from a Geographic Area may be called on an as-needed basis by the Chair, the Executive Director, or by two or more ~~Board~~[Commission](#) Members from a Geographic Area. Such meetings are intended to provide an opportunity to discuss matters of common interest and to advise the ~~Board~~[Commission](#) on matters affecting the Geographic Area.

**5.7 Staff Support.** The Executive Director shall designate one or more Staff members to aid each advisory committee in its work.

**5.8 Representation on External Committees and Agencies.** The Chair or the ~~Board~~[Commission](#) may designate either ~~Board~~[Commission](#) Members, Alternates, or members of Staff, as may be deemed appropriate, to serve as the designated representative(s) of ~~the Commission~~[Alameda CTC](#) on any outside committees or agencies. Such representative(s) shall make a good faith effort to represent the position of the ~~Board~~[Commission](#) on any matter on which the ~~Board~~[Commission](#) has taken an official position or has otherwise taken formal action. Such appointments shall include provisions for the designation of alternates and of term of the appointment where appropriate.

Document comparison by Workshare Professional on Wednesday, January 11, 2012  
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Description	#1574028v3<iManage> - Alameda CTC Administrative Code -- 2011 revisions
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**ALAMEDA COUNTY TRANSPORTATION COMMISSION  
ADMINISTRATIVE CODE**  
(as amended on 1/26/12)

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**ALAMEDA COUNTY TRANSPORTATION COMMISSION**  
**ADMINISTRATIVE CODE**  
(as amended on 1/26/12)

**ARTICLE 1**  
**GENERAL PROVISIONS**

**1.1 Title.** This Code is enacted by the Alameda County Transportation Commission (“Alameda CTC” or “ACTC”) pursuant to the provisions of California Public Utilities Code Section 180105 and the Joint Powers Agreement dated for reference purposes as of March 25, 2010 (as it may subsequently be amended from time to time) which created the Alameda CTC (“JPA”). This Code may be referred to as the “Alameda County Transportation Commission Administrative Code.” This Code prescribes the powers and duties of officers of Alameda CTC, the method of appointment of employees of Alameda CTC, and the methods, procedures, and systems of operation and management of Alameda CTC.

**1.2 Reference Includes Amendments.** Reference to this Code or any portion thereof includes later amendments thereto. This Code may be amended by motion, resolution or other proper action of the Commission.

**1.3 Severability.** If any term or provision of this Code is ever determined to be invalid or unenforceable for any reason, such term or provision shall be severed from this Code without affecting the validity or enforceability of the remainder of this Code.

**1.4 Interpretation.** Section headings in this Code are for convenience of reference only and shall not affect the meaning or interpretation of any provision of this Code. As used herein: (a) the singular shall include the plural (and vice versa) and the masculine or neuter gender shall include the feminine gender (and vice versa) where the context so requires; (b) locative adverbs such as “herein,” “hereto,” and “hereunder” shall refer to this Code in its entirety and not to any specific Section or paragraph; (c) the terms “include,” “including,” and similar terms shall be construed as though followed immediately by the phrase “but not limited to;” and (d) “shall,” “will” and “must” are mandatory and “may” is permissive.

**ARTICLE 2**  
**CODE OF ETHICS**

**2.1 Ethics Statement.** The foundation of any democratic institution or governmental agency relies upon the trust and confidence its citizens place in its elected officials, appointed managers or administrators, and staff. Honesty, integrity and professionalism must serve as the guiding principles for Alameda CTC in carrying out its deliberations and Alameda CTC’s business. The ethical operation of local government requires that decision-makers be impartial and accountable. Alameda CTC expects its representatives, including but not limited to Commission Members, employees, contractors, and advisory committee members to act in a manner that retains and inspires the trust and confidence of the people they serve.

**2.2 Expectations.** It is the general policy of Alameda CTC to promote the highest standards of personal and professional ethics by individuals charged with carrying out Alameda CTC's business. Alameda CTC expects all participants to:

**2.2.1** Conduct public deliberations and Alameda CTC business in an atmosphere of mutual respect, consideration, cooperation and civility.

**2.2.2** Conduct public processes openly, unless legally required to be confidential.

**2.2.3** Comply with both the letter and spirit of the laws and policies affecting the operations of government in general and Alameda CTC specifically, including but not limited to the Conflict of Interest Code.

**2.2.4** Use public service for the public good, not for personal gain.

### **ARTICLE 3 DEFINITIONS**

**3.1 Existing Definitions Adopted.** For the purposes of this Code, all words not defined herein shall have such meanings as (i) have been established in a controlling Expenditure Plan, or (ii) have been determined by the laws of the State and decisions of the courts of the State.

**3.2 "1986 Expenditure Plan"** means the Alameda County Transportation Expenditure Plan approved by the voters of Alameda County pursuant to the passage of the original Measure B on November 4, 1986, as it may subsequently be amended from time to time.

**3.3 "2000 Expenditure Plan"** means Alameda County's 20-Year Transportation Expenditure Plan, dated July 2000 and funded by the retail transactions and use tax imposed pursuant to 2000 Measure B, as it may subsequently be amended from time to time.

**3.4 "2000 Measure B"** means Measure B as adopted by the voters of Alameda County on November 7, 2000 pursuant to Section 180206 of the Act.

**3.5 "Act"** means Division 9 of the California Public Utilities Code, Sections 180000 et seq., also known the Local Transportation Authority and Improvement Act, as the Act may be amended from time to time.

**3.6 "ACCMA" or "CMA"** each mean the Alameda County Congestion Management Agency, the agency originally tasked with the duty of adopting and implementing the Congestion Management Program.

**3.7 "ACTA"** means the Alameda County Transportation Authority, the agency originally tasked with the duty of implementing the 1986 Expenditure Plan. ACTA has now been dissolved, and ACTIA has assumed its duties, rights and obligations, which have been delegated to the Commission pursuant to the JPA.

**3.8** “**ACTAC**” means the Alameda County Transportation Advisory Committee, the technical advisory committee to the Commission, as described herein.

**3.9** “**ACTIA**” means the Alameda County Transportation Improvement Authority, the agency originally tasked with the duty of implementing the 2000 Expenditure Plan.

**3.10** “**Advisory Committee**” means each advisory committee established by or for the Commission.

**3.11** “**Alameda CTC**” and “**ACTC**” each mean the Alameda County Transportation Commission.

**3.12** “**Alternate**” means each of those persons appointed, pursuant to the JPA, to serve and vote as an alternate member of the Commission or of a Standing Committee in the absence of a specific Commission Member.

**3.13** “**Annual Budget**” means the budget for Alameda CTC, including separate budget sections related to (i) the 1986 Expenditure Plan, (ii) the 2000 Expenditure Plan, as required by Section 180105 of the Act, (iii) the Congestion Management Program, (iv) the VRF Expenditure Plan, and (v) other matters.

**3.14** “**Authorized Vote**” means the total number of weighted votes represented by all Commission Members, pursuant to the provisions of the JPA.

**3.15** “**Board of Supervisors**” means the Board of Supervisors of the County.

**3.16** “**Bonds**” means indebtedness and securities of any kind or class, including but not limited to bonds, refunding bonds, or revenue anticipation notes.

**3.17** “**Brown Act**” means the Ralph M. Brown Act, Government Code Sections 54950 *et seq.*, as it may be amended from time to time.

**3.18** “**Chair**” means the Chair of the Commission, as elected by the Commission.

**3.19** “**Citizens Watchdog Committee**” means the Advisory Committee for 2000 Measure B required by the 2000 Expenditure Plan.

**3.20** “**City**” means any incorporated city or town within the County.

**3.21** “**Clerk**” means the Staff member designated by the Executive Director to serve as the Clerk of the Commission.

**3.22** “**Code**” means this Administrative Code of the Alameda County Transportation Commission.

**3.23** “**Commission**” means the governing body of Alameda CTC, which constitutes the legislative body of Alameda CTC as defined under Section 54952 of the Brown Act. The

Commission is referenced as the “Board” in the JPA and certain other documentation to ensure consistency with the practice of ACTA, ACTIA, and ACCMA.

**3.24 “Commission Engineer”** means a Staff member holding and maintaining a California Professional Civil Engineer license who is designated by the Executive Director as the Commission Engineer.

**3.25 “Commission Member” and “Commissioner”** each mean each of those persons appointed to serve as a member of the Commission pursuant to the JPA.

**3.26 “Conflict of Interest Code”** means the Conflict of Interest Code of the Alameda CTC, as adopted and regularly updated by the Commission pursuant to the provisions of Government Code Section 87300 *et seq.*

**3.27 “Congestion Management Agency”** means the Alameda CTC serving in its role as the County’s Congestion Management Program agency, as designated pursuant to Government Code Section 65089 and the JPA.

**3.28 “Congestion Management Program”** means the program developed and administered by the Congestion Management Agency, as successor to the ACCMA, in accordance with the provisions of Government Code Section 65089.

**3.29 “County”** means the County of Alameda.

**3.30 “Elected Official”** means (i) any duly elected and serving official of the legislative body, as defined in Government Code Sections 34000 and 34002, of any City, (ii) any duly elected and serving member of the Board of Supervisors, and (iii) any duly elected and serving official of the legislative body of any Member Transit Agency.

**3.31 “Executive Director”** means the chief executive officer selected by the Commission to conduct the overall and day-to-day management of the activities of Alameda CTC.

**3.32 “Expenditure Plan Project”** means a project and/or a program described in one or more of the Expenditure Plans.

**3.33 “Expenditure Plans”** means the 1986 Expenditure Plan, the 2000 Expenditure Plan, and the VRF Expenditure Plan.

**3.34 “Finance and Administration Committee” or “FAC”** each mean such Standing Committee as described herein.

**3.35 “Fiscal Year”** means July 1 to and including the following June 30.

**3.36 “General Counsel” or “Legal Counsel”** means the attorney(s) or law firm(s) acting as general counsel to Alameda CTC.

**3.37 “Geographic Area”** means the four subareas in the County, consisting of North County (the cities of Albany, Berkeley, Emeryville, Piedmont, Oakland and Alameda), Central County (the cities of San Leandro and Hayward and the unincorporated areas of Castro Valley, San Lorenzo, Ashland and others in the central section of the County), South County (the cities of Union City, Newark and Fremont), and East County (the cities of Dublin, Pleasanton and Livermore and the unincorporated areas of the Livermore Valley).

**3.38 “Holiday”** means any day observed by Alameda CTC as a holiday, other than a Saturday or Sunday.

**3.39 “Investment Policy”** means any investment policy adopted by the Commission in conformance with applicable law.

**3.40 “JPA”** means the Joint Powers Agreement which created Alameda CTC, dated for reference purposes as of March 25, 2010, as it may subsequently be amended from time to time.

**3.41 “Member Agency”** means each public agency which is a member of Alameda CTC pursuant to the JPA.

**3.42 “Member Transit Agency”** means each transit agency which is a Member Agency.

**3.43 “Metropolitan Transportation Commission”** means the regional transportation planning agency for the San Francisco Bay Area authorized and created by Government Code Sections 66500 *et seq.*

**3.44 “Net Revenues”** means respectively (i) gross revenues derived from imposition of a retail transactions and use tax, less Board of Equalization administrative and other charges, with respect to the 1986 Expenditure Plan and 2000 Expenditure Plans, or (ii) gross revenues derived from imposition of the VRF, less Department of Motor Vehicles administrative and other charges, with respect to the VRF Expenditure Plan.

**3.45 “Official Acts”** means all substantive actions taken by the Commission, excluding matters which are procedural in nature.

**3.46 “Planning, Policy, and Legislation Committee”** and **“PPLC”** each mean such Standing Committee as described herein.

**3.47 “Programs and Projects Committee”** or **“PPC”** each mean such Standing Committee as described herein.

**3.48 “Procurement Policy”** means any policy or policies adopted by the Commission regarding procurement of goods, services and supplies, and hiring of consultants and contractors, as such policy or policies may be amended from time to time. Until such time as the Commission adopts a Procurement Policy, (i) all such procurement and hiring of consultants and contractors related to ACTIA projects, programs and activities shall be governed by the ACTIA Procurement Policy, Local Business Contract Equity Program, and related policies; (ii) all such

procurement and hiring of consultants and contractors related to ACCMA projects, programs and activities shall be governed by the ACCMA Project Delivery Administration Guide, the ACCMA Small Business Enterprise Policy, the ACCMA Local Business Enterprise Policy and other applicable ACCMA policies.

**3.49** “**Staff**” means employees of Alameda CTC.

**3.50** “**Standing Committee**” means each of the standing subcommittees of the Commission as described herein, consisting of the FAC, the PPLC and the PPC.

**3.51** “**State**” means the State of California.

**3.52** “**Vice Chair**” means the Vice Chair of the Commission, as elected by the Commission.

**3.53** “**VRF**” means any vehicle registration fee adopted by the voters of the County pursuant to Government Code Section 65089.20, as codified pursuant to Senate Bill 83 in 2009.

**3.54** “**VRF Expenditure Plan**” means the expenditure plan adopted with respect to the VRF, and as it may subsequently be amended from time to time.

**3.55** “**Working Day**” means any day other than a Saturday, Sunday or Holiday.

## **ARTICLE 4**

### **POWERS, AUTHORITY AND DUTIES**

**4.1 Power, Authority and Duty of the Commission.** The Commission shall have the power, authority, and duty to do all of those things necessary and required to accomplish the stated purpose and goals of Alameda CTC as set forth in the JPA. Except as otherwise provided herein, the Commission may delegate its power and authority to the Executive Director, who may further delegate such power and authority to Staff. Without limiting the generality of the foregoing, the Commission shall have the power and authority to do any of the following on behalf of Alameda CTC:

**4.1.1** To administer and amend, as necessary, the Expenditure Plans, to provide for the design, financing and constructing of the projects described therein, and to determine the use of Net Revenues in conformance with the parameters established in the Expenditure Plans, and in conformance with governing statutes.

**4.1.2** To provide for the design, financing and constructing of other projects as may be undertaken from time to time by Alameda CTC.

**4.1.3** To prepare, adopt, implement and administer the Congestion Management Program as the designated congestion management agency for Alameda County.

**4.1.4** To establish, update and amend the Annual Budget.

**4.1.5** To enter in a contract with the Executive Director, which contract shall include the rate of compensation and other benefits of the Executive Director.

**4.1.6** To establish and revise the salary and benefit structure for Alameda CTC employees from time to time.

**4.1.7** To make and enter into contracts.

**4.1.8** To appoint agents.

**4.1.9** To acquire, hold, or dispose of real property and other property by any lawful means, including without limitation, gift, purchase, lease, lease purchase or sale, including use of the power of eminent domain to the extent the Alameda CTC is legally entitled to exercise such power. In compliance with applicable State law, resolutions of necessity related to the exercise of such power shall be heard by the Commission without prior review by any Standing Committee.

**4.1.10** To incur debts, liabilities or obligations subject to applicable limitations, including without limitation the issuance of Bonds.

**4.1.11** Subject to applicable reporting and other limitations as set forth in the Conflict of Interest Code, to receive gifts, contributions and donations of property, funds, services and other forms of financial assistance from persons, firms, corporations and any governmental entity.

**4.1.12** To sue and be sued on behalf of Alameda CTC.

**4.1.13** To apply for appropriate grants under any federal, state, regional or local programs for assistance in developing any of its projects, administering any of its programs, or carrying out any other duties of Alameda CTC pursuant to the JPA.

**4.1.14** To create, modify and/or terminate the Standing Committees, Advisory Committees, and ad hoc committees as may be deemed necessary by the Commission, subject to compliance with the Expenditure Plans and applicable laws.

**4.1.15** To review and amend the Administrative Code as necessary.

**4.1.16** To establish such policies for the Commission and/or Alameda CTC as the Commission deems necessary or are required by applicable law, and thereafter to amend such policies as appropriate.

**4.1.17** To exercise any other powers authorized in the JPA, the Act, the congestion management statutes (Government Code §§65088 *et seq.*), and/or any other applicable state or federal laws or regulations.

**4.1.18** To administer Alameda CTC in furtherance of all the above.

**4.2 Rules For Proceedings.** Except as otherwise provided herein, the following rules shall apply to all meetings of the Commission, the Standing Committees and all Advisory Committees.

**4.2.1** All proceedings shall be governed by Robert's Rules of Order, unless otherwise specifically provided in this Code.

**4.2.2** All meetings shall be conducted in the manner prescribed by the Brown Act.

**4.2.3** A majority of the members of the Commission constitutes a quorum for the transaction of business of the Commission, regardless of the percentage of Authorized Vote present at the time.

**4.2.4** Except as otherwise provided herein or otherwise required by applicable law, all Official Acts require the affirmative vote of a majority of the weighted vote of the Commission Members (and/or Alternates eligible to vote) present at the time of the vote.

**4.2.5** Adoption of a resolution of necessity authorizing the exercise of the power of eminent domain requires approval by not less than 15 Commission Members (and/or Alternates eligible to vote), since a two-thirds vote of the 22 Commission Members is required by law. For projects on the State highway system, adoption of a resolution of necessity requires approval by not less than 18 Commission Members (and/or Alternates eligible to vote), since a four-fifths vote of the 22 Commission Members is required by law. Further, in compliance with Caltrans' requirements, adoption of a resolution agreeing to hear resolutions of necessity for projects on the State highway system requires approval by not less than 18 Commission Members (and/or Alternates eligible to vote). Weighted voting may not be used for the adoption of any resolutions discussed in this Section.

**4.2.6** As required by the 2000 Expenditure Plan, two-thirds of the weighted vote of the Commission Members (and/or Alternates eligible to vote) present at the time of the vote is required to approve an amendment to the 2000 Expenditure Plan.

**4.2.7** A majority of the total Authorized Vote shall be required for each of the following actions by the Commission:

**4.2.7.1** To adopt or amend the Congestion Management Program.

**4.2.7.2** To adopt a resolution of conformance or non-conformance with the adopted Congestion Management Program.

**4.2.7.3** To approve or reject a deficiency plan.

**4.2.7.4** To adopt or amend the Countywide Transportation Plan.

**4.2.7.5** To approve federal or state funding programs.



**4.2.7.6** To adopt the Annual Budget or to levy fees or charges on any Member Agency.

**4.2.8** Annually, or as otherwise determined by the Commission, the Commission shall elect the Chair and Vice Chair. In choosing the Chair and Vice Chair, Members shall give reasonable consideration to rotating these positions among the Geographic Areas and the transit representatives, among other factors.

**4.2.9** The acts of the Commission shall be expressed by motion, resolution, or ordinance.

**4.2.10** A majority of the members of an Advisory Committee or Standing Committee constitutes a quorum for the transaction of business of such committee.

**4.2.11** The acts of the Standing Committees and Advisory Committees shall be expressed by motion.

**4.3 Compensation of Commission Members and Alternates.** Commission Members or Alternates attending and participating in any meeting of the Commission, a Standing Committee, or any external committee where such Commission Member or Alternate serves as the appointed or designated representative of Alameda CTC, shall be compensated at the rate of \$225 for each such meeting, plus travel costs at the per diem rate of \$25. Notwithstanding anything to contrary in the administrative code of ACTIA or ACCMA, no Commission Member or Alternate shall receive any compensation for meetings of ACTIA or ACCMA which are held concurrently with, or immediately before or after, any meeting for which compensation is payable under this Code.

**4.4 Powers Reserved to Commission.** The matters not delegated to the Executive Director but rather specifically reserved for the Commission include adoption of the Annual Budget, establishment of strategy and policies for Alameda CTC, and succession planning for the Executive Director.

**4.5 Commission Directions to Staff through Executive Director.** Neither the Commission nor any Commission Member or Alternate shall give orders or directions to any Staff member except by and through the Executive Director. This shall not prohibit the Commission, Commission Members or Alternates from contacting Staff members for purposes of response or inquiry, to obtain information, or as authorized by the Executive Director.

**4.6 Power, Authority and Duty of the Executive Director.** The Commission delegates to the Executive Director all matters necessary for the day-to-day management of Alameda CTC, except matters specifically reserved for the Commission herein. The Executive Director shall, on behalf of Alameda CTC, be responsible for instituting those methods, procedures and systems of operations and management which, in his/her discretion, shall best accomplish the mission and goals of Alameda CTC. Without limitation, the Executive Director shall have the power, authority, and duty to do each of the following:

**4.6.1** To serve as the chief executive officer of Alameda CTC and to be responsible to the Commission for the proper administration of all Alameda CTC affairs.

**4.6.2** To prepare and submit an annual budget, and such amendments thereto as may be necessary, to the Commission for its approval.

**4.6.3** To prepare and submit an annual salary and benefits plan, and such amendments thereto as may be necessary, to the Commission for its approval.

**4.6.4** To administer the personnel system of Alameda CTC, including hiring, controlling, supervising, promoting, transferring, suspending with or without pay or discharging any employee, including but not limited to determination of a staffing plan and determination of each employee's level of salary, subject to conformance with the Annual Budget and the salary and benefit plan established from time to time by the Commission.

**4.6.5** To prepare periodic reports updating the Commission on financial and project status, as well as other activities of Alameda CTC and Staff.

**4.6.6** To approve and execute contracts on behalf of Alameda CTC following such approvals as may be required hereunder, subject to compliance with the Procurement Policy and any other applicable direction or policy of the Commission, and in accord with the Annual Budget.

**4.6.7** To see that all rules, regulations, ordinances, policies, procedures and resolutions of Alameda CTC are enforced.

**4.6.8** To accept and consent to deeds or grants conveying any interest in or easement upon real estate to Alameda CTC pursuant to Government Code Section 27281 and to prepare and execute certificates of acceptances therefor from time to time as the Executive Director determines to be in furtherance of the purposes of the Commission. Such authority shall be limited to actions of a ministerial nature necessary to carry out conveyances authorized by the Commission.

**4.6.9** To designate, in writing, the Commission Engineer and such Commission Engineer's authorized delegees. Any such designations will remain in effect until modified or revoked by the Executive Director.

**4.7 Power, Authority and Duty of the Commission Engineer.** The Commission Engineer shall do the following:

**4.7.1** Sign plans for conformance with project requirements and design exceptions.

**4.7.2** Certify matters related to utilities and rights-of-way in connection with right-of-way programs approved by the Commission.

**4.7.3** Approve construction contract change orders (CCOs) and other documents which require, or recommend, the signature of an Alameda CTC representative with a California Professional Civil Engineering license, all in accordance with the applicable construction program manual.

#### **4.8 Power, Authority and Duty of the Chair and Vice Chair.**

**4.8.1** The Chair shall preside over all meetings of the Commission. In the absence of the Chair, the Vice Chair shall serve as and have the authority of the Chair. In the event of absence of both the Chair and Vice Chair or their inability to act, the members present shall select one of their members to act as Chair Pro Tempore, who, while so acting, shall have the authority of the Chair.

**4.8.2** The Chair shall appoint all members, and select the chair and vice-chair, of each Standing Committee. In making such appointments, the Chair shall endeavor to include members from all four geographic areas on each Standing Committee.

**4.8.3** The Chair and Vice Chair shall serve as voting ex-officio members of each Standing Committee.

**4.8.4** In urgent situations where Commission action is impractical or impossible, the Chair may take and communicate positions on behalf of Alameda CTC regarding legislative matters. The Chair shall report to the Commission and the appropriate Standing Committee at the next meeting of each said body regarding any such actions taken by the Chair.

#### **4.9 Power, Authority and Duty of the Standing Committees.**

**4.9.1** The following general provisions apply to each of the Standing Committees:

**4.9.1.1** All members of the Standing Committees shall be Commission Members, and shall be appointed by the Chair after consultation with the Members and solicitation of information regarding each Member's interests. Appointments to the Standing Committees shall occur when a vacancy occurs, or as otherwise needed or desired. Upon the removal or resignation of a Commission Member, such Commission Member shall cease to be a member of any Standing Committee.

**4.9.1.2** Each member of a Standing Committee shall carry one vote.

**4.9.1.3** The Standing Committees may meet as committees of the whole with respect to the Commission.

**4.9.1.4** Whether or not a Standing Committee meets as a committee of the whole, no recommendation by a Standing Committee shall be deemed an action of the Commission, except with respect to any actions that the Standing Committee may be specifically authorized to approve by Commission Action.

**4.9.1.5** Unless specifically stated otherwise, all actions of the Standing Committees are advisory and consist of recommendations to the Commission.

**4.9.1.6** All Commission Members shall be notified of the time and date of Standing Committee meetings. However, Commission Members and Alternates who are not members of a given Standing Committee may attend such meetings as members of the

public, including sitting with other members of public rather than with the Standing Committee members, neither voting nor participating in discussions except as a member of the public.

**4.9.2** The functions and authority of the Finance and Administration Committee (FAC) are as follows:

- 4.9.2.1** Alameda CTC operations and performance.
- 4.9.2.2** Human resources and personnel policies and procedures.
- 4.9.2.3** Administrative Code.
- 4.9.2.4** Salary and benefits.
- 4.9.2.5** Procurement policies and procedures.
- 4.9.2.6** Procurement of administrative contracts.
- 4.9.2.7** Contract preference programs for entities such as local business enterprises, small business enterprises and disabled business enterprises, including consideration of participation reports.
- 4.9.2.8** Bid protests and complaints related to administrative contract procurement.
- 4.9.2.9** Annual budget and financial reports.
- 4.9.2.10** Investment policy and reports.
- 4.9.2.11** Audit reports, financial reporting, internal controls and risk management.
- 4.9.2.12** Annual work program.
- 4.9.2.13** Other matters as assigned by the Commission or Chair.

**4.9.3** The functions and authority of the Planning, Policy, and Legislation Committee (PPLC) are as follows:

- 4.9.3.1** Congestion Management Program (CMP).
- 4.9.3.2** Countywide Transportation Plan (CWTP).
- 4.9.3.3** Federal, state, regional and local transportation and land-use planning policies.
- 4.9.3.4** Transportation and land use planning studies and policies.

- Expenditure Plans.
- 4.9.3.5** Amendments to the 1986 Expenditure Plan or the 2000
  - 4.9.3.6** Amendments to the VRF Expenditure Plan.
  - 4.9.3.7** Transit oriented development, priority development areas projects and programs.
  - 4.9.3.8** Annual legislative program.
  - 4.9.3.9** State and Federal legislative matters.
  - 4.9.3.10** General and targeted outreach programs (public information, media relations, and public participation).
  - 4.9.3.11** Advisory committees' performance and effectiveness.
  - 4.9.3.12** Other matters as assigned by the Commission or Chair.
- 4.9.4** The functions and authority of the Programs and Projects Committee (PPC) are as follows:
- 4.9.4.1** Local, state, ACCMA Transportation Improvement Program (TIP), TFCA vehicle registration fee programs, and Expenditure Plan programs and projects.
  - 4.9.4.2** Local, state and federally funded projects and funding programs.
  - 4.9.4.3** Annual Strategic Plan for programs and projects.
  - 4.9.4.4** Funding requests from project sponsors and other eligible recipients.
  - 4.9.4.5** Paratransit services programs and projects.
  - 4.9.4.6** Bicycle and pedestrian projects and programs.
  - 4.9.4.7** Funding allocations to the various transportation programs and projects.
  - 4.9.4.8** Eminent domain proceedings, subject to the provisions of Section 4.1.9, pursuant to which resolutions of necessity shall be heard by the Commission without prior Standing Committee review.
  - 4.9.4.9** Environmental evaluations.
  - 4.9.4.10** Contract procurement for specific engineering and construction contracts not delegated to the Executive Director.

**4.9.4.11** Good faith efforts policies and procedures.

**4.9.4.12** Bid protests and complaints regarding engineering and construction contract procurement.

**4.9.4.13** Other matters as assigned by the Commission or Chair.

## **ARTICLE 5 ADVISORY AND EXTERNAL COMMITTEES**

**5.1 Continuance of Existing Advisory Committees.** All ACTIA and ACCMA advisory committees in existence as of the first adoption of this Code shall continue in their current form and purpose until and unless the Commission determines otherwise.

**5.2 Citizens Watchdog Committee.** The Citizens Watchdog Committee defined in and required by the 2000 Expenditure Plan shall continue to have all duties and obligations as described therein with respect to the 2000 Expenditure Plan, and shall have the membership required thereby.

**5.3 Alameda County Transportation Advisory Committee.** ACTAC shall be composed of one staff representative, preferably from a planning or public works department, from each of the following: Alameda CTC, each City, the County, each Member Transit Agency, the Livermore Amador Valley Transit Agency, the Port of Oakland, the Metropolitan Transportation Commission, and Caltrans. Each representative shall have one vote. ACTAC may form subcommittees as necessary. The Executive Director or his/her designee shall preside over the meetings of the ACTAC.

**5.4 Other Advisory Committees.** The Commission shall establish and appoint such advisory committees as it deems necessary, and as may be required by the Expenditure Plans or applicable statutes.

**5.5 Compensation of Advisory Committee Members and Alternates.** Any person appointed as a member or alternate to, and participating as a voting representative at a meeting of, any Advisory Committee shall be compensated at the rate of \$50 for each such meeting. Notwithstanding the foregoing, no compensation shall be payable hereunder to any representative of ACTAC.

**5.6 Geographic Area Meetings.** Meetings of representatives (including Commission Members, Alternates and ACTAC members) from a Geographic Area may be called on an as-needed basis by the Chair, the Executive Director, or by two or more Commission Members from a Geographic Area. Such meetings are intended to provide an opportunity to discuss matters of common interest and to advise the Commission on matters affecting the Geographic Area.

**5.7 Staff Support.** The Executive Director shall designate one or more Staff members to aid each advisory committee in its work.

**5.8 Representation on External Committees and Agencies.** The Chair or the Commission may designate either Commission Members, Alternates, or members of Staff, as may be deemed appropriate, to serve as the designated representative(s) of Alameda CTC on any outside committees or agencies. Such representative(s) shall make a good faith effort to represent the position of the Commission on any matter on which the Commission has taken an official position or has otherwise taken formal action. Such appointments shall include provisions for the designation of alternates and of term of the appointment where appropriate.



**Commission Chair**  
Mark Green, Mayor - Union City

**Commission Vice Chair**  
Scott Haggerty, Supervisor - District 1

**AC Transit**  
Greg Harper, Director

**Alameda County**  
Supervisors  
Nadia Lockyer - District 2  
Wilma Chan - District 3  
Nate Miley - District 4  
Keith Carson - District 5

**BART**  
Thomas Blalock, Director

**City of Alameda**  
Rob Bonta, Vice Mayor

**City of Albany**  
Farid Javandel, Mayor

**City of Berkeley**  
Laurie Capitelli, Councilmember

**City of Dublin**  
Tim Sbranti, Mayor

**City of Emeryville**  
Ruth Aldin, Councilmember

**City of Fremont**  
Suzanne Chan, Vice Mayor

**City of Hayward**  
Oden Henson, Councilmember

**City of Livermore**  
Marshall Karna, Mayor

**City of Newark**  
Luis Freitas, Vice Mayor

**City of Oakland**  
Councilmembers  
Larry Reid  
Rebecca Kaplan

**City of Piedmont**  
John Chiang, Vice Mayor

**City of Pleasanton**  
Jennifer Hosterman, Mayor

**City of San Leandro**  
Joyce R. Starosciak, Councilmember

**Executive Director**  
Arthur L. Dao

## ALAMEDA COUNTY TRANSPORTATION COMMISSION

### RESOLUTION 12-001

#### Resolution of the Alameda County Transportation Commission Electing to Hear Resolutions of Necessity for the Interstate 880 Southbound HOV Lane Project

WHEREAS, Alameda CTC is undertaking the Interstate 880 Southbound HOV Lane Project ("Project") (a former Alameda County Congestion Management Agency project) to widen the southbound I-880 mainline from Hegenberger Road to Marina Boulevard for a High Occupancy Vehicle (HOV) lane and will reconstruct the Davis Street and Marina Boulevard overcrossings to accommodate an HOV lane and provide standard vertical clearance over the freeway; and

WHEREAS, as of March 1, 2012, Alameda CTC will be vested with the power of eminent domain to acquire real property by virtue of Article 1, Section 19 of the Constitution of the State of California, Section 25350.5 of the Government Code of the State of California as delegated in Section 14 of Alameda CTC's Joint Powers Agreement, and Sections 1240.010 and 1240.110 of the Code of Civil Procedure of the State of California within the jurisdictional limits of the County of Alameda; and

WHEREAS, the State of California, Department of Transportation requires the governing body of a local transportation agency acquiring real property for a project relating to a State Highway to pass and adopt by a four-fifths vote a resolution determining that the governing body of the local transportation authority will hear resolutions of necessity to acquire real property for a project relating to a State Highway, if any are necessary; and

WHEREAS, to proceed with the Project and the acquisition process, and in light of the Project's schedule, critical deadlines, and necessary acquisitions, it may be necessary to conduct Resolution of Necessity hearings.

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

**SIGNED:**

\_\_\_\_\_  
Mark Green, Chairperson

**ATTEST:**

\_\_\_\_\_  
Vanessa Lee, Commission Secretary



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## Memorandum

**Date:** January 18, 2012

**To:** Alameda County Transportation Commission

**From:** Programs and Projects Committee

**Subject:** **I-80 Integrated Corridor Mobility (ICM) Project – Authorization to Select and Negotiate a Contract with the Top-Ranked Firm for System Integrator Services and Approval of an Amendment to a Professional Services Agreement with Kimley-Horn & Associates for System Manager Services.**

### **Recommendations**

It is recommended the Commission:

1. Authorize the Executive Director to select and negotiate a contract with the top-ranked firm for System Integrator Services for the I-80 ICM Project.
2. Approve an amendment to the existing System Manager Professional Services Agreement (A11-0039) with Kimley-Horn & Associates for System Manager Services for the I-80 ICM Project.

### **Background**

The I-80 ICM Project will reduce congestion and delays in the 20-mile I-80 corridor and San Pablo Avenue from Emeryville to the Carquinez Bridge through the deployment of intelligent transportation system (ITS) and transportation operation system (TOS), without physically adding capacity through widening of the corridor. This \$93 million project is funded with the Statewide Proposition 1B bond funds (\$76.7 million), and a combination of funding from Alameda and Contra Costa counties sales tax programs, as well as federal and other local and regional funds. The I-80 ICM Project has been divided into seven sub-projects in order to stage the delivery of contracts, take advantage of the good construction bidding climate of recent years, and minimize project delivery risk to these projects by narrowing each of the contract scope. The seven sub-projects are as follows:

- Project #1: Software & Systems Integration
- Project #2: Specialty Material Procurement
- Project #3: Traffic Operations Systems (TOS)
- Project #4: Adaptive Ramp Metering (ARM)
- Project #5: Active Traffic Management (ATM)
- Project #6: San Pablo Corridor Arterial and Transit Improvement Project
- Project #7: Richmond Parkway Transit Center

Alameda CTC staff has been working very closely with the California Transportation Commission (CTC) and Caltrans on the delivery of this regionally significant project. As the result of this partnership, CTC has allocated State Bond funds to implement Project Nos. 1, 3,

and 6. Under an agreement with Caltrans, the Alameda CTC is responsible for the construction, administration, and management of Project Nos. 1, 2, 3, and 6. Implementation of Project Nos. 1 and 6 requires Software and System Integration services to integrate the functions of various devices installed under other sub-projects of I-80 ICM Project.

In January 2010, Alameda County Congestion Management Agency (ACCMA) Board authorized issuance of a Request for Proposal (RFP), and staff received proposals from qualified firms. It was intended to implement System Integration Services in two phases as the funds were approved by CTC:

1. The first phase would provide services for the San Pablo Corridor Arterial and Transit Improvement Project which is funded by Traffic Light Synchronization (TLSP) Program of the State Proposition 1B Funds.
2. The second phase would provide system integration services for the I-80 ICM Project which is funded by the Corridor Mobility Improvement Account (CMIA) of the State Proposition 1B Funds.

The CTC recently allocated funds for both phases of the System Integration services. As a result, both phases for these services can be implemented simultaneously. In September, an RFP was issued to invite proposals from qualified firms to provide System Integration Services. Proposals were received from ICx Transportation and Delcan Corporation. A panel comprising of representatives from stakeholder agencies is currently reviewing the proposals. Interviews will be conducted in mid-January to pick the top-ranking firm and negotiations will be conducted with the top-ranking firm utilizing a Best and Final Offer (BAFO) Process.

On July 28, 2011, Alameda CTC Board approved a Professional Services Agreement with Kimley-Horn & Associates to retain a consultant to provide System Manager Services to support procurement activities and oversee the first phase of the San Pablo Corridor System Integration activities. Following CTC approval of funds for the second phase of the System Integration in October 2011, staff can now negotiate and execute an amendment for the second phase of the System Manager Services Professional Services Agreement.

Staff is recommending that the Commission authorize the Executive Director to enter into negotiations with the top-ranked firm to provide System Integrator services for both phases of the I-80 ICM Project.

Staff is also recommending that the Commission authorize the Executive Director to negotiate and execute an amendment to a Professional Services Agreement with Kimley-Horn & Associates to provide System Manager Services for the I-80 ICM Project for a not-to-exceed amount of \$2,100,000.

**Fiscal Impacts:**

The revenues and costs associated with this project will be funded through the State Infrastructure Bond Program (Proposition 1B) and are included in the approved Alameda CTC budget.



## Memorandum

**DATE:** January 18, 2012

**TO:** Alameda County Transportation Commission

**FROM:** Finance and Administration Committee

**SUBJECT:** **Approval and Adoption of the Alameda County Transportation Commission Salaries and Benefits Resolution for the Remainder of the 2012 Calendar Year**

### Recommendation

It is recommended that the Commission approve and adopt the attached Alameda County Transportation Commission (Alameda CTC) Salaries and Benefits Resolution for the 2012 calendar year.

### Summary

Since the current salary ranges were approved by the Commission in June, 2011, staff is not currently recommending any further changes to salary ranges. The recommended benefits program was created in an effort to consolidate the separate benefit programs of the Alameda County Congestion Management Agency (ACCMA) and the Alameda County Transportation Improvement Authority (ACTIA) while providing substantially equivalent benefits to employees and retirees as were previously received. Some compromise did occur in order to bring the two programs together.

Staff used a competitive process to select an insurance broker who also used a competitive process to select key insurance providers. The result is a benefits program which will provide dental, vision, life, long-term disability and short-term disability insurance for employees all at a savings to the Alameda CTC. In addition, Alameda CTC is working with the California Public Employees' Retirement System (CalPERS) to implement health coverage under the new Alameda CTC contract that will include the same health benefits that were previously provided to the ACCMA and ACTIA employees. The benefits program will be managed through a cafeteria plan for active employees and a Health Reimbursement Arrangement (HRA) for retirees. Draft Alameda CTC Cafeteria and HRA Plans are being presented for approval and adoption as a separate item on today's agenda.

The cafeteria plan will be available to all active employees to pay for some or all of the costs of their benefits. If the cost of their benefits is more than the approved contribution amount, the amount will be deducted from the employee's paycheck on a pretax basis. The cafeteria plan contribution amount recommended for 2012 is \$1,743 per month per employee. The recommended amount was determined after reviewing the new insurance rates available to the Alameda CTC through the competitive process.

The HRA Plan is a premium reimbursement plan for retiree health care premiums. The Alameda

CTC will contribute only the required minimum contribution amount directly to CalPERS for retirees (\$112 per month in 2012). CalPERS requires that the remaining premium costs be deducted directly from the retiree's monthly retirement check under the CalPERS pension plan. Once CalPERS takes this deduction, the Alameda CTC's HRA will reimburse each retiree for the deduction, up to the annually determined amount. The HRA contribution amount recommended for 2012 is \$1,109 per retiree per month (\$1,220.88 Kaiser retiree plus one rate, less \$112 PEMHCA-required minimum contribution). Similar to active employees, if a retiree's elected health coverage costs exceed the amount approved by the Commission, the retiree will be required to pay for the additional amount from his or her own funds.

Based on a recent survey conducted by Koff and Associates and in order to be more in line with best practices, the Alameda CTC also has adjusted the benefit provided to employees for opting out of participation in Public Employees' Medical and Hospital Care Act (PEMHCA) medical to \$400 per month.

### **Background**

In October, 2010, the Commission approved the comprehensive benefits program for transitioning and new employees of the Alameda CTC. This benefits program included CalPERS retirement benefits, health benefits for active employees and retirees, vacation and sick leave, holiday allowance and other benefits. This approval allowed for staff to begin the process with CalPERS to have a contract executed with the Alameda CTC. This contract is expected to be effective as of January 1, 2012. The Pension contract with CalPERS is required to be executed before the Health program with CalPERS can be initiated; therefore the new medical insurance program and all other new benefits are scheduled to become effective on February 1, 2012. CalPERS is working with staff to ensure there is no lapse in medical coverage.

In January 2011, the Commission adopted an Interim Consolidated Benefits Program to allow current ACTIA and ACCMA employees to be governed by a consistent set of policies regarding holiday schedules, vacation and sick leave, as well as other fringe benefits. In the attached resolution, these benefits remain unchanged.

### **Fiscal Impact**

No changes are anticipated in employee salary ranges through the end of the current fiscal year. The adoption of the new, consolidated benefits program will result in an annual savings to the Alameda CTC of approximately \$20,000 or more depending on staff benefit elections.

### **Attachments:**

Attachment A:	Recommended Calendar Year 2012 Salary Ranges for Alameda CTC
Attachment B:	Salaries and Benefits Resolution for the 2012 Calendar Year



### Recommended 2012 Calendar Year Salary Ranges for Alameda CTC

Position/Classification	Min	Med	Max
Deputy Director of Projects and Programming	\$ 149,105	\$ 171,470	\$ 193,836
Deputy Director of Planning	\$ 135,081	\$ 155,344	\$ 175,606
Director of Finance	\$ 131,787	\$ 151,555	\$ 171,323
Deputy Director of Policy, Legislation, and Public Affairs	\$ 128,572	\$ 147,858	\$ 167,144
Principal Transportation Engineer	\$ 116,480	\$ 133,952	\$ 151,424
Principal Transportation Planner	\$ 105,525	\$ 121,345	\$ 137,183
Senior Transportation Engineer	\$ 100,441	\$ 115,507	\$ 130,573
Project Controls Engineer	\$ 95,601	\$ 109,941	\$ 124,281
Senior Transportation Planner	\$ 90,994	\$ 104,643	\$ 118,292
Accounting Manager	\$ 90,994	\$ 104,643	\$ 118,292
Senior Accountant	\$ 78,464	\$ 90,234	\$ 102,003
Contract Procurement Analyst	\$ 78,464	\$ 90,234	\$ 102,003
Contract Compliance and Outreach Analyst	\$ 78,464	\$ 90,234	\$ 102,003
Assistant Transportation Planner/Programming Analyst I	\$ 71,085	\$ 81,747	\$ 92,410
Office Supervisor	\$ 71,085	\$ 81,747	\$ 92,410
Accountant	\$ 67,659	\$ 77,808	\$ 87,957
Clerk of the Board/Commission	\$ 67,659	\$ 77,808	\$ 87,957
Executive Assistant	\$ 56,919	\$ 65,457	\$ 73,995
Administrative Assistant	\$ 51,566	\$ 59,301	\$ 67,036
Receptionist	\$ 40,283	\$ 46,326	\$ 52,368

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1333 Broadway, Suites 220 &amp; 300

Oakland, CA 94612

PH: (510) 208-7400

www.AlamedaCTC.org

**ALAMEDA COUNTY TRANSPORTATION COMMISSION  
RESOLUTION 12-002**

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**Executive Director**  
Arthur L. Dao

**SALARIES AND BENEFITS FOR STAFF MEMBERS  
FEBRUARY 1, 2012 THROUGH DECEMBER 31, 2012**

**WHEREAS**, the Alameda County Transportation Commission, hereinafter referred to as Alameda CTC, was created pursuant to a joint powers agreement ("Joint Powers Agreement") entered into among the 14 cities in Alameda County, the County of Alameda, the Bay Area Rapid Transportation District, the Alameda Contra Costa Transit District, the Alameda County Transportation Improvement Authority ("ACTIA"), and the Alameda County Congestion Management Agency ("ACCMA");

**WHEREAS**, the Alameda CTC is empowered by the Joint Powers Agreement to carry out numerous transportation planning, programming and construction functions and responsibilities, including all functions and powers of ACTIA and ACCMA;

**WHEREAS**, the Alameda CTC is authorized under Section 11 and 13 of the Joint Powers Agreement to appoint and retain staff as necessary to fulfill its powers, duties and responsibilities, and all Alameda CTC staff members are employees of the Alameda CTC as of January 1, 2012;

**WHEREAS**, as a new employer agency, the Alameda CTC wishes to establish a set of benefits and leave policies for all employees of the Agency; and

**WHEREAS**, both predecessor Agencies and Alameda CTC adopted Resolution 11-001, thereby establishing a consistent interim set of benefits and leave policies, and this Resolution is intended to supersede and replace such Resolution 11-001; and

**NOW, THEREFORE, BE IT RESOLVED** that the salaries and employment benefits for members of the independent staff of the Alameda CTC for February 1, 2012 through December 31, 2012 are hereby adopted, and are herein set forth.

**1. Salaries**

- 1.1 An employee shall be compensated at a rate set between the minimum (min) and maximum (max) of the range specified in Attachment 1 for their respective position classification.
- 1.2 The duties and responsibilities of the position classifications identified in Paragraph 1.1 shall be described by an Alameda CTC job specification approved by the Executive Director.



- 1.3 The salary ranges for the employees described in Paragraph 1.1 shall not include steps and/or provision for any automatic or tenure-based increases.
- 1.4 Starting compensation, including salary, for each employee shall be set by the Executive Director consistent with the prescribed ranges for the position classifications identified in Paragraph 1.1.

## **2. Appointments and Performance Management**

- 2.1 Original appointments of new employees shall be tentative and subject to a probationary period of one (1) year actual service; an existing employee appointed to a new position shall serve a probationary period of at least one hundred eighty (180) days commencing the first day of employment in the new position.
  - 2.1.1 Every six (6) months during the probationary period new employees will meet with their supervisor to discuss the employee's performance to date. At the time of the discussion the supervisor will complete a written evaluation for the employee's personnel records.
  - 2.1.2 Upon completion of the probationary period, the employee shall be given a written evaluation. If this evaluation shows that the employee has satisfactorily demonstrated the qualifications for the position, the employee shall gain regular status, and shall be so informed in writing.
  - 2.1.3 **At any time during the probationary period, a probationary employee may be terminated** with or without cause and with or without notice. Employee shall be notified in writing by the Executive Director of such termination.
  - 2.1.4 The probationary period may be extended once by the Executive Director at his/her sole discretion in order to further evaluate the performance of the probationary employee.
  - 2.1.5 The probationary period is automatically extended by a period of time equal to the time the employee is absent due to any type of leave, including time absent while receiving workers' compensation.
- 2.2 Following successful completion of the probationary period, written performance reviews for employees shall be conducted at least once a year by the employee's supervisor and reviewed and approved by the Executive Director or his/her designee. In addition, a review of an employee's progress in meeting annual goals and objectives will be conducted at the end of six months by the employee and his or her supervisor.
- 2.3 On the basis of the performance reviews, increases or decreases in compensation may be granted at that time by the Executive Director at his/her sole discretion consistent with the Board approved annual budget.

### 3. Holidays

3.1 The following eleven (11) paid holidays shall be observed by the Agency:

New Year's Day	Veterans Day (Observed)
Martin Luther King Jr.'s Birthday	Thanksgiving Day
Presidents' Day	Day after Thanksgiving
Memorial Day	Christmas Eve
Independence Day	Christmas Day
Labor Day	

3.2 **Holiday Policy.** When a holiday falls on a Sunday, the following Monday shall be observed as the holiday date. When a holiday falls on a Saturday, the preceding Friday shall be observed.

3.3 **Floating Holidays.** Regular full-time employees are entitled to two (2) floating holidays per year. Employees shall be granted such holidays at the beginning of each fiscal year (i.e., effective on July 1 of each year). Floating Holidays are not accruable and those unused at the end of the fiscal year will be eliminated from the employee's available leave bank.

3.4 **Holiday Time.** Regular full-time employees shall receive eight (8) hours of holiday pay for each of the above holidays at their regular base rate. Regular part-time employees shall receive paid holiday time prorated based on actual hours worked should their regular work schedule fall on one of the above listed holidays.

3.5 **Administrative Procedure.** The Executive Director shall establish holiday procedures governing employees of the Agency.

### 4. Leaves of Absence

#### 4.1 Vacation

4.1.1 **Accrual Rates.** The Agency shall provide vacation leave with pay for regular employees (including probationary employees) based on accrual guidelines shown in the table below. Vacation leave earned shall accrue upon completion of each pay period beginning upon completion of the pay period following that in which the employee commences service.

#### **Accrual Rates Based on Years of Service:**

<b>Years of Service</b>	<b>Vacation Days Accrued Per Year</b>	<b>Maximum Hours Accrued Per Year</b>
0-3 Years	10 Days	120 Hours
3.1-10 Years	15 Days	240 Hours
10.1-15 Years	20 Days	320 Hours
15.1+ Years	25 Days	400 Hours

Part-time employees shall earn vacation leave on a pro rata basis based on actual hours worked. The maximum accrual will also be pro rated.

4.1.2 **Maximum Vacation Benefits.** Once an employee reaches the maximum accrual, the employee will cease accruing any additional vacation leave until such time as vacation leave hours fall below the maximum.

- 4.1.3 **Payment of Vacation upon Separation.** Accrued vacation pay that has not been used will be paid at time of resignation or termination. An employee terminating employment with the Agency for reasons other than paid retirement from with the Agency employment shall be paid at such employee's current rate of pay for all unused accrued vacation up to the maximum amount of permissible accumulated vacation time as set forth above, in one (1) lump sum less applicable taxes. An employee separating from service with the Agency for paid retirement may elect either to take time off for vacation prior to the employee's date of retirement, or to be paid at the employee's current rate of pay for vacation up to the ceiling amount as set forth above, in one lump sum.
- 4.2 **Management Leave.** Regular full-time exempt employees may receive paid management leave of up to 80 hours per year at the sole discretion of the Executive Director. The leave is intended to compensate exempt employees who are required to attend work-related meetings outside of normal working hours. The amount of leave will be determined by the Executive Director based on each employee's function and the number of off hour meetings he/she is required to attend. No employee shall be eligible to accrue more than the amount of their annual Management Leave. Use of Management Leave shall be at the discretion of the Executive Director.
- 4.3 **Sick Leave.** Regular employees (including probationary employees) shall receive sick leave, accumulating at the rate of one day per calendar month up to four hundred eighty (480) hours (pro rated for part-time employees based on actual hours worked). Up to sixty (60) days of accrued but unused sick leave may be used toward service credit for PERS retirement benefits. Sick leave is available only for the actual illness or injury of an employee or the employee's spouse, registered domestic partner, children, parents, or other dependents.
- 4.4 **Family and Medical Leave.** The Agency may grant regular employees (including probationary employees) up to twelve (12) workweeks of unpaid time off in a 12-month period for the employee's own serious health condition or that of the employee's immediate family member, i.e., child, parent, spouse, or registered domestic partner, or for baby/child bonding after the birth, adoption, or foster care placement of an employee's child.
- Employees may exhaust any accrued vacation time and/or sick leave (if the leave is due to the employee's own serious health condition or to care for the serious health condition of an immediate family member as described above) while on unpaid leave. Employees taking family/medical leave due to the birth of a child to that employee's spouse or registered domestic partner, or the adoption or foster placement of a child, or to care for such child, may utilize accrued sick leave and/or vacation time during such leave. Such use of accrued vacation time and/or sick leave is the only pay such employee will receive from the Agency while on family/medical leave.
- 4.5 **Leave Due to Pregnancy, Child Birth or Related Conditions.** The Agency shall comply with California's Pregnancy Disability Leave Law. Employees may, but are not required to, utilize accrued vacation and sick leave during any pregnancy leave so as to receive pay during some or all such leave.
- 4.6 **Military Leave.** Military leave shall be granted in accordance with federal and state law.
- 4.7 **Bereavement Leave.** In the event of a death in the immediate family of a regular full-time employee, paid leave not chargeable to sick or vacation leave will be granted for a period up to three (3) consecutive scheduled work days for the purpose of making arrangements for, or to attend, the funeral. Employees shall receive one (1) day to attend a funeral for a friend or

relative outside their immediate family. Immediate family is defined as spouse, registered domestic partner, child, sister, brother, mother, father, legal guardian, any other person sharing the relationship of in loco parentis, legal dependent, current mother- or father-in-law, grandparents, or grandchildren.

**4.8 Jury and Witness Duty Leave.**

All regular full-time employees will be granted a leave of absence with pay for all or any part of the time required for jury duty in the manner prescribed by law.

The employee must return to work on the same day he or she is excused from service. The employee shall be paid the difference between his/her full salary and any payment received for such duty, except travel pay.

All regular full-time employees will be granted a leave of absence with pay for their appearance as a witness in a civil or criminal proceeding (other than as an accused) for any appearance that is solely attributable to the employee's work for the Agency.

**4.9 Administrative Procedure.** The Executive Director shall establish specific guidelines and procedures to implement all of the leave policies.

**5. Health Insurance and Other Benefits**

**5.1 Cafeteria Plan.** Alameda CTC provides a Cafeteria Plan for its eligible employees, into which Alameda CTC will pay \$1,743 per month per employee. This amount is in addition to the Public Employees' Medical and Hospital Care Act (PEMHCA) minimum required contribution of \$112. With these funds, each participating employee is able to choose the following coverage:

- Health Insurance (through the State of California's Public Employees' Retirement System (CalPERS));
- Dental Insurance;
- Vision Care Insurance;
- Life Insurance;
- Dependent Life Insurance;
- Accidental Death and Dismemberment Insurance;
- Long-term Disability Insurance; and
- Short-term Disability Insurance.

When an employee is required to work on a less than full-time basis due to medical or other valid reasons, the accrual for the cafeteria plan contribution amount will be prorated by dividing the actual hours worked plus any accrued sick/vacation hours used during the pay period, by the fulltime equivalent hours in the same pay period.

Regular full-time employees who elect not to use the CalPERS health care benefit shall receive \$400 per month which will be paid with each paycheck (\$200 per pay-period) and is subject to all applicable payroll taxes.

Regular part-time employees will receive a pro-rated amount of the monthly contribution of \$1,743 based on actual hours worked.

**6. Additional Benefits Programs**

- 6.1 **Transit Subsidy.** All regular full-time employees of the Agency are eligible for the following transit subsidy benefits (elected to be received by the employee):
1. Commuter Checks: \$230 per month
- 6.2. **Tuition Assistance.** Following completion of their probationary period, regular full-time employees are eligible for reimbursement of 90% of tuition fees for job-related courses, subject to budget availability up to \$500 at an accredited institution each fiscal year, at the sole discretion of the Executive Director.
- 6.3. **Other benefits.** At no cost to Alameda CTC, the Agency will also provide:
1. A Flexible Spending Account (FSA) program which will be administered through the cafeteria plan for both dependent care expense up to \$5,000 per calendar year and medical expenses up to \$2,500 per calendar year. To participate in the FSA to receive benefits in the form of reimbursements for dependent and/or medical care expenses from the FSA, an employee can elect to pay his or her contribution for FSA benefits on a pre-tax salary reduction basis; and
  2. An optional deferred compensation program.
7. **Administrative Procedure.** The Executive Director shall establish specific guidelines and procedures to implement all of the benefit policies.
8. **Retirement.** All employees of the Agency shall be entitled to membership with the California Public Employees' Retirement System (CalPERS) according to the guidelines established in the CalPERS Retirement Benefits Policy and the applicable contract with CalPERS. The Agency shall each contribute to CalPERS each pay period 5% of the 8% employee contribution on behalf of all employees. Such contribution shall be reported to PERS as "employee contribution being made by the contracting agency" and shall not be deemed to be "compensation" reportable to PERS.
9. **Reimbursement of Expenses.** Alameda CTC will reimburse employees of the Agency for reasonable and normal expenses associated with Alameda CTC business approved by the Executive Director. An employee may be offered a fixed taxable monthly allowance in lieu of actual expenses, which may be adjusted annually by the Executive Director.
10. **Office Hours** The offices of the Alameda CTC shall be open for the public between 8:30 a.m. and 5:00 p.m. each weekday, except on Alameda CTC holidays as defined in Paragraph 3.1. Employees are required to be at the Alameda CTC's offices during business hours from Monday through Friday.
11. All provisions of this Resolution shall be effective and pertain to all employees of the Agency as of the date of hire of the employee, or February 1, 2012, whichever is later, unless otherwise provided.
12. The Executive Director is authorized to execute the necessary contracts for the benefits and insurance coverage described herein.

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- 13.** This Resolution is intended to and shall replace and supersede in its entirety that certain Resolution 11-001 adopted by each Board on June 23, 2011.

Duly passed and adopted by the Alameda County Transportation Commission at the regular meeting of the Board held on Thursday, January 26, 2012 in Oakland, California by the following votes:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

**SIGNED:**

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Mark Green, Chairperson

**ATTEST:**

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Vanessa Lee, Commission Secretary



## Memorandum

**DATE:** January 18, 2012

**TO:** Alameda County Transportation Commission

**FROM:** Finance and Administration Committee

**SUBJECT:** **Approval and Adoption of a Cafeteria Plan for Active Employees and a Health Reimbursement Arrangement for Retirees of the Alameda County Transportation Commission**

### Recommendation

It is recommended that the Commission approve and adopt the Cafeteria Plan for active employees, substantially in the form attached as Attachment A, and the Health Reimbursement Arrangement (HRA) Plan for retirees, substantially in the form attached as Attachment B.

### Summary

The approval and adoption of the attached plan documents is the next step required in the process of implementing the comprehensive benefits program approved by the Commission in October, 2010. Staff is currently working with the California Public Employees' Retirement System (CalPERS) to enlist in the Public Employees Medical and Hospital Care Act (PEMHCA) for health benefits. Staff recommended the utilization of the Cafeteria Plan to deliver this benefit to active employees, and the HRA Plan to deliver this benefit to retirees.

The Cafeteria Plan will be available to all active employees to pay for all or some of the costs of their benefits. If the cost of their benefits is more than the approved contribution amount, the amount will be deducted from the employee's paycheck on a pretax basis. This plan provides the Commission with the flexibility to control future costs and at the same time satisfies PEMHCA requirements of a minimum contribution. The cafeteria plan contribution rate for 2012 is expected to be approved in the amount of \$1,743 per month per employee (recommended in the benefits resolution also going before the Commission today).

The Cafeteria Plan also includes a Flexible Spending Account (FSA) element which will allow employees to elect to have funds deducted from their paychecks on a pretax basis. The employee could then submit for reimbursement of these funds as eligible medical expenses are incurred throughout the year.

The HRA Plan is a premium reimbursement plan for retiree health care premiums. To be eligible for retiree health coverage, a retiree must be vested with at least 10 years of CalPERS service, five of which must be for employment with the Alameda CTC or its predecessor agencies. With 10 years of CalPERS service, a retiree would be 50% vested for retiree health benefits increasing by 5% with each additional year of service up to 20 years (see chart in Exhibit B, page 4).



The Alameda CTC will contribute only the required minimum contribution amount directly to CalPERS for retirees (\$112 per month in 2012). CalPERS requires that the remaining premium costs be deducted directly from the retiree's monthly retirement check under the CalPERS pension plan. Once CalPERS takes this deduction, the Alameda CTC's HRA will reimburse each retiree for the deduction, up to the annually determined amount, which is expected to be approved for 2012 at \$1,109 per retiree per month (\$1,220.88 Kaiser retiree plus one rate, less \$112 PEMHCA-required minimum contribution). Similar to active employees, if a retiree's elected health coverage costs exceed the amount approved by the Commission, the retiree will be required to pay for the additional amount from his or her own funds.

### **Discussion**

Both the Cafeteria Plan for active employees and the HRA Plan for retirees were approved in concept by the Commission as the main mechanism or system that would allow for the unification of the retirement and health benefits of the two predecessor agencies back in October, 2010.

In order to implement the Cafeteria Plan and the HRA Plan, the Alameda CTC was first required to enter into a contract with CalPERS to provide retiree benefits and to adopt PEMHCA to provide health benefits. The pension plan contract with CalPERS is expected to become effective as of January 1, 2012 and the Commission adopted PEMHCA at the December 1, 2011 meeting.

### **Attachments**

Attachment A:	Alameda CTC Cafeteria Plan (Draft)
Attachment B:	Alameda CTC Health Reimbursement Arrangement (Draft)
Attachment C:	Resolution Approving and Adopting A Cafeteria Plan for Active Employees and A Health Reimbursement Arrangement for Retirees

**ALAMEDA COUNTY TRANSPORTATION COMMISSION  
CAFETERIA PLAN**

**As Adopted Effective February 1, 2012**

[DRAFT January 9, 2012]

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# **ALAMEDA COUNTY TRANSPORTATION COMMISSION CAFETERIA PLAN**

As Adopted Effective February 1, 2012

## **ARTICLE I. Introduction**

### **1.1 Establishment of Plan**

Alameda County Transportation Commission (the Employer) hereby establishes the Alameda County Transportation Commission Cafeteria Plan (the Plan) effective February 1, 2012 (the Effective Date). Capitalized terms used in this Plan that are not otherwise defined have the meanings set forth in Article II.

This Plan is designed to permit an Eligible Employee to pay for his or her share of contributions for the Benefit Plan Options in Appendix A on a pre-tax Salary Reduction basis, and to contribute on a pre-tax Salary Reduction basis to an Employee's account for reimbursement of certain Medical Care Expenses (Health FSA Account) and/or to an account for reimbursement of certain Dependent Care Expenses (DCAP Account).

### **1.2 Legal Status**

This Plan is intended to qualify as a cafeteria plan under Code Section 125 and will be interpreted and administered consistent with the requirements of Code Section 125 and the regulations issued thereunder.

The Health FSA Component is intended to qualify as a self-insured medical reimbursement plan under Code Section 105, and the Medical Care Expenses reimbursed thereunder are intended to be eligible for exclusion from participating Employees' gross income under Code Section 105(b). The DCAP Component is intended to qualify as a dependent care assistance program under Code Section 129, and the Dependent Care Expenses reimbursed thereunder are intended to be eligible for exclusion from participating Employees' gross income under Code Section 129(a).

Although reprinted within this document, the Health FSA Component and the DCAP Component are separate plans for purposes of administration and all reporting and nondiscrimination requirements imposed by Code Sections 105 and 129. The Health FSA Component is also a separate plan for purposes of applicable provisions of HIPAA and COBRA. In the event that the Health FSA Component is determined not to be a separate plan, the Plan will be designated as a hybrid entity for purposes of HIPAA, such that it will be a covered entity only with respect to the Health FSA Component.

## ARTICLE II. Definitions

### 2.1 Definitions

**Account(s)** means the Health FSA Accounts and the DCAP Accounts described in Sections 7.5 and 8.5.

**Benefit Plan Option** means a qualified benefit under Code Section 125(f) that is available to a Participant under this Plan as set forth in Appendix A, as amended from time to time. The Employer may substitute, add, subtract, or revise at any time the menu of such Benefit Plan Options and/or the benefits, terms, and conditions of any such options or plans. Any such substitution, addition, subtraction, or revision will be communicated to Participants and will automatically be incorporated by reference under this Plan.

**Board of Directors** means the Board of Commissioners of the Alameda County Transportation Commission.

**Change in Status** means any of the events described below, as well as any other events included under subsequent changes to Code Section 125 or regulations issued thereunder, which the Plan Administrator, in its sole discretion and on a uniform and consistent basis, determines are permitted under IRS regulations and under this Plan:

- (a) *Legal Marital Status.* A change in a Participant's legal marital status, including marriage, death of a Spouse, divorce, legal separation, or annulment;
- (b) *Number of Dependents.* Events that change a Participant's number of Dependents, including birth, death, adoption, and placement for adoption;
- (c) *Employment Status.* Any of the following events that change the employment status of the Participant or his or her Spouse or Dependents: (1) a termination or commencement of employment; (2) a strike or lockout; (3) a commencement of or return from an unpaid leave of absence; (4) a change in worksite; and (5) the eligibility conditions of this Plan or other employee benefits plan of the Participant or his or her Spouse or Dependents depend on the employment status of that individual and there is a change in that individual's status with the consequence that the individual becomes (or ceases to be) eligible under this Plan or other employee benefits plan;
- (d) *Dependent Eligibility Requirements.* An event that causes a Dependent to satisfy or cease to satisfy the Dependent eligibility requirements for a particular benefit, such as attaining a specified age, student status, or any similar circumstance; and
- (e) *Change in Residence.* A change in the place of residence of the Participant or his or her Spouse or Dependents.

**COBRA** means the Consolidated Omnibus Budget Reconciliation Act of 1985, as amended.

**Code** means the Internal Revenue Code of 1986 and the Treasury Regulations issued thereunder, as amended.

**Compensation** means the cash wages or salary paid to an Employee by the Employer.

**DCAP** means dependent care assistance program.

**DCAP Account** means the account described in Section 8.5.

**DCAP Benefits** has the meaning described in Section 8.1.

**DCAP Component** means the component of this Plan described in Article VIII.

**Dependent** means: (a) for purposes of accident or health coverage, (1) a dependent as defined in Code Section 152, determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof, (2) any child (as defined in Code Section 152(f)(1) of the Participant who as of the end of the taxable year has not attained age 27, and (3) any child of the Participant to whom IRS Revenue Procedure 2008-48 applies (regarding certain children of divorced or separated parents who receive more than half of their support for the calendar year from one or both parents and are in the custody of one or both parents for more than half of the calendar year); and (b) for purposes of the DCAP Component, a Qualifying Individual. Notwithstanding the foregoing, the Health FSA Component will provide benefits in accordance with the applicable requirements of any National Medical Support Order, even if the child does not meet the definition of Dependent.

**Dependent Care Expenses** has the meaning described in Section 8.3.

**Earned Income** will have the meaning given such term in Code Section 129(e)(2).

**Effective Date** of this Plan means February 1, 2012.

**Election Form/Salary Reduction Agreement** means the form provided by the Plan Administrator for the purpose of allowing an Eligible Employee to participate in this Plan by electing Benefit Plan Options(s) and authorizing Salary Reductions to pay for any of the Benefit Plan Options.

**Eligible Employee** means an Employee eligible to participate in this Plan, as provided in Section 3.1.

**Employee** means an individual that the Employer classifies as a common-law employee and who is on the Employer's W-2 payroll, but does not include the following: (a) any leased employee (including but not limited to those individuals defined as leased employees in Code Section 414(n) or an individual classified by the Employer as a contract worker, independent contractor, temporary employee, or casual employee for the period during which such individual is so classified, whether or not any such individual is on the Employer's W-2 payroll or is determined by the IRS or others to be a common-law employee of the Employer; (b) any individual who performs services for the Employer but who is paid by a temporary or other employment or staffing agency for the period during which such individual is paid by such agency, whether or not such individual is determined by the IRS or others to be a common-law employee of the Employer; and (c) any employee covered under a collective bargaining agreement, unless that agreement provides for the employee's participation in the Plan. The term Employee does include former Employees for the limited purpose of allowing continued eligibility for benefits under the Plan for a limited duration following termination of employment provided any required contributions are made and only to the extent specifically provided under this Plan.

**Employer** means the Alameda County Transportation Commission.

**FMLA** means the Family and Medical Leave Act of 1993, as amended.

**Grace Period** means the period that begins immediately following the close of a Plan Year and ends on the day that is two months plus 15 days following the close of that Plan Year.

**Health FSA** means the health flexible spending arrangement.

**Health FSA Account** means the account described in Section 7.5.

**Health FSA Benefits** has the meaning described in Section 7.1.

**Health FSA Component** means the component of this Plan described in Article VII.

**HIPAA** means the Health Insurance Portability and Accountability Act of 1996, as amended.

**Insurance Plan(s)** means the plan(s) that the Employer maintains for its Employees (and for their Spouses, same-sex spouses, domestic partners, and Dependents that may be eligible under the terms of such plan), which provide benefits through a group insurance policy or policies (e.g., medical, dental and vision insurance). The Employer may substitute, add, subtract, or revise at any time the menu of such plans and/or the benefits, terms, and conditions of any such plans. Any such substitution, addition, subtraction, or revision will be communicated to Participants and will automatically be incorporated by reference under this Plan.

**Medical Care Expenses** has the meaning described in Section 7.3.

**Nonelective Contribution(s)** means any amount that the Employer, in its sole discretion, may contribute under the Plan to provide benefits for individual Participants and their Spouses, Dependents, domestic partners, and same-sex spouses, as applicable, under one or more of the Benefit Plan Options offered under the Plan.

**Open Enrollment Period** means the period during the Plan Year during which Eligible Employees may elect to participate in the Plan or make changes to their elections for the next Plan Year. The Employer will determine this period each Plan Year, which the Plan Administrator will make known in the Plan's open enrollment materials.

**Participant** means a person who is an Eligible Employee and who is participating in this Plan in accordance with the provisions of Article III. Participants include those who elect one or more Benefit Plan Options under the Plan.

**Period of Coverage** means the Plan Year, with the following exceptions: (a) for Employees who first become eligible to participate, it will mean the portion of the Plan Year following the date on which participation commences, as described in Section 4.2; and (b) for Employees who terminate participation, it will mean the portion of the Plan Year prior to the date on which participation terminates, as described in Section 3.3.

**Plan** means the Alameda County Transportation Commission Cafeteria Plan as set forth herein, as amended from time to time.



**Plan Administrator** means the person(s), entity, or committee as may be appointed from time to time by the Board of Directors (or its authorized designee) to administer the Plan. If no such person, entity, or committee is appointed, the Plan Administrator is the Employer.

**Plan Sponsor** means the Employer.

**Plan Year** means the calendar year (i.e., the 12-month period commencing January 1 and ending on December 31), except in the case of a short plan year representing the initial Plan Year or where the Plan Year is being changed, in which case the Plan Year will be the entire short plan year.

**Premium Payment Benefits** means the Premium Payment Benefits described in Section 6.1.

**Premium Payment Component** means the component of this Plan described in Article VI.

**Qualifying Dependent Care Services** has the meaning described in Section 8.3.

**Qualifying Individual** means (a) a tax dependent of the Participant as defined in Code Section 152 who is under the age of 13 and who is the Participant's qualifying child as defined in Code Section 152(a)(1); (b) a tax dependent of the Participant as defined in Code Section 152, but determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof, who is physically or mentally incapable of self-care and who has the same principal place of abode as the Participant for more than half of the year; or (c) a Participant's Spouse who is physically or mentally incapable of self-care, and who has the same principal place of abode as the Participant for more than half of the year. Notwithstanding the foregoing, in the case of divorced or separated parents, a Qualifying Individual who is a child will, as provided in Code Section 21(e)(5), be treated as a Qualifying Individual of the custodial parent (within the meaning of Code Section 152(e)) and will not be treated as a Qualifying Individual with respect to the noncustodial parent.

**Salary Reduction** means the amount by which the Participant's Compensation is reduced and applied by the Employer under this Plan to pay for one or more of the benefits, as permitted for the applicable component, before any applicable state and/or federal taxes have been deducted from the Participant's Compensation (i.e., on a pre-tax basis).

**Spouse** means an individual who is legally married to a Participant as determined under applicable state law and who is treated as a spouse under the Code. A domestic partner or same-sex spouse is not treated as a spouse under the Code. Notwithstanding the above, for purposes of the DCAP Component the term Spouse does not include (a) an individual legally separated from the Participant under a divorce or separate maintenance decree; or (b) an individual who, although married to the Participant, files a separate federal income tax return, maintains a principal residence separate from the Participant during the last six months of the taxable year, and does not furnish more than half of the cost of maintaining the principal place of abode of the Participant.

**Student** means an individual who, during each of five or more calendar months during the Plan Year, is a full-time student at any educational organization that normally maintains a regular faculty and curriculum and normally has an enrolled student body in attendance at the location where its educational activities are regularly carried on.

## **ARTICLE III. Eligibility and Participation**

### **3.1 Eligibility to Participate**

All full-time Employees are eligible to participate in the Plan. To become a Participant, an Eligible Employee must make a timely election to participate in accordance with Article IV. Eligibility for any Benefit Plan Option will be subject to the requirements specified in the governing plan documents of the applicable Benefit Plan Option. The provisions of this Article are not intended to override any eligibility requirement or waiting period specified in the applicable Benefit Plan Options and the terms of eligibility and participation for any Benefit Plan Option offered under the Plan are subject to the requirements specified in the Benefit Plan Option's governing documents.

### **3.2 Use of Contributions**

As a Participant, an Employee will be permitted to (1) elect Benefit Plan Options for which he or she is eligible, (2) receive available Nonelective Contributions for which he or she is eligible in the manner set forth in the enrollment materials, (3) pay his or her share of the cost of his or her elected benefits with Salary Reduction contributions, and (4) if permitted under the terms of the Benefit Plan Options and uniform rules adopted by the Plan Administrator, pay his or her share of the costs of the elected benefits with after-tax dollars (e.g., if Salary Reduction contributions are not available or are insufficient to pay his or her share of the cost of the Benefit Plan Option). In addition, as a Participant, an Employee may be permitted to elect health coverage for an individual who is not the employee's Spouse or Dependent if permitted under the terms of the Benefit Plan Options and in accordance with uniform rules adopted by the Plan Administrator; provided, however, that the fair market value of such coverage will be included in the Employee's gross income to the extent required by applicable law, and the Employee will be treated as having purchased the coverage with after-tax dollars.

### **3.3 Termination of Participation**

A Participant will cease to be a Participant in this Plan upon the earlier of:

- (a) the date the Participant makes a permitted election not to participate in the Plan;
- (b) the date that the Participant no longer satisfies the eligibility requirements of this Plan or all of the Benefit Plan Options. Notwithstanding the foregoing, for purposes of pre-tax COBRA coverage, certain Employees may continue eligibility for certain periods subject to the restrictions and terms otherwise described in this Plan; or
- (c) The date that the Plan is either terminated or amended to exclude the Participant or the class of employees to which the Participant belongs.

Termination of participation in this Plan will automatically revoke the Participant's elections. Benefits under any Insurance Plan will terminate as of the date(s) specified in the Insurance Plan. Reimbursements from the Health FSA and DCAP Accounts after termination of participation will be made pursuant to Section 7.8 for Health FSA Benefits and Section 8.8 for DCAP Benefits. If revocation occurs under this Section 3.3, no new election may be made by such Participant during the remainder of the Plan Year except as set forth in Section 3.4.

### 3.4 Participation Following Termination of Employment or Loss of Eligibility

If a Participant terminates his or her employment for any reason, including (but not limited to) disability, retirement, layoff, or voluntary resignation, or otherwise loses eligibility and then is rehired or becomes eligible once again within 30 days or less after the date of a termination of employment or loss of eligibility, then the Employee will be reinstated with the same elections that such individual had before termination or other loss of eligibility. If a former Participant is rehired more than 30 days following termination of employment or becomes eligible after 30 days following a loss of eligibility and is otherwise eligible to participate in the Plan, then the individual may make new elections as a new hire as described in Section 4.2. Notwithstanding the above, an election to participate in the Premium Payment Component will be reinstated only to the extent that coverage under the applicable Insurance Plan is reinstated.

### 3.5 FMLA Leaves of Absence

- (a) *Health Insurance Benefits.* Notwithstanding any provision to the contrary in this Plan, if a Participant goes on a qualifying leave under the FMLA, then to the extent required by the FMLA, the Employer will continue to maintain the Participant's health insurance benefits and Health FSA Benefits on the same terms and conditions as if the Participant were still an active Employee. That is, if the Participant elects to continue his or her coverage while on leave, the Employer will continue to pay its share of the contributions for those benefits under this Plan.

An Employer may require participants to continue all health insurance benefits and Health FSA Benefits coverage for Participants while they are on paid leave (provided that Participants on non-FMLA paid leave are required to continue coverage). If so, the Participant's share of the contributions will be paid by the method normally used during any paid leave (e.g., on a pre-tax Salary Reduction basis).

In the event of unpaid FMLA leave (or paid FMLA leave where coverage is not required to be continued), a Participant may elect to continue his or her health insurance benefits and Health FSA Benefits during the leave. If the Participant elects to continue coverage while on FMLA leave, then the Participant may pay his or her share of the contributions in one of the following ways:

- with after-tax dollars, by sending monthly payments to the Employer by the due date established by the Employer;
- with pre-tax dollars, by having such amounts withheld from the Participant's ongoing Compensation (if any), including unused sick days and vacation days, or pre-paying all or a portion of the contributions for the expected duration of the leave on a pre-tax Salary Reduction basis out of pre-leave Compensation. To pre-pay the contributions, the Participant must make a special election to that effect prior to the date that such Compensation would normally be made available (pre-tax dollars may not be used to fund coverage during the next Plan Year); or
- under another arrangement agreed upon between the Participant and the Plan Administrator (e.g., the Plan Administrator may fund coverage during the leave and withhold "catch-up" amounts from the Participant's Compensation on a pre-tax or after-tax basis) upon the Participant's return.

If the Employer requires all Participants to continue health insurance benefits and Health FSA Benefits during an unpaid FMLA leave, then the Participant may elect to discontinue payment of the Participant's required contributions until the Participant returns from leave. Upon returning from leave, the Participant will be required to repay the contributions not paid by the Participant during the leave. Payment will be withheld from the Participant's Compensation either on a pre-tax or after-tax basis, as agreed to by the Plan Administrator and the Participant.

If a Participant's health insurance benefits or Health FSA Benefits coverage ceases while on FMLA leave (e.g., for non-payment of required contributions), then the Participant is permitted to re-enter the Premium Payment Component or Health FSA Component as applicable, upon return from such leave on the same basis as when the Participant was participating in the Plan prior to the leave, or as otherwise required by the FMLA. In addition, the Plan may require Participants whose health insurance benefits or Health FSA Benefits coverage terminated during the leave to be reinstated in such coverage upon return from a period of unpaid leave, provided that Participants who return from a period of unpaid, non-FMLA leave are required to be reinstated in such coverage. Notwithstanding the preceding sentence, with regard to Health FSA Benefits, a Participant whose coverage ceased will be permitted to elect whether to be reinstated in the Health FSA Benefits at the same coverage level as was in effect before the FMLA leave (with increased contributions for the remaining period of coverage) or at a coverage level that is reduced pro rata for the period of FMLA leave during which the Participant did not pay contributions. If a Participant elects a coverage level that is reduced pro rata for the period of FMLA leave, then the amount withheld from a Participant's Compensation on a pay-period-by-pay-period basis for the purpose of paying for reinstated Health FSA Benefits will be equal to the amount withheld prior to the period of FMLA leave.

(b) *Non-Health Benefits.* If a Participant goes on a qualifying leave under the FMLA, then entitlement to non-health benefits (such as DCAP Benefits) is to be determined by the Employer's policy for providing such benefits when the Participant is on non-FMLA leave, as described in Section 3.6. If such policy permits a Participant to discontinue contributions while on leave, then the Participant will, upon returning from leave, be required to repay the contributions not paid by the Participant during the leave. Payment will be withheld from the Participant's Compensation either on a pre-tax or after-tax basis, as may be agreed upon by the Plan Administrator and the Participant or as the Plan Administrator otherwise deems appropriate.

### **3.6 Non-FMLA Leaves of Absence**

If a Participant goes on an unpaid leave of absence that does not affect eligibility, then the Participant will continue to participate and the contributions due for the Participant will be paid by pre-payment before going on leave, by after-tax contributions while on leave, or with catch-up contributions after the leave ends, as may be determined by the Plan Administrator. If a Participant goes on an unpaid leave that affects eligibility, then the applicable election change rules in Section 10.3 will apply.

## **ARTICLE IV. Method and Timing of Elections**

### **4.1 Election to Participate**

To become a Participant, an Eligible Employee must submit a completed and signed Election Form/Salary Reduction Agreement to the Plan Administrator in the time and in the manner required by the Plan Administrator.

### **4.2 Elections When First Eligible**

- (a) *Currently Eligible Employees.* An Employee who is eligible to participate in this Plan as of the Effective Date must complete, sign, and file an Election Form/Salary Reduction Agreement with the Plan Administrator during the election period (as specified by the Plan Administrator) immediately preceding the Effective Date of the Plan to become a Participant on the Effective Date. The elections made by the Eligible Employee on this initial Election Form/Salary Reduction Agreement will be effective for the Plan Year beginning on the Effective Date.
- (b) *New Employees or Newly Eligible Employees.* An Employee who first becomes eligible to participate in the Plan mid-year (and after the Effective Date) may elect to commence participation in the Plan after the eligibility requirements of Section 3.1 have been satisfied by completing, signing, and filing an Election Form/Salary Reduction Agreement with the Plan Administrator in the time and in the manner required by the Plan Administrator. Participation in the Plan will commence on the first day of the month following the Plan Administrator's receipt of a properly completed and signed Election Form/Salary Reduction Agreement. An Employee who does not elect benefits when first eligible may not enroll until the next Open Enrollment Period, unless an event occurs that would justify a mid-year election change, as described under Section 10.3. Eligibility for Premium Payment Benefits will be subject to the additional requirements, if any, specified in the applicable Insurance Plans.

### **4.3 Elections During Open Enrollment Period**

During each Open Enrollment Period with respect to a Plan Year, the Plan Administrator will provide an Election Form/Salary Reduction Agreement to each Employee who is eligible to participate in this Plan. The Election Form/Salary Reduction Agreement will enable the Employee to elect to participate in the various components of this Plan for the next Plan Year and to authorize the necessary Salary Reductions to pay for the benefits elected. The Election Form/Salary Reduction Agreement must be returned to the Plan Administrator on or before the last day of the Open Enrollment Period, and it will become effective on the first day of the next Plan Year. If an Eligible Employee fails to return the Election Form/Salary Reduction Agreement during the Open Enrollment Period, then the Employee may not elect any benefits under this Plan until the next Open Enrollment Period, unless an event occurs that would justify a mid-year election change, as described under Section 10.3.

### **4.4 Failure of Eligible Employee to File an Election Form/Salary Reduction Agreement**

If an Eligible Employee fails to file an Election Form/Salary Reduction Agreement within the time period described in Sections 4.2 and 4.3, then the Employee may not elect any benefits under the Plan (a) until the next Open Enrollment Period; or (b) until an event occurs that would justify a mid-year election change, as described under Section 10.3. Notwithstanding any contrary

provision in the Plan, if an Employee who fails to file an Election Form/Salary Reduction Agreement is eligible for benefits under an Insurance Plan and has made an effective election for such benefits outside the Plan, then the Employee's share of the contributions for such benefits will automatically be paid with pre-tax dollars and will be deemed a "default election" under the Plan. Such default elections cannot be changed until such time as the Employee files, during a subsequent Open Enrollment Period (or after an event occurs that would justify a mid-year election change as described under Section 10.3), a timely Election Form/Salary Reduction Agreement to elect Premium Payment Benefits. No default elections are permitted for Health FSA or DCAP Benefits.

#### **4.5 Irrevocability of Elections**

Unless an exception applies (as described in Article X), a Participant's election under the Plan is irrevocable for the duration of the Period of Coverage to which it relates.

### **ARTICLE V. Benefits Offered and Method of Funding**

#### **5.1 Benefits Offered**

When first eligible or during the Open Enrollment Period as described under Article IV, Participants will be given the opportunity to elect one or more of the following benefits:

- (a) Premium Payment Benefits, as described in Article VI;
- (b) Health FSA Benefits, as described in Article VII.
- (c) DCAP Benefits, as described in Article VIII.

In no event will benefits under the Plan be provided in the form of deferred compensation. Notwithstanding the foregoing, amounts remaining in a Participant's Health FSA Account at the end of a Plan Year can be used to reimburse the Participant for Medical Care Expenses that are incurred during the Grace Period immediately following the close of that Plan Year as provided in Article VII. No Grace Period is available for DCAP Benefits.

#### **5.2 Source of Benefit Funding**

The cost of coverage under the component Benefit Plan Options will be funded by a Participant's Salary Reductions, Nonelective Contributions provided by the Employer, or a combination of the foregoing. The required contributions for each of the Benefit Plan Options offered under the Plan will be made known to employees in annual enrollment materials. Salary Reduction Contributions that are allocated to any Benefit Plan Option will equal the contributions required from the Participant less any available Nonelective Contributions allocated to that option. A Participant may elect to receive Nonelective Contributions in the form of cash to the extent described in the applicable annual enrollment materials. The maximum amount of employee contributions, plus any Nonelective Contributions made available by the Employer, will not exceed the aggregate cost of the Benefit Plan Options elected.

#### **5.3 Employer Contributions**

The Employer may, in its sole discretion, make Nonelective Contributions on behalf of a Participant toward the cost of one or more Benefit Plan Options. The amount of Nonelective Contributions that may be applied towards the cost of each of the Benefit Plan Option(s) for any

Participant will be subject to the sole discretion of the Employer and may be adjusted upward or downward at any time in the Employer's sole discretion. The amount will be calculated for each Plan Year in a uniform and nondiscriminatory manner and may be based upon the Participant's dependent status, commencement or termination date of the Participant's employment during the Plan Year, and such other factors as the Employer may prescribe.

No provision of this Plan will be construed to require the Employer or Plan Administrator to maintain any fund or segregate any amount for the benefit of any Participant, and no Participant or other person will have any claim against, right to, or security or other interest in, any fund, account or asset of the Employer from which any payment under the Plan may be made. The Plan does not create a trust in favor of a Participant or any person claiming on a Participant's behalf.

## **ARTICLE VI. Premium Payment Component**

### **6.1 Benefits**

An Eligible Employee can elect to participate in the Premium Payment Component by electing (a) to receive benefits under the Insurance Plans described in Appendix A; and (b) to pay for his or her share of the contributions for those benefits on a pre-tax Salary Reduction basis. Unless an exception applies (as described in Article X), such election is irrevocable for the duration of the Period of Coverage to which it relates. Notwithstanding any other provision in this Plan, insurance benefits under the Insurance Plans are subject to the terms and conditions of the Insurance Plans, and no changes can be made with respect to such plans (such as mid-year changes in election) if such changes are not permitted under the applicable Insurance Plan.

### **6.2 Participant Contributions for Cost of Coverage**

The annual contribution for a Participant's portion of the Premium Payment Benefits is equal to the amount as set by the Employer in the annual enrollment materials.

### **6.3 Benefits Provided Under the Insurance Plans**

Insurance benefits will be provided by the Insurance Plans in accordance with their governing documents, and not this Plan. The types and amounts of insurance benefits, the requirements for participating in the Insurance Plans, and the other terms and conditions of coverage and benefits of such plans are set forth in their governing documents. All claims to receive benefits under the Insurance Plans will be subject to and governed by the terms and conditions of the Insurance Plans and the rules, regulations, policies, and procedures adopted in accordance with those plans, as may be amended from time to time.

### **6.4 Insurance Benefits; COBRA**

Notwithstanding any provision to the contrary in this Plan, to the extent required by COBRA, a Participant and his or her Spouse and Dependents, as applicable, whose health coverage terminates under an Insurance Plan because of a COBRA qualifying event (and who is a qualified beneficiary as defined under COBRA), will be given the opportunity to continue on a self-pay basis the same health coverage that he or she had under the applicable Insurance Plan the day before the qualifying event for the periods prescribed by COBRA. Such continuation coverage will be subject to all conditions and limitations under COBRA.

Contributions for COBRA coverage under an Insurance Plan may be paid on a pre-tax basis for current Employees receiving taxable compensation (as may be permitted by the Plan Administrator on a uniform and consistent basis, but may not be prepaid from contributions in one Plan Year to provide coverage that extends into a subsequent Plan Year) where COBRA coverage arises either (a) because the Employee ceases to be eligible because of a reduction in hours; or (b) because the Employee's Dependent ceases to satisfy the eligibility requirements for coverage. For all other individuals (e.g., Employees who cease to be eligible because of retirement, termination of employment, or layoff), contributions for COBRA coverage for Insurance Plan benefits will be paid on an after-tax basis (unless as may be otherwise permitted by the Plan Administrator on a uniform and consistent basis, but may not be prepaid from contributions in one Plan Year to provide coverage that extends into a subsequent Plan Year).

## **ARTICLE VII. Health FSA Component**

### **7.1 Health FSA Benefits**

An Eligible Employee can elect to participate in the Health FSA Component by electing (a) to receive benefits in the form of reimbursements for Medical Care Expenses from the Health FSA (Health FSA Benefits); and (b) to pay his or her contribution for such Health FSA Benefits on a pre-tax Salary Reduction basis. Unless an exception applies (as described in Article X), any such election is irrevocable for the duration of the Period of Coverage to which it relates.

### **7.2 Participant Contributions for Cost of Coverage of Health FSA Benefits**

The annual contribution for a Participant's portion of the Health FSA Benefits is equal to the annual benefit amount elected by the Participant, subject to the dollar limits set forth in the annual enrollment materials.

### **7.3 Eligible Medical Care Expenses for Health FSA**

Under the Health FSA Component, a Participant may receive reimbursement for Medical Care Expenses incurred during the Period of Coverage for which an election is in force. In addition, certain individuals may receive reimbursement for Medical Care Expenses incurred during the Grace Period immediately following the close of a Plan Year from amounts remaining in their Health FSA Accounts for that Plan Year in accordance with Section 7.4(e).

- (a) *Incurred.* A Medical Care Expense is incurred at the time the medical care or service giving rise to the expense is furnished and not when the Participant is formally billed for, is charged for, or pays for the medical care.
- (b) *Medical Care Expenses.* "Medical Care Expenses" means expenses incurred by a Participant or his or her Spouse or Dependents for medical care, as defined in Code Section 213(d), but only to the extent that the expense has not been reimbursed through insurance or otherwise. If only a portion of a Medical Care Expense has been reimbursed elsewhere, then the Health FSA can reimburse the remaining portion of such Medical Care Expense if it otherwise meets the requirements of this Article VII. Notwithstanding the foregoing, the term Medical Care Expenses does not include:
  - premium payments for other health coverage, including but not limited to health insurance premiums for any other plan (whether or not sponsored by the Employer);



- medicines or drugs, unless the medicine or drug is a prescribed drug (determined without regard to whether the medicine or drug is available without a prescription) or is insulin (for this purpose, the Plan Administrator will have sole discretion to determine, on a uniform and consistent basis, whether a particular item is a medicine or drug and whether the requirement of a prescription has been satisfied);
- cosmetic surgery or other similar procedures, unless the surgery or procedure is necessary to ameliorate a deformity arising from, or directly related to, a congenital abnormality, a personal injury resulting from an accident or trauma, or a disfiguring disease (for this purpose, “cosmetic surgery” means any procedure that is directed at improving the patient’s appearance and does not meaningfully promote the proper function of the body or prevent or treat illness or disease); or
- any other expense excluded under Appendix B or otherwise under the terms of this Plan.

The Plan Administrator may promulgate procedures regarding the eligibility of various expenses for reimbursement as Medical Care Expenses and may limit reimbursement of expenses described in such procedures.

#### **7.4 Maximum and Minimum Benefits for Health FSA**

- (a) *Maximum Reimbursement Available; Uniform Coverage.* The maximum dollar amount elected by the Participant for reimbursement of Medical Care Expenses incurred during a Period of Coverage (reduced by prior reimbursements during the Period of Coverage) will be available at all times during the Period of Coverage, regardless of the actual amounts credited to the Participant’s Health FSA Account pursuant to Section 7.5. Notwithstanding the foregoing, no reimbursements will be available for Medical Care Expenses incurred after coverage under this Plan has terminated, unless the Participant has elected COBRA as provided in Section 7.8 or is entitled to submit expenses incurred during a Grace Period as provided in Section 7.4(e). Payment will be made to the Participant in cash as reimbursement for Medical Care Expenses incurred during the Period of Coverage for which the Participant’s election is effective (or during a Grace Period, if applicable under Section 7.4(e)), provided that the other requirements of this Article VII have been satisfied.
- (b) *Maximum and Minimum Dollar Limits.* The maximum annual benefit amount that a Participant may elect to receive under this Plan in the form of reimbursements for Medical Care Expenses incurred in any Period of Coverage will be set forth in the enrollment materials. The minimum annual benefit amount that a Participant may elect to receive under this Plan in the form of reimbursements for Medical Care Expenses incurred in any Period of Coverage is \$0. Reimbursements due for Medical Care Expenses incurred by the Participant’s Spouse or Dependents will be charged against the Participant’s Health FSA Account. In no event will the maximum annual benefit exceed the maximum limit under federal law.
- (c) *Changes; No Proration.* For each Plan Year, the maximum and minimum dollar limit may be changed by the Plan Administrator and will be communicated to Employees through the Election Form/Salary Reduction Agreement or other enrollment materials. If a Participant enters the Health FSA Component mid-year or wishes to increase his or her election mid-year as permitted under Section 10.3, then there will be no proration rule—i.e., the Participant may elect coverage up to the maximum dollar limit or may increase coverage to the maximum dollar limit, as applicable.

- (d) *Effect on Maximum Benefits If Election Change Permitted.* Any change in an election under Article X (other than under Section 10.3(c) for FMLA leave) that increases contributions to the Health FSA Component also will change the maximum reimbursement benefits for the balance of the Period of Coverage commencing with the election change. Such maximum reimbursement benefits for the balance of the Period of Coverage will be calculated by adding (1) the contributions (if any) made by the Participant as of the end of the portion of the Period of Coverage immediately preceding the change in election, to (2) the total contributions scheduled to be made by the Participant during the remainder of such Period of Coverage to the Health FSA Account, reduced by (3) all reimbursements made during the entire Period of Coverage. Any change in an election under Section 10.3(c) for FMLA leave will change the maximum reimbursement benefits in accordance with the regulations governing the effect of the FMLA on the operation of cafeteria plans.
- (e) *Grace Periods; Special Rules for Claims Incurred During a Grace Period.* Notwithstanding any contrary provision in this Plan and subject to the conditions of this Section 7.4(e), an individual may be reimbursed for Medical Care Expenses incurred during a Grace Period from amounts remaining in his or her Health FSA Account at the end of the Plan Year to which that Grace Period relates ("Prior Plan Year Health FSA Amounts") if he or she is either: (1) a Participant with Health FSA coverage that is in effect on the last day of that Plan Year; or (2) a qualified beneficiary (as defined under COBRA) who has COBRA coverage under the Health FSA Component on the last day of that Plan Year.
- Prior Plan Year Health FSA Amounts may not be cashed out or converted to any other taxable or non-taxable benefit. For example, Prior Plan Year Health FSA Amounts may not be used to reimburse Dependent Care Expenses.
  - Medical Care Expenses incurred during a Grace Period and approved for reimbursement in accordance with Section 7.7 will be reimbursed first from any available Prior Plan Year Health FSA Amounts and then from any amounts that are available to reimburse expenses that are incurred during the current Plan Year, except that if the Health FSA is accessible by an electronic payment card (e.g., debit card, credit card, or similar arrangement), Medical Care Expenses incurred during the Grace Period may need to be submitted manually in order to be reimbursed from Prior Plan Year Health FSA Amounts if the card is unavailable for such reimbursement. An individual's Prior Plan Year Health FSA Amounts will be debited for any reimbursement of Medical Care Expenses incurred during the Grace Period that is made from such Prior Plan Year Health FSA Amounts.
  - Claims for reimbursement of Medical Care Expenses incurred during a Grace Period must be submitted no later than the April 30 following the close of the Plan Year to which the Grace Period relates in order to be reimbursed from Prior Plan Year Health FSA Amounts. Any Prior Plan Year Health FSA Amounts that remain after all reimbursements have been made for the Plan Year and its related Grace Period will not be carried over to reimburse the Participant for expenses incurred in any subsequent period. The Participant will forfeit all rights with respect to these amounts, which will be subject to the Plan's provisions regarding forfeitures in Section 7.6(b).

## 7.5 Establishment of Health FSA Account

The Plan Administrator will establish and maintain a Health FSA Account with respect to each Participant for each Plan Year or other Period of Coverage for which the Participant elects to participate in the Health FSA Component, but it will not create a separate fund or otherwise segregate assets for this purpose. The Account so established will merely be a recordkeeping account with the purpose of keeping track of contributions and determining forfeitures under Section 7.6.

- (a) *Crediting of Accounts.* A Participant's Health FSA Account for a Plan Year or other Period of Coverage will be credited periodically during such period with an amount equal to the Participant's Salary Reductions elected to be allocated to such Account.
- (b) *Debiting of Accounts.* A Participant's Health FSA Account for a Plan Year or other Period of Coverage will be debited for any reimbursement of Medical Care Expenses incurred during such period (or for reimbursement of Medical Care Expenses incurred during any Grace Period to which he or she is entitled as provided in Section 7.4(e)).
- (c) *Available Amount Not Based on Credited Amount.* As described in Section 7.4, the amount available for reimbursement of Medical Care Expenses is the Participant's annual benefit amount, reduced by prior reimbursements for Medical Care Expenses incurred during the Plan Year or other Period of Coverage (or during the Grace Period, if applicable); it is not based on the amount credited to the Health FSA Account at a particular point in time. Thus, a Participant's Health FSA Account may have a negative balance during a Plan Year or other Period of Coverage, but the aggregate amount of reimbursement will in no event exceed the maximum dollar amount elected by the Participant under this Plan.

## 7.6 Forfeiture of Health FSA Accounts; Use-or-Lose Rule

- (a) *Use-or-Lose Rule.* Except as otherwise provided in Section 7.4(e) (regarding certain individuals who may be reimbursed from Prior Plan Year Health FSA Amounts for expenses incurred during a Grace Period), if any balance remains in the Participant's Health FSA Account for a Period of Coverage after all reimbursements have been made for the Period of Coverage, then such balance will not be carried over to reimburse the Participant for Medical Care Expenses incurred during a subsequent Plan Year. The Participant will forfeit all rights with respect to such balance.
- (b) *Use of Forfeitures.* All forfeitures under this Plan will be used as follows: (1) first, to offset any losses experienced by the Employer during the Plan Year as a result of making reimbursements (i.e., providing Health FSA Benefits) with respect to all Participants in excess of the contributions paid by such Participants through Salary Reductions; (2) second, to reduce the cost of administering the Health FSA Component during the Plan Year or the subsequent Plan Year (all such administrative costs will be documented by the Plan Administrator); and (3) third, to provide increased benefits or compensation to Participants in subsequent years in any weighted or uniform fashion that the Plan Administrator deems appropriate, consistent with applicable regulations. In addition, any Health FSA Account benefit payments that are unclaimed (e.g., uncashed benefit checks) by the close of the Plan Year following the Period of Coverage in which the Medical Care Expense was incurred will be forfeited and applied as described above.

## 7.7 Reimbursement Claims Procedure for Health FSA

- (a) *Timing.* Within 30 days after receipt by the Plan Administrator of a reimbursement claim from a Participant, the Employer will reimburse the Participant for the Participant's Medical Care Expenses (if the Plan Administrator approves the claim), or the Plan Administrator will notify the Participant that his or her claim has been denied. This time period may be extended by an additional 15 days for matters beyond the control of the Plan Administrator, including in cases where a reimbursement claim is incomplete. The Plan Administrator will provide written notice of any extension, including the reasons for the extension, and will allow the Participant 45 days in which to complete the previously incomplete reimbursement claim.
- (b) *Claims Substantiation.* A Participant who has elected to receive Health FSA Benefits for a Period of Coverage may apply for reimbursement by submitting a request in writing to the Plan Administrator in such form as the Plan Administrator may prescribe, by no later than the April 30 following the close of the Plan Year in which the Medical Care Expense was incurred (except that for a Participant who ceases to be eligible to participate, this must be done no later than 90 days after the date that eligibility ceases, as described in Section 7.8) setting forth:
- the person(s) on whose behalf Medical Care Expenses have been incurred;
  - the nature and date of the expenses so incurred;
  - the amount of the requested reimbursement;
  - a statement that such expenses have not otherwise been reimbursed and that the Participant will not seek reimbursement through any other source; and
  - other such details about the expenses that may be requested by the Plan Administrator in the reimbursement request form or otherwise (e.g., a statement from a medical practitioner that the expense is to treat a specific medical condition, documentation that a medicine or drug was prescribed, or a more detailed certification from the Participant).
- The application must be accompanied by bills, invoices, or other statements from an independent third party showing that the Medical Care Expenses have been incurred and showing the amounts of such expenses, along with any additional documentation that the Plan Administrator may request. Except for the final reimbursement claim for a Participant's Health FSA Account for a Plan Year or other Period of Coverage, no claim for reimbursement may be made unless and until the aggregate claim for reimbursement is at least \$25. If the Health FSA is accessible by an electronic payment card (e.g., debit card, credit card, or similar arrangement), the Participant will be required to comply with substantiation procedures established by the Plan Administrator in accordance with Rev. Rul. 2003-43, IRS Notice 2006-69, or other IRS guidance.
- (c) *Claims Denied.* For reimbursement claims that are denied, see the appeals procedure in Article XI.
- (d) *Claims Ordering; No Reprocessing.* All claims for reimbursement under the Health FSA Component will be paid in the order in which they are approved. Once paid, a claim will not be reprocessed or otherwise recharacterized solely for the purpose of paying it (or treating it as paid) from amounts attributable to a different Plan Year or Period of Coverage.

## **7.8 Reimbursements From Health FSA After Termination of Participation; COBRA**

When a Participant ceases to be a Participant under Section 3.3, the Participant's Salary Reductions and election to participate will terminate. Except as otherwise provided in Section 7.4(e) (regarding certain individuals who may be reimbursed from Prior Plan Year Health FSA Amounts for expenses incurred during a Grace Period), the Participant will not be able to receive reimbursements for Medical Care Expenses incurred after the end of the day on which the Participant's employment terminates or the Participant otherwise ceases to be eligible. However, such Participant (or the Participant's estate) may claim reimbursement for any Medical Care Expenses incurred during the Period of Coverage prior to the date that the Participant ceases to be eligible (or during any Grace Period to which he or she is entitled as provided in Section 7.4(e)), provided that the Participant (or the Participant's estate) files a claim within 90 days after the date that the Participant ceases to be a Participant.

Notwithstanding any provision to the contrary in this Plan, to the extent required by COBRA, a Participant and his or her Spouse and Dependents, as applicable, whose coverage terminates under the Health FSA Component because of a COBRA qualifying event (and who is a qualified beneficiary as defined under COBRA) will be given the opportunity to continue on a self-pay basis the same coverage that he or she had under the Health FSA Component the day before the qualifying event for the periods prescribed by COBRA. Specifically, such individuals will be eligible for COBRA continuation coverage only if, under Section 7.5, they have a positive Health FSA Account balance at the time of a COBRA qualifying event (taking into account all claims submitted before the date of the qualifying event). Such individuals will be notified if they are eligible for COBRA continuation coverage. If COBRA is elected, it will be available only for the remainder of the Plan Year in which the qualifying event occurs; such COBRA coverage for the Health FSA Component will cease at the end of the Plan Year and cannot be continued for the next Plan Year. Such continuation coverage will be subject to all conditions and limitations under COBRA. Notwithstanding the foregoing, a qualified beneficiary (as defined under COBRA) who has COBRA coverage under the Health FSA Component on the last day of a Plan Year may be entitled to reimbursement of Medical Care Expenses incurred during the Grace Period following that Plan Year in accordance with the provisions of Section 7.4(e).

Contributions for coverage for Health FSA Benefits may be paid on a pre-tax basis for current Employees receiving taxable compensation (as may be permitted by the Plan Administrator on a uniform and consistent basis, but may not be prepaid from contributions in one Plan Year to provide coverage that extends into a subsequent Plan Year) where COBRA coverage arises either (a) because the Employee ceases to be eligible because of a reduction of hours or (b) because the Employee's Dependent ceases to satisfy the eligibility requirements for coverage. For all other individuals (e.g., Employees who cease to be eligible because of retirement, termination of employment, or layoff), contributions for COBRA coverage for Health FSA Benefits must be paid on an after-tax basis (unless permitted otherwise by the Plan Administrator on a uniform and consistent basis, but may not be prepaid from contributions in one Plan Year to provide coverage that extends into a subsequent Plan Year).

## **7.9 Coordination of Benefits**

Health FSA Benefits are intended to pay benefits solely for Medical Care Expenses for which Participants have not been previously reimbursed and will not seek reimbursement elsewhere. Accordingly, the Health FSA will not be considered to be a group health plan for coordination of

benefits purposes, and Health FSA Benefits will not be taken into account when determining benefits payable under any other plan.

## **ARTICLE VIII. DCAP Component**

### **8.1 DCAP Benefits**

An Eligible Employee can elect to participate in the DCAP Component by electing (a) to receive benefits in the form of reimbursements for Dependent Care Expenses from the DCAP Component (DCAP Benefits), and (b) to pay his or her contribution for such DCAP Benefits on a pre-tax Salary Reduction basis. Unless an exception applies (as described in Article X), such election is irrevocable for the duration of the Period of Coverage to which it relates.

### **8.2 Participant Contributions for Cost of Coverage for DCAP Benefits**

The annual Contribution for a Participant's portion of the DCAP Benefits is equal to the annual benefit amount elected by the Participant, subject to the dollar limits set forth in Section 8.4(b). (For example, if the maximum \$5,000 annual benefit amount is elected, then the annual contribution amount is also \$5,000.)

### **8.3 Eligible Dependent Care Expenses**

Under the DCAP Component, a Participant may receive reimbursement for Dependent Care Expenses incurred during the Period of Coverage for which an election is in force.

- (a) *Incurred.* A Dependent Care Expense is incurred at the time the Qualifying Dependent Care Services giving rise to the expense is furnished, not when the Participant is formally billed for, is charged for, or pays for the Qualifying Dependent Care Services (e.g., services rendered for the month of June are not fully incurred until June 30 and cannot be reimbursed in full until then).
- (b) *Dependent Care Expenses.* "Dependent Care Expenses" are expenses that are considered to be employment-related expenses under Code Section 21(b)(2) (relating to expenses for the care of a Qualifying Individual necessary for gainful employment of the Employee and Spouse, if any, and expenses for incidental household services), if paid for by the Eligible Employee to obtain Qualifying Dependent Care Services; provided, however, that this term will not include any expenses for which the Participant or other person incurring the expense is reimbursed for the expense through insurance or any other plan. If only a portion of a Dependent Care Expense has been reimbursed elsewhere (e.g., because the Spouse's DCAP imposes maximum benefit limitations), the DCAP can reimburse the remaining portion of such Expense if it otherwise meets the requirements of this Article VIII.
- (c) *Qualifying Dependent Care Services.* "Qualifying Dependent Care Services" means services that: (1) relate to the care of a Qualifying Individual that enable the Participant and his or her Spouse to remain gainfully employed after the date of participation in the DCAP Component and during the Period of Coverage; and (2) are performed—
  - in the Participant's home; or
  - outside the Participant's home for (1) the care of a Participant's qualifying child who is under age 13; or (2) the care of any other Qualifying Individual who

regularly spends at least eight hours per day in the Participant's household. In addition, if the expenses are incurred for services provided by a dependent care center (i.e., a facility (including a day camp) that provides care for more than six individuals (other than individuals residing at the facility) on a regular basis and receives a fee, payment, or grant for such services), then the center must comply with all applicable state and local laws and regulations.

(d) *Exclusion.* Dependent Care Expenses do not include amounts paid to:

- an individual with respect to whom a personal exemption is allowable under Code Section 151(c) to a Participant or his or her Spouse;
- a Participant's Spouse;
- a Participant's child (as defined in Code Section 152(f)(1)) who is under 19 years of age at the end of the year in which the expenses were incurred; or
- a parent of a Participant's under age 13 qualifying child as defined in Code Section 152(a)(1) (e.g., a former spouse who is the child's noncustodial parent).

#### **8.4 Maximum and Minimum Benefits for DCAP**

(a) *Maximum Reimbursement Available.* The maximum dollar amount elected by the Participant for reimbursement of Dependent Care Expenses incurred during a Period of Coverage (reduced by prior reimbursements during the Period of Coverage) will only be available during the Period of Coverage to the extent of the actual amounts credited to the Participant's DCAP Account pursuant to Section 8.5. (No reimbursement will be made to the extent that such reimbursement would exceed the balance in the Participant's Account (that is, the year-to-date amount that has been withheld from the Participant's Compensation for reimbursement for Dependent Care Expenses for the Period of Coverage, less any prior reimbursements). Payment will be made to the Participant in cash as reimbursement for Dependent Care Expenses incurred during the Period of Coverage for which the Participant's election is effective, provided that the other requirements of this Article VIII have been satisfied.

(b) *Maximum and Minimum Dollar Limits.* The maximum annual benefit amount that a Participant may elect to receive under this Plan in the form of reimbursements for Dependent Care Expenses incurred in any Period of Coverage is \$5,000 or, if lower, the maximum amount that the Participant has reason to believe will be excludable from his or her income at the time the election is made as a result of the applicable statutory limit for the Participant. The applicable statutory limit for a Participant is the smallest of the following amounts:

- the Participant's Earned Income for the calendar year;
- the Earned Income of the Participant's Spouse for the calendar year (for this purpose, a Spouse who is not employed during a month in which the Participant incurs a Dependent Care Expense and is either (1) physically or mentally incapable of self-care, or (2) a Student will be deemed to have Earned Income in the amount specified in Code Section 21(d)(2)); or
- either \$5,000 or \$2,500 for the calendar year, as applicable below:

(1) The amount is \$5,000 for the calendar year if one of the following applies: (a) the Participant is married and files a joint federal income tax return; (b) the Participant is married, files a separate federal income tax return, and meets the

following conditions: (i) the Participant maintains as his or her home a household that constitutes (for more than half of the taxable year) the principal abode of a Qualifying Individual (i.e., the Dependent for whom the Participant is eligible to receive reimbursements under the DCAP); (ii) the Participant furnishes over half of the cost of maintaining such household during the taxable year; and (iii) during the last six months of the taxable year, the Participant's Spouse is not a member of such household (i.e., the Spouse maintained a separate residence); or (c) the Participant is single or is the head of the household for federal income tax purposes.

(2) The amounts is \$2,500 for the calendar year if the Participant is married and resides with the Spouse, but files a separate federal income tax return.

The minimum annual benefit amount that a Participant may elect to receive under this Plan in the form of reimbursements for Dependent Care Expenses incurred in any Period of Coverage is \$0.

- (c) *Changes; No Proration.* For subsequent Plan Years, the maximum and minimum dollar limit may be changed by the Plan Administrator and will be communicated to Employees through the Election Form/Salary Reduction Agreement or other enrollment materials. If a Participant enters the DCAP Component mid-year or wishes to increase his or her election mid-year as permitted under Section 10.3, then there will be no proration rule—i.e., the Participant may elect coverage up to the maximum dollar limit or may increase coverage up to the maximum dollar limit, as applicable.
- (d) *Effect on Maximum Benefits If Election Change Permitted.* Any change in an election under Article X affecting annual contributions to the DCAP Component also will change the maximum reimbursement benefits for the balance of the Period of Coverage (commencing with the election change), as further limited by Sections 8.4(a) and (b). Such maximum reimbursement benefits for the balance of the Period of Coverage will be calculated by adding (1) the contributions, if any, made by the Participant as of the end of the portion of the Period of Coverage immediately preceding the change in election, to (2) the total contributions scheduled to be made by the Participant during the remainder of such Period of Coverage to the DCAP Account, reduced by (3) reimbursements during the Period of Coverage.

## **8.5 Establishment of DCAP Account**

The Plan Administrator will establish and maintain a DCAP Account with respect to each Participant who has elected to participate in the DCAP Component, but it will not create a separate fund or otherwise segregate assets for this purpose. The Account so established will merely be a recordkeeping account with the purpose of keeping track of contributions and determining forfeitures under Section 8.6.

- (a) *Crediting of Accounts.* A Participant's DCAP Account will be credited periodically during each Period of Coverage with an amount equal to the Participant's Salary Reductions elected to be allocated to such Account.
- (b) *Debiting of Accounts.* A Participant's DCAP Account will be debited during each Period of Coverage for any reimbursement of Dependent Care Expenses incurred during the Period of Coverage.



- (c) *Available Amount Is Based on Credited Amount.* As described in Section 8.4, the amount available for reimbursement of Dependent Care Expenses may not exceed the year-to-date amount credited to the Participant's DCAP Account, less any prior reimbursements (i.e., it is based on the amount credited to the DCAP Account at a particular point in time). Thus, a Participant's DCAP Account may not have a negative balance during a Period of Coverage.

## **8.6 Forfeiture of DCAP Accounts; Use-It-or-Lose-It Rule**

If any balance remains in the Participant's DCAP Account for a Period of Coverage after all reimbursements have been made for the Period of Coverage, then such balance will not be carried over to reimburse the Participant for Dependent Care Expenses incurred during a subsequent Plan Year. The Participant will forfeit all rights with respect to such balance. All forfeitures under this Plan will be used as follows: (1) first, to offset any losses experienced by the Employer during the Plan Year as a result of making reimbursements (i.e., providing DCAP Benefits) with respect to all Participants in excess of the contributions paid by such Participants through Salary Reductions; (2) second, to reduce the cost of administering the DCAP during the Plan Year or the subsequent Plan Year (all such administrative costs will be documented by the Plan Administrator); and (3) third, to provide increased benefits or compensation to Participants in subsequent years in any weighted or uniform fashion the Plan Administrator deems appropriate, consistent with applicable regulations. In addition, any DCAP Account benefit payments that are unclaimed (e.g., uncashed benefit checks) by the close of the Plan Year following the Period of Coverage in which the Dependent Care Expense was incurred will be forfeited and applied as described above.

## **8.7 Reimbursement Claims Procedure for DCAP**

- (a) *Timing.* Within 30 days after receipt by the Plan Administrator of a reimbursement claim from a Participant, the Employer will reimburse the Participant for the Participant's Dependent Care Expenses (if the Plan Administrator approves the claim), or the Plan Administrator will notify the Participant that his or her claim has been denied. This time period may be extended by an additional 15 days for matters beyond the control of the Plan Administrator, including in cases where a reimbursement claim is incomplete. The Plan Administrator will provide written notice of any extension, including the reasons for the extension, and will allow the Participant 45 days in which to complete the previously incomplete reimbursement claim.
- (b) *Claims Substantiation.* A Participant who has elected to receive DCAP Benefits for a Period of Coverage may apply for reimbursement by submitting a request for reimbursement in writing to the Plan Administrator in such form as the Plan Administrator may prescribe, by no later than the April 30 following the close of the Plan Year in which the Dependent Care Expense was incurred (except for a Participant who ceases to be eligible to participate, by no later than 90 days after the date that eligibility ceases, as described in Section 8.8), setting forth:
- the person(s) on whose behalf Dependent Care Expenses have been incurred;
  - the nature and date of the expenses so incurred;
  - the amount of the requested reimbursement;

- the name of the person, organization or entity to whom the expense was or is to be paid, and taxpayer identification number (Social Security number, if the recipient is a person);
- a statement that such expenses have not otherwise been reimbursed and that the Participant will not seek reimbursement through any other source;
- the Participant's certification that he or she has no reason to believe that the reimbursement requested, added to his or her other reimbursements to date for Dependent Care Expenses incurred during the same calendar year, will exceed the applicable statutory limit for the Participant as described in Section 8.4(b); and
- other such details about the expenses that may be requested by the Plan Administrator in the reimbursement request form or otherwise (e.g., a more detailed certification from the Participant).

The application will be accompanied by bills, invoices, or other statements from an independent third party showing that the Dependent Care Expenses have been incurred and showing the amounts of such expenses, along with any additional documentation that the Plan Administrator may request. Except for the final reimbursement claim for a Period of Coverage, no claim for reimbursement may be made unless and until the aggregate claim for reimbursement is at least \$25.

- (c) *Claims Denied.* For reimbursement claims that are denied, see the appeals procedure in Article XI.

## **8.8 Reimbursements From DCAP After Termination of Participation**

When a Participant ceases to be a Participant under Section 3.3, the Participant's Salary Reductions and election to participate will terminate. The Participant will not be able to receive reimbursements for Dependent Care Expenses incurred after the end of the day on which the Participant's employment terminates or the Participant otherwise ceases to be eligible, with one exception: such Participant (or the Participant's estate) may claim reimbursement for any Dependent Care Expenses incurred in the month that includes the date the Participant terminates employment or otherwise loses eligibility, provided that the Participant (or the Participant's estate) files a claim within 90 days after the date that the Participant's employment terminates or the Participant otherwise ceases to be eligible.

# **ARTICLE IX. HIPAA PROVISIONS FOR HEALTH FSA**

## **9.1 Provision of Protected Health Information to Employer**

Members of the Employer's workforce have access to the individually identifiable health information of Plan participants for administrative functions of the Health FSA. When this health information is provided from the Health FSA to the Employer, it is Protected Health Information (PHI). The Health Insurance Portability and Accountability Act of 1996 (HIPAA) and its implementing regulations restrict the Employer's ability to use and disclose PHI. The following HIPAA definition of PHI applies for purposes of this Article IX:

*Protected Health Information.* Protected health information means information that is created or received by the Plan and relates to the past, present, or future physical or mental health or

condition of a participant; the provision of health care to a participant; or the past, present, or future payment for the provision of health care to a participant; and that identifies the participant or for which there is a reasonable basis to believe the information can be used to identify the participant. Protected health information includes information of persons living or deceased.

The Employer will have access to PHI from the Health FSA only as permitted under this Article IX or as otherwise required or permitted by HIPAA. HIPAA and its implementing regulations were modified by the Health Information Technology for Economic and Clinical Health Act (HITECH Act), the statutory provisions of which are incorporated herein by reference.

## **9.2 Permitted Disclosure of Enrollment/Disenrollment Information**

The Health FSA may disclose to the Employer information on whether the individual is participating in the Plan.

## **9.3 Permitted Uses and Disclosure of Summary Health Information**

The Health FSA may disclose Summary Health Information to the Employer, provided that the Employer requests the Summary Health Information for the purpose of modifying, amending, or terminating the Health FSA.

“Summary Health Information” means information (a) that summarizes the claims history, claims expenses, or type of claims experienced by individuals for whom a plan sponsor had provided health benefits under a health plan; and (b) from which the information described at 42 CFR Section 164.514(b)(2)(i) has been deleted, except that the geographic information described in 42 CFR Section 164.514(b)(2)(i)(B) need only be aggregated to the level of a five-digit ZIP code.

## **9.4 Permitted and Required Uses and Disclosure of PHI for Plan Administration Purposes**

Unless otherwise permitted by law, and subject to the conditions of disclosure described in Section 9.5 and obtaining written certification pursuant to Section 9.7, the Health FSA may disclose PHI to the Employer, provided that the Employer uses or discloses such PHI only for Plan administration purposes. “Plan administration purposes” means administration functions performed by the Employer on behalf of the Health FSA, such as quality assurance, claims processing, auditing, and monitoring. Plan administration functions do not include functions performed by the Employer in connection with any other benefit or benefit plan of the Employer, and they do not include any employment-related functions.

Notwithstanding the provisions of this Plan to the contrary, in no event will the Employer be permitted to use or disclose PHI in a manner that is inconsistent with 45 CFR Section 164.504(f).

## **9.5 Conditions of Disclosure for Plan Administration Purposes**

The Employer agrees that with respect to any PHI (other than enrollment/disenrollment information and Summary Health Information, which are not subject to these restrictions) disclosed to it by the Health FSA, the Employer will:

- not use or further disclose the PHI other than as permitted or required by the Health FSA or as required by law;
- ensure that any agent, including a subcontractor, to whom it provides PHI received from the Health FSA agrees to the same restrictions and conditions that apply to the Employer with respect to PHI;
- not use or disclose the PHI for employment-related actions and decisions or in connection with any other benefit or employee benefit plan of the Employer;
- report to the Plan any use or disclosure of the information that is inconsistent with the uses or disclosures provided for of which it becomes aware;
- make available PHI to comply with HIPAA's right to access in accordance with 45 CFR Section 164.524;
- make available PHI for amendment and incorporate any amendments to PHI in accordance with 45 CFR Section 164.526;
- make available the information required to provide an accounting of disclosures in accordance with 45 CFR Section 164.528;
- make its internal practices, books, and records relating to the use and disclosure of PHI received from the Health FSA available to the Secretary of Health and Human Services for purposes of determining compliance by the Health FSA with HIPAA's privacy requirements;
- if feasible, return or destroy all PHI received from the Health FSA that the Employer still maintains in any form and retain no copies of such information when no longer needed for the purpose for which disclosure was made, except that, if such return or destruction is not feasible, limit further uses and disclosures to those purposes that make the return or destruction of the information infeasible; and
- ensure that the adequate separation between the Health FSA and the Employer (i.e., the "firewall"), required in 45 CFR Section 504(f)(2)(iii) is satisfied.

The Employer further agrees that if it creates, receives, maintains, or transmits any electronic PHI (other than enrollment/disenrollment information and Summary Health Information, which are not subject to these restrictions) on behalf of the Health FSA, it will implement administrative, physical, and technical safeguards that reasonably and appropriately protect the confidentiality, integrity, and availability of the electronic PHI, and it will ensure that any agents (including subcontractors) to whom it provides such electronic PHI agree to implement reasonable and appropriate security measures to protect the information. The Employer will report to the Health FSA any security incident of which it becomes aware.

## **9.6 Adequate Separation Between Plan and Employer**

The Employer will allow the following persons access to PHI: Director of Finance, Accounting Manager, Senior Accountant, Accountant, the Plan Administrator, and payroll staff performing Health FSA functions and any other Employee who needs access to PHI in order to perform Plan administration functions that the Employer performs for the Health FSA (such as quality assurance, claims processing, auditing, monitoring, payroll, and appeals). No other persons will have access to PHI. These specified employees (or classes of employees) will only have access to and use PHI to the extent necessary to perform the plan administration functions that

the Employer performs for the Health FSA. In the event that any of these specified employees does not comply with the provisions of this Section, that employee will be subject to disciplinary action by the Employer for non-compliance pursuant to the Employer's employee discipline and termination procedures.

The Employer will ensure that the provisions of this Section 9.6 are supported by reasonable and appropriate security measures to the extent that the designees have access to electronic PHI.

### **9.7 Certification of Plan Sponsor**

The Health FSA will disclose PHI to the Employer only upon the receipt of a certification by the Employer that the Health FSA incorporates the provisions of 45 CFR Section 164.504(f)(2)(ii), and that the Employer agrees to the conditions of disclosure set forth in Section 9.5. Execution of the Plan by the Employer will serve as the required certification.

### **9.8 Privacy Official**

The Employer will designate a Privacy Official, who will be responsible for the Plan's compliance with HIPAA. The Privacy Official may contract with or otherwise utilize the services of attorneys, accountants, brokers, consultants, or other third party experts as the Privacy Official deems necessary or advisable. In addition and notwithstanding any provision of this Plan to the contrary, the Privacy Official will have the authority to and be responsible for:

- accepting and verifying the accuracy and completeness of any certification provided by the Employer under this Article;
- transmitting the certification to any third parties as may be necessary to permit them to disclose PHI to the Employer;
- establishing and implementing policies and procedures with respect to PHI that are designed to ensure compliance by the Plan with the requirements of HIPAA;
- establishing and overseeing proper training of personnel who will have access to PHI; and
- any other duty or responsibility that the Privacy Official, in his or her sole capacity, deems necessary or appropriate to comply with the provisions of HIPAA and the purposes of the Article IX.

### **9.9 Interpretation and Limited Applicability**

This Article serves the sole purpose of complying with the requirements of HIPAA and will be interpreted and construed in a manner to effectuate this purpose. Neither this Article IX nor the duties, powers, responsibilities, and obligations listed herein will be taken into account in determining the amount or nature of the benefits provided to any person covered under the Health FSA Component, nor will they inure to the benefit of any third parties. To the extent that any of the provisions of this Article IX are no longer required by HIPAA or do not apply to the Plan because the Plan is otherwise excepted from HIPAA, they will be deemed deleted and will have no force or effect.

## **9.10 Service Performed for the Employer**

Notwithstanding any other provisions of this Plan to the contrary, all services performed by a business associate for the Health FSA in accordance with the applicable service agreement will be deemed to be performed on behalf of the Health FSA and subject to the administrative simplification provisions of HIPAA contained in 45 C.F.R. Parts 160 through 164, except services that relate to eligibility and enrollment in the Health FSA. If a business associate of the Health FSA performs any services that relate to eligibility and enrollment in the Health FSA, these services will be deemed to be performed on behalf of the Employer in its capacity as Plan Sponsor and not on behalf of the Health FSA.

## **ARTICLE X. Irrevocability of Elections; Exceptions**

### **10.1 Irrevocability of Elections**

Except as described in this Article X, a Participant's election under the Plan is irrevocable for the duration of the Period of Coverage to which it relates. In other words, unless an exception applies, the Participant may not change any elections for the duration of the Period of Coverage regarding:

- (a) participation in this Plan;
- (b) Salary Reduction amounts; or
- (c) election of particular Benefit Plan Options.

### **10.2 Procedure for Making New Election If Exception to Irrevocability Applies**

- (a) *Timeframe for Making New Election.* A Participant (or an Eligible Employee who, when first eligible under Section 4.2 or during the Open Enrollment Period under Section 4.3, declined to be a Participant) may make a new election within 30 days of the occurrence of an event described in Section 10.3 (or within 60 days of the occurrence of an event described in Section 10.3(e)(3) or (4)), as applicable, but only if the election under the new Election Form/Salary Reduction Agreement is made on account of and is consistent with the event. Notwithstanding the foregoing, a Change in Status (e.g., a divorce or a dependent's losing student status) that results in a beneficiary becoming ineligible for coverage under the Insurance Plans will automatically result in a corresponding election change, whether or not requested by the Participant within the normal 30-day period.
- (b) *Effective Date of New Election.* Elections made pursuant to this Section 10.2 will be effective for the balance of the Period of Coverage following the change of election unless a subsequent event allows for a further election change. Except as provided in Section 10.3(e) for HIPAA special enrollment rights in the event of birth, adoption, or placement for adoption, all election changes will be effective on a prospective basis only (i.e., election changes will become effective no earlier than the first day of the next calendar month following the date that the election change was filed, but, as determined by the Plan Administrator, election changes may become effective later to the extent that the coverage in the applicable Benefit Plan Option commences later).
- (c) *Effect of New Election Upon Amount of Benefits.* For the effect of a changed election upon the maximum and minimum benefits under the Health FSA and DCAP Components, see Sections 7.4 and 8.4 respectively.

### 10.3 Events Permitting Exception to Irrevocability Rule for All Benefits

A Participant may change an election as described below upon the occurrence of the stated events for the applicable component of this Plan:

- (a) *Open Enrollment Period (Applies to all Benefit Plan Options).* A Participant may change an election during the Open Enrollment Period in accordance with Section 4.3.
- (b) *Termination of Employment (Applies to all Benefit Plan Options).* A Participant's election will terminate under the Plan upon termination of employment in accordance with Section 3.3.
- (c) *Leaves of Absence (Applies to all Benefit Plan Options).* A Participant may change an election under the Plan upon FMLA leave in accordance with Section 3.5 and upon non-FMLA leave in accordance with Section 3.6.
- (d) *Change in Status (Applies to Premium Payment Benefits and to Health FSA Benefits and DCAP Benefits as limited further below).* A Participant may change his or her election under the Plan upon the occurrence of a Change in Status, but only if such election change is made on account of and corresponds with a Change in Status that affects eligibility for coverage under a plan of the Employer or a plan of the Spouse's or Dependent's employer (referred to as the general consistency requirement). A Change in Status that affects eligibility for coverage under a plan of the Employer or a plan of the Spouse's or Dependent's employer includes a Change in Status that results in an increase or decrease in the number of an Employee's family members (i.e., a Spouse and/or Dependents) who may benefit from the coverage.
- (e) *HIPAA Special Enrollment Rights (Applies to Premium Payment Benefits under Medical Insurance Plans only, and not to any other Insurance Plan, Health FSA, or DCAP Benefits).* If a Participant or his or her Spouse or Dependent is entitled to special enrollment rights under a group health plan (other than an excepted benefit), as required by HIPAA under Code Section 9801(f), then a Participant may revoke a prior election for group health plan coverage and make a new election (including, when required by HIPAA, an election to enroll in another group health plan), provided that the election change corresponds with such HIPAA special enrollment rights. As required by HIPAA, a special enrollment right will arise in the following circumstances:
  - (1) a Participant or his or her Spouse or Dependent declined to enroll in group health plan coverage because he or she had coverage, and eligibility for such coverage is subsequently lost because: (a) the coverage was provided under COBRA and the COBRA coverage was exhausted; or (b) the coverage was non-COBRA coverage and the coverage terminated due to loss of eligibility for coverage or the employer contributions for the coverage were terminated;
  - (2) a new Dependent is acquired as a result of marriage, birth, adoption, or placement for adoption;
  - (3) the Participant's or Dependent's coverage under a Medicaid plan or state children's health insurance program is terminated as a result of loss of eligibility for such coverage; or

(4) the Participant or Dependent becomes eligible for a state premium assistance subsidy from a Medicaid plan or through a state children's health insurance program with respect to coverage under the group health plan.

An election to add previously eligible Dependents as a result of the acquisition of a new Spouse or Dependent child will be considered to be consistent with the special enrollment right. An election change on account of a HIPAA special enrollment attributable to the birth, adoption, or placement for adoption of a new Dependent child may, subject to the provisions of the underlying group health plan, be effective retroactively (up to 30 days).

For purposes of Section 10.3(e)(1), a loss of eligibility includes (but is not limited to) loss of eligibility due to legal separation, divorce, cessation of dependent status, death of an employee, termination of employment, reduction of hours, or any loss of eligibility for coverage that is measured with reference to any of the foregoing; loss of coverage offered through an HMO that does not provide benefits to individuals who do not reside, live, or work in the service area because an individual no longer resides, lives, or works in the service area (whether or not within the choice of the individual), and in the case of HMO coverage in the group market, no other benefit Plan is available to the individual; a situation in which an individual incurs a claim that would meet or exceed a lifetime limit on all benefits; and a situation in which a plan no longer offers any benefits to the class of similarly situated individuals that includes the individual.

- (f) *Certain Judgments, Decrees and Orders (Applies to Premium Payment and Health FSA Benefits, but Not to DCAP Benefits).* If a judgment, decree, or order (collectively, an "Order") resulting from a divorce, legal separation, annulment, or change in legal custody (including a National Medical Support Order) requires accident or health coverage (including an election for Health FSA Benefits) for a Participant's child (including a foster child who is a Dependent of the Participant), then a Participant may (1) change his or her election to provide coverage for the child (provided that the Order requires the Participant to provide coverage); or (2) change his or her election to revoke coverage for the child if the Order requires that another individual (including the Participant's Spouse or former Spouse) provide coverage under that individual's plan and such coverage is actually provided.
- (g) *Medicare and Medicaid (Applies to Premium Payment Benefits, to Health FSA Benefits as Limited Below, but Not to DCAP Benefits).* If a Participant or his or her Spouse or Dependent who is enrolled in a health or accident plan under this Plan becomes entitled to (i.e., becomes enrolled in) Medicare or Medicaid (other than coverage consisting solely of benefits under Section 1928 of the Social Security Act providing for pediatric vaccines), then the Participant may prospectively reduce or cancel the health or accident coverage of the person becoming entitled to Medicare or Medicaid and/or the Participant's Health FSA coverage may be canceled (but not reduced). Notwithstanding the foregoing, such cancellation will not become effective to the extent that it would reduce future contributions to the Health FSA to a point where the total contributions for the Plan Year are less than the amount already reimbursed for the Plan Year. Furthermore, if a Participant or his or her Spouse or Dependent who has been entitled to Medicare or Medicaid loses eligibility for such coverage, then the Participant may prospectively elect to commence or increase the accident or health coverage of the individual who loses Medicare or Medicaid eligibility and/or the Participant's Health FSA coverage may commence or increase.



(h) *Change in Cost (Applies to Premium Payment Benefits, to DCAP Benefits as Limited Below, but Not to Health FSA Benefits).* For purposes of this Section 10.3(h), “similar coverage” means coverage for the same category of benefits for the same individuals (e.g., family to family or single to single). For example, two plans that provide major medical coverage are considered to be similar coverage. For purposes of this definition, (a) a health FSA is not similar coverage with respect to an accident or health plan that is not a health FSA; (b) an HMO and a PPO are considered to be similar coverage; and (c) coverage by another employer, such as a Spouse's or Dependent's employer, may be treated as similar coverage if it otherwise meets the requirements of similar coverage.

(1) *Increase or Decrease for Insignificant Cost Changes.* Participants are required to increase their elective contributions (by increasing Salary Reductions) to reflect insignificant increases in their required contribution for their Benefit Plan Option(s), and to decrease their elective contributions to reflect insignificant decreases in their required contribution. The Plan Administrator, in its sole discretion and on a uniform and consistent basis, will determine whether an increase or decrease is insignificant based upon all the surrounding facts and circumstances, including but not limited to the dollar amount or percentage of the cost change. The Plan Administrator, on a reasonable and consistent basis, will automatically effectuate this increase or decrease in affected employees' elective contributions on a prospective basis.

(2) *Significant Cost Increases.* If the Plan Administrator determines that the cost charged to an Employee of a Participant's Benefit Plan Option(s) significantly increases during a Period of Coverage, then the Participant may (a) make a corresponding prospective increase in his or her elective contributions (by increasing Salary Reductions); (b) revoke his or her election for that coverage, and in lieu thereof, receive on a prospective basis coverage under another Benefit Plan Option that provides similar coverage (such as an HMO, but not the Health FSA); or (c) drop coverage prospectively if there is no other Benefit Plan Option available that provides similar coverage. The Plan Administrator, in its sole discretion and on a uniform and consistent basis, will decide whether a cost increase is significant in accordance with prevailing IRS guidance.

(3) *Significant Cost Decreases.* If the Plan Administrator determines that the cost of any Benefit Plan Option significantly decreases during a Period of Coverage, then the Plan Administrator may permit the following election changes: (a) Participants enrolled in that Benefit Plan Option may make a corresponding prospective decrease in their elective contributions (by decreasing Salary Reductions); (b) Participants who are enrolled in another Benefit Plan Option (such as an HMO, but not the Health FSA) may change their election on a prospective basis to elect the Benefit Plan Option that has decreased in cost; or (c) Employees who are otherwise eligible under Section 3.1 may elect the Benefit Plan Option that has decreased in cost (such as the PPO) on a prospective basis, subject to the terms and limitations of the Benefit Plan Option. The Plan Administrator, in its sole discretion and on a uniform and consistent basis, will decide whether a cost decrease is significant in accordance with prevailing IRS guidance.

(4) *Limitation on Change in Cost Provisions for DCAP Benefits.* The above “Change in Cost” provisions (Sections 10.3(h)(1) through 10.3(h)(3)) apply to DCAP Benefits only if the cost change is imposed by a dependent care provider who is not a “relative” of the Employee. For this purpose, a relative is an individual who is related as described in Code Sections 152(d)(2)(A) through (G), incorporating the rules of Code Sections 152(f)(1) and 152(f)(4).

- (i) *Change in Coverage (Applies to Premium Payment and DCAP Benefits, but Not to Health FSA Benefits).*

The definition of “similar coverage” under Section 10.3(h) applies also to this Section 10.3(i).

(1) *Significant Curtailment.* If coverage is “significantly curtailed” (as defined below), Participants may elect coverage under another Benefit Plan Option that provides similar coverage. In addition, as set forth below, if the coverage curtailment results in a “Loss of Coverage” (as defined below), then Participants may drop coverage if no similar coverage is offered by the Employer. The Plan Administrator in its sole discretion, on a uniform and consistent basis, will decide, in accordance with prevailing IRS guidance, whether a curtailment is “significant,” and whether a Loss of Coverage has occurred.

(a) *Significant Curtailment Without Loss of Coverage.* If the Plan Administrator determines that a Participant's coverage under a Benefit Plan Option under this Plan (or the Participant's Spouse's or Dependent's coverage under his or her employer's plan) is significantly curtailed without a Loss of Coverage (for example, when there is a significant increase in the deductible, the co-pay, or the out-of-pocket cost-sharing limit under an accident or health plan) during a Period of Coverage, the Participant may revoke his or her election for the affected coverage, and in lieu thereof, prospectively elect coverage under another Benefit Plan Option that provides similar coverage (such as an HMO, but not the Health FSA). Coverage under a plan is deemed to be “significantly curtailed” only if there is an overall reduction in coverage provided under the plan so as to constitute reduced coverage generally.

(b) *Significant Curtailment With a Loss of Coverage.* If the Plan Administrator determines that a Participant's Benefit Plan Option coverage under this Plan (or the Participant's Spouse's or Dependent's coverage under his or her employer's plan) is significantly curtailed, and if such curtailment results in a Loss of Coverage during a Period of Coverage, then the Participant may revoke his or her election for the affected coverage and may either prospectively elect coverage under another Benefit Plan Option that provides similar coverage (such as an HMO, but not the Health FSA) or drop coverage if no other Benefit Plan Option providing similar coverage is offered by the Employer.

(c) *Definition of Loss of Coverage.* For purposes of this Section 10.3(i)(1), a “Loss of Coverage” means a complete loss of coverage (including the elimination of a Benefit Plan Option, an HMO ceasing to be available where the Participant or his or her Spouse or Dependent resides, or a Participant or his or her Spouse or Dependent losing all coverage under the Benefit Plan Option by reason of an overall lifetime or annual limitation). In addition, the Plan Administrator, in its sole discretion, on a uniform and consistent basis, may treat the following as a Loss of Coverage:

- a substantial decrease in the medical care providers available under the Benefit Plan Option (such as a major hospital ceasing to be a member of a preferred provider network or a substantial decrease in the number of physicians participating in a PPO or HMO);

- a reduction in benefits for a specific type of medical condition or treatment with respect to which the Participant or his or her Spouse or Dependent is currently in a course of treatment; or
- any other similar fundamental loss of coverage.

(d) *DCAP Coverage Changes.* A Participant may make a prospective election change that is on account of and corresponds with a change by the Participant in the dependent care service provider. For example: (i) if the Participant terminates one dependent care service provider and hires a new dependent care service provider, then the Participant may change coverage to reflect the cost of the new service provider; and (ii) if the Participant terminates a dependent care service provider because a relative becomes available to take care of the child at no charge, then the Participant may cancel coverage.

(2) *Addition or Significant Improvement of a Benefit Plan Option.* If during a Period of Coverage the Plan adds a new Benefit Plan Option or significantly improves an existing Benefit Plan Option, the Plan Administrator may permit the following election changes: (a) Participants who are enrolled in a Benefit Plan Option other than the newly added or significantly improved Benefit Plan Option may change their elections on a prospective basis to elect the newly added or significantly improved Benefit Plan Option; and (b) Employees who are otherwise eligible under Section 3.1 may elect the newly added or significantly improved Benefit Plan Option on a prospective basis, subject to the terms and limitations of the Benefit Plan Option. The Plan Administrator, in its sole discretion and on a uniform and consistent basis, will decide whether there has been an addition of, or a significant improvement in, a Benefit Plan Option in accordance with prevailing IRS guidance.

(3) *Loss of Coverage Under Other Group Health Coverage.* A Participant may prospectively change his or her election to add group health coverage for the Participant or his or her Spouse or Dependent, if such individual(s) loses coverage under any group health coverage sponsored by a governmental or educational institution, including (but not limited to) the following: a state children's health insurance program under Title XXI of the Social Security Act; a medical care program of an Indian Tribal government (as defined in Code Section 7701(a)(40), the Indian Health Service, or a tribal organization; a state health benefits risk pool; or a foreign government group health plan, subject to the terms and limitations of the applicable Benefit Plan Option(s).

(4) *Change in Coverage Under An Employer Plan.* A Participant may make a prospective election change that is on account of and corresponds with a change made under an employer plan (including a plan of the Employer or a plan of the Spouse's or Dependent's employer), so long as (a) the other cafeteria plan or qualified benefits plan permits its participants to make an election change that would be permitted under applicable IRS regulations; or (b) the Plan permits Participants to make an election for a Period of Coverage that is different from the plan year under the other cafeteria plan or qualified benefits plan. For example, if an election is made by the Participant's Spouse during his or her employer's open enrollment to drop coverage, the Participant may add coverage to replace the dropped coverage. The Plan Administrator, in its sole discretion and on a uniform and consistent basis, will decide whether a requested change is on account of and corresponds with a change made under the other employer plan, in accordance with prevailing IRS guidance.

Election changes may not be made to reduce Health FSA coverage during a Period of Coverage; however, election changes may be made to cancel Health FSA coverage completely due to the occurrence of any of the following events: death of a Spouse, divorce, legal separation, or annulment; death of a Dependent; change in employment status such that the Participant becomes ineligible for Health FSA coverage; or a Dependent's ceasing to satisfy eligibility requirements for Health FSA coverage. Notwithstanding the foregoing, such cancellation will not become effective to the extent that it would reduce future contributions to the Health FSA to a point where the total contributions for the Plan Year are less than the amount already reimbursed for the Plan Year. The Plan Administrator, in its sole discretion and on a uniform and consistent basis, will determine, based on prevailing IRS guidance, whether a requested change is on account of and corresponds with a Change in Status. Assuming that the general consistency requirement is satisfied, a requested election change must also satisfy the following specific consistency requirements in order for a Participant to be able to alter his or her election based on the specified Change in Status:

(1) *Loss of Spouse or Dependent Eligibility; Special COBRA Rules.* For a Change in Status involving a Participant's divorce, annulment or legal separation from a Spouse, the death of a Spouse or a Dependent, or a Dependent's ceasing to satisfy the eligibility requirements for coverage, a Participant may only elect to cancel accident or health insurance coverage for (a) the Spouse involved in the divorce, annulment, or legal separation; (b) the deceased Spouse or Dependent; or (c) the Dependent that ceased to satisfy the eligibility requirements. Canceling coverage for any other individual under these circumstances would fail to correspond with that Change in Status.

Notwithstanding the foregoing, if the Participant or his or her Spouse or Dependent becomes eligible for COBRA (or similar health plan continuation coverage under state law) under the Employer's plan because of a reduction of hours or because the Participant's Dependent ceases to satisfy the eligibility requirements for coverage (and the Participant remains a Participant under this Plan), then the Participant may increase his or her election to pay for such coverage.

(2) *Gain of Coverage Eligibility Under Another Employer's Plan.* For a Change in Status in which a Participant or his or her Spouse or Dependent gains eligibility for coverage under a cafeteria plan or qualified benefit plan of the employer of the Participant's Spouse or Dependent as a result of a change in marital status or a change in employment status, a Participant may elect to cease or decrease coverage for that individual only if coverage for that individual becomes effective or is increased under the Spouse's or Dependent's employer's plan. The Plan Administrator may rely on a Participant's certification that the Participant has obtained or will obtain coverage under the Spouse's or Dependent's employer's plan, unless the Plan Administrator has reason to believe that the Participant's certification is incorrect.

(3) *Special Consistency Rule for DCAP Benefits.* With respect to the DCAP Benefits, a Participant may change or terminate his or her election upon a Change in Status if (a) such change or termination is made on account of and corresponds with a Change in Status that affects eligibility for coverage under an employer's plan; or (b) the election change is on account of and corresponds with a Change in Status that affects eligibility of Dependent Care Expenses for the tax exclusion under Code Section 129.

A Participant entitled to change an election as described in this Section 10.3 must do so in accordance with the procedures described in Section 10.2.

#### **10.4 Election Modifications Required by Plan Administrator**

The Plan Administrator may, at any time, require any Participant or class of Participants to amend the amount of their Salary Reductions for a Period of Coverage if the Plan Administrator determines that such action is necessary or advisable in order to (a) satisfy any of the Code's nondiscrimination requirements applicable to this Plan or other cafeteria plan; (b) prevent any Employee or class of Employees from having to recognize more income for federal income tax purposes from the receipt of benefits hereunder than would otherwise be recognized; (c) maintain the qualified status of benefits received under this Plan; or (d) satisfy Code nondiscrimination requirements or other limitations applicable to the Employer's qualified plans. In the event that contributions need to be reduced for a class of Participants, the Plan Administrator will reduce the Salary Reduction amounts for each affected Participant, beginning with the Participant in the class who had elected the highest Salary Reduction amount and continuing with the Participant in the class who had elected the next-highest Salary Reduction amount, and so forth, until the defect is corrected.

### **ARTICLE XI. Appeals Procedure**

#### **11.1 Procedure If Benefits Are Denied Under This Plan**

If a claim for reimbursement under this Plan is wholly or partially denied, then claims will be administered in accordance with the claims procedure set forth in Appendix C of this Plan.

#### **11.2 Claims Procedures for Insurance Benefits**

Claims and reimbursement for benefits under any Insurance Plan will be administered in accordance with the claims procedures for the Insurance Plans, as set forth in their governing plan documents and/or summary plan descriptions.

### **ARTICLE XII. Recordkeeping and Administration**

#### **12.1 Plan Administrator**

The administration of this Plan will be under the supervision of the Plan Administrator. It is the principal duty of the Plan Administrator to see that this Plan is carried out, in accordance with its terms, for the exclusive benefit of persons entitled to participate in this Plan without discrimination among them.

#### **12.2 Powers of the Plan Administrator**

The Plan Administrator will have such duties and powers as it considers necessary or appropriate to discharge its duties. It will have the exclusive right to interpret the Plan and to decide all matters thereunder, and all determinations of the Plan Administrator with respect to any matter hereunder will be conclusive and binding on all persons. Without limiting the generality of the foregoing, the Plan Administrator will have the following discretionary authority:

- (a) to construe and interpret this Plan, including all possible ambiguities, inconsistencies, and omissions in the Plan and related documents, and to decide all questions of fact, questions relating to eligibility and participation, and questions of benefits under this Plan;

- (b) to prescribe procedures to be followed and the forms to be used by Employees and Participants to make elections pursuant to this Plan;
- (c) to prepare and distribute information explaining this Plan and the benefits under this Plan in such manner as the Plan Administrator determines to be appropriate;
- (d) to request and receive from all Employees and Participants such information as the Plan Administrator will from time to time determine to be necessary for the proper administration of this Plan;
- (e) to furnish each Employee and Participant with such reports with respect to the administration of this Plan as the Plan Administrator determines to be reasonable and appropriate, including appropriate statements setting forth the amounts by which a Participant's Compensation has been reduced in order to provide benefits under this Plan;
- (f) to receive, review, and keep on file such reports and information regarding the benefits covered by this Plan as the Plan Administrator determines from time to time to be necessary and proper;
- (g) to appoint and employ such individuals or entities to assist in the administration of this Plan as it determines to be necessary or advisable, including legal counsel and benefit consultants;
- (h) to sign documents for the purposes of administering this Plan, or to designate an individual or individuals to sign documents for the purposes of administering this Plan;
- (i) to secure independent medical or other advice and require such evidence as it deems necessary to decide any claim or appeal; and
- (j) to maintain the books of accounts, records, and other data in the manner necessary for proper administration of this Plan and to meet any applicable disclosure and reporting requirements.

### **12.3 Reliance on Participant, Tables, etc.**

The Plan Administrator may rely upon the direction, information, or election of a Participant as being proper under the Plan and will not be responsible for any act or failure to act because of a direction or lack of direction by a Participant. The Plan Administrator will also be entitled, to the extent permitted by law, to rely conclusively on all tables, valuations, certificates, opinions, and reports that are furnished by accountants, attorneys, or other experts employed or engaged by the Plan Administrator.

### **12.4 Provision for Third-Party Plan Service Providers**

The Plan Administrator, subject to approval of the Employer, may employ the services of such persons as it may deem necessary or desirable in connection with the operation of the Plan. Unless otherwise provided in the service agreement, obligations under this Plan will remain the obligation of the Plan Administrator or the Employer, as applicable.

### **12.5 Fiduciary Liability**

To the extent permitted by law, the Plan Administrator will not incur any liability for any acts or for failure to act except for their own willful misconduct or willful breach of this Plan.

## **12.6 Compensation of Plan Administrator**

Unless otherwise determined by the Employer and permitted by law, any Plan Administrator that is also an Employee of the Employer will serve without compensation for services rendered in such capacity, but all reasonable expenses incurred in the performance of their duties will be paid by the Employer.

## **12.7 Insurance Contracts**

The Employer will have the right (a) to enter into a contract with one or more insurance companies for the purposes of providing any benefits under the Plan; and (b) to replace any of such insurance companies or contracts. Any dividends, retroactive rate adjustments, or other refunds of any type that may become payable under any such insurance contract will not be assets of the Plan but will be the property of and be retained by the Employer, to the extent that such amounts are less than aggregate Employer contributions toward such insurance.

## **12.8 Inability to Locate Payee**

If the Plan Administrator is unable to make payment to any Participant or other person to whom a payment is due under the Plan because it cannot ascertain the identity or whereabouts of such Participant or other person after reasonable efforts have been made to identify or locate such person, then such payment and all subsequent payments otherwise due to such Participant or other person will be forfeited following a reasonable time after the date any such payment first became due.

## **12.9 Effect of Mistake**

In the event of a mistake as to the eligibility or participation of an Employee, the allocations made to the account of any Participant, or the amount of benefits paid or to be paid to a Participant or other person, the Plan Administrator will, to the extent that it deems administratively possible and otherwise permissible under Code Section 125 or the regulations issued thereunder, cause to be allocated or cause to be withheld or accelerated, or otherwise make adjustment of, such amounts as it will in its judgment accord to such Participant or other person the credits to the account or distributions to which he or she is properly entitled under the Plan. Such action by the Plan Administrator may include withholding of any amounts due to the Plan or the Employer from Compensation paid by the Employer.

# **ARTICLE XIII. General Provisions**

## **13.1 Expenses**

All reasonable expenses incurred in administering the Plan are currently paid by forfeitures to the extent provided in Section 7.6 with respect to Health FSA Benefits and Section 8.6 with respect to DCAP Benefits, and then by the Employer.

## **13.2 No Contract of Employment**

Nothing herein contained is intended to be or will be construed as constituting a contract or other arrangement between any Employee and the Employer to the effect that such Employee will be employed for any specific period of time.

### **13.3 Amendment and Termination**

This Plan has been established with the intent of being maintained for an indefinite period of time. Nonetheless, the Employer may amend or terminate all or any part of this Plan at any time for any reason by resolution of the Employer's Board of Directors or by any person or persons authorized by the Board of Directors to take such action.

### **13.4 Governing Law**

The provisions of the Plan will be construed, administered and enforced according to applicable federal law and, to the extent not preempted, the laws of the State of California.

### **13.5 Compliance With Code and Other Applicable Laws**

It is intended that this Plan meet all applicable requirements of the Code and of all regulations issued thereunder. This Plan will be construed, operated, and administered accordingly, and in the event of any conflict between any part, clause, or provision of this Plan and the Code, the provisions of the Code will be deemed controlling, and any conflicting part, clause, or provision of this Plan will be deemed superseded to the extent of the conflict. In addition, the Plan will comply with the requirements of all other applicable laws.

### **13.6 No Guarantee of Tax Consequences**

Neither the Plan Administrator nor the Employer makes any commitment or guarantee that any amounts paid to or for the benefit of a Participant under this Plan will be excludable from the Participant's gross income for federal, state, or local income tax purposes. It will be the obligation of each Participant to determine whether each payment under this Plan is excludable from the Participant's gross income for federal, state, and local income tax purposes and to notify the Plan Administrator if the Participant has any reason to believe that such payment is not so excludable.

### **13.7 Indemnification of Employer**

If any Participant receives one or more payments or reimbursements under this Plan on a tax-free basis and if such payments do not qualify for such treatment under the Code, then such Participant will indemnify and reimburse the Employer for any liability that it may incur for failure to withhold federal income taxes, Social Security or Medicare taxes, or other taxes from such payments or reimbursements.

### **13.8 Non-Assignability of Rights**

The right of any Participant to receive any reimbursement under this Plan will not be alienable by the Participant by assignment or any other method and will not be subject to claims by the Participant's creditors by any process whatsoever. Any attempt to cause such right to be so subjected will not be recognized, except to the extent required by law.



### **13.9 Headings**

The headings of the various Articles and Sections are inserted for convenience of reference and are not to be regarded as part of this Plan or as indicating or controlling the meaning or construction of any provision.

### **13.10 Plan Provisions Controlling**

In the event that the terms or provisions of any summary or description of this Plan are in any construction interpreted as being in conflict with the provisions of this Plan as set forth in this document, the provisions of this Plan will be controlling.

### **13.11 Severability**

Should any part of this Plan subsequently be invalidated by a court of competent jurisdiction, the remainder of the Plan will be given effect to the maximum extent possible.

\* \* \*

To record the adoption of the Plan, the Employer's authorized representative hereby executes this document on this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Alameda County Transportation Commission

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

## **Appendix A**

### **Benefit Plan Options**

Benefit Plan Options will include the coverage available under the following plans maintained by the Alameda County Transportation Commission:

#### **A. Insurance Plans**

1. Medical Insurance under the Public Employees' Medical and Hospital Care Act (PEMHCA or "PERS Health")
2. Dental Insurance
3. Vision Insurance
4. Long-Term Disability Insurance
5. Short-Term Disability Insurance
6. Group-Term Life Insurance (on the life of an Employee only)

#### **B. Health Care Flexible Spending Account**

#### **C. Dependent Care Flexible Spending Account**

## Appendix B

### Exclusions: Medical Expenses that are Not Reimbursable from the Health FSA

The Alameda County Transportation Commission Cafeteria Plan document contains the general rules governing what expenses are reimbursable. This Appendix B, as referenced in the Plan document, specifies certain expenses that are excluded under this Plan with respect to reimbursement from the Health FSA—that is, expenses that *are not reimbursable*, even if they meet the definition of “medical care” under Code Section 213(d) and may otherwise be reimbursable under the regulations governing Health FSAs.

**Exclusions:** *The following expenses are not reimbursable from the Health FSA*, even if they meet the definition of “medical care” under Code Section 213(d) and may otherwise be reimbursable under legal requirements applicable to health FSAs:

- Premiums for other health coverage, including but not limited to premiums for any other plan (whether or not sponsored by the Employer)
- Long-term care services
- Cosmetic surgery or other similar procedures, unless the surgery or procedure is necessary to ameliorate a deformity arising from, or directly related to, a congenital abnormality, a personal injury resulting from an accident or trauma, or a disfiguring disease. “Cosmetic surgery” means any procedure that is directed at improving the patient's appearance and does not meaningfully promote the proper function of the body or prevent or treat illness or disease.
- The salary expense of a nurse to care for a healthy newborn at home
- Funeral and burial expenses
- Household and domestic help (even if recommended by a qualified physician due to an Employee's or Dependent's inability to perform physical housework)
- Custodial care
- Medicines or drugs (other than insulin) that have not been prescribed
- Costs for sending a problem child to a special school for benefits that the child may receive from the course of study and disciplinary methods
- Social activities, such as dance lessons (even if recommended by a physician for general health improvement)
- Bottled water
- Cosmetics, toiletries, toothpaste, etc.
- Uniforms or special clothing, such as maternity clothing
- Automobile insurance premiums
- Transportation expenses of any kind, including transportation expenses to receive medical care
- Marijuana and other controlled substances that are in violation of federal laws, even if prescribed by a physician
- Any item that does not constitute “medical care” as defined under Code Section 213(d)
- Any item that is not reimbursable due to the rules in Prop. Treas. Reg. Section 1.125-5(k)(4) or other applicable law or regulations

## **Appendix C**

### **Claims Procedures**

Capitalized terms in this Appendix C have the same meaning as the defined terms in the Alameda County Transportation Commission Cafeteria Plan.

Any Participant may file a claim with the Plan Administrator for a Plan benefit to which the claimant believes that he or she is entitled.

1. The Plan Administrator will receive all claims filed for benefits under the Plan. Upon receiving a claim, the Plan Administrator will review the claim and determine whether the claimant is entitled to receive any benefits pursuant to such claim. The Plan Administrator will notify the claimant in writing of any adverse decision with respect to his or her claim within 30 days after its submission. The notice of any adverse decision will be written in a manner calculated to be understood by the claimant and must include, as applicable: (i) the specific reason or reasons for the denial; (ii) specific references to the Plan provisions on which the denial is based; (iii) a description of any additional material or information necessary for the claimant to perfect the claim and an explanation of why such material or information is necessary; and (iv) an explanation of the Plan's claim review procedures.
2. If the circumstances require an extension of time for processing the initial claim, a written notice of the extension will be furnished to the claimant before the end of the initial 30-day period. This time period may be extended by an additional 15 days for matters beyond the control of the Plan Administrator, including in cases where a reimbursement claim is incomplete. The extension notice must indicate the circumstances requiring an extension of time.
3. If a claim for benefits is denied or if the Plan Administrator has given no response to such claim within the time period set out in the above paragraph (in which case the claim for benefits will be deemed to be denied), the claimant or his or her duly authorized representative, at the claimant's sole expense, may appeal the denial by submitting written notice of such appeal to the Plan Administrator within 90 days of the receipt of written notice of the denial or 60 days from the date such claim is deemed to be denied.
4. The claimant will be notified of the decision on the appeal within 90 days of receipt of the notice of appeal, unless circumstances require an extension of time for processing, in which case a decision will be rendered as soon as possible, but not later than 120 days after receipt of a notice of appeal. If such an extension of time is required, written notice of the extension will be furnished to the claimant before the end of the original 90-day period. The notice of decision on the appeal must be made in writing. If the decision on the appeal is not furnished within the time specified above, the appeal of the claim will be deemed denied.

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**ALAMEDA COUNTY TRANSPORTATION COMMISSION  
RETIREE HEALTH REIMBURSEMENT ARRANGEMENT**

**As Adopted Effective February 1, 2012**

[DRAFT January 9, 2012]

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# **ALAMEDA COUNTY TRANSPORTATION COMMISSION RETIREE HEALTH REIMBURSEMENT ARRANGEMENT**

As Adopted Effective February 1, 2012

## **ARTICLE I. ESTABLISHMENT AND PURPOSE OF THE PLAN**

The Alameda County Transportation Commission (the Employer) provides post-retirement health benefits to its Eligible Retirees. The Employer hereby establishes this Alameda County Transportation Commission Retiree Health Reimbursement Arrangement (the Plan), effective February 1, 2012 (the Effective Date) to enable Eligible Retirees and their eligible Beneficiaries to pay for the health care benefits described herein.

The Plan is intended to qualify as a health reimbursement arrangement within the meaning of Internal Revenue Service Notice 2002-45, and it is intended that the benefits under the Plan be tax-free to the maximum extent permitted under the Internal Revenue Code and the regulations issued thereunder. The Plan will be administered and interpreted to accomplish that objective. Capitalized terms used in this Plan that are not otherwise defined have the meanings set forth in Article II.

## **ARTICLE II. DEFINITIONS**

- 2.1** “**Beneficiary**” means any Eligible Retiree's surviving family member who qualifies as an "annuitant" under California Government Code section 22760(c) or (h).
- 2.2** “**Board**” means the Board of Commissioners of the Alameda County Transportation Commission.
- 2.3** “**CalPERS**” means the California Public Employees’ Retirement System in which the Employer is a participating agency.
- 2.4** “**CalPERS Health**” means the health care program made available by the Employer to Eligible Retirees under the Public Employees’ Medical and Hospital Care Act, codified under sections 22750 - 22948 of the California Government Code, which program provides health insurance under various coverage options from which covered individuals may select.
- 2.5** “**COBRA**” means the Consolidated Omnibus Budget Reconciliation Act of 1985, as amended.
- 2.6** “**Code**” means the Internal Revenue Code of 1986 and the Treasury Regulations and guidance issued thereunder, as amended.
- 2.7** “**Effective Date**” means February 1, 2012.



- 2.8** “**Eligible Retiree**” means an Employee who has met the eligibility requirements in Article III. An individual’s status as an Eligible Retiree will be determined solely by the Employer.
- 2.9** “**Employee**” means an individual that the Employer classifies as a common-law employee and who is on the Employer’s W-2 payroll, but does not include the following: (a) any leased employee (including but not limited to those individuals defined as leased employees in Code Section 414(n) or an individual classified by the Employer as a contract worker, independent contractor, temporary employee, or casual employee for the period during which such individual is so classified, whether or not any such individual is on the Employer’s W-2 payroll or is determined by the IRS or others to be a common-law employee of the Employer; (b) any individual who performs services for the Employer but who is paid by a temporary or other employment or staffing agency for the period during which such individual is paid by such agency, whether or not such individual is determined by the IRS or others to be a common-law employee of the Employer; and (c) any employee covered under a collective bargaining agreement, unless the agreement provides for the employee’s participation in this Plan.
- 2.10** “**Employer**” means the Alameda County Transportation Commission.
- 2.11** “**HIPAA**” means the Health Insurance Portability and Accountability Act of 1996, as amended.
- 2.12** “**MEC**” means the minimum employer contribution required to be made by the Employer directly to CalPERS for an Eligible Retiree’s coverage under CalPERS Health (\$112 per month in 2012, and adjusted annually in accordance with California Government Code Section 22892).
- 2.13** “**Plan**” means this Alameda County Transportation Commission Retiree Health Reimbursement Arrangement, as set forth herein and amended from time to time.
- 2.14** “**Plan Administrator**” means the Employer unless the Employer designates another person or organization to hold the position of Plan Administrator. The Employer may alternatively designate another person or organization to perform certain duties assigned to the Plan Administrator under this Plan.
- 2.15** “**Plan Year**” means the calendar year (i.e., the 12-month period commencing January 1 and ending on December 31). The first Plan Year is a short plan year, beginning on the Effective Date and ending on December 31, 2012.
- 2.16** “**Predecessor Agency**” means (1) the Alameda County Transportation Improvement Authority, or (2) the Alameda County Congestion Management Agency.
- 2.17** “**Trust**” means the legal entity that the Employer may establish and/or adopt to hold any assets it has irrevocably set aside to pay benefits under the Plan.

**ARTICLE III.**  
**ELIGIBILITY, PARTICIPATION, AND COVERAGE**

- 3.1 Eligibility.** Only Eligible Retirees are eligible to participate in the Plan. An individual will become an Eligible Retiree under the Plan only upon meeting all of the following requirements.
- a) The individual retired under CalPERS directly from the Employer or a Predecessor Agency within 120 days after his or her employment with the Employer or Predecessor Agency terminated. If the Employee retired under CalPERS from any other governmental agency (or retired under any other governmental retirement plan and not under CalPERS), he or she will not meet this requirement.
  - b) The individual is eligible for coverage under CalPERS Health as a retiree, enrolled in CalPERS Health, and entitled to the MEC from the Employer.
  - c) The individual has at least 10 completed years of credited service with CalPERS at retirement (as determined by CalPERS), and the individual performed at least five years of that service entirely for the Employer and/or a Predecessor Agency.
- 3.2 No Benefits Unless Eligible.** An Employee will not have any interest under the Plan unless he or she meets all of the preceding requirements of this Article III, as applicable. Any person who does not meet these requirements will not be entitled to any benefits under the Plan.
- 3.3 Commencement of Participation.** Each Eligible Retiree on the Effective Date will participate in the Plan beginning on that date. Each person who becomes an Eligible Retiree after the Effective Date will begin participation in the Plan on the date of becoming an Eligible Retiree.
- 3.4 Period of Coverage.** Participation in the Plan is tied to the Eligible Retiree's enrollment in CalPERS Health as a retiree. Coverage under this Plan for an Eligible Retiree will begin on the first day of the calendar month that coverage under CalPERS Health as a retiree begins.
- 3.5 Termination of Participation.** An Eligible Retiree's participation in the Plan terminates upon the earlier of:
- a) the date he or she ceases to be an Eligible Retiree;
  - b) the date that the Eligible Retiree is reemployed by the Employer, except as provided in Section 3.7; or
  - c) the Eligible Retiree's death, except benefits may continue to the Eligible Retiree's Beneficiary in accordance with Section 3.6.
- 3.6 Beneficiaries.** After an Eligible Retiree's death, benefits will be provided under the Plan to the Eligible Retiree's Beneficiary, if any, but only if the individual is (1) eligible for coverage under CalPERS Health and (2) entitled to the MEC from the Employer. Benefits will be provided under the Plan to such Beneficiary only during such periods

that he or she meets these two requirements. The Beneficiary will not be entitled to any benefits under the Plan for any period he or she does not meet these two requirements. To the extent required by the Code, the Employer will follow the tax withholding and reporting requirements applicable to benefits paid under this Plan to an Eligible Retiree's non-dependent domestic partner or same-sex spouse.

- 3.7 Reemployed Retirees.** If the Employer reemploys an Eligible Retiree, any benefits provided under the Plan to that Eligible Retiree will cease effective on the reemployment date and his or her Plan participation will cease. The Eligible Retiree will be entitled to benefits under the Plan upon subsequent termination of employment only if he or she is then eligible under this Article III. If, however, after the reemployment date, the reemployed Eligible Retiree is entitled to continued receipt of retirement benefits under CalPERS as a retiree of the Employer and continues to be eligible for both the MEC and retiree coverage under CalPERS Health, any benefits provided under the Plan to that Eligible Retiree will continue uninterrupted.

#### **ARTICLE IV. VESTING AND BENEFITS**

- 4.1 Amount of Benefits.** Each Eligible Retiree will be entitled to receive Employer-funded health care coverage as specified in this Article IV, paid in the form of a reimbursement in accordance with Section 4.3. The maximum benefit on behalf of an Eligible Retiree for any calendar month will be the amount established and adopted by the Board from time to time (and such benefit amounts are herein incorporated by reference), multiplied by the Eligible Retiree's Vested Percentage under Section 4.2. In no event, however, will the benefit paid in any calendar month on behalf of any Eligible Retiree be greater than the Eligible Retiree's actual out-of-pocket premium cost for CalPERS Health coverage for that calendar month. An Eligible Retiree may at any time decline benefits under the Plan by notifying the Employer.
- 4.2 Vested Percentage.** An Eligible Retiree's Vested Percentage is based on the Eligible Retiree's completed number of years of CalPERS credited service in accordance with the following table.

<b>Years of CalPERS Credited Service</b>	<b>Vested Percentage</b>
<10	0%
10	50%
11	55%
12	60%
13	65%
14	70%
15	75%
16	80%
17	85%
18	90%
19	95%
20+	100%

- 4.3 Reimbursements Under the Plan.** Benefits under the Plan will be provided in the form of monthly reimbursements of the health care coverage premium costs incurred by the Eligible Retiree (or his or her Beneficiary) for the coverage under the CalPERS Health option that the Eligible Retiree has elected for the applicable Plan Year, up to the maximum amount specified in Section 4.1. Any such premium costs may not be paid or reimbursed from any other source and must be substantiated in accordance with Section 4.4. Under no circumstances will unused amounts for one calendar month be applied to costs in any subsequent calendar month and no unused amounts may roll over to any subsequent Plan Year. The Eligible Retiree will be solely responsible for paying the coverage cost of any amounts that are not reimbursed under this Plan or otherwise paid by the Employer.
- 4.4 Substantiation of Expenses.** Reimbursements of health care premium expenses under the Plan for an Eligible Retiree's (or his or her Beneficiary's) individual coverage under CalPERS Health must be properly documented and substantiated at the time and in the manner determined by the Plan Administrator. The Plan Administrator has authority to establish rules and procedures to be followed by individuals in filing applications for benefits, for furnishing and verifying proofs necessary to establish their rights to benefits under the Plan, or for any other reason it deems necessary for the efficient administration of the Plan. Upon satisfactory documentation and substantiation, the Plan Administrator will direct payment to the Eligible Retiree (or his or her Beneficiary) as soon as administratively feasible.

## **ARTICLE V. BENEFIT FUNDING**

- 5.1 Employer Contributions.** All benefits under the Plan will be paid by Employer contributions and earnings thereon. Employee contributions are not permitted. In addition, the Employer may set aside contributions and related earnings to pre-fund benefits under the Plan. In determining the amount of any such contributions, the Employer may engage an actuary to conduct actuarial experience studies and periodic actuarial valuations of the Plan benefits and to recommend to the Employer the amount of contributions that are needed in order to fund the Plan's benefits.
- 5.2 Trust.** The Employer may establish and/or adopt a Trust to receive and invest assets set aside by the Employer to pay benefits under the Plan. The Trust may specifically provide, among other things, for the investment and reinvestment of the Trust assets and the income thereof, the management of the Trust assets, the responsibilities and immunities of the trustee, removal of the trustee and appointment of a successor, accounting by the trustee and the disbursement of the Trust assets. The trustee will, in accordance with the terms of the Trust, accept and receive all contributions paid to it from time to time, and shall hold, invest, reinvest and manage such moneys and any increment, increase, earnings and income thereof for the exclusive benefit of Eligible Retirees and Beneficiaries and for the payment of reasonable expenses of administering the Plan.

## **ARTICLE VI. ADMINISTRATION OF THE PLAN**

- 6.1 Plan Administrator.** The administration of this Plan will be under the supervision of the Plan Administrator. It is the principal duty of the Plan Administrator to see that this Plan

is carried out, in accordance with its terms, for the exclusive benefit of persons entitled to participate in this Plan.

- 6.2 Powers of the Plan Administrator.** The Plan Administrator will have such duties and powers as it considers necessary or appropriate to discharge its duties. It will have the exclusive right to interpret the Plan and to decide all matters thereunder, and all determinations of the Plan Administrator with respect to any matter hereunder will be conclusive and binding on all persons. Without limiting the generality of the foregoing, the Plan Administrator will have the following discretionary authority:
- a) to construe and interpret the Plan, including all possible ambiguities, inconsistencies, and omissions in the Plan and related documents, and to decide all questions of fact, questions relating to eligibility and participation, and questions of benefits under this Plan;
  - b) to prescribe procedures to be followed and the forms to be used by Eligible Retirees and Beneficiaries to claim reimbursements pursuant to this Plan;
  - c) to prepare and distribute information explaining this Plan and the benefits under this Plan in such manner as the Plan Administrator determines to be appropriate;
  - d) to request and receive from all Eligible Retirees and Beneficiaries such information as the Plan Administrator will from time to time determine to be necessary for the proper administration of this Plan;
  - e) to furnish each Eligible Retiree and Beneficiary with such reports with respect to the administration of this Plan as the Plan Administrator determines to be reasonable and appropriate;
  - f) to receive, review, and keep on file such reports and information regarding the benefits covered by this Plan as the Plan Administrator determines from time to time to be necessary and proper;
  - g) to appoint and employ such individuals or entities to assist in the administration of this Plan as it determines to be necessary or advisable, including legal counsel and benefit consultants;
  - h) to sign documents for the purposes of administering this Plan, or to designate an individual or individuals to sign documents for the purposes of administering this Plan;
  - i) to secure or require such evidence as it deems necessary to decide any claim for benefits under the Plan; and
  - j) to maintain the books of accounts, records, and other data in the manner necessary for proper administration of this Plan and to meet any applicable disclosure and reporting requirements.
- 6.3 Fiduciary Duties.** Each Plan fiduciary shall discharge its duties solely in the interest of Eligible Retirees and Beneficiaries and for the exclusive purpose of providing benefits under the Plan, or defraying reasonable expenses of administering the Plan. Each Plan

fiduciary, in carrying out such duties and responsibilities, shall act with the care, skill, prudence and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use. A fiduciary may serve in more than one fiduciary capacity and may employ one or more persons to render advice with regard to its fiduciary responsibilities. If the fiduciary is serving as such without compensation, all expenses reasonably incurred by such fiduciary will be paid by the Employer. The Employer may, however, elect to have those expenses paid from Trust assets.

- 6.4 Provision for Third-Party Plan Service Providers.** The Plan Administrator, subject to approval of the Employer, may employ the services of such persons as it may deem necessary or desirable in connection with the operation of the Plan. Unless otherwise provided in the service agreement, obligations under this Plan shall remain the obligation of the Employer or Plan Administrator, as applicable.
- 6.5 Inability to Locate Payee.** If the Plan Administrator is unable to make payment to any person to whom a payment is due under the Plan because it cannot ascertain the identity or whereabouts of such person after reasonable efforts have been made to identify or locate such person, then such payment and all subsequent payments otherwise due to such person will be forfeited following a reasonable time after the date any such payment first became due.
- 6.6 COBRA and HIPAA Compliance.** The Plan will comply with the applicable requirements of the Consolidated Omnibus Budget Reconciliation Act of 1986 ("COBRA"), and with the applicable requirements of the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") in accordance with the rules set out in Appendix A below.

## **ARTICLE VII. AMENDMENT AND TERMINATION OF THE PLAN**

- 7.1 No Vested Rights.** The Employer may at any time amend or terminate the Plan as provided in Sections 7.2 and 7.3 below. Nothing in the Plan is intended to or will be construed to entitle any Eligible Retiree or other person to vested or non-terminable benefits.
- 7.2 Amendment of the Plan.** The Employer may amend all or any part of this Plan at any time for any reason by resolution of the Board or by any person or persons authorized by the Board to take such action. Any such amendment will supersede and override any claim to "vested rights" that any person may otherwise have with respect to benefits under the Plan.
- 7.3 Termination of the Plan.**
- a) The Employer has established the Plan with the expectation that it will be continued, but continuance is not a contractual or other obligation of the Employer and no employee of the Employer or other person will have any vested right to continuance of the Plan or to continuance of any Employer contributions to the Plan. The Employer reserves the right at any time to terminate the Plan without prejudice and for any reason, and such termination will supersede and override any claim to "vested rights" that any person may otherwise have with

respect to benefits under the Plan. Such decision to terminate the Plan will be made in writing and must be approved by the Board.

- b) If the Plan is terminated, the Employer shall direct the trustee to compute the value of the Plan assets under the Trust as of the date of termination. Those assets will continue to be held in the Trust, and will be distributed to pay any remaining benefits owed under the Plan until those benefits are satisfied.
- c) The “partial termination” rules of the Code that apply to qualified retirement plans will not apply under this Plan, and no action will be taken with respect to this Plan in connection with any event or events that would be a partial termination for a qualified plan.

**7.4 Determination of Effective Date of Amendment or Termination.** Any such amendment, discontinuance or termination will be effective as of the date the Employer determines.

**7.5 Assets After Termination.** Any assets remaining in the Trust after all benefits owed under the Plan and all Plan expenses have been paid will revert to the Employer unless otherwise determined by the Employer.

**7.6 Limitation of Obligations.** The Employer must provide all benefits accrued by Eligible Retirees or Beneficiaries under the Plan through its termination. Once those benefits are satisfied, the Employer will not have any remaining obligations to provide any benefit under the Plan. No one will accrue benefits under the Plan after its termination.

## **ARTICLE VIII. GENERAL PROVISIONS**

**8.1 Governing Law.** The provisions of the Plan will be construed, administered and enforced according to applicable federal law and, to the extent not preempted, the laws of the State of California.

**8.2 Requirement for Proper Forms.** All communications in connection with the Plan made by an Eligible Retiree or Beneficiary will become effective only when duly executed on any forms as may be required and furnished by, and filed with, the Employer or Plan Administrator, as applicable.

**8.3 No Guarantee of Tax Consequences.** Neither the Employer nor any Plan Administrator makes any warranty or other representation as to whether any benefits under the Plan will be treated as excludable from gross income for federal, state, or local income tax purposes. It will be the obligation of each Eligible Retiree or Beneficiary to determine whether each payment under this Plan is excludable from gross income for federal, state, and local income tax purposes and to notify the Employer or Plan Administrator if he or she has any reason to believe that such payment is not so excludable. If for any reason it is determined that any amount paid for the benefit of an Eligible Retiree or Beneficiary is includable in gross income for federal, state or local income tax purposes, then under no circumstances will the recipient have any recourse against the Employer or Plan Administrator with respect to any increased taxes or other losses or damages suffered by the Eligible Retiree or Beneficiary as a result thereof.

- 8.4 Compliance With Code and Other Applicable Laws.** It is intended that this Plan meet all applicable requirements of the Code and of all regulations and guidance issued thereunder. This Plan will be construed, operated and administered accordingly, and in the event of any conflict between any part, clause, or provision of this Plan and the Code, the provisions of the Code will be deemed controlling, and any conflicting part, clause, or provision of this Plan will be deemed superseded to the extent of the conflict. In addition, the Plan will comply with the requirements of all other applicable laws.
- 8.5 Headings.** The headings of the various Articles and Sections are inserted for convenience of reference and are not to be regarded as part of this Plan or as indicating or controlling the meaning or construction of any provision.
- 8.6 Severability.** Should any part of this Plan subsequently be invalidated by a court of competent jurisdiction, the remainder of the Plan will be given effect to the maximum extent possible.
- 8.7 Administration Expenses.** The Employer will pay the reasonable expenses of administering the Plan, including but not limited to the reasonable compensation of any counsel, accountants, and other agents hired by the Employer, Plan Administrator, or Board, as well as any other expenses incurred in administering the Plan. The Employer may, however, elect to have those expenses paid from Trust assets.
- 8.8 Effect of Mistake.** In the event of a mistake as to the eligibility or participation of an individual, or the allocations made to the account of any Eligible Retiree, or the amount of distributions made or to be made to an Eligible Retiree or other person, the Employer or Plan Administrator will, to the extent it deems possible, cause to be allocated or cause to be withheld or accelerated, or otherwise make adjustment of, such amounts as will in its judgment accord to such Eligible Retiree or other person the credits to the account or distributions to which he or she is properly entitled under the Plan.
- 8.9 No Contract of Employment.** The Plan does not provide any person with any right to be retained in the Employer's employment or service. An Eligible Retiree's sole rights under the Plan are limited to those described in this document.
- 8.10 Plan Provisions Controlling.** The Plan encompasses the benefits provided by the Employer to Eligible Retirees. In the event that the terms or provisions of any summary or description of this Plan are interpreted as being in conflict with the provisions of this Plan as set forth in this document, the provisions of this Plan will be controlling.
- 8.11 Non-Assignability of Rights.** The right of any Eligible Retiree or Beneficiary to receive any reimbursement under this Plan will not be alienable by the Eligible Retiree or Beneficiary by assignment or any other method and will not be subject to claims by his or her creditors by any process whatsoever. Any attempt to cause such right to be so subjected will not be recognized, except to the extent required by law.
- 8.12 Provisions Applicable During Periods of Military Service.** Notwithstanding any Plan provision to the contrary, contributions, benefits, and service credit with respect to qualified military service will be provided as required by any law concerning veterans' rights.



To record the adoption of the Plan, the Employer's authorized representative hereby executes this document on this \_\_\_\_ day of \_\_\_\_\_, 2012.

**ALAMEDA COUNTY TRANSPORTATION COMMISSION**

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

## **APPENDIX A: HIPAA COMPLIANCE**

### **A.1 Provision of Protected Health Information to Employer**

Members of the Employer's workforce have access to the individually identifiable health information of Plan participants for administrative functions of the Plan. When this health information is provided from the Plan to the Employer, it is Protected Health Information (PHI). The Health Insurance Portability and Accountability Act of 1996 (HIPAA) and its implementing regulations restrict the Employer's ability to use and disclose PHI. The following HIPAA definition of PHI applies for purposes of this Article Appendix A:

*Protected Health Information.* Protected health information means information that is created or received by the Plan and relates to the past, present, or future physical or mental health or condition of a participant; the provision of health care to a participant; or the past, present, or future payment for the provision of health care to a participant; and that identifies the participant or for which there is a reasonable basis to believe the information can be used to identify the participant. Protected health information includes information of persons living or deceased.

The Employer will have access to PHI from the Plan only as permitted under this Appendix A or as otherwise required or permitted by HIPAA. HIPAA and its implementing regulations were modified by the Health Information Technology for Economic and Clinical Health Act (HITECH Act), the statutory provisions of which are incorporated herein by reference.

### **A.2 Permitted Disclosure of Enrollment/Disenrollment Information**

The Plan may disclose to the Employer information on whether the individual is participating in the Plan.

### **A.3 Permitted Uses and Disclosure of Summary Health Information**

The Plan may disclose Summary Health Information to the Employer, provided that the Employer requests the Summary Health Information for the purpose of modifying, amending, or terminating the Plan.

"Summary Health Information" means information (a) that summarizes the claims history, claims expenses, or type of claims experienced by individuals for whom a plan sponsor had provided health benefits under a health plan; and (b) from which the information described at 42 CFR Section 164.514(b)(2)(i) has been deleted, except that the geographic information described in 42 CFR Section 164.514(b)(2)(i)(B) need only be aggregated to the level of a five-digit ZIP code.

### **A.4 Permitted and Required Uses and Disclosure of PHI for Plan Administration Purposes**

Unless otherwise permitted by law, and subject to the conditions of disclosure described in Section A.5 and obtaining written certification pursuant to Section A.7, the Plan may disclose PHI to the Employer, provided that the Employer uses or discloses such PHI only for Plan administration purposes. "Plan administration purposes" means administration functions

performed by the Employer on behalf of the Plan, such as quality assurance, claims processing, auditing, and monitoring. Plan administration functions do not include functions performed by the Employer in connection with any other benefit or benefit plan of the Employer, and they do not include any employment-related functions.

Notwithstanding the provisions of this Plan to the contrary, in no event will the Employer be permitted to use or disclose PHI in a manner that is inconsistent with 45 CFR Section 164.504(f).

#### **A.5 Conditions of Disclosure for Plan Administration Purposes**

The Employer agrees that with respect to any PHI (other than enrollment/disenrollment information and Summary Health Information, which are not subject to these restrictions) disclosed to it by the Plan, the Employer will:

- not use or further disclose the PHI other than as permitted or required by the Plan or as required by law;
- ensure that any agent, including a subcontractor, to whom it provides PHI received from the Plan agrees to the same restrictions and conditions that apply to the Employer with respect to PHI;
- not use or disclose the PHI for employment-related actions and decisions or in connection with any other benefit or employee benefit plan of the Employer;
- report to the Plan any use or disclosure of the information that is inconsistent with the uses or disclosures provided for of which it becomes aware;
- make available PHI to comply with HIPAA's right to access in accordance with 45 CFR Section 164.524;
- make available PHI for amendment and incorporate any amendments to PHI in accordance with 45 CFR Section 164.526;
- make available the information required to provide an accounting of disclosures in accordance with 45 CFR Section 164.528;
- make its internal practices, books, and records relating to the use and disclosure of PHI received from the Plan available to the Secretary of Health and Human Services for purposes of determining compliance by the Plan with HIPAA's privacy requirements;
- if feasible, return or destroy all PHI received from the Plan that the Employer still maintains in any form and retain no copies of such information when no longer needed for the purpose for which disclosure was made, except that, if such return or destruction is not feasible, limit further uses and disclosures to those purposes that make the return or destruction of the information infeasible; and
- ensure that the adequate separation between the Plan and the Employer (i.e., the "firewall"), required in 45 CFR Section 504(f)(2)(iii) is satisfied.

The Employer further agrees that if it creates, receives, maintains, or transmits any electronic PHI (other than enrollment/disenrollment information and Summary Health Information, which are not subject to these restrictions) on behalf of the Plan, it will implement administrative, physical, and technical safeguards that reasonably and appropriately protect the confidentiality,

integrity, and availability of the electronic PHI, and it will ensure that any agents (including subcontractors) to whom it provides such electronic PHI agree to implement reasonable and appropriate security measures to protect the information. The Employer will report to the Plan any security incident of which it becomes aware.

#### **A.6 Adequate Separation Between Plan and Employer**

The Employer will allow the following persons access to PHI: Director of Finance, Accounting Manager, Senior Accountant, Accountant, the Plan Administrator, and any other Employee who needs access to PHI in order to perform Plan administration functions that the Employer performs for the Plan (such as quality assurance, claims processing, auditing, and monitoring). No other persons will have access to PHI. These specified employees (or classes of employees) will only have access to and use PHI to the extent necessary to perform the plan administration functions that the Employer performs for the Plan. In the event that any of these specified employees does not comply with the provisions of this Section, that employee will be subject to disciplinary action by the Employer for non-compliance pursuant to the Employer's employee discipline and termination procedures.

The Employer will ensure that the provisions of this Section A.6 are supported by reasonable and appropriate security measures to the extent that the designees have access to electronic PHI.

#### **A.7 Certification of Plan Sponsor**

The Plan will disclose PHI to the Employer only upon the receipt of a certification by the Employer that the Plan incorporates the provisions of 45 CFR Section 164.504(f)(2)(ii), and that the Employer agrees to the conditions of disclosure set forth in Section A.5. Execution of the Plan by the Employer will serve as the required certification.

#### **A.8 Privacy Official**

The Employer will designate a Privacy Official, who will be responsible for the Plan's compliance with HIPAA. The Privacy Official may contract with or otherwise utilize the services of attorneys, accountants, brokers, consultants, or other third party experts as the Privacy Official deems necessary or advisable. In addition and notwithstanding any provision of this Plan to the contrary, the Privacy Official will have the authority to and be responsible for:

- accepting and verifying the accuracy and completeness of any certification provided by the Employer under this Appendix;
- transmitting the certification to any third parties as may be necessary to permit them to disclose PHI to the Employer;
- establishing and implementing policies and procedures with respect to PHI that are designed to ensure compliance by the Plan with the requirements of HIPAA;
- establishing and overseeing proper training of personnel who will have access to PHI; and
- any other duty or responsibility that the Privacy Official, in his or her sole capacity, deems necessary or appropriate to comply with the provisions of HIPAA and the purposes of this Appendix A.

#### **A.9 Interpretation and Limited Applicability**

This Appendix serves the sole purpose of complying with the requirements of HIPAA and will be interpreted and construed in a manner to effectuate this purpose. Neither this Appendix nor the duties, powers, responsibilities, and obligations listed herein will be taken into account in determining the amount or nature of the benefits provided to any person covered under the Plan, nor will they inure to the benefit of any third parties. To the extent that any of the provisions of this Appendix A are no longer required by HIPAA or do not apply to the Plan because the Plan is otherwise excepted from HIPAA, they will be deemed deleted and will have no force or effect.

#### **A.10 Service Performed for the Employer**

Notwithstanding any other provisions of this Plan to the contrary, all services performed by a business associate for the Plan in accordance with the applicable service agreement will be deemed to be performed on behalf of the Plan and subject to the administrative simplification provisions of HIPAA contained in 45 C.F.R. Parts 160 through 164, except services that relate to eligibility and enrollment in the Plan. If a business associate of the Plan performs any services that relate to eligibility and enrollment in the Plan, these services will be deemed to be performed on behalf of the Employer in its capacity as Plan Sponsor and not on behalf of the Plan.



**Commission Chair**  
Mark Green, Mayor - Union City

**Commission Vice Chair**  
Scott Haggerty, Supervisor - District 1

**AC Transit**  
Greg Harper, Director

**Alameda County**  
Supervisors  
Nadia Lockyer - District 2  
Wilma Chan - District 3  
Nate Miley - District 4  
Keith Carson - District 5

**BART**  
Thomas Blalock, Director

**City of Alameda**  
Rob Bonta, Vice Mayor

**City of Albany**  
Farid Javandel, Mayor

**City of Berkeley**  
Laurie Capitelli, Councilmember

**City of Dublin**  
Tim Sbranti, Mayor

**City of Emeryville**  
Ruth Atkin, Councilmember

**City of Fremont**  
Suzanne Chan, Vice Mayor

**City of Hayward**  
Olden Henson, Councilmember

**City of Livermore**  
Marshall Kamena, Mayor

**City of Newark**  
Luis Freitas, Vice Mayor

**City of Oakland**  
Councilmembers  
Larry Reid  
Rebecca Kaplan

**City of Piedmont**  
John Chiang, Vice Mayor

**City of Pleasanton**  
Jennifer Hosterman, Mayor

**City of San Leandro**  
Joyce R. Starosciak, Councilmember

**Executive Director**  
Arthur L. Dao

## ALAMEDA COUNTY TRANSPORTATION COMMISSION

### RESOLUTION NO 12-003

#### APPROVING AND ADOPTING A CAFETERIA PLAN FOR ACTIVE EMPLOYEES AND A HEALTH REIMBURSEMENT ARRANGEMENT FOR RETIREES OF THE ALAMEDA COUNTY TRANSPORTATION COMMISSION

**WHEREAS**, current employees of the Alameda County Transportation Improvement Authority (ACTIA), and the Alameda County Congestion Management Agency (CMA) will officially transition to and become employees of Alameda County Transportation Commission (hereinafter referred to as the Alameda CTC), effective January 1, 2012;

**WHEREAS**, in October 2010, the Board of Commissioners (the "Commission") reviewed and conceptually approved a benefits package for the transitioned and new employees of the Alameda CTC;

**WHEREAS**, this benefits package included health benefits for active employees and eligible retirees under the Public Employees' Medical and Hospital Care Act ("PEMHCA" or "CalPERS Health"), as well as a cafeteria plan for active employees and a health reimbursement arrangement (HRA) for eligible retirees;

**WHEREAS**, the Alameda CTC's contract with CalPERS under PEMHCA is effective February 1, 2012;

**WHEREAS**, the Alameda CTC has established its initial CalPERS Health benefit rate for all eligible employees and retirees at the minimum required employer contribution rate under PEMHCA (\$112 per month in 2012 for every eligible active employee and retiree, indexed each year for inflation), in accordance with CalPERS requirements;

**WHEREAS**, the Commission has determined it to be in Alameda CTC's best interests to adopt a cafeteria plan within the meaning of section 125 of the Internal Revenue Code to (1) provide active employees with amounts that they can use for basic health premiums, dental and vision premiums and other insurance benefits; (2) provide employees with the ability to purchase certain benefits on a pre-tax basis; and (3) enable employees to receive pre-tax reimbursements of certain medical and dependent care expenses through flexible spending accounts; and

**WHEREAS**, the Commission has also determined it to be in the Commission's best interests to adopt an HRA within the meaning of IRS Notice 2002-45 to reimburse eligible retirees and their eligible surviving beneficiaries for all or some portion of their CalPERS Health premium costs.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Alameda CTC as follows:

**A. Adoption of Cafeteria Plan**

**Section 1.** Effective February 1, 2012, the Commission hereby adopts the Alameda County Transportation Commission Cafeteria Plan (the "Cafeteria Plan"), substantially in the form attached as Exhibit A.

**Section 2.** From February 1, 2012 through December 31, 2012, for each eligible active employee, the Alameda CTC will contribute: (a) \$1,743 to the Cafeteria Plan for CalPERS Health insurance, and (b) 100% of the cost of coverage for all other insurance benefits the employee elects under the Cafeteria Plan. Employees who waive CalPERS Health coverage for any year will be paid \$400 per month in taxable compensation in lieu of any Alameda CTC contributions for CalPERS Health. These contribution rates will remain the same for 2012 and each subsequent calendar year, until and unless the Board establishes different contribution rates by Board resolution.

**Section 3.** The amounts described above under Section 2 are in addition to any minimum employer contribution required to be made by Alameda CTC directly to CalPERS Health for an employee's CalPERS Health coverage.

**Section 4.** Any health care flexible spending account or dependent care flexible spending account elected under the Cafeteria Plan by an employee will be funded solely through voluntary pre-tax payroll deductions from the employee's Alameda CTC compensation.

**B. Adoption of Health Reimbursement Arrangement**

**Section 1.** Effective February 1, 2012, the Commission hereby adopts the Alameda County Transportation Commission Retiree Health Reimbursement Arrangement (the "Retiree HRA"), substantially in the form attached as Exhibit B, to reimburse eligible retirees and their eligible surviving beneficiaries for all or some portion of their CalPERS Health premium costs.

**Section 2.** From February 1, 2012 through December 31, 2012, for each eligible retiree (or eligible beneficiary), Alameda CTC will contribute \$1,109 to the Retiree HRA, in addition to the amount contributed by Alameda CTC directly to CalPERS Health for that retiree's (or eligible beneficiary's) coverage. This contribution rate will remain the same for each subsequent calendar year, until and unless the Board establishes a different contribution rate by Board resolution.

**Section 3.** Alameda CTC may make contributions to a trust in order to prefund benefits under the Retiree HRA.

**C. General Authorization**

**Section 1.** Alameda CTC is hereby designated as the Plan Administrator for the Cafeteria Plan and the Retiree HRA.

**Section 2.** The Executive Director is authorized to add, at any time, new benefit options to the Cafeteria Plan provided these changes can be accomplished without increasing Alameda CTC's costs or adversely affecting any participant.

**Section 3.** The Executive Director of Alameda CTC is further authorized to amend the Cafeteria Plan and Retiree HRA as necessary or desirable to obtain or maintain the plans' compliance with applicable laws; no amendment, however, will be effective without the Commission's prior written approval if the amendment increases the Alameda CTC's costs or adversely affects any participant.

**Section 4.** The Executive Director is further authorized and directed, for and on behalf of the Commission, to take such further action and execute such additional documents as he or she deems necessary or appropriate to carry out the provisions of the above resolutions, including execution of the Cafeteria Plan and Retiree HRA plan documents, as effective February 1, 2012.

Duly passed and adopted by the Alameda County Transportation Commission at the regular meeting of the Board held on Thursday, January 26, 2012 in Oakland, California by the following votes:

**AYES:            NOES:            ABSTAIN:    ABSENT:**

**SIGNED:**

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Mark Green, Chairperson

**ATTEST:**

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Vanessa Lee, Commission Secretary



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## **Memorandum**

**DATE:** January 18, 2012

**TO:** Alameda County Transportation Commission

**FROM:** Finance and Administration Committee

**SUBJECT:** **Approval of Modification to the Organizational Structure Upgrading One Senior Accountant Position to an Accounting Manager Position**

### **Recommendation**

It is recommended that the Commission approve a modification to the organizational structure which would upgrade one senior accountant position to an accounting manager position.

### **Summary**

In February, 2011, the Commission approved the organizational structure of the Alameda County Transportation Commission (Alameda CTC) which included 27 full time equivalent (FTE) positions. (The 27 positions were described in more detail in an attachment provided to the Commission during closed session.) Of the 27 positions approved, six were included in the finance and procurement area; one director of finance, one accounting manager, two senior accountants, one accountant and one contract procurement analyst. In anticipation of the abundance and nature of the work expected from the finance team, staff is recommending that one of the senior accountant positions be upgraded to an accounting manager position.

In the coming months, the finance group will continue to take the lead on consolidation related efforts already taking place such as implementing the California Public Employees' Retirement System (CalPERS) pension contract, Public Employees' Medical and Health Care Act (PEMHCA) medical plans, cafeteria plan for active employees and Health Reimbursement Arrangement for retirees. The finance team also will work towards consolidating the Other Postemployment Benefits (OPEB) and 457 Deferred Compensation trusts and updating policies on investments, procurement and debt. Over the next year, the finance team plans to assess financing needs and develop a financing strategy to fund projects, update and create budget projections, complete the request for proposals (RFP) process for audit services and undergo the first consolidated Alameda CTC financial audit.

### **Background**

As the two finance departments of the Alameda County Congestion Management Agency (ACCMA) and the Alameda County Transportation Improvement Authority (ACTIA) were combined, staff continued to work under their current titles and rolls. As staff reassesses work flow, it is evident that more skilled help is required for some of the higher level activities required of the finance group. By upgrading one of the senior accountant positions to accounting manager, it is believed that staff will be better able to accomplish the required tasks.

**Fiscal Impact**

There is no fiscal impact associated with this approval. The salary of the accounting manager position was previously adopted by the Commission and will remain unchanged.



## Memorandum

**DATE:** January 18, 2012

**TO:** Alameda County Transportation Commission

**FROM:** Finance and Administration Committee

**SUBJECT:** **Approval of the Annually Renewed Contracts Plan for Administrative Services for Fiscal Year 2012-2013**

### Recommendation:

It is recommended that the Commission review and approve the Annually Renewed Contracts Plan for the administrative services contracts for fiscal year 2012-2013. Specifically, the Commission is requested to approve the following recommendations:

- A. Authorize the Executive Director to issue Request for Proposals (RFP) or solicit quotations, negotiate with top-ranked firms, and execute contracts for the following services:
  - 1. Legal Counsel Services
  - 2. Independent Financial Audit Services (approved for issuance by the Commission at its December 1, 2011 meeting)
- B. Authorize the Executive Director to negotiate new one-year contracts for the following services:
  - 1. Federal Legislative Advocacy Services
  - 2. State Legislative Advocacy Services
  - 3. Media and Public Relations Services
  - 4. Information Technology Services
  - 5. Project Control Services
  - 6. Investment Advisor Services
  - 7. Human Resources Services
  - 8. Programs Management Support Services
  - 9. Bicycle and Pedestrian Coordination Services
  - 10. Paratransit Coordination Services
  - 11. Local Business Contract Equity Program Services

### Summary:

Staff recommends renewing eleven of the thirteen annually renewed administrative contracts and issuing two separate RFP's for fiscal year 2012-2013. Issuance of an RFP for the Independent Financial Audit Services was approved by the Commission on December 1, 2011, and staff is currently in the process of procuring a contract for these services. The goal is to have all thirteen

contracts start at the beginning of the fiscal year on July 1, 2012.

**Discussion:**

Since implementing the Consolidated Annually Renewed Contracts Plan for Administrative Services in May 26, 2011, the Alameda County Transportation Commission (Alameda CTC) has combined administrative services of both predecessor agencies under one single group of annually renewed contracts, thereby eliminating duplicative services and redundancies, reducing contract services to reflect completion of projects and programs, adjusting contracted level of efforts and resources to align with Commission priorities, maximizing internal resources and expertise, when possible and as appropriate, and preserving continuity of services in areas that will transition to the Commission in the future.

The Alameda CTC contracts on an annual basis with various professional services consultant firms to assist staff in administering the Measure B sales tax program and providing a range of general administrative services, as discussed in detail below. In January of each year, staff outlines the proposed Contract Rotation Plan for the upcoming fiscal year and seeks input from the Committee and Commission regarding continuation and/or modification of the contracts, or, when applicable, initiation of a competitive procurement process for specific services. Following a Commission approval in January, staff begins negotiations with firms to renew and/or modify contracts then brings forward contract recommendations to the Committee and Commission for approval at its meeting in May.

The background and recommendations for each of the annually renewed contracts are discussed below and summarized in Table 1 that follows. The specific terms and conditions of the proposed services will be developed based on revised scope of work for the next fiscal year.

1. Independent Financial Auditing Services – An RFP to retain a consultant to provide independent financial audit services was issued on December 9, 2011. These services include providing the required independent audits of Alameda CTC, ACTIA, ACCMA, and Sunol SMART Carpool Lane Joint Powers Authority, issuance of separate audited financial reports, completion of the Federal Single Audit report, if applicable, and a report on ACTIA's Limitations Worksheet, which attests that ACTIA has complied with the administrative cost limitation required by the Transportation Expenditure Plan. Currently, ACTIA contracts with Maze and Associates for its independent audit, and the ACCMA uses Kevin W. Harper, CPA for its independent audit. The current term for both of these contracts covers the separate audits through the fiscal year ending June 30, 2011. The Commission, at its December 1, 2011 meeting, authorized the issuance of an RFP for the combined audit services for Alameda CTC for a term of up to three years, with an option to renew for an additional two years.

*No further action is recommended at this time.*

2. Legal Counsel – The legal counsel services for Alameda CTC include attendance at committee and commission meetings, contracts and personnel related matters, ongoing eminent domain activities, as well as other general legal services. Zack Wasserman of Wendel, Rosen, Black & Dean, LLP, an ACTIA certified Local Business Enterprise (LBE) firm, has been the lead counsel for ACTA and ACCMA since July 1987 and January 1996, respectively, and has continued in

that role for the Alameda CTC. An RFP for these services is scheduled for a formal RFP process in January 2012.

*Staff recommends issuing an RFP in January for these services to begin July 1, 2012.*

3. Federal Legislative Advocacy Services – The federal legislative advocate, CJ Lake, LLC, provides monthly updates to staff on policy and legislative actions at the federal level for the Alameda CTC. They also provide access to federal legislators and their staff when necessary to support project and program implementation efforts at Alameda CTC. CJ Lake, LLC has provided these services since 2004, and staff anticipates issuing an RFP in early 2013.

*Staff recommends renewal of this contract for a term of one year starting July 1, 2012.*

4. State Legislative Advocacy Services – The state legislative advocate, Suter, Wallauch, Corbett & Associates, provides monthly updates for the Commission and staff on policy and legislative actions. They also provide access to state legislators and their staff when necessary to support project and program implementation efforts. Suter, Wallauch, Corbett & Associates have provided these services since 1989, and staff anticipates issuing an RFP in early 2013.

*Staff recommends renewal of this contract for a term of one year starting July 1, 2012.*

5. Financial Investment Advisors – The financial advisors independently manage a \$170 million portfolio in line with the ACTIA Board approved Investment Policy. These services are performed at a cost of about seven to eight basis points (one-hundredth of one percent) times the invested amount. ACCMA utilizes the State Local Agency Investment Fund (LAIF) cash pool for its investment needs due to a smaller investment balance. An RFP for these services was last issued in January 2008 and the two incumbent investment advisors, PFM Asset Management, LLC and Chandler Asset Management, Inc., an ACTIA certified Small Local Business Enterprise (SLBE) firm, were contracted for investment services on behalf of ACTIA.

*Staff recommends renewal of these contracts for a term of one year starting July 1, 2012.*

6. Human Resources and Personnel Management Services – The human resources and personnel management services include developing a common compensation policy, complete review/integration of the Human Resources Manual, personnel counseling services, staff development, review of internal processes such as performance reviews, and other services to improve human resources functions. ACTIA and ACCMA staff jointly issued an RFP for these services in August 2009 that resulted in the hiring of Koff and Associates, Inc., an ACTIA certified Very Small Local Business Enterprise (VSLBE) firm, as the common Human Resources Consultant.

*Staff recommends renewal of this contract for a term of one year starting July 1, 2012.*

7. Information Technology (IT) Services – The information technology services include upgrade and maintenance of the central servers, local area network support, and general IT support for up to 60 individual workstations, including those required for the operations of the Sunol SMART

Carpool Lane. The current computer systems services contract was awarded to Novani, LLC after undergoing an RFP process in March 2011.

*Staff recommends renewal of this contract for a term of one year starting July 1, 2012.*

8. Programs Management Services – Acumen Building Enterprises, Inc., an ACTIA certified SLBE firm, has been providing program management services since undergoing an RFP process in January 2008. These services include administrative support for local pass-through programs and related compliance process, program grants support, community advisory committees meetings coordination, website maintenance and various other services.

*Staff recommends renewal of this contract for a term of one year starting July 1, 2012.*

9. Bicycle and Pedestrian Coordination Services – The bicycle and coordination services include administrative and professional support for the Bicycle and Pedestrian Safety Program. After a formal RFP process in January 2008, Rochelle Wheeler, an ACTIA certified VSLBE firm, was contracted to provide these services.

*Staff recommends renewal of this contract for a term of one year starting July 1, 2012.*

10. Paratransit Coordination Services – Nelson\Nygaard Consulting Associates, an ACTIA certified LBE firm, has provided paratransit coordination services for ACTIA since September 2002. Nelson\Nygaard provides local, state, and national expertise in the field of paratransit to Alameda CTC staff, PAPCO and the Commission. The paratransit coordination services underwent a formal RFP process in January 2009.

*Staff recommends renewal of this contract for a term of one year starting July 1, 2012.*

11. Media and Public Relations Services – These services include providing public and media relations services, hosting and maintenance of the Alameda CTC website, preparation of press materials, assistance at public meetings and events, and development of a strategic communications plan for the Alameda CTC. A formal RFP process in March 2011 awarded a contract to Moore Iacofano Goltsman, Inc. (MIG), an ACTIA certified LBE firm, to provide these services.

*Staff recommends renewal of this contract for a term of one year starting July 1, 2012.*

12. Project Controls and Project Delivery Management Services – The project controls team's function is to provide project management, project monitoring, project controls, utility coordination, and other related management activities to ensure the efficient, effective, and successful delivery of the Measure B and ACCMA capital projects. After undergoing a formal RFP process in March 2011, a team of 16 firms led by Moffatt & Nichols was selected as the consultant to provide these services.

*Staff recommends renewal of this contract for a term of one year starting July 1, 2012.*

13. Local Business Contract Equity Program Supportive Services for Non-Construction Contracts – These services support ACTIA's Local Business Contract Equity (LBCE) Program. The main tasks included in the services are certifying LBE, SLBE and VSLBE firms, providing outreach to local and small-local and minority businesses, and review of the LBCE utilization reports on a semi-annual basis. The Alameda CTC also utilizes regional certification programs and performs these compliance services through staff. Luster and Associates, Inc., an ACTIA certified VSLBE firm, was chosen after a formal RFP process in August 2008.

*Staff recommends renewal of this contract for a term of one year starting July 1, 2012.*

**Fiscal Impact:**

Approval of this item will have no fiscal impact at this time. Contracts recommended for renewal would be negotiated and brought forward to the Commission for approval in May 2012. Contracts recommended for an RFP process would undergo a competitive procurement process and the Commission would receive an update at the conclusion of the procurement process, which is anticipated in May 2012.



TABLE 1 – CONTRACT ROTATION PLAN

Services	Current Firm	Contract Budget for FY 2011-12	Year of Last RFP Issuance	Recommended Action
Legal Counsel Services	Wendel, Rosen, Black & Dean, LLP	\$800,000	2007	Issue RFP
Project Controls and Project Delivery Management Services	Moffatt & Nichols	\$3,300,000	2011	Renew
State Legislative Advocacy Services	Suter, Wallaich, Corbett & Associates	\$60,000	2007	Renew
Federal Legislative Advocacy Services	CJ Lake, LLC	\$63,000	2004	Renew
Media and Public Relations Services	Moore Iacofano Goltsman, Inc.	\$350,140	2011	Renew
Paratransit Coordination Services	Nelson\Nygard Consulting Associates	\$339,280	2009	Renew
Bicycle and Pedestrian Coordination Services	Rochelle Wheeler	\$280,640	2008	Renew
Human Resources Consulting Services	Koff and Associates, Inc.	\$65,000	2009	Renew
Independent Financial Audit Services	Maze and Associates/ Kevin W. Harper, CPA	\$56,570/ \$31,700	2009	RFP Issued 12/9/11
Investment Advisors	PFM Asset Management, LLC/ Chandler Asset Management, Inc.	\$120,000/ \$120,000	2008	Renew
Information Technology Services	Novani, LLC	\$110,000	2011	Renew
Programs Management Services	Acumen Building Enterprise, Inc.	\$830,690	2008	Renew
Local Business Contract Equity Program Supportive Services	L. Luster & Associates	\$63,240	2008	Renew

**Attachment A****Alameda CTC Community Advisory Committee Appointment Detail for  
Director Greg Harper, AC Transit**

*Check the box(es) and date and sign this form to approve reappointment of members whose terms are expiring or to appoint new members.*

**Bicycle and Pedestrian Advisory Committee (BPAC)**

*Transit agencies that receive Measure B funding may submit one BPAC application to Alameda CTC, and the Commission will appoint one BPAC member to represent transit from the applications received.*

**Citizen Advisory Committee (CAC)**☐

Appoint

Vacant

**Paratransit Advisory and Planning Committee (PAPCO)**☒

Reappoint

Hale Zukas

2801 Milvia Street

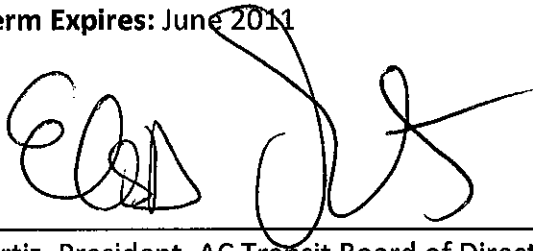
Berkeley, CA 94703

Email: [hale@wid.org](mailto:hale@wid.org)

Home Phone: (510) 848-5215

Term Began: June 2009

Term Expires: June 2011


11/23/11

Date

Elsa Ortiz, President, AC Transit Board of Directors

*To fill a vacancy, submit a committee application and corresponding resume to the Alameda County Transportation Commission (Alameda CTC) for each new member. Return the form(s) by mail, email, or fax to:*

Alameda CTC

Attn: Angie Ayers

1333 Broadway, Suite 300

Oakland, CA 94612

Email: [aayers@alamedactc.org](mailto:aayers@alamedactc.org)

Fax: 510-893-6489

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**Attachment A**  
**Alameda CTC Community Advisory Committee Appointment Detail for**  
**Director Thomas Blalock, BART**

*Check the box(es) and date and sign this form to approve reappointment of members whose terms are expiring or to appoint new members.*

**Bicycle and Pedestrian Advisory Committee (BPAC)**

*Transit agencies that receive Measure B funding may submit one BPAC application to Alameda CTC, and the Commission will appoint one BPAC member to represent transit from the applications received.*

**Citizen Advisory Committee (CAC)**

☐

**Appoint**

**Vacant**

**Paratransit Advisory and Planning Committee (PAPCO)**



**Appoint**

(Appointment transferred from Supervisor Nate Miley, Alameda County, District 4)

Sandra Johnson-Simon

1021 Magnolia Street

Oakland, CA 94607

Email: [sandrajsimon@aol.com](mailto:sandrajsimon@aol.com)

Home Phone: (510) 834-8493

**Term Began:** September 2010

**Term Expires:** September 2012

**Appointment Transfer to**  
Vice Mayor Rob Bonta,  
City of Alameda

Harriette Saunders

2104 Eagle Avenue, Apt. B

Alameda, CA 94501

Email: [harriettewsaunders@gmail.com](mailto:harriettewsaunders@gmail.com)

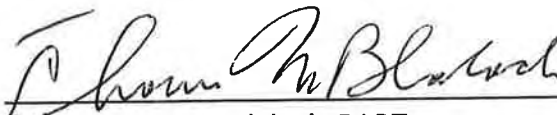
Home Phone: (510) 521-1172

**Term Began:** September 2010

**Term End:** September 2012

12

Date



Director Thomas Blalock, BART

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**Attachment A**  
**Alameda CTC Community Advisory Committee Appointment Detail for**  
**Councilmember Laurie Capitelli, City of Berkeley**

*Check the box(es) and date and sign this form to approve reappointment of members whose terms are expiring or to appoint new members.*

**Citizen Advisory Committee (CAC)**

☐

**Appoint**

**Vacant**


**Paratransit Advisory and Planning Committee (PAPCO)**

☒

**Reappoint**

Aydan Aysoy  
2406 Dana Street, Apt. A  
Berkeley, CA 94704  
Email: [aaysoy@yahoo.com](mailto:aaysoy@yahoo.com)  
Phone: (510) 849-3125  
Term Began: July 2009  
Term Expires: July 2011

12/16/11  
Date

  
Councilmember Laurie Capitelli, City of Berkeley

*To fill a vacancy, submit a committee application and corresponding resume to the Alameda County Transportation Commission (Alameda CTC) for each new member. Return the form(s) by mail, email, or fax to:*

Alameda CTC  
Attn: Angie Ayers  
1333 Broadway, Suite 300  
Oakland, CA 94612  
Email: [aayers@alamedactc.org](mailto:aayers@alamedactc.org)  
Fax: 510-893-6489

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**Attachment A**  
**Alameda CTC Community Advisory Committee Appointment Detail for**  
**Councilmember Ruth Atkin, City of Emeryville**

*Check the box(es) and date and sign this form to approve reappointment of members whose terms are expiring or to appoint new members.*

**Citizen Advisory Committee (CAC)**

☐

**Appoint**

**Vacant**

**Paratransit Advisory and Planning Committee (PAPCO)**



**Reappoint**

Joyce Jacobson  
4 Admiral Drive, Apt. 421  
Emeryville, CA 94608  
Email: [jjacobsn@earthlink.net](mailto:jjacobsn@earthlink.net)  
Phone: (510) 428-1715  
**Term Began:** March 2009  
**Term Expires:** March 2011

10/27/11

Date

Ruth Atkin

Councilmember Ruth Atkin, City of Emeryville

*To fill a vacancy, submit a committee application and corresponding resume to the Alameda County Transportation Commission (Alameda CTC) for each new member. Return the form(s) by mail, email, or fax to:*

Alameda CTC  
Attn: Angie Ayers  
1333 Broadway, Suite 300  
Oakland, CA 94612  
Email: [aayers@alamedactc.org](mailto:aayers@alamedactc.org)  
Fax: 510-893-6489



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**Attachment A**  
**Alameda CTC Community Advisory Committee Appointment Detail for**  
**Vice Mayor Suzanne Chan, City of Fremont**

*Check the box(es) and date and sign this form to approve reappointment of members whose terms are expiring or to appoint new members.*

**Citizen Advisory Committee (CAC)**



**Appoint**

(New appointment  
because of the new  
committee structure)

**Vacant**

*Michelle Powell*

**Paratransit Advisory and Planning Committee (PAPCO)**



**Reappoint**

Sharon Powers  
4583 Balmoral Park Court  
Fremont, CA 94538  
Email: none  
Home Phone: (510) 770-1841  
**Term Began:** January 2010  
**Term End:** January 2012

1/5/2012  
Date

See Attached e-mail  
Vice Mayor Suzanne Chan, City of Fremont

*To fill a vacancy, submit a committee application and corresponding resume to the Alameda County Transportation Commission (Alameda CTC) for each new member. Return the form(s) by mail, email, or fax to:*

Alameda CTC  
Attn: Angie Ayers  
1333 Broadway, Suite 300  
Oakland, CA 94612  
Email: [aayers@alamedactc.org](mailto:aayers@alamedactc.org)  
Fax: 510-893-6489

## Angie Ayers-Smith

---

**From:** Suzanne L Chan [suzannelchan@gmail.com]  
**Sent:** Thursday, January 05, 2012 5:09 PM  
**To:** Angie Ayers-Smith  
**Subject:** ACTC Advisory Committee Appointments, City of Fremont  
**Attachments:** MPowell\_2012.doc

Hello Angie,

Please find attached a resume for Michelle Powell, who I am recommending to be Fremont's representative on the Citizen Advisory Committee (CAC).

If there is any other material or forms to be completed, please contact Ms. Powell directly at: [map117@comcast.net](mailto:map117@comcast.net),

Lastly I would like to reappoint Sharon Powers to continue as Fremont's representative on the Paratransit Advisory & Planning Committee (PAPCO).

Many thanks

Suzanne Chan  
CouncilMember, City of Fremont

-----  
From: **Mail Delivery Subsystem** <[mailer-daemon@googlemail.com](mailto:mailer-daemon@googlemail.com)>  
Date: Thu, Jan 5, 2012 at 5:00 PM  
To: [suzannelchan@gmail.com](mailto:suzannelchan@gmail.com)

Delivery to the following recipient failed permanently:

[aayerss@alamedaactc.org](mailto:aayerss@alamedaactc.org)

Technical details of permanent failure:  
DNS Error: Domain name not found

----- Original message -----

Received: by 10.236.77.232 with SMTP id d68mr4691657yhe.98.1325811630995; Thu, 05 Jan 2012 17:00:30 -0800 (PST)  
MIME-Version: 1.0  
Sender: [suzannelchan@gmail.com](mailto:suzannelchan@gmail.com)  
Received: by 10.146.214.10 with HTTP; Thu, 5 Jan 2012 16:59:58 -0800 (PST)  
From: Suzanne L Chan <[SuzanneLChan2@gmail.com](mailto:SuzanneLChan2@gmail.com)>  
Date: Thu, 5 Jan 2012 16:59:58 -0800  
X-Google-Sender-Auth: 3hQJSx0xa7uJPrVhOtgPH-ShcSA

# Application for the Alameda CTC Citizens Advisory Committee (CAC)



The Alameda CTC invites Alameda County residents to serve on its **Citizens Advisory Committee**, which meets on the third Thursday of the month, five times per year, from 5:30 to 8:30 p.m. Each member is appointed for a two-year term.

Name: Michelle Powell  
Home Address: 36966 Niles Blvd Fremont CA 94536  
Mailing Address (if different): \_\_\_\_\_  
Phone: (home) 510/797-1054 (work) 510/477-7634 (fax) N/A  
Email: map117@comcast.net

Please respond to the following sections on a separate attachment:

- I. **Commission/Committee Experience:** What is your previous experience on a public agency commission or committee? Please also note if you are currently a member of any commissions or committees.
- II. **Statement of Qualifications:** Provide a brief statement indicating why you are interested in serving on the CAC and why you are qualified for this appointment.
- III. **Relevant Work or Volunteer Experience:** Please list your current employer or relevant volunteer experience including organization, address, position and dates.

**Certification:** I certify that the above information is true and complete to the best of my knowledge.

Signature [Signature] Date 1-12-2012

Return the application to your Commission representative for signature (see [www.alamedactc.org/app\\_pages/view/8](http://www.alamedactc.org/app_pages/view/8)) or fax (510.893.6489) or mail it to Alameda CTC.

**Appointing Commissioner:**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**January 12, 2012**

**Michelle Powell**  
**Applicant for Alameda CTC**  
**Citizens Advisory Committee**

36966 Niles Blvd.  
Fremont, CA 94536  
Home: 510/797-1054  
Office: 510/477-7634  
[Map117@comcast.net](mailto:Map117@comcast.net)

**Questionnaire Responses:**

- I. I have not previously served on a public agency commission or committee; however I have been employed by a public agency for the past decade and believe that serving the public brings with it a special set of responsibilities. I am committed to serving the city I live in as a citizen and providing that service based on research, discussion and critical thinking.
- II. My interest in serving on the Citizen's Advisory for Alameda CTC is based upon my long history in the community – I grew up in Fremont, and after living in several different spots around the Bay Area, returned here to stay. I have seen a huge amount of growth in Alameda County over several decades, and since more growth is projected, I am interested in the details of how our government agencies and community will work together to find creative solutions to the challenges of serving a rising population's transportation needs.

I am particularly interested in the challenges of serving the local community while remaining mindful of the interconnectedness of the entire Bay Area (and depending on how one defines "The Bay Area" – beyond it). There are many facets of transportation to learn about, and the future lies in planning that encompasses the societal values of the Bay Area, which treasures its environmental beauty, mix of urban and nature, and recreational assets – getting to those great things in a thoughtfully planned, efficient way is part of the experience.

I am qualified to serve on the Committee because I have an interest in the future of transportation in my community and beyond. My volunteer work has exposed me to knowledge of the attention, research and commitment to detail that is involved in understanding large, complex projects and their ramifications. People today have a constant barrage of information thrown at them – it's hard to take the time to dig deeper for understanding. I am willing and interested in taking the time to understand the work of the ACTC, and to contribute to the future of transportation planning in my county.

- III. Current Employer (August 2002 to present)  
Union Sanitary District  
5072 Benson Road  
Union City, CA 94587

(continued)

Summer 2010 to present  
Save Niles Canyon – community group

My recent volunteer experience has been as one of the founders and organizers of Save Niles Canyon, a community group that is currently a stakeholder which meets with Caltrans in regard to its proposed Niles Canyon roadway projects. Save Niles Canyon has marshaled the training and talent of its members to research, assess, and respond to the data Caltrans bases its proposal upon and the Draft Environmental Impact Report it has filed. Save Niles Canyon is also a conduit to inform the community about these projects which will so greatly impact it and the environment. This community group's activities have also led to my interest in the transportation needs and plans for Alameda County and the Bay Area as a whole.



**Michelle Powell**  
**36966 Niles Blvd.**  
**Fremont, CA 94536**

**(510) 797-1054 – home**  
**(510) 468-2661 – cell**  
**map117@comcast.net**

## **Communications Coordinator Union Sanitary District (USD)**

Coordinate public communications for California Special District serving Fremont, Newark and Union City, CA. Develop, write, edit, design artwork and layout, and produce media releases, presentations, videos, brochures, newsletters, web pages and content, industry publication articles, photos and graphics to disseminate information and create public awareness of District goals and activities. Provide creative writing and technical assistance for a variety of materials; research, write and edit the copy of others.

Responsible for assurance of consistent positive messaging on all external District communications; assess all District collateral for inclusion of appropriate messaging, upload approved resource material to internal website for employee access to logos, informational PowerPoint slides, brochures, fact sheets and other materials to be used for external communication. Act as internal consultant to departments, committees and task forces on presentations, internal and external communication methods and procedures to better communicate with staff, audiences and District customers.

Develop, with District colleagues, public outreach campaigns and educational program materials for education of customers and students about the District's role as an environmental steward, protector of public health and fiscally responsible public agency. Develop communications to inform constituents about the importance of wastewater collection, treatment and disposal to their quality of life. Assist in development of RFP's for supporting consultants.

Founded and serve as chairperson for the Tri-City Emergency Services Association's (TESA) Public Information Officer Group – an adjunct to TESA, which is comprised of several Tri-City agencies and two healthcare systems pledging mutual aid in the event of an emergency. The TESA PIO group agrees to assist each other with emergency communications and to share resources.

Developed USD's Crisis Communication Plan, which is specifically tailored as a "kit" to support personnel opening the Emergency Operations Center in the absence of an onsite Public Information Officer. Serve on USD's emergency response task force, participating and providing instruction during tabletop drills.

Provide complete project management of District's annual newsletter and similar projects; research, writing, photos, graphic art design, layout design, overseeing fulfillment process from printer bidding through completion of delivery to USD's customers.

Respond to inquiries related to District programs. Monitor online newsletter surveys for customer response and prepare answers to customer questions. Forward questions to appropriate resource for response or respond myself if warranted.

Manage District website, including content development. Design and upload new pages, and act as liaison with web consultant for stylesheet revisions.

Serve as facilitator of complex meetings, task forces, committees (including labor/management interest-based concerns) to ensure goals are met; instructor/resource for Advanced Facilitation Methods training in-house.

Serve as instructor/in-house training resource for PowerPoint Presentation design skills.

Design artwork, documents and high-quality presentations for special events including posters, invitations, photos and specialty items using a variety of art and photo software. Design and arrange booking of advertisements in local media.

Participate on communications committees of industry groups: Represent USD on the California Association of Sanitation Agencies (CASA) communications committee, which advises member agencies and works to promote the industry. Represent USD on Bay Area Biosolids to Energy communications subcommittee - BAB2E is a regional consortium of agencies exploring new technologies for transforming biosolids to energy.

Initiate and maintain relationships with media, industry and community contacts. Network with regional public information officers to exchange outreach materials, tips and resources. Represent USD in an East Bay PIO group, the City-County Communications and Marketing Association, and the California Association of Public Information Officials.

## **Consultant-In-Residence Ivy Sea, Inc.**

Provided project management, research and writing for Leadership and Communications Consulting Firm. Produced internal newsletters for large financial institution, which entailed production scheduling, editorial development, research, writing, assigning photographers and contracting vendors nationwide. Wrote articles and developed content for IvySea's award-winning website. Conducted communications effectiveness assessments and created website content and marketing materials for corporate clients. Earned Certificate of Completion in Meeting Facilitation Training.



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**Attachment A**  
**Alameda CTC Community Advisory Committee Appointment Detail for**  
**Councilmember Olden Henson, City of Hayward**

*Check the box(es) and date and sign this form to approve reappointment of members whose terms are expiring or to appoint new members.*

**Citizen Advisory Committee (CAC)**

☒ **Appoint** Audrey LePell  
(Appointment transferred from Supervisor Nadia Lockyer, Alameda County, District 2) 299 Ocie Way  
Hayward, CA 94541  
Email: [kansgirl16@aol.com](mailto:kansgirl16@aol.com)  
Home Phone: (510) 785- 2840  
**Term Began:** January 2009  
**Term Expires:** January 2011


**Paratransit Advisory and Planning Committee (PAPCO)**

*Please select one (Vanessa Proee or Renee Wittmeier); applications are attached.*

☒ **Reappoint** Vanessa Proee  
2750 Sparks Way, Apt. 43  
Hayward, CA 94541  
Email: none  
Phone: (510) 677-8248  
**Term Began:** March 2010  
**Term Expires:** March 2012

☐ **Appoint** Renee Wittmeier  
(Appointment transferred from Supervisor Wilma Chan, Alameda County, District 3) 764 Via Manzananas  
San Lorenzo, CA 94580  
Email: [reneecwitt@hotmail.com](mailto:reneecwitt@hotmail.com)  
Phone: (510) 278-6211  
**Term Began:** May 2009  
**Term Expires:** May 2011

12/1/11  
Date

  
\_\_\_\_\_  
Councilmember Olden Henson, City of Hayward

*To fill a vacancy, submit a committee application and corresponding resume to the Alameda County Transportation Commission (Alameda CTC) for each new member. Return the form(s) by mail, email, or fax to:*

(over)

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**Attachment A**  
**Alameda CTC Community Advisory Committee Appointment Detail for**  
**Mayor Marshall Kamena, City of Livermore**

*Check the box(es) and date and sign this form to approve reappointment of members whose terms are expiring or to appoint new members.*

**Bicycle and Pedestrian Advisory Planning Committee (BPAC)**

*The BPAC vacancy transferred to another appointer because of the new committee structure.*

**Citizen Advisory Committee (CAC)**

*One CAC vacancy was removed because of the new committee structure.*

☒ **Reappoint**

Val Chinn  
595 Blossom Way  
Hayward, CA 94541  
Email: [vtchinn@hotmail.com](mailto:vtchinn@hotmail.com)  
Phone: (510) 537- 4328  
**Term Began:** February 2010  
**Term Expires:** February 2012

**Appointment Removed**  
Based on Meeting  
Attendance

Joseph Hilson  
2553 Darwin Street  
Hayward, CA 94545  
Email: [joseph@hilson.com](mailto:joseph@hilson.com)  
Phone: (510) 782-6289  
**Term Began:** February 2011  
**Term Expires:** February 2013

**Paratransit Advisory and Planning Committee (PAPCO)**

☒ **Reappoint**

Jane Lewis  
3115 Finnian Way, Apt. 311  
Dublin, CA 94568  
Email: [freedombydesign2@yahoo.com](mailto:freedombydesign2@yahoo.com)  
Phone: (925) 339-5912  
**Term Began:** September 2009  
**Term Expires:** September 2011

10-28-2011  
Date

Marshall Kamena  
Mayor Marshall Kamena, City of Livermore

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**Attachment A**  
**Alameda CTC Community Advisory Committee Appointment Detail for**  
**Vice Mayor Luis Freitas, City of Newark**

*Check the box(es) and date and sign this form to approve reappointment of members whose terms are expiring or to appoint new members.*

**Citizen Advisory Committee (CAC)**



**Appoint**

(Appoint transferred from  
Mayor Mark Green, City  
of Union City)

John Repar  
32655 Red Maple Street  
Union City, CA 94587  
Email: [repar1@att.net](mailto:repar1@att.net)  
Home Phone: (510) 324-8647  
**Term Began:** March 2011  
**Term Expires:** March 2013

**RECEIVED**

OCT 28 2011

**ALAMEDA CTC**

**Paratransit Advisory and Planning Committee (PAPCO)**



**Appoint**

(Appointment transferred  
from Supervisor Nadia  
Lockyer, Alameda County,  
District 2)

Herb Clayton  
671 West A Street, Apt. 114  
Hayward, CA 94541  
Email: [ucberkeley71@hotmail.com](mailto:ucberkeley71@hotmail.com)  
Phone: (510) 397-4430  
**Term Began:** March 2009  
**Term Expires:** March 2011

10/26/2011

Date



Vice Mayor Luis Freitas, City of Newark

*To fill a vacancy, submit a committee application and corresponding resume to the Alameda County Transportation Commission (Alameda CTC) for each new member. Return the form(s) by mail, email, or fax to:*

Alameda CTC  
Attn: Angie Ayers  
1333 Broadway, Suite 300  
Oakland, CA 94612  
Email: [aaayers@alamedactc.org](mailto:aaayers@alamedactc.org)  
Fax: 510-893-6489

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**Attachment A**  
**Alameda CTC Community Advisory Committee Appointment Detail for**  
**Councilmember Rebecca Kaplan, City of Oakland**

*Check the box(es) and date and sign this form to approve reappointment of members whose terms are expiring or to appoint new members.*

**Bicycle and Pedestrian Advisory Planning Committee (BPAC)**

**Appointment Transfer to** Midori Tabata  
**Mayors' Conference,** 3637 Columbian Drive  
**District 4** Oakland, CA 94605  
Email: [midorit@pacbell.net](mailto:midorit@pacbell.net)  
Home Phone: (510) 562-8988  
**Term Began:** September 2008  
**Term Expires:** September 2010

ALAMEDA CTC  
NOV 07 2011  
RECEIVED

**Citizen Advisory Committee (CAC)**

*Two CAC vacancies were removed because of the new committee structure.*



**Reappoint**

Pilar Lorenzana-Campo  
2201 Broadway, Suite 502  
Oakland, CA 94612  
Email: [pcampo@phlpnet.org](mailto:pcampo@phlpnet.org)  
Home Phone: (510) 302-3396  
**Term Began:** May 2010  
**Term Expires:** May 2012


**Paratransit Advisory and Planning Committee (PAPCO)**



**Reappoint**

Rev. Carolyn Orr  
5009 Congress Avenue, Apt. 1  
Oakland, CA 94601  
Email: [mzbutterfly2002@yahoo.com](mailto:mzbutterfly2002@yahoo.com)  
Home Phone: (510) 436-0537  
**Term Began:** May 2010  
**Term Expires:** May 2012

11/1/2011  
Date

  
Councilmember Rebecca Kaplan, City of Oakland



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**Attachment A**  
**Alameda CTC Community Advisory Committee Appointment Detail for**  
**Vice Mayor John Chiang, City of Piedmont**

*Check the box(es) and date and sign this form to approve reappointment of members whose terms are expiring or to appoint new members.*

**Citizen Advisory Committee (CAC)**

☐ **Appoint**

**Vacant**

**RECEIVED**

NOV 14 2011

**ALAMEDA CTC**

**Paratransit Advisory and Planning Committee (PAPCO)**

☒ **Reappoint**

Gaye Lenahan  
906 Rose Avenue  
Piedmont, CA 94611  
Email: [codocents2@sbcglobal.net](mailto:codocents2@sbcglobal.net)  
Phone: (510) 653-2890  
Term Began: May 2011  
Term Expires: May 2013

Date

11-7-11

  
Vice Mayor John Chiang, City of Piedmont

*To fill a vacancy, submit a committee application and corresponding resume to the Alameda County Transportation Commission (Alameda CTC) for each new member. Return the form(s) by mail, email, or fax to:*

Alameda CTC  
Attn: Angie Ayers  
1333 Broadway, Suite 300  
Oakland, CA 94612  
Email: [aayers@alamedactc.org](mailto:aayers@alamedactc.org)  
Fax: 510-893-6489

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**Attachment A**  
**Alameda CTC Community Advisory Committee Appointment Detail for**  
**Mayor Jennifer Hosterman, City of Pleasanton**

*Check the box(es) and date and sign this form to approve reappointment of members whose terms are expiring or to appoint new members.*

**Bicycle and Pedestrian Advisory Planning Committee (BPAC)**

**Appointment Transfer to**  
**Mayors' Conference,**  
**District 1**

Ann Welsh  
6036 Via De Los Cerros  
Pleasanton, CA 94566  
Email: [annwelsh6@msn.com](mailto:annwelsh6@msn.com)  
Home Phone: (925) 461-7466  
Work Phone: (925) 878-5041  
Term Began: October 2009  
Term Expires: October 2011

**RECEIVED**

NOV 07 2011

**ALAMEDA CTC**

**Citizen Advisory Committee (CAC)**

*One CAC vacancy was removed because of the new committee structure.*

☒ **Appoint**

Vacant *Mark Posson*

**Appointment Removed**  
**Based on Meeting**  
**Attendance**

Brad Hottle  
6268 Gibson Court  
Pleasanton, CA 94588  
Email: [bradhottle@yahoo.com](mailto:bradhottle@yahoo.com)  
Home Phone: (925) 249-9181  
Work Phone: (925) 580-4617  
Term Began: October 2010  
Term Expires: October 2012

**Paratransit Advisory and Planning Committee (PAPCO)**

☒ **Reappoint**

Carmen Rivera-Hendrickson  
2451 Santa Rita Road, Apt. 4  
Pleasanton, CA 94566  
Email: [xarrihen29@yahoo.com](mailto:xarrihen29@yahoo.com)  
Home Phone: (925) 339-0894  
Term Began: September 2009  
Term Expires: September 2011

*11/7/11*  
Date

*Karen Diaz City Clerk*  
for  
Mayor Jennifer Hosterman, City of Pleasanton

(over)

*To fill a vacancy, submit a committee application and corresponding resume to the Alameda County Transportation Commission (Alameda CTC) for each new member. Return the form(s) by mail, email, or fax to:*

Alameda CTC  
Attn: Angie Ayers  
1333 Broadway, Suite 300  
Oakland, CA 94612  
Email: [aayers@alamedactc.org](mailto:aayers@alamedactc.org)  
Fax: 510-893-6489

**APPLICATION****to serve on a****Commission, Committee or Board**

NOV 03 2011

**GENERAL INFORMATION****ALAMEDA CTC**

Name Posson Mark C E-Mail marposs@att.net  
 (Last) (First) (Middle Initial)

Home Address 3036 Chardonnay Dr Pleasanton, 94566  
 (Number) (Street) (City, Zip)

Home Phone 925.484.2098 Work Phone \_\_\_\_\_

Name of Spouse Denise Posson Years As Pleasanton Resident 23

I am able to attend ☒ daytime ☒ evening meetings.

I would like to be considered for appointment to the:

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Planning Commission           | <input type="checkbox"/> Library Commission    | <input type="checkbox"/> Economic Vitality Committee*  |
| <input type="checkbox"/> Parks & Recreation Commission | <input type="checkbox"/> Housing Commission    | <input type="checkbox"/> Tri-Valley Community TV Board |
| <input type="checkbox"/> Human Services Commission     | <input type="checkbox"/> Civic Arts Commission | <input type="checkbox"/> Youth Commission              |

Applicants must reside within Pleasanton city limits.

☒ Other AC Transportation Improvement Authority CAC

\*Applicants for the Economic Vitality Committee can be a Pleasanton resident and/or be associated with a business located in Pleasanton.

**ORGANIZATIONS/ACTIVITIES/COMMUNITY INVOLVEMENT**

Please list, in order of importance to you, the community, civic, professional, business, religious, social, athletic, and other organizations of which you have been a member. Please describe the nature of your participation, responsibilities and accomplishments. (If necessary, attach additional pages to the application.)

Organization	Dates of Membership	Position(s) Held
Energy and Environment Committee	2009-present	Chair

Describe \_\_\_\_\_  
 Advise the City Council and staff on energy and environmental issues.

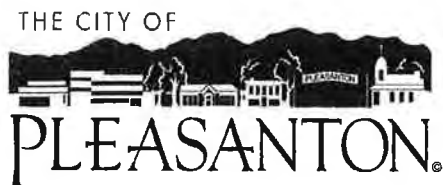
Organization	Dates of Membership	Position(s) Held
--------------	---------------------	------------------

Describe \_\_\_\_\_



Please explain your interest in becoming a member of the Commission, Committee or Board.  
(If necessary, attach additional pages to the application.)

I have a strong desire to use my talents to give back to the community. My extensive experience in environmental protection and public policy will allow me to make meaningful contributions to our regional future.



# APPLICATION

to serve on a  
**Commission, Committee or Board**

## EDUCATION

Name and City of School	From-To	Degree	Major
California State University, Fullerton		M.A.	Biology
University of California, Irvine		B.S.	Biological Sciences

List any educational achievements.

## EMPLOYMENT (if applicable)

Present Employer \_\_\_\_\_  
Business Address \_\_\_\_\_  
Type of Business \_\_\_\_\_  
Briefly describe your responsibilities \_\_\_\_\_

What do you consider your greatest responsibility, skill, or career achievement? \_\_\_\_\_  
Directed Lockheed Martin Space Systems Company's environment, safety and health programs. Established the vision, strategies and programs for environmentally responsible business practices.

Applicant's Signature  Date 9/9/11

Return to:  
City of Pleasanton  
City Clerk's Office  
P.O. Box 520 - 123 Main Street  
Pleasanton, CA 94566

For further information visit our website at <http://www.ci.pleasanton.ca.us>



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**Attachment A**  
**Alameda CTC Community Advisory Committee Appointment Detail for**  
**Councilmember Joyce Starosciak, City of San Leandro**

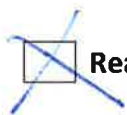
*Check the box(es) and date and sign this form to approve reappointment of members whose terms are expiring or to appoint new members.*

**Bicycle and Pedestrian Advisory Planning Committee (BPAC)**

**Appointment Transfer to** Jeremy Johansen  
**Mayors' Conference,** 777 Davis Street  
**District 3** San Leandro, CA 94577  
Email: [osi@jj2k.com](mailto:osi@jj2k.com)  
Home Phone: (510) 667-9577  
**Term Began:** September 2010  
**Term Expires:** September 2012

**Citizen Advisory Committee (CAC)**

**Appointment Removed** Norbert Castro  
**Based on Meeting** 1260 Ardmere Drive  
**Attendance** San Leandro, CA 94577  
Email: [Norbert.castro@att.net](mailto:Norbert.castro@att.net)  
Phone: (510) 352-0950  
**Term Began:** February 2010  
**Term Expires:** February 2012



**Reappoint**

Joseph Collier  
694 Douglas Drive  
San Leandro, CA 94577  
Email: [joandesther@att.net](mailto:joandesther@att.net)  
Home Phone: (510) 562-4024  
**Term Began:** December 2009  
**Term Expires:** December 2011

**Appointment Removed** Darren White  
**Based on Meeting** 482 Superior Avenue  
**Attendance** San Leandro, CA 94577  
Email: [adarrenw@sbcglobal.net](mailto:adarrenw@sbcglobal.net)  
Home Phone: (510) 632-3563  
**Term Began:** September 2010  
**Term Expires:** September 2012

*Joyce Starosciak*  
*11/3/11*

(over)

**Paratransit Advisory and Planning Committee (PAPCO)**



**Appoint**

Appointment transferred  
from Supervisor Scott  
Haggerty, Alameda  
County, District 1)

Maryanne Tracy-Baker

1420 Vislagrand Drive  
San Leandro, CA 94577

Email: [clubmad@sbcglobal.net](mailto:clubmad@sbcglobal.net)

Phone: (510) 483-6377

**Term Began:** August 2010

**Term Expires:** August 2012

Date

11/3/11

Councilmember Joyce Starosciak, City of San Leandro

*To fill a vacancy, submit a committee application and corresponding resume to the Alameda County Transportation Commission (Alameda CTC) for each new member. Return the form(s) by mail, email, or fax to:*

Alameda CTC

Attn: Angie Ayers

1333 Broadway, Suite 300

Oakland, CA 94612

Email: [aayers@alamedactc.org](mailto:aayers@alamedactc.org)

Fax: 510-893-6489

**Attachment A**  
**Alameda CTC Community Advisory Committee Appointment Detail**  
**Executive Director Paul Matsuoka, LAVTA**

**RECEIVED**

OCT 27 2011

Check the box(es) and date and sign this form to approve reappointment of members whose terms are expiring or to appoint new members. **ALAMEDA CTC**

**Bicycle and Pedestrian Advisory Committee (BPAC)**

*Transit agencies that receive Measure B funding may submit one BPAC application to Alameda CTC, and the Commission will appoint one BPAC member to represent transit from the applications received.*

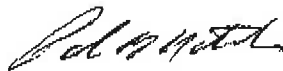
**Paratransit Advisory and Planning Committee (PAPCO)**

☒ **Reappoint**

Esther Ann Waltz  
1001 Murrieta Blvd., Apt. 122  
Livermore, CA 94550  
Email: [annica45@comcast.net](mailto:annica45@comcast.net)  
Home Phone: (925) 443-2385  
Term Began: February 2011  
Term Expires: February 2013

10/26/11

Date



Executive Director Paul Matsuoka, LAVTA

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Alameda CTC  
Attn: Angie Ayers  
1333 Broadway, Suite 300  
Oakland, CA 94612  
Email: [ayers@alamedactc.org](mailto:ayers@alamedactc.org)  
Fax: 510-893-6489

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Immediate Past President  
JENNIFER HOSTERMAN  
Mayor of Pleasanton

President  
TIM SBRANTI  
Mayor of Dublin

Vice President  
STEPHEN H. CASSIDY  
Mayor of San Leandro

## *Alameda County Mayors' Conference*

RECEIVED

DEC 27 2011

ALAMEDA CTC

Alameda  
Marie Gilmore

December 23, 2011

Albany  
Farid Javandel

Berkeley  
Tom Bates

Ms. Angie Ayers  
ACTC

Dublin  
Tim Sbranti

1333 Broadway, Suite 300  
Oakland, CA 94612

Emeryville  
Jennifer West

Dear Ms. Ayers:

Fremont  
Bob Wasserman

At its regular meeting of December 14, the Alameda County Mayors' Conference appointed Diana LaVigne (District 2) to serve a two-year term on ACTC's BPAC.

Hayward  
Mike Sweeney

Sincerely,

Livermore  
John Marchand



Newark  
David Smith

Nancy Ortenblad  
Executive Director

Oakland  
Jean Quan

Piedmont  
Dean Barbieri

Pleasanton  
Jennifer Hosterman

San Leandro  
Stephen H. Cassidy

Union City  
Mark Green

Executive Director  
Nancy Ortenblad



**Bay Area Bicycle Coalition**  
of the San Francisco Bay Area

P.O. Box 1121, Oakland, CA 94604  
415.787.2893  
info@bayareabikes.org  
www.bayareabikes.org

**BOARD OF DIRECTORS**

**Corinne Winter**

Chair

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Treasurer

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Tom Ayres

**East Bay Bicycle Coalition**

Renee Riveria

**Marin County**

Deb Hubsmith

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Mike Costanzo

**San Francisco County**

Andy Thomley

**San Mateo County**

Paul Goldstein

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**Solano County**

Vacancy

**Sonoma County**

Gary Helfritsch

**At Large Directors**

Andrew Castell

Mark Birnbaum

Carol Levine

Sabrina Merlo

**STAFF**

**Diana Rohini LaVigne**

Executive Director

Rec'd 11/9/11

November 4, 2011

Dear Alameda CTC BPAC,

Please accept the enclosed paperwork (Application, Addendum, and Resume) to support my interest in being selected as a member of the Alameda BPAC. I have a strong interest in the **BPAC Transit opening**; but I'd be willing to serve in any way you'd see fit.

Thank you and please don't hesitate to contact me anytime to elaborate on anything pertaining to this application.

My best,

Diana Rohini LaVigne

# Application for the Alameda CTC

## Bicycle and Pedestrian Advisory Committee (BPAC)



The Alameda CTC invites Alameda County residents to serve on its **Bicycle and Pedestrian Advisory Committee**, which meets on the second Thursday of the month, six to eight times per year, from 5:30 to 7:30 p.m. Each member is appointed for a two-year term.

Name: DIANA Rohini LaVigne  
Home Address: 34244 SIWARD DRIVE, FREMONT CA 94555  
Mailing Address (if different): - Same -  
Phone: (home) 408-667-1817 (work) 415-787-2893 (fax) N/A  
Email: LaVigne@post.harvard.edu

Please respond to the following sections on a separate attachment:

- I. **Commission/Committee Experience:** What is your previous experience on a public agency commission or committee? Please also note if you are currently a member of any commissions or committees.
- II. **Statement of Qualifications:** Provide a brief statement indicating why you are interested in serving on the BPAC and why you are qualified for this appointment.
- III. **Relevant Work or Volunteer Experience:** Please list your current employer or relevant volunteer experience including organization, address, position and dates.
- IV. **Specific Bicycle and/or Pedestrian Experience:** List any specific interest, involvement or expertise you have related to bicycle and/or pedestrian issues.

### To avoid a conflict of interest:

Members may not be public agency employees responsible for bicycle and pedestrian projects and/or programs, and work for an agency that is eligible and likely to submit an application for the Countywide Discretionary Fund.

**Certification:** I certify that the above information is true and complete to the best of my knowledge.

Signature Diana LaVigne Date 31 October 2011

Return the application to your appointing party for signature (see [www.alamedactc.org/app\\_pages/view/8](http://www.alamedactc.org/app_pages/view/8)), or fax (510.893.6489) or mail it to Alameda CTC.

#### Appointing Party:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



# Diana Rohini LaVigne

---

Fremont Resident; Alameda County

**I. Commission/Committee Experience:** What is your previous experience on a public agency commission or committee? Please also note if you are currently a member of any commissions or committees.

- Currently, I serve on the Fremont BPTAC.
- Additionally, I make frequent public comment representing the 20,000+ Bay Area Bicycle coalition members at MTC planning, operations and general commissioner's meetings.
- I'm a member of the Bart Bicycle TAC.
- A member of MTC's Regional Bicycle Working Group

**II. Statement of Qualifications:** Provide a brief statement indicating why you are interested in serving on the BPAC and why you are qualified for this appointment.

- As an Alameda resident and a professional bicycle advocate; I have a strong interest in working closely with Alameda Country on their bicycle policy and projects.
- I have a high level understanding of how to work effectively with county staff/agencies and key stakeholders to help drive a positive direction for bicycling in the Bay Area.

**III. Relevant Work or Volunteer Experience:** Please list your current employer or relevant volunteer experience including organization, address, position and dates.

- Current Employee is: Bay Area Bicycle Coalition ([www.bayareabikes.org](http://www.bayareabikes.org)), PO Box 1121, Oakland, CA 94604. Sept 2010-Present
- Over 15 years of communications experience working for various high profile NPOs and start-up corporations. My work profile is online at: <http://www.linkedin.com/in/lavigne>
- Have worked with over 100 NPOs in a variety of capacities from Board Chair to Publicist to Community Relations. Currently, I am the Chair of the South Asian Journalists Association Bay Area and an executive committee member of the ICC's Community Partners' Program bringing together over 100 NPOs in the Bay Area to lend resources, cut costs, and share best practices.

**IV. Specific Bicycle and/or Pedestrian Experience:** List any specific interest, involvement or expertise you have related to bicycle and/or pedestrian issues. Below is a list (most stated above):

- Fremont BPTAC Tac Member (3 yr term)
- Bay Area Bicycle Coalition Executive Director  
(representing over 20K bicyclists in Bay Area)
- Bart Bicycle TAC Tac Member
- MTC's Regional Bicycle Working Group Member
- East Bay Bicycle Coalition Member
- Bike to Work Day (Bay Area) Regional Producer
- California Bike Summit 2011 Speaker
- National Alliance for Biking and Walking Retreat  
(Exclusive Invite-Only Retreat: every few years) 2011 Participant
- National Bike Summit 2011 Congressional Meeting Lead  
(Was a lead on 4 meetings with members of congress/staff to advance biking)
- Bay Area Bikes TV On-Air Host & Executive Producer

# DIANA ROHINI LAVIGNE

Email : [lavigne@post.harvard.edu](mailto:lavigne@post.harvard.edu) : Cell 408.667.1817

## Experience

---

BAY AREA BICYCLE COALITION

Oct 2010 – Present

### Executive Director

**Oversee all initiatives of the non-profit organization representing over 20,000 coalition members and producing nationally recognized 'Bike to Work' Month in all Bay Area counties and attracting over 700,000 participants.**

- Advocacy role that promotes safe and enjoyable bicycling for everyday transportation and recreation throughout the San Francisco Bay Area. Producer of regional Bike to Work event which draws 700,000+ participants annually. Launched Bay Area Bikes TV show. Developed a strategic grass roots campaign that garnered a 45% rise in traffic on advocacy site & 114% rise on our Bike to Work site; plus a 50% increase in Facebook fans & 70% increase in Twitter followers. Secured a new government funded project: managing 511.org bicycling site.

---

NAIR & CO. INC

Nov 2007 – Oct 2010

### Head of Global Communications

**Oversee all communications aspects of this 350+person multinational corporation.**

- Managed entire brand overhaul including logo, slogan, website, marketing materials and executive training. Developed an effective Lead Generation Strategy that included an SEO strategy. Successfully lead company to receive 30+ awards including national and international awards. Starting with no press and no search engine results; Secured 100+ press clips and hundreds of thousands of valuable search results for the company.
- Created Nair Signature event 'NRI Global Summit' that attracted 300+ C-level professionals from around the globe and positioned Nair as a leader in outsourcing. Increased website traffic by 250%. Identified, evaluated, and managed local, national and international CSR opportunities.

---

INDIAN LIFE & STYLE MAGAZINE

Nov 2005 – Nov 2007

INDIA- WEST NEWSPAPER

### Editor & Publicist

**Oversee the design and content of the internationally distributed magazine and weekly newspaper (2<sup>nd</sup> largest Indian weekly in USA).**

- Managed all writers (freelance/staff), research assistants, interns and graphic designers. Launched a CSR initiative which is still yielding community good will. Increased website traffic by 65%.

---

FIRE ROCK PRODUCTIONS

Dec 2001 – Nov 2005

### Managing Director

**Handled independent project-driven contracts for small to midsize companies.**

- BNN TV "It's All About Arts", Boston, MA (executive producer, community relations) Developed communications platform for BNN that successfully repositioned the show as a "must see" show within the Boston arts community.

- **Tablus**, San Mateo, CA (technical writing) Created three comprehensive data security user's guides.
- **Argus Care Technology**, Boston, MA (marketing, PR, sales outreach campaign) Helped CEO with all communications aspects for the launch of the company.
- **FRN**, Fremont, CA (marketing, writing, PR) Created white papers/presentations for VCs, marketing & PR strategy, Oversaw creative design and brand development.
- **Verid Technology**, Maynard, MA (PR, marketing, business development) Assisted with marketing, PR & sales initiatives.
- **Investa Capital Corporation**, Fresno, CA (PR, operational management) Assisted with all start up initiatives.
- **The Davis Center**, Budd Lake, NJ (PR, communications) Secured NBC-TV placement within 30 days, Developed new logo/slogan, Launched branding campaign, Positioned Founder as world's leading sound therapy expert.
- **Caldwell Theatre Company**, Boca Raton, FL (PR, communications) Developed PR plan for Caldwell that resulted in 3 consecutive show extensions. Repositioned Caldwell as a community supporter by opening its facility for community use, taking leadership roles with key community organizations.

---

#### BROOKLINE CHAMBER OF COMMERCE

Jan 2001 – Dec 2001

##### **Executive Director & Publicist (contract)**

**Responsible for all activities & outreach for a top 20 chambers of commerce with 3,000+ businesses.**

- Promoted the chamber locally and nationally, receiving coverage in publications like Boston Globe and Boston Herald. Conducted marketing survey of members with 40% return rate. Insights gained were used in a first ever held board of director's retreat and company reorganization. Developed new logo, slogan and branding package. Increased sponsorship by 40% in year one. Recruited 20+ new volunteers & 50 new members; a 50% increase from past years. Received Award '01 for launching an International Internship Program.

---

#### BIZLAND.COM

2000 – 2001

##### **Publicist**

**Responsible for press and media outreach for pre-IPO Company with 1 million + small business member base. Managed staff of 4, and company's relationship with PR agency.**

- Developed an integrated communications program which positioned company as a leading small business portal in marketplace. Promoted BizLand locally, nationally, and internationally; receiving 100+ press clippings in less than one year. Received Achievement Award Q2 for High volume of editorial coverage including front page Wall Street Journal article.

---

#### NEWBURY STREET LEAGUE

1997- 1999

##### **Executive Director & Publicist**

**Responsible for all networking & educational opportunities for a top 10 retail district, with 500+ business membership.**

- Developed and implemented an integrated promotional program including a Shop Newbury rewards program in conjunction with American Express. Promoted locally, nationally, and internationally, receiving 250+ press clippings. Developed & launched a new company logo, slogan and branding package. Redesigned fundraiser resulting in increased attendance by 25%, and media coverage by 90%. Recruited 100+ new volunteers & 60 new members. Received Achievement Award. Secured partnership with the Boston Globe Jazz Festival; drawing 100,000+ attendees in year one.

---

MAVERICK MAGAZINE

1990 – 1996

**Contributing Editor & Publicist**

- Reviewed editorial copy for fashion segments. Contributed articles on local news and events. Secured advertisements. Coordinated photo shoots and interviews. Acted as public relations liaison and magazine spokesperson.

---

AMERICAN RED CROSS

1989 - 1990

**Associate Director**

- Developed a centralized information and registration location which greatly reduced staff and expenses. Contributing writer for newsletter Mass Bay News. Certified Advanced First Aid Instruction and National Disaster Relief Social Worker.

---

**Professional Affiliations**

- South Asian Journalists Association (Bay Area Chair 2004-Present )
- SAMTA International (Founding Member)
- National Association of Professional Women (Professional Member 2000- Present)
- BNN-TV 9 (Certified Editor/Producer, Advanced Digital Editing)
- India Community Center CPP (Executive Committee 2004-Present / Seva Awards Chair 2010-Present)

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**Education**

**Harvard University** - BA, Humanities, 1995 Cambridge, MA U.S.A

**Hebrew University** - MA, Theology (Minor Journalism), 1997 Jerusalem, Israel

---

**Additional Skills:**

Access, Act, After Effects, CS4, Dreamweaver, Excel, Final Cut Pro(intermediate), Front Page, Illustrator, InDesign, HTML(intermediate), MS Office, PageMaker, Photoshop, PowerPoint, Publisher, Quark, QuickBooks (intermediate). Mac & Windows experience. Expert photographer & videographer. CRM & SEO experience. 300+ articles published

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**Attachment A**  
**Alameda CTC Community Advisory Committee Appointment Detail for**  
**Supervisor Scott Haggerty, Alameda County, District 1**

*Check the box(es) and date and sign this form to approve reappointment of members whose terms are expiring or to appoint new members.*

**Bicycle and Pedestrian Advisory Planning Committee (BPAC)**



**Reappoint**

Alexander Chen  
45677 Parkmeadow Court  
Fremont, CA 94539  
Email: [alexuser@gmail.com](mailto:alexuser@gmail.com)  
Home Phone: (510) 651-4179  
Work Phone: (510) 565-5434  
**Term Began:** October 2009  
**Term Expires:** October 2011

**Citizen Advisory Committee (CAC)**

*One CAC vacancy was removed because of the new committee structure.*



**Reappoint**

Dr. Roop Jindal  
2481 Arf Avenue  
Hayward, CA 94545  
Email: [roopjindal@aol.com](mailto:roopjindal@aol.com)  
Home Phone: (510) 732-1440  
**Term Began:** March 2010  
**Term Expires:** March 2012

**Appointment Removed**  
Based on Meeting  
Attendance

OK

~~Gerarda Stocking  
1342 Fourth Street  
Livermore, CA 94550  
Email: [gerardastocking@yahoo.com](mailto:gerardastocking@yahoo.com)  
Work Phone: (925) 455-1108  
Cell Phone: (925) 200-6988  
**Term Began:** March 2010  
**Term Expires:** March 2012~~

**Citizens Watchdog Committee (CWC)**



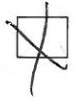
**Appoint**

**Vacant**

- Still Recruiting

(over)

## Paratransit Advisory and Planning Committee (PAPCO)



Reappoint

Herb Hastings  
5300 Iron Horse Parkway, Apt. 154  
Dublin, CA 94568  
Email: [hhastings@comcast.net](mailto:hhastings@comcast.net)  
Home Phone: (925) 999-9304  
Cell Phone: (925) 337-1738  
**Term Began:** March 2009  
**Term Expires:** March 2011

**Appointment Transfer to**  
Councilmember Joyce R.  
Starosciak, City of San  
Leandro

Maryanne Tracy-Baker  
1420 Vislagrand Drive  
San Leandro, CA 94577  
Email: [clubmad@sbcglobal.net](mailto:clubmad@sbcglobal.net)  
Phone: (510) 483-6377  
**Term Began:** August 2010  
**Term Expires:** August 2012

OK

12/23/11  
Date

Scott Haggerty  
Supervisor Scott Haggerty, Alameda County

*To fill a vacancy, submit a committee application and corresponding resume to the Alameda County Transportation Commission (Alameda CTC) for each new member. Return the form(s) by mail or fax to:*

Alameda CTC  
Attn: Angie Ayers  
1333 Broadway, Suite 300  
Oakland, CA 94612  
Email: [aayers@alamedactc.org](mailto:aayers@alamedactc.org)  
Fax: 510-893-6489

*sorry this is late!*  
*Dawn*

**Attachment A**  
**Alameda CTC Community Advisory Committee Appointment Detail for**  
**Wilson Lee, Transit Manager, City of Union City**

*Check the box(es) and date and sign this form to approve reappointment of members whose terms are expiring or to appoint new members.*

**Bicycle and Pedestrian Advisory Committee (BPAC)**

*Transit agencies that receive Measure B funding may submit one BPAC application to Alameda CTC, and the Commission will appoint one BPAC member to represent transit from the applications received.*

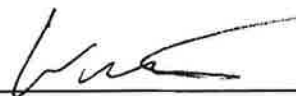
**Paratransit Advisory and Planning Committee (PAPCO)**

☒ **Appoint**

Larry Bunn  
2601 Village Court  
Union City, CA 94587  
Email: [lrbunn@sbcglobal.net](mailto:lrbunn@sbcglobal.net)  
Home Phone: (510) 675-9966  
Term Began: September 2010  
Term End: September 2012



11-1-11  
Date

  
Wilson Lee, Transit Manager, City of Union City

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Alameda CTC  
Attn: Angie Ayers  
1333 Broadway, Suite 300  
Oakland, CA 94612  
Email: [ayers@alamedactc.org](mailto:ayers@alamedactc.org)  
Fax: 510-893-6489



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**Memorandum**

**DATE:** January 12, 2012

**TO:** Alameda County Transportation Commission

**FROM:** Arthur L. Dao, Executive Director  
Patricia M. Reavey, Director of Finance

**SUBJECT:** **FY2011-12 2nd Quarter Investment Report Handout Notification**

In order to comply with statutory requirements, the FY2011-12 2nd Quarter Investment Report has been included for review as a handout in Commission member's folders. Per the California Government Code, staff is required to submit this report to the Commission within 30 days following the end of the quarter covered by the report. Due to timing constraints based on when information becomes available, staff was not able to prepare and submit a staff report along with the investment report for formal approval by the Commission at this meeting. A formal submission to the board for approval will be included in the next Commission meeting packet for the February 23<sup>rd</sup> Commission meeting.

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**Alameda CTC Bicycle and Pedestrian Advisory Committee Meeting Minutes  
Tuesday, July 26, 2011, 5:30 p.m., 1333 Broadway, Suite 300, Oakland**

---

Attendance Key (A = Absent, P = Present)

Members:

  P   Midori Tabata, Chair  
  P   Alex Chen  
  P   Lucy Gigli  
  P   Jeremy Johansen

  P   Preston Jordan  
  P   Glenn Kirby  
  A   Tom Van Demark  
  P   Ann Welsh

Staff:

  P   Beth Walukas, Deputy Director of Planning  
  P   Diane Stark, Senior Transportation Planner  
  P   Rochelle Wheeler, Bicycle and Pedestrian Coordinator

  P   Krystle Pasco, Acumen Building Enterprise, Inc.

---

**1. Welcome and Introductions**

Midori Tabata, BPAC Chair, called the meeting to order at 5:35 p.m. The meeting began with introductions and a review of the meeting outcomes.

***Guests Present:*** Victoria Eisen, Eisen | Letunic

**2. Public Comment**

There were no public comments.

**3. Approval of June 9, 2011 Minutes**

*Glenn Kirby moved to approve the June 9, 2011 minutes as they appeared in the meeting packet. Preston Jordan seconded the motion. The motion carried unanimously (7-0).*

**4. Approval of Revised BPAC Bylaws and FY 11-12 Meeting Schedule**

Rochelle updated the committee on the revised BPAC Bylaws in the meeting packet, and she mentioned that staff incorporated the feedback from the last BPAC meeting into these newly revised BPAC bylaws.

Glenn Kirby suggested to strike the words "passes away or otherwise," in Article 3, Section 6.3 titled "Termination" in the bylaws.

Preston Jordan suggested that the definition of "pass-through funding" be further defined in Article 1, Section 18 titled "Programmatic Funding." He also pointed out that the percentage of net Measure B revenues distributed through Measure B pass-through funds was not 5 percent as stated. The 5 percent includes pass-through funds as well as discretionary funds.

Preston Jordan also suggested to change quorum in Article 5, Section 3 titled "Quorum" to "majority" in place of "half (50 percent) plus one" for both places that it is stated.

Preston Jordan also pointed out some redundancies regarding the Brown Act between Article 5.1 and Article 7.3. Namely, the first sentence of Article 5.1 is redundant and should be omitted, since the Brown Act is referenced in Article 7.3. However, he stated that this change could be made when the BPAC reviews the bylaws next year.

*Glenn Kirby moved to approve the BPAC bylaws, with the amendments discussed. Preston Jordan seconded the motion. The motion carried unanimously (7-0).*

The BPAC added that, once staff makes the approved changes, the bylaws do not need to come back to the committee again for adoption.

Rochelle Wheeler went over the new meeting schedule and mentioned that this is the first time that BPAC members will approve their meeting schedule as other committees have done. She noted that this is a working schedule and if there are any changes to the schedule, staff will notify the committee members via email and mail.

*Glenn Kirby moved to approve the BPAC meeting schedule for FY 11-12 as it appeared in the meeting packet. Lucy Gigli seconded the motion. The motion carried unanimously (7-0).*

## **5. Countywide Pedestrian and Bicycle Plan Updates: Vision and Priorities Capital Projects Networks – Revised Draft Recommendations**

Rochelle gave an update on the current status of the Countywide Pedestrian and Bicycle Plans updates. She stated that the team has been working on the plan updates for over a year now and that the BPAC has reviewed three draft chapters. She mentioned that Alameda CTC is currently working on the priority projects and programs and has asked for feedback from BPAC at several meetings. Staff is now ready to present recommendations for the capital projects and would like to get approval from BPAC to move forward to the next phase, which is writing the Priority Projects and Programs Chapters and updating the implementation chapters of the plan. She reported that Alameda CTC conducted several outreach meetings to local BPACs and agencies in the county to get feedback on the capital project priorities. The local BPACs and agencies provided much input, and staff created a summary of the major input received on the Bicycle and Pedestrian Capital Projects Vision and Priority Networks, which was a revised attachment in the BPAC meeting packet.

Victoria Eisen with Eisen|Letunic led the discussion on the Countywide Pedestrian and Bicycle Plan updates: Vision and Priorities Capital Projects Networks. She presented the memorandum that discussed the revised recommendations for the vision and priority networks. The BPAC provided input on these recommendations, as follows:

**Bicycle Vision & Priority Networks**

- Why was the feedback to add local trails under the InterJurisdictional Trails category not incorporated into the revised recommendations? Staff response: The idea was to just include the trails and routes that had countywide and regional significance which is primarily the East Bay Regional Park District trails.
- A member appreciated the verbal explanation of continuous access as it is more clear than the definition in the memo.
- The priorities are still very broad. How will we be able to prioritize among so many potential projects during the grant funding cycles? Perhaps we could constrain the access to transit category to just BART stations, since that access is more needed than to bus transit. Staff response: The grant criteria will allow further prioritization between projects.
- Allowing just one downtown or downtown-equivalent for every jurisdiction is not equitable for the larger jurisdictions, such as Oakland and Fremont. Staff response: Although jurisdictions like Oakland have only one downtown, they also have Communities of Concern and many transit stations/stops, which provide many potential areas for projects.

**Pedestrian Vision & Priority Networks**

- In regard to the regional parks as activity centers, it is a good idea to include access between transit and the parks. The East Bay Regional Park District is starting to update its Master Plan, which will be complete in 2012, and it will address the changing demographics, including an increase in seniors. It should also address how people can use public transit to get to the regional parks.

Victoria Eisen asked the committee to answer the questions listed in the memo:

1. Do you support the recommended overall approach to the priority networks?
  - Yes, the BPAC supports it.
2. Do you support omitting the major commercial districts, except for those that are “downtown-equivalents”?
  - Victoria Eisen clarified that the “major commercial districts” are not being omitted, rather they are being redefined as “activity centers.”
  - Glenn Kirby mentioned that he was a little concerned with the term “downtown-equivalents” and that it might start to be used more loosely, and may cause others to argue that other places are “downtown-equivalents.” Beth Walukas suggested using “city centers.” Staff will think about a more appropriate term.
  - Preston Jordan mentioned that many job centers in South County still have no bike access. He also suggested that using a per-capita approach versus a per-jurisdiction approach would be more equitable, for downtowns. Can we consider geographic equity?
3. Does the proposed approach to bicycle and pedestrian access to Communities of Concern meet the objective of connecting these communities to jobs and transit?

- Although the plans focus mostly on making transit more accessible, it is important to note that those who rely most on transit are more likely in need of better access to job sites.
- 4. Do you support prioritizing the interjurisdictional bicycle routes, and if so, does the proposed approach make sense?
  - Yes. This is very important, and it is an aspect of the plans in which Alameda CTC can provide the most support to jurisdictions.
- 5. Overall, does this proposal identify and adequately address the major issues? If not, what are we missing or what should we revise?
  - Some members are uncomfortable relying on locally adopted bicycle plans for the countywide network. Some jurisdictions have inadequate local plans. Can we do something different? Staff response: We cannot force jurisdictions to adopt county-selected alignments in the countywide plans, but we can and will identify areas and/or make suggestions to jurisdictions on where local plans can use improvements.

## 6. Input on BART Bicycle Plan

Victoria Eisen discussed the BART Bicycle Plan and the memorandum in the packet. Eisen|Letunic along with other partners are teaming up to update BART's Bicycle Plan. They are focusing on using a new spreadsheet model that will help BART identify the best investments at each station to encourage passengers to access the station by bike. They are using the following tools: the 1998 and 2008 station access studies, the customer satisfaction surveys done every two years (4000 responses), and their own online survey (500 responses). They also did a survey of the bike stations at the Fruitvale and Berkeley stations and a complete inventory of all types of bike parking for all the stations. They will also contact and meet with local BPACs for more input. BART has also appointed a TAC for this purpose that has not met yet but will kick off soon.

Victoria Eisen requested information and feedback regarding bike access to BART stations in Alameda County. The Eisen|Letunic team will consolidate all of the feedback and forward prioritizations and recommendations to BART to work toward improving station bike access.

The committee gave the following feedback:

- The BikeLink lockers at the El Cerrito Plaza Station (although not in Alameda County) need maintenance. This may be the case for other BikeLink lockers in Alameda County.
- The MacArthur BART station needs bike lanes in that area.
- More seniors are riding bikes.
- At the Hayward BART station, the eastside entrance is fairly accessible; however, the westside entrance has several stairs that pose challenges.
- In San Leandro, there are only two ramps going into the station. Also, the sidewalk is really narrow on one side of the street, and on the other side, you are forced to be in the street. Is there a way to allow space to accommodate for both a bicyclist and a pedestrian?

- Revisiting the bikes on the escalator concept is something that a member would like to see.
- In regard to bike commute hour restrictions, is it possible to revisit this concept?
- There are times when bike theft is high, which discourages bicyclists to bring and park their bikes at racks, especially after hours, and especially at the Fruitvale BART, which has no bike lockers. Consider expanding BikeStation hours to provide more secure bike parking.
- Access to get into the Fruitvale BART is unclear and unsafe, especially coming from the Alameda area.
- At the Dublin/Pleasanton station, where the Iron Horse trail goes right through the station, BART has refused to let bicyclists ride through this area. There is a lot of space in that area for both bicyclists and buses to share the road.
- At the Fremont station, there are narrow access ways to get in to the station. It is hard to not hit pedestrians and avoid cars at the same time. Also, wider fare gates would make it easier for bicyclists to pass through. Some stations do not have luggage or bike-friendly fare gates.
- The Bay Fair BART parking lot is very auto-oriented and can be really unsafe and scary for bicyclists.
- The Ashby BART entrance is pretty hard to find and navigate through.
- There is a difference between bicyclists who park their bikes at the stations and bicyclists who bring their bikes on board, even though they don't need them at their destinations.
- The rule that prohibits people from having bikes in the first car should be revisited. Perhaps bikes should just be prohibited from the middle car, which is often the most used, especially by people with disabilities.
- Are tandem bikes allowed on BART?

## **7. Board Actions/Staff Reports**

### **A. Countywide Transportation Plan and Transportation Expenditure Plan Update**

Beth Walukas updated the committee on the regional and countywide efforts to create a Countywide Transportation Plan and Transportation Expenditure Plan. The Metropolitan Transportation Commission and the Association of Bay Area Governments are working on a Sustainable Communities Strategy that will tie land use planning and transportation investment for the first time. They are currently working on detailed scenarios and are evaluating different options now. Alameda CTC is working on the Countywide Transportation Plan and developing a Transportation Expenditure Plan, and staff has just analyzed four transportation investment packages and compared them to a base line investment package. That report is available online. Staff will take it to the Steering Committee on Thursday.

Using the outcomes from the evaluation results and other considerations, staff will develop a preliminary suite of projects and programs and a first draft of the Countywide Transportation Plan. Public workshops will be held in the fall, with the goal of getting the final list and a second draft of the Countywide Transportation Plan to the



Commission at its retreat on December 16, 2011. Alameda CTC plans to adopt the final plans in May 2012. The work that BPAC is doing on the Countywide Bicycle and Pedestrian Plans will be incorporated in those plans.

Committee members and staff are working very hard to continue on with this performance-based evaluation process. The Countywide Transportation Plan and Countywide Bicycle and Pedestrian Plans Updates will be used to inform the development of the Transportation Expenditure Plan. A first draft of the Transportation Expenditure Plan will be developed for presentation to the Commission at its retreat after input from public outreach in the fall.

There are no August meetings on the CWTP-TEP Plans. CAWG will meet on 9/15, TAWG will meet on 9/8, and the Steering Committee will meet on 9/22.

#### **B. Other updates**

Rochelle updated the committee on the membership structure as it appears in the bylaws. There will be a total of 11 members appointed by the Mayor's Conference and the Supervisors, and Alameda CTC will make the one transit agency appointment. The five members currently appointed by the Supervisors will remain as BPAC representatives. The remaining three will be switched from their original appointees to the Mayor's Conference in September. The vacancies are in District 2 and District 5. Alameda CTC will update the application forms and do outreach for recruitment.

Rochelle also mentioned that more outreach is included in her scope of work for this fiscal year. This entails reaching out to the bicycle and pedestrian community, and Krystle will work with Rochelle to research and attend events in the county.

The committee suggested the following events:

- Advertising on the new Estuary Shuttle
- Alameda Art and Wine Festival
- Cinderella Ride
- Hayward Street Fair
- Oakland Marathon
- Regional Park District events
- Tour of California
- Wheels for Meals in Livermore
- Bike San Leandro
- Fremont Arts

#### **8. BPAC Member Reports**

Midori went to the San Leandro BPAC meeting, and she advised the Public Works Department staff that the City's bike lanes are not wide enough. Staff responded that other people had already advised Public Works of this, and the City has agreed to make the bike lanes wider.

**9. Meeting Adjourned**

The meeting adjourned at 7:50 p.m. The next meeting will be on September 8.

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## **Alameda CTC Bicycle and Pedestrian Advisory Committee Meeting Minutes Thursday, September 8, 2011, 5:30 p.m., 1333 Broadway, Suite 300, Oakland**

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Attendance Key (A = Absent, P = Present)

**Members:**

P Midori Tabata, Chair  
A Alex Chen  
A Lucy Gigli  
P Jeremy Johansen

P Preston Jordan  
A Glenn Kirby  
A Tom Van Demark  
P Ann Welsh

**Staff:**

P Beth Walukas, Deputy Director of Planning  
P Rochelle Wheeler, Bicycle and Pedestrian  
Coordinator

P Krystle Pasco, Acumen Building Enterprise,  
Inc.  
P Vida LePol, Acumen Building Enterprise, Inc.

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### **1. Welcome and Introductions**

Midori Tabata, BPAC Chair, called the meeting to order at 5:38 p.m. The meeting began with introductions and a review of the meeting outcomes.

**Guests Present:** Kiran Bawa, AC Transit; Robert Schneider, Ph.D., UC Berkeley Safe Transportation Research & Education Center; Matt Nichols, City of Berkeley

### **2. Public Comment**

There were no public comments.

### **3. Approval of July 26, 2011 Minutes**

*Approval of the July 26, 2011 minutes was postponed for the next meeting due to the lack of a quorum.*

### **4. Countywide Pedestrian and Bicycle Plan Updates: General Status Update**

Rochelle gave an update on the Countywide Pedestrian and Bicycle Plans. She mentioned that at the last meeting, the committee provided input on the recommended vision and priority networks. Since then, staff has evaluated the input and has given direction to the consultant team, which is now developing a chapter on the priority projects and programs. Staff has also updated the maps to reflect the final draft recommendations on the bicycle and pedestrian networks and is developing the draft implementation chapters, which will be brought to the November BPAC meeting. Alameda CTC will release the draft plans in March 2012 and adopt them in May with the Alameda County Countywide Transportation Plan and Transportation Expenditure Plan (CWTP-TEP).

## 5. Update on CDF Grant Projects: Sponsor Presentations

Rochelle gave an overview of the grants process and introduced Kiran Bawa from AC Transit to give an update on the Bike Racks for New Buses Project that AC Transit implemented.

Kiran reminded the committee members that the project was granted \$20,000 of Cycle 3 Measure B Bicycle/Pedestrian funds in 2007. The total project cost was \$43,000, which was supplemented by federal funds. The project entailed the purchase and installation of bicycle racks on the AC Transit fleet for local routes in Alameda County.

Kiran highlighted some of the delays in this project, including that AC Transit needed to introduce a bill allowing them to use three-position bike racks (before the bill, only two-position racks were allowed). The bill was signed into law in late 2009. Kiran also mentioned some difficulties with the new racks obstructing the headlights on their Van Hool buses, which required evaluating other buses in their fleet for these racks. She showed photos of the bicycle racks on buses, holding three bicycles.

A BPAC member asked the following question, and the presenter provided a response and additional information:

- *What is the plan for the racks, once the buses are taken out of service when they reach their 12-year service limit?* The specifications for new buses will include bicycle racks, so the older racks will not be needed. AC Transit will no longer purchase Van Hool buses, due to the new "Buy America" policy. In 2014, AC Transit plans to receive buses.
- There is no available data on the utilization of bicycle racks on buses; however, drivers have received positive feedback from users.
- AC Transit currently has 593 buses, which includes 24 paratransit and 12 fuel-cell buses. Every AC Transit bus has a bike rack, and about one-sixth of the buses are equipped with these three-position bike racks.
- When developing the specifications for the bike racks, the models' specifications were not developed for any particular bus. For future bus purchases, AC Transit plans to purchase buses with these bike-rack specifications in mind.
- Eventually, AC Transit will most likely install the three-position bike racks on all of its buses.
- AC Transit will follow up on whether the buses with the three-position bike racks are assigned to specific bus routes in Alameda County.

Rochelle introduced Matt Nichols, who gave a presentation on the Ashby BART/Ed Roberts Campus Pedestrian and Bicycle Access and Safety Project. Matt described the project and gave information on the location's pre-project history as well as the coalition created as a result of an effort to create a memorial for Ed Roberts, a disability rights advocate.

Matt stated that the Measure B grant was one of many grants that helped fund the project and was a part of an overall effort to raise funds for project implementation. The Ashby BART station area includes bike lanes on the street and rectangular, rapid-flashing beacons for pedestrians at Adeline. The grant project funding helped to fund the Adeline pedestrian

crossing, bicycle stair channels, an oversized elevator accessible from the street level, wayfinding signage, and a staircase and ramp from Tremont Street to the station. In addition, the building features a transit center for buses.

Members provided the following input:

- The rectangular, rapid flashing beacons are as effective as, if not more than, the in-pavement lights.

Members provided input on some of the projects listed in the Semi-annual Progress Reports also included in the packet:

- *What happened with the \$20,000 not spent from overall funding for the East Bay Bicycle Coalition's (EBBC) bike safety classes?* Staff said that the remaining funds were rolled over into the third year of programming, now underway.
- *Why were there only two attendees at the Spanish-language Day 1 class?* Staff stated that they would follow-up with the sponsor on this question, and also that the sponsor is seeking more native speakers to be trainers in different languages, and working more closely with non-English speaking communities.
- Another member gave positive feedback on the bike rodeos and the family cycling clinics, and the progress EBBC has made to address some of the previous BPAC concerns. She asked if EBBC needs guidance or help in setting realistic performance measure goals. Staff stated that they would follow-up with EBBC on this question.
- *Regarding the Alamo Canal project, why did the sponsor apply for additional funding (in the CWTP) even though BPAC (through the Alameda CTC) approved their previous request for full funding?* Staff stated that the project is listed as "committed" project in the CWTP, and is not seeking further funding.

## **6. Presentation on Shifting Auto Trips to Walking and Bicycling**

Rochelle introduced Bob Schneider, Ph.D., a recent graduate of UC Berkeley. She stated that BPAC requested he do a presentation on his dissertation on shifting auto trips to walking and biking. She also mentioned that the information could be applicable to the updates of the current bicycle and pedestrian plans.

Bob Schneider gave a presentation summarizing his dissertation called: "Understanding Sustainable Transportation Choices: Shifting Routine Automobile Travel to Walking and Bicycling." He described the outline as well as the context and background behind his dissertation. Bob focused his research on four major areas including how to measure pedestrian activity, understanding factors associated with biking and walking tours (trips that individuals make during the day), characteristics of shopping districts that encourage walking rather than driving, and a theory for the mode choice decision process.

Bob surveyed customers from 20 different Walgreens stores throughout the Bay Area. Overall, the mode shares showed that 21 percent of individuals use walking as their primary mode, 2 percent use bicycling, and almost 10 percent use transit. This information accounted for the total amount of walking that occurred during a complete tour; however, the mode split varied depending on the location of the shopping districts.

Bob further explained his theory of the routine mode choice decision-making process including the five influencing factors: awareness and availability, basic safety and security, convenience and cost, enjoyment, and habit. He then suggested some implications, both short and long term, for Alameda County. These included continuing programs like the Travel Choice Program and other individual marketing efforts, and considering pricing and parking supply, and land use changes to increase convenience.

Members provided these thoughts after the presentation:

- Crime and personal security are not adequately addressed in the countywide bicycle and pedestrian plans but are a real issue for individuals. Including information about crime in the plans, given the importance of personal safety from Bob's dissertation, could help address the issue by showing where improvements are most needed.
- Land use and population density, as mentioned in the dissertation, are key for increasing walking and bicycling, but are not addressed in the countywide bicycle and pedestrian plans. It would be useful to have maps reflecting population density in the plans, to emphasize this link.

## **7. Report on Countywide Annual Bicycle/Pedestrian Counts**

Rochelle introduced the Countywide Bicycle and Pedestrian Manual Counts Report. She stated these annual manual counts allow Alameda CTC to gather data on the long-term trends of biking and walking in the county. She also mentioned that the agency has been collecting this data since 2002 and has two methods of collecting data: 1) doing manual counts of bicycles and pedestrians that flow through certain intersections for a specific two-hour time period; and 2) collecting data 24 hours a day using automated counters placed throughout the county. Rochelle also mentioned that Alameda CTC is again collaborating with the Metropolitan Transportation Commission (MTC) to do bicycle and pedestrian counts throughout the county at 63 different locations this fall.

Rochelle introduced Jumana Nabti, from SwitchPoint Planning, who assembled the historical data and prepared the report for the agency. Jumana explained the purpose and methodology of the counts. The data was collected at different locations and during different time periods by different agencies. The overall trends of the data include some temporary drops (possibly due to the weather, economy and/or differing time periods or seasons), although the overall trend was upward.

The report concludes with recommendations to improve data collection in the future with regard to standardizing site locations and time periods (hours of the day, days of the week, etc.), seasons, the availability of the meta data (or contextual data) and gender information. In the future, using adjustment factors will be helpful to compare information that is currently incomparable.

Members provided this input:

- Knowing the proportions of counts to the cities' populations would give more representative information. Jumana said the number of intersections currently counted is proportional to the planning area population.
- Is there a way to use newer technologies to make it more effective and efficient to count bicycles and pedestrians than a manual count? Bob Schneider stated that movable camera technology is currently being developed that will probably become available for purchase in a couple of years. The technology has the ability to automatically differentiate and count pedestrian and bicyclists in an intersection. Preston Jordan stated that a new traffic signal in Albany (at Jackson and Buchanan) can detect and count pedestrians, bicycles and cars with image processing software.
- Are these numbers absolute, or are they proportionate to the increase in population for these areas? Change in population over time should be accounted for in the report.
- Information such as helmet use by gender may be useful for insight and future planning purposes.
- The "school period" is disappointing because it does not actually reflect kids coming from school. A name change for this time period may be appropriate. Staff also stated that future "school period" counts will include more school locations.

## **8. Board Actions/Staff Reports**

### **A. Countywide Transportation Plan and Transportation Expenditure Plan Update**

Beth gave an update on the Countywide Transportation Plan and Transportation Expenditure Plan. She asked to present to the committee in October the first draft of the plan. She stated that the Community Advisory Working Group and Technical Advisory Working Group are reviewing the first draft this month. Alameda CTC will also perform public outreach throughout the county in October. She stated that on the regional level, a lot of activity is also happening with the release of the Association of Bay Area Government's three constrained land-use scenarios. MTC will use that data to evaluate scenarios against the transportation options. Alameda County is in good shape as it is also updating its countywide bicycle and pedestrian plans along with the CWTP-TEP.

Beth also mentioned that Supervisor Carson will host a Sustainable Communities Strategies Summit on October 12.

Rochelle mentioned that the next transportation forum for the Alameda CTC is the North County Transportation Forum on October 20. She also stated that Krystle will attend her first bicycle and pedestrian outreach event tomorrow at UC Berkeley's Bike to Campus Day.

## **9. BPAC Member Reports**

Preston reported on the Jackson/Buchanan Streets intersection in Albany which was recently improved. He was invited to review the design and provide input on the balance between cycling and walking at that intersection, which he did, but unfortunately the traffic



signal pole was placed in the middle of the sidewalk. He wondered if advocacy groups ever hire engineers to do plan review to catch issues like this.

Preston also reported that the Albany City Council approved the draft Active Transportation Plan.

#### **10. Meeting Adjournment**

The meeting adjourned at 8:25 p.m. The next meeting will be on October 13.



## **Alameda CTC Bicycle and Pedestrian Advisory Committee Meeting Minutes Thursday, October 13, 2011, 5:30 p.m., 1333 Broadway, Suite 300, Oakland**

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Attendance Key (A = Absent, P = Present)

**Members:**

P Midori Tabata, Chair  
P Alex Chen  
P Lucy Gigli  
P Jeremy Johansen

P Preston Jordan  
A Glenn Kirby  
P Tom Van Demark  
P Ann Welsh

**Staff:**

P Beth Walukas, Deputy Director of Planning  
P Tess Lengyel, Deputy Director of Policy, Public  
Affairs and Legislation  
P Vivek Bhat, Senior Transportation Engineer

P Rochelle Wheeler, Bicycle and Pedestrian  
Coordinator  
P Vida LePol, Acumen Building Enterprise, Inc.

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### **1. Welcome and Introductions**

Midori Tabata, BPAC Chair, called the meeting to order at 5:38 p.m. The meeting began with introductions and a review of the meeting outcomes.

**Guests Present:** John Ackley, community member; Alicia Bucher, community member; Jim Haussener, Citizens Watchdog Committee member, (CWC); Paul Keener, Alameda County Public Works Agency; Mike Tassano, City of Pleasanton; Jim Townsend, East Bay Regional Park District

### **2. Public Comment**

There were no public comments.

### **3. Approval of July 26, 2011 and September 8, 2011 Minutes**

*Preston Jordan moved to approve the July 26 minutes as they appeared in the meeting packet and the September 8, 2011 minutes with the following change: Add on page 6, "... the Albany City Council approved the Draft Active Transportation Plan for environmental review." Lucy Gigli seconded the motion. The motion carried unanimously (7-0).*

### **4. Input on Alameda County Draft Bicycle and Pedestrian Master Plan for Unincorporated Areas**

Paul Keener of Alameda County Public Works Agency (ACPWA) gave a presentation on the Alameda County Draft Bicycle and Pedestrian Master Plan for Unincorporated Areas. He stated that the plan includes chapters on Goals and Policies, Bicycle Network, Pedestrian Network, Safety and Education, and Implementation. The plan identifies projects that will contribute to a more bicycle- and pedestrian-friendly environment for the unincorporated areas. He stated that the unincorporated areas of Alameda County represent very diverse

environments, ranging from the populated communities of West County between the San Francisco Bay and East Bay Hills to the rural communities of East County. He said the opportunities to bicycle and walk in the unincorporated areas differ as much as the landscape.

The public release of the draft plan is tentatively scheduled for mid-October. The County will post it on their website.

The BPAC first took public comment on this item, and received the following input:

- John Ackley, Citizens Watchdog Committee (CWC) member, stated that a friend of his was killed on Fairmont Drive while bicycling this year. The road is wide and lacks bicycle lanes. He said it is exciting to see that the draft plan includes proposed bicycle lanes on this road leading from San Leandro to Castro Valley.
- Jim Haussener, CWC member, discussed the elimination of a pedestrian crossing in Castro Valley near the BART station, as a result of a County/ACTIA project. He requested that ACPWA and the Alameda CTC incorporate pedestrians in project design, instead of pedestrians being an afterthought; that pedestrian access be maintained, even during construction periods; and that any loss of pedestrian crossings should be clearly identified in a project's Environmental Impact Report.

Questions/input from the BPAC members:

- Members discussed design guidelines for bicycle facilities and wanted to know if the draft plan includes guidelines. Mr. Keener stated that there are bicycle classifications in terms of bicycle routes, bicycle lanes, and other facilities.
- A member wanted to know if there is a planned Class 2 Bicycle Lane connector from Dublin Canyon Road to the West Dublin BART Station. City of Pleasanton staff stated that this is planned, but funding is not available to build that route yet. Mr. Keener concurred and stated that the plan map will be changed to reflect that there is a proposed connector.
- A member asked if there is anything in this document that references the Complete Streets Act that the state of California passed. Mr. Keener said yes.
- A member asked if there is any coordination on bikeways with the surrounding counties. Mr. Keener said that, as part of the outreach process, all jurisdictions neighboring the unincorporated areas will receive a copy of the draft plan and will have the opportunity to comment on the plan. He also said ACPWA looked at other plans that connect to the unincorporated areas of Alameda County.
- A member asked about the Class IIIB ("wide curb lane/shoulder") designation, and whether all the roads shown with this classification have wide shoulders, or will have wide shoulders. Mr. Keener stated that in East County there is demand for pedestrian access on roadways for joggers and walkers, and that they share the road with bicycles. ACPWA is proposing to widen the shoulders in these areas. This is a costly proposition, but he believes there is demand for it. Mr. Keener said he is doing outreach in the coming months to determine the level of support.
- A member stated that in looking at map #2 (Central County), there are many proposed bikeways. Is there a prioritization policy in place? Mr. Keener stated that in

the draft plan appendices, the criteria and how the points were distributed are shown. Another section that lists the projects and the streets also shows whether the project is high, medium or low priority.

Paul said the BPAC members could mark-up their maps and give them to him, or email him their comments by December 16, 2011. He said that on October 17, ACPWA will post the upcoming public meeting dates online.

## **5. Feedback on Complete Streets Checklist**

Rochelle Wheeler introduced the Complete Streets checklist item, and Vivek Bhat provided further background information. Ms. Wheeler stated that one of the roles of the BPAC is to review the Metropolitan Transportation Commission (MTC) Complete Streets checklists for Alameda County projects that receive funding through MTC. She said each time a funding cycle occurs, projects are required to complete and submit a checklist, as well as post it online. The BPACs around the regions are requested to review these project checklists.

The most recent funding cycle is the 2012 State Transportation Improvement Program (STIP). The Alameda CTC is recommending that in Alameda County, 13 projects receive \$29.5 million. These projects are listed in the agenda packet attachment. Ms. Wheeler asked members to provide comment in the meeting and to email their written comments to her by 5 p.m. on October 17, 2011.

Questions/feedback from the members:

- A member wants to know how to find more detailed descriptions of these projects. Staff stated that further information can be emailed to BPAC members, upon request, and also that, in the future, they can request project sponsors to include a link to more information about the project in their checklist form.
- How do the responses to the checklist impact funding? Why are they not a criteria for funding? Staff stated that, right now, the content of the checklist does not impact MTC funding decisions. However, by filling out the checklist, project sponsor awareness of complete streets is raised. Also, getting the word out to BPACs means that more eyes are on the project, which can improve the project design. Staff stated that they will invite MTC staff to come to a future BPAC meeting to answer questions about the use and impact of the checklists.

## **6. Update on CDF Grant Projects: Sponsor Presentations**

### **A. City of Pleasanton Pedestrian and Bicycle Plan**

Mike Tassano, the City Traffic Engineer for the City of Pleasanton, gave a presentation on the City of Pleasanton's Pedestrian and Bicycle Plan, completed in 2010 with Measure B Bicycle and Pedestrian Countywide Discretionary Fund monies. He gave a brief description of why the City felt a plan was important, what they could have done better in the plan, and how they will implement it in the near future. The Pedestrian and Bicycle Master Plan provides a guide for future improvements and includes prioritized lists of projects, and design guidelines. The completed master plan is assisting Pleasanton in competing for grant funding for future pedestrian and bicycle improvements. The top three City capital priorities

from the plan are the Iron Horse Trail, Foothill Boulevard and pedestrian improvements at Stoneridge Mall.

Questions/feedback from the members:

- A member asked about the bicycle and pedestrian connections from Pleasanton to West Dublin/Pleasanton BART station. Mr. Tassano stated that the connector is not yet on the map, because it's a new improvement being developed. They intend to create bicycle access through the Stoneridge mall to BART and add a new overcrossing, once funding is secured.
- Members expressed concerns about the lack of bicycle and pedestrian access to the West Dublin/Pleasanton BART Station. Mr. Tassano stated that BART built the station without putting in a crosswalk on the Pleasanton side, and that the City is working on adding one to access the station, and also making other bicycle access improvements.
- Members stated that the design guidelines should show the parking lane width and bicycle lane width, and pointed out an error on page 8-9 for the bike lane description. Mike stated that he will flag that and have it corrected.
- Members asked that the definition of a bicycle route be included, and if the City's plan specifies the pedestrian sidewalk width requirements. Mr. Tassano said yes, they have recommendations in the appendix on the sidewalk width; it is a 5-foot minimum.
- A member asked for web links to all of the local master plans in Alameda County. Staff stated that Alameda CTC has this on its website, and that staff updates the list approximately every six months. Staff will send the link to all members. Alameda CTC also has a list of all the BPACs in the county and a link to all of the bike/ped coordinators in the county.
- One member asked for links to all pedestrian and bicycle maps in the county, too. Staff stated that they would create this list.

#### **B. East Bay Regional Parks District: Iron Horse Trail Feasibility Study**

Jim Townsend of the East Bay Regional Park District (EBRPD) gave a presentation on the Iron Horse Trail Feasibility Study project. The project received \$25,000 in Measure B grant funds to use towards a feasibility study to complete the Iron Horse Trail from the Dublin BART Station to the existing trail at Santa Rita Road, which was constructed with previous funding from the Alameda CTC about four or five years ago. The Study was completed in January 2011 and adopted by the City of Pleasanton in February 2011. The Park District subsequently secured \$2.5 million to construct the project in TIGER II funds, and with \$1.5 million in EBRPD Bond measure funds, will be able to construct the project in the next few years.

Questions/input from the members:

- One BPAC member asked about the access through the BART station and how the issue was resolved. Mr. Townsend explained that EBRPD was unable to reach an agreement with BART to allow bicycle access through the station, and therefore the construction project will begin at the City property. He said that EBRPD will continue to work with BART to resolve this issue.

## **7. Input on Draft Countywide Transportation Plan and Transportation Expenditure Plan**

Ms. Walukas gave a presentation on the Countywide Transportation Plan (CWTP) and Transportation Expenditure Plan (TEP) and also described the regional planning activities, and how the Countywide Bicycle and Pedestrian Plan updates fit in to that process. The Countywide Bicycle and Pedestrian Plans are a subset of the CWTP. The CWTP-TEP Steering Committee released its administrative draft of the CWTP in September and approved the TEP parameters. Discussions about the TEP will begin in October. Alameda CTC is preparing for the next round of outreach to the community advisory groups and the public, which will be focused on the TEP.

Questions/input from the members and staff responses:

- Are all three plans available now in a draft form? Staff stated that the administrative CWTP is online, and hardcopies were mailed out to BPAC members. The Alameda CTC plans to release the draft Countywide Bicycle and Pedestrian Plans in March 2012. Alameda CTC plans to release the draft TEP in November 2011.
- Will the outreach meetings in October and November be similar to the Spring meetings? Staff replied that they will be much more detailed and focused on the TEP.
- What amount of the \$6.8 billion of county funding is from the transportation sales tax? Staff stated that the \$6.8 billion includes federal and state funds, Vehicle Registration Fee (VRF) funds, as well as the transportation half-cent sales tax, assuming an extension of the half cent tax from 2023 to 2040. The local sales tax is about two-thirds of the \$6.8 billion. If the tax is augmented, we will have to go back and amend the CWTP. This is why it is important to include the vision capital projects and all categories of programs - so that we can know how to allocate new funds.
- What is the CWTP timeframe? How much is allocated for the bicycle and pedestrian program? Staff stated that we have \$6.8 billion of discretionary funds from 2013 to 2040, which includes the Measure B sales tax funding. \$475 million is included for the Bicycle and Pedestrian Program under the "program" category. In addition, some capital projects are listed, including the completion of the major trails, and some bike/ped bridges, which have additional funding.
- A member said he is not clear on what aspects are being approved or established in May. Staff stated that the CWTP recommends a certain amount of capital projects for funding, including the bike/ped trails and some bridges. In addition to that, it recommends the \$475 million for funding the Countywide Bicycle and Pedestrian Plans, which will be spent according to how those plans prioritize projects and programs, and measure programs.

- A member asked what is the current percentage of funding in Measure B for bike/ped, and what is being proposed for the TEP? Staff stated the current percentage is 5% of the Measure B. The current TEP proposal is 7 percent, but that could change. Also, these percentages do not include other capital project and programmatic funds that are dedicated to bike/ped, or are flexible and could be used for bike/ped projects and programs.
- Does Alameda County have a gas tax? Staff stated that the state and federal governments collect a gas tax, but not the county. The state has given MTC the authorization to go to voters and ask for a regional gas tax. Alameda County does not have that authority, but we do have the vehicle registration fee.
- What percentage of the CWTP funding is for new roadways and for maintenance of roadways? Staff stated that we have not developed those percentages for the CWTP, but a lot of the programmatic funds in the CWTP will go to maintenance and operations. When considering highway projects, Alameda CTC is not building new highways - we are making sure that the highways are efficient. We are making interchange improvements, providing better access, adding high-occupancy vehicle lanes. We are improving what we have, providing connections, and closing gaps.
- A member stated that the agency should make it clear how the current workshops are different from previous ones. Staff stated that the previous toolkits brought to BPAC in the Spring were about transportation needs around the county. The focus now is the priority for the TEP, a 30-year plan, which is different than the CWTP, which is updated every four years.
- A member asked about the date the TEP would be on the ballot. Staff stated that we are looking at putting the TEP on the ballot for November 6, 2012. The governor has signed legislation allowing an increased level of sales tax in the county for 2012 only, which will give us one shot for this to pass.

Staff reviewed the dates for the upcoming public workshops. The workshops are for people to tell us about their transportation priorities. Staff handed out and described the Toolkit, which allows BPAC members to facilitate a group of people to fill out the form and say what type of transportation they use and their priorities. Staff requested that BPAC members take this Toolkit to groups in which they participate and return the forms by November 2, 2011. A questionnaire is also available online for people to complete. Staff acknowledged that this is a quick process for gathering input. The input will be used to draft the TEP.

Staff requested written comments on the CWTP within two weeks, by October 21, 2011.

## **8. Input on Bicycle and Pedestrian Implementing Guidelines**

Ms. Lengyel stated that Alameda CTC is in the process of developing a new Master Programs Funding Agreement (MPFA) with every agency or jurisdiction that receives Measure B or Vehicle Registration Fee funds. The new Implementation Guidelines will guide how agencies/jurisdictions can use those funds, and are designed to be more easily updated and refined than the MPFA's. She explained that Alameda CTC has developed policies that will be in the MPFA regarding capital funds reserves, operating fund reserves, and an undesignated reserve for projects that may come up in a particular year.

Ms. Lengyel said staff is bringing the draft agreements and implementation guidelines to the Commission for review in October 2011, with the aim of receiving final approval of the MPFA and Implementation Guidelines for each fund program in December and fully executing the MPFAs by February/March 2012.

Questions/input from the members and staff responses:

- For the requirement to spend funds within three years, when does the timeline start and is it for all dollars or specific projects? Staff stated it would be tracked by the project, and that the timeline starts once that project is identified.
- What is the history of the City of Oakland's pass-through funding expenditures? Staff said that the Citizens Watchdog Committee (CWC) asked Oakland (and Fremont) to explain why their fund reserves were as large as the amount of funds they collect each year, especially given the huge needs in each city. Oakland came to the meeting and listed the projects they have planned and that they will spend down those pass-through funds in a few years. The new reserves fund policy will allow easier tracking of planned projects as the local agencies will be required to submit a list of projects on which to spend the funds and commit to a timeline.
- When is prior approval of pass-through funding required? Staff stated that this is required for all bike/ped pass-through funds.
- A member was struck by how much pass-through funding goes towards pedestrian projects and asked what the percentage is. Staff stated that about 60% of the funds go to pedestrian-only projects, and another 20% typically is for multi-use pathway projects which benefit both bicyclists and pedestrians.
- A member again noted his request to identify how cities in Alameda County are paying for sidewalk repairs, and what amounts property owners much pay. This would be useful information for the cities to see.

Staff requested written comments on the Implementation Guidelines within two weeks, by October 21, 2011.

#### **9. Update on Countywide Pedestrian and Bicycle Plan Updates**

Ms. Wheeler stated that plans update consultant is drafting the Implementation Chapters, which will be the next chapters of the countywide bicycle and pedestrian plans. They will provide the total cost to implement priority projects in the plans, identify revenue sources available for the next 28 years, and will identify the needed steps for implementing the plans over the next four years. Members will receive these draft chapters at their next meeting. Alameda CTC anticipates releasing the draft plan in March 2012.



**10. Board Actions/Staff Reports****A. Summary Report of Local Pass-through (75%) Bike/Ped Expenditures for Fiscal Year 2009-2010**

Ms. Wheeler said that BPAC members could review this summary, the Item 10A handout.

She also mentioned the following upcoming outreach opportunities:

- Alameda CTC is hosting the North County Transportation Forum at the Alameda CTC offices on October 20. She urged all members to attend.
- She and Krystle Pasco will attend PedalFest at Jack London Square on October 22, and all BPAC members are invited to attend this outreach event. Volunteers are welcome to perform outreach about the bicycle and pedestrian program at the table for half an hour, or more. She requested that those interested send Ms. Pasco an email about when they would like to participate.

**11. BPAC Member Reports**

No BPAC members gave reports at this time.

**12. Meeting Adjournment**

The meeting adjourned at 8:33 p.m. The next meeting will be in November 2011. Staff has not determined the date yet.

**Alameda County Transportation Commission**  
**Bicycle and Pedestrian Advisory Committee**  
**Roster and Attendance Fiscal Year 2011/2012**

	Suffix	Last Name	First Name	City	Appointed By	Term Began	Re-apptmt.	Term Expires	Mtgs Missed Since Jul '11*
1	Ms.	Tabata, Chair	Midori	Oakland	Alameda County Mayors' Conference, D-4	Jul-06	Oct-11	Oct-13	0
2	Ms.	Welsh, Vice-Chair	Ann	Pleasanton	Alameda County Mayors' Conference, D-1	Oct-09	Oct-11	Oct-13	0
3	Mr.	Chen	Alexander	Fremont	Supervisor Scott Haggerty, District 1	Oct-09		Oct-11	3
4	Ms.	Gigli	Lucy	Alameda	Supervisor Wilma Chan, District 3	Jan-07	Jan-09	Jan-11	1
5	Mr.	Johansen	Jeremy	San Leandro	Alameda County Mayors' Conference, D-3	Sep-10	Oct-11	Oct-13	0
6	Mr.	Jordan	Preston	Albany	Supervisor Keith Carson, District 5	Oct-08	Sep-10	Sep-12	0
7	Mr.	Kirby	Glenn	Hayward	Supervisor Nadia Lockyer, District 2	Oct-03	Jan-10	Jan-12	3
8	Mr.	Van Demark	Tom	Oakland	Supervisor Nate Miley, District 4	Oct-04	Jan-09	Jan-11	3
9		Vacancy			Alameda County Mayors' Conference, D-2				
10		Vacancy			Alameda County Mayors' Conference, D-5				
11		Vacancy			Transit Agency				

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**Alameda County Transportation Commission**  
**Citizen Advisory Committee**  
**Roster and Attendance**  
**Fiscal Year 2010/2011**

	Title	Last Name	First Name	City	Appointed By	Term Began	Re-apptmt.	Term Expires	Mtgs Missed Since July '11*
1	Ms.	Dorsey, Chair	Cynthia	Oakland	Supervisor Keith Carson, D-5	Feb-02	Mar-09	Mar-11	0
2	Mr.	Ferrier, Vice-Chair	Barry	Union City	Mayor Mark Green, Union City	Jan-04	Jan-10	Jan-12	0
3	Ms.	Brown	Meredith	Oakland	Supervisor Nate Miley, D-4	Apr-07	Apr-09	Apr-11	2
4	Mr.	Castro	Norbert	San Leandro	Councilmember Joyce Starosciak, San Leandro	Dec-07	Feb-10	Feb-12	2
5	Ms.	Chinn	Val	Hayward	Mayor Marshall Kamena, Livermore	Dec-99	Feb-10	Feb-12	0
6	Mr.	Collier	Joseph	San Leandro	Councilmember Joyce Starosciak, San Leandro	Dec-09		Dec-11	0
7	Ms.	Hilliard	Frances	Oakland	Supervisor Wilma Chan, D-3	Jun-02	Feb-10	Feb-12	0
8	Mr.	Hilson	Joseph	Hayward	Mayor Marshall Kamena, Livermore	Dec-06	Feb-11	Feb-13	2
9	Mr.	Hottle	Brad	Pleasanton	Mayor Jennifer Hosterman, Pleasanton	Oct-10		Oct-12	2
10	Mr.	Jefferson	Alton	San Leandro	Supervisor Wilma Chan, D-3	Sep-08	Sep-10	Sep-12	1
11	Dr.	Jindal	Roop	Hayward	Supervisor Scott Haggerty, D-1	Oct-03	Mar-10	Mar-12	0
12	Mr.	Kastriotis	Dimitris	Sunol	Supervisor Nadia Lockyer, D-2	Dec-07	Jan-10	Jan-12	2
13	Ms.	LePell	Audrey	Hayward	Supervisor Nadia Lockyer, D-2	May-04	Mar-11	Mar-13	0
14	Ms.	Lorenzana-Campo	Pilar	Oakland	Councilmember Rebecca Kaplan	May-10		May-12	2
15	Mr.	Mann	Harpal	Union City	Supervisor Nadia Lockyer, D-2	Mar-11		Mar-13	0
16	Mr.	Repar	John	Union City	Mayor Mark Green, Union City	Mar-11		Mar-13	0
17	Mr.	Sebastian	Nicholas	Emeryville	Vice Mayor Rob Bonta, Alameda	Sep-07	Sep-09	Sep-11	2
18	Ms.	Stocking	Gerarda	Livermore	Supervisor Scott Haggerty, D-1	Oct-03	Mar-10	Mar-12	2
19	Ms.	Walker	Brenda	Oakland	Supervisor Nate Miley, D-4	Oct-09		Oct-11	2

**Alameda County Transportation Commission**  
**Citizen Advisory Committee**  
**Roster and Attendance**  
**Fiscal Year 2010/2011**

	Title	Last Name	First Name	City	Appointed By	Term Began	Re-apptmt.	Term Expires	Mtgs Missed Since July '11*
20	Mr.	Washington	Ronald	Berkeley	Supervisor Keith Carson, D-5	Feb-02	Mar-09	Mar-11	2
21	Mr.	White	Darren	San Leandro	Councilmember Joyce Starosciak, San Leandro	Sep-08	Sep-10	Sep-12	2
22		Vacancy			Vice Mayor Rob Bonta, Alameda				
23		Vacancy			Mayor Mark Green, Union City				
24		Vacancy			Vice Mayor Rob Bonta, Alameda				
25		Vacancy			Mayor Jennifer Hosterman, Pleasanton				
26		Vacancy			Mayor Jennifer Hosterman, Pleasanton				
27		Vacancy			Mayor Marshall Kamena, Livermore				
28		Vacancy			Councilmember Rebecca Kaplan				
29		Vacancy			Councilmember Rebecca Kaplan				
30		Vacancy			Supervisor Keith Carson, D-5				
31		Vacancy			Supervisor Wilma Chan, D-3				
32		Vacancy			Supervisor Scott Haggerty, D-1				
33		Vacancy			Supervisor Nate Miley, D-4				
	The number of CAC members is changing from 33 to 22 members. This roster will reflect the new structure once all appointments are received an approved by the Alameda CTC.								



**Alameda CTC Citizens Watchdog Committee Meeting Minutes**  
**Monday, July 11, 2011, 5:30 p.m., 1333 Broadway, Suite 300, Oakland**

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Attendance Key (A = Absent, P = Present)

**Members:**

<u>  P  </u> James Paxson, Chair	<u>  P  </u> Mike Dubinsky	<u>  P  </u> Harriette Saunders
<u>  P  </u> Jo Ann Lew, Vice Chair	<u>  A  </u> Arthur Geen	<u>  P  </u> Hale Zukas
<u>  A  </u> Pamela Belchamber	<u>  P  </u> James Haussener	
<u>  P  </u> Roger Chavarin	<u>  A  </u> Erik Jensen	

**Staff:**

<u>  P  </u> Arthur L. Dao, Executive Director	<u>  P  </u> Patricia Reavey, Director of Finance
<u>  P  </u> Tess Lengyel, Deputy Director of Policy Public Affairs and Legislation	<u>  P  </u> Angie Ayers, Acumen Building Enterprise, Inc.

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**Public Hearing**

**1. Welcome and Call to Order**

James Paxson, CWC Chair, called to order the public hearing of the CWC meeting at 6:30 p.m.

**2. Report from Chair/Review of Draft CWC Annual Report**

Since no public were present, Chair Paxson inquired if the CWC members would like to speak as the public. None of the members provided comments as the public. Therefore, he did not give a report, and he closed the public hearing. James stated that the CWC would reopen the public hearing if members of the public arrived.

**3. Public Comment**

There were no public comments.

**4. Close Public Hearing on CWC Annual Report**

Chair Paxson closed the public hearing at 6:45 p.m.

**Regular Meeting**

**5. Welcome and Introductions**

Chair Paxson called the meeting to order at 6:35 p.m. The meeting began with introductions, and James listed the desired meeting outcomes.

**6. Approval of June 13, 2011 Minutes**

Committee members and staff discussed the members' feedback on the June 13 minutes (the first bullet under item 5A). The committee agreed that comments were missing from the statement and requested that Angie Ayers listen to the recording and review the notes from the last meeting and correct the minutes and/or the CWC Annual Report.

*Harriette Saunders moved to have staff review the recording and notes from the June 13, 2011 CWC meeting to obtain the members' language and to update the minutes and the draft CWC Annual Report (the first sentence of the second paragraph on page 5). Jo Ann Lew seconded the motion. The motion carried unanimously.*

Note that the CWC Annual Report correctly showed the update in the July 11, 2011 agenda packet, and the CWC members planned to approve the June 13, 2011 minutes at the next CWC meeting.

**7. Approval of Final CWC Annual Report, Publication Methods, Costs, and Press Release**

*Publication methods and costs:*

Tess explained the publications costs handout and informed the committee that the report also includes the number of page views and click-throughs from the *CWC 9th Annual Report* online advertisement, as requested by the committee. Tess stated that the CWC can consider the online costs versus the amount of click-throughs and determine if members want to discontinue the online advertisement, especially for the Bay Area News Group. Tess mentioned that the report shows where the CWC Annual Report was printed historically.

She stated that staff suggests that the CWC consider taking the following actions:

- Create the full report and mail it to the community advisory committee members, CWC organizations, and libraries in Alameda County.
- Create a banner ad to display on various online sites.
- Create a 10.5 x 14 advertisement to display in Alameda County newspapers.
- Create an electronic report like the electronic newsletter and distribute it via e-mail to the people in Alameda CTC's Constant Contact database.

Tess stated that the people who receive notification of the *CWC 9th Annual Report* electronically will have the ability to click on the full report at any time. She stated that creating the electronic version will allow Alameda CTC to track the number of people who received the report, who forwarded the report to others, or who did not look at the report at all. Alameda CTC will also be able to check the total visits to the website, the number of unique visitors' page views and click-throughs. Tess mentioned that staff will not generate a one-page flyer since they will create an electronic version of the report.

Tess explained that Alameda CTC will perform additional outreach in the fall for the Countywide Transportation Plan (CWTP) and the Transportation Expenditure (TEP). The CWC members agreed that it is important to get the CWC Annual Report out as widely and as broadly as possible to the public so the people are aware of what is going on in

Alameda County. The committee discussed the following suggestions for report distribution and community awareness:

- Consider placing posters on BART and AC Transit lines, and at libraries in Alameda County.
- Consider expanding the outreach to the social media such as YouTube. Alameda CTC is looking into social media now.
- Provide statistics on the number of people who accessed the electronic flyer.
- Extend the CWC annual report outreach effort to match the effort for the CWTP-TEP.
- Translate the 10.5 x 14 English advertisement into Spanish and Chinese to reach the Asian and Latino communities. Send the translated advertisements to the Alameda County Community Health Clinic Consortium, La Clinica, and the Asian Health network to help reach the communities.
- Remarket the report multiple times over the year to continue to reach the public.

*James Haussener moved to have the CWC advertisement translated into Spanish and Chinese. Roger Chavarin seconded the motion. The motion carried with two abstentions (5-2).*

*Annual Report and press release:*

The CWC members reviewed and discussed both the annual report and the press release and requested changes, including a quote from the chair for the press release. The members wanted Alameda CTC staff to ensure that the numbers are accurate and the subjects/verbs are in agreement.

*James Haussener moved to approve the press release with the changes specified. Roger Chavarin seconded the motion. The motion carried unanimously (7-0).*

*James Haussener moved that the JoAnn Lew, James Paxson, and Harriette Saunders review and finalize the Annual Report. Roger Chavarin seconded the motion. The motion carried unanimously (7-0).*

**8. CWC Subcommittee Report and Discussion on Establishing the Next Meeting in September**

James Paxson said that the CWC Subcommittee has had very productive discussions on the compliance reports. The subcommittee placed strong emphasis on having numbers tie together and create ways to get good information from the jurisdictions. Staff will schedule a meeting in September with the subcommittee to have a policy-level discussion on the Master Funding Agreements. Tess invited the chair and vice chair to the Compliance Workshop in September.



**9. Approval of CWC Fiscal Year 2011-2012 Calendar**

The CWC requested changing the April 2011 date to April 2012 on the calendar.

*James Haussener made a motion to approve the CWC Calendar with the requested change. Roger Chavarin seconded the motion. The motion carried unanimously (7-0).*

**10. Approval of CWC Watch List for Fiscal Year 2011-2012**

CWC members reviewed the current "Watch List" for both projects and programs. The members selected the projects and programs they want to watch during fiscal year 2011-2012. Staff will notify the project sponsors that CWC members are watching their projects and programs.

**11. CWC Member Reports/Issues Identification**

James Haussener inquired if the CWC will review the unspent balances from the jurisdictions. Tess explained that Alameda CTC is asking for more details from the jurisdictions on the modified compliance forms, which CWC members will receive early 2012. Tess stated that for every jurisdiction that has reserves, Alameda CTC has asked why, and the jurisdictions have provided an explanation. Jim agreed to see what Alameda CTC has on hand with explanations from the jurisdictions. Staff will bring the information back to the committee in November. Staff informed the committee that the modified compliance forms do not need the Commission's approval.

Harriette invited the CWC members to the 8th Annual Senior and Disabled Mobility Workshop at the Ed Roberts Campus on July 12.

**12. Staff Reports/Board Actions****A. ACTIA's Third Quarter Budget and Statement of Revenues and Expenditures**

Patricia Reavey provided an overview of ACTIA's third quarter budget and statement of revenues and expenditures. The budget was approved at the Alameda CTC May Board meeting. The key change to the budget at that time was moving \$300,000 of budget funds from the General Fund to the Alameda CTC Fund.

The sales tax revenues increased by \$12 million, totaling the net sales tax revenues at \$102 million, instead of the original projection of \$90 million. As of March 31, 2011, the ACTIA fund balance was \$292 million. The expenditures were \$931 million. Alameda CTC was in compliance with the 4.5 percent cap on administrative costs and the 1 percent cap on administrative staff costs for ACTIA.

**B. Proposed Consolidated Alameda CTC Budget for Fiscal year 2011-2012 Update**

Patricia Reavey reviewed and led the discussion of the ACTIA budget on page 47 in the agenda packet. She informed the committee that all items are transparent in the budget.

**C. Countywide Transportation Plan and Transportation Expenditure Plan Update**

Tess updated the committee on the CWTP-TEP effort as of July 11, 2011. Staff completed the technical analysis to evaluate projects and programs for inclusion in the Draft Countywide Transportation Plan (CWTP), which Alameda CTC has scheduled to distribute in September 2011. Projects and programs from the CWTP will also be included in the Transportation Expenditure Plan. Preliminary discussions on the Transportation Expenditure Plan parameters are taking place in the CWTP-TEP committee meetings. Committee members will make recommendations on whether the Alameda CTC will augment or extend the sales tax measure, the duration of the measure, and whether or not it will have a sunset.

**D. General Items**

Tess informed the committee that the Board Action Items are on page 69 of the agenda packet for review.

Tess reiterated that the Annual Mobility Workshop is on July 12 in Berkeley and the South County Transportation Forum is on Thursday, July 21 in Union City.

**13. Adjournment/Next Meeting**

The meeting adjourned at 9:10 p.m. The next meeting is November 14, 2011 at the Alameda CTC offices.

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**Alameda CTC Citizens Watchdog Committee Meeting Minutes**  
**Monday, December 1, 2011, 6:00 p.m., 1333 Broadway, Suite 220, Oakland**

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Attendance Key (A = Absent, P = Present)

Members:

<u>P</u> James Paxson, Chair	<u>P</u> Roger Chavarin	<u>A</u> Jo Ann Lew
<u>P</u> Harriette Saunders, Vice Chair	<u>P</u> Mike Dubinsky	<u>P</u> Hale Zukas
<u>A</u> Pamela Belchamber	<u>A</u> Arthur Geen	
<u>P</u> Petra Brady	<u>P</u> James Haussener	
	<u>A</u> Erik Jensen	

Staff:

<u>P</u> Arthur L. Dao, Executive Director	<u>P</u> Patricia Reavey, Director of Finance
<u>P</u> Tess Lengyel, Deputy Director of Policy Public Affairs and Legislation	<u>P</u> Angie Ayers, Acumen Building Enterprise, Inc.

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**1. Welcome and Introductions**

Chair Paxson called the meeting to order at 6:05 p.m. He stated that when enough CWC members arrived to achieve a quorum, they would do the welcome, introductions, and approval of the minutes. The meeting began with Agenda Item 4.

James welcomed the new CWC member Petra Brady, appointed by the Alameda County Mayors' Conference for District 4.

**2. Public Comment**

There were no public comments.

**3. Approval of June 13, 2011 and July 11, 2011 Minutes**

A CWC member requested a correction to the July 11, 2011 minutes to show that the CWC Annual Report Public Hearing closed at 6:35 p.m. not 6:45 p.m., as stated. CWC members also requested that staff distribute the minutes in advance of the next meeting. Currently, the chair receives a draft copy of the minutes to prepare for the Commission meeting. Alameda CTC agreed to send a copy of the minutes to the CWC members when the chair receives a copy.

Discussion took place regarding Jim Haussener's request to bring an Issues Identification Form to the committee regarding the Alameda County \$9 million balance in reserves in fiscal year 2009-2010 (FY 09-10). Jim was expecting to receive an explanation of the high reserves at the December meeting. Staff explained that the CWC will view the compliance reports for FY 10-11 in the next meeting. These reports will show if the jurisdictions are

hanging on to the reserves reflected in the FY 09-10 reports. If the Alameda County report shows that reserves still exist for the last fiscal year, Jim can submit an Issues Identification Form at that time.

*James Haussener moved to approve the minutes with the requested correction. Roger Chavarin seconded the motion. The motion carried unanimously (6-0). At the time of the vote, one member had not arrived.*

#### **4. Financial Update**

##### **A. Financial Statement Reporting: FY 11-12 First Quarter Report**

Patricia Reavey reviewed the ACTIA Financial Statement First Quarter Report for FY 11-12 and the Alameda CTC Consolidated First Quarter Investment Report for FY 11-12 with the committee. She informed the committee that this report was created especially for the CWC for ACTIA expenses and does not contain expenses for ACTA.

Patricia summarized the statements for the General Funds, Special Revenue Funds, and the Capital Projects Fund. She mentioned that overall, the ACTIA fund balance for the first quarter resulted in a net decrease in the amount of \$9.8 million, which is mostly related to ACTIA capital expenditures of sales tax revenues. Actual sales tax revenues for FY 10-11 were \$105.4 million. The sales tax projections for FY 11-12 are \$104 million. Actual revenues are coming in close to the projection.

Questions/feedback from the members:

- Why are the Capital Projects Fund revenues over the sales tax budget by 2.8 percent and the other funds are under budget? Art stated that the ACTIA Capital Projects Fund is over budget by \$283,000, and many times, grants are anticipated to come in for the projects and the overage is due to a grant. The Chair requested that when staff finds disparities on the financial statements to include them in a footnote on the statements with an explanation. Patricia pointed out that on the Capital Project Fund statement you can see that the additional revenue in the Capital Project Fund is related to investment and other income.
- Why are the costs so high on a percentage basis for General Administration and the Countywide Transportation Plan (CWTP)? Patricia stated the percentage jump is due to the way the insurance is handled. Alameda CTC renews the insurance in September and pays in full for the period of September through June. The rent is allocated differently now that employees are on two floors, and that is changing how it shows on the report versus how it was budgeted. The costs for the consultants on the CWTP were front-loaded this year. Staff mentioned that the expense for the CWTP is split between both ACTIA and ACCMA. The ACTIA CWTP actual line item is capturing half of all CWTP expenses; however, not all of the items are reflected in the budget. Staff will update the budget to correctly reflect all CWTP expenses. (Staff has since found an error in the math in the budget column of the ACTIA General Fund Revenue/Expenditure

report. When corrected the variance in General Administration line was immaterial.)

- How much is the annual insurance in the General Administration line item? Staff stated that for ACTIA, it is approximately \$70,000. The insurance and rent were called out because those are the two items with the largest variance.
- Can Alameda CTC show the benefits of the merger specifically for ACTIA? Staff stated that Alameda CTC will bring the information to the CWC at a later date. Primarily, the \$3 million in projected savings was due to the annually renewed contracts and salaries. The savings were calculated as approved in the operating budget submitted to the Commission in June 2011.

The Chair reiterated his request that when there are significant variances and jumps in the percentages, staff provide an explanation in a footnote on the statement.

#### **B. Quarterly Investment Report: FY 11-12 First Quarter Report**

Patricia reviewed the Alameda CTC Consolidated FY 11-12 First Quarter Investment Report with the committee. A member inquired why the rate-of-return dollar amounts are different for the three groups (ACTA, ACTIA and ACCMA). Staff stated that ACTA has more money so they can invest some for longer terms, and ACTIA's return is dropping due to their short-term cash flow needs. ACTA and ACTIA have different portfolios so the strategy is based on the different cash flow needs of the projects. Alameda CTC will try to get an updated cash flow in December to assess the organization's need for outside financing. Typically, Alameda CTC starts the strategic planning process in January and concludes it in May. Between January and May 2012, Alameda CTC will gather the project management information that will provide the finance department with a better analysis of the cash demands. If Alameda CTC needs to develop a policy regarding borrowing, staff will do it at this time and notify the Commission.

### **5. CWC Annual Report Outreach Summary**

#### **A. Summary of Outreach and Costs**

Tess Lengyel gave an update on the publishing and outreach for the 9<sup>th</sup> CWC *Annual Report to the Public*. She mentioned that Alameda CTC placed online ads in media to redirect traffic back to the Alameda CTC website for the full online report and placed print advertisement in 15 East Bay publications. The outreach efforts included the following:

- Converting the advertisement to Chinese and Spanish and e-mailing the condensed versions to Asian and Hispanic community organizations
- E-mailing a press release with a link to the full report to all media in Alameda County
- Placing an update in the November issue of the e-newsletter with a link back to the full report and the additional language versions
- Placing information on the Alameda CTC website under the *What's New* section that links directly to the full report

- Bringing the print version of the report to numerous outreach activities

The budget for the Annual Report was \$50,000 and the actual cost was \$35,528 which was \$9,446 less than the prior year and \$14,472 under budget.

Tess stated that some of the CWTP-TEP outreach activities Alameda CTC used can also be used for the CWC Annual Report. Members stated that it would be helpful if staff combined the outreach summary with the publication cost spreadsheet.

## **B. Summary of Feedback**

Staff stated that as the result of publishing the CWC Annual Report, several people made inquiries about joining the committee.

## **6. Program Compliance Workshop Update**

Tess Lengyel informed the CWC members that Alameda CTC held a Program Compliance Workshop on September 29, 2011. A total of 18 people attended, which included representatives from cities and agencies. The transit operators attended, and 11 of the 14 cities attended the workshop. Staff stated that program compliance materials are on the website.

Tess stated that staff presented the modified end-of-year compliance forms at the workshop, and she acknowledged that the CWC helped to improve the forms. She mentioned that Alameda CTC is in the process of developing new Master Programs Funding Agreements to include all of the funds distributed by the combined organization. The Commission approved a series of policies at the September Board meeting. The current agreements will expire on March 31, 2011. Tess explained the policies that changed.

James mentioned that the Master Programs Funding Agreement Subcommittee met on November 30. Staff will look into the following questions and provide an update to the CWC at the January 9, 2012 meeting:

- If a city or agency loses its Measure B money, will the Commission have the authority to give the funds to another city or agency? It appears that this will be a policy conflict with the measure. The Subcommittee requested to have the legal department look into this.
- How will the maintenance effort be defined so that Alameda CTC can demonstrate that an agency or city can't replace the funds?
- The subcommittee discussed the Master Programs Funding Agreements and the Implementation Guidelines. The agreements will be in place for 10 years, and Alameda CTC can modify the guidelines to address new policies and government regulations. The subcommittee requested that staff review the guidelines again to determine if items within them will last for 10 years; if so, staff should move those items into the agreements. If the guidelines will change in the future, make it clear how guidelines will become applicable.

Questions/feedback from the members:

- Will the Master Programs Funding Agreements require AC Transit and BART to advertize the CWC Annual Report since they are benefiting from Measure B? Staff said no.
- Does a Master Plan exist for bicycle and pedestrian safety, and have the expenditures met the requirements of the master plan? Staff stated that the Master Programs Funding Agreements requires a Bicycle and Pedestrian Master Plan, a Complete Streets policy, and for Local Streets and Roads, the pavement condition index (PCI).

Tess stated that Mike Dubinsky provided a summary process which would give the CWC members guidance on how to review the compliance reports. James Paxson requested an orientation for the CWC to discuss the Compliance Report Review Process and review a sample report together. The CWC compliance orientation is scheduled for 5:30 to 6 p.m. on January 9, 2012.

**7. CWC Member Reports/Issues Identification**

In determining the auditor for Alameda CTC, what is the role of the CWC in the request for proposals process and the proposal for the new bond? Jim Haussener requested we place this on the agenda at some point. James Paxson explained the Issues Identification process detailed on page 109 of the agenda packet.

**8. Staff Reports/Board Actions**

**A. Semi-Annual Local Business Enterprise/Small Local Business (LBE/SLBE)**

Tess Lengyel gave an overview of the LBE/SLBE utilization report for the period of January 1, 2011 to June 30, 2011. Alameda CTC had 34 active contracts with Local Business Contract Equity (LBCE) Program goals. Staff monitors the goals and achievements of each contract. Alameda CTC reserves the right to audit the activities of the contracting organizations to ensure they use the funds as specified. Every six months, Alameda CTC looks at the LBE/SLBE program to ensure Alameda CTC is utilizing local firms. She stated that Alameda CTC has goals for certification of local and small local businesses. These firms get 10 extra points for submitting proposals to Alameda CTC. Tess reviewed the summary of results for the current reporting period.

*Questions/feedback from the members:*

- A member requested an explanation on why the women-owned firms represent only 1 percent. Staff stated that with the passing of Proposition 209 in 2002, the Alameda CTC no longer sets goals for women-owned/minority-owned businesses. The data Alameda CTC collects is voluntary, and the information in the report is anecdotal. However, when goals are applied in a bidding process, the participation is very high.
- An LBE is defined as a company certified by ACTIA. There are eight criteria for certification, one states the business must be located in Alameda County for more than a year.



Staff stated that currently an LBE/SLBE program is under both ACTIA and the ACCMA. Alameda CTC will consolidate the programs to be one. The policy and procedures for the combined program will go before the Commission in the future.

#### **B. Countywide Transportation Plan and Transportation Expenditure Plan Update**

Tess Lengyel gave an update on the Countywide Transportation Plan and Transportation Expenditure Plan (CWTP-TEP). She informed the committee that Alameda CTC conducted the second round of polling from September 28 to October 9, 2011 and completed the outreach on the CWTP and TEP on November 3, 2011. The CWTP-TEP Steering Committee released the administrative draft of the CWTP in September, and staff initiated the second-round evaluation of the CWTP in November. The Steering Committee and Commission are scheduled to approve the CWTP in the May/June 2012 timeframe.

Staff will submit a draft TEP to the CWTP-TEP committees in December for discussion. Tess stated that the Commission adopted the TEP parameters in September. Tess reviewed the allocation for each of the programs listed in the TEP as follows:

- Public Transit – 45 percent
- Local Streets and Roads – 30.2 percent
- Highway Efficiencies and Freight – 8.7 percent
- Bicycle and Pedestrian 8.4 percent
- Sustainability, Land Use, Technology – 6.8 percent

Tess mentioned that Alameda CTC presented the draft TEP to the CWTP-TEP Steering Committee earlier on December 1. The Steering Committee agreed to postpone the final adoption of the TEP to January 2012. This will give advocacy groups, the public, city councils, and the CWTP-TEP committees an opportunity to present additional comments. Alameda CTC staff will develop a final draft TEP for Commission approval at the January 26, 2012 meeting.

#### *Questions/Feedback from members:*

- What is the role of the CWC in the new TEP? Staff stated that the CWC current mandate is to look at the current measure only.
- A member questioned the 4 percent administrative costs allocated in the plan and stated that costs are not justified.

#### **C. General Items**

Tess encouraged the committee to review the information in the packet.

#### **9. Adjournment/Next Meeting**

The meeting adjourned at 8:35 p.m. The next meeting is January 9, 2012 at the Alameda CTC offices.

**Alameda County Transportation Commission**  
**Citizens Watchdog Committee**  
**Roster and Attendance**  
**Fiscal Year 2011-2012**

	Last	First	City	Appointed By	Term Began	Re-apptmt.	Term Expires	Mtgs Missed Since July '11*
1	Mr. Paxson, Chair	James	Pleasanton	East Bay Economic Development Alliance	Apr-01		N/A	0
2	Ms. Saunders, Vice-Chair	Harriette	Alameda	Paratransit Advisory and Planning Commission	Jul-09		N/A	0
3	Ms. Belchamber	Pamela	Berkeley	Alameda County Mayors' Conference, D-5	Mar-09	Apr-11	Apr-13	2
4	Ms. Brady	Petra Olivia	Oakland	Alameda County Mayors' Conference, D-4	Oct-11		Oct-13	0
5	Mr. Chavarin	Roger	Oakland	Alameda Labor Council AFL-CIO	Dec-08		N/A	0
6	Mr. Dubinsky	Peter "Mike"	Fremont	Supervisor Nadia Lockyer, D-2	Oct-10		Oct-12	0
7	Mr. Geen	Arthur B.	Oakland	Alameda County Taxpayers Association	Jan-01		N/A	2
8	Mr. Haussener	James	Castro Valley	Supervisor Nate Miley, D-4	Feb-10		Feb-12	0
9	Mr. Jensen	Erik	Oakland	East Bay Bicycle Coalition	May-10		May-12	2
10	Ms. Lew	Jo Ann	Union City	Alameda County Mayors' Conference, D-2	Oct-07	Oct-11	Oct-13	1
11	Mr. Zukas	Hale	Berkeley	Supervisor Keith Carson, D-5	Jun-09		Jun-11	0
12	Vacancy			Alameda County Mayors' Conference, D-1				
13	Vacancy			Alameda County Mayors' Conference, D-3				
14	Vacancy			League of Women Voters				
15	Vacancy			Sierra Club				
16	Vacancy			Supervisor Scott Haggerty, D-1				
17	Vacancy			Supervisor Wilma Chan, D-3				

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**Alameda CTC Joint Paratransit Technical Advisory Committee  
and Paratransit Advisory and Planning Committee  
Meeting Minutes  
Tuesday, October 24, 2011 at 12:30 p.m., 1333 Broadway,  
Suite 300, Oakland**

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Attendance Key (A = Absent, P = Present)

TAC Members:

<u>A</u> Beverly Bolden	<u>A</u> Karen Hemphill	<u>A</u> Joann Oliver
<u>A</u> Melinda Chinn	<u>P</u> Kim Huffman	<u>P</u> Gail Payne
<u>A</u> Anne Culver	<u>P</u> Drew King	<u>A</u> Mary Rowlands
<u>A</u> Pam Deaton	<u>A</u> Jackie Krause	<u>A</u> Mia Thibeaux
<u>A</u> Louie Despeaux	<u>P</u> Kadri Kulm	<u>P</u> Laura Timothy
<u>A</u> Jeff Flynn	<u>P</u> Kevin Laven	<u>A</u> Kelly Wallace
<u>P</u> Shawn Fong	<u>P</u> Isabelle Leduc	<u>A</u> Mark Weinstein
<u>A</u> Brendalynn Goodall	<u>P</u> Wilson Lee	<u>A</u> Victoria Williams
<u>A</u> Brad Helfenberger	<u>A</u> Cindy Montero	<u>P</u> David Zehnder
	<u>A</u> Mallory Nestor	

PAPCO Members:

<u>P</u> Sylvia Stadmire, Chair	<u>P</u> Sandra Johnson- Simon	Hendrickson
<u>P</u> Will Scott, Vice-Chair	<u>P</u> Gaye Lenahan	<u>P</u> Michelle Rousey
<u>P</u> Aydan Aysoy	<u>P</u> Jane Lewis	<u>P</u> Clara Sample
<u>P</u> Larry Bunn	<u>P</u> Jonah Markowitz	<u>P</u> Harriette Saunders
<u>A</u> Herb Clayton	<u>P</u> Betty Mulholland	<u>A</u> Maryanne Tracy- Baker
<u>P</u> Shawn Costello	<u>A</u> Rev. Carolyn Orr	<u>P</u> Esther Waltz
<u>P</u> Herb Hastings	<u>P</u> Sharon Powers	<u>P</u> Renee Wittmeier
<u>P</u> Joyce Jacobson	<u>P</u> Vanessa Proee	<u>P</u> Hale Zukas
	<u>P</u> Carmen Rivera-	

**Staff:**

<u>  P  </u> Matt Todd, Manager of Programming	<u>  P  </u> Cathleen Sullivan, Nelson/Nygaard
<u>  P  </u> John Hemiup, Senior Transportation Engineer	<u>  P  </u> Krystle Pasco, Acumen Building Enterprise, Inc.
<u>  P  </u> Naomi Armenta, Paratransit Coordinator	<u>  P  </u> Vida LePol, Acumen Building Enterprise, Inc.

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**1. Welcome and Introductions**

Paratransit Coordinator Naomi Armenta called the meeting to order at 12:35 p.m. The meeting began with introductions and a review of the meeting outcomes.

**Guests Present:** Jennifer Cullen, Senior Support Program of the Tri-Valley; Tammy Siu, City of Oakland; Jeff Weiss, Bay Area Community Services; David Zehnder, City of Newark

**2. Public Comment**

There were no public comments.

**3. Discussion on Draft Paratransit Implementing Guidelines**

Naomi introduced the Draft Paratransit Implementing Guidelines and gave a brief overview of the current agreement and guidelines process. She stated that these implementing guidelines supplement the new Master Programs Funding Agreements between the Alameda CTC, city-based mobility programs for seniors and people with disabilities, and Americans with Disabilities Act (ADA) paratransit providers that receive Measure B pass-through funding. She said these guidelines specify the rules that these programs must follow in their use of Measure B funds and, where applicable, the Vehicle Registration Fee (VRF) funds.

She stated that the Measure B Expenditure Plan does not provide program development, but it does specify funding allocations in the planning areas. She stated that PAPCO was responsible for allocating the funding between those cities. PAPCO has set up several review processes including a semi-annual report and program planning application every year. PAPCO has review subcommittees, and staff talks to program managers individually about their

proposed plan. These programs get a high level of scrutiny, more than any other pass-through program that Measure B funds.

In 2006, PAPCO implemented Minimum Service Level guidelines for city-based programs to provide a baseline of service for the consumer, similar to the ADA programs. The committee wanted to make sure that there is a baseline of consistent service for everyone in the county.

Also in 2006, PAPCO worked on new paratransit agreements, which are about to expire, so Alameda CTC is developing new Master Programs Funding Agreements for all pass-through fund programs, and plans to make these agreements more uniform across programs.

Cathleen thanked all members for their extensive comments and input on the implementing guidelines, and stated that they had an opportunity at the subcommittee meeting last week to spend over 3 hours with TAC and PAPCO members to discuss the guidelines. Cathleen stated that via PAPCO recommendation and the Alameda CTC Board approval, the Commission can revise these guidelines without amending the Master Programs Funding Agreements.

Cathleen stated that these guidelines are mandatory; therefore all programs funded partially or in full by Measure B revenue must abide by these guidelines. Programs must be in full compliance with the guidelines by the end of fiscal year 2012-2013. Any new service that starts after adoption of these guidelines must abide by the guidelines.

Cathleen led the Paratransit Implementing Guidelines discussion, and introduced the minimum service levels as well as each topic within the draft implementing guidelines (see Attachment 03: Paratransit Implementing Guidelines). PAPCO and TAC members provided input on the following topics.

### **Taxi Subsidy Services**

Member input and staff responses:

- Under taxi services, programs must subsidize a minimum 50 percent of taxi fare. Why is the program imposing a cap on total subsidy per person? Staff stated that the subsidy is at the minimum level, but

programs can do more if they wish. Staff has removed the previous recommendation of \$3.

- Others members stated that everyone does not have ready cash all the time to take taxi. Staff stated that it is up to the cities to decide how much funding they will use for their taxi services.
- For taxi programs, the North County plans to explore the voucher system. If so, what is left for the pilot program to do? Staff stated that the pilot program only serves the North County, and we are in the process of exploring some of these issues.
- Members were concerned about the accessible taxis with meters. One member stated she has had lengthy conversations with taxis drivers regarding meters and wheelchairs. Taxi drivers do not want to waste time putting wheel chairs in their taxis since they are not being paid for their time. She is disappointed that ramp taxis are not mandated. Another member stated that lift-equipped/accessible vans should all have meters, and Alameda CTC should write this into the guidelines for taxi vehicles that want to be in this program. Staff stated that we could work toward some of these programs in the future.

### **City-based Door-to-Door Services**

Member input and staff responses:

- A member raised concerns over the “Time & Days of Service” in the guidelines for the door-to-door services. Service is available five days per week between the hours of 8 a.m. and 5 p.m. (excluding holidays). The member stated that Emeryville has one bus and one driver, and Emeryville cannot do the 8 a.m. to 5 p.m. program, since the program is mandatory. The member wanted to know how to resolve this issue. Staff informed members that Alameda CTC has about a year to work things out. Members asked for exceptions to be allowed. Staff stated that there is room for exceptions, and the guidelines reflect that.
- Another member said the door-to-door service is just like AC transit. The member stated that there is a huge group of consumers who use the service but are not ADA eligible. The Member asked that a statement be put in the guidelines to clarify that this service is for people who are not ADA eligible. A member stated that maybe they could change the second sentence to “Cities may provide service to consumers who are younger than age 80, but not younger than 70 years old.”

- A member asked about the ADA clientele and accessible vans, and taxis that do support wheel chairs. The member stated that the idea is to have accessible vans and taxis that can support wheelchairs, and if that can be accomplished, then it does not matter if they are ADA-certified or not, because everybody that has a need for the service will be able to use those services. Staff stated that accessible vans and taxis are definitely an allowable expense. Staff stated the availability of these accessible vans and taxis that support wheelchairs is an issue that needs to be worked on. Staff also stated that programs should expand availability to accessible vans and taxis as much as possible.

### **City Accessible Fix Route Shuttles**

Member input and staff responses:

- A member talked about AC Transit changing routes, and diminishing bus lines, further decreasing the coverage area. The member wanted to know if consumers will lose accessibility to AC Transit. The member also stated that AC Transit needs to change its handicap stickers and put them where people can see them.
- Members were concerned about how policies will affect these new guidelines. Staff stated that Alameda CTC can pursue these in the future.
- A member stated that Berkeley was able to target and subsidize low-income people for their taxis rides. He stated that it takes about 10 years to be able to get a billable taxi permit to use accessible vans and taxis that support wheelchair programs. The member stated that Berkeley creates some incentive for taxi drivers who bring accessible van and taxis that support wheelchairs into their city. Staff stated that they are hoping that we can dive into some of these issues with the Coordination and Mobility Management Planning program.
- A member stated that because Albany is a small city, it has one accessible van, but can fit several programs in. Staff stated that we will try and provide technical assistance for programs through next year.
- A member said that actual rides are more expensive than the funded paper tickets that East Bay Paratransit provides. Staff stated that funds have a limit on how many tickets consumers can purchase.
- Another member stated that sometimes Gap money has gone to nonprofit organizations that do not receive grant funding, and do not have master agreements in place. Therefore, if they do not have the



master agreement in place for Measure B funding, do the guidelines still apply? Staff stated that changes to the Implementing Guidelines will be attached to the Master Programs Funding Agreement that goes to the jurisdictions for approval, and this will make the process easier to make guidelines changes in the future. The desire is to have the new agreement and guidelines in place by April 1, 2012. Gap grant awards follow specific grant program guidelines that are a separate document from the Implementing Guidelines.

*Esther Ann Waltz made a motion to approve and move the Implementing Guidelines to the Board, with one change on page 3 (change “and” to “and/or” in the second to last sentence of “Service Description”). Shawn Costello seconded the motion. The motion carried unanimously (10-0).*

#### **4. Quarterly Education and Training – Input on Draft Transportation Expenditure Plan**

Cathleen introduced Holly Kuljian to the group who opened the discussion. She explained that Alameda CTC recently prepared a draft Countywide Transportation Plan (CWTP) that identifies current and future transportation needs. With community input, Alameda CTC is also developing a Transportation Expenditure Plan (TEP). The TEP will contain a package of transportation improvements around the county to be funded by an extension and possible increase of the current sales tax dedicated for this purpose. She stated that the TEP will be submitted to the voters of Alameda County for approval.

If the plan appears on the 2012 ballot, as anticipated, it will require a two-thirds majority to pass. The existing Measure B will continue to be collected until 2022, unless it is replaced by a new measure. She stated that Alameda CTC is considering a reauthorization of the TEP because the current Measure B capital projects are under construction or soon to be built, and the economic downturn has reduced funding for many programs supported by Measure B.

She passed a questionnaire around to all members for them to fill out and return to her. She stated that the answers will help set priorities for the projects included in the TEP. She also said that there are many community workshops going on right now, and members who are interested should see her after the meeting.

Member input and staff responses:

- Members wanted to know: What percentage will go to the group of seniors and people with disabilities? Which programs that receive current funding are in the plan? Staff stated that their understanding is that additional funding will not be allocated to new projects under the new measure.
- A member asked if there will be emergency funds, so that the city does not have to shut down. Another member stated she is having a problem understanding the current measure, which will expire in 2022. She said it's written in the fact sheet that the existing Measure B will continue to be collected until 2022, unless it is replaced by a new measure. Staff stated that current funding will stay as is. The input they are gathering now is about how to implement future funds. Staff stated that the language in the fact sheet will need to be corrected if a new measure passes in 2012.
- A member wanted to know what is in the new measure for students and seniors. Another member wanted to know if county funds will be reduced. She needs ongoing funds to cover her county programs. Other members wanted to know that if the new half-cent measure passes, will the new half cent be added to the old half cent to make it one cent? Staff stated it will be two separate measures. The current measure will stay as is until 2022, at which point, it will expire. Based on the current proposal, the new measure will add another half cent on top of the old measure. After 2022, it will extend to one full cent. The new half cent will extend to 2042.
- Members also voiced concern about not understanding the new measure B as well as additional concerns about how the funds will be exhausted and why seniors will get small percentage of the funds, when senior are in dire need of more funds for their programs; and how difficult it is to get transportation after 5 p.m.

**5. Draft Agenda Items for Next Meeting**

- A. Conflicts of Interest and Ethics Discussion
- B. Recommend Continuing Annually Renewed Paratransit Contract
- C. Revised Mid-Year Report Forms
- D. Countywide Transportation Plan and Transportation Expenditure Plan (CWTP-TEP) Input

- E. Report from EBP – Interactive Voice Response Grant
- F. Gap Grant Reports – Shuttles

## **6. Adjournment**

The meeting adjourned at 2:20 p.m.



## Paratransit Advisory and Planning Committee Meeting Minutes

Monday, October 24, 2011, 2:15 p.m., 1333 Broadway, Suite 300,  
Oakland

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Attendance Key (A = Absent, P = Present)

### Members:

<u>P</u> Sylvia Stadmire, Chair	<u>P</u> Sandra Johnson- Simon	Hendrickson
<u>P</u> Will Scott, Vice-Chair	<u>P</u> Gaye Lenahan	<u>P</u> Michelle Rousey
<u>P</u> Aydan Aysoy	<u>P</u> Jane Lewis	<u>P</u> Clara Sample
<u>P</u> Larry Bunn	<u>P</u> Jonah Markowitz	<u>P</u> Harriette Saunders
<u>A</u> Herb Clayton	<u>P</u> Betty Mulholland	<u>A</u> Maryanne Tracy- Baker
<u>P</u> Shawn Costello	<u>P</u> Rev. Carolyn Orr	<u>P</u> Esther Waltz
<u>A</u> Herb Hastings	<u>P</u> Sharon Powers	<u>P</u> Renee Wittmeier
<u>P</u> Joyce Jacobson	<u>P</u> Vanessa Proee	<u>P</u> Hale Zukas
	<u>P</u> Carmen Rivera-	

### Staff:

<u>P</u> Matt Todd, Manager of Programming	<u>P</u> Naomi Armenta, Paratransit Coordinator
<u>P</u> John Hemiup, Senior Transportation Engineer	<u>P</u> Krystle Pasco, Paratransit Coordination Team
<u>A</u> Jacki Taylor, Program Analyst	<u>P</u> Vida Lepol, Acumen Building Enterprise, Inc.

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### 1. Welcome and Introductions

Sylvia Stadmire called the meeting to order at 2:20 p.m. The meeting began with introductions and a review of the meeting outcomes.

**Guests Present:** Jennifer Cullen, Senior Support Program of the Tri-Valley; Tammy Siu, City of Oakland; Jeff Weiss, Bay Area Community Services; David Zehnder, City of Newark

### 2. Public Comments

There were no public comments.

### **3. Approval of September 26, 2011 Minutes**

*Jonah Markowitz moved that PAPCO approve the September 26, 2011 minutes as written. Carmen Rivera-Hendrickson seconded the motion. The motion carried with one abstention (20-1).*

### **4. Workshop Outcomes Report**

Naomi Armenta reported on the outcomes of the Alameda CTC Senior and Disabled Mobility Workshop that convened at the Ed Roberts Campus in Berkeley on July 12, 2011. Naomi stated that, of the 69 attendees, 20 responded to the online evaluation. Respondents felt the resource fair was valuable. Over 60 percent deemed the fair very helpful or fairly helpful. The memo in the agenda packet provides additional survey results (Attachment 04).

Naomi also summarized the outcomes from the Mobility Workshop Working Groups that addressed the following four questions:

1. Is there an optional “mix” of accessible transportation – services/resources that should exist throughout the County?
2. Should there be more uniformity across the County in terms of service parameters?
3. How should we balance coverage and quality in an era of constrained resources and growing need?
4. What else beyond the accessible transportation program should be funded through the TEP?

*Members provided the following input:*

- Members stated that they enjoyed the workshop, and they need a larger room. The location of the conference was great, but the conference room was too small, and those in wheelchairs were confined to a corner. It was hard to move around without bumping into each other.
- One member stated that staff should emphasize accessibility for power chairs and wheelchairs when planning functions; the power chairs take a lot of room/space. Staff explained that they used a spreadsheet to track how many people with wheelchairs would attend and took fewer RSVPs to accommodate the people with power chairs and wheelchairs

who were planning to attend the workshop. Staff stated that moving forward, when it's time to plan for the next workshop, Alameda CTC will take members' comments into consideration.

## **5. Approval of Final Work Plan for FY 11-12**

Naomi Armenta reviewed the final goals listed in the Work Plan for fiscal year 2010-2011 (FY 11-12). PAPCO members defined these goals were defined in their September meeting.

### *Questions/feedback from the members:*

- Members raised concerns about Clipper and Regional Transit Connection (RTC) Clipper cards.
- Members inquired about receiving new business cards. Staff will follow up.
- Members were encouraged to communicate with their own providers to determine where additional resources (for example, Easter Seals Taxi Pocket Guides) are needed. Staff will then assist in obtaining materials.

*Jonah Markowitz moved to accept the FY 11-12 work plan as stated. Sandra Johnson-Simon seconded the motion. The motion passed unanimously (21-0).*

## **6. City of Alameda Quarterly Report**

Gail Payne, from the City of Alameda gave a presentation on the City of Alameda Paratransit Program and gave PAPCO an update on the Scholarship Program, Shuttle Service, Taxi Services, and Group Trips.

The City of Alameda Commissioners and City Council are reviewing possible changes to streamline the paratransit program as follows:

- Scholarship Program – Provide opportunities for low-income individuals.
- Shuttle Service – Act as a bridge between AC Transit and East Bay Paratransit (EBP), effective May 1<sup>st</sup>. EBP will lower eligibility age to 55 years and older, operate the West Loop only on Tuesdays, create a new Central Loop for Thursdays, and expand coverage of West and East Loops.
- Taxi Services – Provide same-day service, effective May 1. Other considerations are to operate taxi meter lift-equipped vans, assign Alameda County as the boundary, limit Medical Return Trip Improvement Program (MRTIP or MR. TRIP) vouchers to five per month, place expiration dates on travel vouchers, provide contingency funding.

In FY 10-11, the MRTIP cost for the first six months was \$20K (\$24/trip); it was \$11K (\$23/trip) in the second six months; and it was \$22 per trip in the first three months of FY 11-12.

- Group Trips – Provide leisure activities.

*Questions/feedback from the members:*

- A member suggested posting or highlighting in the shuttle all the historical places that the shuttle goes to so that people can be aware of places they can visit. A member asked if the Alameda shuttle will go to the Clipper programs, and another member wanted to know if a MR. TRIP ride goes to the hospital. The answer was yes, but the pick-up spot must be in Alameda.
- How many people are riding the shuttle? Gail said about 550 per month before the program change. Now, about 350 board per month.
- Why does the shuttle close so early when people still need to use shuttle late in the evenings? Gail said that based on the survey, most people prefer 9 a.m. to 4 p.m., since more people ride during those hours. The programs are based on needs, and the City tries to accommodate the largest need.
- Is the shuttle handicap accessible? Yes.
- Does MR. TRIP run 24-hours, 7 days per week? Yes.
- Will the City of Alameda consider going back to old routes? No.
- A member wanted to know if the City of Alameda has thought about using one shuttle to cover all areas. Gail said that due to the size of Alameda area, the City will not be able to cover all areas.
- A member stated that people cannot go to the mall because the shuttle closes so early. Can shuttle coverage area be expanded so people will be able to get around? Gail said that anyone can use the shuttle if he or she is 55 or over or has a disability.

## **7. City of Hayward Quarterly Report**

Ann Culver from the City of Hayward gave a presentation to PAPCO on the City of Hayward Paratransit Program and gave a first-quarter update report on its unduplicated riders, door-to-door rides, and group trips. The number of unduplicated riders on the City's service during the first quarter decreased in comparison with the same period last year due to duplication of service. The door-to-door rides also declined due to duplication of service. The group trip fare per enrolled rider is free. The number of group passenger rides is higher

this year. New group trip destinations have also been added to the destinations list. The City's deadline for the FY 12-13 application for nonprofit services was October 12, 2011.

*Questions/feedback from the members:*

- How did the City come to the conclusion that the number of unduplicated riders on the City's service during the first quarter decreased? Ann said City staff did this through weekly conversations with riders. The City will do a little more research and report back.
- Will the City be able to serve more people just in case the funds increase?
- What was the fare before the \$4 fare? Ann said \$2.
- In the first quarter, door-to-door and group trips combined decreased from \$55.51 to \$34.74. What allowed the cost to go down? Ann responded that 9 percent of the hourly rate did go down and the increase in number of group trip riders helped the cost to go down.
- Are people left out of the Meals on Wheels program? Ann stated that they do not turn anybody away.
- Members wanted to know how the people in Hayward use the shuttle services. Ann said that the City does not have to use Measure B funds to create a shuttle program in Hayward, but EBP can try to create a shuttle in Hayward, or AC Transit can use its own funds to create a shuttle program in the City of Hayward.

## **8. Member Reports and PAPCO Mission, Roles, and Responsibilities Implementation**

Naomi reported the PAPCO Per Diem Policy was included in the meeting packet, and she urged members to read it and become familiar with it.

Sharon Powers gave an update on her visit to an outreach event (a senior citizens facility that just opened) in Newark. There was a large turn out, and they served breakfast and lunch. She also attended an outreach event in Union City where they talked about BART extending to San Jose.

Harriette Saunders reported on a summit she attended in Oakland, at which the organizers fed over 1,000 people and discussed the problems in the City. The new deputy for Oakland, Barbara Lee, and Danny Glover were there, and Danny spoke.



Carmen Rivera-Hendrickson reported that she attended a meeting in Montclair. She talked with several consumers having problems with Clipper, and the RTC Clipper program.

Sandra Johnson-Simon reported that she attended the Martin Luther King, Jr. memorial dedication in Washington, D.C., and last Wednesday, she attended a focus group that the Centers for Disease Control and Prevention facilitated. They talked about people with disabilities.

Chair Sylvia Stadmire reported that Frank Rose passed away, and his funeral service was last Wednesday. It was a beautiful ceremony and was attended by officials, including the mayor of Oakland, the chief of police and his staff, supervisors, and council members. She also urged members to read Measure I before they vote.

## **9. Committee Reports**

- A. East Bay Paratransit Service Review Advisory Committee (SRAC) – Sylvia Stadmire reported on the “Men Drive” Bill. The City of Oakland is asking residents for \$85 to return some police service and youth programs to the City. There are no senior citizens programs in this bill. Regarding SRAC, Sharon Powers stated that SRAC has not met since the last PAPCO meeting.
- B. Citizens Watchdog Committee (CWC) – Harriette Saunders reported on the agenda changes for the upcoming meeting on December 1, 2011 at the Alameda CTC.

## **10. Staff Updates**

- A. Mobility Management  
Naomi stated that a fact sheet that includes four steps to beginning a one call-one click transportation service is in the packet.
- B. Outreach Update: Krystle gave an update on the outreach events coming up that appear on page 25 of the agenda packet. She said that if anyone is interested in attending any of these outreach events, to feel free to call, email or mention it to her during or after the PAPCO meeting.
  - 10/25/11 – Annual Health and Resource Faire for Seniors at the Newark Senior Center
  - 11/5/11 – ACCESS Resource Fair at the College of Alameda
  - 3/16/12 – Pleasanton Senior Center Transit Fair 10 a.m. to 1 p.m.

### **11.Mandated Program and Policy Reports**

Naomi urged members to read on the U.S. Department of Transportation the final ruling on transportation for individual with disabilities at intercity, commuter, and high-speed rail platforms; and the miscellaneous amendments on page 39.

### **12. Draft Agenda Items for October 24, 2011 PAPCO/TAC**

- A. Approval of FY 11-12 Work Plan
- B. Quarterly Report from Alameda and Hayward
- C. Summary Report of Gap Grants
- D. Quarterly Education and Training – Gap Grant Reports – Travel Training
- E. Input on the CWTP-TEP
- F. TAC Report
- G. Mobility Workshop Outcomes Report
- H. Development of PAPCO Goals and Work Plan for Fiscal Year 2011-2012

### **13.Adjournment**

The meeting adjourned at 4:05 p.m.

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**Alameda County Transportation Commission  
Paratransit Advisory and Planning Committee  
Roster and Attendance  
Fiscal Year 2011/2012**

	<b>Title</b>	<b>Last</b>	<b>First</b>	<b>City</b>	<b>Appointed By</b>	<b>Term Began</b>	<b>Re- apptmt.</b>	<b>Term Expires</b>	<b>Mtgs Missed Since July-11</b>
1	Ms.	Stadmire, Chair	Sylvia J.	San Leandro	Supervisor Wilma Chan, D-3	Sep-07	Feb-10	Feb-12	0
2	Mr.	Scott, Vice Chair	Will	Berkeley	Supervisor Keith Carson, D-5	Mar-10		Mar-12	0
3	Ms.	Aysoy	Aydan	Berkeley	City of Berkeley	Jul-09		Jul-11	0
4	Mr.	Bunn	Larry	Union City	Union City Transit	Jun-06	Sep-10	Sep-12	0
5	Mr.	Clayton	Herb	Hayward	Supervisor Nadia Lockyer, D-2	Sep-03	Mar-11	Mar-13	3
6	Mr.	Costello	Shawn	Dublin	City of Dublin	Sep-08	Sep-10	Sep-12	1
7	Mr.	Hastings	Herb	Dublin	Supervisor Scott Haggerty, D-1	Mar-07	Mar-09	Mar-11	1
8	Ms.	Jacobson	Joyce	Emeryville	City of Emeryville	Mar-07	Mar-09	Mar-11	0
9	Ms.	Johnson-Simon	Sandra J.	San Leandro	Supervisor Nate Miley, D-4	Sep-10		Sep-12	1
10	Ms.	Lenahan	Gaye	Piedmont	City of Piedmont	May-11		May-13	
11	Ms.	Lewis	Jane	Dublin	City of Livermore	Sep-09		Sep-11	0
12	Mr.	Markowitz	Jonah	Berkeley	Supervisor Keith Carson, D-5	Dec-04	Mar-09	Mar-11	0
13	Ms.	Mulholland	Betty	Oakland	Supervisor Nate Miley, D-4	Sep-09		Sep-11	0
14	Rev.	Orr	Carolyn M.	Oakland	Councilmember Rebecca Kaplan	Oct-05	May-10	May-12	2

**Alameda County Transportation Commission  
Paratransit Advisory and Planning Committee  
Roster and Attendance  
Fiscal Year 2011/2012**

15	Ms. Powers	Sharon	Fremont	City of Fremont	Dec-07	Jan-10	Jan-12	0
16	Ms. Proee	Vanessa	Hayward	City of Hayward	Mar-10		Mar-12	0
17	Ms. Rivera-Hendrickson	Carmen	Pleasanton	City of Pleasanton	Sep-09		Sep-11	0
18	Ms. Rousey	Michelle	Oakland	Supervisor Nadia Lockyer, D-2	May-10		May-12	0
19	Ms. Sample	Clara	Union City	City of Union City	Mar-07	Mar-09	Mar-11	0
20	Ms. Saunders	Harriette	Alameda	BART	Jun-08	Sep-10	Sep-12	0
21	Ms. Tracy-Baker	Maryanne	San Leandro	Supervisor Scott Haggerty, D-1	Oct-08		Oct-10	2
22	Ms. Waltz	Esther Ann	Livermore	LAVTA	Feb-11		Feb-13	1
23	Ms. Wittmeier	Renee	San Lorenzo	Supervisor Wilma Chan, D-3	May-09		May-11	0
24	Mr. Zukas	Hale	Berkeley	A. C. Transit	Aug-02	Mar-09	Mar-11	0
25	Vacancy			City of Alameda				
26	Vacancy			City of Albany				
27	Vacancy			City of Newark				
28	Vacancy			City of San Leandro				

The number of PAPCO members is changing from 28 to 23 members. This roster will reflect the new structure once all appointments are received and approved by the Alameda CTC.



## Memorandum

**DATE:** January 16, 2012

**TO:** Alameda County Transportation Commission

**FROM:** Tess Lengyel, Deputy Director of Policy, Legislation and Public Affairs  
Beth Walukas, Deputy Director of Planning

**SUBJECT:** Approval of 2012 Alameda County Transportation Expenditure Plan

### Recommendation:

Staff recommends approval of the 2012 Alameda County Transportation Expenditure Plan (TEP) based upon the recommendation for approval by the Steering Committee for the TEP and Countywide Transportation Plan.

### Discussion:

In 1986, voters approved Measure B, a 1/2 cent sales tax, to fund transportation improvements and programs throughout Alameda County. In November 2000, Alameda County voters approved an extension of the first sales tax through 2022 to fund a new set of project and program investments throughout the County. All of the major projects promised to and approved by the voters in the 2000 Measure are either underway or complete. Funds that go to cities and other local jurisdictions to maintain and improve local streets, provide critical transit service and services for seniors and persons with disabilities, as well as bicycle and pedestrian safety projects will continue until the current Measure B expenditure plan ends in 2022.

While the existing measure will remain intact through 2022, the new Alameda County Transportation Expenditure Plan (TEP) has been developed for three reasons:

- The capital projects in the existing measure have been largely completed, with many projects implemented almost 10 years ahead of schedule. Virtually all of the project funds in the existing measure are committed to these current projects. Without a new plan, the County will be unable to fund any new major projects to address pressing mobility needs, due to significant funding decreases in transportation from state and federal sources.
- Due to the economic recession, all sources of transportation funding have declined. The decline in revenues has had a particularly significant impact on transportation services that depend on annual sales tax revenue distributions for their ongoing operations. The greatest impacts have been to the programs that are highly important to Alameda County residents and businesses:

- Reductions in local funding to transit operators, combined with state and federal reductions, have resulted in higher fares and reductions in service hours.
- Reductions in local funding to programs for seniors and persons with disabilities have resulted in cuts in these programs as the populations depending on them continue to increase.
- Local road maintenance programs have been cut, and road conditions have deteriorated for all types of users.
- Bicycle and pedestrian system improvements and maintenance of pathways have continued to deteriorate, making it more difficult to walk and bike as an alternative to driving.
- Since the recession began, bus services in Alameda County have been cut significantly, and the gap between road maintenance needs and available funding is at an all-time high.

### ***Background on Development of the 2012 Transportation Expenditure Plan***

The new transportation expenditure plan will provide significant investments in projects and program funding. The new TEP will double investments in transit services allowing operators in Alameda County to local close funding gaps created by declining state and federal revenue, keep needed services in place and restore service cuts for many providers. A key feature of the local transportation sales tax is that it cannot be used for any purpose other than local transportation needs. It cannot be taken by the State or by any other governmental agency under any circumstance, and over the life of this plan can only be used for the purposes described in the plan, or as amended.

The ballot measure supported by this plan will augment and extend the existing half-cent sales tax for transportation in Alameda County, authorizing an additional half-cent sales tax through 2022 and extending the full cent in perpetuity. Recognizing that transportation needs, technology, and circumstances change over time, the expenditure plan covers the period from approval in 2012 and subsequent sales tax collection through June 2042, programming a total of \$7.7 billion in new transportation funding. Voters will have the opportunity to review and approve comprehensive updates to this plan in the future every 20 years thereafter.

The expenditure plan was developed in conjunction with the Alameda Countywide Transportation Plan (CWTP), the long range policy document that guides transportation investments, programs, policies and advocacy for Alameda County through 2040. A Steering Committee and two working groups (Community and Technical) were established to guide development of both the CWTP and the TEP over the past two years.

Public engagement and transparency was the cornerstone of the development of the TEP. A wide variety of stakeholders, including businesses, technical experts, environmental and social justice organizations, seniors and people with disabilities, helped shape the plan to ensure that it serves the county's diverse transportation needs. Thousands of Alameda County residents participated through public workshops and facilitated small group dialogues; a website allowed for online questionnaires, access to all project information, and submittal of comments; and advisory committees that represent diverse constituencies were integrally involved in the plan development process from the beginning. In addition, opinion polls were conducted through telephone surveys of a sample of Alameda County likely voters, and results demonstrated that over 79% of those polled were supportive of augmenting and extending the existing transportation sales tax measure.

The TEP includes a set of strong taxpayer safeguards to ensure that the promises in the plan are met.

These include ongoing monitoring and review by an Independent Watchdog Committee; an annual independent audit and report to the taxpayers; requirement for full public review and periodic voter approval for a comprehensive update to the expenditure plan every 20 years after 2042; and strict limits on administrative expenses charged to these funds.

### ***A New Mobility Plan for the 21<sup>st</sup> Century in Alameda County***

The TEP will serve as the New Mobility Plan for the 21<sup>st</sup> Century by providing essential transportation investments to address both current and projected transportation needs in Alameda County. Further, the TEP provides funding for maintenance, operations and new infrastructure that expands mobility choices, supports reducing greenhouse gas emissions, and enhances overall transportation efficiencies throughout the County. The vision for the TEP is to fund a premier transportation system that supports a vibrant and livable Alameda County through a connected and integrated multimodal transportation system, promoting sustainability, access, transit operations, public health and economic opportunities. The TEP was developed with the guidance from a steering committee of elected officials and input from two advisory committees, and by incorporating key findings from polling and outreach. Table 1 includes a summary of TEP investments by mode.

**Table 1      Summary of Investments by Mode**

Mode	Funds Allocated \$ in millions (M)*
Transit & Specialized Transit (48%)	\$3,731.66
Local Streets & Roads (30%)	\$2,348
Highway Efficiency & Freight (9%)	\$677
Bicycle and Pedestrian Infrastructure and Safety (8%)	\$651
Sustainable Land Use & Transportation (4%)	\$300
Technology, Innovation, and Development (1%)	\$77
<b>TOTAL NEW NET FUNDING (2013-42)</b>	<b>\$7,786</b>

\*escalated dollars

The key features of the TEP are:

- **Fix-it-First-** Realizing the dire need to maintain Alameda County’s existing infrastructure, approximately 70% of the TEP funding supports a “Fix-it-First” strategy to support maintaining and operating the existing transportation investments. It includes funding for transit and paratransit operations, bus enhancement and BART system maintenance and modernization, local streets and roads maintenance funds for every jurisdiction, non-capacity expanding projects on primary commute corridors, non-capacity expanding interchange improvements to improve safety and access, bicycle and pedestrian safety funds, and sustainable land use programs to support transportation efficiencies in relation to local land uses decisions.
- **Sustainable Communities** – Transportation and land use linkages are strengthened when development focuses on bringing together mobility choices, housing and jobs. Understanding how transportation efficiencies can be made by connecting transportation and land use development, the TEP supports infrastructure investments that would fund existing or proposed transportation services and facilities in and around transit hubs.



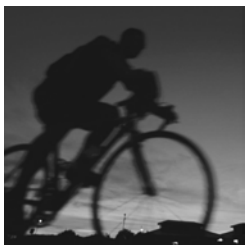
- **Climate Change** - California is a leader in addressing climate change issues through legislative mandates to reduce greenhouse gas emissions. The TEP supports reductions in greenhouse gas emissions by investing in a multi-modal transportation system that expands travel choices beyond the single occupant vehicle trip.
- **Geographic Equity** – The TEP has been developed as a geographically equitable plan, providing critical transportation investments in every city and all areas of the County.

### **Fiscal Impact**

Approval of the TEP will authorize staff to seek approvals from all the cities in Alameda County and the Board of Supervisors to place it on the ballot on November 6, 2012. If approved by over 2/3 of the voters of Alameda County, an estimated \$7.7 billion will flow into Alameda County for transportation investments over an initial 30 year period. Funds will begin to flow as early as April 2013.

Attachment A: Final Draft Transportation Expenditure Plan

# ALAMEDA COUNTY TRANSPORTATION EXPENDITURE PLAN 2012-2042



Final Draft

January 2012



# ACKNOWLEDGEMENTS

## **ALAMEDA COUNTY TRANSPORTATION COMMISSION & STEERING COMMITTEE MEMBERS**

Supervisor Scott Haggerty,\* Alameda County, District 1  
Supervisor Nadia Lockyer, Alameda County, District 2  
Supervisor Wilma Chan, Alameda County, District 3  
Supervisor Nate Miley,\*Alameda County, District 4  
Supervisor Keith Carson, Alameda County, District 5  
Vice Mayor Rob Bonta,\*City of Alameda  
Mayor Farid Javandel, City of Albany  
Councilmember Laurie Capitelli, City of Berkeley  
Mayor Tim Sbranti,\* City of Dublin  
Councilmember Ruth Atkin,\* City of Emeryville  
Vice Mayor Suzanne Chan,\* City of Fremont  
Councilmember Olden Henson,\* City of Hayward  
Mayor John Marchand, City of Livermore  
Former Mayor Marshall Kamena,\* City of Livermore  
Councilmember Luis Freitas,\* City of Newark  
Councilmember Larry Reid,\* City of Oakland  
Councilmember Rebecca Kaplan,\* City of Oakland  
Vice Mayor John Chiang, City of Piedmont  
Mayor Jennifer Hosterman,\* City of Pleasanton  
Councilmember Joyce Starosciak,\*  
City of San Leandro  
Mayor Mark Green,\* City of Union City  
Director Greg Harper,\*AC Transit  
Director Tom Blalock,\* BART  
Councilmember Kriss Worthington,\* City of Berkeley  
(Steering Committee Only)

*\*Steering Committee Members*

## **COMMUNITY ADVISORY WORKING GROUP (CAWG) MEMBERS**

Charissa M. Frank, Economic Development  
Committee (Oakland)  
Andy Fields, California Alliance for Jobs  
Arthur B. Geen, Alameda County  
Taxpayer's Association  
Chaka-Khan Gordon, Transportation Justice  
Working Group  
Earl Hamlin, League of Women Voters

Unique S. Holland, Alameda County Office of Education  
Lindsay S. Imai Hong, Urban Habitat  
Dr. Roop Jindal, Alameda CTC CAC  
David Kakishiba, Oakland Unified School District,  
Board of Education  
JoAnn Lew, Alameda CTC CWC  
Teresa McGill, Davis Street Family Resource Center  
Gabrielle M. Miller, Genesis, and Corpus Christi Catholic  
Church (Piedmont)  
Betsy Morris, East Bay Bicycle Coalition  
Betty Mulholland, PAPCO  
Eileen Y. Ng, United Seniors of Oakland and Alameda  
County (USOAC)  
James W. Paxson, East Bay Economic  
Development Alliance  
Patrisha Piras, Sierra Club  
Joel Ramos, TransForm (Community Planner)  
Anthony R. Rodgers, Alameda County Labor Council  
Dr. Raj Salwan, Board of Director for the City of Fremont  
Chamber of Commerce  
Diane Shaw, ElderCare (Fremont, CA) Ponderosa Square  
Homeowners Association  
Sylvia Stadmire, Alameda CTC PAPCO  
Midori Tabata, Alameda CTC BPAC  
Pam L.Willow, Alameda County Public Health Department  
Hale Zukas, Alameda CTC PAPCO

## **TECHNICAL ADVISORY WORKING GROUP (TAWG) MEMBERS**

Alex Amoroso, City of Berkeley  
Aleida Andrino-Chavez, City of Albany  
Eric Angstadt, City of Oakland  
Marisol Benard, New Haven Unified School District  
Kate Black, City of Piedmont  
Jeff Bond, City of Albany  
Jaimee Bourgeois, City of Dublin  
Charlie Bryant, City of Emeryville  
Mintze Cheng, City of Union City  
Keith R. Cooke, City of San Leandro  
Wendy Cosin, City of Berkeley  
Brian Dolan, City of Pleasanton  
Soren Fajeau, City of Newark - Engineering Division

# ACKNOWLEDGEMENTS

Jeff Flynn, Livermore Amador Valley Transit Authority  
Don Frascinella, City of Hayward  
Susan Frost, City of Livermore  
Jim Gannon, Fremont Unified School District  
Robin Giffin, City of Pleasanton  
Mike Gougherty, Water Emergency  
Transportation Authority  
Terrence Grindall, City of Newark  
Cindy Horvath, Alameda County Planning  
Diana Keena, City of Emeryville  
Paul Keener, Alameda County Public Works Agency  
Obaid Khan, City of Alameda - Public Works Department  
Wilson Lee, City of Union City  
Tom Liao, City of San Leandro  
Albert Lopez, Alameda County  
Joan Malloy, City of Union City  
Gregg Marrama, BART  
Val Menotti, BART  
Neena Murgai, Alameda County Public Health Department  
Matt Nichols, City of Berkeley  
Erik Pearson, City of Hayward  
James Pierson, City of Fremont  
Jeri Ram, City of Dublin  
David Rizk, City of Hayward  
Marc Roberts, City of Livermore  
Brian Schmidt, ACE Rail  
Peter Schultze-Allen, City of Emeryville  
Jeff Schwob, City of Fremont  
Tina Spencer, AC Transit  
Iris Starr, Public Works Agency  
Mike Tassano, City of Pleasanton  
Lee Taubeneck, Caltrans  
Andrew Thomas, City of Alameda  
Jim Townsend, East Bay Regional Park District (EBRPD)  
Bob Vinn, City of Livermore  
Marnie Waffle, City of Dublin  
Bruce Williams, City of Oakland  
Stephen Yokoi, Caltrans  
Karl Zabel, Hayward Area Recreation and Park District  
(HARD)

## **ALAMEDA CTC STAFF**

Art Dao, Executive Director  
Tess Lengyel, Deputy Director of Policy, Public Affairs  
and Legislation  
Beth Walukas, Deputy Director of Planning

## **CONSULTANTS**

Nelson\Nygaard Consulting Associates  
Cambridge Systematics  
Nancy Whelan Consulting  
MIG, Inc.  
Eisen | Letunic  
Community Design + Architecture

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## APPENDICES

A. Full List of TEP Investments by Mode



# BACKGROUND AND SUMMARY

## FULFILLING THE PROMISE TO VOTERS

In November 2000, Alameda County voters approved Measure B, a half-cent local transportation sales tax, scheduled to sunset in 2022. Virtually all of the major projects promised to and approved by the voters in that measure are either underway or complete. Funds that go to cities and other local jurisdictions to maintain and improve local streets, provide critical transit service and services for seniors and persons with disabilities, as well as bicycle and pedestrian safety projects will continue until the current Measure B expenditure plan ends in 2022. Through careful management, leveraging of other funding opportunities and consensus-based planning, the promises of the 2000 voter-approved measure have been largely fulfilled and essential operations are ongoing.

While most of the projects promised in Measure B have been implemented or are underway, the need to continue to maintain and improve the County's transportation system remains critically important. Alameda County continues to grow, while funding from outside sources has been cut or has not kept pace. Unless the County acts now to increase local resources for transportation, by 2035, when Alameda County's population is expected to be 24% higher than today; it is anticipated that vehicle miles traveled will increase by 40%:

- Average morning rush hour speeds on the county's freeways will fall by 10%
- Local roads will continue to deteriorate
- Local transit systems will continue to face service cuts and fare increase, and
- Biking and walking routes, which are critical to almost every trip, will continue to deteriorate, impacting safety, public health and the environment.

This Alameda County Transportation Expenditure Plan (referred to throughout this document as the TEP or the plan) responds to the county's continued transportation needs through the extension and

augmentation of a consistent, locally generated and protected funding stream to address the County's transportation needs. A key feature of the local transportation sales tax is that it cannot be used for any purpose other than local transportation needs. It cannot be taken by the State or by any other governmental agency under any circumstance, and over the life of this plan can only be used for the purposes described in the plan, or as amended.

The ballot measure supported by this plan augments and extends the existing half-cent sales tax for transportation in Alameda County known as Measure B, authorizing an additional half-cent sales tax through 2022 and extending the full cent in perpetuity. Recognizing that transportation needs, technology, and circumstances change over time, this expenditure plan covers the period from approval in 2012 and subsequent sales tax collections for an unlimited period unless otherwise terminated by the voters, programming a total of \$7.7 billion in new transportation funding in the first thirty years. Voters will have the opportunity to review and approve comprehensive updates to this plan at least once prior to the completion of 2042 and every 20 years thereafter.

The expenditure plan funds critical improvements to the county's transit network, including expanding transit operations and restoring service cuts, and expanding the Bay Area Rapid Transit (BART) system within Alameda County to move more people on transit. It expands transportation services for seniors and people with disabilities, responding to the needs of an aging population. The plan also funds projects to relieve congestion throughout the county, moving people and goods more efficiently, by supporting strategic investments on I-80, I-580, I-680, I-880, and State Routes 84 and 262. In addition, the plan recognizes growth in bicycle and pedestrian travel by completing major trails and bikeways and making substantial improvements in pedestrian safety and access.

## STATUS OF THE CURRENT MEASURE B EXPENDITURE PLAN

Voters in Alameda County have long recognized the need to provide stable and local funding for the County's transportation needs. In 1986, Alameda County voters authorized a half-cent transportation sales tax to finance improvements to the county's overburdened transportation infrastructure. An even wider margin of voters reauthorized this tax in 2000, with over 81.5% support. Detailed expenditure plans have guided the use of these funds. The current plan provides over \$100 million each year for essential operations, maintenance and construction of transportation projects. It authorized the expenditure of funds for the extension of BART to Warm Springs, transit operations, rapid bus improvements throughout the county, bicycle and pedestrian trails and bridges, a countywide Safe Routes to School Program, and specialized transportation services for seniors and people with disabilities. It has also provided congestion relief throughout Alameda County by widening I-238, constructing the I-680 express lane, improving I-580 and I-880, and upgrading surface streets and arterial roadways.

Most of the 27 major projects authorized by the current expenditure plan have been completed or are under construction, many ahead of schedule. Annual audits by independent certified public accountants have verified that 100% of the public funds authorized in the current plan have been spent as promised.

The current projects and programs are governed by the current Measure B Expenditure Plan.

## BENEFITS FROM THE CURRENT MEASURE B EXPENDITURE PLAN

The current local transportation sales tax has provided a substantial share of the total funding available for transportation projects in Alameda County, far exceeding annual state and federal commitments. State and federal sources have diminished over time, and local sources have come to represent over 60% of the money available for transportation in the county. The current measure has been indispensable in helping to meet the county's growing needs in an era of shrinking resources.

The county's ability to keep up with street maintenance needs, such as filling potholes and repaving roadways, is fundamentally dependent on

these local funds. Targeted improvements funded through the current expenditure plan such as the new express lane on I-680 and the widening of I-238 have relieved congestion on critical county commute corridors. A new Warm Springs BART station will soon open in the southern part of the county as the beginning of a new connection to Silicon Valley. The current plan has supported transit operations, improved the safety of children getting to schools throughout the county and funded special transportation services that provide over 900,000 trips for seniors and people with disabilities every year.

These local funds have also allowed the county to compete effectively for outside funds by providing local matching money. The existing expenditure plan has attracted supplemental funds of over \$3 billion from outside sources for Alameda County transportation investments.

## WHY EXTEND AND AUGMENT THE SALES TAX MEASURE NOW?

While the existing measure will remain intact through 2022, the 2012 Alameda County Transportation Expenditure Plan (TEP) has been developed for three reasons:

- The capital projects in the existing measure have been largely completed, with many projects implemented ahead of schedule. Virtually all of the project funds in the existing measure are committed to these current projects. Without a new plan, the County will be unable to fund any new major projects to address pressing mobility needs.
- Due to the economic recession, all sources of transportation funding have declined. The decline in revenues has had a particularly significant impact on transportation services that depend on annual sales tax revenue distributions for their ongoing operations. The greatest impacts have been to the programs that are most important to Alameda County residents:
  - Reductions in local funding to transit operators, combined with state and federal reductions, have resulted in higher fares and less service.
  - Reductions in local funding to programs for seniors and persons with disabilities have resulted in cuts in these programs as the

populations depending on them continue to increase.

- Local road maintenance programs have been cut, and road conditions have deteriorated for all types of users.
- Bicycle and pedestrian system improvements and maintenance of pathways have continued to deteriorate, making it more difficult to walk and bike as an alternative to driving.
- Since the recession began, bus services in Alameda County have been cut significantly, and the gap between road maintenance needs and available funding is at an all-time high. This new expenditure plan will allow local funding to fill in the gaps created by declining state and federal revenue and will keep needed services in place and restore service cuts for many providers.

## HOW THIS PLAN WAS DEVELOPED

This expenditure plan was developed in conjunction with the Alameda Countywide Transportation Plan (CWTP), the long range policy document that guides transportation investments, programs, policies and advocacy for Alameda County through 2040. A Steering Committee and two working groups (technical and community) were established to guide development of both the CWTP and the TEP over the past two years.

Public engagement and transparency were the foundations of the development of these plans. A wide variety of stakeholders, including businesses, technical experts, environmental and social justice organizations, seniors and people with disabilities, helped shape the plan to ensure that it serves the county's diverse transportation needs. Thousands of Alameda County residents participated through public workshops and facilitated small group dialogues; a website allowed for online questionnaires, access to all project information, and submittal of comments; and advisory committees that represent diverse constituencies were integrally involved in the plan development process from the beginning.

The TEP also benefited from a performance-based project evaluation process undertaken for the CWTP. This allowed policies and goals to be expressed in quantifiable terms and competing transportation

investments to be compared to one another objectively. This led to a more systematic and analytical selection process for investment priorities.

City councils for all 14 cities in the county and the County Board of Supervisors each held public meetings and voted to approve this expenditure plan and recommended submission of the sales tax measure to the voters.

## VISION AND GOALS

The development of the Countywide Transportation Plan and the Transportation Expenditure Plan began with establishing a new vision and goals for the county's transportation system:

Alameda County will be served by a premier transportation system that supports a vibrant and livable Alameda County through a connected and integrated multimodal transportation system promoting sustainability, access, transit operations, public health and economic opportunities.

The vision recognizes the need to maintain and operate the County's existing transportation infrastructure and services while developing new investments that are targeted, effective, financially sound and supported by appropriate land uses. Mobility in Alameda County will be guided by transparent decision-making and measureable performance indicators, and will be supported by these goals:

Our transportation system will be:

- Multimodal (bus, train, ferry, bicycle, walking and driving)
- Accessible, affordable and equitable for people of all ages, incomes, abilities and geographies
- Integrated with land use patterns and local decision-making
- Connected across the county, within and across the network of streets, highways, transit, bicycle and pedestrian routes
- Reliable and efficient
- Cost effective
- Well maintained
- Safe
- Supportive of a healthy and clean environment



## **TAXPAYER SAFEGUARDS**

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The commitments in this expenditure plan are underscored by a set of strong taxpayer safeguards to ensure that they are met. These include an annual independent audit and report to the taxpayers; ongoing monitoring and review by an Independent Watchdog Committee; requirement for full public review and periodic voter approval for a comprehensive update to the expenditure plan every 20 years after 2042; and strict limits on administrative expenses charged to these funds.

### **Local Funds Spent Locally**

The revenue generated through this transportation sales tax will be spent exclusively on projects and programs in Alameda County. All of the projects and programs included in the expenditure plan are considered essential for the transportation needs of Alameda County.

## WHAT DOES THE EXPENDITURE PLAN FUND?

Table 1 Summary of Investments by Mode

Mode	Funds Allocated
<b>Transit &amp; Specialized Transit (48%)</b>	<b>\$3,732</b>
Mass Transit: Operations, Access to Schools, Maintenance, and Safety Program	\$1,857
Specialized Transit For Seniors and Persons with Disabilities	\$774
Bus Transit Efficiency and Priority	\$35
BART System Modernization and Expansion	\$710
Regional Rail Enhancements and High Speed Rail Connections	\$355
<b>Local Streets &amp; Roads (30%)</b>	<b>\$2,348</b>
Major Commute Corridors, Local Bridge Seismic Safety	\$639
Freight Corridors of Countywide Significance	\$161
Local Streets and Roads Program	\$1,548
<b>Highway Efficiency &amp; Freight (9%)</b>	<b>\$677</b>
Highway/Efficiency and Gap Closure Projects	\$600
Freight & Economic Development Program	\$77
<b>Bicycle and Pedestrian Infrastructure and Safety (8%)</b>	<b>\$651</b>
<b>Sustainable Land Use &amp; Transportation (4%)</b>	<b>\$300</b>
Priority Development Area (PDA) / Transit-Oriented Development (TOD)	\$300
Infrastructure Investments	
<b>Technology, Innovation, and Development (1%)</b>	<b>\$77</b>
<b>TOTAL NEW NET FUNDING (2013-42)</b>	<b>\$7,786</b>





# TRANSPORTATION INVESTMENTS

This Transportation Expenditure Plan describes a \$7.7 billion program designed to sustainably, reliably and effectively move people and goods within the county and to connect Alameda County with the rest of the Bay Area. The projects and programs that follow describe the plan for investments between the approval of the tax in 2012 and its subsequent collections pursuant to comprehensive updates, at least once before the completion of 2042 and every 20 years thereafter. These improvements are necessary to address current and projected transportation needs in Alameda County, current legislative mandates, and reflect the best efforts to achieve consensus among varied interests and communities in Alameda County.

The linkage between sustainable transportation and development has never been clearer. Recent legislation, including SB 375, requires transportation planning agencies to focus on connecting transportation with development policies to ensure that communities develop in a way that supports biking, walking and transit while maximizing accessibility for all modes. Transportation planning must also find ways to reduce the number of miles driven, reducing the production of greenhouse gases.

The projects and programs in this plan are designed to strengthen the economy and improve quality of life in Alameda County, and reduce traffic congestion. They include maintenance of our existing infrastructure, targeted investments to improve highway safety, remove bottlenecks on major commute corridors, enhance rail, bus and ferry transit systems, and make it safer and easier to bike and walk throughout the county.

Two types of investments are funded in this plan: capital investments which are allocated specific dollar amounts in the plan, and programmatic investments which are allocated a percentage of net revenues to be distributed to program recipients on a monthly or periodic basis. Examples of programmatic investments include local road maintenance and

transit operations which provide funds to local jurisdictions to complete on-going operations and maintenance tasks. The following summarizes total expenditures by mode including both capital and programmatic investments.

## PUBLIC TRANSIT AND SPECIALIZED TRANSIT (48%)

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Increasing the number of people that can be served by high capacity public transit is critical to all residents of Alameda County to provide transportation choices, relieve congestion and support a vibrant economy. The investments identified for public transit in this plan were guided by the principles of enhancing safety, convenience and reliability to maximize the number of people who can make use of the transit system. By more than doubling the amount of local sales tax funds available to transit operations and maintenance, this plan represents a major investment in Alameda County's transit system to increase transit services and expand access to transit throughout the County, and to help avoid further service cuts and preserve affordability of transit.

## LOCAL STREETS AND ROADS (30%)

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Local streets and roads are the essential building blocks of Alameda County's transportation system. Virtually every trip begins or ends on a local road. Alameda County has more than 3,400 road miles of aging streets and roads, many of which are in need of repair: intersections need to be reconfigured, traffic lights need to be synchronized and potholes need to be filled. Most important, these roads are essential to every mode of transportation from cars and trucks, to buses, bikes and pedestrians.

## HIGHWAY EFFICIENCY, FREIGHT AND ECONOMIC DEVELOPMENT (9%)

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Aging highway systems continue to operate under substantial pressure as travel patterns become more

diverse and the demands of moving goods and people increases. While the era of major highway construction has come to an end in the Bay Area, there are many opportunities to increase the safety, efficiency and productivity of highway corridors in Alameda County. The highway investments included in this plan focus on improving safety, relieving bottlenecks at interchanges, closing gaps and improving efficiency with carpool and high occupancy vehicle infrastructure, and increasing safety on major truck route corridors.

In addition to focusing on making highways more efficient, this plan recognizes the need to move goods safely and effectively. Recognizing the economic importance of the Port of Oakland, highways must provide connections between goods and market, and do so with minimal impacts on our residential neighborhoods.

### **BICYCLE AND PEDESTRIAN INFRASTRUCTURE (8%)**

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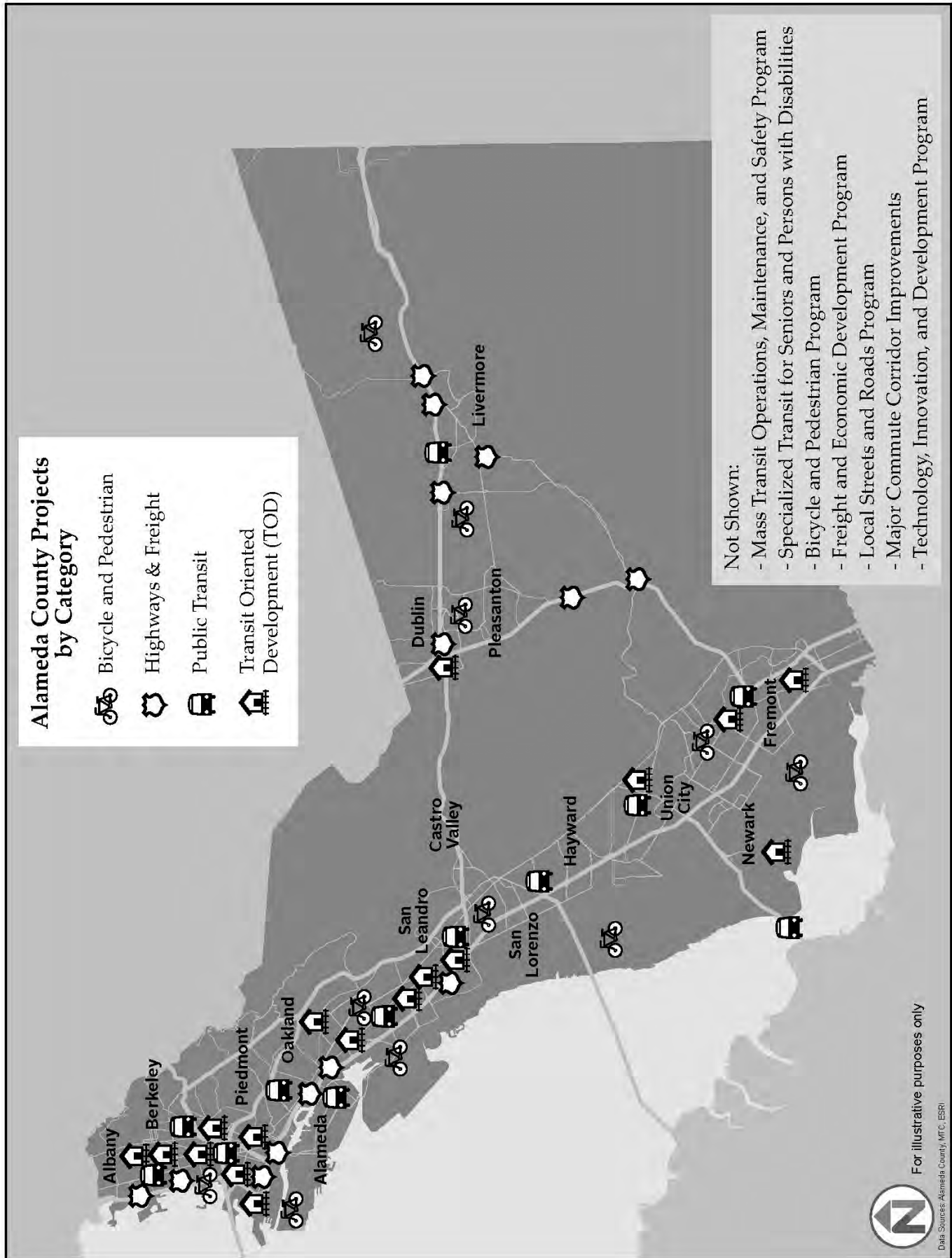
Virtually every trip begins or ends on foot. Alameda County's bicycle and pedestrian infrastructure is the "glue" that holds the network together by extending the reach of transit service, providing a non-polluting and sustainable travel mode, and contributing to public health and quality of life. A particular focus is on the County's youth to encourage adoption of safe and healthy habits through Safe Routes to Schools.

### **SUSTAINABLE LAND USE AND TRANSPORTATION (4%) AND TECHNOLOGY AND INNOVATION (1%)**

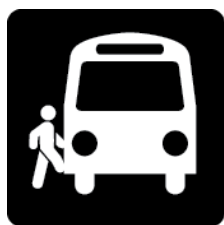
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Transportation and land use linkages are strengthened when development focuses on bringing together mobility choices, housing and jobs. This plan includes investments in every part of the County, enhancing areas around BART stations and bus transfer hubs that are slated for new development, and supporting communities where biking, walking and transit riding are all desirable options. In addition, a Technology, Innovation and Development Program will support technological advances in transportation management and information.

The map on the follow page shows the investments planned for all modes and in all parts of the County.



# PUBLIC TRANSIT AND SPECIALIZED TRANSIT INVESTMENTS



A total of 48% of net revenue from this tax will be dedicated to public transit systems. Funds for operations and maintenance will be provided to bus transit

operators in the county (AC Transit, BART, Union City Transit and Livermore Amador Valley Transit Authority) as well as to ferries and the ACE commuter rail system. In addition, these funds will substantially increase Alameda County's commitment to the growing transportation needs of older adults and persons with disabilities, essentially doubling the funds available for targeted services for this important group. Grant funds are also available to support transportation access to schools. Major capital investments include upgrades to the existing BART system and a BART extension in the eastern part of the County, adding bus rapid transit routes to improve the utility and efficiency of transit, and providing funding for transit improvements across the Dumbarton Bridge.

## TRANSIT OPERATIONS, MAINTENANCE, AND SAFETY PROGRAM (24% OF NET REVENUE, \$1,857 M)

This proposed program provides transit operators with a consistent funding source for maintaining, restoring and improving transit services in Alameda County. Transit operators will allocate these funds in consultation with their riders and policy makers with the goal of creating a world class transit system that is an efficient, effective, safe and affordable alternative to driving.

The proposed Transit Operations program has two primary components:

- **Pass-through funds (21.55% of net proceeds estimated at \$1.668 M)** are disbursed to AC Transit, BART, the Altamont Commuter Express (ACE) rail service, the Water Emergency Transportation Authority (WETA), the Livermore Amador Valley Transit Authority (LAVTA) and

Union City Transit. The relative percentage of net revenue being passed through to these agencies is as follows:

Agency	% of Net Total Revenue	Total 2012-2042 (est.) \$Millions
AC Transit	18.8%	\$1,455
ACE	1.0%	\$77
BART	0.5%	\$39
WETA (ferries)	0.5%	\$39
LAVTA (WHEELS)	0.5%	\$39
Union City Transit	0.25%	\$19
<b>Total Transit Operations</b>	<b>21.55%</b>	<b>\$1,668</b>

- **Access to School Program, (\$15 million)** for the purposes of funding one or more models for a student transit pass program. The program would be designed to account for geographic differences within the county. Successful models determined through periodic reviews will have the first call for funding within the innovative grant program, as described below.
- **Innovative grant funds administered by the Alameda CTC, including potential student transportation programs, (2.24% of net proceeds estimated at \$175 million)** for the purposes of funding innovative and emerging transit projects, including implementing successful models aimed at increasing the use of transit among junior high and high school students, including a transit pass program for students in Alameda County. Successful models will receive the first priority for funding from this category.

Funds will be periodically distributed, based upon Alameda CTC Board action, for projects and programs with proven ability to accomplish the goals listed below:

- Increase the use of public transit by youth riders (first priority for funding) and increase youth access to school
- Enhance the quality of service for transit riders
- Reduce costs or improve operating efficiency
- Increase transit ridership by improving the rider experience

- Enhance rider safety and security
- Enhance rider information and education about transit options
- Enhance affordability for transit riders
- Implement recommendations for transit service improvements from Community Based Transportation Plans

These funds will be distributed periodically by the Alameda CTC. Grant awards will emphasize demonstrations or pilot projects which can leverage other funds.

### **SPECIALIZED TRANSIT FOR SENIORS AND PERSONS WITH DISABILITIES (10% OF NET REVENUE, \$774 M)**

This program provides funds for local solutions to the growing transportation needs of older adults and persons with disabilities. Funds will be provided to transit operators to operate specialized transportation service mandated by the Americans with Disabilities Act. In addition, funds will be provided to each part of the County based on their population of residents over age 70 for local programs aimed at improving mobility for seniors and persons with disabilities. The program includes three components:

- **Pass-through funding for East Bay Paratransit Consortium (6% of net revenue, estimated at \$464 M)** to assist them in meeting the requirements of the American's With Disabilities Act. These funds will be disbursed to and directed by the two agencies that operate the East Bay Paratransit Consortium:
  - AC Transit will receive 4.5% of net proceeds annually, estimated at \$348 M from 2012 to 2042 towards meeting its responsibilities under the Americans with Disabilities Act.
  - BART will receive 1.5% of net proceeds annually, estimated at \$116 M from 2012 to 2042, towards meeting its responsibilities under the Americans with Disabilities Act.
- **Pass-through funding provided to each of the four subareas of the County (3% of net proceeds, estimated at \$232 M)** will be for implementation of locally developed solutions to the mobility challenges of older adults and persons with disabilities. Funds will be

distributed monthly based on the percentage of the population over age 70 in each of four planning areas for city-based and mandated paratransit services of local bus transit providers:

- North County – including the cities of, Albany, Alameda, Berkeley, Emeryville, Oakland and Piedmont.
- Central County – including the cities of Hayward and San Leandro or unincorporated areas.
- South County – including the cities of Fremont, Union City, and Newark, as well as Union City Transit.
- East County – including the cities of Livermore, Dublin, Pleasanton, unincorporated areas, and LAVTA.

Funds can be further allocated to individual cities within each planning area based on a formula refined by Alameda CTC's Paratransit Advisory Planning Committee (PAPCO), a group of seniors and disabled riders that advise the Alameda CTC Board of Directors. In East County, funding provided to Livermore and Dublin will be assigned to LAVTA for their ADA mandated paratransit program. In Central County, funding will be provided to Hayward to serve the unincorporated areas.

- **Funds administered by Alameda CTC (1% of net revenue, estimated at \$77 M)** for the purposes of coordinating services across jurisdictional lines or filling gaps in the system's ability to meet the mobility needs of seniors and persons with disabilities. These funds will be periodically distributed by the Alameda CTC Board for projects and programs with proven ability to:
  - Improve mobility for seniors and persons with disabilities by filling gaps in the services available to this population.
  - Provide education and encouragement to seniors and persons with disabilities who are able to use standard public transit to do so.
  - Improve the quality and affordability of transit and paratransit services for those who are dependent on them.
  - Improve the efficiency and effectiveness of ADA-mandated and local services.



## **BUS TRANSIT EFFICIENCY AND PRIORITY (\$35 M)**

A total of \$35 M in sales tax funds will be allocated to projects that enhance the reliability and speed of bus transit services in the East Bay. These projects include the implementation of Bus Rapid Transit and transit priority projects on some of the busiest corridors in the AC Transit system.

### **AC Transit East Bay Bus Rapid Transit (BRT) Projects (\$25 M)**

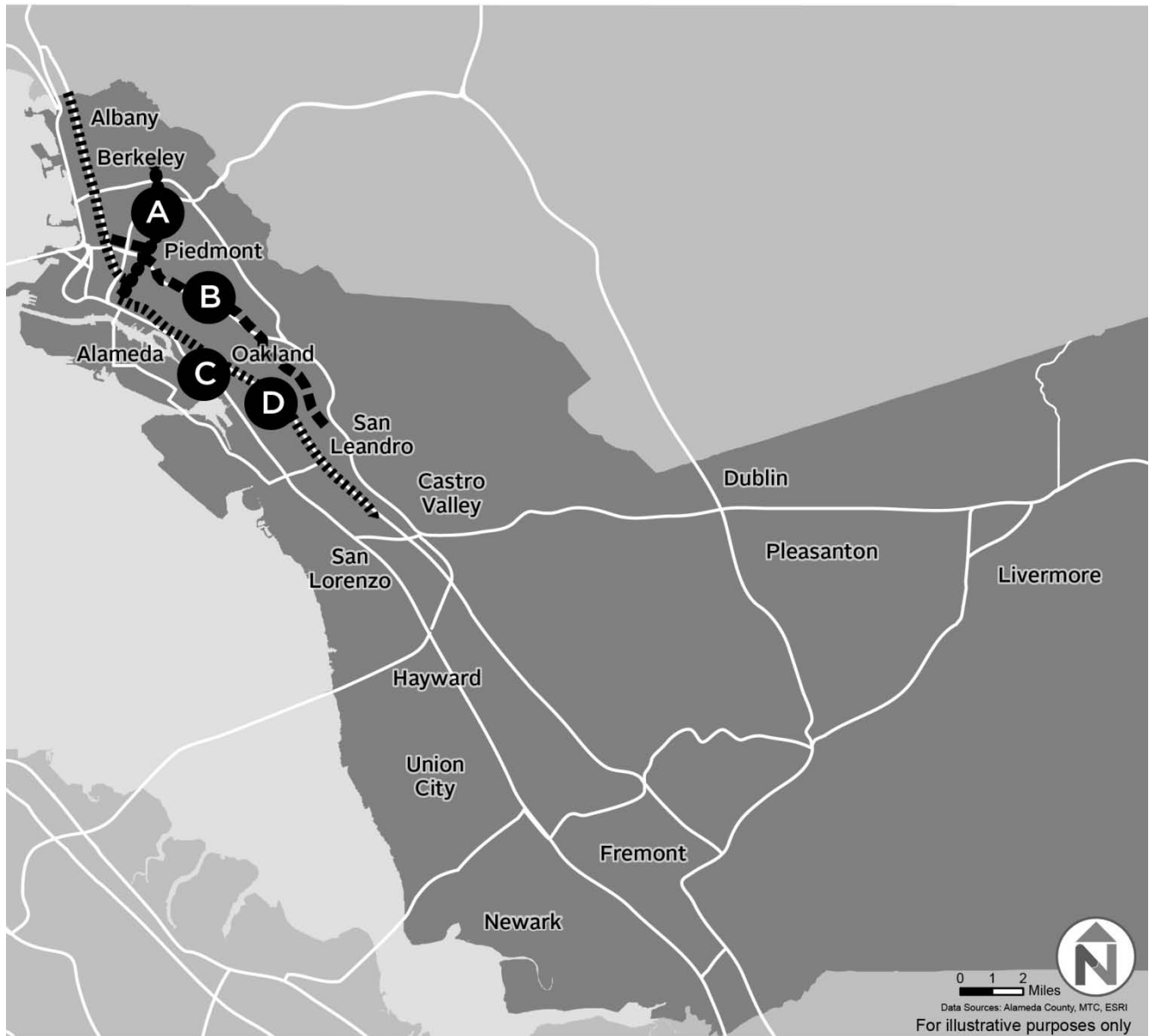
Bus Rapid Transit is a technology that reduces bus travel times, improves the efficiency of transit service and reduces conflicts between bus service and auto travel on major streets. Three BRT corridors are proposed:

- The Telegraph Avenue/East 14<sup>th</sup>/International Boulevard project will provide enhanced transit service connecting the Cities of San Leandro and Oakland with potential extension to UC Berkeley.
- The Grand/MacArthur BRT project will enhance transit service and allow for significant reliability improvements in this critical corridor as well as enhancing access to regional services at the MacArthur BART station.
- The Alameda to Fruitvale BART Rapid Bus service will provide a fast and reliable connection between the City of Alameda and the Fruitvale BART station, providing service to new development proposed for the City of Alameda.

Funds may be used for project development, design, construction, access and enhancement of the rapid transit corridors. These sales tax funds will allow the Telegraph/East 14<sup>th</sup>/International project to be completed and will provide needed local match to attract leveraged funds to the other corridors which are currently under development.

### **College/Broadway Corridor Transit Priority (\$10 M)**

Funding will be provided for the implementation of transit priority treatments to improve transit reliability, reduce travel times and encourage more transit riders on the well utilized College/Broadway corridor.

**A**College/Broadway Corridor:  
Transit Priority**B**AC Transit Grand Macarthur  
Bus Rapid Transit**C**City of Alameda to Fruitvale  
BART Bus Rapid Transit**D**AC Transit East Bay Bus  
Rapid Transit Project**Not Shown:**

- Specialized Transit for Seniors and Persons with Disabilities
- Innovative grants including potential youth transit pass program
- Mass Transit Operations, Maintenance and Safety Program for AC Transit, Altamont Commuter Express (ACE), Water Emergency Transportation Authority (WETA), Livermore Amador Valley Transit Authority (LAVTA), and Union City Transit.

## **BART SYSTEM MODERNIZATION AND EXPANSION (\$710 M)**

The capital projects funded as part of the BART System Modernization and Expansion investments include projects that increase the capacity and utility of the existing system, as well as providing local funding for a proposed BART extension in the eastern part of the county.

### **BART to Livermore (\$400 M)**

This project funds the first phase of a BART Extension within the I-580 Corridor freeway alignment to the vicinity of the I-580/Isabel Avenue interchange using the most effective and efficient technology. Funds for construction for any element of this first phase project shall not be used until full funding commitments are identified and approved, and a project-specific environmental clearance is obtained. The project-specific environmental process will include a detailed alternative assessment of all fundable and feasible alternatives, and be consistent with mandates, policies and guidance of federal, state, and regional agencies that have jurisdiction over the environmental and project development process.

### **BART System Modernization and Capacity Enhancements (\$310 M)**

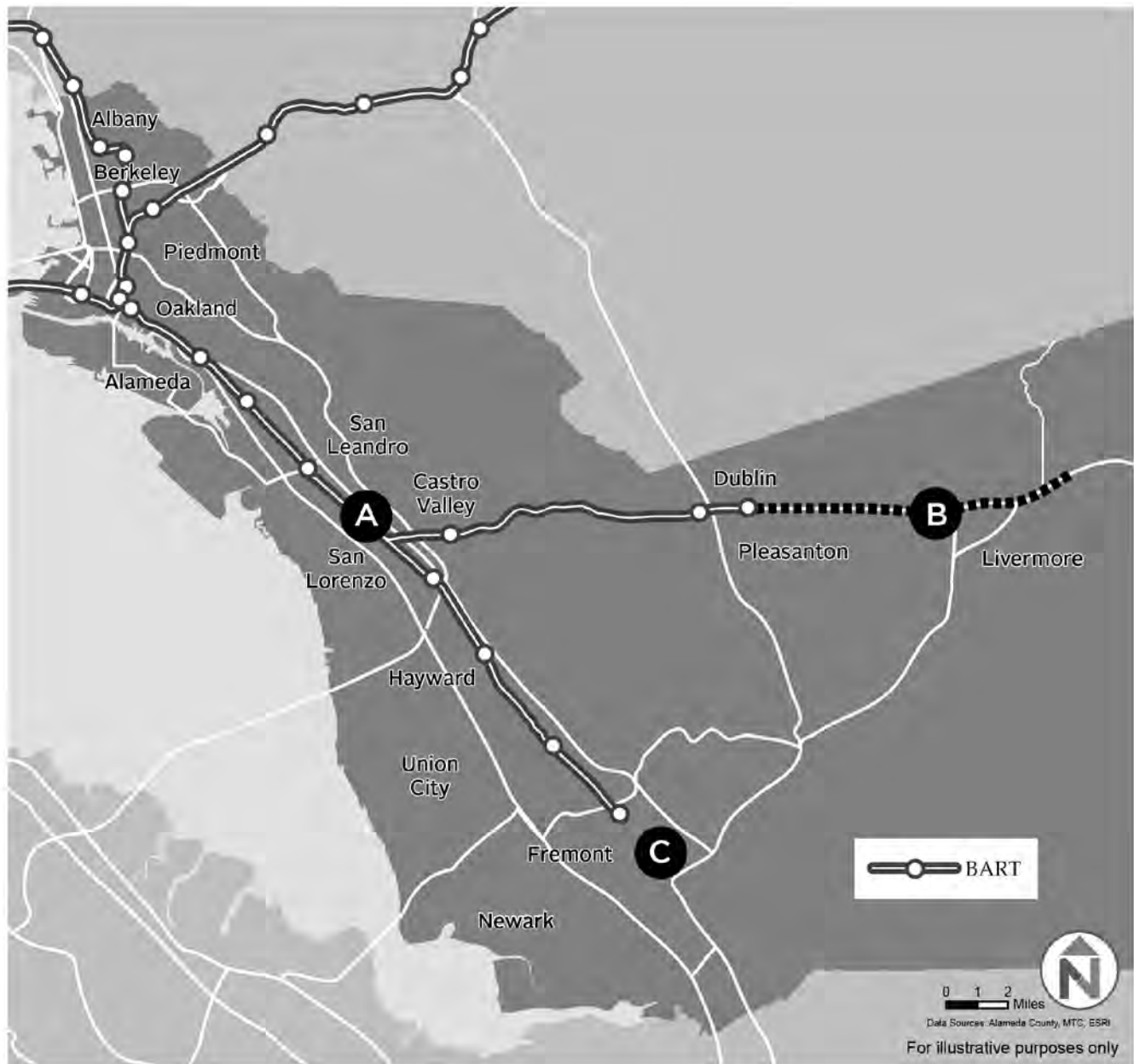
BART projections indicate that its system will need to carry over 700,000 daily riders by the end of this plan period. New riders will affect the capacity of existing systems and stations, requiring focused capacity enhancements to keep the system moving as ridership increases occur.

**The Bay Fair Connector/BART METRO project will receive \$100 M** in sales tax funds for the Alameda County portion of this project which will increase capacity and operational flexibility systemwide. One goal of these improvements will be to improve connections to jobs in the southern part of the county and beyond as Santa Clara County builds its own BART extension.

**The BART Station Modernization and Capacity Program will receive \$90 M** for improvements at all BART stations in Alameda County, addressing station site, building envelope, escalator and elevator rehabilitation/replacement, circulation & wayfinding, air conditioning, lighting & ambient environment,

station reliability upgrades, and other station equipment replacement/upgrades.

**The Irvington BART Station will receive \$120 M** to provide an infill station on the soon-to-open Warm Springs extension south of the existing Fremont Station, creating new accessibility to BART in the southern part of the County.



- A** Bay Fair BART Capacity Enhancement
- B** BART Extension to Livermore
- C** Irvington BART Station

Not Shown:

- BART Station Modernization and Capacity Improvements
- Specialized Transit for Seniors and People with Disabilities

## **REGIONAL RAIL ENHANCEMENTS AND HIGH SPEED RAIL CONNECTIONS (\$355 M)**

Investments include maintenance and service enhancements on existing rail lines and the development of new rail service over the Dumbarton Bridge. Funds will also be allocated for preserving rail right of way for transportation purposes, ensuring that service is available for future generations. Finally, this funding category acknowledges the importance of connecting high speed rail to Alameda County and the Bay Area and seeks to prioritize targeted investments to ensure strong connections to this future service.

### **Dumbarton Rail Corridor Implementation (\$120 M)**

The Dumbarton Rail Corridor Project will extend commuter services across the southern portion of the San Francisco Bay between the Peninsula and the East Bay. The project will link multiple transit services including Caltrain, the Altamont Express, Amtrak's Capitol Corridor, BART, and East Bay bus systems at a multi-modal transit center in Union City. The environmental process will determine the most effective service in this corridor.

### **Union City Multimodal Rail Station (\$75 M)**

This project funds the development of a new multimodal rail station in Union City to serve BART, Dumbarton Rail, Capitol Corridor, ACE and local and regional bus passengers. The project involves construction of a two-sided rail station and bus transit facility, accessible to a 30-acre TOD site. Improvements will be made to pedestrian and bicycle access, BART parking, elevators, fare gates and other passenger amenities.

### **Capital Corridor Service Expansion (\$40 M)**

This project supports track improvements and train car procurement which will enable the trains running between Oakland and San Jose to increase daily round trips per day, matching frequencies between Sacramento and Oakland.

### **Railroad Corridor Track Improvements and Right of Way Preservation (\$110 M)**

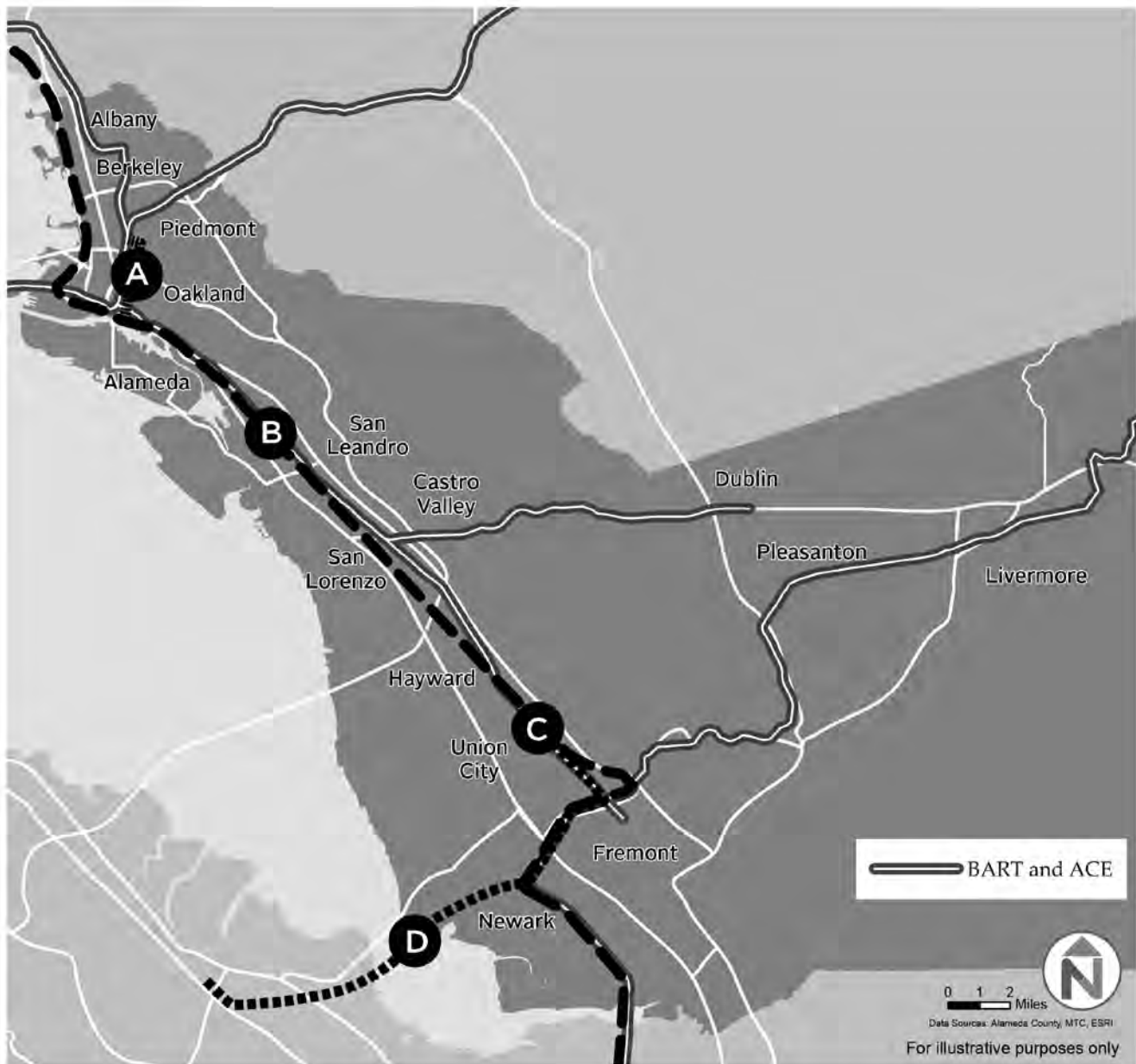
Funds allocated by this project may be used to maintain and enhance existing railroad corridors for use as regional rail and other transportation purposes as well as to preserve the rights of way of rail

corridors that could be used for other transportation purposes, such as major trails.

### **Oakland Broadway Corridor Transit (\$10 M)**

This project will link neighborhoods to transit stations along Broadway Boulevard, Oakland's major transit spine, providing a frequent and reliable connection between the regional rail hub at Jack London Square, with Downtown Oakland, the Uptown Arts and Entertainment District, and adjoining neighborhoods, utilizing the most efficient and effective technology.

## REGIONAL RAIL INVESTMENTS

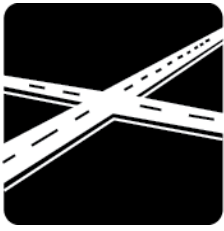


- A** Broadway Corridor Transit
- B** Capitol Corridor Service Expansion
- C** Union City Passenger Rail Station
- D** Dumbarton Rail Corridor

Not Shown:

- Freight Railroad Corridor Right of Way Preservation and Track Improvements

# LOCAL STREETS AND ROADS



A total of 30% of the net revenue anticipated from this tax is dedicated to the improvement of local streets and roads. Streets and roads investments include two major

components: a program that provides funding for local jurisdictions to maintain streets and roads, and a capital program that is focused on improving the performance of major commute routes and bridges throughout the County, including enhancing seismic safety.

The Streets and Roads program in this Expenditure Plan involves shared responsibility – local cities and the County will set their local priorities within a framework that requires complete streets to serve all users and types of transportation, honors best practices and encourages agencies to work together. More specifically, streets and roads expenditures will be designed to benefit all modes of travel by improving safety, accessibility, and convenience for all users of the street right-of-way. The plan also focuses on important commute corridors that carry the majority of the driving public and cross city boundaries, ensuring enhanced cooperation and coordination between agencies.

## **LOCAL STREETS AND ROADS MAINTENANCE AND SAFETY PROGRAM (20% OF NET REVENUES, \$1,548 M)**

In recognition that local streets and roads are the backbone of our transportation system, this program provides funds to local cities and Alameda County for maintaining and improving local infrastructure. Funds may be used for any local transportation need based on local priorities, including streets and road maintenance, bicycle and pedestrian projects, bus stops, and traffic calming. All projects implemented with these funds will support a “complete streets philosophy” where all modes and users are

considered in the development of the local road system. A minimum of 15% of all local streets and roads funds will be spent on project elements directly benefitting bicyclists and pedestrians.

The Local Streets and Roads Maintenance and Safety program is designed as a pass-through program, with funds being provided to local jurisdictions to be used on locally determined priorities. Twenty percent of net revenues will be allocated to local cities and the county based on a formula that includes population and road miles for each jurisdiction, weighted equally, consistent with the current Measure B formula. The formula will be revisited within the first five years of the plan to ensure overall geographic equity in the TEP. This program is intended to augment, rather than replace, existing transportation funding.

## **MAJOR COMMUTE CORRIDORS, LOCAL BRIDGE AND SEISMIC SAFETY INVESTMENTS (\$800 M)**

Major commute routes, illustrated on the map on the following page, serve a high percentage of the daily commuters in Alameda County and the majority of trips for other purposes. These roads are crucial for the movement of goods to stores and consumers, for transit riders and for motorists, and for bicyclist and pedestrians. Concentrating improvements in these corridors will improve access and efficiencies, increase safety and reduce congestion.

This program focuses funding on improvements to major roads, bridges, freight improvements and railroad grade separations or quiet zones. Examples of commute corridors eligible for funding include, but are not limited to, the following:

**North County Major Roadways:** Solano Avenue Pavement resurfacing and beautification; San Pablo Avenue Improvements; State Route 13/Ashby Avenue corridor; Marin Avenue local road safety; Gilman railroad crossing; Park Street, High Street and Fruitvale bridge replacements; Powell Street bridge widening at Christie; East 14th Street improvements.

**Central County Major Roadways:** Crow Canyon Road safety improvements, San Leandro local road resurfacing, Lewelling Road/Hesperian Boulevard improvements, Tennyson Road grade separation.

**South County Major Roadways:** East-west connector in North Fremont and Union City, I-680-880 cross connectors, Fremont Boulevard improvements, upgrades to the relinquished Route 84 in Fremont; Thornton Ave widening; Newark local streets

**East County Major Roadways:** El Charro Road improvements, Dougherty Road widening, Dublin Boulevard widening, Greenville Road widening, Bernal Bridge construction.

**Countywide Freight Corridors:** Outer Harbor Intermodal Terminal at the Port of Oakland, 7<sup>th</sup> Street grade separation and roadway improvement in Oakland, as well as truck routes serving the Port of Oakland.

Projects will be developed by local agencies working in cooperation with neighboring jurisdictions and the Alameda County Transportation Commission to reduce congestion, remove bottlenecks, improve safety, enhance operations, and enhance alternatives to single occupant auto travel in these corridors. Projects will be funded based on project readiness, constructability, geographic equity, and cost effectiveness as determined by the Alameda CTC working with local jurisdictions as part of the Alameda CTC Capital Improvement Program which is updated every 2 years.





**Examples of Major Roadways for Improvement:**

- North County:** Solano Ave, San Pablo Ave, Ashby Ave, Marin Ave, Gilman Rail Crossing, Park St, High St, Fruitvale Bridge, and Powell St Bridge, and East 14th St.
- Central County:** Crow Canyon Rd, Hesperian Blvd, Lewelling Blvd, Tennyson Rd, and San Leandro local streets.
- South County:** Central Ave Overpass, Mowry Ave, Thornton Ave widening, East-West Connector, I-680/880 cross connectors, Fremont Blvd, Newark local streets, and Route 84.
- East County:** Greenville Rd, El Charro Rd, Dougherty Rd, Dublin Blvd, and Bernal Bridge.
- Countywide Freight Corridors:** Truck routes serving the Port of Oakland, Outer Harbor Intermodal Terminal and 7th St Improvements.

# HIGHWAY EFFICIENCY AND FREIGHT INVESTMENTS



The County's aging highway system requires safety, access and gap closure improvements to enhance efficiencies on a largely built-out system. Funding has been

allocated to each highway corridor in Alameda County for needed improvements. Specific projects have been identified based on project readiness, local priority and the availability to leverage current investments and funds. A number of additional eligible projects have been identified as candidates for corridor improvements, which will be selected for funding based on their contribution to the overall goals of improving system reliability, maximizing connectivity, improving the environment and reducing congestion. Priority implementation of specific investments and amounts will be determined as part of the Capital Improvement Program developed by Alameda CTC every two years.

Most of the projects that have been identified for funding are designed to improve the efficiency of and access to existing investments and to close gaps and remove bottlenecks.

A total of 9% of the net revenue is allocated to the highway system, including 1%, or approximately \$77 M, allocated specifically to goods movement and related projects.

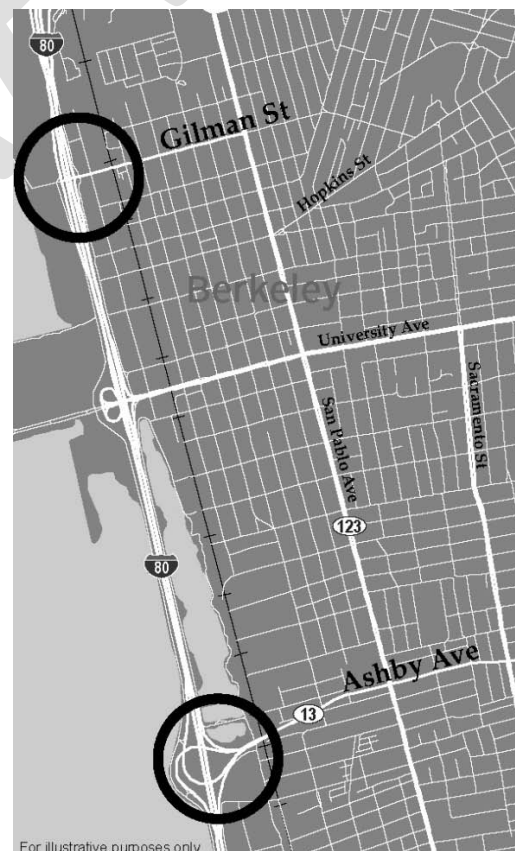
## I-80 CORRIDOR INVESTMENTS FROM THE CONTRA COSTA COUNTY LINE TO THE BAY BRIDGE (\$76 M)

I-80 in the northern part of the County is the most congested stretch of freeway in the Bay Area. Investments in the interchanges on this route were selected to relieve bottlenecks, improve safety and improve conditions for cars, buses, trucks and bicyclists and pedestrians. Key investments will be made at the Ashby and Gilman interchanges in

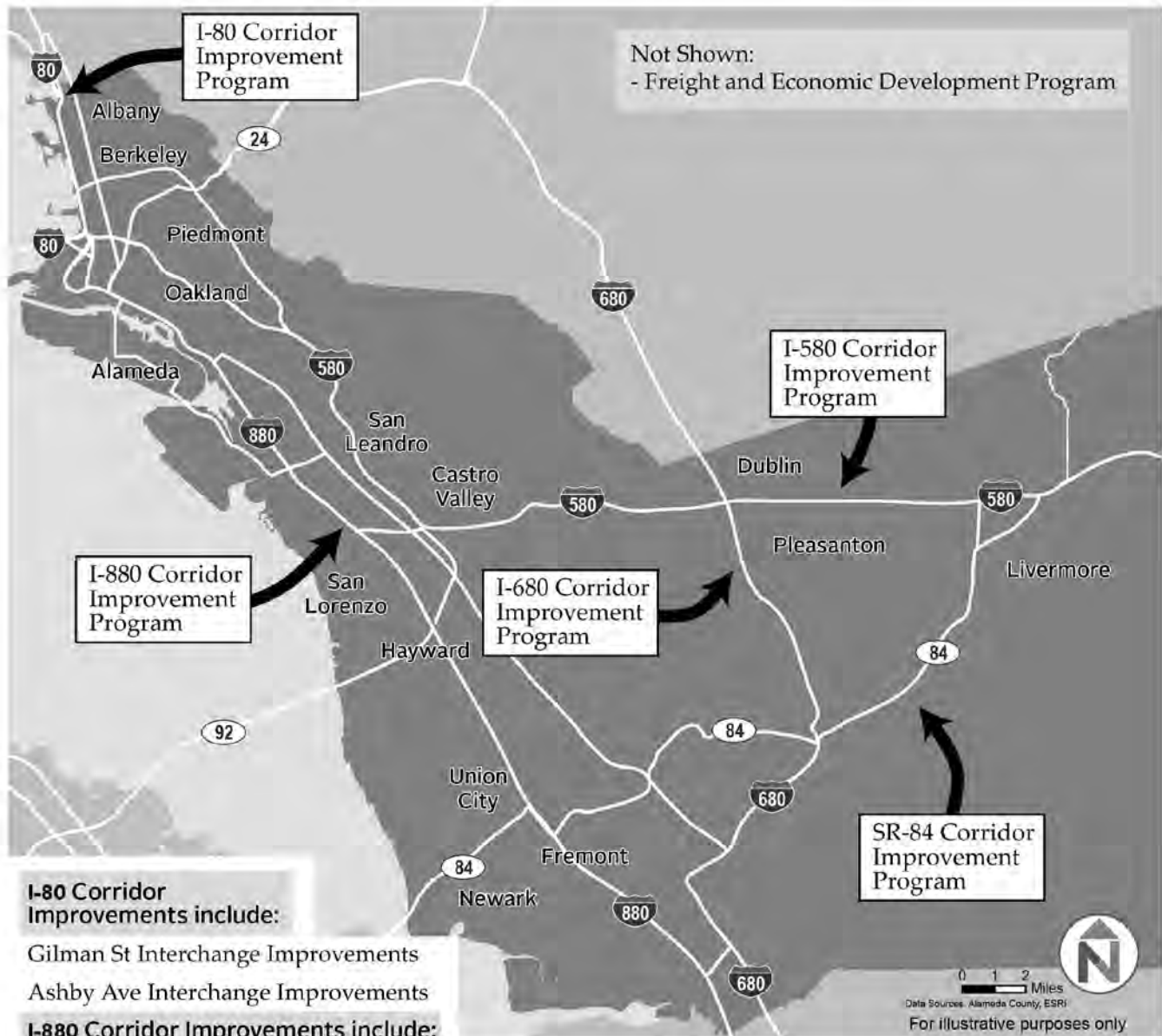
Berkeley, which will improve conditions for all modes in both Emeryville and Berkeley.

The I-80 Gilman project will receive funding to relieve a major bottleneck and safety problem at the I-80 Gilman interchange. The project includes both a major reconfiguration of the interchange and grade separation of the roadway and the railroad crossing which currently crosses Gilman at grade impeding traffic flow to and from the freeway. Improvements will also be made for pedestrians and bicyclists crossing this location and accessing recreational opportunities west of the freeway, making this a true multimodal improvement.

The Ashby Avenue corridor will receive funding to fully reconstruct the Ashby Avenue Interchange by eliminating the substandard eastbound on-ramp in Berkeley's Aquatic Park. The interchange will be fully accessible to vehicles traveling to and from Emeryville and Berkeley and east and west on I-80 will reduce local traffic congestion in Berkeley and Emeryville and will improve bicycle and pedestrian access. The project includes associated corridor improvements on Ashby Avenue.

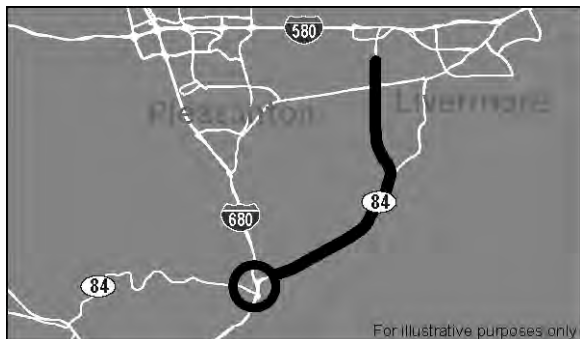


For illustrative purposes only



### STATE ROUTE 84 FROM I-580 TO I-680 (\$132 M)

Two significant improvements are planned for this corridor to complete improvements at the SR 84 and I-680 interchange and widening SR 84 to support safety, connectivity and efficiency.



### I-580 CORRIDOR INVESTMENTS FROM DUBLIN TO SAN JOAQUIN COUNTY LINE (\$48 M)

Investments in the I-580 corridor include improvements to the I-580/I-680 Interchange to provide relief on one of the most significant bottlenecks on the freeway system. Additional funding is for interchange improvements in both East and Central County, including improvements at Vasco Road, Greenville Road and Isabel Avenue, which are needed for major transit investments in the Livermore area, as well as interchange improvements in Central County, focusing on bottleneck relief and safety improvements.



### I-680 FROM CONTRA COSTA COUNTY LINE TO THE SANTA CLARA COUNTY LINE (\$60 M)

Implementation of the I-680 HOV/HOT lane in both directions from Route 84 to Alcosta Boulevard is the centerpiece of the improvements planned for this heavily traveled corridor. This project will receive \$60 M to construct carpool/high occupancy toll lanes on I-680 between Alcosta Boulevard and Route 84 in both directions.



### I-880 CORRIDOR INVESTMENTS FROM OAKLAND TO UNION CITY (\$284 M)

I-880 corridor improvements include projects to upgrade and improve key interchanges throughout the corridor beginning with the Broadway/Jackson interchange and Oak Street interchange in Oakland and Alameda to the Whipple/Industrial Parkway Southwest interchange in Hayward and to the County line. Many other interchange projects are also candidates for funding to relieve congestion and improve safety.



Funds for improvements in the area of the I-880 Broadway-Jackson Interchange include ramp and interchange improvements, enhancements to goods movement, and access improvements and highway safety improvements, including reducing weaving at

the I-880/I-980 interchange, and transit and bike and pedestrian improvements. Funds for interchange improvements at Whipple Road and Industrial Boulevard in the Central part of the County are also included, as well as making other improvements on I-880. The goals of these improvements are to remove bottlenecks and enhance safety at these critical interchanges, serving motorists and goods movement in Central and Southern Alameda County.

In addition, funding will support completion of the HOV/HOT carpool lanes on I-880 from A Street in Hayward to Hegenberger Road in Oakland, filling in this important gap in the HOV lane system.

Additional funding on I-880 includes a number of critical access and interchange improvements in the north and central parts of the county including grade separations, bridge improvements and interchange enhancements.

### **FREIGHT AND ECONOMIC DEVELOPMENT PROGRAM (1% OF NET REVENUE, \$77 M)**

These discretionary funds will be administered by the Alameda CTC for the purposes of developing innovative approaches to moving goods in a safe and healthy environment in support of a robust economy. Eligible expenditures in this category include:

- Planning, development and implementation of projects that enhance the safe transport of freight by truck or rail in Alameda County, including projects that reduce conflicts between freight movement and other modes.
- Planning, development and implementation of projects that reduce greenhouse gas production in the transport of goods.
- Planning, development and implementation of projects that mitigate environmental impacts of freight movement on residential neighborhoods.
- Planning, development and implementation of projects that enhance coordination between the Port of Oakland, Oakland Airport and local jurisdictions for the purposes of improving the efficiency, safety, and environmental and noise impacts of freight operations while promoting a vibrant economy.

These proposed funds will be distributed by the Alameda CTC to eligible public agencies within Alameda County. Eligible public agencies will include local jurisdictions including cities, Alameda County, the Port of Oakland and the Oakland Airport.



# BICYCLE AND PEDESTRIAN INVESTMENTS



Key investments in bicycle and pedestrian infrastructure include completion of the major trails in the County. Funding will allow for the completion of three key

trails: the County's East Bay Greenway which provides a viable commute and community access route for many cyclists and pedestrians from Oakland to Fremont and the Bay Trail and Iron Horse trails in Alameda County which provide important off street routes for both commute and recreational trips. Funding for priority projects in local and countywide Bicycle and Pedestrian plans will also allow for investments that support the use of these modes.

A total of 8% of the funds available in this plan are devoted to improving bicycle and pedestrian infrastructure as well as providing programs to encourage people to bike and walk when possible and to support accessibility for seniors and the disabled. It is important to note that in addition to these dedicated funds, local bicycle and pedestrian projects will also be funded through the Local Streets and Roads and Sustainable Transportation and Land Use Linkages funding categories.

## COMPLETION OF MAJOR TRAILS – IRON HORSE TRAIL, BAY TRAIL AND EAST BAY GREENWAY (\$264 M)

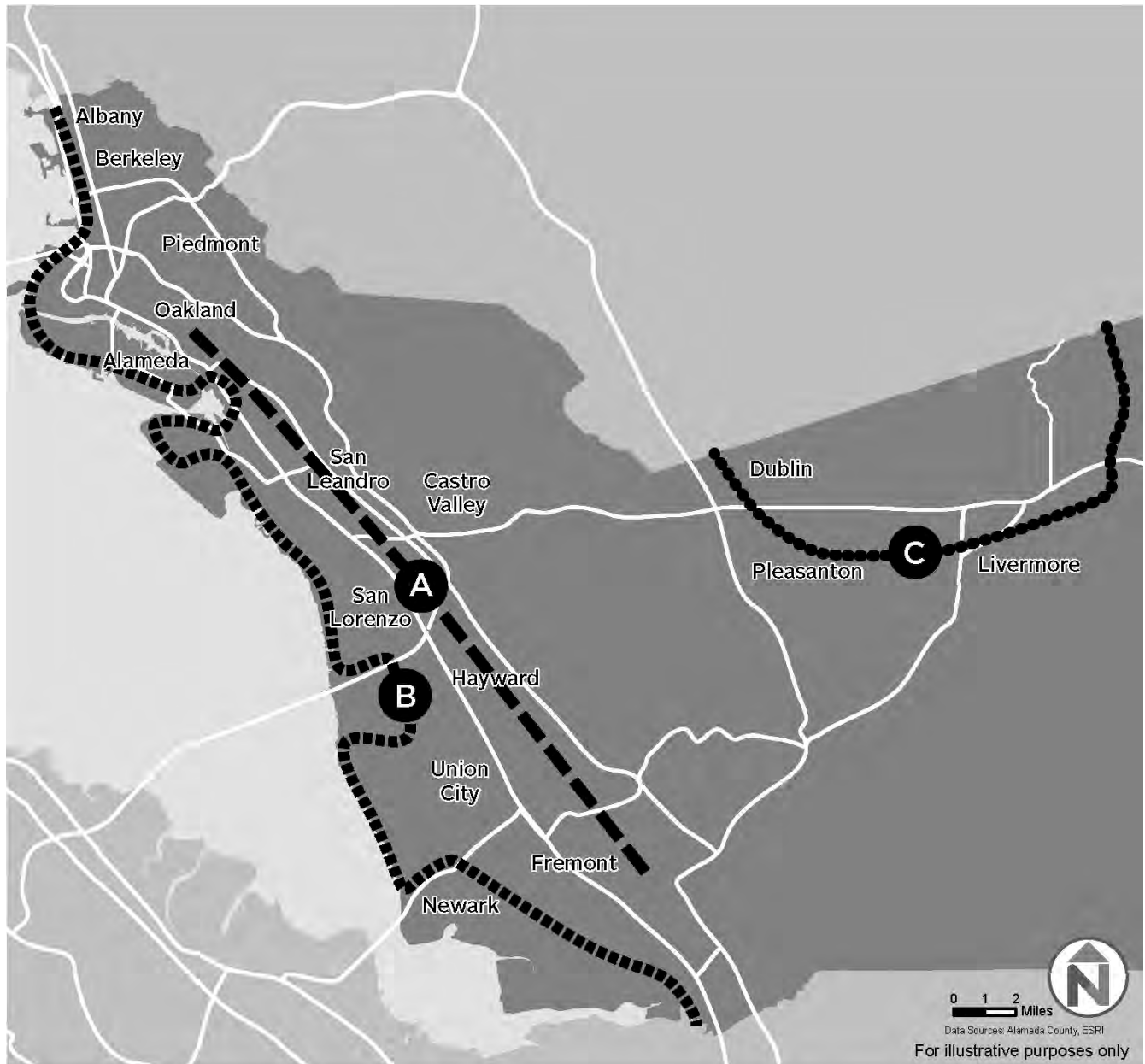
This project provides for increased pedestrian and bicycle transportation options, more open space, and improved public safety in neighborhoods on these three major trails pictured on the next page. These projects have the potential to generate extensive and varied community benefits beyond creating infrastructure for bicycle and pedestrian travel including improving neighborhood connectivity, improving access to transit, reducing local congestion, improving safe access to schools, supporting community health and reducing

greenhouse gas emissions. Funds may be applied to the construction and maintenance of the three major trails, as well as local connectors and access routes.

## LOCAL BICYCLE AND PEDESTRIAN SAFETY PROGRAM (5% OF NET REVENUE, \$387 M)

This proposed program is designed to fund projects and provide operating funds that expand and enhance bicycle and pedestrian safety and facilities in Alameda County, focusing on projects that complete the County's bicycle and pedestrian infrastructure system. The proposed program consists of two components:

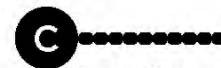
- **Pass-through funding** (3% of net revenue, estimated at \$232 M) will be provided on a monthly basis to the cities and to Alameda County for planning, construction and maintenance of bicycle and pedestrian projects and programs, focusing on completing the high priority projects described in their Bicycle and Pedestrian Master Plans. Funds will be provided to each city within the county and to Alameda County based on their share of population. Jurisdictions will be expected to implement, operate and maintain projects from the County's bicycle and pedestrian plans and to commit to a complete streets philosophy in their project design and implementation.
- **Funds administered by Alameda CTC** (2% of net revenue estimated at \$154 M) will be available for the purposes of implementing and maintaining regional bicycle and pedestrian facilities and increasing safe bicycling. These proposed funds will be periodically distributed by the Alameda CTC Board for projects and programs that:
  - Provide bicycle education and training
  - Increase the number of trips made by bicycle and on foot
  - Improve coordination between jurisdictions
  - Maintain existing trails
  - Implement major elements of the Alameda County Bicycle Master Plan and Pedestrian Master Plan



East Bay Greenway  
from Oakland to Fremont



Bay Trail Gap Closure  
and Access projects



Iron Horse Trail Gap Closure  
and Access projects

## Not Shown:

- Completion of other priority projects in local and countywide bicycle and pedestrian plans
- Pass-through program to cities and County
- Grant program for regional projects and trail maintenance.

- Implement bicycle and pedestrian elements of Community Based Transportation Plans
- Support Safe Routes to Schools
- Support school crossing guards
- Provide bicycle and pedestrian infrastructure within and connecting to developments in priority development areas
- Leverage other sources of funding

Funds in this category will be used for a Countywide Bicycle and Pedestrian Coordinator position.



# INVESTMENTS IN SUSTAINABLE TRANSPORTATION AND LAND USE LINKAGES



Investments in sustainable transportation and land use linkages recognize the need to plan our transportation system along with the land uses that are going to serve the

growing demand for housing and jobs in Alameda County. A total of 4% of net revenue or about \$300 M is dedicated to improvements that link our transportation infrastructure with areas identified for new development. One percent of net revenue, or about \$77 M, is dedicated to investments in new technology, innovation and development.

## PRIORITY DEVELOPMENT AREA/TRANSIT ORIENTED DEVELOPMENT INFRASTRUCTURE IMPROVEMENTS (\$300 M)

These investments target immediate term opportunities for enhancing access, improving safety and creating new infrastructure and supporting construction at BART stations, as well as station area development and transit oriented development at sites identified for early implementation throughout the County. Funds in this category may be spent on project development, design, and environmental clearance as well as construction, operations and maintenance of new infrastructure in these areas. Priority implementation of specific investments and amounts will be determined as part of the Capital Improvement Program developed by Alameda CTC every two years. Examples of eligible station areas to be included in this category are:

### North County Station Areas and Priority Development

- Broadway Valdez Priority Development Area
- Coliseum BART Station Enhancements
- Lake Merritt BART Station and Area Improvements
- West Oakland BART Station Area
- Eastmont Mall Priority Development Area
- 19<sup>th</sup> Street Station Area

- MacArthur BART Station Area
- Ashby BART Station Area
- Berkeley Downtown Station Area

### Central County Station Areas and Priority Development Areas

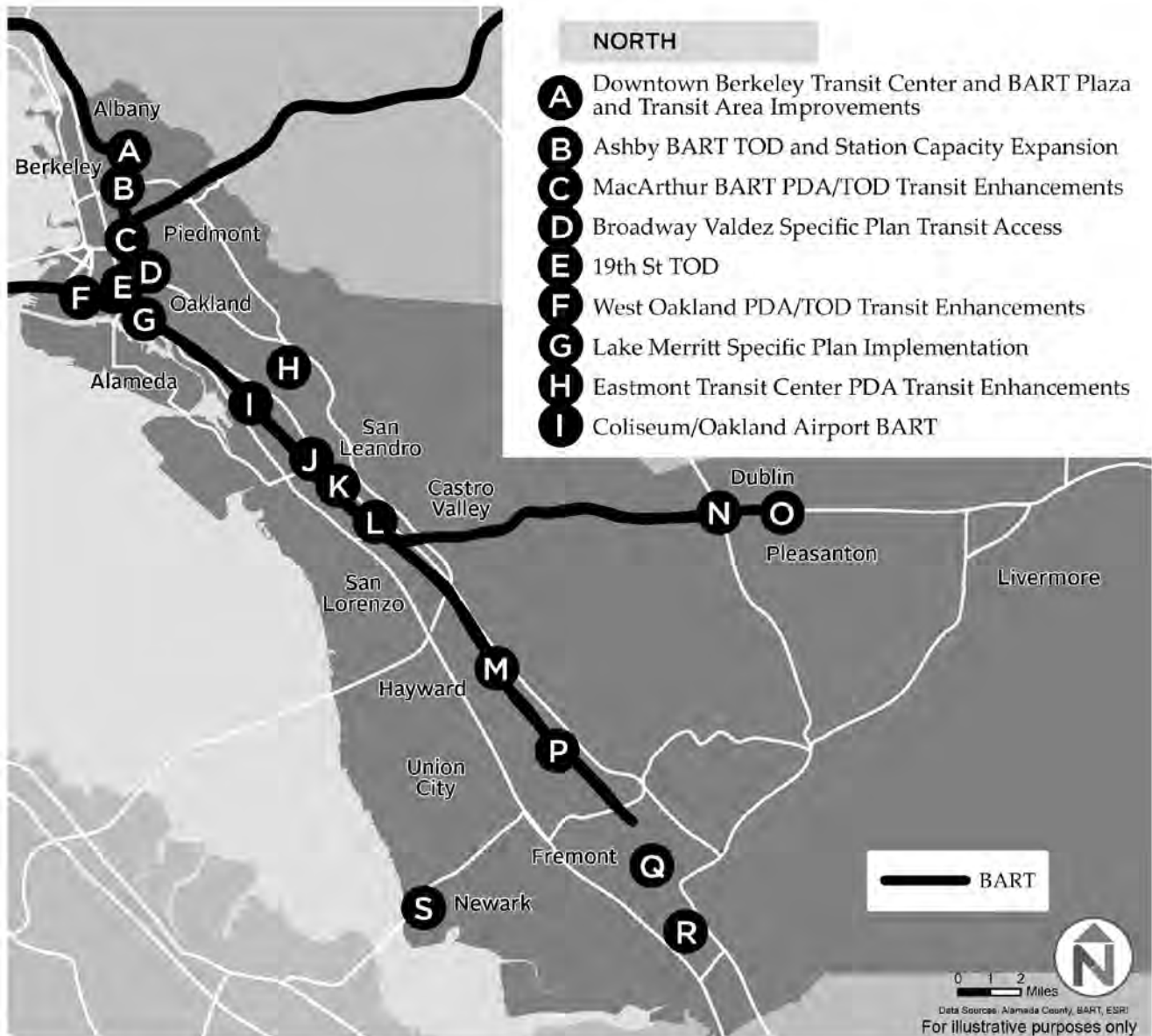
- Downtown San Leandro Transit Oriented Development
- Bay Fair BART Transit Village
- San Leandro City Streetscape Project
- South Hayward BART Station Area

### South County Station Areas and Priority Development Areas

- BART Warm Springs Westside Access Improvements
- Fremont Boulevard Streetscape
- Union City Intermodal Infrastructure Improvements
- Dumbarton TOD Infrastructure improvements

### East County Station Areas

- West Dublin BART Station and Area Improvements
- Downtown Dublin Transit Oriented Development
- East Dublin / Pleasanton BART Station and Area Improvements



### INVESTMENTS IN NEW TECHNOLOGY, INNOVATION AND DEVELOPMENT (1% OF NET REVENUE, \$77 M)

These proposed discretionary funds are designed to be administered by the Alameda CTC to develop innovative approaches to meeting the County's transportation vision, emphasizing the use of new and emerging technologies to better manage the transportation system. Eligible expenditures in this category include:

- Planning, development, implementation and maintenance of new technology and innovative strategies designed to improve the efficiency or effectiveness of the County's transportation system.
- Planning, development, implementation and maintenance of new technology and innovative strategies designed to better inform consumers of their transportation choices.
- Planning, development, implementation and maintenance of new technology and innovative strategies designed to increase utilization of non-auto modes or to increase the occupancy of autos with the goal of reducing congestion and greenhouse gas production.
- Planning, development, implementation and maintenance of new technology and innovative strategies designed to reduce transportation related greenhouse gases through the utilization of a cleaner vehicle fleet including alternative fuels and/or locally produced energy.
- Environmental mitigation for transportation projects including land banking.
- Planning, development and implementation of demand management strategies designed to reduce congestion, increase use of non-auto modes, manage existing infrastructure and reduce greenhouse gas emissions.
- Planning, development and implementation of transportation policies designed to manage parking supply to improve availability, utilization and to reduce congestion and greenhouse gas production.

These proposed funds would be distributed periodically by the Alameda CTC to eligible public agencies within Alameda County.



# GOVERNING BOARD AND ORGANIZATIONAL STRUCTURE

Implementation of this sales tax is authorized under the Local Transportation Authority and Improvement Act, California Public Utilities Code Section 180000 et seq. In enacting this ordinance, voters will authorize the Alameda County Transportation Commission (referred to herein as the Alameda CTC) to have the responsibility to administer the tax proceeds in accordance with all applicable laws and with the Transportation Expenditure Plan (TEP). Funds collected for this tax may be spent only for the purposes identified in the TEP, as it may be amended as described in the implementation guidelines. Under no circumstances may the proceeds of this transportation sales tax be applied to any purpose other than for transportation improvements benefitting Alameda County. Under no circumstances may these funds be appropriated by the State of California or any other governmental agency.

The Alameda County Transportation Commission was created in July 2010 through a merger of two existing agencies: the Alameda County Transportation Improvement Authority, which administered the existing Measure B half-cent transportation sales tax, and the Alameda County Congestion Management Agency, which was responsible for long-range planning and programming of transportation funds. The merger was designed to save taxpayer money by developing a single, streamlined organization focused on planning, funding and delivering countywide projects and programs with local, regional, state and federal funds in the most efficient and effective manner to serve the county's transportation needs. The merger has resulted in millions of dollars of savings to taxpayer's on an annual basis.

## GOVERNING BOARD AND ADMINISTRATION

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The Alameda CTC is governed by a Board comprised of 22 members, with the following representation:

- All five Alameda County supervisors
- Two Oakland representatives
- One representative from each of the other 13 cities
- AC Transit
- BART

The Governing Board is assisted by staff dedicated to implementation and monitoring of sales tax projects and programs. The total cost assigned for salaries and benefits for administrative employees shall not exceed 1% of the revenues generated by the sales tax. The total cost of administration of this tax, including all rent, supplies, consulting services and other overhead costs will not exceed 4% of the proceeds of the tax. In addition, \$XXX has been budgeted to repay a loan from the Alameda CTC for the election costs of the Measure.

## INDEPENDENT WATCHDOG COMMITTEE

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The Independent Watchdog Committee will have the responsibility of reviewing and overseeing all expenditures of sales tax funds by the Alameda CTC. The Independent Watchdog Committee (IWC) reports directly to the public.

The responsibilities of this committee are:

- The IWC must hold public hearings and issue reports, on at least an annual basis, to inform Alameda County residents about how the sales tax funds are being spent. The hearings will be open to the public and must be held in compliance with the Brown Act, California's open meeting law, with information announcing the hearings well-publicized and posted in advance.
- The IWC will have full access to the Alameda CTC's independent auditor and will have the authority to request and review specific information regarding use of the sales tax funds and to comment on the auditor's reports.
- The IWC will publish an independent annual report, including any concerns the committee has about audits it reviews. The report will be published in local newspapers and will be made available to the public in a variety of forums to ensure access to this information.

IWC members are private citizens who are not elected officials at any level of government, nor public employees from agencies that either oversee or benefit from the proceeds of the sales tax.

Membership is limited to individuals who live in Alameda County. Members are required to submit a statement of financial disclosure and membership is restricted to individuals without economic interest in any of the Alameda CTC's projects or programs. The IWC is designed to reflect the diversity of Alameda County. Membership is as follows:

- Two members are chosen at-large from each of the five supervisorial districts in the county (total of 10 at-large members). One member is nominated by each member of the Board of Supervisors and one additional member in each supervisorial district is selected by the Alameda County Mayors' Conference.
- Seven members are selected to reflect a balance of viewpoints across the county. These members are nominated by their respective organizations and approved by the Alameda CTC Board of Directors as follows:
  - One representative from the Alameda County Taxpayer's Association
  - One representative from the Sierra Club

- One representative from the Alameda County Labor Council
- One representative from the East Bay Economic Development Alliance
- One representative from the Alameda County Paratransit Advisory Committee (PAPCO)
- One representative from the East Bay Bicycle Coalition
- One representative from the League of Women's Voters

The members of the IWC are expected to provide a balance of viewpoints, geography, age, gender, ethnicity and income status, to represent the different perspectives of the residents of the county.

## ADVISORY COMMITTEES

The Alameda CTC is assisted by the advice of technical and public advisory committees. These committees, described below, meet regularly and are charged with carrying out important functions on behalf of the Alameda CTC.

### Alameda County Technical Advisory Committee (ACTAC)

The ACTAC is the technical advisory committee to the Alameda CTC. The ACTAC members provide technical expertise, analysis and recommendations related to transportation planning, programming and funding with the Alameda CTC Executive Director functioning as Chair.

### Paratransit Advisory and Planning Committee (PAPCO)

PAPCO addresses funding, planning, and coordination issues regarding specialized transportation services for seniors and persons with disabilities in Alameda County. PAPCO has the responsibility of making direct recommendations to the Board of Directors of the Alameda CTC on funding for senior and disabled transportation services. PAPCO is supported by a Technical Advisory Committee comprised of paratransit providers in Alameda County funded by local transportation sales tax funds.

**Bicycle and Pedestrian Advisory Committee (BPAC)**

The BPAC reviews all competitive applications submitted to the Alameda CTC for bicycle and pedestrian safety funds from Measure B, along with the development and updating of the Alameda Countywide Pedestrian and Bicycle Plans and makes recommendations to the Alameda CTC for funding. The BPAC also provides input on countywide educational and promotional programs and other projects of countywide significance, upon request.

**Other Committees**

The Alameda CTC will establish other community and technical advisory committees as necessary to implement the projects and programs in the TEP and to inform and educate the public on the use of funds for projects and programs in the TEP.





# IMPLEMENTING GUIDELINES

This Transportation Expenditure Plan (TEP) is guided by principles that ensure that the revenue generated by the sales tax is spent only for the purposes outlined in this plan, in the most efficient and effective manner possible, consistent with the direction provided by the voters of Alameda County.

## ADMINISTRATION OF THE PLAN

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1. **Funds only Projects and Programs in TEP:** Funds collected under this measure may be spent only for the purposes identified in the Transportation Expenditure Plan, or as it may be amended by the Alameda CTC Board.
2. **All Decisions Made in Public Process:** The Alameda County Transportation Commission (Alameda CTC) is given the fiduciary duty of administering the transportation sales tax proceeds in accordance with all applicable laws and with the TEP. Activities of the Alameda CTC Board of Directors will be conducted in public according to state law, through publicly noticed meetings. The annual budgets of the Alameda CTC, annual strategic plans and annual reports will all be prepared for public review. The interests of the public will be further protected by an Independent Watchdog Committee, described previously in this plan.
3. **Salary and Administration Cost Caps:** The Alameda CTC Board of Directors will have the authority to hire professional staff and consultants to deliver the projects and programs included in this plan in the most efficient and cost-effective manner. The salaries and benefits for administrative staff hired by the Alameda CTC will not exceed 1% of the proceeds of the tax.

The total of all administrative costs including overhead costs such as rent and supplies will be limited to no more than 4% of the proceeds of this tax.

The cost of Alameda CTC staff who directly implement specific projects or programs are not included in administrative costs.

4. **Amendments Require 2/3 Support:** To modify and amend this plan, an amendment must be adopted by a two-thirds vote of the Alameda CTC Board of Directors. All jurisdictions within the county will be given a minimum of 45 days to comment on any proposed TEP amendment.
5. **Augment Transportation Funds:** Pursuant to California Public Utilities Code 180001 (e), it is the intent of this expenditure plan that funds generated by the transportation sales tax be used to supplement and not replace existing local revenues used for transportation purposes.

## COMPREHENSIVE PLAN UPDATE PROCESS

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6. **Comprehensive Plan Updates:** While the transportation sales tax is intended to be collected in perpetuity, this plan recognizes that transportation needs, technology, and circumstances change over time. This plan is intended to govern the expenditure of new transportation sales tax funds (not including the existing Measure B funds), collected from implementation in 2013 through subsequent tax collections for an unlimited period, unless otherwise terminated by the voters.
7. **Comprehensive Plan Update Schedule:** The TEP will undergo a comprehensive update at least one time no later than the last general election prior to the completion of 2042 and then at least once every 20 years thereafter.



8. **Approval of a Comprehensive Updated Plan:** In order to adopt a comprehensive updated expenditure plan, the Alameda County Transportation Commission will appoint an Expenditure Plan Update Advisory Committee, representing the diverse interests of Alameda County residents, businesses and community organizations to assist in updating the plan. The meetings of this committee will be publicly noticed, and the committee will be responsible for developing a public process for soliciting input into the comprehensive plan update.

A recommendation for the adoption of the updated expenditure plan shall require a two-thirds vote of the Alameda CTC Board of Directors and shall be taken back to the local jurisdictions including the cities, Alameda County and transit agencies for review and comment. The comprehensive plan update will appear on a general election ballot in Alameda County for approval by the voters, requiring a majority vote.

All meetings at which a comprehensive plan update is considered will be conducted in accordance with all public meeting laws and public notice requirements and will be done to allow for maximum public input into the development of updating the plan.

## TAXPAYER SAFEGUARDS, AUDITS AND ACCOUNTABILITY

Accountability is of utmost importance in delivering public investments with public dollars. The Alameda CTC is committed to transparency and accountability as a public agency along with its many jurisdictional partners and there are many measures built into this measure to ensure voter accountability in expenditure of funds.

9. **Annual Audits and Independent Watchdog Committee Review:** Transportation sales tax expenditures are subject to an annual independent audit and review by an Independent Watchdog Committee. The Watchdog Committee will prepare an annual report on spending and progress in implementing the plan that will be published and distributed throughout Alameda County.
10. **Strict Project Deadlines:** To ensure that the projects promised in this plan can be completed

in a timely manner, each project will be given a period of seven years from the first year of revenue collection (up to December 31, 2019) to receive environmental clearance approvals and to have a full funding plan for each project. Project sponsors may appeal to the Alameda CTC Board of Directors for one-year time extensions.

11. **Timely Use of Funds:** Jurisdictions receiving funds for transit operations, on-going road maintenance, services for seniors and disabled, and bicycle and pedestrian safety projects and programs must expend the funds expeditiously and report annually on the expenditure, their benefits and future planned expenditures. These reports will be made available to the public at the beginning of each calendar year.
12. **Annual Budget and Strategic Plan:** Each year, the Alameda CTC adopts an annual budget that projects the expected sales tax receipts, other anticipated funds and planned expenditures for administration, programs and projects. The Alameda CTC will also prepare an annual Strategic Plan which will identify the priority for projects and dates for project implementation based on project readiness, ability to generate leveraged funds and other relevant criteria. Both the budget and the Strategic Plan will be adopted at a public meeting of the Alameda CTC Board of Directors.
13. **Commitments from Fund Recipients:** All recipients of funds allocated in this expenditure plan will be required to sign a Master Funding Agreement, detailing their roles and responsibilities in spending sales tax funds and including local hiring requirements. **Funding agreements will include performance and accountability measures.** In addition, fund recipients will conduct an annual audit to ensure that funds are managed and spent according to the requirements of this expenditure plan.
14. **Capital Improvement Program Updates:** Projects will be included in the Alameda CTC Capital Improvement Program which will be updated every two years, and which will provide for geographic equity in overall funding allocations. All allocations will be made through a public process.

15. **Geographic Equity:** Funding formulas for all programs will be revisited within the first five years of the plan to ensure overall geographic equity based on population and /or other equity factors. Funding for capital projects will be evaluated through the bi-annual capital improvement planning process which will include an evaluation of geographic equity by planning area.

## RESTRICTIONS ON FUNDS

16. **No Expenditures Outside of Alameda County:** Under no circumstances may the proceeds of this transportation sales tax be applied to any purpose other than for transportation improvements benefitting Alameda County. Under no circumstances may these funds be appropriated by the State of California or any other governmental agency, as defined in the implementation guidelines.
17. **Environmental and Equity Reviews:** All projects funded by sales tax proceeds are subject to laws and regulations of federal, state and local government, including but not limited to the requirements of the California Environmental Quality Act (CEQA), and Title VI of the Civil Rights Act, as applicable. All projects and programs funded with sales tax funds will be required to conform to the requirements of these regulations, as applicable. All projects that go through environmental review analyses will select the most efficient and effective project alternative and technology for implementation to meet the objective of the project.
18. **Complete Streets:** It is the policy of the Alameda CTC that all transportation investments shall consider the needs of all modes and all users. All investments will conform to Complete Streets requirements and Alameda County guidelines to ensure that all modes and all users are considered in the expenditure of funds so that there are appropriate investments that fit the function and context of facilities that will be constructed.
19. **Local Contracting and Jobs:** The Alameda CTC will develop a policy supporting the hiring of local contractors, businesses and residents from Alameda County as applicable in the expenditure of these funds.

20. **New Agencies:** New cities or new entities (such as new transit agencies) that come into existence in Alameda County during the life of the Plan could be considered as eligible recipients of funds through a Plan amendment

## PROJECT FINANCING GUIDELINES AND MANAGING REVENUE FLUCTUATIONS

21. **Fiduciary Duty:** By augmenting and extending the transportation sales tax, the Alameda CTC is given the fiduciary duty of administering the proceeds of this tax for the benefit of the residents and businesses of Alameda County. Funds may be accumulated by the Alameda CTC or by recipient agencies over a period of time to pay for larger and longer-term projects pursuant to the policies adopted by the Alameda CTC. All interest income generated by these proceeds will be used for the purposes outlined in this TEP and will be subject to audits.
22. **Project and Program Financing:** The Alameda CTC will have the authority to bond for the purposes of expediting the delivery of transportation projects and programs. The bonds will be paid with the proceeds of this tax. The costs associated with bonding, including interest payments, will be borne only by the capital projects included in the TEP and any programs included in the TEP that utilize the bond proceeds. The costs and risks associated with bonding will be presented in the Alameda CTC's annual Strategic Plan and will be subject to public comment before any bond sale is approved.
23. **Programming of Funds:** Actual revenues may, at times, be higher than expected in this plan due to changes in receipts and additional funds may become available due to increased opportunities for leveraging or project costs less than expected. Revenue may be lower than expected as the economy fluctuates. Estimates of actual revenue will be calculated annually by the Alameda CTC during its annual budget process. Any excess revenue will be programmed in a manner that will accelerate the implementation of the projects and programs described in this plan, at the direction of the Alameda CTC Board of Directors.

24. **Fund Allocations:** Should a planned project become infeasible or unfundable due to circumstances unforeseen at the time of this plan, or should a project not require all funds programmed for that project, funding will remain within its modal category such as Transit, Roads, Highways, Sustainable Transportation and Land Use, or Bicycle and Pedestrian Safety, and be reallocated to projects or programs in the same funding category at the discretion of the Alameda CTC Board of Directors.
25. **Leveraging Funds:** Leveraging or matching of outside funding sources is strongly encouraged. Any additional transportation sales tax revenues made available through their replacement by matching funds will be spent based on the principles outlined for fund allocations described above.

Mode	Investment Category	Project/Program	\$ Amount	% of Total Funds
<b>Transit &amp; Specialized Transit (48%)</b>	<b>Mass Transit: Operations, Maintenance, and Safety Program</b>	AC Transit	\$1,455.15	18.8%
		ACE	\$77.40	1.0%
		BART Maintenance	\$38.70	0.5%
		WETA	\$38.70	0.5%
		LAVTA	\$38.70	0.5%
		Union City Transit	\$19.35	0.25%
		Innovative grant funds, including potential youth transit pass program	\$174.63	2.24%
	<b>Transit Program for Students and Youth</b>	3-year Access to School Program	\$15.00	0.19%
		<b>Sub-total</b>	<b>\$1,857.64</b>	<b>24%</b>
	<b>Specialized Transit For Seniors and Persons with Disabilities</b>	City-based and Locally Mandated	\$232.20	3.0%
		East Bay Paratransit - AC Transit	\$348.31	4.5%
		East Bay Paratransit - BART	\$116.10	1.5%
		Coordination and Gap Grants	\$77.40	1.0%
		<b>Sub-total</b>	<b>\$774.02</b>	<b>10%</b>
	<b>Bus Transit Efficiency and Priority</b>	Grand Macarthur BRT	\$6.0	14%
		City of Alameda to Fruitvale BART Rapid Bus	\$9.0	
		AC Transit East Bay Bus Rapid Transit Projects in Alameda County	\$10.0	
		College/Broadway Corridor: Transit Priority	\$10.0	
		<b>Sub-total</b>	<b>\$35.0</b>	
	<b>BART System Modernization and Capacity Enhancements</b>	Irvington BART Station	\$120.0	
		Bay Fair BART/BART METRO Capacity Enhancement	\$100.0	
		BART Station Modernization and Capacity Improvements	\$90.0	
		BART to Livermore	\$400.0	
		<b>Sub-total</b>	<b>\$710.0</b>	
	<b>Regional Rail Enhancements and High Speed Rail Connections</b>	Dumbarton Rail Corridor	\$120.0	
		Union City Passenger Rail Station	\$75.0	
		Freight Railroad Corridor Right of Way Preservation and Track Improvements	\$110.0	
		Broadway Corridor Transit	\$10.0	
		Capitol Corridor Service Expansion	\$40.0	
		<b>Sub-total</b>	<b>\$355.0</b>	
	<b>TOTAL</b>		<b>\$3,731.66</b>	<b>48%</b>

Notes: Priority implementation of specific investments and amounts for capital projects will be determined as part of the Capital Improvement Program developed through a public process and adopted by the Alameda CTC every two years and will include geographic equity provisions.

BART Maintenance funds will require an equal amount of matching funds and must be spent in Alameda County.

All recipients of sales tax funds will be required to enter into agreements which will include performance and accountability measures.

# Appendix A: Full List of TEP Investments by Mode

Mode	Investment Category	Project/Program	\$ Amount	% of Total Funds	
Local Streets & Roads (30%)	Major Commute Corridors, Local Bridge Seismic Safety	North County Example Projects		10%	
		Solano Avenue Pavement resurfacing and beautification; San Pablo Avenue Improvements; Oakland Army Base Transportation Infrastructure Improvements; SR 13 Ashby Corridor; Marin Avenue Local Road Safety; Gilman Railroad Crossing; Park Street, High Street, and Fruitvale Bridge Replacement; Powell Street Bridge Widening at Christie; East 14th Street			
		Central County Example Projects			
		Crow Canyon Road Safety; San Leandro LS&R*; Lewelling Blvd/Hesperian Blvd.; Tennyson Road Grade Separation			
		South County Example Projects			
		East-West Connector in North Fremont and Union City; I-680/880 Cross Connectors; Widen Fremont Boulevard from I-880 to Grimmer Blvd.; Upgrade Relinquished Route 84 in Fremont; Thornton Ave widening; Newark LS&R			
		East County Example Projects			
		Greenville Road widening; El Charro road construction; Dougherty Road Widening; Dublin Boulevard widening; Bernal Bridge Construction			
		Sub-total			\$639.0
		Countywide Freight Corridors			
		Outer Harbor Intermodal Terminal			
		7th Street Grade Separation and Roadway Improvement			
		Truck Routes serving the Port of Oakland			
					Sub-total
	Direct Allocation to Cities and County	Local streets and roads program	\$1,548.03	20%	
	TOTAL		\$2,348.03	30%	

Notes: Priority implementation of specific investments and amounts for capital projects will be determined as part of the Capital Improvement Program developed through a public process and adopted by the Alameda CTC every two years and will include geographic equity provisions.

All recipients of sales tax funds will be required to enter into agreements which will include performance and accountability measures.

\*This includes \$30 million for San Leandro local streets and roads improvements

Mode	Investment Category	Project/Program	\$ Amount	% of Total Funds
Highway Efficiency & Freight (9%)	I-80 Improvements	I-80 Gilman Street Interchange improvements	\$24.0	8%
		I-80 Ashby Interchange improvements	\$52.0	
		<b>Sub-total</b>	<b>\$76.0</b>	
	I-84 Improvements	SR-84/I-680 Interchange and SR-84 Widening	\$122.0	
		SR-84 Expressway Widening (Pigeon Pass to Jack London)	\$10.00	
		<b>Sub-total</b>	<b>\$132.0</b>	
	I-580 Improvements	I-580/I-680 Interchange improvements	\$20.0	
		I-580 Local Interchange Improvement Program: Central County I-580 spot intersection improvements; Interchange improvements - Greenville, Vasco, Isabel Avenue (Phase 2)	\$28.0	
		<b>Sub-total</b>	<b>\$48.0</b>	
	I-680 Improvements	I-680 HOT/HOV Lane from Route 84 to Alcosta	\$60.0	
		<b>Sub-total</b>	<b>\$60.0</b>	
	I-880 Improvements	I-880 NB HOV/HOT Extension from A St. to Hegenberger	\$20.0	
		I-880 Broadway Jackson Interchange and circulation improvements	\$75.0	
		Whipple Road / Industrial Parkway Southwest Interchange improvements	\$60.0	
		I-880 Industrial Parkway Interchange improvements	\$44.0	
		I-880 Local Access and Safety improvements: Interchange improvements - Winton Avenue; 23rd/29th St. Oakland; 42nd Street/High Street; Route 262 (Mission) improvements and grade separation; Oak Street Interchange	\$85.0	
		<b>Sub-total</b>	<b>\$284.0</b>	
	Highway Capital Projects	<b>Sub-total</b>	<b>\$600.0</b>	
	Freight & Economic Development	Freight and economic development program	<b>\$77.40</b>	<b>1%</b>
	<b>TOTAL</b>		<b>\$677.40</b>	<b>9%</b>

Notes: Priority implementation of specific investments and amounts for capital projects will be determined as part of the Capital Improvement Program developed through a public process and adopted by the Alameda CTC every two years and will include geographic equity provisions.

All recipients of sales tax funds will be required to enter into agreements which will include performance and accountability measures.

## Appendix A: Full List of TEP Investments by Mode

Mode	Investment Category	Project/Program	\$ Amount	% of Total Funds
<b>Bicycle and Pedestrian (8%)</b>	<b>Bicycle and Pedestrian Infrastructure &amp; Safety</b>	Gap Closure on Three Major Trails: Iron Horse, Bay Trail, and East Bay Greenway/UPRR Corridor	\$264.0	3%
		Bike and Pedestrian direct allocation to Cities and County	\$232.20	3%
		Bike and Pedestrian grant program for regional projects and trail maintenance	\$154.80	2%
	<b>TOTAL</b>		<b>\$651.0</b>	<b>8%</b>
<b>Sustainable Land Use &amp; Transportation (4%)</b>	<b>Priority Development Area (PDA) / Transit-oriented Development (TOD) Infrastructure Investments</b>	<b>North County Example Projects*</b>		
		Coliseum/Oakland Airport BART; West Oakland PDA/TOD Transit Enhancements; MacArthur BART PDA/TOD Transit Enhancements; Eastmont Transit Center PDA Transit Enhancements; Lake Merritt Specific Plan Implementation; Broadway Valdez Specific Plan transit access; 19th St TOD; Ashby BART TOD and Station Capacity Expansion; Downtown Berkeley Transit Center and BART Plaza and Transit Area Improvements		
		<b>Central County Example Projects</b>		
		Downtown San Leandro TOD; Bay Fair BART Transit Village; San Leandro City Streetscape; South Hayward BART Station Area		
		<b>South County Example Projects</b>		
		BART Warm Springs West Side Access Improvements; Fremont Boulevard Streetscape; Union City Intermodal Infrastructure Improvements; Dumbarton TOD Infrastructure Improvements		
		<b>East County Example Projects</b>		
		West Dublin TOD, Downtown Dublin TOD, and East Dublin / Pleasanton TOD		
		<b>Sub-total</b>	<b>\$300.00</b>	
	<b>TOTAL</b>		<b>\$300.00</b>	<b>4%</b>
<b>Technology (1%)</b>	<b>Technology, Innovation, and Development</b>	Technology, Innovation, and Development program	<b>\$77.40</b>	<b>1%</b>
<b>TOTAL NEW NET FUNDING (2013-42)</b>			<b>\$7,786</b>	

Notes: Priority implementation of specific investments and amounts for capital projects will be determined as part of the Capital Improvement Program developed through a public process and adopted by the Alameda CTC every two years and will include geographic equity provisions.

All recipients of sales tax funds will be required to enter into agreements which will include performance and accountability measures.

\* Preliminary allocation of North County Funds subject to change by the Alameda CTC Board of Directors: Coliseum BART Area (\$40 M), Broadway Valdez (\$20 M), Lake Merritt (\$20 M), West Oakland (\$20 M), Eastmont Mall (\$20 M), 19th Street (\$20 M), MacArthur (\$20 M), Ashby (\$18.5 M), Berkeley Downtown (\$20 M).



## MEMORANDUM

**DATE:** January 20, 2012

**TO:** Alameda County Transportation Commission

**FROM:** Tess Lengyel, Deputy Director of Policy, Public Affairs and Legislation  
Zack Wasserman, Legal Counsel

**SUBJECT:** Adoption of Title VI Complaint Procedure

### Recommendations

Staff recommends that the Board adopt the attached Title VI Complaint Procedure on behalf of Alameda CTC.

### Discussion

Alameda CTC receives funds through the Metropolitan Transportation Commission (MTC) that are provided by the Federal Transit Administration. As a condition of receipt of these funds, both MTC and its subrecipients are required to adopt a procedure for handling and tracking complaints regarding the application of Title VI of the Civil Rights Act (49 CFR part 21) as well as the Department of Transportation (DOT) order on Environmental Justice (Order 5610.2). While some of the requirements of Title VI and Environmental Justice apply only to transit agencies that operate public transportation facilities, some apply to any use of DOT grant funds.

### Fiscal Impact

Adoption of the Title VI Complaint procedure will have minimal fiscal impact on Alameda CTC. If complaints are filed, we expect they will be handled with current staff and resources and not require any additional expenditure of funds.

### Attachments

Attachment A: Draft Title VI Complaint Procedure



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## TITLE VI COMPLAINT PROCEDURE

As a recipient of federal dollars, ALAMEDA CTC is required to comply with Title VI of the Civil Rights Act of 1964 and ensure that services and benefits are provided on a non-discriminatory basis. ALAMEDA CTC has adopted a Title VI Complaint Procedure, which outlines a process for local disposition of Title VI complaints and is consistent with guidelines found in the Federal Transit Administration Circular 4702.1A, dated May 13, 2007.

The complaint procedure has five steps, outlined below:

**1.Submission of Complaint:** Any person who feels that he or she, individually, or as a member of any class of persons, on the basis of race, color, national origin, or low-income status has been excluded from or denied the benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance through ALAMEDA CTC may file a written complaint with the Deputy Director of Policy, Public Affairs and Legislation. Such complaint must be filed within 180 calendar days after the date the person believes the discrimination occurred. A complaint form may be obtained from ALAMEDA CTC through the Clerk of the Commission or the Deputy Director of Policy.

**2.Referral to Review Officer:** Upon receipt of the Complaint, the Deputy Director of Policy, Public Affairs and Legislation shall appoint herself/himself or one or more staff review officers, as appropriate, to evaluate and investigate the Complaint, in consultation with the Legal Counsel. The staff review officer(s) shall complete their review no later than 60 calendar days after the date ALAMEDA CTC received the Complaint. If more time is required, the Deputy Director of Policy, Public Affairs and Legislation shall notify the Complainant of the estimated time-frame for completing the review. Upon completion of the review, the staff review officer(s) shall make a recommendation regarding the merit of the Complaint and whether remedial actions are available to provide redress. Additionally, the staff review officer(s) may recommend improvements to ALAMEDA CTC's processes relative to Title VI and environmental justice, as appropriate. The staff review officer(s) shall forward their recommendations to the Deputy Director of Policy, Public Affairs and Legislation for concurrence. If s/he concurs, s/he shall issue ALAMEDA CTC's written response to the Complainant.

**3.Request for Reconsideration:** If the Complainant disagrees with the response, he or she may request reconsideration by submitting the request, in writing, to the Executive Director within 10 calendar days after its receipt. The request for reconsideration shall be sufficiently detailed to contain any items the Complainant feels were not fully understood by the Deputy Director of Policy. The Executive Director will notify the Complainant of his decision either to accept or reject the request for reconsideration within 10 calendar days. In cases where the Executive Director agrees to reconsider, the matter shall be returned to the staff review officer(s) to re-evaluate in accordance with Paragraph 2, above.

**4.Appeal:** If the request for reconsideration is denied, the Complainant may appeal the Executive Director's response to the Complaint by submitting a written appeal to the Chair of the ALAMEDA CTC Finance and Administration Committee no later than 10 calendar days after receipt of the Executive Director's written decision rejecting reconsideration. This Committee shall set a hearing on the appeal at its next regular meeting at which hearing the Complainant and staff may make presentations. The decision of the FAC Committee will be final.

**5.Submission of Complaint to the Federal Transit Administration:** A complaint may also be filed directly with the Federal Transit Administration at FTA Office of Civil Rights, 1200 New Jersey Ave. SE, Washington, DC 20590.

**6. Tracking Title VI and related Complaints:** Alameda CTC will keep track of all Complaints filed concerning Title VI and related matters, including the disposition of such Complaints and any actions related to such Complaints. A report of all such Complaints will be made annually to the Alameda CTC Board and to the Metropolitan Transportation Commission.



## **Memorandum**

**DATE:** January 18, 2012

**TO:** Alameda County Transportation Commission

**FROM:** Planning, Policy and Legislation Committee

**SUBJECT:** **Approval of 2012 Alameda CTC Legislative Program**

### **Recommendations:**

Staff recommends approval of the 2012 Alameda CTC Legislative Program.

### **Summary:**

The Alameda CTC's Legislative Program will guide legislative actions and policy direction on legislative issues during the year.

Some of the highest priorities in 2012 will be to participate in the federal transportation bill reauthorization, address the challenges faced with declining revenues and increasing deterioration of the transportation system, ensure that transportation is not negatively affected by the anticipated state budget deficit in the coming year, implementation of climate change legislative mandates, and to work to educate people about the benefits of Alameda County's Transportation Expenditure Plan in relation to other measures that will be placed on the November ballot.

### **Background:**

Each year, the Alameda CTC adopts a Legislative Program to provide direction for its legislative and policy activities for the year. The purpose of the Legislative Program is to establish funding, regulatory and administrative principles to guide Alameda CTC's legislative advocacy in the coming year. The program is designed to be broad and flexible to allow Alameda CTC the opportunity to pursue legislative and administrative opportunities that may arise during the year, and to respond to political processes in Sacramento and Washington, DC.

This draft legislative program focuses on the federal bill reauthorization, project and program implementation, and climate change.

The draft 2012 Legislative Program is divided into six sections:

- Federal Transportation Bill Reauthorization
- Transportation Funding
- Project Delivery

- Multi-modal and Transit Oriented Development
- Transportation and Social Equity
- Climate Change

Our state and federal lobbyists will be scheduling meetings in early spring with various Legislators in Sacramento and Washington, D.C. to discuss the Alameda CTC legislative needs in 2012. We invite Board members who are interested to participate in these meetings.

**Attachments**

Attachment A: 2012 Legislative Program

Attachment B: Summary of Senate EPW MAP 21 Legislation

**Attachment A**

**2012 Alameda CTC Legislative Program**

## **2012 LEGISLATIVE PROGRAM**

### **Introduction**

Each year, the Alameda County Transportation Commission (Alameda CTC) adopts a Legislative Program to provide direction for its legislative and policy activities for the year.

The purpose of the Legislative Program is to establish funding, regulatory and administrative principles to guide Alameda CTC's legislative advocacy in the coming year. The program is developed to be flexible, allowing opportunities to pursue legislative and administrative opportunities that may arise during the year, and to respond to the changing political processes in Sacramento and Washington, DC.

While Alameda CTC is required to fulfill the roles and responsibility of the voter mandated transportation expenditure plan and the roles of a congestion management agency, the current transportation climate with respect to reauthorization of the federal transportation bill, climate change issues, demographic shifts, and other policy development in the Bay Area affects the direction of state and federal advocacy efforts by the Alameda CTC. Further, Alameda CTC projects and programs can be advanced by additional funding and policy decisions supported through a legislative program.

Finally, there are increasing efforts to implement a more sustainably integrated transportation system that provides substantial funding to all modes to advance mobility, access and quality infrastructure that supports the economy and advances healthy communities and the environment, particularly through the requirements of SB 375 and the development of a Sustainable Communities Strategy (SCS).

This legislative program recognizes significant countywide, regional, state and federal activities that have or will impact transportation funding and implementation in the coming years. Some of these include:

- The Statewide Transportation Needs Assessment released by the California Transportation Commission shows an estimated statewide funding need over the next 10 years for system preservation, management and expansion as \$538 billion, with the system preservation portion estimated at \$341 billion (for state of good repair). Projections of funding availability over the same 10-year period are \$242 billion from all sources, representing about 45% of the overall estimated needs.
- Continued state and federal budget shortfalls could potentially negatively impact transportation funding for project planning, development and implementation;
- Renewal efforts for the Federal Surface Transportation Bill and the current shortfalls of funding for authorized levels of spending from the Highway Trust Fund;
- Updates to the Alameda County Countywide Transportation Plan, that will flow into the update of the Regional Transportation Plan (RTP), including advocacy policies for Alameda County;
- Reauthorization of Alameda County's half-cent transportation sales tax measure, anticipated

to be placed on the November 2012 ballot;

- Development of many new policies and planning efforts at the Alameda CTC that will focus on Complete Streets, Transit Oriented Development, Youth Transit Pass Program opportunities, Capital Improvement Program and Congestion Management Program policy updates, a Comprehensive Countywide Transit plan that tiers off the regional Transit Sustainability Project, a Comprehensive Transportation Demand Management Plan and a Goods Movement Plan, as well as multi-modal corridor studies, an arterial performance initiative and other studies and plans the support integration and incentives for linking transportation and land use investments.

The 2012 draft Legislative Program is divided into six sections:

- Federal Transportation Bill Reauthorization
- Transportation Funding
- Project Delivery
- Multi-modal and Transit Oriented Development
- Transportation and Social Equity
- Climate Change

The first section regarding Federal Transportation Bill Reauthorization is specific to federal legislative efforts, while the remaining sections relate broadly to both state and federal legislative and administrative issues as applicable.

#### **Federal Transportation Bill Reauthorization Legislative Priorities**

The Safe Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users, SAFETEA-LU, expired on September 30, 2009 and has been continued at its same funding level through eight separate continuing resolutions, with the next expiration date of March 31, 2012. In November 2011, the Senate Environment and Public Works Committee released a the Highway portion of a proposed two-year surface transportation authorization to replace SAFETEA-LU, entitled, “Moving Ahead for Progress in the 21<sup>st</sup> Century”, or MAP 21. Attachment B provides a summary of MAP-21. The bill proposes funding for \$109 billion, an estimated \$12 billion over the anticipated amounts that will flow into the Highway Trust Fund. Three other Senate Committees are needed to act to address different aspects of a complete bill, including Senate Finance to focus on the tax and revenue portion of the bill (which needs to identify how to cover the \$12 billion gap), Senate Banking, Housing and Urban Affairs for the transit portion of the bill, and Senate Commerce, Science and Transportation for rail and safety issues.

It is recommended that the draft 2012 Alameda CTC Legislative Program continue support of the California Consensus Principles which are intended to provide a uniform statewide position on surface transportation policies to Congress and the President. At the statewide level, these principles may be re-evaluated in 2012, and staff will bring to the Commission any changes to these principles for consideration. The Consensus Principles listed below were developed over the summer of 2008 with a broad array of transportation stakeholders throughout California which included many transportation agencies, Caltrans, the Business Transportation and Housing Agency, and the Governor. It is also recommended that the Commission continue support of Alameda County’s “Principles Plus” which support specific areas of importance not fully articulated in the California



Consensus Principles on SAFETEA-LU. The Consensus Principles and Principles Plus are listed below:

### **California Consensus Principles**

#### **1. Ensure the financial integrity of the Highway Trust Fund**

The financial integrity of the transportation trust fund is at a crossroads. Current user fees are not keeping pace with needs or even the authorized levels in current law. In the long-term, the per-gallon fees now charged on current fuels will not provide the revenue or stability needed, especially as new fuels enter the marketplace. This authorization will need to stabilize the existing revenue system and prepare the way for the transition to new methods of funding our nation's transportation infrastructure.

- Maintain the basic principle of a user-based, pay-as-you-go system.
- Continue the budgetary protections for the Highway Trust Fund and General Fund supplementation of the Mass Transportation Account.
- Assure a federal funding commitment that supports a program size based on an objective analysis of national needs, which will likely require additional revenue.
- To diversify and augment trust fund resources, authorize states to implement innovative funding mechanisms such as tolling, variable pricing, carbon offset banks, freight user fees, and alternatives to the per-gallon gasoline tax that are accepted by the public, and fully dedicated to transportation.
- Minimize the number and the dollar amount of earmarks, reserving them only for those projects in approved transportation plans and programs.

#### **2. Rebuild and maintain transportation infrastructure in a good state of repair.**

Conditions on California's surface transportation systems are deteriorating while demand is increasing. This is adversely affecting the operational efficiency of our key transportation assets, hindering mobility, commerce, quality of life and the environment.

- Give top priority to preservation and maintenance of the existing system of roads, highways, bridges and transit.
- Continue the historic needs-based nature of the federal transit capital replacement programs.

#### **3. Establish goods movement as a national economic priority.**

Interstate commerce is the historic cornerstone defining the federal role in transportation. The efficient movement of goods, across state and international boundaries, increases the nation's ability to remain globally competitive and generate jobs.

- Create a new federal program and funding sources dedicated to relieving growing congestion at America's global gateways that are now acting as trade barriers and creating environmental hot spots.
- Ensure state and local flexibility in project selection.
- Recognize that some states have made a substantial investment of their own funds in nationally significant goods movement projects and support their investments by granting them priority for federal funding to bridge the gap between need and local resources.
- Include adequate funding to mitigate the environmental and community impacts associated

with goods movement.

#### **4. Enhance mobility through congestion relief within and between metropolitan areas.**

California is home to six of the 25 most congested metropolitan areas in the nation. These megaregions represent a large majority of the population affected by travel delay and exposure to air pollutants.

- Increase funding for enhanced capacity for ALL modes aimed at reducing congestion and promoting mobility in the most congested areas.
- Provide increased state flexibility to implement performance-based infrastructure projects and public-private partnerships, including interstate tolling and innovative finance programs.
- Consolidate federal programs by combining existing programs using needs, performance-based, and air quality criteria.
- Expand project eligibility within programs and increase flexibility among programs.

#### **5. Strengthen the federal commitment to safety and security, particularly with respect to rural roads and access.**

California recognizes that traffic safety involves saving lives, reducing injuries and optimizing the uninterrupted flow of traffic on the state's roadways. California has completed a comprehensive Strategic Highway Safety Plan.

- Increase funding for safety projects aimed at reducing fatalities, especially on the secondary highway system where fatality rates are the highest.
- Support behavioral safety programs – speed, occupant restraint, driving under the influence of alcohol or drugs, road-sharing, etc. -- through enforcement and education.
- Address licensing, driver improvement, and adjudication issues and their impact on traffic safety.
- Assess and integrate emerging traffic safety technologies, including improved data collection systems.
- Fund a national program to provide security on our nation's transportation systems, including public transit.

#### **6. Strengthen comprehensive environmental stewardship.**

Environmental mitigation is part of every transportation project and program. The federal role is to provide the tools that will help mitigate future impacts and to cope with changes to our environment.

- Integrate consideration of climate change and joint land use-transportation linkages into the planning process.
- Provide funding for planning and implementation of measures that have the potential to reduce emissions and improve health such as new vehicle technologies, alternative fuels, clean transit vehicles, transit-oriented development and increased transit usage, ride-sharing, and bicycle and pedestrian travel.
- Provide funding to mitigate the air, water and other environmental impacts of transportation projects.

#### **7. Streamline Project Delivery**

Extended processing time for environmental clearances, federal permits and reviews, etc. add to the cost of projects. Given constrained resources, it is all the more critical that these clearances and reviews be kept to the minimum possible consistent with good stewardship of natural resources.

- Increase opportunities for state stewardship through delegation programs for NEPA, air quality conformity, transit projects, etc.
- Increase state flexibility for using at-risk design and design-build.
- Ensure that federal project oversight is commensurate to the amount of federal funding.
- Require federal permitting agencies to engage actively and collaboratively in project development and approval.
- Integrate planning, project development, review, permitting, and environmental processes to reduce delay.

### **“Principles Plus”**

Support the following efforts to address on-going transportation needs in Alameda County, including:

- **Support methods to increase the gas tax and alternative methods of financing.** As the primary source of funding for surface transportation, the gas tax needs to be modified to allow for increases over time. Without the ability to increase the gas tax purchasing power, and in the absence of other funding methods, transportation funding will continue to decline. Alternative methods of financing such as high-occupancy toll lanes, public-private partnerships, and other user-based-type fees are important elements to continue critical investments in our core transportation infrastructure and should be allowed, provided they protect the public investment.
- **Support rewarding states that provide significant funding into the transportation systems.** California is considered a “Self-Help” state, one that raises funds both locally and statewide to fund local, state and federal transportation projects. Over time, federal funds have provided a smaller share of the overall funding need in California. Each year, the Bay Area taxpayers alone provide almost \$1 billion in local funds to support the transportation system, and California as a whole provides billions of dollars into transportation to support one of the top ten highest producing economies in the world. The infusion of \$20 billion for transportation bonds approved by voters in 2006 is on top of this amount, as well as the vehicle registration fees approved in five out of seven Bay Area counties in November 2010. These effort must be acknowledged and rewarded by providing priority funding for California’s projects, bonus federal matching funds or simple increases in overall funding commensurate with the state’s investment. This could include a Federal-State Partnership Program modeled after California’s State and Local Partnership Program (SLPP), whereby counties with voter approved transportation sales tax measures received proportional funding from the SLPP program in the voter approved bonds related to the amount of sales tax generated.
- **Increase funding for and flexibility of transit investments.** This effort directly addresses the need to shift a portion of trips away from auto use to address climate change and to reduce congestion. With legislative mandates to implement a Sustainable Communities

Strategy aimed at integrating land use and transportation decisions to reduce greenhouse gas emissions and meet the State's goals, more emphasis on transit and access to transit will be made to address goal attainment.

- Support funding to assist in completion of Alameda CTC's remaining sales tax funded transit projects.
  - Support increasing, combining and integrating federal funding programs for seniors and disabled, and ensure flexibility of these programs to address the dramatically increasing senior population in Alameda County and the country.
  - Support transit safety and security programs that are not at the expense of existing transit funding, but rather augment transit funding.
  - Increase transit funding and implementation flexibility to allow for transit operators to reduce service cuts, seek more transit operating funds, and allow operators to provide school related services as well as flexible services for senior transport and other needs as deemed necessary through transit planning efforts.
  - Support parity in pre-tax transportation benefits for public transit and vanpooling for those given for parking.
- **Increase funding for non-motorized transportation.** This effort recognizes the opportunity for walking and biking to address GHG reduction goals, particularly for access to transit and with specialized educational programs that support and encourage shifts in mode uses to reduce vehicle miles traveled and emissions.
    - Recognize non-motorized transportation, also known as active transportation, as a viable mode for reducing VMT, increasing transit use, supporting effective climate change, and increasing the health of communities.
    - Support funding for active transportation in the federal bill, and in particular, fund the approved Active Transportation Program – *Active Alameda: Kids, Commuters and Community*.
      - This program is focused on walking and biking access to transit, connecting communities through urban greenways, and inspiring people to walk and bike through programs such as Safe Routes to Schools and Safe Routes for Seniors
      - The program is broadly supported throughout Alameda County as shown by the wide array of support for the program, including the Alameda County Board of Supervisors, the Alameda County Mayor's Conference, and cities throughout the County.
    - Support completion of major trail networks throughout the County, with priority for the East Bay Greenway, Iron Horse Trail and the Bay Trail.

### **General Legislative Issues**

The following legislative areas are related to both federal and state legislative efforts as applicable.

### **Transportation Funding**

Over the past several years, additional local sales tax measures have surpassed the 2/3 voter hurdle, voters have supported statewide bond measures to fund transportation infrastructure throughout the state, and in November 2010, five out of seven counties in the Bay Area approved increasing the vehicle registration fees to fund transportation improvements, and voters also supported protecting certain transportation funding even further with passage of Proposition 22. Governor Brown's

signing of AB 105 in early 2011 ratified a gas tax swap made in March 2010, further protecting both transit and other transportation funding. These advances in funding and protections demonstrate the public's will to support essential infrastructure and transportation programs, and underscore the need for improving the quality of our transportation systems. Alameda CTC's recent polls related to the development of a new Transportation Expenditure Plan also showed public support for transportation infrastructure investments with 79% supporting an augmentation and extension of the existing sales tax measure.

However, while voters are willing to support measures to increase funding, Alameda County, the state and country continue to face profound transportation funding challenges, which become increasingly exacerbated over time. The purchasing power of the gas tax, which has not been increased since the early 1990's, has not kept pace with current and projected growth. At the same time, environmental review times are often too long causing implementation delays.

### **General Transportation Funding Priorities**

- Support legislation that increases and/or requires the gas tax to be adjusted regularly to support its "buying power".
- Protect and increase funding for Alameda CTC projects in the State Transportation Improvement Program (STIP), the federal transportation bill and other funding sources.
- Support legislation that protects and provides increased funding for operating, maintaining, rehabilitating, and improving transportation infrastructure, including state highways, public transit and paratransit, local streets and roads, bicycle and pedestrian facilities, seismic safety upgrades, and goods movement, including making the use of these funds more flexible from different fund sources.
- Support efforts that give priority funding to voter approved measures.
- Support efforts to lower the 2/3 voter requirement for voter-approved transportation measures.
- Oppose efforts that negatively affect the ability to implement voter approved measures.
- Support legislation that improves the ability of the Commission and its partners to deliver, enhance or augment Alameda CTC projects and programs.
- Support seeking, acquiring and implementing grants that advance Alameda CTC planning, funding and delivery of projects and programs.
- Support Alameda County as a recipient of funds to implement pilot programs that support innovative project implementation or transportation funding mechanisms.
- Support legislation that encourages regional cooperation and coordination to develop, promote and fund solutions to regional problems.
- Support legislation and policies that promote governmental efficiencies and cost savings.

## **Major Transportation Funding Priorities related to Alameda CTC Projects and Programs**

While transportation funding has many general categories for legislative advocacy as listed above, the following specific project and program related areas for 2012 are:

- **Increase funding and flexibility for transit**
  - Support efforts to increase funding for transit, increase the flexibility of that funding to address climate change, senior population increases, transit security, and transit operations, particularly to reduce service cuts.
  - Protect funding intended for transit. In particular, support efforts that ensure anticipated transit funds are delivered to transit operators.
- **Increase funding and resources for non-motorized transportation**
  - Continue support of the national Active Transportation effort sponsored by Rails to Trails Conservancy to increase non-motorized transportation funding in the upcoming federal transportation bill.
  - Support full implementation of the East Bay Greenway project and all related project development and implementation efforts. Alameda CTC is the project sponsor for this project.

### **Project Delivery**

Delivery of new transportation infrastructure expeditiously is a key element in ensuring mobility of people and goods while protecting air and environmental quality, jobs and a high quality of life. However, delivery of projects is often bogged down by the multiple stages and long time frames of current project delivery processes, including environmental clearance and mitigation, design, right of way and project financing. To that end, support innovative ways to deliver projects quickly which reduce costs to taxpayers and provide essential transportation mobility options.

- Support legislation and policies that improve environmental streamlining, including requiring specific time frames for state and federal reviews and approvals, to expedite project delivery while ensuring appropriate environmental protection and mitigation.
- Support legislation that improves the ability to deliver Alameda CTC projects and programs in a timely and cost-effective manner and that makes the best use of contracting flexibility.
- Support innovative project delivery methods including the design-build and design-sequencing methods of contracting for transportation projects, and public/private partnerships.
- Support the expansion of HOT lane implementation opportunities in Alameda County and the Bay Area.
- Support legislation and policies that accelerate funding for transportation infrastructure projects that create additional jobs and economic activity in Alameda County.

### **Multi-Modal and Transit Oriented Development**

Transportation in the Bay Area must serve the multiple needs of its populace. There is not one single transportation type that serves all people, nor delivery of all goods. Support legislation that furthers transportation options and choices in Alameda County.

- Support efforts that encourage, fund and provide incentives and/or reduce barriers for developing around transportation centers and for encouraging the use of transit, walking and biking.
- Support efforts that expedite delivery of transit-oriented development and other efforts that enhance the effectiveness of public transit and non-motorized modes of transportation and that are supported by local communities.
- Support efforts that ensure multi-modal transportation systems that provide multiple choices for transportation consumers.
- Support efforts that increase the amount and flexibility of transportation projects and programs that support senior and disabled mobility and their access to transit.

### **Transportation and Social Equity**

All people rely on transportation to meet some basic needs, whether that is delivery of food, goods, or simply movement from one place to another. Transportation systems must serve all of society to meet the mobility needs of youth, seniors, disabled, working people, and people at all income levels in our communities. Creating a balanced system with multiple transportation options ensures access for all transportation users.

- Support efforts that provide additional funding and increased flexibility for transportation services for seniors, disabled and low income people (i.e. senior shuttles, travel training, volunteer transportation support services, low-income scholarship programs, transit pass programs)
- Support efforts to maintain and expand women, minority and small business participation in state and local contracting procedures.
- Support efforts that provide incentives for employees/employers to utilize/offer public transportation or alternatives to the auto to commute to work.
- Support efforts that invest in transportation to serve transit-dependent communities that provide enhanced access to goods, services, jobs and education.

### **Climate Change**

In 2006, AB32, the California Global Solutions Warming Act, was signed by the Governor and two years later SB 375, the Redesigning Communities to Reduce Greenhouse Gases Act, which focuses on climate change by aligning transportation and housing planning and funding was also signed. Development of a new transportation expenditure plan and the update of the countywide transportation plan require supporting SB 375 mandates and the region's Sustainable Communities Strategy to enable the County's projects to be incorporated into the RTP.

- Support climate change legislation that provides funding for innovative infrastructure (i.e. hydrogen fuel cell vehicles, hydrogen fueling stations, electric charging stations, etc.), operations and programs that relieve congestion, improve air quality, reduce GHG emissions, support economic development, and support the planning and implementation efforts associated with this work.
- Support climate change legislation that expands transit services and supports safe, efficient and clear connections to transit services, including walking and biking infrastructure and programs.
- To achieve necessary increases in public transit ridership to address GHG emissions from the

transportation sources, legislation should support funding that augments transit funding and does not replace it, does not create unfunded mandates, and has well thought out planning and implementation efforts.

- Support legislation and policies that support emerging technologies offering incentives for alternative fuels and fueling technology, as well as research for transportation opportunities to reduce GHG emissions.



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# SUMMARY OF MOVING AHEAD FOR PROGRESS IN THE 21<sup>ST</sup> CENTURY (MAP-21)

## **Bill Highlights**

- Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21) reauthorizes the Federal-aid highway program at the Congressional Budget Office's baseline level—equal to current funding levels plus inflation—for two fiscal years.
- MAP-21 consolidates the number of Federal programs by two-thirds, from about 90 programs down to less than 30, to focus resources on key national goals and reduce duplicative programs.
- Eliminates earmarks.
- Expedites project delivery while protecting the environment.
- Creates a new title called “America Fast Forward,” which strengthens the Transportation Infrastructure Finance and Innovation Program (TIFIA) program to leverage federal dollars further than they have been stretched before.
- Consolidates certain programs into a focused freight program to improve the movement of goods.

## **Authorizations and Programs**

MAP-21 continues to provide the majority of Federal-aid highway funds to the states through core programs. However, the core highway programs have been reduced from seven to five, as follows:

- **National Highway Performance Program [New core program]** – This section consolidates existing programs (the Interstate Maintenance, National Highway System, and Highway Bridge programs) to create a single new program, which will provide increased flexibility, while guiding state and local investments to maintain and improve the conditions and performance of the National Highway System (NHS). This program will eliminate the barriers between existing programs that limit states' flexibility to address the most vital needs for highways and bridges and holds states accountable for improving outcomes and using tax dollars efficiently.
- **Transportation Mobility Program [New core program]** – This program replaces the current Surface Transportation Program, but retains the same structure, goals and flexibility to allow states and metropolitan areas to invest in the projects that fit their unique needs and priorities. It also gives a broad eligibility of surface transportation projects that can be constructed. Activities that previously received dedicated funding in SAFETEA-LU, but are being consolidated under MAP-21, will be retained as eligible activities under the Transportation Mobility Program.
- **National Freight Network Program [New core program]** – Our nation's economic health depends on a transportation system that provides for reliable and timely goods movements.

Unfortunately, the condition and capacity of the highway system has failed to keep up with the growth in freight movement and is hampering the ability of businesses to efficiently transport goods due to congestion.

MAP-21 addresses the need to improve goods movement by consolidating existing programs into a new focused freight program that provides funds to the states by formula for projects to improve regional and national freight movements on highways, including freight intermodal connectors.

- **Congestion Mitigation and Air Quality Improvement Program [Existing core program]**  
The Congestion Mitigation and Air Quality Improvement (CMAQ) Program provides funds to states for transportation projects designed to reduce traffic congestion and improve air quality.

MAP-21 improves the existing CMAQ program by including particulate matter as one of the pollutants addressed, and by requiring a performance plan in large metropolitan areas to ensure that CMAQ funds are being used to improve air quality and congestion in those regions.

Reforms the Transportation Enhancements program with more flexibility granted to the states on the use of the funds within the program.

- **Highway Safety Improvement Program [Existing core program]** – MAP-21 builds on the successful Highway Safety Improvement Program (HSIP). MAP-21 substantially increases the amount of funding for this program because of the strong results it has achieved in reducing fatalities. Under HSIP, states must develop and implement a safety plan that identifies highway safety programs and a strategy to address them.
- **Transportation Infrastructure Finance and Innovation Program (TIFIA)** – The TIFIA program provides direct loans, loan guarantees, and lines of credit to surface transportation projects at favorable terms. TIFIA will leverage private and other non-federal investment in transportation improvements.

Included in the “America Fast Forward” title of MAP-21 will be provisions that build upon the success of the TIFIA program. MAP-21 modifies the TIFIA program by increasing funding for the program to \$1 billion per year, by increasing the maximum share of project costs from 33 percent to 49 percent, by allowing TIFIA to be used to support a related set of projects, and by setting aside funding for projects in rural areas at more favorable terms.

- **Projects of National and Regional Significance Program** –This bill authorizes a program to fund major projects of national and regional significance which meet rigorous criteria and eligibility requirements. This program authorizes for appropriation \$1 billion in Fiscal Year 2013.
- **Federal Lands and Tribal Transportation Highways Programs** – MAP-21 consolidates the existing program structure by creating a new Federal lands and tribal transportation program. The bill maintains funding for maintenance and construction of roads and bridges that are vital to the federal lands of this country.
- **Territorial and Puerto Rico Highways Program** –This program provides funds to the U.S. territories and Puerto Rico to construct and maintain highway, bridge, and tunnel projects.
- **Administrative Expenses** – Funds the general administrative operations of the Federal Highway Administration.
- **Emergency Relief** – Provides funds to states to repair highways and bridges damaged by natural disasters.
- **Highway Bridge and Tunnel Inventory and Inspection Standards** – Improves the existing highway bridge inspection program and authorizes a national tunnel inspection program to ensure the safety of our nation’s bridges and tunnels.

## **Performance Management**

- Performance Measures and Targets in MAP-21
  - The bill establishes an outcome-driven approach that tracks performance and will hold states and metropolitan planning organizations accountable for improving the conditions and performance of their transportation assets.
- State and Metropolitan Transportation Planning
  - MAP-21 improves statewide and metropolitan planning processes to incorporate a more comprehensive performance-based approach to decision making. Utilizing performance targets will assist states and metropolitan areas in targeting limited resources on projects that will improve the condition and performance of their transportation assets.

## **Acceleration of Project Delivery**

MAP-21 includes program reforms designed to reduce project delivery time and costs while protecting the environment. Examples of improvements include: expanding the use of innovative contracting methods; creating dispute resolution procedures; allowing for early right-of-way acquisitions; reducing bureaucratic hurdles for projects with no significant environmental impact; encouraging early coordination between relevant agencies to avoid delays later in the review process; and accelerating project delivery decisions within specified deadlines.

## **Research and Education**

- **Transportation Research Programs** – MAP-21 funds research and development, technology deployment, training and education, intelligent transportation system (ITS), and university transportation center activities to further innovation in transportation research. The primary research areas include: improving highway safety and infrastructure integrity; strengthening transportation planning and environmental decision-making; reducing congestion, improving highway operations; and enhancing freight productivity.



### Memorandum

**DATE:** January 18, 2012

**TO:** Alameda County Transportation Commission

**FROM:** Programs and Projects Committee

**SUBJECT:** **Approval of Advance Programming of \$45,000 of Lifeline Cycle 3 funding to the Neighborhood Bike Centers Program**

#### Recommendation

It is recommended the Commission consider the advance programming of \$45,000 of federal Job Access and Reverse Commute (JARC) funding from the Third Cycle Lifeline Transportation Program (Cycle 3) to the Neighborhood Bike Centers program. The Programs and Projects Committee (PPC) recommended this item be forwarded to the Commission for consideration.

#### Summary

The Neighborhood Bike Centers project, operated by Cycles of Change, was initially funded for two years through the Cycle 2 Lifeline program. In MTC's evaluation of the Cycle 2 Program, the Neighborhood Bike Centers program was highlighted as an example of best practices. Cycles of Change has managed to stretch the original 2-year Lifeline funding to last an additional 6 months, to December 2011, but the Neighborhood Bike Centers program will cease if additional funding is not identified. Cycles of Change intends to apply for Lifeline Cycle 3 funding to continue the program, but the Cycle 3 JARC funds are not anticipated to be available until January 2013. An advance at this time will allow this program to continue while it applies for future funding through the regular Lifeline Cycle 3 programming process.

#### Information

As detailed in Attachment A the Neighborhood Bike Centers (Bike-Go-Round) is a bike commute training program operated by the non-profit, Cycles of Change. The Program recovers, restores, and distributes bicycles for use by eligible low-income residents of targeted communities of concern. Individuals are invited to take part in the program based on their commitment to use bicycling and transit as their primary transportation for their commute needs. In addition to receiving a bicycle lock and helmet, program participants complete an urban cycling training course from certified instructors and are given personal transportation consultation which enables them to plan and conduct their daily activities using bicycles and transit. Neighborhood Bike Centers currently operate at the following two locations: (1) West Oakland, based at MOHR 1 Community Center at 741 Filbert St. serving residents within a two-mile radius of the West Oakland BART station, and (2) Central/East Oakland, based at the Bikery, Cycles of Change Community Bicycle shop, at 2289 International Blvd, serving residents within two miles of the 12th St., 19th St., Fruitvale, and Coliseum BART stations.

Lifeline is a funding program that addresses the mobility needs of low-income residents and is intended to support community-based transportation projects that address transportation gaps and/or barriers within designated communities of concern and expand the range of transportation choices by adding a variety of new or expanded services. In 2009, the Alameda County Congestion Management Agency Board (a predecessor agency to the Alameda CTC) approved Cycle 2 Lifeline funding for the Neighborhood Bike Centers. The program has provided a total of 1,450 adults and youth with on-road safety training and distributed 325 bicycles to youth for the purpose of attending school and to 440 adults for their commute needs. In MTC's

recent evaluation report of the Cycle 2 Lifeline program, the Neighborhood Bike Centers was highlighted as an example of best practices. Attachment B provides an overview of the first year (2010) of the Neighborhood Bike Centers program.

The Cycle 2 Lifeline grant provided \$314,000 of federal JARC funds for two years of program operations, ending June 30, 2011. The JARC funds required a 50% match. Through cost savings and reduced program operations, Cycles for Change has been able to stretch the original 2-year budget to last an additional 6 months, through December 31, 2011, but they have not been successful in securing additional funds to continue the program beyond this date. A call for projects for the Cycle 3 Lifeline program is scheduled to be released in early 2012, but the funding will not be available to the approved projects until early 2013. Cycles of Change intends to apply for Cycle 3 funding of the Lifeline Program, but even if successful, Cycle 3 funds are not anticipated to be available until January 2013 and it is faced with a one-year funding gap for 2012 and has indicated that program operations will cease unless additional funding can be secured.

Working with MTC, Cycles of Change, East Bay Bicycle Coalition and other Lifeline program partners, staff propose to advance \$45,000 of Cycle 3 Lifeline JARC funding to the Neighborhood Bike Centers program ahead of the Lifeline program approval scheduled for June 2012. Cycles of Change has prepared a budget (Attachment C) showing two program options: (1) continuation of the current program (that allows for two classes per month) with a \$161,600 annual cost and (2) a scaled-back program of approximately 50% of current operations (allowing for one class per month) with a \$95,000 annual cost. Given that the scenario requires the advancing of Cycle 3 Lifeline funding, staff proposes to fund operations at the \$95,000 level for 2012, based on the limited federal funding (\$45,000) that can be accessed for the project in 2012. This scenario is dependent upon securing the 50% local match required for the proposed JARC funds. The Alameda County Bicycle and Pedestrian Advisory Committee (BPAC) recommended Board approval of \$50,000 from the Measure B Bicycle and Pedestrian Countywide Discretionary Fund to provide the required local match for the Neighborhood Bike Centers (agenda item 5H).

The PPC had a comprehensive discussion on this topic resulting in a request for additional information and that the item be considered at the January Alameda CTC Board meeting.

#### Lifeline Program and JARC Funding

As previously noted, the funding recommendation is for Job Access and Reverse Commute (JARC) funding. Cycles of Change was initially awarded and has delivered the Program with JARC funding provided through the Cycle 2 Lifeline program. A goal of MTC's Lifeline Transportation Program is to eliminate transportation barriers for all low-income residents. JARC funding is one of several fund sources that support the Lifeline Program in the MTC region. Part of the Lifeline programming process includes matching the proposed projects with the most appropriate fund source from the program (i.e. STP, Proposition 1B, JARC, STA). The goals of the Lifeline Program do not exactly match the eligibility requirements of each fund source, but funds are required to be programmed within the constraints of each individual fund source. The Cycle of Change Neighborhood Bike Centers program fulfills the Lifeline program goals while working within the eligibility constraints of the available JARC funding source. It should be noted that the initial program included an additional component, besides the adult commuter program, that provided training and bikes to students for commuting to school. The proposal under consideration for the 2012 operations, with the limited proposed funding and budget, will not include a youth component. The scope in Attachment A has been revised to clarify that all training and bikes will be directed to the adult component of the program.

#### Additional Program Information

Since the PPC meeting, staff requested additional survey information for the project. The additional information available includes that a month after receiving a bike and training, 88% of respondents were continuing to use the bike they received for their commute needs. If the program is funded for 2012, future program surveys will be revised to clarify specific weekly commute activities. It was also discussed that the

year one program overview (Attachment B) includes certain testimonial quotes that are not commute focused. In discussing this content with Cycles of Change staff they have indicated that the material was selected to convey the enthusiasm for the overall Neighborhood Bike Centers program.

There was also discussion regarding other projects that the Cycles of Change organization are involved with. The Alameda CTC has programmed funds to the Countywide Safe Routes to School program, which includes Cycles of Change on the contract awarded to deliver the project. Cycles of Change is also a project partner with the Alameda CTC on the Countywide BikeMobile project. Staff will provide additional information on the status and delivery efforts of the BikeMobile project at a future meeting.

Approval of the advance programming of \$45,000 of federal JARC funding from the Third Cycle Lifeline Transportation Program (Cycle 3) and the approval of agenda item 5H for the required local match will maintain Neighborhood Bike Centers program operations for calendar year 2012 allowing Cycles of Change to apply for additional Lifeline funds through the regular Lifeline Cycle 3 programming process.

#### **Next Steps**

The Alameda CTC and MTC are considering this request concurrently. If the advance and related actions are approved by both Alameda CTC and MTC in January, MTC will enter into a funding agreement with Cycles of Change for Lifeline JARC funds which will allow for program costs incurred as of January 1, 2012 to be eligible for reimbursement.

#### **Attachments**

Attachment A: Neighborhood Bike Centers program - 2012 Scope

Attachment B: Neighborhood Bike Centers program - 2012 Project Budget

Attachment C: Neighborhood Bicycle Transportation Centers program – Year One Overview



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## **Lifeline Transportation Program: Cycles of Change Neighborhood Bicycle Centers**

### **AMENDED SCOPE OF WORK (for 3<sup>rd</sup> year of program)**

Proposed outcomes for 3<sup>rd</sup> year with modified program (scaled back by one half):

Estimated number of participants to be provided with on-road safety training: 120-150

Estimated number of participants to be provided with a bicycle for commute needs: 120-150

RECIPIENT shall use Lifeline funds to continue its Neighborhood Bicycle Transportation Centers bicycle distribution and education program at two neighborhood-based centers of social services:

1. West Oakland, based at MOHR 1 Community Center at 741 Filbert St. serving residents within a two-mile radius of the BART station.
2. Central/East Oakland, based at the Bikery, Cycles of Change Community Bicycle shop at 2289 International Blvd, serving residents within two miles of the 12th St. and 19th St. Oakland BART stations, Fruitvale, and Coliseum BART station.

RECIPIENT shall continue to work with existing partnerships to recover, restore, and distribute bicycles for use by eligible low-income residents of targeted communities of concern. Individuals shall be invited to take part in the program based on their commitment to use the bicycle and transit as their primary transportation in getting to work along with other daily needs. In addition to receiving a bicycle lock and helmet, program participants shall complete an urban cycling training course from certified instructors. Finally, program participants shall be given personal transportation consultation which shall enable them to plan and conduct all their weekly activities using bicycles and transit.

Over the next year, RECIPIENT's bicycle distribution and education programs shall enable an estimated 120-150 low-income residents of the targeted areas to successfully use their bicycle and transit system to satisfy their daily transportation needs. Participants will be able to reach jobs over a wide geographic range that involve working off-hours, or are away from major bus lines. In addition, bicycles and training received will allow easier access to far more choices for basic necessities, services, and community resources. Having an efficient, reliable, zero-cost, flexible, safe transportation system will open up a wide array of economic possibilities for participants while easing one of the major stresses of their lives.

Cycles of Change currently operates bicycle education and distribution programs at schools and community centers in low-income communities around the East Bay. The neighborhood-based service centers would continue to overcome basic barriers by:

- Making commuter-outfitted bicycles (helmet, rack, lock) available at no cost;
- Educating participants how to ride safely in traffic;
- Teaching participants how to maintain and fix their bicycles; and

- Creating a personalized bicycle-based transportation plan using routes that are safe from traffic and other hazards, and making connections to BART and main bus lines.

RECIPIENT shall select individuals who are interested in the program based on their commitment to use the bicycle as a main form of transportation (50% of trips), including to get to work. As part of the selection process, each participant shall be asked to attend a workshop to introduce them to the basics of how to use the bike to get around their area, including safe riding practices, route-planning, and basic maintenance. At the end of each workshop, program staff shall give individual consultation to each participant, walking them through their daily transportation needs and advising them on how to meet them using bicycles and transit-based travel.

A month after receiving the bicycle (along with helmet, lock, and bicycle map), program staff shall do a follow-up evaluation with each participant that tracks how they are using the bicycle to meet their daily transportation needs. Through these follow-up evaluations, along with initial surveys, staff will be able to determine the effect to which the program is achieving desired program goals of providing low-income persons with low-cost, efficient transportation to work, school, and basic needs. The program coordinator shall record operating data in a spreadsheet and monitor program expenses using existing processes that track financial and operating information.

## Cycles of Change Neighborhood Bike Centers (Bike-Go-Round) Program

PROGRAM BUDGET - January 1 through December 31, 2012

Costs	Current Program		Reduced Program		Description
	Hours	Amount	Hours	Amount	
	<i>Two classes per month, serving 250 new bicycle commuters</i>		<i>One class per month, serving 120 new bicycle commuters</i>		
Project Administrator	156.00	3,946.80	78.00	1,973.40	Schedule classes, reporting & evaluation
Coordinators	1,040.00	26,312.00	520.00	13,156.00	participants
Educators	1,040.00	26,312.00	520.00	13,156.00	Prepare and teach classes
Mechanics	1,560.00	34,086.00	780.00	17,043.00	Rehab bikes and support participants
<b>TOTAL PERSONNEL</b>	<b>3,640.00</b>	<b>86,710.00</b>	<b>1,820.00</b>	<b>43,355.00</b>	
Bicycles		5,000.00		0.00	Purchased bicycles
Facilities		24,000.00		24,000.00	Rent
Tools/Supplies		7,000.00		4,000.00	For bike rehab
Helmets, locks, racks, & panniers		15,000.00		7,500.00	Accessories for participants
Hauling		3,000.00		1,500.00	For donation pickups & deliveries
<b>TOTAL NON-PERSONNEL</b>		<b>54,000.00</b>		<b>37,000.00</b>	
<b>TOTAL DIRECT EXPENSE</b>		<b>140,710.00</b>		<b>80,355.00</b>	
OVERHEAD		21,885.20		14,642.60	Insurance, accounting, telephone, postage
<b>TOTAL EXPENSE</b>		<b>162,595.20</b>		<b>94,997.60</b>	

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# CYCLES OF CHANGE



## Bike-Go-Round Adult Commuter Program Year One Program Overview

January 20, 2010

<b><u>SECTION</u></b>	<b><u>Page #</u></b>
<b>1. Accomplishments</b>	<b>2</b>
<b>2. Partners</b>	<b>3</b>
<b>3. Year Two Targets</b>	<b>4</b>
<b>4. Project Recognition</b>	<b>5</b>
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# 1. Accomplishments

## *Background:*

Since 1998, Cycles of Change has operated bicycle distribution and bicycle education programs in low-income areas around the east bay. Working in close partnership with public schools, community centers, and social service providers we have assisted over 13,500 youth and adults in using bikes and public transit systems as their main transportation.

Lifeline funds for 2009-2011 has enabled Cycles to expand this work through our existing and newly forged partnerships. Our objective of recovering, restoring, and distributing bicycles for use by eligible low-income adult residents, has met with great success in our targeted communities.

## *B-G-R*

As stated by our plan, our intention was to present a class in urban bike commuting safety and give the participants a restored mountain or commuter bike, equipped with a cargo rack, safety lights, a U-lock, and a helmet. The four hour training we provide to participants includes on-road training, basic traffic laws and basic bike maintenance. Upon completion of this one-day session, the new Bike Go Round (BGR) member is ready to hit the streets with their new transportation options. Six weeks after this training, participants return for a follow-up survey and consultation to let us know how often they ride and any outstanding concerns.

Our plan to operate from existing neighborhood bicycle centers in our target communities has been successful and contributed to our expanding the level of services provided in those neighborhoods. Our most developed Neighborhood Bicycle Center to date is the East Oakland site, the Cycles of Change bike repair shop, The Bikery.

Located at 2289 International Blvd., a half mile away from Cycles of Change first school program at Roosevelt Middle School (founded in 1998), the Bikery facility opened in the Summer of 2009. Since that time, Lifeline funding has expanded our hours of operation and supports salaries for bike mechanic staff that restore donated bicycles to recycle back out to the community through the Bike Go Round Program.

Our initial plan identified three target communities in the greater east bay where we wanted to be viable. These areas are West Oakland (2-mile radius of West Oakland BART station), East Oakland (2-mile radius of Fruitvale and Coliseum BART stations), and West Alameda (West of Webster Street and Naval Base). [see APENDIX i, page 6]

Our first class and bike give-away in West Oakland was held Sunday, March 7, 2010. Fifteen adult participants were present for the class, and they all received bikes and the accompanying gear. To date, we have given five classes, and given away thirty-eight bikes in West Oakland.

The first class in West Alameda was held on Sunday, March 21, 2010. This class consisted of eleven adults, and each received bicycles and gear. To date, two classes have been held in this community, and seventeen bikes have been distributed.

Our final target area of East Oakland had it's first class at the Cycles of Change Bikery in the densely populated community called The Fruitvale. The class was held on Sunday, April 25, 2010, with eight people in attendance. All participants received bikes and the accompanying gear. To date this site has held ten classes, and distributed 130 bikes.

## **2. Partners**

Our initial application for the Lifeline Funding was submitted to the MTC in Summer of 2008. At the time, three service areas, connected to community service organizations to be known as Partners, were designated. However, by the time we were awarded the funds in late 2009, changes within those organizations initially contacted required us to adjust, recruit and establish new partnerships.

### **A. Original Regions\* and Partner Organizations: (\*see appendix i.)**

West Oakland - **Oakland Housing Authority/Science Discovery Center**-Serving residents within a two mile radius of the BART Station. 950 Union St., Oakland, CA

Central/East Oakland - **Day Laborers' Center** - Serving residents within two miles of the Fruitvale BART Station, and within two miles of the Coliseum BART Station.

West Alameda- **Alameda Point Collaborative (APC)** - Serving residents within two miles of the decommissioned Naval Base.

An example of Cycles of Change's experience with the need to be flexible in terms of partnerships can be seen in the following instance. To serve low-income citizens residing in the Downtown area of Oakland, an additional partnership with the **St. Vincent de Paul Organization** (SVDP) had been discussed. Their long valued work amongst the homeless men and women of this region led us to regard this potential partnership as a particularly promising relationship.

However, after many efforts to schedule a class, we were only successful in holding one class at the site. Eight bikes were distributed to the receptive group. Follow-up discussions with the SVDP staff revealed that in the time between our initial discussions and the current year, they had begun donating bicycles to a similar program for youth and were not interested in steering any of those resources towards their adult clients, which precluded a working relationship with us.

As far as the Oakland Housing Authority, we have had initial meetings and pitched the program to them, but as of yet, they haven't followed up to coordinate next steps.

The Day Labor Center ceased operation and closed after our initial grant proposal was filled.

### **B. New Partners**

The Bike Go Round Program's expansion is due to our success with the groups that have heard of our work, largely by word of mouth, and referral from happy bike recipients. We are also involved in ongoing active recruitment on a person to person, as well as organizational basis. As a result of this, the growing list of our new partners is noted below:



West Oakland	<b>MOHR I Apartments</b> - 741 Filbert St., Oakland, CA <b>Prescott Elementary School</b> - 920 Campbell Street, Oakland CA <b>Bikes 4 Life Bike Shop</b> -1600 7th Street, Oakland CA
East Oakland	<b>International Rescue Committee (IRC)</b> -1305 Franklin St. Oakland, CA <b>Crossroads Shelter</b> - 7515 International Blvd., Oakland, CA <b>Black Organizing Project (BOP)</b> -1218 East 21st St. Oakland, CA <b>Cycles of Change/The Bikery</b> - 2289 International Blvd., Oakland, CA
Alameda	<b>Playa del Alameda</b> - 148 Crolls Garden Court, Alameda, CA <b>Changing Gears Bike Shop (Formerly APC)</b> - 677 Ranger Alameda, CA

### 3. Year Two Targets

Our year two implementations will expand to reach development goals laid out in the initial proposal of this project. The first of these is job training for local residents. To accomplish this, we will be training high school youth in bicycle maintenance through paid internships. Youth will learn mechanical skills, as well as organizational and teaching skills.

The second new implementation will be to create opportunities for bike recipients themselves to learn more advanced mechanical skills that will make bike commuting more sustainable as a reliant mode of everyday transportation. To accomplish this we will offer mechanics classes to former BGR participants out of our Neighborhood Bicycle Center, the Bikery, situated in the community where most of the participants to date live.

We will also ally with existing Neighborhood Bicycle Centers such as Bikes 4 Life in West Oakland and Changing Gears in Alameda to provide follow-up support for program participants, as many of them may not have the time or ability to learn bicycle mechanics.

Finally we will coordinate group rides and other social activities for participants geared towards making riders more safe and competent on the road, which will also serve as a visible reflection of our support for participants as a growing bicycle community centered here in Oakland, CA.

## 4. Project Recognition

### Press for B-G-R:

- Ticket to Ride? Get a Bike – and training – through new Oakland program  
[http://www.mtc.ca.gov/news/info/cycles\\_of\\_change.htm](http://www.mtc.ca.gov/news/info/cycles_of_change.htm) (originally from [oaklandlocal.com](http://oaklandlocal.com))

### Press for THE BIKERY:

- Eugene Kang & Cycles of Change  
<http://oaklandlocal.com/article/eugene-kang-cycles-change>

### Awards for Cycles of Change:

- MTC Biennial Transportation Award  
[http://www.mtc.ca.gov/about\\_mtc/awards/index.htm](http://www.mtc.ca.gov/about_mtc/awards/index.htm)

*MTC's Transportation Awards recognize people and organizations who have made extraordinary contributions to the way people get around in the Bay Area each day. For nearly three decades, MTC has recognized day-to-day and long-term efforts that are improving transportation in the region.*

### Awards for The Bikery:

- Oaklandish Innovator Award  
<http://www.oaklandish.org/COMMUNITY/community.html>

*This award was created in the spirit of those Oakland legends who have had a direct influence on global culture; Architect Julia Morgan, Martial Artist Bruce Lee, Musician Larry Graham, Dancer Isadora Duncan, Aviator Joe Fong Guey, Artist Mike "Dream" Francisco, and Director Russ Myer, among many many others.*

### Testimony from BGR Members (Bike Recipients)

“It helped me loose 10 pounds and get to the store and park without driving.”

**-Shavonne Scott 4/20/10**

“This is better than Christmas!”

**-Jack Johnson 4/25/10**

“I am learning to be free of a car and saving money. It is a challenge to ride my bike long distance... Nevertheless it is a good daily exercise and I have noticed some persons ask me with a tone of surprise about my bike as a way of transportation. “

**-Rosa Sanson 9/14/10**

“Being able to ride has allowed me to slow down and appreciate life in a different sense. This is such a bike friendly city and I appreciate being able to be a better steward of the planet.”

**- Nacole Predom 9/29/10**

## Appendix

### i. Target Areas: (Includes all or part of zip codes listed)

**WEST ALAMEDA: 94501**

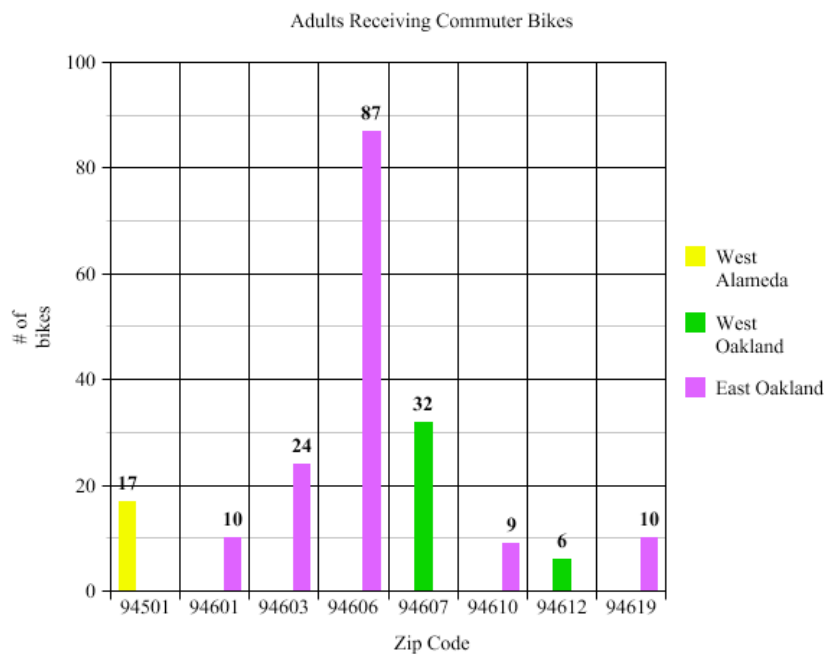
**EAST OAKLAND: 94606, 94601, 94602**

**WEST OAKLAND: 94607, 94625, 94612**

**EAST OAKLAND: 94603, 94619, 94621**



### ii. Adult Bike Distribution by Region



### iii. Photos



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## Memorandum

**DATE:** January 18, 2012

**TO:** Alameda County Transportation Commission

**FROM:** Matt Todd, Manager of Programming

**SUBJECT:** 2012 State Transportation Improvement Program  
Exchange Proposal

### Recommendation

This item is for information only.

### Summary

Staff has been working with our partner agencies MTC and CTC on an exchange proposal of STIP and Measure B funds. The exchange would consolidate STIP funding from 11 smaller projects into one large STIP funded project. The 11 smaller projects would then be advanced use the now available Measure B funds. This proposal would reduce implementation and monitoring requirements from the STIP process to one larger project, and focus the local measure funds for delivery of smaller locally sponsored projects. Staff will be bringing this item to the February committees and Board for consideration.

### Background

Staff has been working with our partner agencies MTC and CTC on an exchange proposal of STIP and Measure B funds. Alameda CTC (in partnership with Caltrans) is preparing the PS&E for the Route 84 Expressway Widening (Segment 2 or southern segment). This Route 84 Project funding package includes approximately \$40 million in local Measure B funds. The project is scheduled to begin construction in FY 2013/14. The exchange proposal includes programming the STIP funds assigned to 11 smaller projects (in the 2012 STIP) to the Route 84 project, and in return assigning the like amount of local Measure B funds from the Route 84 project to the 11 smaller projects. The total amount of the proposed exchange is approximately \$33.5 million. The exchange will allow for the implementation and monitoring of substantially fewer projects in the STIP and the use of local measure funds to deliver smaller locally sponsored projects. The exchange proposal concept is further detailed in the attached material.

We have gained staff level concurrence on the exchange concept with MTC and CTC staff. We are still having discussions regarding additional programming details including the program year of the STIP funds and how that matches with the delivery schedule of the Route 84 project. The STIP is scheduled to be approved by the CTC in March. The Alameda CTC and MTC would need to approve any revisions to the Alameda 2012 STIP by the end of February in order to be considered in the final 2012 STIP approved by the CTC. Staff will be bringing an action item to the ACTAC, PPC and Commission for consideration in February. Based on the schedule for the approval of the STIP,

the Alameda CTC and MTC will both be considering the amendment request concurrently in February.

**Attachments**

Attachment A – 2012 STIP Submitted to CTC

Attachment B – 2012 STIP Exchange Proposal

# Alameda

## 2012 RTIP

December 21, 2012  
(all numbers in thousands)

Agency	Rte	Cat	PPNO	Project	Comments	Total	2012 RTIP Funding by Fiscal Year						2012 RTIP Funding by Component					
							Prior	12-13	13-14	14-15	15-16	16-17	R/W	Const	E & P	PS&E	R/W Sup	Con Sup
Prior Commitments (Not Part of 2012 STIP Target)																		
Adopted 2012 RTIP Programming - Non PTA																		
Alameda City	880	SH	42C	I-880 Broadway/Jackson Interchange	New project	2,500	0	0	0	0	2,500	0	0	0	2,500	0	0	
Alameda Co PW	loc	LR		Crow Canyon Rd. Safety Improvement Project	New project	1,000	0	0	0	0	1,000	0	0	1,000	0	0	0	
Alameda Co PW	84	SH		Niles Canyon (SR-84), Foothill, Sunol Imps.	New project	1,500	0	0	0	0	1,500	0	0	1,500	0	0	0	
ACTC	84	SH	81D	SR-84 East-West Connector in Fremont	Add \$5 million	14,300	0	0	0	14,300	0	0	0	14,300	0	0	0	
ACTC	880	SH	44C	I-880 Operational and Safety Imps. at 29th Ave.	Add funding	551	0	551	0	0	0	0	0	0	0	551	0	0
VTA	880	SH	16V	Mission Blvd/I-880 Interchange Reconst. ph. 1B/2	Add funding	3,500	0	3,500	0	0	0	0	0	3,500	0	0	0	
Caltrans	24	SH	57J	SR-24 Caldecott Tunnel 4th Bore Landscaping	New project	2,000	0	400	1,600	0	0	0	0	500	0	400	1,100	
Fremont	loc	LR		BART Warm Spr. Sta. Impr. Access: Auto Mall Pkwy	New project	3,500	0	0	0	0	0	3,500	0	3,500	0	0	0	
Oakland	loc	LR	1022	42nd/High Street Access Improvement Project	New project	2,000	0	0	0	0	2,000	0	0	2,000	0	0	0	
San Leandro	185	SH		SR-185/Hesperian/150th Ave Channelization Imps.	New project	1,000	0	0	0	0	0	1,000	0	1,000	0	0	0	
MTC	680	SH	NEW	I-680 Freeway Performance Initiative Project	New project	2,000	0	0	2,000	0	0	0	0	2,000	0	0	0	
MTC		O	2100	Planning, programming, and monitoring	Add funding	611	0	114	118	122	126	131	0	611	0	0	0	
ACTC		O	2179	Planning, programming, and monitoring	Add funding	3,199	0	1,993	320	0	0	886	0	3,199	0	0	0	
Total Non-PTA						37,661	0	6,558	4,038	14,422	7,126	5,517	0	33,110	0	3,451	0	1,100
Adopted 2012 RTIP Programming - PTA Eligible																		
AC Transit	bus	T		East Bay Bus Rapid Transit	Add project	5,000	0	0	0	0	5,000	0	0	5,000	0	0	0	0
Total PTA-eligible						5,000	0	0	0	0	5,000	0	0	5,000	0	0	0	0
Adopted 2012 RTIP Programming Total						42,661	0	6,558	4,038	14,422	12,126	5,517	0	38,110	0	3,451	0	1,100
Adopted 2012 Transportation Enhancements (TE)																		
ACTC	te	BP	2100K	I-880 SB HOV Lane Landscaping (Marina/Davis)	New project	1,000	0	1,000	0	0	0	0	0	1,000	0	0	0	0
BATA/CT/CTC	te	BP	9051A	Improved Bike/Ped Connectivity to East Span SFOBB	New project	3,063	0	0	0	0	0	3,063	0	3,063	0	0	0	0
MTC	res	TBD	2100J	TE reserve (ACTC share)	Add funding	1,179	0	0	0	0	0	1,179	0	1,179	0	0	0	0
MTC	res	TBD	2100C	TE reserve (MTC share)	Consolidate funding	3,726	0	0	1,863	1,863	0	0	0	3,726	0	0	0	0
Adopted 2012 TE Programming Total						8,968	0	1,000	1,863	1,863	0	4,242	0	8,968	0	0	0	0
Adopted 2012 RTIP Total - Alameda County						51,629	0	7,558	5,901	16,285	12,126	9,759	0	47,078	0	3,451	0	1,100



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# Alameda

## 2012 RTIP Exchange Proposal

(all numbers in thousands)

Agency	Rte	Cat	PPNO	Project	Comments	Total	2012 RTIP Funding by Fiscal Year							2012 RTIP Funding by Component			
							Prior	12-13	13-14	14-15	15-16	16-17	R/W	Const	E & P	PS&E	R/W Sup
Prior Commitments (Not Part of 2012 STIP Target)																	
Adopted 2012 RTIP Programming - Non PTA																	
Alameda City	880	SH	42C	I-880 Broadway/Jackson Interchange	Exchange Proposal	2,500	0	0	0	0	2,500	0	0	0	0	2,500	0
Alameda Co PW	loc	LR		Crow Canyon Rd. Safety Improvement Project	Exchange Proposal	4,000	0	0	0	0	4,000	0	0	4,000	0	0	0
Alameda Co PW	84	SH		Niles Canyon (SR-84), Foothill, Sunol Impr.	Exchange Proposal	4,500	0	0	0	0	4,500	0	0	4,500	0	0	0
ACTC	84	SH	81D	SR-84 East-West Connector in Fremont	Exchange Proposal	14,300	0	0	0	14,300	0	0	0	14,300	0	0	0
ACTC	880	SH	44C	I-880 Operational and Safety Impr. at 29th Ave.	Exchange Proposal	554	0	554	0	0	0	0	0	0	0	554	0
VTA	880	SH	16V	Mission Blvd/I-880 Interchange Reconst. ph. 1B/2		3,500	0	3500	0	0	0	0	0	3,500	0	0	0
Caltrans	24	SH	57J	SR-24 Caldecott Tunnel 4th Bore Landscaping		2,000	0	400	1,600	0	0	0	0	500	0	400	1,100
Fremont	loc	LR		BART Warm Spr. Sta. Impr. Access: Auto Mall Pkwy	Exchange Proposal	3,500	0	0	0	0	0	3500	0	3,500	0	0	0
Oakland	loc	LR	1022	42nd/High Street Access Improvement Project	Exchange Proposal	2,000	0	0	0	0	2,000	0	0	2,000	0	0	0
San Leandro	185	SH		SR-185/Hesperian/150th Ave Channelization Impr.	Exchange Proposal	4,000	0	0	0	0	0	4000	0	4,000	0	0	0
MTC	680	SH	NEW	I-680 Freeway Performance Initiative Project		2,000	0	0	2,000	0	0	0	0	2,000	0	0	0
MTC		O	2100	Planning, programming, and monitoring		611	0	114	118	122	126	131	0	611	0	0	0
ACTC		O	2179	Planning, programming, and monitoring		3,199	0	1,993	320	0	0	886	0	3,199	0	0	0
AC Transit	bus	T		East Bay Bus Rapid Transit	Exchange Proposal	5,000	0	0	0	0	5,000	0	0	5,000	0	0	0
ACTC	84	0081H	Rt 84	Expressway Widening (Segment 2)	Exchange Proposal	31,351	0	0	31,351	0	0	0	0	31,351	0	0	0
Total Non-PTA						42,661	0	6,007	35,389	122	126	1,017	0	41,161	0	400	1,100
Adopted 2012 RTIP Programming Total						42,661	0	6,007	35,389	122	126	1,017	0	41,161	0	400	1,100
Adopted 2012 Transportation Enhancements (TE)																	
ACTC	te	BP	2100K	I-880 SB HOV Lane Landscaping (Marina/Davis)	Exchange Proposal	4,000	0	4,000	0	0	0	0	0	4,000	0	0	0
BATA/CT/CTC	te	BP	9051A	Improved Bike/Ped Connectivity to East Span SFOBB		3,063	0	0	0	0	0	3,063	0	3,063	0	0	0
MTC	res	TBD	2100J	TE reserve (ACTC share)	Exchange Proposal		0	0	0	0	0	4,179	0	4,179	0	0	0
MTC	res	TBD	2100C	TE reserve (MTC share)		3,726	0	0	1,863	1,863	0	0	0	3,726	0	0	0
ACTC	84	0081H	Rt 84	Expressway Widening (Segment 2)	Exchange Proposal	2,179	0	0	2,179	0	0	0	0	2,179	0	0	0
Adopted 2012 TE Programming Total						8,968	0	0	4,042	1,863	0	3,063	0	8,968	0	0	0
Adopted 2012 RTIP Total - Alameda County						51,629	0	6,007	39,431	1,985	126	4,080	0	50,129	0	400	1,100

<b>Adopted 2012 Transportation Enhancements (TE)</b>																	
ACTC	te	BP	2100K	I-880 SB HOV Lane Landscaping (Marina/Davis)	Exchange Proposal	4,000	0	4,000	0	0	0	0	0	4,000	0	0	0
BATA/CT/CTC	te	BP	9051A	Improved Bike/Ped Connectivity to East Span SFOBB	Exchange Proposal	3,063	0	0	0	0	0	3,063	0	3,063	0	0	0
MTC	res	TBD	2100J	TE reserve (ACTC share)	Exchange Proposal	4,479	0	0	0	0	0	4,479	0	4,479	0	0	0
MTC	res	TBD	2100C	TE reserve (MTC share)	Exchange Proposal	3,726	0	0	1,863	1,863	0	0	0	3,726	0	0	0
ACTC	84	0081H	Rt 84	Expressway Widening (Segment 2)	Exchange Proposal	2,179	0	0	2,179	0	0	0	0	2,179	0	0	0
<b>Adopted 2012 TE Programming Total</b>						8,968	0	0	4,042	1,863	0	3,063	0	8,968	0	0	0
<b>Adopted 2012 RTIP Total - Alameda County</b>						51,629	0	6,007	39,431	1,985	126	4,080	0	50,129	0	400	1,100

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## Memorandum

**DATE:** January 18, 2012

**TO:** Alameda County Transportation Commission

**FROM:** Finance and Administration Committee

**SUBJECT:** **Acceptance of ACTIA Fiscal Year 2010-2011 Draft Audited Basic Financial Statements, Memorandum on Internal Control and Required Communications and the Limitation Worksheet**

### Recommendation

It is recommended that the Commission accept and enter into the record ACTIA's draft Audited Basic Financial Statements for FY 2010-2011, the Memorandum on Internal Control and Required Communications for the Fiscal Year Ended June 30, 2011 and the required Limitation Worksheet as audited by the certified public accounting firm of Maze and Associates.

The audited financial statements and support documents were reviewed in detail by the Alameda County Transportation Commission (Alameda CTC) audit committee on December 12, 2011.

### Summary

Pursuant to California Public Utilities Code Section 180105, an independent audit was conducted for fiscal year 2010-2011 by Maze and Associates. While all financial statements are the responsibility of management, the auditor's responsibility is to express an opinion on the financial statements based on their audit. As demonstrated in the Independent Auditor's Report on page 3 of the Draft Audited Basic Financial Statements, ACTIA's auditors have reported what is considered to be an unqualified or clean audit.

"In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities and each major fund of ACTIA as of June 30, 2011, and the respective changes in the financial position, and the respective budgetary comparisons included as part of the basic financial statements, for the year then ended in conformity with accounting principles generally accepted in the United States of America."

### Financial Highlights:

- Total Assets decreased by \$19.2 million or 5.8% from \$330.9 million to \$311.7 million as of June 30, 2011 compared to June 30, 2010. Cash and investments comprised \$274.2 million or 88.0% of the total FY 2011 year-end amount.
- Sales Tax Revenue for all funds was \$105.4 million during FY 2011, an increase of \$10.9

million or 11.6% over FY 2010.

- Total Expenses were \$168.1 million during FY 2011, an increase of \$14.6 million or 9.5% over FY 2010. This amount included \$6.4 million for administration, \$78.6 million for highways and streets, \$54.4 million for public transit and \$28.7 million for local transportation.
- Total Liabilities increased \$30.2 million or 107.4% from \$28.1 million to \$58.3 million as of June 30, 2011 compared to June 30, 2010 due to a change in methodology used for capital project accruals.
- Total Net Assets decreased by \$49.4 million or 16.3% to \$253.3 million as of June 30, 2011 compared to June 30, 2010 mostly due to construction on ACTA capital projects.

The following pension and Other Post Employment Benefit (OPEB) information addresses inquiries related to notes in the audited basic financial statements raised at the Finance and Administration Committee meeting on January 9<sup>th</sup>.

The historical unfunded liability and the funded ratio information in the pension plan, as noted in the audited basic financial statements (note 6, page 19), for the fiscal year 2007 through fiscal year 2009 actuarial dates were calculated by CalPERS based on an investment rate of return of 7.75%. CalPERS uses the 15-year smoothed market method of valuing plan assets.

Similarly, the historical unfunded actuarially accrued liability and the funded status information for OPEB (note 7, page 23) for fiscal year 2008 through 2010 actuarial valuation dates were calculated by the actuary based on an investment rate of return of 5.0%.

### **Discussion**

As part of the audit process, Maze and Associates considered ACTIA's internal controls over financial reporting in order to design audit procedures. They have not expressed an opinion on the effectiveness of ACTIA's internal controls; however Maze and Associates' report states that they did not identify any deficiencies in internal controls that would be considered a material weakness. Maze and Associates also does not have any findings of deficiencies or weaknesses in ACTIA's organizational structure or recommendations that would be required to be reported in a management letter as a result of this audit.

In addition, Maze and Associates audited the calculation of the limitation ratios required by the Transportation Expenditure Plan which requires that the total cost for salaries and benefits for administrative employees not exceed 1% of sales tax revenues and expenditures for administration, in total, do not exceed 4.5% of sales tax revenues. The ratios for FY 2010-2011 are 0.61% for salaries and benefits as a percent of sales tax revenues and 3.34% for total administration costs as a percent of sales tax revenues which are in compliance with the requirements set forth in the Transportation Expenditure Plan.

Maze and Associates did not perform a Single Audit for FY 2010-2011. Per the Office of Management and Budget (OMB) Circular A-133, a single audit is required when a grantee spends \$500,000 or more in Federal funds in the fiscal year to provide assurance to the federal government as to the management and use of these funds. ACTIA's federal expenditures were less than the \$500,000 threshold in FY 2010-2011 therefore a Single Audit was not required.

The newly formed Audit Committee met on December 12 to review the Draft Audited Basic Financial Statements, the Limitations Worksheet and to discuss internal control procedures.

**Attachments**

- Attachment A - ACTIA Basic Financial Statements for the Year Ended June 30, 2011
- Attachment B - ACTIA Memorandum on Internal Control and Required Communications for the Year Ended June 30, 2011
- Attachment C - ACTIA Limitations Worksheet for the Year Ended June 30, 2011

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**ALAMEDA COUNTY TRANSPORTATION  
IMPROVEMENT  
AUTHORITY**

**BASIC FINANCIAL STATEMENTS  
FOR THE YEAR ENDED  
JUNE 30, 2011**

**PREPARED BY THE  
FINANCE AND ADMINISTRATION  
DEPARTMENT**



**ALAMEDA COUNTY TRANSPORTATION IMPROVEMENT AUTHORITY**

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**June 30, 2011**

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## INDEPENDENT AUDITORS' REPORT

The Governing Board of the  
Alameda County Transportation Improvement Authority  
Oakland, California

We have audited the accompanying financial statements of the governmental activities and each major fund of the Alameda County Transportation Improvement Authority (ACTIA) as of and for the year ended June 30, 2011, which collectively comprise ACTIA's basic financial statements as listed in the table of contents. These financial statements are the responsibility of ACTIA's management. Our responsibility is to express opinions on these financial statements based on our audit. The prior year summarized comparative information has been derived from ACTIA's and Alameda County Transportation Authority's (ACTA's) June 30, 2010 financial statements and in our prior reports dated September 15, 2010, we expressed an unqualified opinion on those financial statements.

We conducted our audit in accordance with generally accepted auditing standards in the United States of America and the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities and each major fund of ACTIA as of June 30, 2011, and the respective changes in the financial position, and the respective budgetary comparisons included as part of the basic financial statements, for the year then ended in conformity with accounting principles generally accepted in the United States of America.

As of July 1, 2010, ACTIA adopted the provision of Governmental Accounting Standards Board Statement Number 54 (GASB 54), *Fund Balance Reporting and Governmental Fund Type Definitions*. As discussed in Note 10 to the financial statements, the provisions of this statement affect the classification of fund balances reported in the financial statements.

In accordance with *Government Auditing Standards*, we have also issued our report dated October 24, 2011, on our consideration of ACTIA's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be considered in assessing the results of our audit.

The required supplementary information such as the Management's Discussion and Analysis and budgetary comparison information is not a required part of the basic financial statements but is supplementary information required by the Governmental Accounting Standards Board. We have applied certain limited procedures, which consisted principally of inquiries of management regarding the methods of measurement and presentation of the required supplementary information. However, we did not audit the information and express no opinion on it.

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise ACTIA's basic financial statements. The supplemental section listed in the Table of Contents is presented for purposes of additional analysis and is not a required part of the basic financial statements. This information has been subjected to the auditing procedures applied in the audit of the basic financial statements and, in our opinion, is fairly stated in all material respects in relation to the basic financial statements taken as a whole.

The Schedule of Direct and Indirect Expenditures as listed on the table of contents has not been subjected to the auditing procedures applied in the audit of the basic financial statements and, accordingly, we express no opinions on it.

October 24, 2011

## MANAGEMENT'S DISCUSSION AND ANALYSIS

The following discussion and analysis of the Alameda County Transportation Improvement Authority's (ACTIA) financial position addresses ACTIA's activities for the Fiscal Year Ended June 30, 2011 with comparisons to the two prior fiscal years as restated to include financial information for the Alameda County Transportation Authority (ACTA) for which ACTIA assumed all responsibility of functions, assets and liabilities effective July 1, 2010. We encourage readers to consider the information presented here in conjunction with ACTIA's financial statements and related notes contained in the Basic Financial Statement section.

The voters of Alameda County, pursuant to the provisions of the Bay Area County Traffic and Transportation Funding Act, Public Utilities Code Section 131000, et seq., approved Measure B at the General Election held in November 1986, authorizing the collection of a one-half cent transaction and use tax over a 15 year period to address major transportation needs and congestion in Alameda County and giving ACTA the responsibility for the administration of the proceeds of the tax. Although the 1986 tax expired in 2002, a few capital projects are not expected to be completed until 2013 or later.

The voters of Alameda County, pursuant to the provisions of the Local Transportation Authority and Improvement Act, Public Utilities Code Section 180000, et seq., approved the reauthorization of Measure B at the General Election held on November 7, 2000, authorizing the collection of a one-half cent transaction and use tax that will be collected for 20 years beginning April 1, 2002 and giving ACTIA responsibility for the administration of the proceeds of the tax.

### FINANCIAL HIGHLIGHTS

- Total Assets decreased by \$19.2 million or 5.8% from \$330.9 million to \$311.7 million as of June 30, 2011 compared to June 30, 2010. Cash and investments comprised \$274.2 million or 88.0% of the total FY 2011 year-end amount.
- Sales tax revenue for all funds was \$105.4 million during FY 2011, an increase of \$10.9 million or 11.6% over FY 2010.
- ACTIA's total expenses were \$168.1 million during FY 2011, an increase of \$14.6 million or 9.5% over FY 2010. This amount included \$6.4 million for administration, \$78.6 million for highways and streets, \$54.4 million for public transit and \$28.7 million for local transportation.
- Total liabilities increased \$30.2 million or 107.4% from \$28.1 million to \$58.3 million as of June 30, 2011 compared to June 30, 2010 due to a change in methodology used for capital project accruals.
- Total net asset decreased by \$49.4 million or 16.3% to \$253.3 million as of June 30, 2011 compared to June 30, 2010 mostly due to construction on ACTA capital projects.

### OVERVIEW OF THE FINANCIAL STATEMENTS

The annual financial report consists of the management's discussion and analysis and the basic financial statements. Basic financial statements include the government-wide financial statements, fund financial statements and notes to the financial statements. The basic financial statements show the consolidated presentation of governmental funds along with the required adjustments and the resulting government-wide statements.

- The government-wide statements are comprised of the statement of net assets and the statement of activities that are to include all of the primary government's governmental activities, business-type activities and component units.
- The fund financial statements are comprised of a balance sheet, a statement of revenues and expenditures and changes in fund balances by governmental fund type.
- The financial statements include note disclosures in order to present a complete picture of the financial position.

Figure A-1 demonstrates the relationship of the required components of the annual financial report.

Figure A-1

**The Alameda County Transportation Improvement Authority  
Required Components of the Annual Financial Report**

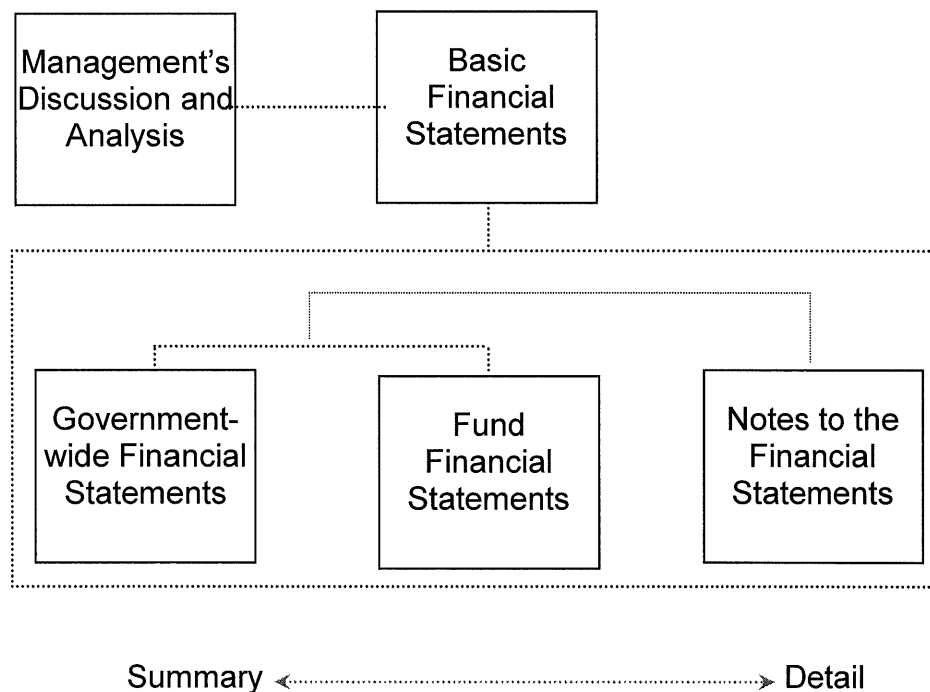


Figure A-2 summarizes the major components of ACTIA's financial statements.

**Figure A-2**  
**The Alameda County Transportation Improvement Authority**  
**Major Components of the Government-Wide and Fund Financial Statements**

	<b>Government-Wide Financial Statements</b>	<b>Fund Financial Statements</b>	
		<b>Governmental Funds Financial Statements</b>	<b>Fiduciary Funds Financial Statements</b>
<b>Scope</b>	Includes all governmental and business-type activities and non-fiduciary component units	Includes tax supported activities	Includes assets held in a trust for others
<b>Required Financial Statements</b>	Statement of Net Assets and Statement of Activities	Balance Sheet and Statement of Revenues, Expenditures and Changes in Fund Balance	Statement of Net Assets and Statement of Changes in Fiduciary Net Assets
<b>Accounting Basis and Measurement Focus</b>	Accrual accounting with focus on economic resources	Modified accrual accounting with focus on current financial resources	Accrual accounting with focus on economic resources
<b>Assets/Liabilities</b>	All assets and liabilities, both financial and capital and long and short-term	Assets available and liabilities payable during the fiscal year or soon thereafter; does not include capital assets	All assets and liabilities, both financial and capital and long and short-term
<b>Changes in Net Assets</b>	Reported when underlying events occur, regardless of the timing of related cash flows	Reported as related cash flows in or out during the fiscal year or soon thereafter	Reported when underlying events occur, regardless of the timing of related cash flows

### Government-Wide Statements

The *government-wide financial statements* report information using the same measurement focus and basis of accounting as private-sector business enterprises. The *Statement of Net Assets* includes total assets and total liabilities with the difference between them reported as net assets. Over time, increases or decreases in net assets can indicate whether the financial health is improving or deteriorating. Total revenues, total expenditures and changes in net assets are accounted for in the *Statement of Activities*, regardless of the timing of related cash flows.

ACTIA's government-wide financial statements include one category, governmental activities, which includes all activities related to accomplishing the goals established in its transportation expenditure plans approved by the voters in 1986 and 2000.

### Fund Financial Statements

The *fund financial statements* provide more detailed information by fund. A fund is a set of accounts used to control resources segregated for specific activities or purposes. ACTIA has established funds to ensure resources are utilized for the particular purposes defined in the transportation expenditure plans. Funds classified as major are reported individually on the financial statements and funds classified as non-major are grouped and reported in a single column.

---

ACTIA has five major funds, the General fund, ACTIA Capital Projects fund, ACTA Capital Projects fund, Special Revenue fund and Fiduciary fund. The Special Revenue fund is made up of several non-major funds, the Express Bus fund, Service Gap fund, Regional Bike and Pedestrian fund, Transit-oriented Development fund and Programs Distribution fund. In the supplemental section of this report, *Combining Statements* report data for each of the non-major funds. ACTIA also has a fiduciary fund which is used to accumulate funds towards retiree benefits.

## Notes to the Financial Statements

The *notes to the financial statements* provide additional information that is vital to the understanding of the financial statements. These notes can be found directly following the financial statements in this annual financial report.

## GOVERNMENT-WIDE FINANCIAL ANALYSIS

As of June 30, 2011, total assets were \$311.7 million, a decrease of \$19.2 million or 5.8% from June 30, 2010 and a decrease of \$57.0 million or 15.5% from June 30, 2009, with cash and investments accounting for \$274.2 million or 88.0% of this amount. This might indicate a deterioration of ACTIA's financial position, however the goal and intent of ACTIA is to spend sales tax revenues down towards the purpose of improving transportation programs and infrastructure in Alameda County throughout the life of the 2000 Measure B. This also reflects the continued effort to wind down the original 1986 Measure B.

Total liabilities were \$58.3 million as of June 30, 2011, an increase of \$30.2 million or 107.4% over June 30, 2010 and an increase of \$33.9 million or 139.1% over June 30, 2009 due to a change in the methodology used for capital project accruals. The significant disparity of cash over liabilities demonstrates that ACTIA is well able to meet its obligations as they become due. At the end of the fiscal year, ACTIA had encumbered \$49.8 million towards engineering contracts and \$111.2 million towards project sponsor contracts with terms ranging up to seven years.

ACTIA does not record capital assets created by the projects it finances on its own financial statements since these assets are of value only to the local government in which they are located.

Net assets were \$253.3 million at June 30, 2011, a decrease of \$49.4 million or 16.3% from June 30, 2010 and a decrease of \$90.9 million or 26.4% from June 30, 2009. Of the total \$253.3 million in net assets at June 30, 2011, less than 0.1% is invested in capital assets, the same as in the prior year, with the balance restricted for use towards programs and projects authorized in the transportation expenditure plans.

**Table A-1**  
**The Alameda County Transportation Improvement Authority**  
**Net Assets**  
**June 30, 2011, 2010 and 2009**

	<b>Governmental Activities</b>		
	<b>2011</b>	<b>2010</b>	<b>2009</b>
Cash and investments	\$ 274,159,657	\$ 301,110,321	\$ 331,683,686
Receivables			
Sales tax receivables	17,546,199	15,131,509	14,742,710
Interest	88,283	96,890	162,285
Other governmental		1,302,444	1,083,761
Other	10,512,765	1,960,599	1,706,058
Due from fiduciary	14,724	22,767	12,218
Capital assets			
Furniture and equipment (net of accumulated depreciation)	43,075	53,426	70,687
Land held for resale	4,243,000	4,068,000	4,068,000
Advances to other governments	5,000,000	7,040,370	15,086,398
Other assets	79,043	64,264	26,836
<b>Total assets</b>	<b>\$ 311,686,746</b>	<b>\$ 330,850,590</b>	<b>\$ 368,642,639</b>
Accounts payable	\$ 58,196,383	\$ 26,702,377	\$ 24,182,250
Due to other governments		1,302,441	106,472
Compensated absences	69,270	70,804	73,761
Net OPEB Obligation	75,863	55,204	37,351
<b>Total current liabilities</b>	<b>58,341,516</b>	<b>28,130,826</b>	<b>24,399,834</b>
Net assets:			
Invested in capital assets	43,075	53,426	70,687
Restricted for:			
Transportation Projects/Programs	253,302,155	302,666,338	344,172,118
<b>Total net assets</b>	<b>253,345,230</b>	<b>302,719,764</b>	<b>344,242,805</b>
<b>Total liabilities and net assets</b>	<b>\$ 311,686,746</b>	<b>\$ 330,850,590</b>	<b>\$ 368,642,639</b>



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Total revenues in FY 2011 were \$118.7 million, an increase of \$6.7 million or 6.0% over FY 2010 and a decrease of \$8.0 million or 6.3% from FY 2009, with sales tax accounting for \$105.4 million or 88.8% of this amount. Total expenses in FY 2011 were \$168.1 million, an increase of \$14.6 million or 9.5% over FY 2010 and an increase of \$31.3 million or 22.9% over FY 2009. The following are the changes in the key activities:

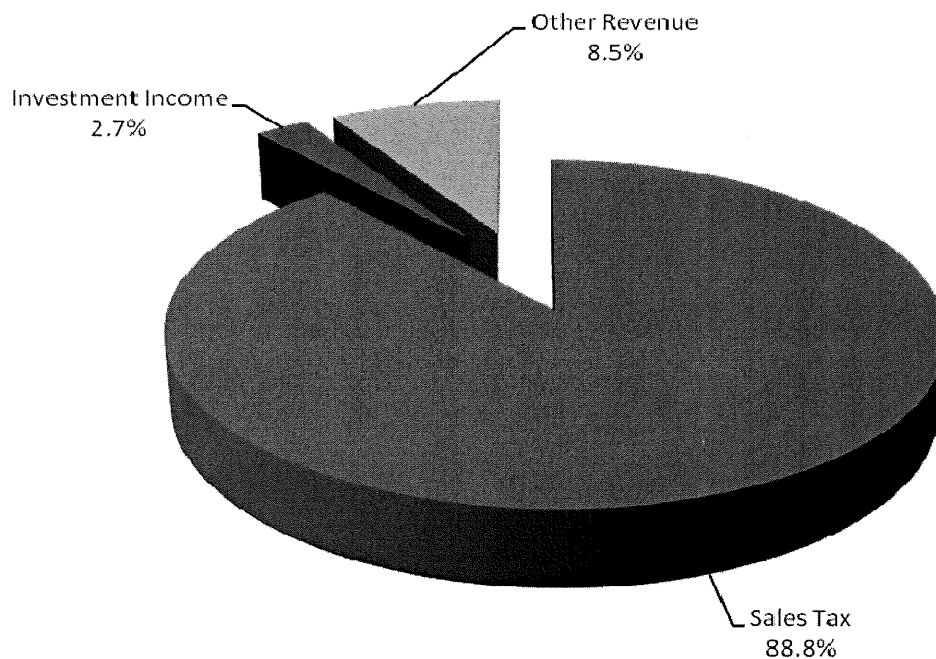
- Sales tax revenues in FY 2011 were \$105.4 million, an increase of \$10.9 million or 11.6% over FY 2010 and an increase of \$4.1 million 4.0% over FY 2009. These increases reflect an improvement in the economy as we slowly return to historical sales tax levels.
- Capital grants and contributions in FY2011 were \$10.0 million, an increase of \$0.8 million or 8.7% over FY 2010 and an increase of \$3.5 million or 53.1% over FY 2009.
- Investment income in FY 2011 was \$3.2 million, a decrease of \$4.9 million or 60.6% from FY 2010 and a decrease of \$15.4 million or 82.8% from FY 2009.
- Operating grants and contributions in FY2011 were \$0.1 million, a decrease of \$0.1 million or 55.4% from FY 2010 and a decrease of \$0.2 million or 69.6% from FY 2009.
- Administration expenses in FY 2011 were \$6.4 million, a decrease of \$0.3 million or 4.3% from FY 2010 and a decrease of \$0.5 million or 7.3% from FY 2009.
- Highways and streets expenses in FY 2011 were \$78.6 million, an increase of \$21.0 million or 36.6% over FY 2010 and an increase of \$16.3 million or 26.1% over FY 2009.
- Public transit expenses in FY 2011 were \$54.4 million, a decrease of \$8.8 million or 13.9% from FY 2010 and an increase of \$14.0 million or 34.6% over FY 2009.
- Local transportation expenses in FY 2011 were \$28.7 million, an increase of \$2.6 million or 10.0% over FY 2010 and an increase of \$1.5 million or 5.7% over FY 2009.

In FY 2011, expenses exceeded revenues by \$49.4 million, resulting in a decrease to net assets which were \$253.3 million at year-end. In FY 2010, expenses exceeded revenues by \$41.5 million, resulting in a decrease to net assets which were \$302.7 million at year-end. In FY 2009, expenses exceeded revenues by \$10.1 million, resulting in a decrease to net assets which were \$344.2 million at year-end.

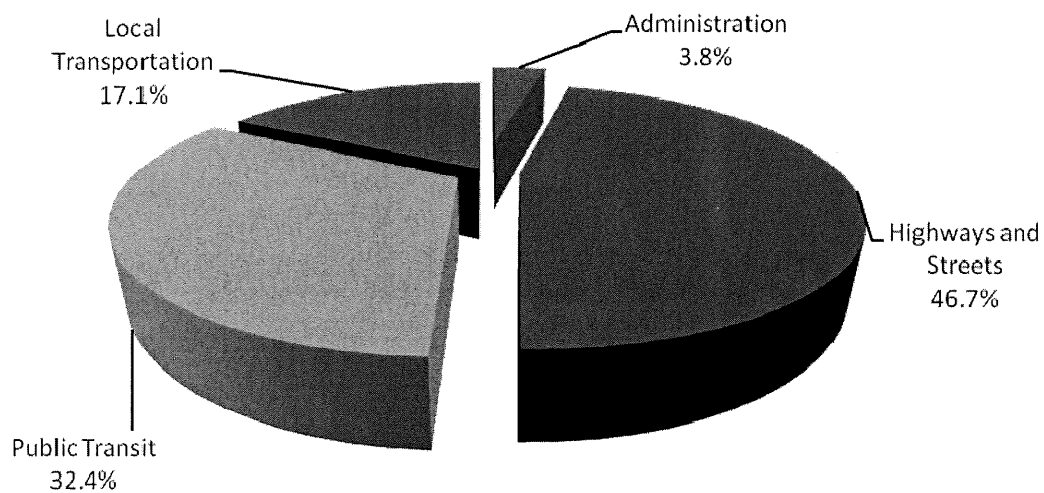
**Table A-2**  
**The Alameda County Transportation Improvement Authority**  
**Changes in Net Assets**  
**June 30, 2011, 2010 and 2009**

	<b>Governmental Activities</b>		
	<b>2011</b>	<b>2010</b>	<b>2009</b>
<b>Revenues</b>			
Program revenues:			
Operating grants and contributions	\$ 81,012	\$ 181,784	\$ 266,608
Capital grants and contributions	10,014,870	9,212,246	6,542,499
General revenues:			
Sales taxes	105,393,804	94,453,574	101,321,423
Investment Income	3,194,050	8,102,075	18,557,728
<b>Total revenues</b>	<u>118,683,736</u>	<u>111,949,679</u>	<u>126,688,258</u>
<b>Expenses</b>			
Administration	6,375,468	6,661,460	6,877,600
Highways and Streets	78,582,322	57,533,049	62,322,910
Public Transit	54,389,098	63,176,467	40,400,461
Local Transportation	28,711,382	26,101,744	27,166,706
<b>Total expenses</b>	<u>168,058,270</u>	<u>153,472,720</u>	<u>136,767,677</u>
Change in net assets	(49,374,534)	(41,523,041)	(10,079,419)
Net assets, beginning of year	302,719,764	344,242,805	354,322,224
<b>Net assets, end of year</b>	<u><u>\$ 253,345,230</u></u>	<u><u>\$ 302,719,764</u></u>	<u><u>\$ 344,242,805</u></u>

**Figure A-3**  
**The Alameda County Transportation Improvement Authority**  
**Sources of Revenue for Fiscal Year 2011**



**Figure A-4**  
**The Alameda County Transportation Improvement Authority**  
**Functional Expenses for Fiscal Year 2011**



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## **Financial Analysis of ACTIA's Funds**

### **Governmental Funds**

ACTIA uses fund accounting to ensure compliance with finance-related legal requirements. The governmental funds in this case include the general fund, ACTIA capital projects fund, ACTA capital projects fund and special revenue funds.

ACTIA works with project sponsors to deliver Highways and Streets projects, Public Transit and various other programs including Paratransit programs. Local Transportation sales tax funds are passed directly through to Alameda County cities and Alameda County to administer transportation related projects of their choosing. ACTIA's activities also include the administration of sales tax revenues which consists of projects and programs management, financial oversight and other administrative functions.

As of June 30, 2011, ACTIA had \$276.9 million of fund balance in the governmental funds: \$16.0 million in the general fund, \$86.5 million in the ACTIA capital projects fund, \$164.5 million in the ACTA capital projects fund and \$9.9 million in the special revenue funds. This is a decrease from June 30, 2010 of \$21.8 million or 7.3%. The decrease is mostly due to the activities of highways and streets projects in the ACTA capital projects fund. Construction on ACTA capital projects will continue until finished however as of March 31, 2002 when the 1986 Measure B expired, this fund no longer receives sales tax revenues.

As of June 30, 2011, ACTIA had \$108.7 million of revenues in the governmental funds: \$4.9 million in the general fund, \$40.8 million in the ACTIA capital projects fund, \$2.6 million in the ACTA capital projects fund and \$60.4 million in the special revenue funds. This is a decrease from June 30, 2010 of \$4.5 million or 3.9%.

As of June 30, 2011, ACTIA had \$134.5 million of expenditures in the governmental funds: \$3.6 million in the general fund, \$41.6 million in the ACTIA capital projects fund, \$27.3 million in the ACTA capital projects fund and \$62.1 million in the special revenue funds. This is a decrease from June 30, 2010 of \$20.1 million or 13.0%.

As of June 30, 2011, ACTIA had \$308.7 million of assets in the governmental funds: \$16.6 million in the general fund, \$87.2 million in the ACTIA capital projects fund, \$178.9 million in the ACTA capital projects fund and \$25.9 million in the special revenue funds. This is a decrease from June 30, 2010 of \$18.1 million or 5.5%.

As of June 30, 2011, ACTIA had \$31.7 million of liabilities in the governmental funds: \$0.6 million in the general fund, \$0.7 million in the ACTIA capital projects fund, \$14.4 million in the ACTA capital projects fund and \$16.0 million in the special revenue funds. This is an increase from June 30, 2010 of \$3.7 million or 13.3%.

### **Fiduciary Fund**

ACTIA has a fiduciary fund which is a trust designed to accumulate assets to fund retiree benefits. These funds are excluded from the government-wide financial statements because they do not represent resources of ACTIA. As of June 30, 2011, net assets in the trust were \$0.9 million as they were at June 30, 2010 showing no material change.

## CAPITAL ASSET AND DEBT ADMINISTRATION

### Capital Assets

As of June 30, 2011, ACTIA had invested \$43,075 in capital assets, including furniture and equipment and leasehold improvements.

**Table A-3**  
**The Alameda County Transportation Improvement Authority**  
**Capital Assets**  
**(net of accumulated depreciation and amortization)**  
**June 30, 2011, 2010 and 2009**

	2011	2010	2009
Furniture and equipment (net of accumulated depreciation)	\$ 18,423	\$ 30,987	\$ 42,265
Leasehold improvements (net of accumulated amortization)	24,652	22,439	28,422
Total	\$ 43,075	\$ 53,426	\$ 70,687

The one capital asset addition in FY 2011 was a leasehold improvement to install audio visual equipment in the board room.

### Long-Term Debt

As of June 30, 2011, 2010 and 2009, ACTIA had no outstanding debt.

## COMPARISON OF BUDGETED TO ACTUAL

Prior to each fiscal year, ACTIA adopts a budget for the year. This budget may be modified at quarterly intervals resulting in subsequent legally adopted budgets. These modifications are made primarily to adjust revenues when projections change due to changes in the economic climate and to adjust expenses to reflect changes in capital project costs.

In the General Fund, ACTIA began FY 2011 with an adopted revenue budget of \$4.3 million and expenditures budget of \$4.1 million resulting in a surplus in the general fund balance of \$0.2 million. In the final adopted budget, the revenue budget was revised to \$4.8 million resulting in a surplus in the general fund of \$0.7 million. Actual revenues from the sales tax and other revenues were \$4.9 million and actual indirect administrative costs totaled \$3.5 million, resulting in a surplus in the general fund of \$1.3 million. The improvement to budgeted and actual revenues was due to a projected and actual increase in sales tax revenues.

In the Special Revenue Fund, ACTIA began FY 2011 with an adopted revenue budget of \$51.6 million and expenditure budget of \$59.1 million. In the final adopted budget, the revenue budget was revised to \$58.5 million and the expenditure budget was revised to \$65.5 million resulting in the reduction of the Special Revenue fund balance of \$7.0 million. Actual revenues were \$60.4 million and actual expenditures were \$62.1 million, with \$33.4 million for Public Transit, \$27.7 million for Local Transportation and \$0.9 million for Administration, resulting in a reduction in fund balance of \$1.7 million. Additional details of the special revenue funds are provided under supplemental information.

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## **OTHER SIGNIFICANT MATTERS**

On July 22, 2010, ACTIA officially became a part of the Alameda County Transportation Commission (Alameda CTC), a joint powers agency, along with the County of Alameda, the 14 cities of Alameda County, AC Transit, BART and the Alameda County Congestion Management Agency (ACCMA). This new JPA has all of the powers of the ACCMA and ACTIA. For the fiscal year 2012, ACTIA will operate as part of the Alameda CTC for which a consolidated budget was adopted by the Commission in June, 2011. It is expected that all steps necessary to have Alameda CTC be the operating entity will be completed in early 2012 and that prior to the end of FY 2012, ACCMA and ACTIA will be terminated and Alameda CTC will be named the successor agency for each.

## **REQUESTS FOR INFORMATION**

This financial report is designed to provide a general overview of ACTIA's finances to the tax payers of Alameda County and to demonstrate accountability for sales tax revenues received. Questions concerning information provided in this report or requests for additional financial information should be addressed to Arthur Dao or Patricia Reavey of the Alameda County Transportation Improvement Authority at 1333 Broadway, Suite 220, Oakland, California 94612.

**ALAMEDA COUNTY TRANSPORTATION IMPROVEMENT AUTHORITY**  
**GOVERNMENTAL FUNDS - BALANCE SHEETS / STATEMENT OF NET ASSETS**  
**JUNE 30, 2011**  
**(WITH SUMMARIZED COMPARATIVE AMOUNTS FOR JUNE 30, 2010)**

	General	ACTIA Capital Projects	ACTA Capital Projects
<b>Assets</b>			
Cash and investments	\$15,461,728	\$73,040,308	\$169,760,525
Receivables			
Sales tax	789,579	6,719,413	
Accrued interest		62,222	26,061
Other governments			
Other	176,518	254,550	80,867
Advances to other governments			5,000,000
Due from other funds	79,494	6,944,618	
Due from employee benefits trust	14,724		
Land held for resale		175,000	4,068,000
Other assets	73,287		5,757
Capital assets, depreciable, net of accumulated depreciation			
Total assets	<u>\$16,595,330</u>	<u>\$87,196,111</u>	<u>\$178,941,210</u>
<b>Liabilities and Fund Balances</b>			
Liabilities			
Accounts payable	\$587,591	\$719,618	\$7,394,607
Due to other funds	3,308		7,015,369
Due to other governments			
Compensated absences			
Net OPEB obligations - due in more than one year			
Total liabilities	<u>590,899</u>	<u>719,618</u>	<u>14,409,976</u>
Fund balances:			
Restricted		86,476,493	164,531,234
Unassigned	16,004,431		
Total fund balances	<u>16,004,431</u>	<u>86,476,493</u>	<u>164,531,234</u>
Total liabilities and fund balances	<u>\$16,595,330</u>	<u>\$87,196,111</u>	<u>\$178,941,210</u>

**Net Assets:**

Invested in capital assets

Restricted

Total net assets

Amounts reported for governmental activities in the statement of net assets are different because:

- (1) - Capital assets used in governmental activities are not financial resources and therefore are not reported in the funds.
- (2) - Compensated absences are considered long term and therefore are not recorded in the governmental funds.
- (3) - OPEB obligations are considered long term and therefore are not recorded in the governmental funds.
- (4) - At the fund level, expenditures are recorded when due, while at the entity wide level, expenses are recorded when incurred.
- (5) - Revenues are not currently available at the fund level and therefore not recorded in the governmental funds level.

See accompanying notes to financial statements

Statement of Net Assets				
Special Revenue	2011 Total		2011 Total	2010 Total
\$15,897,097	\$274,159,658		\$274,159,658	\$301,110,321
10,037,209	17,546,201		17,546,201	15,131,509
	88,283		88,283	96,890
				1,302,444
830	512,765	(5)	10,000,000	1,960,599
	5,000,000		5,000,000	7,040,370
	7,024,112		(7,024,112)	
	14,724		14,724	22,767
	4,243,000		4,243,000	4,068,000
	79,044		79,044	64,264
		(1)	\$43,076	53,426
<u>\$25,935,136</u>	<u>\$308,667,787</u>		<u>\$311,686,751</u>	<u>\$330,850,590</u>
\$16,003,059	\$24,704,875	(4)	33,491,509	58,196,384
\$5,435	7,024,112		(7,024,112)	\$26,702,377
				\$1,302,441
		(2)	69,270	70,804
		(3)	75,863	55,204
<u>16,008,494</u>	<u>31,728,987</u>		<u>26,612,530</u>	<u>28,130,826</u>
9,926,642	260,934,369		(260,934,369)	
	16,004,431		(16,004,431)	
<u>9,926,642</u>	<u>276,938,800</u>		<u>(276,938,800)</u>	
<u>\$25,935,136</u>	<u>\$308,667,787</u>			
			43,076	53,426
			253,302,158	302,666,338
			<u>\$253,345,234</u>	<u>\$302,719,764</u>



**ALAMEDA COUNTY TRANSPORTATION IMPROVEMENT AUTHORITY**  
**STATEMENT OF GOVERNMENTAL FUND REVENUES, EXPENDITURES, AND CHANGES**  
**IN FUND BALANCE / STATEMENT OF ACTIVITIES**  
**FOR THE YEAR ENDED JUNE 30, 2011**  
**(WITH SUMMARIZED COMPARATIVE AMOUNTS FOR THE YEAR ENDED JUNE 30, 2010)**

	General	ACTIA Capital Projects	ACTA Capital Projects
Revenues:			
Sales tax	\$4,742,726	\$40,361,087	
Investment income	124,287	459,946	\$2,512,048
Federal, state and local funds (Note 1 l)		(1,311,761)	80,867
Other income	81,013	1,245,764	
Total revenues	4,948,026	40,755,036	2,592,915
Expenditures\expenses:			
Current:			
Administration	3,566,133	758,402	1,138,161
Highways and streets		18,941,313	26,149,504
Public transit		20,954,332	
Local transportation		975,374	
Total expenditures\expenses	3,566,133	41,629,421	27,287,665
Excess of revenues over expenditures	1,381,893	(874,385)	(24,694,750)
Net change in fund balances \ net assets	1,381,893	(874,385)	(24,694,750)
Fund balances/ net assets:			
Beginning of year (restated fund balance), (Note 1k)	14,622,538	87,350,878	189,225,984
End of year	\$16,004,431	\$86,476,493	\$164,531,234

- (1) - Amounts reported for governmental activities in the statement of activities are different because:
- Governmental funds report capital outlays as expenditures. However, in the statement of activities the cost of those assets is allocated over their useful lives and reported as depreciation expense. This is the amount by which capital outlays were exceeded by depreciation in the period.
  - Changes in compensated absences.
  - Changes in post-employment benefits other than pensions.
- (2) - At the fund level, expenditures are recorded when due, while at the entity wide level, expenses are recorded when incurred.
- (3) - At the fund level, revenue that are not available currently, are not recorded when earned.

See accompanying notes to financial statements

Statement of Activities				
Special Revenue	Total	Adjustments	2011 Total	2010 Total
\$60,289,998	\$105,393,811		\$105,393,811	\$94,453,574
97,766	3,194,047		3,194,047	8,102,075
	(1,230,894) (3)	\$10,000,000	8,769,106	5,154,382
	1,326,777		1,326,777	4,239,648
60,387,764	108,683,741	10,000,000	118,683,741	111,949,679
883,298	6,345,994 (1)	29,475	6,375,469	6,661,460
	45,090,817 (2)	33,491,509	78,582,326	57,533,049
33,434,763	54,389,095		54,389,095	63,176,467
27,736,007	28,711,381		28,711,381	26,101,744
62,054,068	134,537,287	33,520,984	168,058,271	153,472,720
(1,666,304)	(25,853,546)	(23,520,984)	(49,374,530)	(41,523,041)
(1,666,304)	(25,853,546)	(23,520,984)	(49,374,530)	(41,523,041)
11,592,946	302,792,346	(72,582)	302,719,764	344,242,805
\$9,926,642	\$276,938,800	(\$23,593,566)	\$253,345,234	\$302,719,764
		(10,350)		
		1,534		
		(20,659)		
		(33,491,509)		
		10,000,000		
		(\$23,520,984)		

**ALAMEDA COUNTY TRANSPORTATION IMPROVEMENT AUTHORITY**  
**FIDUCIARY FUNDS**  
**STATEMENT OF NET ASSETS**  
**JUNE 30, 2011**

	<b>Retiree Benefits Trust Fund</b>
<b>ASSETS</b>	
Deposits and investments	\$909,507
<b>Total Assets</b>	<u>909,507</u>
<b>LIABILITIES</b>	
Due to ACTIA General Fund	14,724
<b>Total Liabilities</b>	<u>14,724</u>
<b>NET ASSETS</b>	
Held in trust for OPEB benefits	894,783
<b>Total Net Assets</b>	<u><u>\$894,783</u></u>

See accompanying notes to financial statements

**ALAMEDA COUNTY TRANSPORTATION IMPROVEMENT AUTHORITY**  
**FIDUCIARY FUNDS**  
**STATEMENT OF CHANGES IN FIDUCIARY NET ASSETS**  
**FOR THE YEAR ENDED JUNE 30, 2011**

	<b>Retiree Benefits Trust Fund</b>
<b>ADDITIONS:</b>	
Investment earnings	\$1,065
Total Additions	<u>1,065</u>
<b>DEDUCTIONS:</b>	
Benefits	14,724
Penalty for early withdrawal	<u>919</u>
Total Deductions	<u>15,643</u>
<b>Change in Net Assets</b>	(14,578)
<b>Net Assets - Beginning</b>	<u>909,361</u>
<b>Net Assets - Ending</b>	<u><u>\$894,783</u></u>

See accompanying notes to financial statements

# ALAMEDA COUNTY TRANSPORTATION IMPROVEMENT AUTHORITY

## NOTES TO FINANCIAL STATEMENTS

JUNE 30, 2011

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### (1) Summary of Significant Accounting Policies

#### *(a) Reporting Entity*

The Alameda County Transportation Improvement Authority (ACTIA) was created by the Alameda County Board of Supervisors in 1998, to place a ballot measure to authorize the imposition of a one half of one percent sales and use tax (the sales tax) in Alameda County before Alameda County voters in June 1998. This measure did not receive two-thirds voter support. A subsequent ballot measure was placed on the November 2000 ballot, and was approved by over two-thirds of the voters. The proceeds from the sales tax are principally reserved for highway infrastructure, mass transit, local transportation, and administrative costs. The sales tax commenced April 1, 2002 and will expire on March 31, 2022.

The basic financial statements of ACTIA include all of its financial activities. ACTIA is the sole independent agency responsible for receiving and allocating funds necessary to complete the programs and was governed by an eleven-member board of elected officials from the County and local cities.

On March 25, 2010, ACTIA, the Alameda County Congestion Management Agency (ACCMA), the County of Alameda, the fourteen cities within Alameda County, the Bay Area Rapid Transit District and the Alameda-Contra Costa Transit District entered into a Joint Powers Agreement (JPA). On June 24, 2010, the Boards of ACTIA and ACCMA gave the final approval which created a joint powers agency, pursuant to the California Joint Exercise of Powers Act, known as the Alameda County Transportation Commission (Alameda CTC).

The Alameda CTC is the successor agency of ACCMA, ACTIA and ACTA, and has all the functions and responsibilities of such agencies along with certain additional powers as described in the JPA. On June 24, 2010, the Alameda County Transportation Authority (ACTA) Board adopted the resolution to transfer all of ACTA's assets, responsibilities, functions and liabilities to ACTIA, effective on July 1, 2010. The ACTA Board also adopted the resolution that ACTA be dissolved, terminated and extinguished effective July 1, 2010, following the transfer. Effective on July 1, 2010, ACTA transferred to ACTIA net assets in the amount of \$189,243,754.

The Alameda County Transportation Authority (ACTA) was created by the approval of Measure B by Alameda County, California (the County) voters in November 1986. Measure B authorized the imposition of a one-half of one percent sales and use tax (the sales tax) in the County, the proceeds of which are principally reserved for highway improvements, local transportation improvements, and transit funding (collectively, the programs) in the County. The sales tax commenced April 1, 1987 and expired on March 31, 2002. ACTA was responsible for completing all of the projects in the expenditure plan adopted by voters, or to delegate this responsibility. Revenues from interest on the fund balance are estimated to cover all future administrative costs. ACTA was the sole independent Authority responsible for receiving and allocating funds from the 1986 Measure B necessary to complete the program.

# ALAMEDA COUNTY TRANSPORTATION IMPROVEMENT AUTHORITY

## NOTES TO FINANCIAL STATEMENTS

JUNE 30, 2011

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### Summary of Significant Accounting Policies (Continued)

The prior year summarized comparative information presented in the *Balance Sheets / Statement Of Net Assets* and *Statement Of Governmental Fund Revenues, Expenditures, And Changes In Fund Balance / Statement Of Activities* included Alameda County Transportation Authority's (ACTA's) June 30, 2010 financial statements.

#### (b) Government-Wide and Fund Financial Statements

The fund financial statements (i.e., balance sheet and statement of governmental fund revenues, expenditures, and changes in fund balance) and government-wide financial statements (i.e., statement of net assets and the statement of activities) have been combined, as prescribed in Governmental Accounting Standards Board (GASB) statement number 34, as it applies to special purpose entities. ACTIA meets the definition of a special purpose entity. These statements report information on all of the non-fiduciary activities of ACTIA.

#### (c) Measurement Focus, Basis of Accounting, and Financial Statement Presentation

The government-wide financial statements are reported using the *economics resources measurement focus* and the *accrual basis of accounting*. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Sales tax revenues are recorded when the tax is due to the State Board of Equalization. Grants and similar items recognized as revenue as soon as all eligibility requirements have been met.

Governmental fund financial statements are reported using the current *financial resources measurement focus* and the *modified accrual basis of accounting*. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectable within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, ACTIA considers revenues to be available if they are collected within 60 days of the end of the current fiscal period. Expenditures generally are recorded when a liability is incurred, as under accrual accounting.

Sales taxes, local matching revenue, and investment income (including the change in the fair value of investments) associated with the current year fiscal period are all considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period using the modified accrual basis of accounting as described above.

Fiduciary funds are accounted for using the flow of economic resources measurement focus and the accrual basis of accounting. Fiduciary funds are excluded from the government-wide financial statements because they do not represent resources of ACTIA.

ACTIA reports the following major governmental funds:

The *general fund* is ACTIA's primary operating fund. It accounts for all financial resources of ACTIA, except those required to be accounted for in another fund. A total of 4.5% net revenues has been allocated for administration of this Measure B sales tax program. Administration costs include salaries, benefits, professional fees, rent expense, office supplies and equipment, utilities and other cost that cannot be specifically identified with another fund. The salaries and benefits of ACTIA's staff are limited by Measure B to 1% of sales tax revenue. Revenues in excess of administrative expenditures in any one year are reserved for future administrative costs.

# ALAMEDA COUNTY TRANSPORTATION IMPROVEMENT AUTHORITY

## NOTES TO FINANCIAL STATEMENTS

JUNE 30, 2011

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### (1) Summary of Significant Accounting Policies (Continued)

The *ACTIA capital projects fund* accounts for resources accumulated and payments made for the acquisition or construction of major capital improvements in accordance with the Alameda County 20-Year Transportation Expenditure Plan. ACTIA does not retain ownership of these improvements. They are transferred to the sponsor or managing jurisdiction after completion.

The *ACTA capital projects fund* accounts for the construction of major capital improvements in accordance with the November 1986 Measure B program. ACTIA does not retain ownership of these capital improvements. They are transferred to the sponsor or managing jurisdiction after completion.

### (c) Measurement Focus, Basis of Accounting, and Financial Statement Presentation (Continued)

The *special revenue fund* accounts for resources accumulated as required by Measure B for restricted allocation to local cities and the County of local transportation improvements, including streets and roads, and to transit agencies for operations and maintenance.

The *fiduciary fund* reporting focuses on net assets and changes in net assets. Trust funds are used to account for the assets held by ACTIA under a trust agreement for individuals, private organizations, or other governments and are therefore, not available to support ACTIA's own programs. ACTIA's fiduciary fund is a trust fund which accounts for the Retiree Medical Benefits and allocated sources to provide medical benefits for retirees.

The effect of interfund balances has been eliminated from the government-wide financial statements.

When both restricted and unrestricted resources are available for use, it is ACTIA's policy to use restricted resources first, then unrestricted resources as they are needed.

### (d) Budgetary Data

Following a public meeting, ACTIA adopts an annual budget for all governmental fund types to be effective July 1 for the ensuing fiscal year. From the effective date of the budget, which is adopted and controlled at the program level, the amounts stated therein as proposed expenditures become appropriations to the various programs. ACTIA approves all transfers between expenditure objects and overall budget modifications during the year as needed. For the capital projects fund, ACTIA annually approves individual project budgets (strategic plan), detailed by component functions. The Executive Director or designee approves reimbursements to the project sponsors, and reimbursements are not to exceed contract and strategic plan limits. Annual budgets are adopted on a basis consistent with generally accepted accounting principles.

### (e) Deposits and Investments

ACTIA's cash and investments are maintained in custodial investment accounts managed by independent investment advisors, and the California State Treasurers. ACTIA generally holds investments until maturity. All cash and investments of ACTIA are restricted as to the investment options as specified in the State government code and investment policy.

ACTIA's investments are stated at fair value. Fair value has been obtained by using market quotes as of June 30, 2011 and reflects the values as if ACTIA were to liquidate the securities on that date. Money market investments are valued at amortized cost, which approximates market value.

# ALAMEDA COUNTY TRANSPORTATION IMPROVEMENT AUTHORITY

## NOTES TO FINANCIAL STATEMENTS

JUNE 30, 2011

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### (1) Summary of Significant Accounting Policies (Continued)

#### (f) Capital Assets

Capital assets, which include leasehold improvements and office furniture and equipment, are reported in the government-wide financial statements. Capital assets are defined by ACTIA as assets with an initial, individual cost of \$5,000 or more and an estimated useful life in excess of one year. Such assets are recorded at historical cost or estimated historical cost if purchased or constructed. Donated capital assets are recorded at the estimated fair market value at the date of donation. The costs of normal maintenance and repairs that do not add to the value of the asset or materially extend assets lives are not capitalized.

Capital assets of ACTIA are depreciated using the straight-line method over the following estimated useful lives:

	<u>Years</u>
Office Furniture and Equipment	5
Computer Equipment	3
Leasehold Improvements	7

#### (g) Land Held for Resale

Land held for resale is stated at the lower of historical cost or net realizable value.

#### (h) Compensated Absences

It is ACTIA's policy to permit employees to accumulate earned but unused vacation and sick pay benefits. Unused vacation and sick leave may be accumulated up to a specific maximum. ACTIA is not obligated to pay for unused sick leave if an employee terminates employment prior to retirement or prior to when ACTIA ceases operations.

Compensated absences activity was as follows for the year ended June 30, 2011:

Beginning Balance	\$70,804
Additions	60,465
Payments	<u>(61,999)</u>
Ending Balance	<u>\$69,270</u>

#### (i) Interfund Transfers

Interfund transfers are generally recorded as transfers in (out) except for reimbursements for services performed, which are recorded as a reduction of expenditures in the performing fund and an expenditure of the receiving fund.



# ALAMEDA COUNTY TRANSPORTATION IMPROVEMENT AUTHORITY

## NOTES TO FINANCIAL STATEMENTS

JUNE 30, 2011

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### (1) Summary of Significant Accounting Policies (Continued)

#### (j) *Estimates and Assumptions*

The preparation of financial statements in conformity with generally accepted accounting principles (GAAP) requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

#### (k) *Restatement of Beginning Fund Balance*

During the current fiscal year, ACTIA determined that a land parcel in the amount of \$4,068,000 that was previously recorded as a capital asset should have been recorded as a land held for resale in the ACTA Capital Projects Fund. As required by generally accepted accounting principles, ACTIA increased ACTA Capital Projects Fund beginning fund balance by \$4,068,000; and reduced beginning capital assets by the same amount. This restatement had no beginning net assets effect.

#### (l) *ACTIA Capital Projects Fund Revenue*

The ACTIA Capital Projects Fund negative Federal, State and Local funds revenue amount of \$1.3 million is the result of adjustments in the amount of \$0.9 million for fiscal 2009 and \$1.0 million for fiscal 2010. These amounts were originally booked as federal and state revenues in the respective fiscal years, however they were received in relation to an exchange agreement with the Alameda County Congestion Management Agency's (ACCMA) Exchange Program and the equivalent amount in Local funds was intended to be returned to the ACCMA. These funds were paid to the ACCMA per the agreement in FY 2011.

### (2) Deposits and Investments

#### Summary of Deposits and Investments

Deposits and investments as of June 30, 2011, are classified in the accompanying financial statements as follows:

Governmental Activities	\$274,159,658
Fiduciary Funds	<u>909,507</u>
Total Deposits	<u>\$275,069,165</u>

# ALAMEDA COUNTY TRANSPORTATION IMPROVEMENT AUTHORITY

## NOTES TO FINANCIAL STATEMENTS

JUNE 30, 2011

### (2) Deposits and Investments (Continued)

Deposits and investments as of June 30, 2011, consist of the following:

Cash on hand and in banks	\$6,798,784
Cash in bank - Fiduciary Fund	909,507
Investments	<u>267,360,874</u>
Total Deposits and Investments	<u>\$275,069,165</u>

#### Policies and Practices

ACTIA is authorized under California Government Code or the Entity's investment policy, when more restrictive, to make direct investments in local agency bonds, notes, or warrants within the State; U.S. Treasury instruments; registered State warrants or treasury notes; securities of the U.S. Government, or its agencies; bankers acceptances; commercial paper; certificates of deposit placed with commercial banks and/or savings and loan companies; repurchase or reverse repurchase agreements; medium term corporate notes; shares of beneficial interest issued by diversified management companies, certificates of participation, obligations with first priority security; and collateralized mortgage obligations.

#### General Authorizations

Limitations as they relate to interest rate risk, credit risk, and concentration of credit risk are indicated in the schedules below:

Authorized Investment Type	Maximum Remaining Maturity	Maximum Percentage of Portfolio	Maximum Investment In One Issuer	Minimum Credit Quality
Local Agency Bonds, Notes, Warrants	5 years	10%	5%	Aa
Registered State Bonds, Notes, Warrants	5 years	10%	5%	Aa
U.S. Treasury Obligations	5 years	None	None	None
U.S. Agency Securities	5 years	None	35%	Aaa
Banker's Acceptance	180 days	40%	5%	A1
Commercial Paper	270 days	25%	5%	A1
Negotiable Certificates of Deposit	3 years	30%	5%	Aa
Repurchase Agreements	90 days	20%	None	None
Medium-Term Notes	5 years	30%	5%	Aa
Money Markets	N/A	20%	5%	Aaa
County Pooled Investment Funds	N/A	None	None	None
Local Agency Investment Fund (LAIF)	N/A	None	None	None

Policy also dictates that a maximum of 5% of total portfolio can be deposited with the California Asset Management Program (CAMP)

# ALAMEDA COUNTY TRANSPORTATION IMPROVEMENT AUTHORITY

## NOTES TO FINANCIAL STATEMENTS

JUNE 30, 2011

### (2) Deposits and Investments (Continued)

#### Interest Rate Risk

Interest rate risk is the risk that changes in market interest rates will adversely affect the fair value of an investment. Generally, the longer the maturity of an investment, the greater the sensitivity of its fair value to changes in market interest rates. ACTIA manages its exposure to interest rate risk by purchasing a combination of shorter term and longer term investments and by timing cash flows from maturities so that a portion of the portfolio is maturing or coming close to maturity evenly over time as necessary to provide the cash flow and liquidity needed for operations.

Information about the sensitivity of the fair values of ACTIA's investments to market interest rate fluctuation is provided by the following schedule that shows the distribution of ACTIA's investment by maturity.

Investment Type	12 Months or less	13 to 24 Months	25 to 60 Months	Total
U.S. Agency Securities:				
Non-Callable	\$49,033,163	\$54,289,324	\$13,662,609	\$116,985,096
Callable	1,759,073			1,759,073
U.S. Treasury Bonds	31,365,163	2,802,468		34,167,631
Corporate Notes	28,476,535	8,924,059		37,400,594
Money Market Mutual Funds	4,327,008			4,327,008
California Local Agency Investment Fund	72,721,472			72,721,472
Total Investments	187,682,414	66,015,851	13,662,609	267,360,874
Cash in Bank	7,708,291			7,708,291
Total Cash and Investments	\$195,390,705	\$66,015,851	\$13,662,609	\$275,069,165

ACTIA is a participant in the Local Agency Investment Fund (LAIF) that is regulated by California Government Code Section 16429 under the oversight of the Treasurer of the State of California. ACTIA reports its investment in LAIF at the fair value amount provided by LAIF, which is the same as the value of the pool share. The balance is available for withdrawal on demand, and is based on the accounting records maintained by LAIF, which are recorded on an amortized cost basis. Included in LAIF's investment portfolio are collateralized mortgage obligations, mortgage-backed securities, other asset-backed securities, loans to certain state funds, and floating rate securities issued by federal agencies, government-sponsored enterprises, United States Treasury Notes and Bills, and corporations. At June 30, 2011, these investments matured in an average of 237 days.

# ALAMEDA COUNTY TRANSPORTATION IMPROVEMENT AUTHORITY

## NOTES TO FINANCIAL STATEMENTS

JUNE 30, 2011

### (2) Deposits and Investment (Continued)

#### Credit Risk

Credit risk is the risk that an issuer of an investment will not fulfill its obligation to the holder of the investment. This is measure by the assignment of a rating by a nationally recognized statistical rating organization. Presented below is the minimum rating required by the California Government Code, ACTIA's investment policy and the actual S & P rating as of the year-end for each investment type.

Investment Type	AAA	AA+	AA-	A+	Not Rated	Total
U.S. Agency Securities:						
Non-Callable	\$103,155,581			\$13,829,515		\$116,985,096
Callable	1,759,073					1,759,073
U.S. Treasury Bonds	\$34,167,631					34,167,631
Corporate Notes	32,454,744	\$2,276,166	\$2,669,684			37,400,594
Money Market Mutual Funds	4,327,008					4,327,008
California Local Agency Investment					\$72,721,472	72,721,472
Totals Investments	<u>175,864,037</u>	<u>2,276,166</u>	<u>2,669,684</u>	<u>13,829,515</u>	<u>72,721,472</u>	<u>267,360,874</u>
Cash in Bank					7,708,291	7,708,291
Total Cash and Investments					<u>\$80,429,763</u>	<u>\$275,069,165</u>

#### Concentration of Credit Risk

The investment policy of ACTIA contains limitations on the amount that can be invested in any one issuer beyond the amount stipulated by the California Government code. Investments in any one issuer (other than U.S Treasury securities, mutual funds and external investment pools) that represent five percent (5%) or more of the total investments are as follows:

Issuer	Investment Type	Reported Amount
Federal Home Loan Bank	Federal Agency Securities	\$41,655,301
Federal Home Loan Mortgage Corp	Federal Agency Securities	33,420,264
Federal National Mortgage Assoc	Federal Agency Securities	18,917,023
Federal Farm Credit Bank	Federal Agency Securities	13,641,740

# ALAMEDA COUNTY TRANSPORTATION IMPROVEMENT AUTHORITY

## NOTES TO FINANCIAL STATEMENTS

JUNE 30, 2011

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### (2) Deposits and Investment (Continued)

#### **Custodial Credit Risk - Deposits**

Custodial credit risk for deposits is the risk that, in the event of a bank failure, ACTIA may not be able to recover its deposits. ACTIA's policy, as well as the California Government Code, requires that a financial institution secure deposits made by state or local governmental units by pledging securities in an undivided collateral pool held by a depository regulated under state law (unless so waived by the governmental unit). The market value of the pledged securities in the collateral pool must equal at least 110% of the total amount deposited by the public agency. California law also allows financial institutions to secure public deposits by pledging first trust deed mortgage notes having a value of 150% of the secured public deposits and letters of credit issued by the Federal Home Loan Bank of San Francisco having a value of 105% of the secured deposits. As of June 30, 2011, ACTIA's bank balance of \$1,614,846 with a reported balance of \$6,798,534 is collateralized with securities held by the pledging financial institution's trust department or agent, but not in the name of ACTIA.

#### **Custodial Credit Risk Deposits – Retiree's Health Benefit Trust Fund Deposits with Financial Institutions**

Custodial credit risk for deposits with financial institutions is the risk that in the event of a bank failure, the Retiree Health Benefit Trust Fund may not be able to recover its deposits. Although the Retiree Health Insurance Trust Fund does not have its own investment policy, there are securities available as pledged collateral for the retirement fund for the Retiree Health Insurance Trust Fund's Deposits of \$909,508 with a financial institution.

#### **Custodial Credit Risk – Investments**

This is the risk that, in the event of the failure of the counterparty (e.g., broker-dealer) to a transaction, ACTIA will not be able to recover the value of its investments or collateral securities that are in the possession of an outside party. It is ACTIA's policy that all securities held, be secured through third-party custody and safekeeping.

#### **Local Agency Investment Fund**

ACTIA is a voluntary participant in the Local Agency Investment Fund (LAIF) which is regulated by California government code Section 16429 under the oversight of the Treasurer of the State of California. The fair value of ACTIA's investment in the pool is reported in the accompanying financial statement at amounts based upon ACTIA's pro-rata share of the fair value provided by LAIF for the entire LAIF portfolio (in relation to the amortized cost of that portfolio). The balance available for withdrawal is based on the accounting records maintained by LAIF, which is recorded on the amortized cost basis.

# ALAMEDA COUNTY TRANSPORTATION IMPROVEMENT AUTHORITY

## NOTES TO FINANCIAL STATEMENTS

JUNE 30, 2011

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### (2) Deposits and Investment (Continued)

#### S&P Downgrade

On August 5, 2011, Standard & Poor's Ratings Services (S&P) lowered its long-term credit rating on the United States of America from AAA to AA+. At the same time, S&P affirmed its A-1+ short-term rating on the United States of America.

On August 8, 2011, S&P lowered its issuer credit ratings and related issue ratings on ten of twelve Federal Home Loan Banks (FHLBs) and the senior debt issued by the FHLB System from AAA to AA+. S&P also lowered the ratings on the senior debt issued by the Federal Farm Credit Banks (FFCB) from AAA to AA+, and lowered the senior issue ratings on Fannie Mae (FNMA) and Freddie Mac (FHLMC) from AAA to AA+. The A subordinated debt rating and the C rating on the preferred stock of these entities remained unchanged. Finally, S&P affirmed the short-term issue ratings for these entities at A-1+. As of June 30, 2011, ACTIA investments in these agencies that were subject to the downgrade were as follows:

	Amount
FFCB	\$13,641,740
FHLB	41,655,301
FHLMC	33,420,264
FNMA	18,917,023

On August 8, 2011, S&P also lowered the ratings on 126 Federal Deposit Insurance Corporation-guaranteed debt issues from thirty financial institutions that are under the Temporary Liquidity Guarantee Program (TLGP), and four National Credit Union Association-guaranteed debt issues from two corporate credit unions under the Temporary Corporate Credit Union Guarantee Program (TCCUGP) from AAA to AA+. As of June 30, 2011, ACTIA investments in these institutions that were subject to the downgrade were as follows:

	Amount
American Express Bank	\$735,648
Bank of America Corp	4,012,050
GE Capital Corporation	5,244,614
Goldman Sachs	2,882,621
HSBC Bank	735,697
JP Morgan Chase	4,347,874
Morgan Stanley	1,010,713
US Bank Corporation	4,528,117
Wells Fargo & Company	2,669,685
Citibank NA	3,017,915
Sovereign Bank	1,025,713
John Deere	2,104,067
PNC Funding Corporation	2,398,690

# ALAMEDA COUNTY TRANSPORTATION IMPROVEMENT AUTHORITY

## NOTES TO FINANCIAL STATEMENTS JUNE 30, 2011

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### (3) Advances to Other Governments

ACTIA advanced \$25 million of public transit program funds to Alameda-Contra Costa Transit Agency (AC Transit) in 2006. The advance had a variable interest rate, which was adjusted monthly, based on LAIF plus one percent. During the fiscal year ended on June 30, 2009, the loan agreement was amended where \$10 million of loan was paid down. The amended loan carries an interest rate of 6% and another 1% for administrative fees. The loan was due on or before December 31, 2010. The balance of \$7,026,908.74 was paid in full on August 8, 2010.

### (4) Capital Assets

#### (a) Capital Assets – Governmental Activities

A summary of changes in capital assets recorded in governmental activities follows:

	June 30, 2010 (as restated)	Additions	June 30, 2011
Capital assets being depreciated:			
Furniture, equipment and leasehold improvement	\$189,007	\$10,000	\$199,007
Less accumulated depreciation for:			
Furniture, equipment and leasehold improvement	(135,581)	(20,350)	(155,931)
Governmental activities capital assets, net	<u>\$53,426</u>	<u>(\$10,350)</u>	<u>\$43,076</u>

#### (b) Depreciation Expense

Depreciation expense of \$20,350 was charged to the Administrative function of ACTIA during the year ended June 30, 2011.

# ALAMEDA COUNTY TRANSPORTATION IMPROVEMENT AUTHORITY

## NOTES TO FINANCIAL STATEMENTS JUNE 30, 2011

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### (5) Commitments and Contingent Liabilities

#### (a) *Agreements with Engineering Firms*

ACTIA has entered into contracts with various private engineering firms to provide scoping/planning, engineering, environmental, design, right-of-way engineering and acquisition, and construction management services. As of June 30, 2011, the total outstanding commitments (not paid or accrued) are \$49.794 million. The terms range from June 30, 2011 to up to five years (or acceptance of the phase of work, whichever is earlier).

#### (b) *Agreements with Project Sponsors*

ACTIA has entered into contracts with various project sponsors to provide scoping/planning, engineering, environmental, design, right-of-way engineering and acquisition, construction management and equipment purchase services. As of June 30, 2011, the total outstanding commitments (not paid or accrued) are \$111.189 million. The terms range from June 30, 2011 to seven (or acceptance of the phase of work, whichever is earlier).

#### (c) *Operating Lease Commitments*

ACTIA has entered into an operating lease agreement with CIM/Oakland 1333 Broadway LP for rental of facilities with commitments through November 2013. Future minimum rental payments are as follows:

Year Ending June 30	Lease Payments
2012	\$371,325
2013	382,593
2014	161,370
Total	<u>\$915,288</u>

ACTIA has entered into sublease agreements for rental of facilities with Acumen Building Enterprise, Inc. (\$1,070.00 per month), Nelson\Nygaard Consulting Associates (\$745.00 per month), Rochelle Wheeler (\$417.00 per month), and L. Luster and Associates (\$274.00 per month) effective from July 1, 2011. Under a new sublease agreement with Moffatt & Nichol, entered into on July 1, 2011, ACTIA will receive a monthly rent of \$3,500.00. These sublease agreements are month-to-month tenancy and are terminable for any reason whatsoever on 30 days written notice given at any time by either party.



# ALAMEDA COUNTY TRANSPORTATION IMPROVEMENT AUTHORITY

## NOTES TO FINANCIAL STATEMENTS

JUNE 30, 2011

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### (5) Commitments and Contingent Liabilities (Continued)

#### (d) Insurance, Claims and Litigation

ACTIA is exposed to various risks of loss related to torts: thereof, damage to, and destruction of assets; errors and omissions; and natural disasters. ACTIA has purchased commercial insurance coverage for general liability, worker's compensation, directors and officers liability, automobile liability, and property coverage. The amounts of settlements for the past three fiscal years have not exceeded insurance coverage.

Type of Claim	Coverage Limits	Deductible
General Liability - Aggregate	\$2,000,000	\$1,000
Workers' Compensation	1,000,000	0
Directors & Officers	2,000,000	25,000
Automobile	1,000,000	1,000
Business Personal Property	200,000	1,000
Excess Liability	4,000,000	10,000
Commercial Crime	10,000,000	75,000

### (6) Retirement Plan

Plan Description – ACTIA is part of the miscellaneous 2.5% at 55 risk pool, a cost-sharing multiple-employer defined benefit plan. All employees are eligible to participate in the Public Employees' Retirement Fund (the Fund) of the California Public Employees' Retirement System (CalPERS). The Fund is an agent multiple-employer defined benefit retirement plan that acts as a common investment and administrative agent for various local and state governmental agencies within the State of California. The Fund provides retirement, disability, and death benefits based on the employee's years of service, age and final compensation. Employees vest after five years of service and may receive retirement benefits at age 50. These benefit provisions and all other requirements are established by State statute. CalPERS issues a publicly available financial statement report. The CalPERS Comprehensive Annual Financial Report may be obtained by writing the State of California's Public Employees' Retirement System at P.O. Box 942709, Sacramento, California 94229-2709.

Funding Policy – The total payroll for ACTIA for the fiscal year ended June 30, 2011 was \$968,105 which approximates covered payroll for employees participating in the Fund. ACTIA, due to a benefits resolution, has an obligation to contribute 7% for covered employees and employees contribute 1%, which represent the employee's required contribution. ACTIA is required to contribute at an actuarially determined rate. The average rate for the year ended June 30, 2011 was 10.263% of covered payroll.

# ALAMEDA COUNTY TRANSPORTATION IMPROVEMENT AUTHORITY

## NOTES TO FINANCIAL STATEMENTS JUNE 30, 2011

### (6) Retirement Plan (Continued)

Annual Pension Cost – ACTIA’s annual pension costs was equal to the required contribution, which was determined as part of an actuarial valuation performed as of June 30, 2009, using the entry age normal cost method. The significant actuarial assumptions used in the valuation were an assumed rate of return on investment assets of 7.75%, projected salary increases ranging from 3.25% to 14.45%, annual payroll growth of 3.25% and inflation of 3.0%. The actuarial value of assets was determined using techniques that smooth the effects of short-term market value fluctuations over a fifteen-year period.

Three Year Trend Information - The following table shows ACTIA’s required contributions and percentage contributed, for the current year and each of the preceding two years.

Valuation Date	Annual Pension Cost (APC)	Percentage of APC Contributions	Net Pension Obligation
06/30/09	\$178,821	100%	\$0
06/30/10	176,843	100%	0
06/30/11	163,942	100%	0

As required by new State law, effective July 1, 2005, ACTIA’s Miscellaneous Plan was terminated, and the employees in the plan were required by CALPERs to join a new State-wide pool. One of the conditions of entry to these pools was that ACTIA true-up any unfunded liability in the former Plan, either by paying cash or by increasing its future contribution rates through a Side Fund offered by CALPERs.

Three-year historical trend information is presented below:

#### *State-wide Pool Miscellaneous Plan:*

Valuation Date	Entry Age Accrued Liability	Actuarial Value of Assets	Unfunded (Overfunded) Liability	Funded Ratio	Annual Covered Payroll	Unfunded (Overfunded) Liability as % of Payroll
2007	1,315,454,361	1,149,247,298	166,207,063	87.4%	289,090,187	57.5%
2008	1,537,909,933	1,337,707,835	200,202,098	87.0%	333,307,600	60.1%
2009	1,834,424,640	1,493,430,831	340,993,809	81.4%	355,150,151	96.0%

# ALAMEDA COUNTY TRANSPORTATION IMPROVEMENT AUTHORITY

## NOTES TO FINANCIAL STATEMENTS

JUNE 30, 2011

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### (7) Other Postemployment Benefits (OPEB)

#### Plan Description

*Employees hired prior to November 1, 2004* - Employees who retire from ACTIA and are eligible to immediately receive a pension from CalPERS are eligible to receive a portion of the cost of the monthly premium for health coverage through the CalPERS medical program. The benefit provided by ACTIA is for the retiree only. It continues until the retiree dies. ACTIA will contribute the lesser of the premium rate for the plan selected by the retiree and the Kaiser Employee only/Early Retiree premium rate. Retirees must contribute the entire cost of spousal and dependent child coverage.

*Employees hired November 1, 2004 and later* - Eligibility for postretirement health coverage through ACTIA will be determined by a vesting schedule. An employee will vest 50% after five years of service with ACTIA. After five years of service with ACTIA, credit will be given for any prior years of PERS service that the employee may have earned with another employer. The employee will vest an additional 5% for each year of service thereafter, up to a maximum of 100%. The benefit provided by ACTIA is for the retiree only. It continues until the retiree dies. ACTIA will contribute the lesser of the premium rate for the plan selected by the retiree and the vested percentage of the weighted average Employee only premium rate based on the enrollment of all active employees.

Employees will be considered 100% vested after 15 years of service with ACTIA, regardless of the number of days after separation from employment.

Retirees must contribute the entire cost of spousal and dependent child coverage

The plan is authorized under the Board Resolution 04-0054. ACTIA reports the financial activity of the Plan as a trust/ agency fund, and no separate financial report is prepared. Membership of the Plan consisted of the following:

Retirees receiving benefits	5
Active plan members	<u>6</u>
Total	<u><u>11</u></u>

Funding Policy - The contribution requirements of ACTIA and the plan members are established and may be amended by the Governing Board. The required contribution is based on the single party Kaiser premium available through the California PERS medical program. During the year ended June 30, 2011, ACTIA contributed \$0. ACTIA's Retiree Benefit Trust Fund is overfunded as of June 30, 2011, based on the last actuarial valuation.

# ALAMEDA COUNTY TRANSPORTATION IMPROVEMENT AUTHORITY

## NOTES TO FINANCIAL STATEMENTS

JUNE 30, 2011

### (7) Other Postemployment Benefits (OPEB) (Continued)

Annual Post Retirement Benefit Costs and Net Post Retirement Benefit Obligations - ACTIA's annual other post retirement benefit (OPEB) obligation cost is calculated based on the annual required contribution (ARC) of the employer, an amount actuarially determined in accordance with the parameters of GASB Statement No. 45. The ARC represents a level of funding that, if paid on an ongoing basis, is projected to cover normal cost each year and amortize any unfunded actuarial liabilities over a period not to exceed thirty years. The following tables show the ARC of ACTIA, the components of ACTIA's annual OPEB costs for the year, the amount actually contributed to the Plan, and the changes in ACTIA's net post retirement benefit cost obligation to the Plan.

Normal Cost at Year End	\$37,762
Amortization of UAAL	(16,093)
Annual required contribution (ARC)	21,669
Interest on Prior Year Net OPEB Obligation	2,760
Adjustment to ARC	(3,770)
Annual OPEB Cost	20,659
Contributions made	0
Increase (Decrease) in Net OPEB Obligation	20,659
Net OPEB Obligation - Beginning of Year	55,204
Net OPEB Obligation - End of Year	\$75,863

The annual OPEB cost, the percentage of annual OPEB cost contributed to the Plan, and the net OPEB obligation for 2011 were as follows:

Fiscal Year	Annual OPEB Cost	Actual Contribution	Percentage of ARC Contributed	Net OPEB Obligation (Asset)
6/30/09	\$19,572	\$0	0%	\$37,351
6/30/10	17,853	\$0	0%	55,204
6/30/11	20,659	\$0	0%	75,863

### Funded Status and Funding Progress

Actuarial valuations of an ongoing plan involve estimates of the value of reported amounts and assumptions about the profitability of occurrence of events far into the future. Examples include assumptions about future employment, mortality and the healthcare cost trend. Amounts determined regarding the funded status of the plan and the annual required contributions of the employer are subject to continual revision as actual results are compared with past expectations and new estimated are made about the future. The schedules of funding progress and employer's contributions are presented as required supplementary information following the notes to the financial statements. The schedule of funding progress presents information on the actuarial value of plan assets relative to the actuarial accrued liabilities for benefits. The schedule provides multi-year trend information about whether the actuarial value of plan assets is increasing or decreasing over time relative to the actuarial accrued liabilities for the benefits.

# ALAMEDA COUNTY TRANSPORTATION IMPROVEMENT AUTHORITY

## NOTES TO FINANCIAL STATEMENTS

JUNE 30, 2011

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### (7) Other Postemployment Benefits (OPEB) (Continued)

#### Funded Status and Funding Progress (Continued)

Actuarial Method and Assumptions - Projections of benefits for financial reporting purposes are based on the substantive plan (the plan as understood by the employer and plan members) and include the types of benefits provided at the time of each valuation and the historical pattern of sharing of benefits costs between the employer and the plan members to that point. The actuarial methods and assumptions used included techniques that are designed to reduce the effects of short-term volatility in actuarial accrued liabilities and the actuarial value of assets, consistent with the long term perspective of the calculations.

The actuarial cost method used for determining the benefit obligations is the Projected Unit Credit Actuarial Cost Method. Under the PUC cost method the actuarial present value of projected benefits is allocated ratably over the service of individuals between entry age and the assumed exit age(s). In this valuation each individual's attribution period extends from hire date to estimated retirement date. The actuarial assumptions included a 5% discount rate and 5% investment rate of return. The retirement, mortality and termination rates used in this valuation are used in California PERS pension valuations. The actuarial valuation assumed that the annual health care cost trend rates will decrease gradually from the relatively high rate of annual increase in the past, depending on the age of the employee and the year being projected. See table below for medical trend rates assumptions. The health care cost long-term annual expected rate of increase is in the 5% to 6% range, leading to 5.5% long term rate.

<u>Calendar Year Beginning January</u>	<u>Estimated Increase</u>
2011	7.9%
2012	7.6%
2013	7.3%
2014	7.0%
2015	6.7%
2016	6.4%
2017	6.1%
2018	5.8%
2019 & thereafter	5.5%

The UAAL is being amortized as a level dollar method on a closed basis over 30 years. Any administrative fees other than those included in the monthly premium rates are not included in the actuarial valuation. The actuarial valuation also does not include any liability estimates for future hires.

# ALAMEDA COUNTY TRANSPORTATION IMPROVEMENT AUTHORITY

## NOTES TO FINANCIAL STATEMENTS

JUNE 30, 2011

### (7) Other Postemployment Benefits (OPEB) (Continued)

#### OPEB Schedule of Funding Progress

The table below presents multi-year trend information about whether the actuarial value of plan assets is increasing or decreasing over time relative to the actuarial accrued liability for benefits.

Actuarial	Actuarial	Unfunded	Annual	UAAL As a
Valuation Date	Liability (AAL)	Value of Assets	Accrued	Percentage of
	(a)	(b)	(AAL)	Covered Payroll
			(UAAL)	[(a)-(b)]/( c )
			Status	
			(b)/(a)	
6/30/2008	\$610,469	\$921,678	(\$311,209)	151.0%
6/30/2009	665,583	923,339	(257,756)	138.7%
6/30/2010	718,209	953,857	(235,648)	132.8%

### (8) Related Party Loan Receivable

On March 24, 2011, the Alameda County Transportation Commission (CTC) Board agreed to loan \$5 million of ACTA funds to address Alameda County Congestion Management Agency's (ACCMA) current funding needs. The Alameda CTC Board further authorized ACCMA to borrow up to an additional \$20 million of ACTA funds, on an as needed basis, pursuant to the terms and conditions stated in the loan agreement. No interest is due on the loan amounts.

### (9) Net Assets and Fund Balances

#### Net Assets

Net Assets is the excess of all ACTIA's assets over all its liabilities, regardless of fund. Net Assets are divided into three captions. These captions apply only to Net Assets, which is determined only at the Government-wide level, and are described below:

*Invested in Capital Assets* describes the portion of Net Assets which is represented by the current net book value of ACTIA's capital assets.

*Restricted* describes the portion of Net Assets which is restricted as to use by the terms and conditions of agreements with outside parties, governmental regulations, laws, or other restrictions which ACTIA cannot unilaterally alter.

# ALAMEDA COUNTY TRANSPORTATION IMPROVEMENT AUTHORITY

## NOTES TO FINANCIAL STATEMENTS JUNE 30, 2011

### (9) Net Assets and Fund Balances (Continued)

Detailed classifications of ACTIA's Fund Balances, as of June 30, 2010, are below:

	General Fund	ACTIA Capital Projects Fund	ACTA Capital Projects Fund	Special Revenue Fund	Total
Fund balances:					
Restricted for:					
ACTIA Capital Projects		\$86,476,493			\$86,476,493
ACTA Capital Projects			\$164,531,234		164,531,234
Express Bus				\$1,960,829	1,960,829
Service Gap				2,342,131	2,342,131
Regional Bike and Pedestrian				4,389,966	4,389,966
Transit-Oriented Development				1,233,451	1,233,451
Program Distributions				265	265
Unassigned	\$16,004,431				16,004,431
Total fund balances	<u>\$16,004,431</u>	<u>\$86,476,493</u>	<u>\$164,531,234</u>	<u>\$9,926,642</u>	<u>\$276,938,800</u>

# ALAMEDA COUNTY TRANSPORTATION IMPROVEMENT AUTHORITY

## NOTES TO FINANCIAL STATEMENTS

JUNE 30, 2011

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### (9) Net Assets and Fund Balances (Continued)

*Unrestricted* describes the portion of Net Assets which is not restricted as to use.

#### Fund Balances

Governmental fund balances represent the net current assets of each fund. Net current assets generally represent a fund's cash and receivables, less its liabilities.

ACTIA's fund balances are classified in accordance with Governmental Accounting Standards Board Statement Number 54 (GASB 54), *Fund Balance Reporting and Governmental Fund Type Definitions*, which requires ACTIA to classify its fund balances based on spending constraints imposed on the use of resources. For programs with multiple funding sources, ACTIA prioritizes and expends funds in the following order: Restricted, Committed, Assigned, and Unassigned. Each category in the following hierarchy is ranked according to the degree of spending constraint:

*Nonspendable* represents balances set aside to indicate items do not represent available, spendable resources even though they are a component of assets. Fund balances required to be maintained intact, such as Permanent Funds, and assets not expected to be converted to cash, such as prepaids, notes receivable, and land held for redevelopment are included. However, if proceeds realized from the sale or collection of nonspendable assets are restricted, committed or assigned, then nonspendable amounts are required to be presented as a component of the applicable category.

*Restricted* fund balances have external restrictions imposed by creditors, grantors, contributors, laws, regulations, or enabling legislation which requires the resources to be used only for a specific purpose. Encumbrances and nonspendable amounts subject to restrictions are included along with spendable resources.

*Committed* fund balances have constraints imposed by formal action of the ACTIA Board which may be altered only by formal action of ACTIA's Board. Encumbrances and nonspendable amounts subject to council commitments are included along with spendable resources.

*Assigned* fund balances are amounts constrained by ACTIA's intent to be used for a specific purpose, but are neither restricted nor committed. Intent is expressed by the ACTIA Board or its designee and may be changed at the discretion of the ACTIA Board or its designee. This category includes encumbrances; Nonspendables, when it is ACTIA's intent to use proceeds or collections for a specific purpose, and residual fund balances, if any, of Special Revenue and Capital Projects Funds which have not been restricted or committed.

*Unassigned* fund balance represents residual amounts that have not been restricted, committed, or assigned. This includes the residual general fund balance and residual fund deficits, if any, of other governmental funds.



***REQUIRED SUPPLEMENTARY INFORMATION***

**ALAMEDA COUNTY TRANSPORTATION IMPROVEMENT AUTHORITY  
SCHEDULE OF REVENUES, EXPENDITURES AND CHANGE  
IN FUND BALANCES - BUDGET AND ACTUAL - GENERAL FUND  
FOR THE YEAR ENDED JUNE 30, 2011**

	Budgeted Amounts		Actual Amounts	Variance with Final Budget- Positive (Negative)
	Original	Final		
Revenues:				
Sales tax	\$4,050,000	\$4,590,000	\$4,742,726	\$152,726
Investment income	125,196	125,196	124,287	(909)
Other	112,253	112,253	81,013	(31,240)
Total revenues	<u>4,287,449</u>	<u>4,827,449</u>	<u>4,948,026</u>	<u>120,577</u>
Expenditures:				
Current:				
Administration	<u>4,124,602</u>	<u>4,144,602</u>	<u>3,566,133</u>	<u>578,469</u>
Total expenditures	<u>4,124,602</u>	<u>4,144,602</u>	<u>3,566,133</u>	<u>578,469</u>
Excess of revenues over expenditures	<u>162,847</u>	<u>682,847</u>	<u>1,381,893</u>	<u>699,046</u>
Net change in fund balances	<u>\$162,847</u>	<u>\$682,847</u>	<u>1,381,893</u>	<u>\$699,046</u>
Beginning Fund balance			<u>14,622,538</u>	
Ending Fund balance			<u>\$16,004,431</u>	

**ALAMEDA COUNTY TRANSPORTATION IMPROVEMENT AUTHORITY  
SCHEDULE OF REVENUES, EXPENDITURES AND CHANGE  
IN FUND BALANCES - BUDGET AND ACTUAL - SPECIAL REVENUE FUND  
FOR THE YEAR ENDED JUNE 30, 2011**

	Budgeted Amounts		Actual amounts	Variance with Final Budget- Positive (Negative)
	Original	Final		
Revenues:				
Sales tax	\$51,484,050	\$58,348,584	\$60,289,998	\$1,941,414
Investment income	154,092	154,092	97,766	(56,326)
Other				
Total revenues	<u>51,638,142</u>	<u>58,502,676</u>	<u>60,387,764</u>	<u>1,885,088</u>
Expenditures:				
Current:				
Administration	2,241,911	2,241,911	883,298	1,358,613
Public transit	30,388,937	33,854,128	33,434,763	419,365
Local Transportation	<u>26,424,331</u>	<u>29,414,242</u>	<u>27,736,007</u>	<u>1,678,235</u>
Total expenditures	<u>59,055,179</u>	<u>65,510,281</u>	<u>62,054,068</u>	<u>3,456,213</u>
Net change in fund balances	<u>(\$7,417,037)</u>	<u>(\$7,007,605)</u>	(1,666,304)	<u>\$5,341,301</u>
Beginning Fund balance			<u>11,592,946</u>	
Ending Fund balance			<u>\$9,926,642</u>	

***OTHER SUPPLEMENTARY INFORMATION***

**ALAMEDA COUNTY TRANSPORTATION IMPROVEMENT AUTHORITY  
SCHEDULE OF SPECIAL REVENUE FUND PROJECTS AND PROGRAMS  
COMBINING BALANCE SHEET**

**FOR THE YEAR ENDED JUNE 30, 2011  
(WITH SUMMARIZED COMPARATIVE AMOUNTS FOR JUNE 30, 2010)**

Assets	Express Bus	Service Gap	Regional Bike and Pedestrian	Transit- Oriented Development	Program Distributions	Total	
						2011	2010
Cash and investments	\$2,208,229	\$2,403,004	\$4,949,245	\$1,222,575	\$5,114,044	\$15,897,097	\$13,069,299
Receivables							
Sales tax	117,758	239,620	209,458	31,838	9,438,535	10,037,209	8,655,898
Other receivables		830				830	1,400
Due from other governments							6,489
Total assets	2,325,987	2,643,454	5,158,703	1,254,413	14,552,579	25,935,136	21,733,086
<b>Liabilities and Fund Balances</b>							
Liabilities:							
Accounts payable	\$364,832	\$299,364	\$765,804	\$20,745	\$14,552,314	\$16,003,059	\$10,123,113
Due to other governments							17,027
Due to other funds	326	1,959	2,933	217		5,435	
Total liabilities	365,158	301,323	768,737	20,962	14,552,314	16,008,494	10,140,140
Fund balances:							
Restricted for:							
Transportation projects	1,960,829	2,342,131	4,389,966	1,233,451	265	9,926,642	11,592,946
Total fund balances	1,960,829	2,342,131	4,389,966	1,233,451	265	9,926,642	11,592,946
Total liabilities and fund balances	\$2,325,987	\$2,643,454	\$5,158,703	\$1,254,413	\$14,552,579	\$25,935,136	\$21,733,086

**ALAMEDA COUNTY TRANSPORTATION IMPROVEMENT AUTHORITY  
COMBINING SCHEDULE OF REVENUES, EXPENDITURES AND CHANGES IN  
FUND BALANCE BY SPECIAL REVENUE FUND PROJECTS AND PROGRAMS  
FOR THE YEAR ENDED JUNE 30, 2011**

	Express Bus	Service Gap	Regional Bike and Pedestrian	Transit- Oriented Development	Program Distributions	Total 2011	2010
<b>Revenues:</b>							
Sales tax	\$707,331	\$1,439,311	\$1,258,139	\$191,237	\$56,693,980	\$60,289,998	54,031,694
Investment income	20,301	23,725	42,965	10,775		97,766	249,554
Other governments							2,030
Total revenues	727,632	1,463,036	1,301,104	202,012	56,693,980	60,387,764	54,283,278
<b>Expenditures:</b>							
Administration	21,059	433,866	420,376	7,997		883,298	850,048
Public transit	1,449,441	1,315,853		235,351	30,434,118	33,434,763	32,356,795
Local transportation			1,476,188		26,259,819	27,736,007	24,576,408
Total expenditures	1,470,500	1,749,719	1,896,564	243,348	56,693,937	62,034,068	57,783,251
Excess of revenues over expenditures	(742,868)	(286,683)	(595,460)	(41,336)	43	(1,666,304)	(3,499,973)
Net change in fund balances	(742,868)	(286,683)	(595,460)	(41,336)	43	(1,666,304)	(3,499,973)
Fund balances, beginning of year	2,703,697	2,628,814	4,985,426	1,274,787	222	11,592,946	15,092,919
Fund balances, end of year	\$1,960,829	\$2,342,131	\$4,389,966	\$1,233,451	\$265	\$9,926,642	\$11,592,946

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**ALAMEDA COUNTY  
TRANSPORTATION IMPROVEMENT AUTHORITY**

**MEMORANDUM ON INTERNAL CONTROL  
AND  
REQUIRED COMMUNICATIONS**

**FOR THE YEAR ENDED  
JUNE 30, 2011**



**ALAMEDA COUNTY TRANSPORTATION IMPROVEMENT AUTHORITY  
MEMORANDUM ON INTERNAL CONTROL  
AND  
REQUIRED COMMUNICATIONS**

**For the Year Ended June 30, 2011**

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## **MEMORANDUM ON INTERNAL CONTROL**

October 24, 2011

To the Governing Board of  
the Alameda County Transportation Improvement Authority

In planning and performing our audit of the financial statements of the Alameda County Transportation Improvement Authority (ACTIA) as of and for the year ended June 30, 2011, in accordance with auditing standards generally accepted in the United States of America, we considered ACTIA's internal control over financial reporting (internal control) as a basis for designing our auditing procedures for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of ACTIA's internal control. Accordingly, we do not express an opinion on the effectiveness of ACTIA's internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A material weakness is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of ACTIA's financial statements will not be prevented, or detected and corrected on a timely basis.

A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph and was not designed to identify all deficiencies in internal control that might be significant deficiencies or material weaknesses and, therefore, there can be no assurance that all such deficiencies have been identified. In addition, because of inherent limitations in internal control, including the possibility of management override of controls, misstatements due to error or fraud may occur and not be detected by such controls. We did not identify any deficiencies in internal control that we consider to be material weaknesses.

This communication is intended solely for the information and use of management, Governing Board, others within the organization, and agencies and pass-through entities requiring compliance with generally accepted government auditing standards, and is not intended to be and should not be used by anyone other than these specified parties.

## REQUIRED COMMUNICATIONS

To the Governing Board of  
the Alameda County Transportation Improvement Authority  
Oakland, California

We have audited the financial statements of the Alameda County Transportation Improvement Authority (ACTIA) as of and for the year ended June 30, 2011 and have issued our report thereon dated October 24, 2011. Professional standards require that we advise you of the following matters relating to our audit.

**Financial Statement Audit Assurance:** Our responsibility, as prescribed by professional standards, is to plan and perform our audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit in accordance with generally accepted auditing standards does not provide absolute assurance about, or guarantee the accuracy of, the financial statements. Because of the concept of reasonable assurance and because we did not perform a detailed examination of all transactions, there is an inherent risk that material errors, fraud, or illegal acts may exist and not be detected by us.

**Other Information Included with the Audited Financial Statements:** Pursuant to professional standards, our responsibility as auditors for other information in documents containing ACTIA's audited financial statements does not extend beyond the financial information identified in the audit report, and we are not required to perform any procedures to corroborate such other information. Our responsibility also includes communicating to you any information that we believe is a material misstatement of fact. Nothing came to our attention that caused us to believe that such information, or its manner of presentation, is materially inconsistent with the information, or manner of its presentation, appearing in the financial statements. This other information and the extent of our procedures are explained in our audit report.

**Accounting Policies:** Management has the responsibility to select and use appropriate accounting policies. A summary of the significant accounting policies adopted by ACTIA is included in Note 1 to the financial statements. There have been no initial selections of accounting policies and no changes in significant accounting policies or their application during 2011, except noted as follows:

- **Governmental Accounting Standard Board (GASB) Statement No. 54 - Governmental Fund Balance Reporting and Governmental Fund Type Definitions**

During the year, as described in *Note 9* of the *Notes to Basic Financial Statements*, ACTIA implemented GASB Statement No. 54. This Statement establishes fund balance classifications that comprise a hierarchy based primarily on the extent to which a government

is bound to observe constraints imposed upon the use of the resources reported in governmental funds.

Disclosure of the policies in the notes to the financial statements is required.

The definitions of the general fund, special revenue fund type, capital projects fund type, debt service fund type, and permanent fund type are clarified by the provisions in this Statement. Interpretations of certain terms within the definition of the special revenue fund type have been provided and, for some governments, those interpretations may affect the activities they choose to report in those funds. The capital projects fund type definition also was clarified for better alignment with the needs of preparers and users. Definitions of other governmental fund types also have been modified for clarity and consistency.

- **Governmental Accounting Standard Board (GASB) Statement No. 59 - Financial Instruments Omnibus**

The objective of this Statement is to update and improve existing standards regarding financial reporting and disclosure requirements of certain financial instruments and external investment pools for which significant issues have been identified in practice. This is a technical clean up pronouncement that had no material impact to the financial statements.

**Unusual Transactions, Controversial or Emerging Areas:** No matters have come to our attention that would require us, under professional standards, to inform you about (1) the methods used to account for significant unusual transactions and (2) the effect of significant accounting policies in controversial or emerging areas for which there is a lack of authoritative guidance or consensus.

**Estimates:** Accounting estimates are an integral part of the financial statements prepared by management and are based on management's current judgments. Those judgments are normally based on knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ markedly from management's current judgments.

- *Estimated Fair Value of Investments:* (Note 2 to the financial statements) - As of June 30, 2011, the ACTIA held approximately \$274 million of cash and investments as measured by fair value. Fair value is essentially market pricing in effect as of June 30, 2011. These fair values are not required to be adjusted for changes in general market conditions occurring subsequent to that date.

**Disagreements with Management:** For purposes of this letter, professional standards define a disagreement with management as a matter, whether or not resolved to our satisfaction, concerning a financial accounting, reporting, or auditing matter that could be significant to ACTIA's financial statements or the auditor's report. No such disagreements arose during the course of the audit.

Management informed us that, and to our knowledge, there were no consultations with other accountants regarding auditing and accounting matters.

**Retention Issues:** We did not discuss any major issues with management regarding the application of accounting principles and auditing standards that resulted in a condition to our retention as ACTIA's auditors.

**Difficulties:** We encountered no serious difficulties in dealing with management relating to the performance of the audit.

**Audit Adjustments:** For purposes of this communication, professional standards define an audit adjustment, whether or not recorded by ACTIA, as a proposed correction of the financial statements that, in our judgment, may not have been detected except through the audit procedures performed. These adjustments may include those proposed by us but not recorded by ACTIA that could potentially cause future financial statements to be materially misstated, even though we have concluded that the adjustments are not material to the current financial statements.

We did not propose any audit adjustments that, in our judgment, could have a significant effect, either individually or in the aggregate, on the entity's financial reporting process.

**Uncorrected Misstatements:** Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are trivial, and communicate them to the appropriate level of management. We have no such misstatements to report to management.

\*\*\*\*\*

This report is intended solely for the information and use of the finance committee, Governing Board, and management and is not intended to be and should not be used by anyone other than these specified parties.

October 24, 2011

**ALAMEDA COUNTY  
TRANSPORTATION IMPROVEMENT AUTHORITY  
LIMITATIONS WORKSHEET  
FOR THE YEAR ENDED  
JUNE 30, 2011**

To the Governing Board of the  
Alameda County Transportation Improvement Authority  
Oakland, California

We have audited the basic financial statements of the Alameda County Transportation Improvement Authority (Authority) as of and for the year ended June 30, 2011, and have issued our report thereon dated October 24, 2011. We have also audited the accompanying Alameda County Transportation Improvement Authority Limitations Worksheet (Limitations Worksheet) for the year ended June 30, 2011. The Worksheet is the responsibility of the Authority's management. Our responsibility is to express an opinion on this Limitations Worksheet based on our audit.

We conducted our audit of the Limitations Worksheet in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the Limitations Worksheet is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the Limitations Worksheet. An audit also includes assessing the accounting principles used and the significant estimates made by management, as well as evaluating the overall Worksheet presentation. We believe that our audit provides a reasonable basis for our opinion.

In our opinion, the Limitations Worksheet referred to above, presents fairly, in all material respects, the administrative cost and related percentages of the Authority for the year ended June 30, 2011, in conformity with the accounting principles generally accepted in the United States of America.

October 24, 2011

**Alameda County Transportation Improvement Authority****Limitations Worksheet**

Basis for Salary and Benefits Limitation and the Administrative Cost Limitation

**FY 2010-11****Revenues**

Net Sales Tax Proceeds	\$105,393,811
Investments & Other Income - Net of Related Costs	3,246,320
Funds Generated	\$108,640,131

**Expenditures**

Gross Salaries and Benefits	\$641,124
Other Administration Costs	2,881,394
Total Administration Costs	\$3,522,518

**Transportation Expenditure Plan Requirements***Compliance on Salary and Benefits Cost Limitation (Maximum Allowed is 1%)*

Ratio of Gross Salaries and Benefits to Net Sales Tax Revenues	0.6083%
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*Compliance on Administration Costs Limitation (Maximum Allowed is 4.5%)*

Ratio of Total Administration Costs to Net Sales Tax Proceeds	3.3422%
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**Public Utilities Commission 180109 Requirement***Compliance on Salary and Benefits Cost Limitation (Maximum Allowed is 1%)*

Ratio of Gross Salaries and Benefits to Funds Generated	0.5901%
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## Memorandum

**DATE:** January 28, 2012

**TO:** Alameda County Transportation Commission

**FROM:** Finance and Administration Committee

**SUBJECT:** **Acceptance of the ACCMA Fiscal Year 2010-2011 Draft Audited Basic Financial Statements, Report on Internal Control over Financial Reporting and on Compliance and other Matters, Independent Auditors' Report on Compliance in Accordance with OMB Circular A-133 and Management Letter**

### Recommendation

It is recommended that the Commission accept and enter into the record:

1. The ACCMA's draft Audited Basic Financial Statements for FY 2010-2011
2. The Report on Internal Control over Financial Reporting and on Compliance and other Matters (Included in Basic Financial Statements Page 38)
3. The Independent Auditors' Report on Compliance with Requirements Applicable to Each Major Program and on Internal Control over Compliance in Accordance with OMB Circular A-133 for the Fiscal Year Ended June 30, 2011 (Included in Basic Financial Statements Page 40), and
4. The ACCMA's Management Letter with responses

as audited by the certified public accounting firm of Kevin W. Harper CPA & Associates.

The audited financial statements and support documents were reviewed in detail by the Alameda County Transportation Commission (Alameda CTC) audit committee on December 12, 2011.

### Summary

Pursuant to the Joint Powers Agreement Alameda County Congestion Management Program and the California Government Code Section 6505, an independent audit was conducted for FY 2010-2011 by Kevin W. Harper CPA & Associates. While all financial statements are the responsibility of management, the auditor's responsibility is to express an opinion on the financial statements based on their audit. As demonstrated in the Independent Auditor's Report on page 1 of the Draft Audited Basic Financial Statements, the ACCMA's auditors have reported what is considered to be an unqualified or clean audit.

"In our opinion, the basic financial statements referred to above present fairly, in all material respects, the financial position of the Agency as of June 30, 2011, and the respective changes in financial position and the respective budgetary comparisons for the year then ended in

conformity with accounting principles generally accepted in the United States of America.”

#### Financial Highlights:

- Total Net Assets were \$9.9 million, an increase of \$0.7 million or 7.3% over the prior fiscal year.
- Total Revenues decreased by 20.3% from \$55.4 million for fiscal year 2009-10 to \$44.2 million for fiscal year 2010-11. Similarly, the ACCMA’s expenditures decreased by 20.7% from \$54.9 million in fiscal year 2009-10 to \$43.5 million in fiscal year 2010-11. These decreases can be attributed to a decrease in project activity related to funding availability.
- Cash and Investments totaled \$24.0 million, an increase of \$0.7 million or 3.0% over the prior fiscal year.
- The General Fund reported a net increase in fund balance at June 30, 2011 of \$0.1 million over the fund balance at June 30, 2010.

The following pension and Other Postemployment Benefit (OPEB) information addresses inquiries related to notes in the audited basic financial statements raised at the Finance and Administration Committee (FAC) meeting on January 9<sup>th</sup>.

The historical unfunded liability and the funded ratio information in the pension plan, as noted in the audited basic financial statements (note 6, page 29), for the fiscal year 2007 through fiscal year 2009 actuarial dates were calculated by CalPERS based on an investment rate of return of 7.75%. CalPERS uses the 15-year smoothed market method of valuing plan assets.

Similarly, the historical unfunded actuarially accrued liability and the funded status information for OPEB (note 10, page 34) for fiscal year 2008 through 2010 actuarial valuation dates were calculated by the actuary based on an investment rate of return of 7.75%. In 2011, CalPERS added two new asset classes to their California Employers’ Retiree Benefit Trust (CERBT) portfolio in order to provide improved portfolio diversification and lower volatility of expected returns. For participants in the CERBT, CalPERS required actuaries to have employers select an asset allocation strategy from a list of three with discount rates ranging from a high of 7.61% (most aggressive) to 6.39% (most conservative). For the most current actuarial study, staff has selected the asset allocation strategy with a 7.61% discount rate.

#### Discussion

As part of the audit process, Kevin W. Harper CPA & Associates considered ACCMA’s internal controls over financial reporting in order to design audit procedures. They have not expressed an opinion on the effectiveness of the ACCMA’s internal controls; however Kevin W. Harper CPA & Associates’ Report on Internal Control over Financial Reporting and on Compliance and other Matters states that they did not identify any deficiencies in internal controls over financial reporting that they consider to be a material weakness.

Kevin W. Harper CPA & Associates also performed a Single Audit for FY 2010-2011. Per the Office of Management and Budget (OMB) Circular A-133, a single audit is required when a grantee spends \$500,000 or more in Federal funds in the fiscal year to provide assurance to the federal government as to the management and use of these funds. ACCMA’s federal expenditures were well over the threshold at \$6.8 million in FY 2010-2011 therefore a Single Audit was required. As demonstrated in the Independent Auditor’s Report on page 40 of the Draft Audited Basic Financial

Statements, the ACCMA's auditors have reported the following:

“In our opinion, the Agency complied, in all material respects, with the requirements referred to above that could have a direct and material effect on each of its major federal programs for the year ended June 30, 2011.”

The newly formed Audit Committee met on December 12 to review the Draft Audited Basic Financial Statements, the Report on Internal Control over Financial Reporting and on Compliance and other Matters, the Independent Auditors' Report on Compliance with Requirements Applicable to Each Major Program and on Internal Control over Compliance in Accordance with OMB Circular A-133 for the Fiscal Year Ended June 30, 2011 and to discuss internal control procedures.

**Attachments**

- Attachment A: ACCMA Basic Financial Statements for the Year Ended June 30, 2011, Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards*, and Independent Auditors Report on Compliance with Requirements Applicable to Each Major Program and on Internal Control Over Compliance in Accordance with *OMB Circular A-133*
- Attachment B: ACCMA Management Letter for the Year Ended June 30, 2011

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**ALAMEDA COUNTY CONGESTION  
MANAGEMENT AGENCY**

**BASIC FINANCIAL STATEMENTS**

**YEAR ENDED JUNE 30, 2011**

# ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY

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## INDEPENDENT AUDITORS' REPORT

The Board of Directors  
Alameda County Congestion Management Agency:

We have audited the accompanying basic financial statements of the Alameda County Congestion Management Agency (the "ACCMA") as of and for the year ended June 30, 2011, listed in the foregoing table of contents. These basic financial statements are the responsibility of the ACCMA's management. Our responsibility is to express an opinion on these basic financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the basic financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the basic financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall basic financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

In our opinion, the basic financial statements referred to above present fairly, in all material respects, the financial position of the ACCMA as of June 30, 2011, and the respective changes in financial position and the respective budgetary comparisons for the year then ended in conformity with accounting principles generally accepted in the United States of America.

In accordance with *Government Auditing Standards*, we have also issued our report dated November 21, 2011 on our consideration of the ACCMA's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Governmental Auditing Standards* and should be considered in assessing the results of our audit.



## INDEPENDENT AUDITORS' REPORT (Continued)

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis information on pages 3 through 11 be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Our audit was conducted for the purpose of forming an opinion on the basic financial statements taken as a whole. The introductory section and combining statements on pages 36 and 37 are presented for purposes of additional analysis and are not a required part of the basic financial statements. The accompanying schedule of expenditures of federal awards is presented for purposes of additional analysis as required by U.S. Office of Management and Budget Circular A-133, *Audits of States, Local Governments, and Non-Profit Organization*, and is also not a required part of the financial statements. The information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the information is fairly stated in all material respects in relation to the financial statements as a whole.

As discussed in Note 1, on July 22, 2010, the ACCMA became part of the Alameda County Transportation Commission Joint Powers Authority ("Alameda CTC"). Management intends to dissolve the ACCMA during the year ending June 30, 2012 with Alameda CTC being assigned all powers and responsibilities of the ACCMA.

November 21, 2011

**ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY  
MANAGEMENT'S DISCUSSION AND ANALYSIS (Unaudited)  
YEAR ENDED JUNE 30, 2011**

This section of the Alameda County Congestion Management Agency (the "ACCMA") annual financial report presents a discussion and analysis of the ACCMA's financial performance during the fiscal year ended June 30, 2011. Please read it in conjunction with the ACCMA's basic financial statements and related notes to those statements. The notes provide additional information that is essential for a full understanding of the data provided in the government-wide and fund financial statements.

**Financial Highlights**

Financial highlights for the fiscal year ended June 30, 2011, include the following:

- The ACCMA's total net assets were \$9.9 million, an increase of \$0.7 million or 7.3% over the prior fiscal year (see Statement of Activities, page 13).
- Total revenues decreased by 20.3% from \$55.4 million for fiscal year 2009-10 to \$44.2 million for fiscal year 2010-11. Similarly, the ACCMA's expenses decreased by 20.7% from \$54.9 million in fiscal year 2009-10 to \$43.5 million in fiscal year 2010-11. These decreases can be attributed to a decrease in project activity related to funding availability (see Statement of Activities, page 13).
- The ACCMA's cash and investments (restricted and unrestricted) totaled \$24.0 million, an increase of \$0.7 million or 3.0% over the prior fiscal year (see Statement of Net Assets, page 12).
- The General Fund reported a net increase in fund balance at June 30, 2011 of \$0.1 million or 79.2% over the fund balance at June 30, 2010 (see Statement of Revenues, Expenditures and Changes in Fund Balance, page 15).

**Overview of the Financial Statements**

As required by the Governmental Accounting Standards Board, the ACCMA's principal financial statements include the following:

- A Statement of Net Assets (showing Agency-wide assets and liabilities)
- A Statement of Activities (showing Agency-wide revenues and expenses)
- A Balance Sheet (showing assets and liabilities for the General Fund, Capital Projects Fund, Exchange Fund and the Non-major Special Revenue Funds, which include the Transportation for Clean Air Fund and Vehicle Registration Fee Fund)
- A Statement of Revenues, Expenditures and Changes in Fund Balances - Governmental Funds (showing revenues and expenditures by fund)

- A Statement of Revenues, Expenditures and Changes in Fund Balance - Budget and Actual for the General Fund (showing budget versus actual revenues and expenditures)

The Statement of Net Assets and the Statement of Activities, together, make up the *government-wide financial statements*. The Balance Sheet and Statements of Revenues, Expenditures and Changes in Fund Balances are referred to as the *fund financial statements*.

The *government-wide financial statements* report information using the economic resources measurement focus and the accrual basis of accounting. The *Statement of Net Assets* includes total assets and total liabilities with the difference between them reported as net assets. Over time, increases or decreases in net assets can indicate whether the financial health is improving or deteriorating. Total revenues, total expenses and changes in net assets are accounted for in the *Statement of Activities*, regardless of the timing of related cash flows.

The *fund financial statements* provide more detailed information by fund. A fund is a set of accounts used to control resources segregated for specific activities or purposes. The ACCMA has established funds to ensure resources are utilized for the purposes intended. Funds classified as major are reported individually on the financial statements and funds classified as non-major are grouped and reported in a single column.

The ACCMA has five funds, the General Fund, Capital Projects Fund, Exchange Fund and Special Revenue Funds. The Special Revenue Funds are made up of two funds, the Transportation for Clean Air Fund and the Vehicle Registration Fee Fund. *Combining Statements* report detailed data for each of the non-major funds.

*General Fund* – The ACCMA uses the General Fund as its chief operating fund. This fund is used for preparing the Congestion Management Plan. In prior years, the General Fund was also used for programming federal, state and local funds to implement the Congestion Management Plan; however, effective July 1, 2010, the ACCMA established the Capital Projects Fund for this purpose. The fund balance in the General Fund increased by \$0.1 million leaving an ending fund balance of \$0.2 million at June 30, 2011.

*Capital Projects Fund* – This fund is used to account for capital projects designed to implement the Congestion Management Plan for Alameda County. The amount of capital project revenues and expenditures for fiscal year 2010-2011 were \$34.2 million and \$33.2 million, respectively with the difference transferred to the General Fund to help cover administration costs.

*Exchange Fund* – Under the Exchange Program, the ACCMA entered into agreements with several local agencies to exchange the ACCMA's state or federal funds with local funding from other governments for various transportation projects. This program is used to expedite projects by giving project sponsors the flexibility of using local funds rather than more restrictive state or federal funds.

The ACCMA has entered into the following exchange agreements through June 30, 2011:

AC Transit	\$ 35,060,514
BART	8,100,000
Fremont	5,983,256
Dublin	4,230,000
Livermore	4,580,000
ACTIA	2,300,000
Union City	9,314,000
MTC/ACCMA	675,000
Santa Clara Valley Transportation Authority	558,000
Altamont Commuter Express	432,445
Berkeley	259,560
Total Exchanged Funds	<u>\$ 71,492,775</u>

These exchanges were recognized as deferred revenue in the government-wide financial statements at the time the ACCMA entered into exchange agreements, and are being recognized as revenue when qualifying expenses are incurred. \$63.8 million of these exchanged funds have been collected and approximately \$57.4 million has been expended as of June 30, 2011.

*Special Revenue Funds* – The ACCMA has two Special Revenue Funds, the Transportation for Clean Air (TFCA) Fund and the Vehicle Registration Fee (VRF) Fund. Both are related to fees imposed on vehicle registrations in Alameda County for which the ACCMA is required to administer funds. These two Special Revenue Funds have been established to administer and account for these funds separately from other funding sources of the ACCMA to ensure that they are spent on the specific purpose intended. The TFCA funds are required to be used to implement projects aimed at reducing air pollution from motor vehicles, and the VRF funds are required to be used to implement transportation related programs and projects.

### **Government-wide Financial Analysis**

#### *Net Assets*

As of June 30, 2011, total assets were \$59.0 million, an increase of \$6.5 million or 12.5% over June 30, 2010 with cash and investments accounting for \$24.0 million or 40.7% of total assets.

Total liabilities were \$49.0 million as of June 30, 2011, an increase of \$5.9 million or 13.6% over June 30, 2010. Similarly, accounts receivable was \$34.7 million as of June 30, 2011, an increase of \$6.0 million or 20.9%.

Net assets were \$9.9 million at June 30, 2011, an increase of \$0.7 million or 7.3% over June 30, 2010. Of the total \$9.9 million in net assets at June 30, 2011, \$9.5 million is restricted for planning and construction.

The ACCMA does not record capital assets created by the projects it implements on its own financial statements since these assets are of value only to the local government in which they are located.

**Alameda County Congestion Management Agency**

**Net Assets**

**As of June 30, 2011 and 2010**

	<b>2011</b>	<b>2010</b>
Cash and investments	\$ 24,011,003	\$ 23,321,775
Receivables		
Accounts receivable	34,715,297	28,708,293
Interest	22,606	27,312
Prepaid items	24,149	59,416
Capital assets net of depreciation		
Furniture and equipment	135,714	172,582
Building improvements	85,646	142,744
Automobile	-	14,099
<b>Total assets</b>	<b>\$ 58,994,415</b>	<b>\$ 52,446,221</b>
Accounts payable & other liabilities	\$ 17,590,653	\$ 14,020,874
Deferred revenue	31,455,871	29,156,723
<b>Total liabilities</b>	<b>49,046,524</b>	<b>43,177,597</b>
Invested in capital assets	221,360	329,425
Restricted for planning & construction	9,476,992	8,799,919
Unrestricted	249,539	139,280
<b>Total net assets</b>	<b>9,947,891</b>	<b>9,268,624</b>
<b>Total liabilities and net assets</b>	<b>\$ 58,994,415</b>	<b>\$ 52,446,221</b>

*Change in Net Assets*

Total revenues in fiscal year 2010-11 were \$44.1 million, a decrease of \$11.3 million or 20.3% from fiscal year 2009-10. Total revenues in fiscal year 2009-10 were \$55.4 million, an increase of \$15.5 million or 38.8% over fiscal year 2008-09. Total expenses in fiscal year 2010-11 were \$43.5 million, a decrease of \$11.4 million or 20.8% from fiscal year 2009-10 and total expenses in fiscal year 2009-10 were \$54.9 million, an increase of \$16.2 million or 41.9% over fiscal year 2008-09. The following are changes in the key activities:

- Capital grants and contributions in fiscal year 2010-11 were \$29.1 million, a decrease of \$19.4 million or 40.0% from fiscal year 2009-10. This is due to timing on the availability of funding which has slowed the progress of some activities.

- Operating grants and contributions in fiscal year 2010-11 were \$13.8 million, an increase of \$8.0 million or 140.4% over fiscal year 2009-10.
- Administration expenses in fiscal year 2010-11 were \$5.3 million, a decrease of \$0.6 million or 10.8% from fiscal year 2009-10.
- Capital project expenses in fiscal year 2010-11 were \$28.2 million, a decrease of \$18.9 million or 40.2% from fiscal year 2009-10 mostly attributed to funding availability issues.
- Exchange fund expenses in fiscal year 2010-11 were \$7.0 million, an increase of \$6.0 million or 587.7% over fiscal year 2009-10 due to increased activity in projects utilizing Exchange funding such as the I-880 Southbound HOV Lane project.
- Special Revenue fund expenses in fiscal year 2010-11 were \$2.9 million, an increase of \$2.1 million or 276.0% over fiscal year 2009-10 due in part to election costs incurred for the new Vehicle Registration Fee.

In fiscal year 2010-11, revenues exceeded expenses by \$0.7 million, resulting in an increase to net assets which were \$9.9 million at year-end. In fiscal year 2009-10, revenues exceeded expenses by \$0.6 million, resulting in an increase to net asset which were \$9.3 million as of June 30, 2010.

**Alameda County Congestion Management Agency**  
**Changes in Net Assets**  
**As of June 30, 2011 and 2010**

	<u>2011</u>	<u>2010</u>
<b>Revenues</b>		
Program revenues:		
Operating grants and contributions	\$ 13,776,147	\$ 5,729,733
Capital grants and contributions	29,135,906	48,585,065
General revenues:		
Member agency contributions	1,095,338	1,004,898
Investment income	119,194	99,822
Other income	15,251	-
<b>Total revenues</b>	<u>44,141,836</u>	<u>55,419,518</u>
<b>Expenses</b>		
General administration	5,332,963	5,978,561
Capital Projects Fund	28,172,961	47,072,962
Exchange Fund	7,032,662	1,022,594
Special Revenue Funds	2,923,983	777,589
<b>Total expenses</b>	<u>43,462,569</u>	<u>54,851,706</u>
Change in net assets	679,267	567,812
Net assets, beginning of year	9,268,624	8,700,812
<b>Net assets, end of year</b>	<u>\$ 9,947,891</u>	<u>\$ 9,268,624</u>

**Governmental Funds Financial Analysis**

As of June 30, 2011, the ACCMA had \$9.7 million of fund balance in the governmental funds: \$0.3 million in the General Fund, \$4.6 million in the Exchange Fund and \$4.8 million in the Special Revenue Funds. This is an increase from June 30, 2010 of \$0.8 million or 8.8%. The increase is mostly due to the addition of the new Vehicle Registration Fee Special Revenue Fund.

The excess of revenues over expenditures in the capital projects fund of \$1.0 million in fiscal year 2010-11 is generated due to the reimbursement of overhead cost which are billed to funding agencies as a percentage of salaries based on an Indirect Cost Allocation Rate audited and approved by CalTrans on an annual basis. This balance is transferred to the General Fund at the fiscal year end to cover costs incurred by the ACCMA to administer capital projects.

As of June 30, 2011, the ACCCA had \$44.2 million of revenues in the governmental funds: \$5.1 million in the General Fund, \$34.2 million in the Capital Projects Fund, \$7.0 million in the Exchange Fund, \$3.6 million in the Special Revenue Funds less \$5.8 million of inter-fund revenues which have been eliminated on a consolidated basis. This is a decrease from June 30, 2010 of \$11.3 million or 20.3%. This decrease is due to a delay in some projects due to the availability of funds.

As of June 30, 2011, the ACCMA had \$43.4 million of expenditures in the governmental funds: \$6.1 million in the General Fund, \$33.2 million in the Capital Projects Fund, \$7.0 million in the Exchange Fund, \$2.9 million in the Special Revenue Funds less \$5.8 million of inter-fund expenditures which have been eliminated on a consolidated basis. This is a decrease from June 30, 2010 of \$11.4 million or 20.7% attributed to a delay in some capital projects due to the availability of funding sources.

As of June 30, 2011, the ACCMA had \$51.1 million of assets in the governmental funds: \$16.6 million in the General Fund, \$37.3 million in the Capital Projects Fund, \$15.4 million in the Exchange Fund, \$6.4 million in the Special Revenue Funds less \$24.6 million of inter-fund receivables which have been eliminated on a consolidated basis. This is a decrease from June 30, 2010 of \$1.9 million or 3.6%.

As of June 30, 2011, the ACCMA had \$41.4 million of liabilities in the governmental funds: \$16.4 million in the General Fund, \$37.3 million in the Capital Projects Fund, \$10.8 million in the Exchange Fund, \$1.5 million in the Special Revenue Funds less \$24.6 million of inter-fund payables which have been eliminated on a consolidated basis. This is a decrease from June 30, 2010 of \$2.7 million or 6.2%.

### **Capital Assets**

As of June 30, 2011, ACCMA had \$221,360 invested in capital assets, including furniture and equipment and leasehold improvements.

**The Alameda County Congestion Management Agency  
Capital Assets  
(net of accumulated depreciation)  
June 30, 2011 and 2010**

	<b>2011</b>	<b>2010</b>
Furniture and Equipment	\$ 135,714	\$ 172,583
Leasehold improvements	85,646	142,744
Automobile	-	14,099
Total	<u>\$ 221,360</u>	<u>\$ 329,426</u>

There were three capital asset additions in fiscal year 2010-11 including a phone system, fiber optic communications equipment, and audio/visual board room improvements. There was one disposition of an automobile.

### **Comparison of Budget to Actual – General Fund**

As shown on the Statement of Revenues, Expenditures and Changes in Fund Balance - Budget (GAAP Basis) and Actual for the General Fund on page 13, the ACCMA began the fiscal year with a revenue budget of \$4.8 million plus an operating transfer in of \$2.5 million less an expenditure budget of \$7.4 million. Throughout the year, the revenue budget was adjusted to \$5.8 million and the expenditure budget was adjusted to \$8.0 due to an increase in work being completed on the transportation and land use planning activity and activities related to the ACCMA joining of the Alameda CTC Joint Powers Agency.



Actual revenues in the General Fund were under the final revenue budget by \$0.6 million or 11.1% and under the final expenditure budget by \$1.9 million or 23.4% for the fiscal year. These variance are related to planning and programming activities in the General Fund which are billed to funding agencies on a reimbursement basis. Since expenditures were below budget, consequently so were revenues. The disparity in the difference, with revenues collected more than planning and programming expenditures, is because overhead recovery amounts are included as General Fund revenues. These amounts are invoiced to billing agencies at an indirect cost allocation rate audited and approved on an annual basis by CalTrans as a percentage of salaries and benefits costs. This methodology helps to reimburse the ACCMA for the cost of administering planning and programming activities.

### **Summary of Known Facts, Decisions or Conditions**

Alameda CTC - The ACCMA, along with ACTIA, formally became members of the Alameda CTC, a Joint Powers Agency, on July 22, 2010. For a variety of reasons, including issues related to contracting with CalPERS, the ACCMA and ACTIA continue to exist. As part of the Joint Powers Agreement, the ACCMA and ACTIA delegated their authority to Alameda CTC including all activities and responsibilities. It is expected that all steps necessary to have Alameda CTC become the operating entity will be completed in early 2012 and that prior to the end of fiscal year 2011-12, the ACCMA will be legally dissolved and the Alameda CTC will be named the successor agency. The first consolidated Alameda CTC budget for fiscal year 2011-12 was approved by the Alameda CTC's Commission in June, 2011, and the financial databases for the ACCMA and ACTIA have been consolidated as of July, 2011 for the new fiscal year.

Sunol Smart Carpool Lane - The Sunol Smart Carpool Lane (Lane) was established by a Joint Powers Agreement (Agreement) between the ACCMA, ACTIA and the Santa Clara Valley Transportation Authority which created the Sunol Smart Carpool Lane Joint Powers Authority (Authority). The Agreement named the ACCMA as the managing agency for the project on behalf of the Authority. The Lane began operations on September 20, 2010 gaining its authority to operate in California through State law amended by 2004 legislation, AB 2032. During the transition/warranty period from construction to full operations, the ACCMA has agreed to cover the cost of operations on behalf of the Authority via its project funded by various federal, state and local sources through June 30, 2012. Since inception, the Lane has continued to show growth in revenues and riders from week to week and is expected to be independently sustainable by June 30, 2012.

Vehicle Registration Fee - In November 2010, a majority (62.8 %) of Alameda County voters approved Measure F to fund transportation related programs and projects. Measure F added \$10 to all motor Vehicle Registration Fees (VRF) collected by the Department of Motor Vehicles. The Transportation Expenditure Plan (TEP) approved with the measure allocates revenue from the VRF to transportation-related programs and projects that have a relationship or benefit to the persons who pay the fee and that sustains the County's transportation network and reduces traffic congestion and vehicle-related pollution. The measure is expected to generate approximately \$11 million annually which will be distributed net of administrative costs based on the approved TEP in the following manner:

- Local Road Improvement and Repair Program (60 %)
- Transit for Congestion Relief Program (25%)
- Local Transportation Technology Program (10%)
- Pedestrian and Bicyclist Safety Program (5%)

*Countywide Transportation Plan* - A key ACCMA project this past year has been working in conjunction with ACTIA towards developing a Countywide Transportation Plan (CWTP) for Alameda County. The CWTP is a long-range policy document that guides decisions and articulates the vision for the County's transportation system over a 25-year planning horizon. It lays the groundwork for an investment program that is efficient and productive as well as a strategy for meeting transportation needs for all users in Alameda County. It includes projects and other improvements for new and existing freeways, local streets and roads, public transit (paratransit, buses, trains, ferries), as well as facilities and programs to support bicycling and walking. The CWTP will serve as Alameda County's input into the Metropolitan Transportation Commission's Regional Transportation Plan (RTP) from which much of Alameda County's transportation funding is derived. ACCMA and ACTIA staff continue to engage the community to provide input into the process to help prioritize transportation improvements. For the first time, the CWTP and RTP for the Bay Area will require Alameda County to meet greenhouse gas (GHG) emission reduction targets set by the State of California under SB 375. The target is a 7% GHG reduction by 2020, and a 15% GHG reduction by 2035. To address SB 375 requirements and other needs, the CWTP will address transit-oriented development and priority development areas; parking management; transportation systems management and goods movement; as well as transit connectivity, maintenance and operations.

### **Requests for Information**

This financial report is designed to provide a general overview of the ACCMA's finances for all those interested in government finances. Questions concerning any of the information provided in this report or requests for additional financial information should be addressed to the Office of Accounting at 1333 Broadway, Suite 220, Oakland, CA 94612.

**ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY**  
**STATEMENT OF NET ASSETS**  
**JUNE 30, 2011**

DRAFT

**ASSETS**

Cash and Investments	\$ 4,528,549
Restricted Cash and Investments	19,482,454
Accounts Receivable	34,715,297
Interest Receivable	22,606
Prepaid Items	24,149
Capital Assets, Net of Accumulated Depreciation	<u>221,360</u>
<b>Total Assets</b>	<u><u>58,994,415</u></u>

**LIABILITIES**

Accounts Payable	12,438,458
Accrued Liabilities	152,195
Loan Payable	5,000,000
Deferred Revenue	<u>31,455,871</u>
<b>Total Liabilities</b>	<u><u>49,046,524</u></u>

**NET ASSETS**

Restricted for Planning and Construction	9,476,992
Invested in Capital Assets	221,360
Unrestricted	<u>249,539</u>
<b>Total Net Assets</b>	<u><u>\$ 9,947,891</u></u>

*The accompanying notes are an integral part of the basic financial statements.*

**ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY**  
**STATEMENT OF ACTIVITIES**  
**YEAR ENDED JUNE 30, 2011**

DRAFT

**EXPENSES**

Salaries & Benefits	\$ 3,942,816
Board Operations	78,063
Travel & Transportation - Special Events	84,791
Office Space	437,995
Office & Related	565,439
Legal Counsel	227,124
Annual Audit	32,086
Professional Services	51,481
Legislative Advocacy	95,781
Consultants & Contractors	34,889,116
TFCA Grant Program	2,031,442
Election Costs	772,625
Depreciation	133,954
Administration	119,856
Total Expenses	<u>43,462,569</u>

**PROGRAM REVENUES - Grants and Contributions:**

Metropolitan Transportation Commission	6,312,567
CalTrans	12,658,280
Transportation Fund for Clean Air	1,830,061
AC Transit	200,000
ACTIA	10,122,887
Vehicle Registration Fees	1,739,271
Other	10,048,987
Total Program Revenues	<u>42,912,053</u>
Net Program Revenues (Expenses)	<u>(550,516)</u>

**GENERAL REVENUES**

Member Agency Fees	1,095,338
Other	15,251
Interest	119,194
Total General Revenues	<u>1,229,783</u>
Change in Net Assets	679,267

**Net Assets, July 1, 2010** 9,268,624

**Net Assets, June 30, 2011** \$ 9,947,891

*The accompanying notes are an integral part of the basic financial statements.*

**ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY  
BALANCE SHEET  
GOVERNMENTAL FUNDS  
JUNE 30, 2011**

DRAFT

	<u>General Fund</u>	<u>Major Capital Projects Fund</u>	<u>Exchange Fund</u>	<u>Non-major Special Revenue Funds</u>	<u>Inter-Fund Eliminations</u>	<u>Total Governmental Funds</u>
<b>ASSETS</b>						
Cash and Investments	\$ 4,528,549					\$ 4,528,549
Restricted Cash and Investments		\$ 10,163,204	\$ 5,018,099	\$ 4,301,151		19,482,454
Accounts Receivable	2,490,395	27,160,927		2,063,172	\$ (4,652,499)	27,061,995
Interest Receivable	2,440	12,331	4,849	2,986		22,606
Interfund Receivable	9,561,505		10,385,900		(19,947,405)	-
Prepaid Items	24,149					24,149
<b>Total Assets</b>	<u>\$ 16,607,038</u>	<u>\$ 37,336,462</u>	<u>\$ 15,408,848</u>	<u>\$ 6,367,309</u>	<u>\$ (24,599,904)</u>	<u>\$ 51,119,753</u>
<b>LIABILITIES AND FUND BALANCES</b>						
Liabilities:						
Accounts Payable	\$ 819,404	\$ 10,445,669	\$ 4,302,849	\$ 1,523,035	\$ (4,652,499)	\$ 12,438,458
Accrued Liabilities	152,195					152,195
Loan Payable	5,000,000					5,000,000
Interfund Payable	10,385,900	9,561,505			(19,947,405)	-
Deferred Revenue		17,329,288	6,473,281			23,802,569
<b>Total Liabilities</b>	<u>16,357,499</u>	<u>37,336,462</u>	<u>10,776,130</u>	<u>1,523,035</u>	<u>(24,599,904)</u>	<u>41,393,222</u>
Fund Balances:						
Restricted:						
Transportation Fund for Clean Air				3,912,293		3,912,293
Vehicle Registration Fees				931,981		931,981
Committed			4,632,718			4,632,718
Unassigned	249,539					249,539
<b>Fund Balances</b>	<u>249,539</u>	<u>-</u>	<u>4,632,718</u>	<u>4,844,274</u>	<u>-</u>	<u>9,726,531</u>
<b>Total Liabilities and Fund Balances</b>	<u>\$ 16,607,038</u>	<u>\$ 37,336,462</u>	<u>\$ 15,408,848</u>	<u>\$ 6,367,309</u>	<u>\$ (24,599,904)</u>	<u>\$ 51,119,753</u>

*The accompanying notes are an integral part of the basic financial statements.*

**ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY  
STATEMENT OF REVENUES, EXPENDITURES AND  
CHANGES IN FUND BALANCES -  
GOVERNMENTAL FUNDS  
YEAR ENDED JUNE 30, 2011**

DRAFT

	<u>General Fund</u>	<u>Major Capital Projects Fund</u>	<u>Exchange Fund</u>	<u>Non-major Special Revenue Funds</u>	<u>Inter-Fund Eliminations</u>	<u>Total Governmental Funds</u>
<b>REVENUES</b>						
Grants:						
Metropolitan Transportation Commission	\$ 1,499,174	\$ 4,813,393				\$ 6,312,567
CalTrans	1,475,874	11,182,406				12,658,280
Transportation Fund for Clean Air	237,597	369,059		\$ 1,830,061	\$ (606,656)	1,830,061
AC Transit		200,000				200,000
ACTIA	199,205	9,923,682				10,122,887
Other		3,016,425	\$ 7,032,562			10,048,987
Member Agency Fees	1,095,338					1,095,338
Exchange Program Funds	582,986	4,645,237			(5,228,223)	*
Vehicle Registration Fees				1,739,271		1,739,271
Other	25,825					25,825
Interest	32,526	54,844	13,956	17,868		119,194
Total Revenues	<u>5,148,525</u>	<u>34,205,046</u>	<u>7,046,518</u>	<u>3,587,200</u>	<u>(5,834,879)</u>	<u>44,152,410</u>
<b>EXPENDITURES</b>						
Current:						
Salaries & Benefits	2,970,637	972,179				3,942,816
Board Operations	78,063					78,063
Travel & Transportation - Special Events	84,791					84,791
Office Space	437,995					437,995
Office & Related Costs	565,279		100	60		565,439
Legal Counsel	227,124					227,124
Annual Audit	32,086					32,086
Professional Services	51,481					51,481
Legislative Advocacy	95,781					95,781
Consultants & Contractors	1,476,355	32,215,078	7,032,562		(5,834,879)	34,889,116
TFCA Grant Program				2,031,442		2,031,442
VRF Election Costs				772,625		772,625
Administration				119,856		119,856
Capital Outlay	36,463					36,463
Total Expenditures	<u>6,056,055</u>	<u>33,187,257</u>	<u>7,032,662</u>	<u>2,923,983</u>	<u>(5,834,879)</u>	<u>43,365,078</u>
Excess of Revenues Over (Under) Expenditures	<u>(907,530)</u>	<u>1,017,789</u>	<u>13,856</u>	<u>663,217</u>	<u>-</u>	<u>787,332</u>
<b>OTHER FINANCING SOURCES (USES):</b>						
Operating Transfer In	1,017,789				(1,017,789)	-
Operating Transfer Out		(1,017,789)			1,017,789	-
Total Other Financing Sources (Uses)	<u>1,017,789</u>	<u>(1,017,789)</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Net Change in Fund Balances	110,259	-	13,856	663,217	-	787,332
<b>Fund Balances, July 1, 2010</b>	<u>139,280</u>	<u>-</u>	<u>4,618,862</u>	<u>4,181,057</u>	<u>-</u>	<u>8,939,199</u>
<b>Fund Balances, June 30, 2011</b>	<u>\$ 249,539</u>	<u>\$ -</u>	<u>\$ 4,632,718</u>	<u>\$ 4,844,274</u>	<u>\$ -</u>	<u>\$ 9,726,531</u>

The accompanying notes are an integral part of the basic financial statements.

**ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY  
RECONCILIATIONS OF  
FUND FINANCIAL STATEMENTS TO GOVERNMENT-WIDE FINANCIAL STATEMENTS  
JUNE 30, 2011**

DRAFT

**Reconciliation of Fund Balance of Governmental Funds to Net Assets on the  
Statement of Net Assets:**

Fund Balances on governmental funds' Balance Sheet	\$ 9,726,531
Capital assets, net of accumulated depreciation, are reported on the Statement of Net Assets but not in governmental funds	<u>221,360</u>
Net Assets on Statement of Net Assets	<u><u>\$ 9,947,891</u></u>

**Reconciliation of Net Change in Fund Balances of Governmental Funds to  
Change in Net Assets on Statement of Activities:**

Net Change in Fund Balances on governmental funds' Statement of Revenues, Expenditures and Changes in Fund Balances	\$ 787,332
Net change in capital assets due to purchases and disposals is reported on governmental funds' Statement of Revenues, Expenditures and Changes in Fund Balances but not in the Statement of Activities	25,889
Depreciation expense is reported in the Statement of Activities but not in governmental funds	<u>(133,954)</u>
Change in Net Assets on Statement of Activities	<u><u>\$ 679,267</u></u>

*The accompanying notes are an integral part of the basic financial statements.*

**ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY  
STATEMENT OF REVENUES, EXPENDITURES AND  
CHANGES IN FUND BALANCE - BUDGET (GAAP BASIS) AND ACTUAL  
GENERAL FUND  
YEAR ENDED JUNE 30, 2011**

DRAFT

		<b>Budget</b>		<b>Variance With Final Budget - Over (Under)</b>
<b>REVENUES</b>	<b>Actual</b>	<b>Original</b>	<b>Final</b>	
Grants:				
MTC Planning Funds	\$ 1,499,174	\$ 1,534,700	\$ 1,633,900	\$ (134,726)
Caltrans STIP Funds	1,475,874	1,828,000	1,828,000	(352,126)
ACCMa TFCA	237,597	200,000	203,600	33,997
ACTIA Measure B	199,205	90,300	310,000	(110,795)
Other	-	70,000	70,000	(70,000)
Revenue from Member Agencies	1,095,338	1,095,338	1,095,338	-
Revenue from Exchange Program	582,986	-	652,000	(69,014)
Miscellaneous	25,825	-	-	25,825
Interest	32,526	-	-	32,526
Total Revenues	<u>5,148,525</u>	<u>4,818,338</u>	<u>5,792,838</u>	<u>(644,313)</u>
<b>EXPENDITURES</b>				
Current:				
Salaries & Benefits	2,970,637	1,948,802	2,357,845	612,792
Board Operations	78,063	60,000	60,000	18,063
Travel & Transportation - Special Events	84,791	85,000	85,000	(209)
Office Space	437,995	440,000	420,000	17,995
Office & Related	565,279	296,500	312,500	252,779
Legal	227,124	100,000	195,000	32,124
Annual Audit	32,086	32,000	32,000	86
Professional Services	51,481	125,000	125,000	(73,519)
Legislative Advocacy	95,781	108,000	108,000	(12,219)
Consultants & Contractors	1,476,355	4,146,400	4,285,200	(2,808,845)
Capital Outlay	36,463	20,000	20,000	16,463
Total Expenditures	<u>6,056,055</u>	<u>7,361,702</u>	<u>8,000,545</u>	<u>(1,944,490)</u>
Excess of revenues over (under) expenditures	(907,530)	(2,543,364)	(2,207,707)	1,300,177
<b>OTHER FINANCING SOURCES -</b>				
Operating Transfer In	<u>1,017,789</u>	<u>2,548,982</u>	<u>2,238,978</u>	<u>(1,221,189)</u>
<b>Net Change in Fund Balance</b>	<u>\$ 110,259</u>	<u>\$ 5,618</u>	<u>\$ 31,271</u>	<u>\$ 78,988</u>

*The accompanying notes are an integral part of the basic financial statements.*



**ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY**  
**NOTES TO BASIC FINANCIAL STATEMENTS**  
**JUNE 30, 2011**

**NOTE 1 - REPORTING ENTITY**

In June 1990, California voters approved a fuel tax increase as part of Propositions 111 and 108. To receive a share of the fuel tax revenues, local governments must conform to a Congestion Management Program ("CMP"). The Alameda County Congestion Management Agency (the "ACCMA") was created by a Joint Powers Agreement ("JPA") dated February 20, 1991 between Alameda County, all fourteen cities in the County and four transit operators (the "Member Agencies"). The ACCMA is responsible for preparing, adopting, revising, amending, administering, and implementing the CMP and the Countywide Transportation Plan ("CWTP") for Alameda County pursuant to Section 65088 at seq. of the Government Code, and providing other transportation planning and programming functions. The JPA provides for the sharing of the costs of the ACCMA among the Member Agencies.

As an extension of its legislatively mandated activities, the ACCMA also initiates a variety of studies, programs and projects that serve to implement the CMP and CWTP. Examples of special studies that have resulted in projects are:

- I-880 North County Operations and Safety Study
- Countywide Bicycle and Pedestrian Plans
- Historic Parkway – State Route 84 Local Area Transportation Improvement Program
- Central County Freeway Study – State Route 238 Local Area Transportation Improvement Program
- Tri-Valley Triangle Study
- San Pablo Avenue Corridor Transit Operations and Improvement Study

In addition, the ACCMA works closely with the California Department of Transportation, the Alameda County Transportation Improvement Authority ("ACTIA"), and other federal, state and local agencies to implement projects and programs aimed at reducing congestion and improving mobility and air quality in Alameda County. Examples of projects currently being sponsored by the ACCMA include:

- I-80 Integrated Corridor Mobility Project
- I-880 North Safety & Operations Improvements
- I-580 East & Westbound High Occupancy Vehicle (HOV) Lanes, and
- I-680 Northbound Express Lane & HOV Project

**ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY  
NOTES TO BASIC FINANCIAL STATEMENTS (CONTINUED)  
JUNE 30, 2011**

**NOTE 1 - REPORTING ENTITY (continued)**

Each of the projects and programs sponsored by the ACCMA is funded through one or more federal, state or local grants. The ACCMA is reimbursed from the grants as eligible program or project implementation costs are incurred. Administrative and staff costs associated with implementing the legislatively mandated activities, such as the CMP and CWTP, as well as the programming of federal and state transportation funds through the Metropolitan Transportation Commission ("MTC") and the California Transportation Commission are met through planning grants from MTC, Member Agency annual dues and other local funding sources.

The ACCMA's board is composed of one representative from each of the four transit operators, two representatives from the County of Alameda, one representative per 100,000 population from each city in the County, and one representative from the Bay Area Air Quality Management District. Each city's representation is adjusted following each national census.

On March 25, 2010, the ACCMA, ACTIA, the County of Alameda, the fourteen cities within Alameda County, the Bay Area Rapid Transit District and the Alameda-Contra Costa Transit District entered into a Joint Powers Agreement (JPA). On June 24, 2010, the Boards of ACCMA and ACTIA gave the final approval which created a joint powers agency, pursuant to the California Joint Exercise of Powers Act, known as the Alameda County Transportation Commission ("Alameda CTC").

On July 22, 2010, the ACCMA along with ACTIA, became a part of the Alameda CTC joint powers authority. Alameda CTC has all of the powers, functions and responsibilities of both agencies along with certain additional powers as described in the JPA. It is expected that all steps necessary for Alameda CTC to be named the successor agency of the ACCMA and ACTIA will be completed prior to the end of fiscal year 2011-12. At that time, the ACCMA will be terminated. For fiscal year 2011-12, the ACCMA is operating as part of the Alameda CTC for which a consolidated budget was adopted by the Commission in June, 2011. Alameda CTC's mission is to plan, fund and deliver a broad spectrum of transportation projects and programs to enhance mobility throughout Alameda County.

**ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY**  
**NOTES TO BASIC FINANCIAL STATEMENTS (CONTINUED)**  
**JUNE 30, 2011**

**NOTE 2 – SIGNIFICANT ACCOUNTING POLICIES**

**Government-Wide and Fund Financial Statements**

The government-wide financial statements (i.e., the statement of net assets and the statement of activities) report information on all activities of the ACCMA. The effect of inter-fund activity has been eliminated from these statements.

The statement of net assets and the statement of activities are prepared using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Grants are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

The statement of activities demonstrates the degree to which the direct expenses are offset by program revenues. Direct expenses are those that are clearly identifiable with the ACCMA's primary functions. Program revenues consist of grants and contributions that are restricted to meeting the operational or capital requirements of the ACCMA. Member agency fees, interest and other revenues not included in program revenues are reported as general revenues.

Major individual governmental funds are reported in separate columns in the fund financial statements. Non-major funds are summarized and presented in one column of the fund financial statements.

The ACCMA uses the following major funds:

- *General Fund* is the general operating fund of the ACCMA. It is used to account for all financial resources and transactions except those required to be accounted for in another fund.
- *Capital Projects Fund* is used to account for the proceeds and expenditures related to the construction of capital improvement projects implemented to reduce congestion or improve mobility in Alameda County. The ACCMA does not retain ownership of these improvements. They are transferred to the sponsor or managing jurisdiction upon completion.
- *Exchange Fund* is a capital projects fund used to account for the proceeds and expenditures of the ACCMA's Exchange Program, which is described in more detail in note 5.

**ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY**  
**NOTES TO BASIC FINANCIAL STATEMENTS (CONTINUED)**  
**JUNE 30, 2011**

**NOTE 2 – SIGNIFICANT ACCOUNTING POLICIES (continued)**

**Measurement Focus and Basis of Accounting**

The ACCMA's fund financial statements are presented on a modified accrual basis of accounting. The modified accrual basis of accounting recognizes revenues when they are both "measurable and available." Measurable means the amount can be determined. Available means collectible within the current period or soon thereafter to pay current liabilities. The ACCMA considers revenues to be available if they are collected within six months after fiscal year end.

Expenditures are recorded when the related fund liability is incurred. The modified accrual basis of accounting uses the current financial resources measurement focus whereby the balance sheet generally presents only current assets and current liabilities and the operating statement presents sources and uses of available resources during a given period. Grant revenues, local matching revenue and investment income (including the change in the fair value of investments) associated with the current fiscal period are all considered to be subject to accrual and have been recognized as revenues of the current fiscal year using the modified accrual basis of accounting.

**Net Assets**

Net assets are reported in the following categories:

- Invested in capital assets – This category includes all capital assets net of accumulated depreciation. The ACCMA has no capital-related debt.
- Restricted net assets – This category presents external restrictions imposed by creditors, grantors, contributors, or laws and regulations of other governments, and restrictions imposed by law through constitutional provisions or enabling legislation. When both restricted and unrestricted net assets are available, unrestricted resources are used only after the restricted resources are depleted.
- Unrestricted net assets – This category represents net assets of the ACCMA that are not restricted for any project or other purpose. The deficit at June 30, 2011, will be covered by future general revenues.

**ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY**  
**NOTES TO BASIC FINANCIAL STATEMENTS (CONTINUED)**  
**JUNE 30, 2011**

**NOTE 2 – SIGNIFICANT ACCOUNTING POLICIES (continued)**

**Fund Balances**

Governmental funds report fund balance in classifications based primarily on the extent to which the ACCMA is bound to honor constraints on how the funds can be spent. As of June 30, 2011, the ACCMA's fund balances for governmental funds are made up of the following:

- ***Restricted*** – includes amounts that can be spent only for the specific purposes stipulated by external resource providers, constitutionally or through enabling legislation. Restrictions may be changed or lifted only with the consent of the resource providers.
- ***Committed*** – includes amounts that can only be used for the specific purposes determined by a formal action of the ACCMA's Board. Commitments may be changed or lifted only by the ACCMA taking the same formal action that imposed the constraint originally.
- ***Assigned*** – comprises amounts intended to be used by the ACCMA for specific purposes that are neither restricted nor committed. Intent is expressed by the ACCMA Board.
- ***Unassigned*** – is the residual classification for the General Fund and includes all amounts not contained in the other classifications. Unassigned amounts are available for any purpose.

In circumstances when an expenditure is made for a purpose for which amounts are available in multiple fund balance classifications, fund balance is usually depleted in the order of restricted, committed, assigned then unassigned.

All of the ACCMA's restricted, committed and assigned funds are required to be used for projects and programs designed to reduce congestion or improve mobility in Alameda County.

**ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY  
NOTES TO BASIC FINANCIAL STATEMENTS (CONTINUED)  
JUNE 30, 2011**

**NOTE 2 – SIGNIFICANT ACCOUNTING POLICIES (continued)**

**Use of Estimates**

The preparation of basic financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenditures during the reporting period. Actual results could differ from those estimates.

**Investments**

Investments are stated at fair value. Included in interest income is the net change in the fair value of investments which consists of the realized gains or losses and the unrealized appreciation or depreciation of those investments. Measurement of the fair value of investments is based upon quoted market prices, if available. The estimated fair value of investments that have no quoted market price is determined based on equivalent yields for such securities or for securities of comparable maturity, quality, and type as obtained from market makers.

**Employee Benefits**

In compliance with ACCMA policy, employees are permitted to carry over five weeks of accrued vacation days from year to year. The ACCMA has accrued \$152,195 for this liability at June 30, 2011. Sick leave benefits do not vest.

**Budget**

The ACCMA annually adopts a budget for its General Fund using the modified accrual basis of accounting. Expenditures that exceed the total approved budget are not permitted without Board approval.

The Executive Director is authorized to approve expenditures in excess of budgeted line items within the three primary expenditure categories (personnel, consultants/contractors and other operating costs) in any amount as long as the total budget within each of the three expenditure categories is not overspent. Appropriation authority lapses at the end of the fiscal year. The Board increased appropriations during the fiscal year for the General Fund by \$638,843 mostly due to administrative costs related to joining the Alameda CTC JPA which were not included in the original budget for fiscal year 2010-11.

**ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY**  
**NOTES TO BASIC FINANCIAL STATEMENTS (CONTINUED)**  
**JUNE 30, 2011**

**NOTE 3 - CASH AND INVESTMENTS**

As of June 30, 2011, the ACCMA's cash and investments were as follows:

Cash in Banks	\$ 3,788,045
Investment in State Treasurer's Investment Pool	<u>20,222,958</u>
Total Cash and Investments	<u>\$ 24,011,003</u>

Cash in banks is entirely insured or collateralized by the bank holding the deposit. California law requires banks and savings and loan institutions to pledge government securities with a market value of 110% of the deposit or first trust deed mortgage notes with a value of 150% of the deposit as collateral for all municipal deposits. This collateral remains with the institution, but is considered to be held in the ACCMA's name and places the ACCMA ahead of general creditors of the institution.

Oversight of the State Treasurer's investment pool or Local Agency Investment Fund ("LAIF") is provided by the Pooled Money Investment Board consisting of the Treasurer, Controller and Director of Finance for the State of California. The ACCMA's position in the pool is equal to the value of the pool shares. The income from the pooled investments is allocated between the participants based on the daily cash balance maintained. Funds invested in LAIF are available for withdrawal on demand. LAIF records investments on an amortized cost basis, and LAIF is not rated.

The ACCMA mitigates its risk of investment losses as follows:

- Credit risk – This is the risk that an issuer or other counterparty of a security will not fulfill its obligations. The ACCMA's investment policy allows investing only in investments carrying minimum credit ratings from "A" to "AA" from one or two nationally recognized rating agencies, depending on the investment type, and requires diversification in the investment portfolio.
- Custodial credit risk – This is the risk that in the event a financial institution or counterparty fails, the ACCMA would not be able to recover the value of its deposits and investments. At June 30, 2011, the ACCMA's deposits were insured up to \$250,000 by the Federal Depositary Insurance Corporation and the remainder was collateralized by the financial institution's trust department in the ACCMA's name.

**ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY**  
**NOTES TO BASIC FINANCIAL STATEMENTS (CONTINUED)**  
**JUNE 30, 2011**

**NOTE 3 - CASH AND INVESTMENTS (continued)**

- Interest rate risk – This is the risk of market value declines due to rises in the general level of interest rates. To the extent possible, the maturity dates of the ACCMA's investments are matched with its expected cash flow needs. Investment maturities greater than three years require the approval of the Treasurer/Auditor. Long-term securities of more than one year are limited to 40% of the portfolio.
- Concentration of credit risk – This is the risk of loss attributable to the magnitude of investment with a single issuer. The ACCMA's investment policy limits investments in any one issuer to 5% of the portfolio except for government agency obligations (35%), repurchase agreements (25% to 50% depending on the length of time until maturity) and LAIF for which the policy allows up to the maximum amount permitted by law.

Investments authorized by the ACCMA's investment policy include:

- |  |   |
|--|---|
| • United States Treasury Bills and Notes               | • Medium Term Corporate Notes             |
| • Federal Agency Obligations                           | • Savings/Money Market Accounts           |
| • State of California and Local Agency Debt Securities | • Mortgage & Asset-Backed Obligations     |
| • Bankers' Acceptances                                 | • Certificates of Deposit                 |
| • Commercial Paper                                     | • Mutual Funds                            |
| • Repurchase Agreements                                | • California Local Agency Investment Fund |

**NOTE 4 – CAPITAL ASSETS**

Property and equipment costing \$5,000 or more is recorded in the statement of net assets at historical cost. Capital assets are depreciated using the straight line method over the following estimated useful lives: office furniture and equipment, five years; building improvements, remaining term of lease agreement; and automobile, five years.



**ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY  
NOTES TO BASIC FINANCIAL STATEMENTS (CONTINUED)  
JUNE 30, 2011**

**NOTE 4 – CAPITAL ASSETS (continued)**

Capital asset balances at June 30, 2011, and activity during the year were as follows:

	<i>Balance 6/30/2010</i>	<i>Additions</i>	<i>Disposals</i>	<i>Balance 6/30/2011</i>
Office Furniture/Equipment	\$ 504,103	\$ 36,463		\$ 540,566
Building Improvements	322,529			322,529
Automobile	35,246		\$(35,246)	
Subtotal	861,878	36,463	(35,246)	863,095
Less Accumulated Depreciation	(532,453)	(133,954)	24,672	(641,735)
Net Book Value	\$ 329,425	\$ (97,491)	\$(10,574)	\$ 221,360

**NOTE 5 – EXCHANGE PROGRAM**

In May 2000, the Board adopted a Local Funds Exchange Program for the purpose of providing local funds to Agencies for use in projects that either do not have the ability to make use of state or federal funds or would face unacceptable delays, cost increases or undue hardships if state or federal funds were utilized.

The ACCMA has entered into agreements with several local agencies to exchange State STIP funds with the other governments' local funding for various transportation projects. The revenues received by the ACCMA as a result of the exchange are treated for financial reporting purposes as deferred revenue. These deferred revenues are recognized as revenues at the time qualifying expenditures are incurred.

**ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY**  
**NOTES TO BASIC FINANCIAL STATEMENTS (CONTINUED)**  
**JUNE 30, 2011**

**NOTE 5 – EXCHANGE PROGRAM (continued)**

Following is a list of the funds exchanged from other governments through June 30, 2011:

AC Transit	\$35,060,514
BART	8,100,000
Fremont	5,983,256
Dublin	4,230,000
Livermore	4,580,000
ACTIA	2,300,000
Union City	9,314,000
MTC/ACCMA	675,000
Santa Clara Valley Transportation Authority	558,000
Altamont Commuter Express	432,445
Berkeley	259,560
Total Exchanged Funds	<u>71,492,775</u>
Total Expenditures Incurred:	
Year ended June 30, 2011	(6,957,562)
Previous years	<u>(50,408,630)</u>
Total Deferred Revenue – accrual basis	14,126,583
Less Amount not yet Collected	<u>(7,653,302)</u>
Total Deferred Revenue – modified accrual basis	<u><u>\$ 6,473,281</u></u>

**NOTE 6 - EMPLOYEE RETIREMENT PLAN**

All ACCMA employees are eligible to participate in the California Public Employees Retirement System (CalPERS), a cost-sharing multiple-employer defined benefit pension plan which acts as a common investment and administrative agent for its participating member employers. CalPERS provides retirement, disability and death benefits to plan members based on the participant's age, years of service and final compensation. Employees vest after five years of service and can receive the maximum benefit of 2.5% of annual salary at age 55. The ACCMA's employees participate in the Miscellaneous Employee Plan risk pool. Benefit provisions under the plan are established by State statute and ACCMA resolution.

The ACCMA is required to contribute the funding requirement amounts for the plan which are determined as of each June 30 on an actuarial basis by CalPERS. Employees have an obligation to contribute eight percent of their salary to the plan, however the ACCMA makes seven percent of this contribution on the employee's behalf.

**ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY**  
**NOTES TO BASIC FINANCIAL STATEMENTS (CONTINUED)**  
**JUNE 30, 2011**

**NOTE 6 - EMPLOYEE RETIREMENT PLAN (continued)**

The plan's provisions and benefits in effect at June 30, 2009 (the date of the most recent available actuarial report from CalPERS), are summarized as follows:

Benefit payments	Monthly for life
Minimum retirement age	50
Required employee contribution rate	8%
Required employer contribution rate, year ended June 30, 2011	14.256%

CalPERS determines contribution requirements using a modification of the Entry Age Normal Method. Under this method, the ACCMA's total normal benefit cost for each employee from date of hire to date of retirement is expressed as a level percentage of the related total payroll cost. Normal benefit cost under this method is the level amount the ACCMA must pay annually to fund an employee's projected retirement benefit. The actuarial assumptions used to compute contribution requirements are also used to compute the pension benefit obligation.

CalPERS uses the 15-year smoothed market method of valuing the plan's assets. An investment rate of return of 7.75% is assumed, a projected salary increase ranging from 3.25% to 14.45%, inflation of 3.0% and payroll growth of 3.25%. Annual salary increases are assumed to vary by duration of service. The ACCMA's unfunded actuarial accrued liability is being amortized as a level percentage of payroll over a closed 20-year period.

The following table shows ACCMA's required contributions and percentage contributed for the current year and each of the preceding two years.

<i><b>Fiscal Year Ended</b></i>	<i><b>Annual Pension Cost (APC)</b></i>	<i><b>Percentage of APC Contributions</b></i>	<i><b>Net Pension Obligation</b></i>
6/30/2009	\$ 521,850	100%	\$ -
6/30/2010	559,040	100%	-
6/30/2011	491,163	100%	-

**ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY**  
**NOTES TO BASIC FINANCIAL STATEMENTS (CONTINUED)**  
**JUNE 30, 2011**

**NOTE 6 - EMPLOYEE RETIREMENT PLAN (continued)**

The plan's actuarial value (which differs from market value) and funding progress over the past three years are set forth below at their actuarial valuation date of June 30 (dollars in thousands):

<i>Actuarial Valuation Date</i>	<i>Accrued Liability</i>	<i>Value of Assets</i>	<i>Unfunded Liability</i>	<i>Funded Ratio</i>	<i>Covered Payroll</i>	<i>Liability as % of Payroll</i>
June 30, 2007	\$1,315,454	\$1,149,247	\$166,207	87.4%	\$289,090	57.5%
June 30, 2008	1,537,910	1,337,708	200,202	87.0%	333,308	60.1%
June 30, 2009	1,834,425	1,493,431	340,994	81.4%	355,150	96.0%

Audited annual financial statements are available from CalPERS at P.O. Box 942709, Sacramento, CA 94229-2709.

**NOTE 7 - COMMITMENTS AND CONTINGENCIES**

**Operating Lease**

The ACCMA is obligated under an operating lease with CIM/Oakland 1333 Broadway LP through November 30, 2013 for the premises located at 1333 Broadway, Oakland. Minimum rental commitments for each year ending June 30 as follows:

2012	\$461,497
2013	475,205
2014	121,657

**Grants**

The ACCMA participates in a number of state and federal grant programs that are subject to financial and compliance audits by the grantors. Audits of certain grant programs for or including the year ended June 30, 2011, have not yet been conducted or completed. Accordingly, the ACCMA's compliance with applicable grant requirements will be established at some future date. The amount, if any, of expenditures which may be disallowed by the granting agencies cannot be determined at this time. However, management does not believe that any audit disallowances would have a material effect on the financial position of the ACCMA.

**ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY**  
**NOTES TO BASIC FINANCIAL STATEMENTS (CONTINUED)**  
**JUNE 30, 2011**

**NOTE 7 – COMMITMENTS AND CONTINGENCIES (continued)**

**Construction**

The ACCMA had construction commitments of approximately \$10.4 million as of June 30, 2011.

**Funding Agreements**

***Exchange Fund*** - The ACCMA has entered into Exchange agreements with several local governments to provide funding for transportation projects. As of June 30, 2011, the remaining project costs to be paid by the ACCMA totaled approximately \$10.1 million.

***Capital Projects Fund*** - The Sunol Smart Carpool Lane Joint Powers Authority (“Authority”) is a joint powers authority, organized in February 2006 pursuant to a Joint Exercise of Powers Resolution (“Resolution”) among the ACCMA, ACTIA and the Santa Clara Valley Transportation Authority. The Resolution was entered into pursuant to the Government Code of the State of California, commencing with Section 6500. The Authority was formed to plan, design and construct and then administer the operation of a value pricing high-occupancy vehicle program on the Sunol Grade segment of southbound Interstate-680 in Alameda and Santa Clara Counties.

The Authority was formed as a result of a planning study completed by the ACCMA and evolved into an ACCMA capital project. The lane went into operations on September 20, 2010. The ACCMA was designated the managing agency for the Authority and has provided administrative, accounting and other support since its inception. The ACCMA has agreed to cover the costs of operations for the Authority during the ramp up and warranty period of operations as part of its original capital project through June 30, 2012. During the period of September 20, 2010 through June 30, 2011, the ACCMA incurred administrative and operating expenses on behalf of the Authority as follows:

California Highway Patrol enforcement	\$169,487
Executive director compensation	149,012
Bay Area Toll Authority transaction fees	121,395
ACCMA staff time charges	115,528
Legal fees	49,942
Insurance	28,414
Utilities	19,597
Other	17,074
Total	<u>\$670,449</u>

**ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY**  
**NOTES TO BASIC FINANCIAL STATEMENTS (CONTINUED)**  
**JUNE 30, 2011**

**NOTE 7 – COMMITMENTS AND CONTINGENCIES (continued)**

Since project inception in fiscal year 2001-02, the ACCMA has incurred capital project costs in the amount of \$36.3 million, including operating costs on the Sunol Smart Car Pool Lane project.

**Insurance**

The ACCMA is exposed to various risks of loss related to torts; theft or damage to assets; errors and omissions; employees' injuries; natural disasters; and unemployment.

The following is a table summarizing the ACCMA's insurance coverage:

<i>Type of Coverage</i>	<i>Deductible</i>	<i>Coverage</i>
• General Liability	\$ 250	Up to \$4,000,000 per occurrence
• Property Coverage	250	Up to \$513,700 per occurrence
• Workers' Compensation	-	Up to \$1,000,000 per occurrence
• Employment Practices	35,000	Up to \$2,000,000 per occurrence
• Automobile Liability	-	Up to \$1,000,000 per occurrence
• Director & Officers	25,000	Up to \$2,000,000 per occurrence
• Crime	10,000	Up to \$1,000,000 per occurrence
• Umbrella/Excess	10,000	Up to \$1,000,000 per occurrence

There were no claims in excess of insured amounts during the past three fiscal years.

**NOTE 8 – INTER-FUND ACTIVITY**

As of June 30, 2011, the General Fund's inter-fund liability due to the Exchange Fund in the amount of \$10,385,900 as well as the Capital Projects Fund's inter-fund liability to the General Fund in the amount of \$9,561,505 resulted from cash advances for capital projects. This arrangement is necessary because capital project funding is received on a reimbursement basis. These amounts will be repaid from revenue received from funding agencies as the ACCMA is reimbursed for capital project expenditures. These amounts are shown in the eliminations column of the fund financial statements and are eliminated from the government-wide financial statements.

**ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY**  
**NOTES TO BASIC FINANCIAL STATEMENTS (CONTINUED)**  
**JUNE 30, 2011**

**NOTE 8 – INTER-FUND ACTIVITY (continued)**

The ACCMA also experiences inter-fund activity when one of the special revenue funds or the Exchange Fund provides funding for a capital project or program. As of June 30, 2011, the General Fund and the Capital Projects Fund had revenues of \$237,597 and \$369,059, respectively, from the Transportation for Clean Air (TFCA) Fund and \$582,986 and \$4,645,237, respectively, from the Exchange Fund. As of June 30, 2011, \$4,652,499 of these revenues had not yet been paid by the TFCA and Exchange Funds to the General and Capital Projects Funds. Since the TFCA and Exchange Funds have already recorded all funds received as revenues and all funding requirements as expenditures, these inter-fund revenues and related expenditures in the General Fund and the Capital Projects Fund are included in the elimination column of the fund financial statements and are eliminated from the government-wide financial statements.

**NOTE 9 – LOAN**

The ACCMA entered into a loan agreement with ACTIA dated March 24, 2011, whereby ACTIA agreed to loan up to \$25 million to the ACCMA, if needed. The outstanding loan payable to ACTIA at June 30, 2011 was \$5 million. The loan carries no interest and is repayable to ACTIA when the ACCMA is in a position to do so, which is expected to be during the fiscal year 2014-15 when current capital projects are through the construction phase. The ACCMA may repay the loan, in whole or in part, at anytime without penalty.

**NOTE 10 – POST EMPLOYMENT BENEFITS OTHER THAN PENSIONS**

The ACCMA participates in the California Employers' Retirement Benefit Trust ("CERBT"), an agent multiple-employer defined benefit postemployment healthcare plan administered by CalPERS. The CERBT provides lifetime healthcare benefits to retired ACCMA employees and their eligible family members. These benefit provisions were established and may be amended by the ACCMA. The amount the ACCMA will contribute will never exceed the amount contributed on behalf of active employees. The ACCMA had four eligible retirees as of June 30, 2011.

Employees hired after January 26, 2006 are eligible for benefits if they retire from the ACCMA, are immediately eligible to receive a pension from CalPERS and have 10 years of public service, including at least five years with the ACCMA. The ACCMA will contribute based on years of public service and the following formula: 50% after 10 years with an additional 5% for each additional year of service reaching a maximum of 100% after 20 years of service.

**ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY  
NOTES TO BASIC FINANCIAL STATEMENTS (CONTINUED)  
JUNE 30, 2011**

**NOTE 10 – POST EMPLOYMENT BENEFITS OTHER THAN PENSIONS  
(continued)**

The ACCMA obtained an actuarial valuation as of July 1, 2009. The funding policy established by the ACCMA is to contribute annually the full Annually Required Contribution (“ARC”), an amount actuarially determined in accordance with the parameters of GASB Statement No. 45. The ACCMA’s annual other post employment benefit (“OPEB”) obligation cost is calculated based on the ARC of the employer. The ARC represents a level of funding that, if paid on an ongoing basis, is projected to fund normal cost each year and amortize any unfunded actuarially accrued liabilities over a period of up to 30 years.

The following tables show the ARC of the ACCMA, the components of ACCMA’s annual OPEB costs for the year, the amount actually contributed to the Plan and the changes in ACCMA’s net OPEB cost obligation to the Plan.

Normal Cost at Year End	\$ 115,391
Amortization of UAAL	27,368
	<hr/>
Annual Required Contribution (ARC)	142,759
Interest on Prior Year Net OPEB Obligation	-
Adjustment to ARC	-
	<hr/>
Annual OPEB Cost	142,759
Contributions made	(142,759)
	<hr/>
Increase (Decrease) in Net OPEB Obligation	-
Net OPEB Obligation - Beginning of Fiscal Year	-
Net OPEB Obligation - End of Fiscal Year	<u><u>\$ -</u></u>

The annual OPEB cost, the percentage of annual OPEB cost contributed to the Plan and the net OPEB obligation for fiscal year 2011 were as follows:

<i>Fiscal Year</i>	<i>Annual OPEB Cost</i>	<i>Actual Contribution</i>	<i>Percentage of ARC Contributed</i>	<i>Net OPEB Obligation (Asset)</i>
6/30/2009	\$89,770	\$ 90,000	100%	\$ (230)
6/30/2010	136,217	136,217	100%	-
6/30/2011	142,759	142,759	100%	-



**ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY**  
**NOTES TO BASIC FINANCIAL STATEMENTS (CONTINUED)**  
**JUNE 30, 2011**

**NOTE 10 – POST EMPLOYMENT BENEFITS OTHER THAN PENSIONS**  
**(continued)**

Projections of benefits for financial reporting purposes are based on the substantive plan (the plan as understood by the employer and plan members) and include the types of benefits provided at the time of each valuation and the historical pattern of sharing of benefit costs between the employer and plan members to that point. The actuarial methods and assumptions used include techniques that are designed to reduce short-term volatility in actuarial accrued liabilities and the actuarial value of assets, consistent with the long-term perspective of the calculations.

In the actuarial valuation as of July 1, 2009, the entry age normal cost method was used. The actuarial assumptions included a 7.75% investment rate of return; an annual healthcare cost trend rate varying between 7.9% in calendar year 2011 to 5.5% in 2019 and thereafter; and a 3.25% annual increase in projected payroll. The Unfunded Actuarially Accrued Liability (“UAAL”) is being amortized on a level dollar approach on a closed basis over 30 years beginning in fiscal year 2007-08.

The table below presents multi-year funding progress information demonstrating whether the actuarial value of plan assets is increasing or decreasing over time relative to the actuarial accrued liability for benefits.

<i>Actuarial Valuation Date</i>	<i>Actuarial Accrued Liability (AAL) (a)</i>	<i>Actuarial Value of Assets (b)</i>	<i>Unfunded AAL (UAAL) (a)-(b)</i>	<i>Funded Status (b)/(a)</i>	<i>Annual Covered Payroll (c)</i>	<i>UAAL As a % of Covered Payroll [(a)-(b)]/(c)</i>
6/30/2008	\$ 777,380	\$ 683,484	\$ 93,896	87.9%	\$ 2,689,958	3.5%
6/30/2009	972,130	556,291	415,839	57.2%	2,907,338	14.3%
6/30/2010	1,143,281	727,326	415,955	63.6%	2,813,500	14.8%

The CERBT issues a publicly available financial report that may be obtained from CalPERS, Lincoln Plaza North, 400 Q Street, Sacramento, CA 93811.

**ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY**  
**NOTES TO BASIC FINANCIAL STATEMENTS (CONTINUED)**  
**JUNE 30, 2011**

**NOTE 11 – PUBLIC TRANSPORTATION MODERNIZATION IMPROVEMENT  
AND SERVICE ENHANCEMENT ACCOUNT**

In November 2006, California voters passed a bond measure enacting the Highway Safety, Traffic Reduction, Air Quality and Port Security Bond Act of 2006. Of the \$19.9 billion of state general obligation bonds authorized, \$4 billion was set aside by the state as instructed by the statute as the Public Transportation Modernization Improvement and Service Enhancement Account (PTMISEA). These funds are available to the California Department of Transportation for intercity rail projects and to transit operators in California for rehabilitation, safety or modernization improvements, capital enhancements or expansions, new capital projects, bus rapid transits improvements or for rolling stock procurement, rehabilitation or replacement.

In fiscal year 2009-10, the ACCMA applied for and received \$283,155 from the State's PTMISEA account and expended \$201,855 leaving a remaining balance of \$80,716. During the year ended June 30, 2011, the ACCMA did not apply for or spend any PTMISEA funds therefore the balance from the prior year remains as follows:

Balance of PTMISEA funds, June 30, 2010	\$ 80,716
Proceeds received	-
Expenditures incurred	-
Unexpended Proceeds, June 30, 2011	<u>\$ 80,716</u>

**ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY  
COMBINING BALANCE SHEET  
NON-MAJOR SPECIAL REVENUE FUNDS  
JUNE 30, 2011**

DRAFT

	<i><b>Transportation Fund for Clean Air</b></i>	<i><b>Vehicle Registration Fund</b></i>	<i><b>Total Non-Major Special Revenue Funds</b></i>
<b>ASSETS</b>			
Restricted Cash and Investments	\$ 3,759,717	\$ 541,434	\$ 4,301,151
Accounts Receivable	900,000	1,163,172	2,063,172
Interest Receivable	2,986		2,986
<b>Total Assets</b>	<u><u>\$ 4,662,703</u></u>	<u><u>\$ 1,704,606</u></u>	<u><u>\$ 6,367,309</u></u>
<b>LIABILITIES AND FUND BALANCES</b>			
Liabilities - Accounts Payable	\$ 750,410	\$ 772,625	\$ 1,523,035
Total Liabilities	<u>750,410</u>	<u>772,625</u>	<u>1,523,035</u>
Fund Balances - Restricted:			
Transportation Fund for Clean Air	3,912,293		3,912,293
Vehicle Registration Fees		931,981	931,981
Fund Balances	<u>3,912,293</u>	<u>931,981</u>	<u>4,844,274</u>
<b>Total Liabilities and Fund Balances</b>	<u><u>\$ 4,662,703</u></u>	<u><u>\$ 1,704,606</u></u>	<u><u>\$ 6,367,309</u></u>

**ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY  
COMBINING STATEMENT OF REVENUES, EXPENDITURES AND  
CHANGES IN FUND BALANCES -  
NON-MAJOR SPECIAL REVENUE FUNDS  
YEAR ENDED JUNE 30, 2011**

DRAFT

	<i><b>Transportation Fund for Clean Air</b></i>	<i><b>Vehicle Registration Fund</b></i>	<i><b>Total Non-Major Special Revenue Funds</b></i>
<b>REVENUES</b>			
Grants:			
Transportation Fund for Clean Air	\$ 1,830,061		\$ 1,830,061
Vehicle Registration Fees		\$ 1,739,271	1,739,271
Interest	17,868		17,868
Total Revenues	<u>1,847,929</u>	<u>1,739,271</u>	<u>3,587,200</u>
<b>EXPENDITURES</b>			
Current:			
TFCA Grant Program	2,031,442		2,031,442
VRF Election Costs		772,625	772,625
Administration	85,191	34,665	119,856
Office & Related Costs	60		60
Total Expenditures	<u>2,116,693</u>	<u>807,290</u>	<u>2,923,983</u>
Net Change in Fund Balances	(268,764)	931,981	663,217
<b>Fund Balances, July 1, 2010</b>	<u>4,181,057</u>	<u>-</u>	<u>4,181,057</u>
<b>Fund Balances, June 30, 2011</b>	<u>\$ 3,912,293</u>	<u>\$ 931,981</u>	<u>\$ 4,844,274</u>

**REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON  
COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL  
STATEMENTS PERFORMED IN ACCORDANCE WITH GOVERNMENT  
AUDITING STANDARDS**

The Board of Directors  
Alameda County Congestion Management Agency:

We have audited the basic financial statements of Alameda County Congestion Management Agency (the "ACCMA") as of and for the year ended June 30, 2011, and have issued our report thereon dated November 21, 2011. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States.

Internal Control over Financial Reporting

In planning and performing our audit, we considered the ACCMA's internal control over financial reporting as a basis for designing our audit procedures for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the ACCMA's internal control over financial reporting. Accordingly we do not express an opinion on the effectiveness of the ACCMA's internal control over financial reporting.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect and correct misstatements on a timely basis. A material weakness is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section and would not necessarily identify all deficiencies in internal control over financial reporting that might be deficiencies, significant deficiencies or material weaknesses. We did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses, as defined above.

**REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON  
COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL  
STATEMENTS PERFORMED IN ACCORDANCE WITH GOVERNMENT  
AUDITING STANDARDS (Continued)**

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the ACCMA's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts and grants, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

This report is intended for the information of management, Board of Directors, federal awarding agencies and pass-through entities, and is not intended to be and should not be used by anyone other than these specified parties.

November 21, 2011

**INDEPENDENT AUDITORS' REPORT ON COMPLIANCE WITH  
REQUIREMENTS APPLICABLE TO EACH MAJOR PROGRAM AND ON  
INTERNAL CONTROL OVER COMPLIANCE IN ACCORDANCE WITH OMB  
CIRCULAR A-133**

The Board of Directors  
Alameda County Congestion Management Agency:

Compliance

We have audited Alameda County Congestion Management Agency (the "ACCMA") compliance with the types of compliance requirements described in the OMB *Circular A-133 Compliance Supplement* that could have a direct and material effect on the ACCMA's major federal program for the year ended June 30, 2011. The ACCMA's major federal program is identified in the summary of auditors' results section of the accompanying schedule of auditors' results, findings and questioned costs. Compliance with the requirements of laws, regulations, contracts and grants applicable to its major federal program is the responsibility of the ACCMA's management. Our responsibility is to express an opinion on the ACCMA's compliance based on our audit.

We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*. Those standards and OMB Circular A-133 require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on the major federal program occurred. An audit includes examining, on a test basis, evidence about the ACCMA's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances. We believe that our audit provides a reasonable basis for our opinion. Our audit does not provide a legal determination on the ACCMA's compliance with those requirements.

In our opinion, the ACCMA complied, in all material respects, with the requirements referred to above that could have a direct and material effect on each of its major federal program for the year ended June 30, 2011.

**INDEPENDENT AUDITORS' REPORT ON COMPLIANCE WITH  
REQUIREMENTS APPLICABLE TO EACH MAJOR PROGRAM AND ON  
INTERNAL CONTROL OVER COMPLIANCE IN ACCORDANCE WITH OMB  
CIRCULAR A-133 (Continued)**

Internal Control over Compliance

Management of the ACCMA is responsible for establishing and maintaining effective internal control over compliance with requirements of laws, regulations, contracts and grants applicable to federal programs. In planning and performing our audit, we considered the ACCMA's internal control over compliance with requirements that could have a direct and material effect on its major federal program to determine our auditing procedures for the purpose of expressing

our opinion on compliance and to test and report on internal control over compliance in accordance with OMB Circular A-133, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of the ACCMA's internal control over compliance.

*A deficiency in internal control over compliance* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect and correct noncompliance with a type of compliance requirement of a federal program on a timely basis. *A material weakness in internal control over compliance* is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and would not necessarily identify all deficiencies in internal control that might be significant deficiencies or material weaknesses. We did not identify any deficiencies in internal control over compliance that we consider to be a material weaknesses, as defined above.

This report is intended for the information of management, Board of Directors, federal awarding agencies and pass-through entities, and is not intended to be and should not be used by anyone other than these specified parties.

November 21, 2011



**ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY  
SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS  
YEAR ENDED JUNE 30, 2011**

<i><u>Federal Grantor/Pass-Through Grantor/Program Title</u></i>	<i><u>Federal CFDA Number</u></i>	<i><u>Expenditures</u></i>
<b>U.S. Department of Transportation – Passed Through California Department of Transportation – Highway Planning and Construction:</b>	20.205	
Countywide Bicycle Plan		\$ 83,198
Programming Funding		59,810
Webster Street SMART Corridor		2,016
I-80 Gilman Interchange		25,235
Safe Routes to School		4,698
I-880 SB HOV Lane		70,609
Implementation of Ramp Metering		62,810
I-680 SMART Carpool Lane		169,206
Congestion Management Program		351,447
Travel Model Support		142,081
I-880 Integrated Corridor		667,230
Center to Center		260,479
Transportation and Land Use Planning Funding		114,003 995,584
I-580 EB HOT Lane (American Recovery and Reinvestment Act funds)		805,059
I-880 North Safety Improvements		734,364
I-580 Corridor Row Acquisition		685,407
I-580 Tri-Valley Rapid Co		846,246
I-580 Soundwall Project		<u>2,230,934</u>
 Total expenditures of federal awards		 <u><u>\$8,310,416</u></u>

*See notes to schedule of expenditures of federal awards.*

**ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY  
NOTES TO SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS  
YEAR ENDED JUNE 30, 2011**

**NOTE 1 - GENERAL**

The schedule of expenditures of federal awards ("Schedule") presents the activity of all federal award programs of the ACCMA for fiscal year 2010-11. The reporting entity is defined in Note 1 of the ACCMA's basic financial statements. Because the Schedule presents only the federal award activity of the ACCMA, it is not intended to and does not present the financial position, changes in financial position or the cash flows of the ACCMA.

**NOTE 2 - BASIS OF ACCOUNTING**

The Schedule is presented using the modified accrual basis of accounting. The ACCMA's revenue from federal awards is passed through the California Department of Transportation (CalTrans) and is reported in the basic financial statements as grant revenue from CalTrans. Expenditures of federal awards are reported in the ACCMA's statement of activities as "consultants & contractors" and "salaries & benefits" expenses for the year ended June 30, 2011.

**ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY  
SCHEDULE OF AUDITORS' RESULTS, FINDINGS AND QUESTIONED COSTS  
YEAR ENDED JUNE 30, 2011**

**(1) Summary of Auditors' Results**

- (a) Type of report issued on the financial statements: Unqualified opinion
- (b) Significant deficiencies in internal control over financial reporting disclosed by the audit of the financial statements: None Reported    Material Weaknesses: No
- (c) Noncompliance noted which is material to the financial statements: No
- (d) Significant deficiencies in internal control over major programs disclosed: None Reported  
Material Weaknesses: No
- (e) Type of report issued on compliance for major programs: Unqualified opinion
- (f) Any audit findings which are required to be reported under Section 510(a) of OMB Circular A-133: No
- (g) Major programs: Highway Planning and Construction (CFDA# 20.205) \$ 8,310,416
- (h) Dollar threshold used to distinguish between Type A and Type B programs: \$300,000
- (i) Auditee qualified as a low-risk auditee under Section 530 of OMB Circular A-133: Yes

**(2) Findings Relating to the Financial Statements Reported in Accordance with Government**

**Auditing Standards:** None

**(3) Findings and Questioned Costs Relating to Federal Awards:** None

**(4) Status of Prior Years Findings:** No prior year findings



**ALAMEDA COUNTY CONGESTION  
MANAGEMENT AGENCY**

**MANAGEMENT LETTER**

**YEAR ENDED JUNE 30, 2011**

November 21, 2011

To the Executive Director,  
Alameda County Congestion Management Agency:

In planning and performing our audit of the basic financial statements of the Alameda County Congestion Management Agency (the "ACCMA") for the year ended June 30, 2011, we considered the ACCMA's internal control in order to determine our auditing procedures for the purpose of expressing an opinion on the basic financial statements and not to provide assurance on the effectiveness of the ACCMA's internal control. Accordingly, we do not express an opinion on the effectiveness of the ACCMA's internal control.

Our consideration of internal control was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control that might be significant deficiencies or material weaknesses and, therefore, there can be no assurance that all such deficiencies have been identified.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A material weakness is a deficiency, or combination of deficiencies in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. We did not identify any deficiencies in internal control that we consider to be material weaknesses. A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

During our audit we also became aware of several other matters that are opportunities for strengthening internal controls and operating efficiency. The Findings and Recommendations section of this report summarizes our findings and recommendations. We reported on the ACCMA's internal control over financial reporting in our report dated November 21, 2011. The information contained herein does not affect our report dated November 12, 2011 on the basic financial statements of the ACCMA.

We will review the status of our recommendations during our next audit engagement. We have already discussed our recommendations with management of the ACCMA and would be pleased to discuss them further, to perform additional study of these matters, or to assist you in their implementation upon request.

This report includes certain matters that are required by auditing standards generally accepted in the United States of America to be communicated to the ACCMA's Audit Committee.

The accompanying findings and recommendations, and required communications are intended solely for the information and use of the ACCMA's Board of Directors, Audit Committee, management and others within the ACCMA and are not intended to be and should not be used by anyone other than these specified parties.

Very truly yours,

DRAFT

## **REQUIRED COMMUNICATIONS**

Professional auditing standards require auditors to communicate with the audit committee, or its equivalent, on a number of subjects. The following information satisfies these requirements, and is solely for use of the ACCMA's Audit Committee, Board of Directors and management.

### **I. Our Responsibility under U.S. Generally Accepted Auditing Standards and *OMB Circular A-133***

As stated in our engagement letter dated May 28, 2009, our responsibility, as described by professional standards, is to express an opinion about whether the financial statements prepared by management with your oversight are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles. Our audit of the financial statements does not relieve you or management of your responsibilities.

In planning and performing our audit, we considered the ACCMA's internal control over financial reporting in order to determine our auditing procedures for the purpose of expressing our opinion on the financial statements and not to provide assurance on the internal control over financial reporting. We also considered internal control over compliance with requirements that could have a direct and material effect on a major federal program in order to determine our auditing procedures for the purpose of expressing our opinion on compliance and to test and report on internal control over compliance in accordance with U.S. Office of Management and Budget (OMB) Circular A-133.

As part of obtaining reasonable assurance about whether the ACCMA's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts and grants, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit. Also, in accordance with OMB Circular A-133, we examined, on a test basis, evidence about the ACCMA's compliance with the types of compliance requirements described in *OMB Circular A-133 Compliance Supplement* applicable to each of its major federal programs for the purpose of expressing an opinion on the ACCMA's compliance with those requirements. While our audit provides a reasonable basis for our opinion, it does not provide a legal determination on the ACCMA's compliance with those requirements.

### **II. Planned Scope and Timing of the Audit**

We performed the audit according to the planned scope and timing previously communicated to the ACCMA in our engagement letter dated May 28, 2009.

## **REQUIRED COMMUNICATIONS (Continued)**

### **III. Significant Audit Findings**

#### ***Qualitative Aspects of Accounting Practices***

Management is responsible for the selection and use of appropriate accounting policies. In accordance with the terms of our engagement letter, we will advise management about the appropriateness of accounting policies and their application. The significant accounting policies used by the ACCMA are described in the notes to the ACCMA's financial statements.

Accounting estimates are an integral part of the basic financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimates affecting the financial statements were depreciation estimates for capital assets and allocation of indirect costs to projects.

Management's estimate of depreciation for capital assets is based on estimated useful lives of assets and allocation of indirect costs to projects is based on methodologies required by granting agencies. We evaluated the key factors and assumptions used to develop these estimates in determining that they are reasonable in relation to the financial statements taken as a whole.

#### ***Difficulties Encountered in Performing the Audit***

We encountered no significant difficulties in dealing with management in performing and completing our audit.

#### ***Corrected and Uncorrected Misstatements***

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are trivial, and communicate them to the appropriate level of management. None of the misstatements detected as a result of audit procedures and corrected by management were material, either individually or in the aggregate, to the financial statements taken as a whole.

#### ***Disagreements with Management***

For purposes of this report, professional standards define a disagreement with management as a matter, whether or not resolved to our satisfaction, concerning a financial accounting, reporting or auditing matter that could be significant to the basic financial statements or the auditors' report. No such disagreements arose during the course of our audit.



## **REQUIRED COMMUNICATIONS (Continued)**

### ***Management Representations***

We have requested and received certain written representations from management in accordance with standards of the American Institute of Certified Public Accountants.

### ***Management Consultations with Other Independent Accountants***

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a “second opinion” on certain situations. If a consultation involves application of an accounting principle to the ACCMA’s basic financial statements or a determination of the type of auditors’ opinion that may be expressed on those financial statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all relevant facts. To our knowledge, there were no such consultations with other accountants.

### ***Other Audit Findings or Issues***

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the ACCMA’s auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

## **FINDINGS AND RECOMMENDATIONS**

### **1. FUND ACCOUNTING**

The ACCMA reports five funds in its annual financial statements (General, Exchange, Capital Projects, Vehicle Registration Fees and Transportation for Clean Air). However, it records the activities of the General, Capital Projects and Vehicle Registration Fees funds together in its accounting records, and adopts a combined budget for these three funds. This makes it more difficult to monitor budget vs. actual performance for these three funds and more difficult to prepare accurate financial statements for the board and the annual audit.

#### ***Recommendation***

The ACCMA should adopt separate budgets for each of its funds and should account for each of its funds separately in its accounting records.

#### ***ACCMA Response***

While the General Fund included both operating and capital activities in prior years, management of the Alameda CTC felt it was necessary to break out the Capital Fund from the General Fund for transparency purposes. With this in mind, the budget for fiscal year 2011-12 was developed separately by fund. In June, 2011, the Alameda CTC adopted separate budgets for all funds including the General Fund, the Capital Projects Fund, the Special Revenue Funds (includes the Vehicle Registration Fee Fund) and the Exchange Fund for fiscal year 2011-12. The new consolidated Alameda CTC financial database, implemented in July, 2011, has also been set up to account for all of these funds separately.

### **2. EXCHANGE AGREEMENTS**

When the ACCMA enters into local funds exchange agreements with other jurisdictions, an agreement is signed stating the amount of local funds the other jurisdiction will pay to the ACCMA. When the amount to be paid by the other jurisdiction changes, the exchange agreement is not modified. The exchange agreement contains a clause that states, "In the event that the obligation amount is less than the exchange amount, then this agreement shall be amended without further action by the parties to provide that the exchange amount and the CMA return shall each be reduced to an amount equal to the obligation amount." It is important for the audit trail to definitively show the final amount of the exchange.

#### ***Recommendation***

The ACCMA should formally amend its exchange agreements whenever key terms are revised, especially revisions to the amount to be collected.

#### ***ACCMA Response***

Historically, the ACCMA has addressed the issue that amounts originally intended for exchange may change if the amount reimbursed by the outside funding agency to the Sponsor decreases from the original exchange agreement amount by including the language referenced above in its exchange fund agreements. Since the independent auditor is suggesting that this may not leave an adequate audit trail, staff will follow up with our legal

team to review the current process and language and suggest the best solution moving forward.

### **3. COMPREHENSIVE ANNUAL FINANCIAL REPORT**

The ACCMA's basic financial statements meet its external financial reporting requirements. These basic financial statements include a management's discussion and analysis, government wide financial statements, fund financial statements and related note disclosures. The ACCMA may wish to prepare a more thorough version of its annual audited financial report, called a comprehensive annual financial report (CAFR). A CAFR would add two new sections:

- A statistical section showing multi-year trend information and non-financial data that is useful in evaluating economic condition, and
- A transmittal letter providing a profile of the government, an overview of the local economy, and the ACCMA's major initiatives and projects.

Governments that prepare a CAFR frequently submit it to the Government Finance Officers Association (GFOA) for consideration for a Certificate of Achievement for Excellence in Financial Reporting. The certificate from GFOA adds an additional level of credibility to the financial statements.

#### ***Recommendation***

As the Alameda County Transportation Commission establishes its financial reporting procedures and reports, it should consider preparing a CAFR and participating in the GFOA's Certificate of Achievement for Excellence in Financial Reporting program.

#### ***ACCMA Response***

Management agrees that the CAFR reporting format is a thorough financial statement reporting format which is very informative and encourages transparency and is what the Alameda CTC should strive for in its financial statement reporting. The ACCMA's and ACTIA's current financial statement reporting formats are quite different from each other, so the Alameda CTC will need to create a new financial statement reporting format in its first year of operations for fiscal year 2011-2012. The decision of whether or not to prepare a CAFR for fiscal year 2011-2012 will be made at that time when management can assess the required level of effort to create a new financial statement reporting structure and how much additional time and effort would be required to also create a new CAFR reporting structure for this fiscal year.