



# Citizens Watchdog Committee Master Programs Funding Agreement Subcommittee Meeting Agenda

Wednesday, November 30, 2011, 10 a.m. to 12 p.m.  
1333 Broadway, Suite 300, Oakland, CA 94612

## Meeting Outcomes:

- Review and provide input on the Master Programs Funding Agreement template.
- Review and provide input on the implementation guidelines for the following six programs: Bicycle and Pedestrian Safety, Local Streets and Roads (LSR), Mass Transit, Special Transportation for Seniors and People with Disabilities (Paratransit), Transportation Technology, and Transit Center Development or Transit Oriented Development (TOD).

10:00 – 10:05 a.m. **1. Welcome and Introductions**

10:05 – 11:55 a.m. **2. Review of Master Programs Funding Agreement and Implementation Guidelines** |

*02 Memo MPFA and Implementation Guidelines.pdf – Page 1*

*02A Master Programs Funding Agreement 102611.pdf – Page 7*

*02B BikePed Implementation Guidelines.pdf – Page 31*

*02C LSR Implementation Guidelines.pdf – Page 39*

*02D MassTransit Implementation Guidelines.pdf – Page 49*

*02E Paratransit Implementation Guidelines.pdf – Page 55*

*02F Technology Implementation Guidelines.pdf – Page 63*

*02G TOD Implementation Guidelines.pdf – Page 67*

11:55 – 12:00 p.m. **3. Next Steps** |

12 p.m. **4. Adjournment**

Key: A – Action Item; I – Information/Discussion Item; full packet available at [www.alamedactc.org](http://www.alamedactc.org)

## Staff Liaisons

Tess Lengyel, Programs and Public Affairs Manager, (510) 208-7428, [tlengyel@alamedactc.org](mailto:tlengyel@alamedactc.org)

Patricia Reavey, Director of Finance, (510) 208-7422, [preavey@alamedactc.org](mailto:preavey@alamedactc.org)

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**Location Information:** Alameda CTC is located in Downtown Oakland at the intersection of 14<sup>th</sup> Street and Broadway. The office is just a few steps away from the City Center/12<sup>th</sup> Street BART station. Bicycle parking is available inside the building, and in electronic lockers at 14<sup>th</sup> and Broadway near Frank Ogawa Plaza (requires purchase of key card from bikelink.org). There is garage parking for autos and bicycles in the City Center Garage (enter on 14<sup>th</sup> Street between Broadway and Clay). Visit the Alameda CTC website for more information on how to get to the Alameda CTC: <http://www.alamedactc.com/directions.html>.

**Public Comment:** Members of the public may address the committee regarding any item, including an item not on the agenda. All items on the agenda are subject to action and/or change by the committee. The chair may change the order of items.

**Accommodations/Accessibility:** Meetings are wheelchair accessible. Please do not wear scented products so that individuals with environmental sensitivities may attend. Call (510) 893-3347 (Voice) or (510) 834-6754 (TTD) five days in advance to request a sign-language interpreter.



## Memorandum

**DATE:** October 21, 2011

**TO:** Alameda County Technical Advisory Committee (ACTAC)

**FROM:** Tess Lengyel, Deputy Director of Policy, Public Affairs and Legislation

**SUBJECT:** **Review of Draft Master Programs Funding Agreements and Implementation Guidelines for Measure B and Vehicle Registration Fee Funds Disbursement**

### Recommendation

It is requested that the Commission review and provide input on the draft Master Programs Funding Agreement and Implementation Guidelines which will serve as the contract documents to distribute funds from the current Measure B Pass-Through Programs and the new Vehicle Registration Fee (VRF) Programs. Comments from ACTAC members will be presented at the PPLC. Based upon PPLC direction, staff will modify the agreements and prepare final agreements for adoption in December 2011 to enable contract execution and flow of funds by April 1, 2012, the expiration date for most of the current Measure B pass-through funding agreements.

### Background

The development of new Master Funding Agreements with all local jurisdictions and transit operators who are the current recipients of Measure B Programmatic Pass-Through funds and future recipients of VRF funds provides an opportunity to integrate funding requirements of the two revenue streams and streamline eligibility, monitoring and reporting. This effort aims to improve efficiencies for Alameda CTC oversight of the funds and the recipient agencies' reporting requirements under the agreements.

Alameda CTC staff has developed 10-year Master Programs Funding Agreements and Implementation Guidelines that address each fund source, which are included in Attachments A-G. The Implementation Guidelines are referenced in the Master Programs Funding Agreements and specify definitions, eligibility, and fund uses. The Implementation Guidelines may be updated by the Commission on a more frequent basis than the Master Programs Funding Agreements to respond to changing transportation needs over the next ten year period.

The Implementation Guidelines have been brought before appropriate Alameda CTC Committees that provide oversight on certain funds (for example, the Paratransit Funds Implementation Guidelines have been brought through PAPCO, the Paratransit Technical Advisory Committee, and ACTAC; as well as the Bike/Pedestrian Guidelines to BPAC, and all of them will be brought to the Citizens Watchdog Committee) prior to recommendation for approval to the Commission. The following describes the Measure B funds and VRF funds that have been incorporated into the Master Programs Funding Agreements.

**Measure B Funds:** Measure B Funds were approved by voters in November 2000 and collection of the sales tax began on April 1, 2002. Agreements were executed for transit agencies, Alameda County, and local jurisdictions to receive Measure B “pass-through funds” for four types of programs: bicycle and pedestrian, local streets and roads, mass transit, and paratransit. Agencies include the Alameda-Contra Costa Transit District (AC Transit), Water Emergency Transportation Authority (WETA), Altamont Commuter Express (ACE), the Livermore Amador Valley Transit Authority (LAVTA), San Francisco Bay Area Rapid Transit District (BART), and Union City Transit; cities include Alameda, Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland, Piedmont, Pleasanton, San Leandro, and Union City.

The Alameda County Transportation Improvement Authority (ACTIA) put agreements in place with these agencies/jurisdictions shortly after the measure began in 2000 as follows:

- Bicycle and Pedestrian Safety: Agreements with Alameda County and 14 cities began in 2002.
- Local Streets and Roads: Agreements with Alameda County and 14 cities began in 2002.
- Mass Transit: Agreements with five transit agencies began in 2002. WETA’s agreement was established in 2011 due to transfer of the Alameda Ferry Services to WETA.
- Paratransit: Agreements with three transit agencies and 10 cities began in 2002. In 2003, ACTIA revised these agreements, and in 2007, ACTIA again revised the agreements with the agencies and cities to reflect an updated allocation formula.
- Transit Center Development Funds are allocated on a grant basis or for studies and agreements are established for each approved use.

The majority of these agreements expire in mid-2012, which is the exact 10-year midpoint of the current Measure B 2000 Sales Tax.

**Vehicle Registration Fee:** The Measure F Alameda County Vehicle Registration Fee (VRF) Program was approved by the voters on November 2, 2010, with 63 percent of the vote. The fee will generate about \$11 million per year through a \$10 per year vehicle registration fee. As the congestion management agency for Alameda County, the Alameda CTC will distribute these funds to four main types of programs:

- Local streets and roads (60 percent)
- Transit (25 percent)
- Local transportation technology (10 percent)
- Bicycle and pedestrian projects (5 percent)

Under the VRF legislation, fund usage must demonstrate a relationship or benefit to the people paying the fee.

### **Master Programs Funding Agreements**

The Master Programs Funding Agreements specify the types of funds that the agencies/jurisdictions can receive from the Commission, including Measure B and VRF pass-through and grant funds. For example, a single Master Funding Agreement captures all the following types of distributions:

- Bicycle and Pedestrian Safety: Measure B pass-through funds, grants and VRF funds
- Local Streets and Roads: Measure B pass-through funds and VRF pass-through funds
- Mass Transit: Measure B pass-through funds, grants and VRF grant funds, which could be applied to paratransit services as well.
- Paratransit: Measure B pass-through funds, grants and stabilization funds, including base program and minimal service level funds, and VRF transit funds
- Transportation Technology Funds: VRF funds
- Transit Center Development Funds: Measure B funds

### **Implementation Guidelines**

The Implementation Guidelines were developed for each specific fund source to specify the requirements that local jurisdictions must follow in their use of Measure B and VRF funds. The guidelines are incorporated by reference in the Master Programs Funding Agreements and were developed in this manner to allow the Commission to update them more frequently than the Master Programs Funding Agreements to address policy, legislative or other issues as they arise over time. The intent of the implementation guidelines are to provide guidance on each of the specific funds type's eligible uses and expenditures, define terms in the Master Programs Funding Agreements and guide specific fund implementation. The implementation guidelines include the following:

- Purpose
- Definition of terms
- Fund Allocation methods and eligibility, including eligible and non-eligible costs
- Specific policies related to specific fund sources
- Advancement of funds opportunities, and
- Implementation Guidelines adoption

### **Integration of New Commission Policies**

In September 2011, the Commission adopted a set of principles to be included in the Master Programs Funding Agreements. The Draft Master Programs Funding Agreements include all of the adopted policies. A summary of the adopted policies is below:

1. ***Timely Use of Funds/Reserve Fund Policy:*** A timely use of funds requirement and establishment of reserve funds for a specified period of time, which will be monitored through the annual compliance audit and reporting process already established for Measure B pass-through funds, has been incorporated into the Master Programs Funding Agreements, including capital, operations and undesignated fund reserves. Specific caps and timely use of funds requirements have been established for each reserve, as applicable.

The purpose of the Timely Use of Funds/Reserve policy is to increase the accountability of jurisdictions in planning for and expending voter-approved transportation dollars. Based upon current experience with the Measure B funds, where a timely use of funds policy was

not established, many jurisdictions hold large fund reserves and do not fully detail how those funds will be expended. This policy, coupled with the opportunity of specific reserve funds, allows jurisdictions to plan for larger projects, prudently establish operating reserves, and require spend down times for reserve funds - all of which will provide greater transparency, delivery and accountability. If the Timely Use of Funds requirements are not met, Alameda CTC can withhold or rescind funds as noted below.

2. ***Rescission of Funds Policy:*** If jurisdictions that are not able to expend funds per the Timely Use of Funds policy, the Alameda CTC could determine that these funds are not needed by the jurisdiction and request return of the funds, including interest. Unless a request for extension of use is submitted and approved, unallocated funds would be returned to the Alameda CTC and placed into an account out of which funding allocations could be made based upon countywide needs.
3. ***Transportation Purposes Only Policy:*** Funds are required to be used solely for transportation purposes as defined by the authorizing ballot measures. Any jurisdiction that violates this provision must fully reimburse, including interest, all misspent net revenues.
4. ***Non-Substitution of Fund Policy:*** Recipient shall not use Measure B or VRF funds to replace funds previously provided by general funds for transportation purposes. Measure B and VRF funds shall be used to supplement existing revenues used for transportation purposes.
5. ***Fund Exchange Policy:*** Any fund exchanges made using the Measure B or VRF Funds must be made for transportation purposes. Exchange proposals will be considered on a case by case basis.
6. ***Staff Cost Limitations Policy:*** All direct costs associated with the delivery of programs and projects associated with Measure B and VRF programs, including direct staff and consultant costs, are eligible uses of Measure B and VRF funds. Indirect costs, including general administrative staff costs, are not allowed to be funded with Measure B and VRF funds, unless a jurisdiction has an approved Indirect Cost Allocation Plan.
7. ***Other Program-Specific Funding Policies:***
  - For bicycle and pedestrian and local streets and roads funds, recipients must demonstrate that it either has adopted a bicycle/pedestrian plan and complete streets policy in its general plan pursuant to Complete Streets Act of 2008, or demonstrate that these activities are in progress. The Alameda CTC plans to develop guidelines for Complete Streets policies.
  - For local streets and roads funds, jurisdictions must report on their citywide pavement condition index (PCI), which rates the “health” of local streets from 1 to 100. If it has not met a PCI of 60 (fair condition), the jurisdiction must report in its annual compliance report why it has not met a PCI of 60 and what it needs to do so, including funding, policy or other efforts to improve the PCI.

**Master Programs Funding Agreement Update Schedule and Process**

The attached schedule shows the timeline for production and execution of the Master Programs Funding Agreements and Implementation Guidelines. Before finalizing the agreements, staff is bringing the master agreement templates for review and input to staff, legal counsel, the Alameda County Technical Advisory Committee, the Paratransit Technical Advisory Committee, a Citizens Watchdog Committee Compliance subcommittee, the Paratransit Advisory and Planning Committee, the Bicycle and Pedestrian Committee, as well as to the Planning, Policy and Legislation Committee, and the Commission.

Staff will bring draft agreements and implementing guidelines for review in November with the aim of receiving final approval of the Master Programs Funding Agreements and Implementation Guidelines in December and full execution by February/March 2012. The development schedule is below:

<b>TASKS</b>	<b>COMPLETION DATE</b>
Review Draft Policy Considerations for the Master Agreements	September 2011
Review Draft Master Agreement Templates and Guidelines	November 2011
Commission Adoption of Master Funding Agreement Templates and Implementing Guidelines	December 2012
Execute Master Programs Funding Agreements	January – March 2012
Allocation of Funds Pursuant to Master Agreements	March-April 2012

**Fiscal Impact**

There is no fiscal impact at this time.

**Attachments**

- A: Master Programs Funding Agreement Template
- B: Bicycle and Pedestrian Implementation Guidelines
- C: Local Streets and Roads Implementation Guidelines
- D: Mass Transit Implementation Guidelines
- E: Special Transportation for Seniors and Disabled Implementation Guidelines
- F: Transportation Technology Implementation Guidelines
- G: Transit Center Development Implementation Guidelines

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**Master Programs Funding Agreement between the  
Alameda County Transportation Commission  
and the [insert RECIPIENT]**

This Master Programs Funding Agreement (“AGREEMENT”) is made this \_\_\_\_ day of \_\_\_\_\_, 2012, by and between the Alameda County Transportation Commission (“Alameda CTC”) and the \_\_\_\_\_ (“RECIPIENT”).

**RECITALS**

A. On November 7, 2000, the voters of Alameda County, pursuant to the provisions of the Local Transportation Authority and Improvement Act, California Public Utilities Code Section 180000 et seq., approved the reauthorization of Measure B, thereby authorizing Alameda County Transportation Improvement Authority (“ACTIA”) to administer the proceeds from a continued one-half cent transaction and use tax (“Measure B”).

B. The duration of the tax will be 20 years from the initial year of collection, which began April 1, 2002, with said tax to terminate/expire on March 31, 2022. The tax proceeds will be used to pay for the programs and projects outlined in Alameda County’s 20-Year Transportation Expenditure Plan (the “Measure B Expenditure Plan”), as it may be amended.

C. The Measure B Expenditure Plan authorizes the issuance of bonds to expedite delivery of transportation projects and programs. Costs associated with bonding will be borne only by the capital projects included in the Measure B Expenditure Plan and by any programs included in the Measure B Expenditure Plan that utilize the bond proceeds.

D. On November 2, 2010, the voters of Alameda County approved Measure F, the Vehicle Registration Fee (“VRF”) Program, pursuant to Section 65089.20 of the Government Code, thereby authorizing the Alameda County Congestion Management Agency (“ACCMA”)

to administer the proceeds from a \$10 per year vehicle registration fee on each annual motor-vehicle registration or renewal of registration in Alameda County, starting in May 2011, six months following approval of Measure F. Vehicles subject to the VRF include all motorized vehicles, including passenger cars, light-duty trucks, medium-duty trucks, heavy-duty trucks, buses of all sizes, motorcycles, and motorized camper homes, unless vehicles are expressly exempted from the payment of the VRF.

E. Funds raised by the VRF will be used exclusively for local transportation purposes in Alameda County that have a relationship or benefit to the owners of motor vehicles paying the VRF, including projects and programs identified in the expenditure plan approved by the voters as part of Measure F (the “VRF Expenditure Plan”).

F. On June 24, 2010, ACTIA and ACCMA took the final actions to create Alameda CTC, which is in the process of taking over all responsibilities of ACTIA and ACCMA, including duties related to Measure B and the VRF.

NOW, THEREFORE, it is mutually agreed by and between the parties as follows:

#### **ARTICLE 1:FUNDING ALLOCATIONS**

A. This AGREEMENT authorizes the Alameda CTC to allocate funds derived from both Measure B and the VRF as described in their respective voter-approved expenditure plans and as summarized and described below for different fund types. All fund distributions pursuant to this AGREEMENT shall be effective as of April 1, 2011.

<b>Fund Type</b>	<b>Allocation Method</b>
Bicycle and Pedestrian Safety	Measure B: 75% Pass-through Funds
	Measure B: 25% Grant Program
	VRF Funds: 100% Grant Program
Local Streets and Roads	Measure B: 100% Pass-through Funds
	VRF Funds: 100% Pass-through funds
Local Transportation Technology	VRF Funds: 100% Grant Program
Mass Transit	Measure B: 100% Pass-through Funds
	Measure B Express Bus: 100% Grant Program
	VRF Funds: 100% Grant Program; recipients may also use these funds for paratransit services
Paratransit	Measure B: 100% Pass-through Funds
	Measure B Gap Grant: 100% Grant Program
Transit Center Development	Measure B: 100% Grant Program

1. **Bicycle and Pedestrian Safety:**

a. Measure B bicycle and pedestrian safety pass-through funds within each geographic subarea are distributed pursuant to a formula weighted 100 percent by the population of the jurisdiction within the subarea. The Measure B Expenditure Plan designates 75 percent of Measure B funds as local pass-through funds. Each city and Alameda County shall receive up to their proportional share of the 75 percent of the funds based on population over the life of the Measure. Allocations may change in the future based on changes in population figures. Recipients agree to the formula distributions herein and are not required to enter into a separate agreement with Alameda CTC prior to receipt of such funds.

b. Measure B and VRF bicycle and pedestrian safety grant funds are awarded on a discretionary basis through competitive grant programs. Any recipient of such a grant award shall enter into a separate agreement with Alameda CTC in conformance with the Bicycle and Pedestrian Safety Program Implementation Guidelines prior to receipt of such funds.

c. The Bicycle and Pedestrian Safety Program Implementation Guidelines provide program eligibility and fund usage guidelines, definitions, additional requirements, and guideline adoption details. Said guidelines are hereby incorporated into this AGREEMENT by reference.

2. **Local Streets and Roads:**

a. Measure B local streets and roads pass-through funds within the geographic subarea are distributed pursuant to a formula weighted 50 percent by the population of the jurisdiction within the subarea and 50 percent by the number of road miles with the subarea. Allocations may change in the future based on changes in population and road mile figures. Recipients agree to the formula distributions herein and are not required to enter into a separate agreement with Alameda CTC prior to receipt of such funds.

b. VRF local streets and roads pass-through funds within the geographic planning area are based on a formula weighted 50 percent by the population of the jurisdiction within the planning area and 50 percent of the number of registered vehicles in the planning area. VRF local streets and roads funds will be distributed by population within a planning area. Allocations may change in the future based on changes in population and number of registered vehicle figures. Recipients are not required to enter into a separate agreement with Alameda CTC prior to receipt of such funds.

c. The Local Streets and Roads Program Implementation Guidelines provide, program eligibility and fund usage guidelines, definitions, additional requirements, and guideline adoption details. Said guidelines are hereby incorporated into this AGREEMENT by reference.

3. **Local Transportation Technology:**

a. VRF local transportation technology grant funds are awarded on a discretionary basis through a competitive grant program. Any recipient of such a grant award shall enter into a separate agreement with Alameda CTC prior to receipt of such funds.

b. The VRF Local Transportation Technology Program Implementation Guidelines provide program eligibility and fund usage guidelines, definitions, additional requirements, and guideline adoption details. Said guidelines are hereby incorporated into this AGREEMENT by reference.

4. **Mass Transit:**

a. Measure B pass-through funds are allocated to the transit operators based on a set of percentages of net revenues generated by the Measure B sales tax. These percentages are attached hereto as Exhibit A and by this reference made a part of this AGREEMENT. Allocations may change in the future based on transit service changes. Recipients are not required to enter into a separate agreement with Alameda CTC prior to receipt of such funds.

b. Measure B and VRF mass transit grant funds are awarded on a discretionary basis through competitive grant programs. Any recipient of such a grant award shall enter into a separate agreement with Alameda CTC in conformance with the Mass Transit Program Implementation Guidelines prior to receipt of such funds.

c. The Mass Transit Program Implementation Guidelines provide program eligibility and fund usage guidelines, definitions, additional requirements, and guideline adoption details. Said guidelines are hereby incorporated into this AGREEMENT by reference.

5. **Paratransit:**

a. Measure B pass-through funds for non-mandated paratransit services are distributed to each subarea of the County pursuant to the figures set forth in the Measure B Expenditure Plan, attached hereto as Exhibit B and by this reference made a part of this AGREEMENT. Based on the plans prepared by the cities and the transit operators, and based on the provisions of the Measure B Expenditure Plan, the Paratransit Advisory and Planning Committee (“PAPCO”) annually recommends allocation factors for distribution of funds for non-mandated paratransit services within Alameda County, subject to the review and approval of the Alameda CTC Board. Recipients are not required to enter into a separate agreement with Alameda CTC prior to receipt of such funds.

b. Measure B paratransit gap grant funds, including stabilization funds, and base program and minimum service level funds, are awarded on a discretionary basis through competitive grant programs. Any recipient of such a grant award shall enter into a separate agreement with Alameda CTC in conformance with the Paratransit Program Implementation Guidelines prior to receipt of such funds.

c. The Paratransit Program Implementation Guidelines provide program eligibility and fund usage guidelines, definitions, additional requirements, and guideline adoption details. Said guidelines are hereby incorporated into this AGREEMENT by reference.

6. Transit Center Development funds are allocated on a grant basis. Any recipient of such a grant award shall enter into a separate agreement with Alameda CTC in conformance with the Transit Center Development Implementation Guidelines prior to receipt of such funds. The Transit Center Development Implementation Guidelines provide program

eligibility and fund usage guidelines, definitions, additional requirements, and guideline adoption details. Said guidelines are hereby incorporated into this AGREEMENT by reference.

## **ARTICLE 2: PAYMENTS AND EXPENDITURES**

### **A. Alameda CTC's Duties and Obligations**

1. Within five working days of actual receipt of the monthly Measure B sales tax revenues and VRF revenues from the State Department of Finance, Alameda CTC shall remit to the RECIPIENT its designated amount of pass-through funds disbursed on a monthly basis by a set formula for distribution.

2. Alameda CTC shall annually update the Measure B sales tax revenue and VRF revenue projections and the resulting funds allocation formulas to reflect the most current population; maintained road mileage using the California State Board of Equalization's Annual Report of Estimated Population (Report E-1 published in May) and the certified number of maintained road mileage from each RECIPIENT; and the number of registered vehicles in each Alameda County subarea, using registered vehicle data provided by the California Department of Motor Vehicles, as it is made available. Alameda CTC shall use the updated Measure B and VRF program allocation formulas in the allocations beginning each July of the new fiscal year.

3. Alameda CTC shall provide an annual projection of Measure B and VRF revenues passed through to each RECIPIENT by each type of fund at the beginning of each calendar year for the subsequent fiscal year.

4. Alameda CTC shall monthly report the amount of Measure B and VRF revenues passed through to RECIPIENT by each fund type for the fiscal year and for the total program to date.

5. Alameda CTC shall provide for an independent annual audit of its revenues and expenditures and also of its calculation of the allocation formula for distributing Measure B and VRF revenues to various RECIPIENTS and render an annual report to the Alameda CTC Board within 180 days following the close of the fiscal year. Alameda CTC shall render an annual report on Measure B funds to the Citizens Watchdog Committee as soon thereafter as practical.

6. Alameda CTC shall provide timely notice to RECIPIENT prior to conducting an audit of any expenditures made by RECIPIENT to determine whether such expenditures are in compliance with this AGREEMENT, the Measure B Expenditure Plan, the VRF Expenditure Plan, Measure B, or the VRF ballot measure.

**B. RECIPIENT's Duties and Obligations**

1. RECIPIENT shall expend all Measure B and VRF funds distributed to the RECIPIENT in compliance with the applicable guidelines and Plan(s), including the Implementation Guidelines, as they may be adopted or amended by Alameda CTC from time to time.

2. RECIPIENT shall set up and maintain an appropriate system of accounts to keep separate accounting and reporting for each type of Measure B and VRF fund to be received. RECIPIENT must keep Measure B and VRF funds in separate accounts, and accrue any interest from each fund source into each separate fund account. The accounting system shall provide adequate internal controls and audit trails to facilitate an annual compliance audit for each fund type and the respective usage and application of said funds. Alameda CTC and its representatives, agents and nominees shall have the absolute right at any reasonable time to



inspect and copy any accounting records related to such funds, except to the extent specifically prohibited by applicable law.

3. RECIPIENT hereby agrees to and accepts the formulas used in the allocation of Measure B and VRF revenues as reflected in the ballot measures, the Measure B Expenditure Plan, and the VRF Expenditure Plan, and agrees to accept and utilize the California Department of Finance Estimates of Population figures (Report E-1, updated each May) for California cities and counties and registered vehicle data provided by the California Department of Motor Vehicles for the annual update of the allocation formulas to begin in each new fiscal year.

### **ARTICLE 3: POLICIES ON USE OF FUNDS**

#### **A. Timely Use of Funds Policy**

1. Except for those funds properly placed into a reserve fund pursuant to **Section B** below, all Measure B and VRF funds received by RECIPIENT shall be spent expeditiously, and no unexpended funds beyond those included in reserves pursuant to Section B below are allowed, unless a written request is submitted to the Alameda CTC and approved by the Board.

2. Any funds which are not spent in a timely manner in compliance with the above Timely Use of Funds Policy, unless such funds are properly placed in a reserve permitted by this AGREEMENT, shall be subject to rescission as set forth in **Section C** below. Further, any funds placed into a reserve fund which are not spent in a timely manner in compliance with the policies applicable to such reserve fund, shall be subject to rescission as set forth in **Section C** below.

B. **Reserve Fund Policy:** RECIPIENT may reserve funds for specified periods of time, as defined in each reserve program, which Alameda CTC will monitor through the annual compliance audit and reporting process described in **Article 4**. RECIPIENT may establish the following separate types of reserve funds:

1. **Capital Fund Reserve:** RECIPIENT may establish a specific capital fund reserve to fund specific large capital project(s) that could otherwise not be funded with a single year's worth of Measure B or VRF pass-through funds. If a capital fund reserve is established by RECIPIENT, it must be done as part of the Annual Program Compliance Reporting process as defined in Article 4.A.3.

a. RECIPIENT may collect capital funds during not more than three fiscal years, and shall expend all reserve funds prior to the end of the third fiscal year immediately following the fiscal year during which the reserve was established (e.g., if a reserve is established at any time during fiscal year 2012-2013 (FY 12-13), RECIPIENT may collect reserve funds during some or all of FY 12-13, FY 13-14 and FY 14-15, and must spend the reserve funds prior to the end of FY 15-16.

b. RECIPIENT shall report implementation schedules and funding plans for each proposed project to be funded from the reserve in RECIPIENT's annual program compliance report.

c. RECIPIENT may seek a single one-year extension for a given reserve fund if RECIPIENT demonstrates that unforeseen and extraordinary circumstances have occurred that would justify the extension. RECIPIENT shall submit a request for such an extension in writing to Alameda CTC's executive director. The Alameda CTC Board, in its sole

discretion, will make a determination as to whether to approve or deny the extension request and will notify RECIPIENT of its action in writing.

2. **Operations Fund Reserve:** RECIPIENT may establish and maintain a specific reserve to address operational issues, including fluctuations in revenues, and to help maintain transportation operations. The total amount retained in such fund may not exceed 50 percent of anticipated annual combined revenues from Measure B and VRF funds. This fund may be a revolving fund and is not subject to an expenditure timeframe. If an operations fund reserve is established by RECIPIENT, it must be done as part of the Annual Program Compliance Reporting process as defined in Article 4.A.3.

3. **Undesignated Fund Reserve:** RECIPIENT may establish and maintain a specific reserve for transportation needs over a fiscal year, such as matching funds for grants, project development work, studies for transportation purposes, or contingency funds for a project or program. This fund may not contain more than 10 percent of annual pass-through revenues, unless an exception is requested in writing and approved by the Alameda CTC Board. If an undesignated fund reserve is established by RECIPIENT, it must be done as part of the Annual Program Compliance Reporting process as defined in Article 4.A.3.

a. RECIPIENT shall report the range of potential uses for the reserve funds in its annual audit and compliance report.

b. RECIPIENT shall expend the full amount of such reserve in the fiscal year following its establishment, or else the funds in question shall be subject to rescission as set forth in Section C below.

C. **Rescission of Funds Policy:** If RECIPIENT does not meet the timeliness requirements set forth in **Sections A and B**, Alameda CTC may determine that RECIPIENT does not need the funds. In such case, unless the RECIPIENT requests and Alameda CTC approves an extension to the applicable deadline, RECIPIENT must return unspent funds and all interest earned thereon to Alameda CTC. All such funds returned to Alameda CTC shall be placed into an account for distribution to transportation projects throughout the county, without consideration of the planning area which generated the funds.

D. **Other Expenditure Restrictions:**

1. **Transportation Purposes Only:** RECIPIENT shall use all Measure B and VRF funds solely for transportation purposes as defined by the authorizing ballot measures. Any jurisdiction that violates this provision must fully reimburse all misspent funds, including all interest earned thereon.

2. **Non-Substitution of Funds:** RECIPIENT shall not use Measure B nor VRF funds to replace funds previously provided by general funds for transportation purposes. RECIPIENT shall use Measure B and VRF funds to supplement existing revenues used for transportation purposes.

3. **Fund Exchange:** Any fund exchanges made using Measure B or VRF funds must be made for transportation purposes. Alameda CTC will consider exchange proposals on a case-by-case basis.

4. **Staff Cost Limitations:** Direct costs associated with the delivery of programs and projects associated with Measure B and VRF programs, including direct staff costs and consultant costs, are eligible uses of Measure B and VRF funds. Alameda CTC does not

allow indirect costs, unless the RECIPIENT submits an independently audited/approved Indirect Cost Allocation Plan.

#### **ARTICLE 4: REPORTING REQUIREMENTS**

A. RECIPIENT shall comply with each of the reporting requirements set forth in this Article 4. If RECIPIENT fails to comply with one or more of these requirements, Alameda CTC may withhold payment of further Measure B and/or VRF funds to RECIPIENT until full compliance is achieved.

1. RECIPIENT shall follow all Implementation Guidelines established for each fund source, as the same may be changed from time to time by the Alameda CTC. Such Implementation Guidelines are intended to provide program eligibility and fund usage guidelines, definitions, additional requirements, and guideline adoption details.

2. RECIPIENT shall submit to Alameda CTC, on an annual basis and at the RECIPIENT's expense, an independent compliance audit of the funds received and used, including plans and reports of expenditures. RECIPIENT shall complete, certify, and provide the annual compliance audit to Alameda CTC within 180 days following the close of each fiscal year.

3. RECIPIENT shall, by December 31 of each year, submit to Alameda CTC, at the RECIPIENT's expense, a compliance report on programs and projects on which RECIPIENT expended Measure B and VRF funds. In such report, RECIPIENT shall state how the funds were used, the benefits derived from the funded programs and projects, and establishment of fund reserves and amounts remaining in reserves, and anticipated program and project expenditures. If RECIPIENT's expenditures in a fiscal year are less than the amount

received during such year, RECIPIENT shall explain why revenues exceeded expenditures and RECIPIENT's plan for the unexpended funds.

4. To be eligible for receipt of Local Streets and Roads funds, RECIPIENT shall provide Alameda CTC with the certified number of maintained road miles within RECIPIENT's jurisdiction, which shall be consistent with the miles reported to state and federal agencies. Road miles shall be used in the updated Measure B sales tax revenue allocation formula for distributing Measure B funds and the new mileage shall be reflected in the distributions that start on July 1 of each new fiscal year. RECIPIENT shall provide Alameda CTC with the annual certified number of maintained road miles each fiscal year even if the number of miles for the fiscal year did not change.

5. RECIPIENT shall install or mount signage adjacent to VRF and Measure B funded construction projects and on vehicles funded with VRF and Measure B funds (e.g., RECIPIENT and Alameda CTC logos; "Your Transportation Tax Dollars Help Fund the Operation of This Vehicle!") where practical, so Alameda County taxpayers are informed as to how RECIPIENT is using Measure B and/or VRF funds. RECIPIENT shall include a description of signage and number of signs posted in the annual compliance report submitted to Alameda CTC.

6. RECIPIENT shall provide current and accurate information on RECIPIENT's website, to inform the public on how RECIPIENT is using Measure B and/or VRF funds, and shall also provide a link to Alameda CTC's website.

7. RECIPIENT shall, at least annually, publish an article either in RECIPIENT newsletter or in Alameda CTC's newsletter, highlighting a project or program in which RECIPIENT has used Measure B and/or VRF funds.

8. RECIPIENT shall actively participate in a Public Awareness Program, in partnership with Alameda CTC and/or its community advisory committees, as a means of ensuring that the public has access to and has the ability to know which projects and programs are funded through Measure B and/or the VRF.

9. RECIPIENT shall make its administrative officer or designated staff available on request from Alameda CTC or the Citizens Watchdog Committee to render a report or answer any and all inquiries in regard to RECIPIENT's receipt, usage, and compliance audit findings of its funds before Alameda CTC's governing board and/or the Citizens Watchdog Committee or community advisory committees, as applicable.

10. RECIPIENT agrees that Alameda CTC may review and/or evaluate the project(s) or program(s) funded pursuant to this AGREEMENT. This may include visits by representatives, agents or nominees of Alameda CTC to observe RECIPIENT's project or program operations, to review project or program data and financial records, and to discuss the project with RECIPIENT's staff or governing board.

## **ARTICLE 5: OTHER PROVISIONS**

### **A. Geographic Breakdown:** In all cases:

1. North Area refers to the Cities of Alameda, Albany, Berkeley, Emeryville, Oakland, and Piedmont.

2. Central Area includes the Cities of Hayward and San Leandro, and the unincorporated area of Castro Valley, as well as other unincorporated lands governed by Alameda County in the Central Area.

3. South Area includes the Cities of Fremont, Newark, and Union City.

4. East Area includes the Cities of Livermore, Dublin, and Pleasanton, and all unincorporated lands governed by Alameda County in the East Area.

**B. Indemnity by RECIPIENT.** Neither Alameda CTC nor any officer, consultant, or employee thereof shall be responsible for any damage or liability occurring by reason of anything done or omitted to be done by RECIPIENT in connection with the Measure B or VRF funds distributed to RECIPIENT pursuant to this AGREEMENT. It is also understood and agreed, pursuant to Government Code Section 895.4, RECIPIENT shall fully defend, indemnify and hold harmless Alameda CTC, and all its officers and employees, from any liability imposed on Alameda CTC for injury (as defined in Government Code Section 810.8) occurring by reason of anything done or omitted to be done by RECIPIENT in connection with the Measure B or VRF funds distributed to RECIPIENT pursuant to this AGREEMENT.

**C. Indemnity by Alameda CTC.** Neither RECIPIENT, nor any officer, consultant, or employee thereof shall be responsible for any damage or liability occurring by reason of anything done or omitted to be done by Alameda CTC under or in connection with any work, authority or jurisdiction delegated to Alameda CTC under this AGREEMENT. It is also understood and agreed, pursuant to Government Code Section 895.4, Alameda CTC shall fully defend, indemnify and hold harmless RECIPIENT, and all its officers and employees from any liability imposed on RECIPIENT for injury (as defined in Government Code Section 810.8)



occurring by reason of anything done or omitted to be done by Alameda CTC under or in connection with any work, authority or jurisdiction delegated to Alameda CTC under this AGREEMENT.

D. **Jurisdiction and Venue:** The laws of the State of California will govern the validity of this AGREEMENT, its interpretation and performance, and any other claims related to it. All legal actions arising out of this AGREEMENT shall be brought in a court of competent jurisdiction in Alameda County, California and the parties hereto hereby waive inconvenience of forum as an objection or defense to such venue.

E. **Attorneys' Fees:** Should it become necessary to enforce the terms of this AGREEMENT, the prevailing party shall be entitled to recover reasonable expenses and attorneys' fees from the other party.

F. **Term:** The term of this AGREEMENT shall be from April 1, 2012 to June 30, 2022.

G. **Severability:** If any provision of this AGREEMENT is found by a court of competent jurisdiction or, if applicable, an arbitrator, to be unenforceable, such provision shall not affect the other provisions of the AGREEMENT, but such unenforceable provisions shall be deemed modified to the extent necessary to render it enforceable, preserving to the fullest extent permissible the intent of the parties set forth in this AGREEMENT.

H. **Modification:** This AGREEMENT, and its Exhibits, as well as the referenced Implementation Guidelines and grant program guidelines, constitutes the entire AGREEMENT, supersedes all prior written or oral understandings regarding Measure B and VRF pass-through and program funds (but not project funding agreements), including but not limited to ACTIA

Agreement \_\_\_\_\_ (Measure B pass-through funding agreement) and ACTIA Agreement \_\_\_\_\_ (Measure B paratransit funding agreement), which former agreements are terminated as of the effective date hereof. This AGREEMENT may only be changed by a written amendment executed by both parties. Notwithstanding the foregoing, the Implementation Guidelines and grant program guidelines may be changed from time to time by the Alameda CTC.

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## **EXHIBITS**

The following Exhibits are hereby made part of this AGREEMENT:

Exhibit A: Mass Transit Fund Distribution by Agency

Exhibit B: Non-Mandated Paratransit Services Fund Distribution

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**IN WITNESS WHEREOF**, the parties have executed this AGREEMENT by their duly authorized officers as of the date first written below.

RECIPIENT:

ALAMEDA CTC:

ALAMEDA COUNTY TRANSPORTATION  
COMMISSION

By: \_\_\_\_\_  
\_\_\_\_\_ [name] Date  
\_\_\_\_\_ [title]

By: \_\_\_\_\_  
Arthur L. Dao Date  
Executive Director

Recommended for Approval:

By: \_\_\_\_\_  
Stewart D. Ng  
Deputy Director of Programming  
and Projects

Approved as to Legal Form:

Reviewed as to Budget/Financial Controls:

By: \_\_\_\_\_  
\_\_\_\_\_ [name] Date  
\_\_\_\_\_ [title]

By: \_\_\_\_\_  
Patricia Reavey  
Director of Finance

Attest:

Approved as to Legal Form:

\_\_\_\_\_  
\_\_\_\_\_ [name] Date  
\_\_\_\_\_ Clerk

By: \_\_\_\_\_  
Wendel, Rosen, Black & Dean LLP  
Legal Counsel to Alameda CTC

## EXHIBIT A

### MEASURE B MASS TRANSIT FUND DISTRIBUTION BY AGENCY

Alameda CTC distributes Measure B mass transit pass-through funds based on the distribution percentages for net Measure B revenues specified in the Measure B Expenditure Plan, as shown below.

Agency		Percentage of Net Revenues
AC Transit	North County	9.48%
	Central County	4.74%
	South County	1.61%
AC Transit Welfare to Work	North County	1.24%
	Central County	0.22%
LAVTA	East County	0.69%
Union City Transit	South County	0.34%
ACE	East County	1.05%
ACE	South County	1.07%
	Alameda County	
WETA Ferry Service		0.78%

**Countywide Local and Feeder Bus Service:** Provides funding for countywide local and feeder bus service in every region of the county to link neighborhoods and commuters to BART, rail, and express bus connections throughout the county. Welfare to Work programs dedicate 1.46 percent of overall net sales tax receipts to enhancing transportation opportunities for persons making the transition from welfare to work.

**Other Mass Transit Programs:** Provides funding to Water Emergency Transportation Authority (WETA) Transbay Ferry Service to expand transbay ferry service from Alameda. Provides funding to Altamont Commuter Express for capital and operating costs for operations in South and East Alameda County.

**Transit Operations:** Transit operating funds are provided to transit operators for maintenance of transit services, restoration of service cuts, expansion of transit services, and passenger safety and security. The transit operators will determine the priorities for these funds through public processes and will submit an annual audit to the Agency.

AC Transit agrees to allocate 1.46 percent of overall net sales tax receipts to enhancing transportation opportunities for persons making the transition from welfare to work. These "welfare to work" funds can be used by AC Transit for service restoration and expansion or

implementation of improved bus service to facilitate travel to and from work. AC Transit will prioritize the restoration and development of new services to meet the employment-related transit needs of low income residents in northern and central Alameda County.

Additionally, these funds may be used, at the determination of AC Transit, to provide subsidies of regular bus fares for individuals living in northern and central Alameda County who are transferring from welfare to work as well as those who are economically disadvantaged. In the event that sufficient funds are otherwise available to AC Transit to meet these needs then "welfare to work" funds can be used for other general passenger service purposes in northern and central Alameda County.

AC Transit will work together with and actively seek input from bus riders, business leaders, mayors and other elected officials in San Leandro, Hayward, and the unincorporated areas in Central Alameda County to ensure that the additional transit funds in Central County are used for bus improvements such as night, weekend, and more frequent service, connections to residential growth areas, and access to major employment centers, including enhancement of east-west corridors.

AC Transit will continue to provide transit service similar to the Department of Labor-funded shuttle to and from job sites in East and West Oakland, as needed. AC Transit, the County, the City of Oakland, the Port of Oakland and other entities will look for additional money from outside sources to fund the service. If needed, a portion of the proceeds from the reauthorization of Measure B may be used.

Refer to Mass Transit Program Implementation Guidelines for program and project eligibility fund usage, and requirements.

## EXHIBIT B

### NON-MANDATED PARATRANSIT SERVICES FUND DISTRIBUTION

Alameda CTC distributes Measure B paratransit pass-through funds to County subareas/planning areas based on the distribution percentages in the Measure B Expenditure Plan, as shown below. Distributions to jurisdictions within each subarea will be based on allocation formulas recommended by PAPCO and approved by the Alameda CTC Board.

Area/City	Area Percentage (A)
<b>Non-Mandated – North County</b>	<b>1.24%</b>
Alameda	
Albany	
Berkeley	
Emeryville	
Oakland	
<b>Non-Mandated – Central County</b>	<b>0.88%</b>
Hayward	
San Leandro	
<b>Non-Mandated – East County</b>	<b>0.21%</b>
LAVTA	
Pleasanton	
<b>South County</b>	<b>1.06%</b>
Fremont	
Newark	
Union City	
<b>Total</b>	<b>3.39%</b>
<b>Coordination/Gaps In Service</b>	<b>1.43%</b>

1. Column A shows the percentage of 2000 Measure B funds required to be distributed to each area in the County for non-mandated paratransit services, as set forth in the Measure B Expenditure Plan. These figures do not include funding for “gap” or ADA-mandated services. Funding for special transportation for seniors and people with disabilities is provided for services mandated by the ADA to fixed-route public transit operators who are required to provide that service. Funds for the South County are allocated between mandated and non-mandated programs on an annual basis by the cities in that part of the County.
2. Coordination/Gaps in Service Fund allocations are recommended by PAPCO and approved by the Alameda CTC Board.

Refer to Paratransit Program Implementation Guidelines for program and project eligibility fund usage, and requirements.

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**Alameda County Transportation Commission  
DRAFT Implementation Guidelines  
For the Bicycle and Pedestrian Safety Program funded through  
Measure B and Vehicle Registration Fees**

**Section 1. Purpose**

- A. To delineate the eligible uses of Bicycle and Pedestrian Safety Funds authorized under Alameda County Transportation Commission Master Program Funding Agreements, these implementation guidelines have been developed to specify the requirements that local jurisdictions must follow in their use of Measure B pass-through funds and Measure B and Vehicle Registration Fees (VRF) grant funds. These guidelines are incorporated by reference in the Master Program Funding Agreements. All other terms and conditions for programs are contained in the agreements themselves. The intent of the implementation guidelines is to:
1. Provide guidance on Bicycle and Pedestrian Safety funds eligible uses and expenditures
  2. Define the terms in the Master Program Funding Agreements, and
  3. Guide Bicycle and Pedestrian Program implementation.

**Section 2. Authority**

- A. These Implementation Guidelines have been adopted by the Alameda County Transportation Commission and set forth eligible uses and expenditures for the Bicycle and Pedestrian Safety funds. The Alameda CTC may update these guidelines on an as-needed basis and will do so with involvement of its technical and community advisory committees (as applicable). Exceptions to these guidelines must be requested in writing and be approved by the Alameda CTC.

**Section 3. Background**

- A. Implementation guidelines for the Bicycle and Pedestrian Safety Funds were developed to clarify eligible fund uses and expenditures in association with new, 10-year Master Program Funding Agreements for the November 2000 voter-approved Measure B pass-through funds. The original program funding agreements for Measure B pass-through funds expired in spring 2012, and the new Master Program Funding Agreements were put in place to continue fund allocations for the remaining term of Measure B funds allocations through June 2022. In addition, the Master Program Funding Agreements include a new local, voter-approved revenue stream, the Vehicle Registration Fee (VRF), which will provide approximately \$11 million per year for transportation improvements throughout the County. The VRF includes 5 percent of net revenues for a Bicycle and Pedestrian Safety Fund. These Implementing Guidelines define the eligible uses and allocation process for the VRF Bicycle and Pedestrian Safety Fund and reflect new policies approved by the Alameda CTC.

## Section 4. Definition of Terms

- A. **Alameda CTC:** The Alameda County Transportation Commission is a Joint Powers Authority created by the merger of the Alameda County Congestion Management Agency, which performed long-range planning and funding for countywide transportation projects and programs, and the Alameda County Transportation Improvement Authority, which administered the voter approved half-cent transportation sales taxes in Alameda County (the 1986 and 2000 approved Measure B sales tax programs)
- B. **Capital project:** A bicycle and pedestrian capital investment that typically requires the following phases: planning/feasibility, scoping, environmental clearance, design, right-of-way, construction, and completion.
- C. **Complete Street:** A transportation facility that is planned, designed, operated, and maintained to provide safe mobility for all users, including bicyclists, pedestrians, transit vehicles, truckers, and motorists, appropriate to the function and context of the facility. Complete street concepts apply to rural, suburban, and urban areas. (Caltrans definition)
- D. **Complete Streets Act of 2008:** The California Complete Streets Act (Assembly Bill 1358) was signed into law in September 2008. It requires that local jurisdictions modify their general plans as follows:
- “(A) Commencing January 1, 2011, upon any substantial revision of the circulation element, the legislative body shall modify the circulation element to plan for a balanced, multimodal transportation network that meets the needs of all users of the streets, roads, and highways for safe and convenient travel in a manner that is suitable to the rural, suburban, or urban context of the general plan.
- (B) For the purposes of this paragraph, “users of streets, roads, and highways” means bicyclists, children, persons with disabilities, motorists, movers of commercial goods, pedestrians, users of public transportation, and seniors.”
- E. **Construction (includes PS&E):** Construction of a new capital project, including development of preliminary engineering and construction documents, including plans, specifications, and estimates.
- F. **Cost Allocation Plans (CAPs):** CAPs and Indirect cost rate proposals (IDCs) are plans that provide a systematic manner to identify, accumulate, and distribute allowable direct and indirect costs to Bicycle and Pedestrian Safety programs funded through the Alameda CTC Master Program Funding Agreements.
- G. **Direct cost:** A cost completely attributed to the provision of a service, operations, a program, a capital cost, or a product. These costs include documented hourly project staff labor charges (salaries, wages and benefits) which are directly and solely related to the implementation of the Alameda CTC-funded Bicycle and Pedestrian Safety Funds, consultants, and materials. These funds may be used for travel or training if they are directly related to the implementation of the Bicycle and Pedestrian Safety Funds.

- H. **Environmental Documents:** Preparation of environmental documents, such as those related to the California Environmental Quality Act (CEQA) or the National Environmental Policy Act (NEPA), or permits required by state or federal permitting agencies.
- I. **Grants:** Funding for plans, programs or projects based upon a competitive call for projects, an evaluation process based on adopted evaluation criteria and allocated based upon a reimbursement basis.
- J. **Indirect cost:** Also known as “overhead,” any cost of doing business other than direct costs. These costs include utilities, rent, administrative staff, officer's salaries, accounting department costs and personnel department costs, which are requisite for general operation of the organization, but are not directly allocable to a particular service or product.
- K. **Local Bicycle Master Plan/Local Pedestrian Master Plans:** Locally adopted plans that, at a minimum, examine existing conditions for walking and/or bicycling, and provide recommendations on improving the walking and/or bicycling environment, and prioritize these improvements. These plans may be stand-alone bicycle and pedestrian plans or may be a joint plan that addresses both walking and bicycling.
- L. **Maintenance:** Repairs, renovation, or upgrade of existing facility or infrastructure.
- M. **Measure B:** Alameda County’s half-cent transportation sales tax, originally approved in 1986, then reauthorized by voters in November 2000. Collection of the sales tax began on April 1, 2002. Administered by the Alameda CTC, Measure B funds four types of programs in 20 local jurisdictions: bicycle and pedestrian, local streets and roads, mass transit, and paratransit.
- N. **Operations:** Provision of services that operate transportation facilities and programs. Operations costs do not include the costs to operate community outreach or other programs not directly related to a specific transportation service, program, or product.
- O. **Pass-Through Funds:** Funds are allocated based upon a funding formula (such as population, registered vehicles, roadmiles, or a combination thereof) defined in a voter approved measure and provided to eligible jurisdictions on a regularly schedule basis (such as a regular monthly payment).
- P. **Planning:** Identification of project and program current conditions and needs and development of strategies and plans to address the identified needs.
- Q. **Project Completion/Closeout:** Inspection/project acceptance, final invoicing, final reporting, and processes for closing out project.
- R. **Scoping and Project Feasibility:** Early capital project phases that identify project needs, costs and implementation feasibility.
- S. **Vehicle Registration Fee (VRF):** Measure F, Alameda County's VRF Program, approved by the voters in November 2010 with 63 percent of the vote. It will generate approximately \$11 million per year through a \$10 per year vehicle registration fee. Administered by the Alameda CTC, the VRF funds four main types of programs (with the funding distribution

noted in parenthesis): local streets and roads (60 percent); transit (25 percent); local transportation technology (10 percent); and bicycle and pedestrian projects (5 percent).

## Section 5. Bicycle and Pedestrian Safety Fund Allocations

A. These implementation Guidelines provide guidance on two types of Bicycle and Pedestrian Safety allocation processes: pass-through funds and grants.

1. Measure B Bicycle and Pedestrian Pass-through Funds

- a. *General:* The Measure B Bicycle and Pedestrian Pass-through Funds are distributed to cities in the county and to Alameda County to be spent on planning and construction of bicycle and pedestrian projects, and the development and implementation of bicycle and pedestrian programs. These funds are intended to expand and enhance bicycle and pedestrian facilities in Alameda County, focusing on high priority projects like gap closures and intermodal connections.

The pass-through funds constitute seventy-five percent of the total Measure B bicycle/pedestrian funds. Each city and Alameda County will receive their proportional share of the pass-through funds based on population over the life of the Measure (which share shall be adjusted annually as described in the Master Program Funding Agreement). These funds are allocated on a monthly basis directly to each city and the County.

- b. *Eligible Uses:* The Measure B Bicycle/Pedestrian pass-through funds may be used for any capital project, program or plan that directly addresses bicycle and pedestrian access, convenience, safety and usage. Eligible uses for these funds include, but are not necessarily limited to:

1) Capital Projects, including:

- a) New pedestrian facilities (e.g. sidewalks, curb ramps, countdown signals, accessible signals)
- b) Improvements to existing pedestrian facilities
- c) New bikeways (such as bicycle routes, boulevards, lanes, multi-use pathways)
- d) Improvements or upgrades to existing bikeways
- e) Maintenance of bicycle and pedestrian facilities
- f) Crossing improvements (at intersections, interchanges, railroads, freeways, etc.) for pedestrians and bicyclists
- g) Bicycle parking facilities, including construction, maintenance and operations
- h) ADA on-street improvements

- i) Signage for pedestrians and/or bicyclists
  - j) Pedestrian and bicycle access improvements to, from and at transit facilities
  - k) Traffic calming projects
  - l) All phases of capital projects, including feasibility studies, planning, and environmental
- 2) Development of Local Bicycle and/or Pedestrian Master Plans, and updates of Plans
  - 3) Design and implementation of education, enforcement, outreach, and promotion programs
  - 4) Direct staff and consultant costs to develop, plan, implement, operate, and maintain the bicycle and pedestrian projects and programs.
  - 5) Maintenance of the portion of the street most often used for bicycling (such as a bicycle lanes)
  - 6) Bicycle/pedestrian capital projects on non-city property, such as on school district property.
  - 7) Staff time to complete End of Year compliance reports
  - 8) Crossing guards
  - 9) Staff training costs that are directly related to implementation of projects, plans or programs implemented with the Bicycle and Pedestrian Safety Funds
- c. *Ineligible Uses:* The following is a list of ineligible uses of Measure B Bicycle/Pedestrian pass-through funds:
- 1) Repaving of the entire roadway (see “Eligible Uses” above for exceptions)
  - 2) Projects or programs that exclusively serve city/county staff
  - 3) Indirect costs, unless the RECIPIENT submits an independently audited/approved Indirect Cost Allocation Plan.
- d. *List of Projects/Programs:* All projects and programs that use Measure B Bicycle and Pedestrian Safety pass-through funds must receive governing board approval prior to the jurisdiction expending the pass-through funding on the project/program. This approval allows the opportunity for the public to provide input on planning for bicycle and pedestrian safety. These

projects and programs may be included in any of the following, as long as they have been adopted by the jurisdiction's governing board:

- 1) List of projects on which to specifically spend Measure B funds,
- 2) A Local Bicycle and/or Pedestrian Master Plan with priority projects,
- 3) Capital Improvement Program, or
- 4) A resolution, such as to submit a grant application.

Furthermore, the jurisdiction must submit the list of projects/programs on which Measure B pass-through funding will be spent to Alameda CTC in advance of expending the funds. Projects and programs must be submitted to the Alameda CTC through the Annual End of Year Compliance Reporting for Measure B funds.

2. Bicycle and Pedestrian Grant Funds
  - a. The Alameda CTC will administer a bicycle and pedestrian discretionary grant program using a portion of each of the Measure B and the VRF Bicycle and Pedestrian Safety funds. The Alameda CTC will adopt *Grant Program Guidelines* before each grant cycle which will establish the guiding policies for that grant cycle, and will widely publicize each grant funding cycle.
  - b. Local jurisdictions, transit operators and Community Based Organizations (CBO) in Alameda County will be eligible to apply for these competitive funds, and each such jurisdiction, operator, or must provide the Alameda CTC written evidence of the commitment of any required project sponsor funds to be eligible to receive these competitive funds.

## Section 6. Complete Streets Policy Requirement

- A. To receive Measure B and VRF funds, local jurisdictions must do both of the following with respect to Complete Street policies:
  1. Have an adopted complete streets policy, or demonstrate that a policy is being developed and will be adopted by [*Date to be determined*]. This policy should include the "Elements of an Ideal Complete Streets Policy" developed by the National Complete Streets Coalition (<http://www.completestreets.org/webdocs/policy/cs-policyelements.pdf>). Resources will be developed by the Alameda CTC to assist local jurisdictions with developing and implementing complete streets policies.
  2. Comply with the California Complete Streets Act of 2008. The California Complete Streets Act (AB1358) requires that local general plans do the following:

- a. Commencing January 1, 2011, upon any substantial revision of the circulation element, the legislative body shall modify the circulation element to plan for a balanced, multimodal transportation network that meets the needs of all users of the streets, roads, and highways for safe and convenient travel in a manner that is suitable to the rural, suburban, or urban context of the general plan.
- b. For the purposes of this paragraph, “users of streets, roads, and highways” means bicyclists, children, persons with disabilities, motorists, movers of commercial goods, pedestrians, users of public transportation, and seniors.

The Governor’s Office of Planning and Research has developed detailed guidance for meeting this law: *Update to the General Plan Guidelines: Complete Streets and the Circulation Element*

([http://www.opr.ca.gov/planning/docs/Update\\_GP\\_Guidelines\\_Complete\\_Streets.pdf](http://www.opr.ca.gov/planning/docs/Update_GP_Guidelines_Complete_Streets.pdf)).

## **Section 7. Local Bicycle/Pedestrian Master Plan Requirement**

- A. To receive Measure B and VRF funds, local jurisdictions must do all of the following with respect to local bicycle and pedestrian master plans. The Alameda CTC will provide technical assistance and funding to local jurisdictions to meet these requirements through the competitive Bicycle and Pedestrian Safety Grant Program. Jurisdictions may also use pass-through funds for the development of local bicycle and pedestrian master plans.
  1. Have an adopted Local Pedestrian Master Plan AND Local Bicycle Master Plan, OR have an adopted combined Local Pedestrian and Bicycle Plan; or demonstrate that the plan is being developed and will be adopted by Date to be determined].
  2. Each plan must be updated, at a minimum, every five years. This policy is consistent with the state’s Bicycle Transportation Act (BTA) grant requirement for bicycle plans, and will ensure that plans are addressing current local needs, while also allowing jurisdictions to be eligible for BTA funding.
  3. Each plan must include core elements to ensure that the plan is effective, and that plans throughout the county are comparable, to the extent that is reasonable, to facilitate countywide planning. The Alameda CTC will develop and maintain guidelines outlining these core elements. For pedestrian plans, these elements are described in the *Toolkit for Improving Walkability in Alameda County*: <http://www.actia2022.com/ped-toolkit/ACTIA-ped-toolkit.pdf>. The Alameda CTC will develop guidelines for bicycle plans.

## **Section 8. Advancement of Pass-through Funds**

- A. The Alameda CTC may consider advancing future year pass-through funds, with the goal of seeing improvements made in the near term. If a jurisdiction is interested in this option, a written request to the Alameda CTC Director of Finance and a copy to the Deputy Director of Projects and Programs, indicating the amount of funds requested and the projects on which the funds will be spent, is required. Requests will be considered on an individual basis.

## **Section 9. Adoption of Implementation Guidelines**

- A. Implementation Guidelines are adopted by the Alameda CTC on an as-needed basis. Changes to Implementation Guidelines will be brought through the Alameda CTC's Technical Advisory Committee for review and comment, as well as any other Alameda CTC committees as necessary, before changes are adopted by the Alameda CTC Board.

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**Alameda County Transportation Commission  
DRAFT Implementation Guidelines for  
the Local Streets and Roads Program Funded through  
Measure B and Vehicle Registration Fees**

(Adopted [INSERT DATE])

**Section 1. Purpose**

- A. To delineate the eligible uses of Local Streets and Roads funds authorized under Alameda County Transportation Commission Master Program Funding Agreements, these implementation guidelines have been developed to specify the requirements that local jurisdictions must follow in their use of Measure B and Vehicle Registration Fees (VRF) pass-through funds. These guidelines are incorporated by reference in the Master Program Funding Agreements. All other terms and conditions for programs are contained in the agreements themselves. The intent of the implementation guidelines is to:
1. Provide guidance on Local Streets and Roads funds eligible uses and expenditures.
  2. Define the terms in the Master Program Funding Agreements.
  3. Guide Local Streets and Roads Program implementation.

**Section 2. Authority**

- A. These Implementation Guidelines have been adopted by the Alameda County Transportation Commission and set forth eligible uses and expenditures for the Local Streets and Roads funds. The Alameda CTC may update these guidelines on an as-needed basis and will do so with involvement of its technical and community advisory committees (as applicable). Exceptions to these guidelines must be requested in writing and be approved by the Alameda CTC Board.

**Section 3. Background**

- A. Alameda CTC developed Implementation Guidelines for the Local Streets and Roads funds to clarify eligible fund uses and expenditures in association with new, 10-year Master Program Funding Agreements for the November 2000 voter-approved Measure B pass-through funds. The Expenditure Plan allocates 22.34 percent of Measure B funds for Local Streets and Roads programs and projects. The original program funding agreements for Measure B pass-through funds expired in spring 2012, and Alameda CTC put in place the new Master Program Funding Agreements to continue fund allocations for the remaining term of Measure B funds allocations through June 2022. In addition, the Master Program Funding Agreements include a new local, voter-approved revenue stream, the Vehicle Registration Fee (VRF), which will provide approximately \$11 million per year for transportation improvements throughout the County. The VRF includes 60 percent of net revenues for a Local Streets and Roads Program. These Implementation Guidelines

define the eligible uses and allocation process for the Measure B and VRF Local Streets and Roads funds and reflect new policies approved by the Alameda CTC.

#### Section 4. Definition of Terms

- A. **Alameda CTC:** The Alameda County Transportation Commission is a Joint Powers Authority created by the merger of the Alameda County Congestion Management Agency, which performed long-range planning and funding for countywide transportation projects and programs, and the Alameda County Transportation Improvement Authority, which administered the voter-approved, half-cent transportation sales taxes in Alameda County (the Measure B sales tax programs approved in 1986 and 2000).
- B. **Bike parking:** Bike racks and lockers, bike shelters, attended bike parking facilities, and bike parking infrastructure.
- C. **Bikeways and multiuse paths:** Bike lanes, bike boulevards, sidepaths, bike routes, multiuse pathways, at-grade bike crossings, and maintenance of bikeway facilities.
- D. **Bridges and tunnels:** Crossings above or below grade for bicycles, pedestrians, and/or autos and transit.
- E. **Capital project:** A capital investment that typically requires the following phases: planning/feasibility, scoping, environmental clearance, design, right-of-way, construction, and completion.
- F. **Complete Street:** A transportation facility that is planned, designed, operated, and maintained to provide safe mobility for all users, including bicyclists, pedestrians, transit vehicles, truckers, and motorists, appropriate to the function and context of the facility. Complete street concepts apply to rural, suburban, and urban areas. (Caltrans definition)
- G. **Complete Streets Act of 2008:** The California Complete Streets Act (Assembly Bill 1358) was signed into law in September 2008. It requires that local jurisdictions modify their general plans as follows:
- “(A) Commencing January 1, 2011, upon any substantial revision of the circulation element, the legislative body shall modify the circulation element to plan for a balanced, multimodal transportation network that meets the needs of all users of the streets, roads, and highways for safe and convenient travel in a manner that is suitable to the rural, suburban, or urban context of the general plan.
- (B) For the purposes of this paragraph, “users of streets, roads, and highways” means bicyclists, children, persons with disabilities, motorists, movers of commercial goods, pedestrians, users of public transportation, and seniors.”
- H. **Construction (includes PS&E):** Construction of a new capital project, including development of preliminary engineering and construction documents, including plans, specifications, and estimates (PS&E).
- I. **Cost Allocation Plans (CAPs):** CAPs and indirect cost (IDC) rate proposals are plans that provide a systematic manner to identify, accumulate, and distribute allowable direct and

indirect costs to Local Streets and Roads programs funded through the Alameda CTC Master Program Funding Agreements.

- J. **Direct cost:** A cost completely attributed to the provision of a service, operations, a program, a capital cost, or a product. These costs include documented hourly project staff labor charges (salaries, wages, and benefits) that are directly and solely related to the implementation of the Alameda CTC-funded Local Streets and Roads projects, consultants, and materials. These funds may be used for travel or training if they are directly related to the implementation of the Local Streets and Roads funds.
- K. **Education and promotion:** Marketing, education, information, outreach, and promotional campaigns and programs.
- L. **Environmental documents:** Preparation of environmental documents, such as those related to the California Environmental Quality Act (CEQA) or the National Environmental Policy Act (NEPA), or permits required by state or federal permitting agencies.
- M. **Equipment and new vehicles:** Purchase or lease of vehicles and equipment for service improvements, such as information dissemination, fare collection, etc.
- N. **Grants:** Funding for plans, programs, or projects based on a competitive call for projects; evaluated based on adopted evaluation criteria; and allocated based on a reimbursement basis.
- O. **Indirect cost:** Also known as “overhead,” any cost of doing business other than direct costs. These costs include utilities, rent, administrative staff, officers’ salaries, accounting department costs, and personnel department costs, which are requisite for general operation of the organization but are not directly allocable to a particular service or product.
- P. **Maintenance:** Repairs, renovation, or upgrade of existing facility or infrastructure.
- Q. **Measure B:** Alameda County’s half-cent transportation sales tax, originally approved in 1986, and reauthorized by voters in November 2000. Collection of the sales tax began on April 1, 2002. Administered by the Alameda CTC, Measure B funds four types of programs in 20 local jurisdictions: bicycle and pedestrian, local streets and roads, mass transit, and paratransit.
- R. **Operations:** Provision of services that operate transportation facilities and programs. Operations costs do not include the costs to operate community outreach or other programs not directly related to a specific transportation service, program, or product.
- S. **Pass-through funds:** Funds allocated based on a funding formula (such as population, registered vehicles, roadmiles, or a combination thereof) defined in a voter-approved measure and provided to eligible jurisdictions on a regularly scheduled basis (such as a regular monthly payment).
- T. **Pedestrian crossing improvements:** At-grade pedestrian crossing improvements such as crosswalks, roadway/geometric changes, or reconfiguration specifically benefiting pedestrians.

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- U. **Planning:** Identification of project and program current conditions and needs and development of strategies and plans to address the identified needs.
- V. **Planning area:** Four geographical sub-areas of the county (Planning Areas 1, 2, 3, and 4). The sub-areas of the county are defined by the Alameda CTC as follows:
  - 1. Planning Area 1 – North Area: Cities of Alameda, Albany, Berkeley, Emeryville, Oakland and Piedmont
  - 2. Planning Area 2 – Central Area: Cities of Hayward and San Leandro, and the unincorporated areas of Castro Valley and San Lorenzo, as well as other unincorporated lands in that area
  - 3. Planning Area 3 – South Area: Cities of Fremont, Newark, and Union City
  - 4. Planning Area 4 – East Area: Cities of Dublin, Livermore, and Pleasanton, and all unincorporated lands in that area
- W. **Project completion/closeout:** Inspection/project acceptance, final invoicing, final reporting, and the processes for closing out a project.
- X. **Scoping and project feasibility:** Early capital project phases that identify project needs, costs, and implementation feasibility.
- Y. **Sidewalks and ramps:** New sidewalks, sidewalk maintenance, curb ramps, and stairs/ramps for pedestrian and Americans with Disabilities Act access.
- Z. **Signage:** Warning, regulatory, wayfinding, or informational signage.
- AA. **Signals:** New traffic signals or crossing signals, signal upgrades, countdown signals, audible signals, or signal timing improvements.
- BB. **Staffing:** Salary and benefits for staff to support projects, programs, or services.
- CC. **Street resurfacing and maintenance:** Repaving and resurfacing of on-street surfaces, including striping.
- DD. **Traffic calming:** Infrastructure primarily aimed at slowing down motor vehicle traffic.
- EE. **Vehicle Registration Fee (VRF):** Measure F, Alameda County’s VRF Program, approved by the voters in November 2010 with 63 percent of the vote. It will generate approximately \$11 million per year through a \$10 per year vehicle registration fee. Administered by the Alameda CTC, the VRF funds four main types of programs and the distribution percentage is as follows: local streets and roads (60 percent); transit (25 percent); local transportation technology (10 percent); and bicycle and pedestrian projects (5 percent).

## Section 5. Local Streets and Roads Fund Allocations

A. These Implementation Guidelines provide guidance on the Local Streets and Roads Fund allocation process for Measure B and VRF pass-through funds.

1. Measure B Local Streets and Roads Pass-through Funds

- a. *General:* Alameda CTC distributes Measure B Local Streets and Roads Pass-through Funds to cities in the county and to Alameda County to be spent on transportation capital improvements for surface streets and arterial roads, and maintenance and upkeep of local streets and roads, including repaving streets, filling potholes, and upgrading local transportation infrastructure. These funds are intended to maintain and improve local streets and roads in Alameda County, and may be used for any local transportation need based on local priorities, including streets and roads projects, local transit projects, bicycle and pedestrian projects, projects (sponsored by others) that require local agency support, and other transportation uses as approved through a public process by the jurisdiction.

The pass-through funds constitute 100 percent of the total Measure B Local Streets and Roads funds. Each city and Alameda County will receive their proportional share (which share shall be adjusted annually as described in the Master Program Funding Agreement) of the local transportation pass-through funds within their sub-area based on a formula weighted 50 percent by the population of the jurisdiction within the sub-area and 50 percent on the number of road miles within the sub-area. These funds are allocated on a monthly basis directly to each city and the County. These funds must be placed in a separate account from the VRF Funds.

- b. *Eligible Uses:* The Measure B Local Streets and Roads pass-through funds may be used for any capital project, program, maintenance, or operations that directly improves local streets and roads and local transportation. Eligible uses for these funds include, but are not necessarily limited to:

- 1) Capital projects, including:
  - a) All phases of capital projects, including feasibility studies, planning, and environmental
  - b) Upgrades to or installation of new local streets and roads infrastructure including installation of streets, roads, and highways
  - c) Street resurfacing and maintenance including repaving and resurfacing of on-street surfaces including striping
  - d) Improvements or upgrades to bridges and tunnels
  - e) Installation of or upgrades to sidewalks and curb ramps

- f) Americans with Disabilities Act (ADA) on-street improvements, including sidewalk upgrades and curb ramp installations
  - g) Purchase or lease of equipment or new vehicles for local streets and roads improvements
  - h) Crossing improvements including traffic signals, signage, and traffic lights (at intersections, interchanges, railroads, freeways, etc.) for drivers, pedestrians, and bicyclists
  - i) Improvements to or installation of new pedestrian facilities (e.g., sidewalks, curb ramps, countdown signals, accessible signals, at-grade bike crossings)
  - j) Improvements or upgrades to or installation of new bikeways (such as bicycle routes, boulevards, lanes, multi-use pathways)
  - k) Maintenance of or installation of bicycle and pedestrian facilities, including construction, maintenance, and operations of bike parking facilities.
  - l) Pedestrian and bicycle access improvements to, from and at transit facilities
  - m) Traffic calming projects
- 2) Transit system operations, operations of traffic signal system controls and interconnections, and corridor monitoring and management
  - 3) Mass transit project operations including bus, ferry, shuttle, rail, and Welfare to Work services
  - 4) Paratransit services
  - 5) Direct staff and consultant costs that support eligible activities, including the end-of-year compliance report
  - 6) Direct staff training costs directly related to implementation of projects or programs implemented with the Local Streets and Roads Funds
- c. *Ineligible Uses:* The following is a list of ineligible uses of Measure B Local Streets and Roads pass-through funds:
- 1) Non-transportation projects such as fees charged to capital construction projects for services or amenities not related to transportation

- 2) Projects or programs that exclusively serve city/county staff
  - 3) Indirect costs, unless the RECIPIENT submits an independently audited/approved Indirect Cost Allocation Plan.
2. VRF Local Streets and Roads Pass-through Funds
- a. *General:* Alameda CTC distributes VRF Local Streets and Roads Pass-through Funds to cities in the county and to Alameda County to be spent on transportation capital improvements for surface streets and arterial roads, and maintenance and upkeep of local streets and roads. These funds are intended to maintain and improve local streets and roads as well as a broad range of facilities in Alameda County (from local to arterial facilities).  
  
The pass-through funds constitute 100 percent of the total VRF Local Streets and Roads funds and are distributed among the four planning areas of the county. VRF local streets and roads pass-through funds within the geographic planning area are based on a formula weighted 50 percent by the population of the jurisdiction within the planning area and 50 percent of the number of registered vehicles in the planning area. VRF local streets and roads funds will be distributed by population within a planning area. Allocations may change in the future based on changes in population and number of registered vehicle figures. Recipients are not required to enter into a separate agreement with Alameda CTC prior to receipt of such funds. Agencies will maintain all interest accrued from the VRF Local Road Program pass through funds within the program. These funds are allocated on a monthly basis directly to each city and the County. These funds must be placed in a separate account from the Measure B Funds.
  - b. *Eligible Uses:* The VRF Local Streets and Roads pass-through funds may be used for improving, maintaining, and rehabilitating local roads and traffic signals. It will also incorporate the Complete Streets practice that makes local roads safe for all modes, including bicyclists and pedestrians, and accommodates transit. Eligible uses for these funds include, but are not necessarily limited to:
    - 1) Street repaving and rehabilitation, including curbs, gutters and drains
    - 2) Traffic signal maintenance and upgrades, including bicyclist and pedestrian treatments
    - 3) Signage and striping on roadways, including traffic and bicycle lanes and crosswalks
    - 4) Sidewalk repair and installation
    - 5) Bus stop improvements, including bus pads, turnouts and striping

- 6) Improvements to roadways at rail crossings, including grade separations and safety protection devices
  - 7) Improvements to roadways with truck or transit routing
- c. *Ineligible Uses:* The following is a list of ineligible uses of VRF Local Streets and Roads pass-through funds:
- 1) Non-transportation projects such as fees charged to capital construction projects for services or amenities that are not related to transportation
  - 2) Projects or programs that are not directly related to streets and roads improvements
  - 3) Projects or programs that exclusively serve city/county staff
  - 4) Indirect costs, unless the RECIPIENT submits an independently audited/approved Indirect Cost Allocation Plan.

## Section 6. Complete Streets Policy Requirement

- A. To receive Measure B and VRF funds, local jurisdictions must do both of the following with respect to Complete Streets policies:
1. Have an adopted Complete Streets policy, or demonstrate that a policy is being developed and will be adopted by *[Date to be determined]*. This policy should include the “Elements of an Ideal Complete Streets Policy” developed by the National Complete Streets Coalition (<http://www.completestreets.org/webdocs/policy/cs-policyelements.pdf>). Resources will be developed by the Alameda CTC to assist local jurisdictions with developing and implementing complete streets policies.
  2. Comply with the California Complete Streets Act of 2008. The California Complete Streets Act (AB1358) requires that local general plans do the following:
    - a. Commencing January 1, 2011, upon any substantial revision of the circulation element, the legislative body shall modify the circulation element to plan for a balanced, multimodal transportation network that meets the needs of all users of the streets, roads, and highways for safe and convenient travel in a manner that is suitable to the rural, suburban, or urban context of the general plan.
    - b. For the purposes of this paragraph, “users of streets, roads, and highways” means bicyclists, children, persons with disabilities, motorists, movers of commercial goods, pedestrians, users of public transportation, and seniors.

The Governor’s Office of Planning and Research has developed detailed guidance for meeting this law: *Update to the General Plan Guidelines: Complete Streets and the Circulation Element*



[http://www.opr.ca.gov/planning/docs/Update\\_GP\\_Guidelines\\_Complete\\_Streets.pdf](http://www.opr.ca.gov/planning/docs/Update_GP_Guidelines_Complete_Streets.pdf).

## **Section 7. Pavement Condition Index Reporting**

- A. To receive Measure B and VRF funds, local jurisdictions must do both of the following with respect to the reporting of an agency's pavement condition (PCI) index:
1. Annually report on the citywide pavement condition index (PCI), which rates the "health" of local streets from 1 to 100, in the Annual Program Compliance Report Form. Where applicable, this information will be consistent with material provided for MTC reporting requirements.
  2. If the PCI falls below a total average index of 60 (fair condition), specify in the Annual Program Compliance Report what funding amounts, policies, or other needs are required to enable increasing the recipient's PCI to 60 or above.

## **Section 8. Advancement of Pass-through Funds**

- A. The Alameda CTC may consider advancing future year pass-through funds, with the goal of seeing improvements made in the near term. If a jurisdiction is interested in this option, a written request to the Alameda CTC Director of Finance and a copy to the Deputy Director of Projects and Programs, indicating the amount of funds requested and the projects on which the funds will be spent, is required. Requests will be considered on an individual basis.

## **Section 9. Adoption of Implementation Guidelines**

- A. Implementation Guidelines are adopted by the Alameda CTC on an as-needed basis. Changes to Implementation Guidelines will be brought through the Alameda CTC's Technical Advisory Committee for review and comment, as well as any other Alameda CTC committees as necessary, before changes are adopted by the Alameda CTC Board.

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**Alameda County Transportation Commission  
DRAFT Implementation Guidelines for  
the Mass Transit Program Funded through  
Measure B and Vehicle Registration Fees**

(Adopted [INSERT DATE])

### **Section 1. Purpose**

- A. To delineate eligible uses of Mass Transit funds authorized under Alameda County Transportation Commission Master Program Funding Agreements, these implementation guidelines have been developed to specify the requirements that local jurisdictions must follow in their use of Measure B pass-through funds and Measure B and Vehicle Registration Fees (VRF) discretionary funds. These guidelines are incorporated by reference in the Master Program Funding Agreements. All other terms and conditions for programs are contained in the agreements themselves. The intent of the implementation guidelines is to:
1. Provide guidance on Mass Transit funds eligible uses and expenditures.
  2. Define the terms in the Master Program Funding Agreements.
  3. Guide Mass Transit Program implementation.

### **Section 2. Authority**

- A. These Implementation Guidelines have been adopted by the Alameda County Transportation Commission and set forth eligible uses and expenditures for the Mass Transit funds. The Alameda CTC may update these guidelines on an as-needed basis and will do so with involvement of its technical and community advisory committees (as applicable). Exceptions to these guidelines must be requested in writing and be approved by the Alameda CTC Board.

### **Section 3. Background**

- A. Alameda CTC developed Implementation Guidelines for the Mass Transit funds to clarify eligible fund uses and expenditures in association with new, 10-year Master Program Funding Agreements for the November 2000 voter-approved Measure B pass-through funds. The Expenditure Plan allocates 21.92 percent of Measure B funds for Mass Transit programs and projects. The original program funding agreements for Measure B pass-through funds expired in spring 2012, and Alameda CTC put in place the new Master Program Funding Agreements to continue fund allocations for the remaining term of Measure B funds allocations through June 2022. In addition, the Master Program Funding Agreements include a new local, voter-approved revenue stream, the Vehicle Registration Fee (VRF), which will provide approximately \$11 million per year for transportation improvements throughout the County. The VRF includes 25 percent of net revenues for a Mass Transit Program. These Implementation Guidelines define the eligible uses and

allocation process for the Measure B and VRF Mass Transit funds and reflect new policies approved by the Alameda CTC.

#### Section 4. Definition of Terms

- A. **Alameda CTC:** The Alameda County Transportation Commission is a Joint Powers Authority created by the merger of the Alameda County Congestion Management Agency, which performed long-range planning and funding for countywide transportation projects and programs, and the Alameda County Transportation Improvement Authority, which administered the voter-approved, half-cent transportation sales taxes in Alameda County (the Measure B sales tax programs approved in 1986 and 2000).
- B. **Capital project:** A capital investment that typically requires the following phases: planning/feasibility, scoping, environmental clearance, design, right-of-way, construction, and completion.
- C. **Construction (includes PS&E):** Construction of a new capital project, including development of preliminary engineering and construction documents, including plans, specifications, and estimates (PS&E).
- D. **Cost Allocation Plans (CAPs):** CAPs and indirect cost (IDC) rate proposals are plans that provide a systematic manner to identify, accumulate, and distribute allowable direct and indirect costs to Mass Transit programs funded through the Alameda CTC Master Program Funding Agreements.
- E. **Direct cost:** A cost completely attributed to the provision of a service, operations, a program, a capital cost, or a product. These costs include documented hourly project staff labor charges (salaries, wages, and benefits) that are directly and solely related to the implementation of Alameda CTC-funded Mass Transit projects, consultants, and materials. These funds may be used for travel or training if they are directly related to the implementation of the Mass Transit funds.
- F. **Education and promotion:** Marketing, education, information, outreach, and promotional campaigns and programs.
- G. **Environmental documents:** Preparation of environmental documents, such as those related to the California Environmental Quality Act (CEQA) or the National Environmental Policy Act (NEPA), or permits required by state or federal permitting agencies.
- H. **Equipment and new vehicles:** Purchase or lease of vehicles. Equipment for service improvements, such as information dissemination, fare collection, etc.
- I. **Express bus service:** Either of these types of rapid bus service:
  - 1. Service within zones with a defined pick-up area, nonstop express bus service, and a defined drop-off zone.
  - 2. Service that provides a simple route layout, has frequent service and fewer stops than regular fixed route service, and may include level boarding, bus priority at

traffic signals, signature identification of the rapid buses such as color-coded buses and stops, and enhanced stations.

- J. **Grants:** Funding for plans, programs, or projects based on a competitive call for projects; evaluated based on adopted evaluation criteria; and allocated based on a reimbursement basis.
- K. **Indirect cost:** Also known as “overhead,” any cost of doing business other than direct costs. These costs include utilities, rent, administrative staff, officers’ salaries, accounting department costs, and personnel department costs, which are requisite for general operation of the organization but are not directly allocable to a particular service or product.
- L. **Maintenance:** Repairs, renovation, or upgrade of existing facility or infrastructure.
- M. **Measure B:** Alameda County’s half-cent transportation sales tax, originally approved in 1986, and reauthorized by voters in November 2000. Collection of the sales tax began on April 1, 2002. Administered by the Alameda CTC, Measure B funds four types of programs in 20 local jurisdictions: bicycle and pedestrian, local streets and roads, mass transit, and paratransit.
- N. **Operations:** Provision of services that operate transportation facilities and programs. Operations costs do not include the costs to operate community outreach or other programs not directly related to a specific transportation service, program, or product.
- O. **Pass-through funds:** Funds allocated based on a funding formula (such as population, registered vehicles, roadmiles, or a combination thereof) defined in a voter-approved measure and provided to eligible jurisdictions on a regularly scheduled basis (such as a regular monthly payment).
- P. **Planning:** Identification of project and program current conditions and needs and development of strategies and plans to address the identified needs.
- Q. **Planning area:** Four geographical sub-areas of the county (Planning Areas 1, 2, 3, and 4). The sub-areas of the county are defined by the Alameda CTC as follows:
  - 1. Planning Area 1 – North Area: Cities of Alameda, Albany, Berkeley, Emeryville, Oakland and Piedmont
  - 2. Planning Area 2 – Central Area: Cities of Hayward and San Leandro, and the unincorporated areas of Castro Valley and San Lorenzo, as well as other unincorporated lands in that area
  - 3. Planning Area 3 – South Area: Cities of Fremont, Newark, and Union City
  - 4. Planning Area 4 – East Area: Cities of Dublin, Livermore, and Pleasanton, and all unincorporated lands in that area
- R. **Project completion/closeout:** Inspection/project acceptance, final invoicing, final reporting, and the processes for closing out a project.

- S. **Safety improvements:** Safety or security improvements for operators, passengers, service users, facilities, and infrastructure or property.
- T. **Scoping and project feasibility:** Early capital project phases that identify project needs, costs, and implementation feasibility.
- U. **Staffing:** Salary and benefits for staff to support projects, programs, or services.
- V. **Vehicle Registration Fee (VRF):** Measure F, Alameda County's VRF Program, approved by the voters in November 2010 with 63 percent of the vote. It will generate approximately \$11 million per year through a \$10 per year vehicle registration fee. Administered by the Alameda CTC, the VRF funds four main types of programs and the distribution percentage is as follows: local streets and roads (60 percent); transit (25 percent); local transportation technology (10 percent); and bicycle and pedestrian projects (5 percent).
- W. **Welfare to Work:** Transit services to enhance transportation opportunities for persons making the transition from welfare to work.

## Section 5. Mass Transit Fund Allocations

- A. These Implementation Guidelines provide guidance on the Mass Transit Fund allocation process for Measure B pass-through funds and Measure B Express Bus Services Grant Program and VRF Transit for Congestion Relief Program funds.
  - 1. Measure B Mass Transit Pass-through Funds
    - a. *General:* Alameda CTC distributes Measure B Mass Transit Pass-through Funds to transit operators in Alameda County to be spent on maintenance of transit services, restoration of service cuts, expansion of transit services, and passenger safety and security. Transit operators in Alameda County receive their proportional share of mass transit pass-through funds based on percentages of net revenues generated by the Measure B sales and use tax (which share shall be adjusted annually as described in the Master Program Funding Agreement). These funds are allocated on a monthly basis directly to each transit operator.
    - b. *Eligible Uses:* The Measure B Mass Transit pass-through funds may be used for any capital project, program, maintenance, or operations that directly improve mass transit services. Eligible uses for these funds include, but are not necessarily limited to:
      - 1) Capital projects, including:
        - a) All phases of capital projects, including feasibility studies, planning, and environmental
        - b) Upgrades to or expansions to bus, ferry, rail, and shuttle infrastructure

- c) Purchase or lease of equipment or new vehicles for transit services
    - 2) Mass transit system operations and services, including commuter rail; express, local, and feeder bus; and ferry
    - 3) Paratransit services
    - 4) Welfare to Work services
    - 5) Direct staff and consultant costs to develop, plan, implement, operate and maintain transit projects and programs
    - 6) Staff time to complete end-of-year compliance reports
    - 7) Staff training costs directly related to implementation of projects or programs implemented with the Mass Transit Funds
  - c. *Ineligible Uses:* The following is a list of ineligible uses of Measure B Mass Transit pass-through funds:
    - 1) Non-transportation projects such as fees charged to capital construction projects for services or amenities not related to transportation
    - 2) Projects or programs that exclusively serve city/county staff
    - 3) Indirect costs, unless the RECIPIENT submits an independently audited/approved Indirect Cost Allocation Plan.
2. Measure B Express Bus Services Grant Program Funds
- a. *General:* The Measure B Expenditure Plan dedicates 0.7 percent of net revenues for the Countywide Express Bus Service fund for express bus service projects. Alameda CTC awards Measure B Countywide Express Bus Services Grant funds on a discretionary basis through a competitive grant program. These funds are intended to expand accessible, rapid transit services throughout Alameda County. Two agencies are eligible to receive express bus services grant funds and must enter into a separate agreement with Alameda CTC:
    - 1) Alameda-Contra Costa Transit District (AC Transit)
    - 2) Livermore Amador Valley Transit Authority (LAVTA)Fund recipients must enter into a separate agreement with Alameda CTC.
  - b. *Eligible Uses:* Measure B Countywide Express Bus Service Grant Fund Program Guidelines provide program eligibility and fund usage guidelines and requirements, definitions of terms, evaluation criteria, award details, and monitoring requirements.

3. VRF Transit for Congestion Relief Program Funds
  - a. The VRF Expenditure Plan dedicates 25 percent of net revenues for transit projects that provide congestion relief. Alameda CTC awards VRF Transit for Congestion Relief Grant Program funds on a discretionary basis. These funds are intended to make it easier for drivers to use public transportation, make the existing transit system more efficient and effective, and improve access to schools and jobs. The goal of this program is to decrease automobile usage and thereby reduce both localized and area-wide congestion and air pollution. Fund recipients must enter into a separate agreement with Alameda CTC.
  - b. *Eligible Uses:* VRF Transit for Congestion Relief Grant Program Guidelines provide program eligibility and fund usage guidelines and requirements, definitions of terms, evaluation criteria, award details, and monitoring requirements.

### **Section 6. Advancement of Pass-through Funds**

- A. The Alameda CTC may consider advancing future year pass-through funds, with the goal of seeing improvements made in the near term. If a jurisdiction is interested in this option, a written request to the Alameda CTC Director of Finance and a copy to the Deputy Director of Projects and Programs, indicating the amount of funds requested and the projects on which the funds will be spent, is required. Requests will be considered on an individual basis.

### **Section 7. Adoption of Implementation Guidelines**

- A. Implementation Guidelines are adopted by the Alameda CTC on an as-needed basis. Changes to Implementation Guidelines will be brought through the Alameda CTC's Technical Advisory Committee for review and comment, as well as any other Alameda CTC committees as necessary, before changes are adopted by the Alameda CTC Board.



**Alameda County Transportation Commission**  
**DRAFT Implementation Guidelines for the**  
**Paratransit Program Funded through Measure B**  
(Adopted [INSERT DATE])

**Section 1. Purpose**

- A. To delineate eligible uses of Paratransit funds authorized under Alameda County Transportation Commission Master Program Funding Agreements, these implementation guidelines have been developed to specify the requirements that local jurisdictions must follow in their use of Measure B pass-through funds and Measure B discretionary funds. These guidelines are incorporated by reference in the Master Program Funding Agreements. All other terms and conditions for programs are contained in the agreements themselves. The intent of the implementation guidelines is to:
1. Provide guidance on Paratransit funds eligible uses and expenditures.
  2. Define the terms in the Master Program Funding Agreements.
  3. Guide Paratransit Program implementation.

**Section 2. Authority**

- A. These Implementation Guidelines have been adopted by the Alameda County Transportation Commission and set forth eligible uses and expenditures for the Paratransit funds. The Alameda CTC may update these guidelines on an as-needed basis and will do so with involvement of its technical and community advisory committees (as applicable). Exceptions to these guidelines must be requested in writing and be approved by the Alameda CTC Board.

**Section 3. Background**

- A. Alameda CTC developed Implementation Guidelines for the Paratransit funds to clarify eligible fund uses and expenditures in association with new, 10-year Master Program Funding Agreements for the November 2000 voter-approved Measure B pass-through funds. The Expenditure Plan allocates 10.45 percent of Measure B funds for special transportation for seniors and people with disabilities (paratransit) programs and projects. The original program funding agreements for Measure B pass-through funds expired in spring 2012, and Alameda CTC put in place the new Master Program Funding Agreements to continue fund allocations for the remaining term of Measure B funds allocations through June 2022. These Implementation Guidelines define the eligible uses and allocation process for the Measure B funds and reflect new policies approved by the Alameda CTC.

## Section 4. Definition of Terms

- A. **Alameda CTC:** The Alameda County Transportation Commission is a Joint Powers Authority created by the merger of the Alameda County Congestion Management Agency, which performed long-range planning and funding for countywide transportation projects and programs, and the Alameda County Transportation Improvement Authority, which administered the voter-approved, half-cent transportation sales taxes in Alameda County (the Measure B sales tax programs approved in 1986 and 2000).
- B. **Americans with Disabilities Act (ADA):** According to the U.S. Equal Employment Opportunity Commission, originally passed in 1990 and revised in 2008, a law that prohibits private employers, state and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment. The ADA also requires reasonable accommodations for individuals with disabilities and has resulted in the removal of many barriers to transportation and in better access for seniors and people with disabilities.
- C. **Capital project:** A capital investment that typically requires the following phases: planning/feasibility, scoping, environmental clearance, design, right-of-way, construction, and completion. For paratransit programs, may be an investment in vehicles or equipment directly related to providing paratransit services.
- D. **Construction (includes PS&E):** Construction of a new capital project, including development of preliminary engineering and construction documents, including plans, specifications, and estimates (PS&E).
- E. **Cost Allocation Plans (CAPs):** CAPs and indirect cost (IDC) rate proposals are plans that provide a systematic manner to identify, accumulate, and distribute allowable direct and indirect costs to Paratransit programs funded through the Alameda CTC Master Program Funding Agreements.
- F. **Customer service and outreach:** Staffing and benefits for customer service as well as costs associated with marketing, education, outreach, and promotional campaigns and programs.
- G. **Direct cost:** A cost completely attributed to the provision of a service, operations, a program, a capital cost, or a product. These costs include documented hourly project staff labor charges (salaries, wages, and benefits) that are directly and solely related to the implementation of the Alameda CTC-funded Paratransit projects, consultants, and materials. These funds may be used for travel or training if they are directly related to the implementation of the Paratransit funds.
- H. **East Bay Paratransit (EBP) ticket purchase:** Amount paid to East Bay Paratransit for tickets plus associated costs, for example, distribution.
- I. **Education and promotion:** Marketing, education, information, outreach, and promotional campaigns and programs.

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- J. **Environmental documents:** Preparation of environmental documents, such as those related to the California Environmental Quality Act (CEQA) or the National Environmental Policy Act (NEPA), or permits required by state or federal permitting agencies.
- K. **Grants:** Funding for plans, programs, or projects based on a competitive call for projects; evaluated based on adopted evaluation criteria; and allocated based on a reimbursement basis.
- L. **Group trips:** One-way passenger trips considered group trips. Includes vehicle operation and contracts. See individual demand-response trips.
- M. **Indirect cost:** Also known as “overhead,” any cost of doing business other than direct costs. These costs include utilities, rent, administrative staff, officers’ salaries, accounting department costs, and personnel department costs, which are requisite for general operation of the organization but are not directly allocable to a particular service or product.
- N. **Individual demand-response trips:** Taxi service, door-to-door trips, van trips, etc. Includes actual operation cost and contracts for vehicle operation, scheduling, dispatching, vehicle maintenance, supervision, and fare collection (including ticket or scrip printing and sales) for the purpose of carrying passengers.
- O. **Maintenance:** Repairs, renovation, or upgrade of existing facility, infrastructure, or vehicles.
- P. **Management:** Staffing and benefits to manage programs, projects, and services.
- Q. **Meal delivery:** Service that includes costs associated with vehicle operation, scheduling, dispatching, vehicle maintenance, and supervision for the purpose of delivering meals, whether provided in-house, through contracts, via taxicab, or by grantees. See Meals on Wheels.
- R. **Meals on Wheels:** Service that is part of a Senior Nutrition Program and provides delivery of meals to seniors and people with disabilities. See meal delivery.
- S. **Measure B:** Alameda County’s half-cent transportation sales tax, originally approved in 1986, and reauthorized by voters in November 2000. Collection of the sales tax began on April 1, 2002. Administered by the Alameda CTC, Measure B funds four types of programs in 20 local jurisdictions: bicycle and pedestrian, local streets and roads, mass transit, and paratransit.
- T. **Operations:** Provision of services that operate transportation facilities and programs. Operations costs do not include the costs to operate community outreach or other programs not directly related to a specific transportation service, program, or product.
- U. **Paratransit Advisory and Planning Committee:** Originally named by the Measure B Expenditure Plan as the Alameda County Paratransit Coordinating Council, the Alameda CTC committee that meets to address funding, planning, and coordination issues regarding paratransit services in Alameda County. Members must be an Alameda County resident and an eligible user of any transportation service available to seniors and people with

disabilities in Alameda County. PAPCO is supported by a Technical Advisory Committee comprised of Measure B-funded paratransit providers in Alameda County.

- V. **Paratransit service:** Transportation services for seniors and people with disabilities including ADA-mandated or non-mandated shuttle or fixed-route services, including door-to-door services, group trips, and individual demand-response trip services; taxi programs; Meals on Wheels or meal delivery; volunteer driver programs; and purchase of EBP tickets.
- W. **Pass-through funds:** Funds allocated based on a funding formula (such as population, registered vehicles, roadmiles, or a combination thereof) defined in a voter-approved measure and provided to eligible jurisdictions on a regularly scheduled basis (such as a regular monthly payment).
- X. **Planning:** Identification of project and program current conditions and needs and development of strategies and plans to address the identified needs.
- Y. **Project completion/closeout:** Inspection/project acceptance, final invoicing, final reporting, and the processes for closing out a project.
- Z. **Scoping and project feasibility:** Early capital project phases that identify project needs, costs, and implementation feasibility.
- AA. **Shuttle or fixed-route trips:** Shuttle service or fixed-route bus service, for example. Includes vehicle operation and contracts. See individual demand-response trips.
- BB. **Staffing:** Salary and benefits for staff to support projects, programs, or services.

## Section 5. Paratransit Fund Allocations

- A. These Implementation Guidelines provide guidance on the Paratransit Fund allocation process for Measure B pass-through funds and Measure B Paratransit Gap Grant Program funds.
  - 1. Measure B Paratransit Pass-through Funds
    - a. *General:* Alameda CTC distributes Measure B Paratransit Pass-through Funds to fixed-route public transit operators that are required to provide transportation services mandated by the ADA; and to cities in Alameda County and the County to provide non-mandated services, aimed at improving mobility for seniors and persons with disabilities. Of the 10.45 percent of Measure B revenues for paratransit, Alameda CTC allocates approximately 8.92 percent as pass-through funds on a monthly basis directly to each transit operator, city, and the County.
      - 1) Approximately 3.39 percent of the funds are local pass-through funds distributed to Alameda County cities to provide non-mandated transportation services for seniors and people with disabilities allocated to each city operating paratransit service through a census-

based funding formula that is developed by PAPCO and approved by the Alameda CTC Board.

- 2) Approximately 5.53 percent of the funds are local pass-through funds distributed to Alameda County's primary mandated ADA service provider, East Bay Paratransit Consortium.
- b. *Eligible Uses:* The Measure B Paratransit pass-through funds may be used for any capital project, program, maintenance, or operations that directly improve paratransit services. Eligible uses for these funds include, but are not necessarily limited to:

- 1) Paratransit trip provision, including:
    - a) Fixed-route or shuttle trips
    - b) Group trips
    - c) Individual demand-response trips
  - 2) Meals on Wheels or meal delivery services
  - 3) Direct staff and consultant costs to develop, plan, implement, manage, operate and maintain paratransit projects and programs
  - 4) Direct staff and consultant costs to provide customer service and outreach for paratransit projects and programs
  - 5) Staff time to complete end-of-year compliance reports
  - 6) Staff training costs directly related to implementation of projects or programs implemented with the Paratransit Funds
- c. *Ineligible Uses:* The following is a list of ineligible uses of Measure B Paratransit pass-through funds:

- 1) Non-transportation projects or services such as fees charged to capital construction projects for services or amenities not related to transportation
- 2) Projects or programs that exclusively serve city/county staff
- 3) Indirect costs, unless the RECIPIENT submits an independently audited/approved Indirect Cost Allocation Plan.

## 2. Measure B Paratransit Gap Grant Program Funds

- a. *General:* The Measure B Expenditure Plan dedicates 1.43 percent of the funds for gaps in services to be allocated by PAPCO to reduce differences that might occur based on the geographic residence of any individual needing services. Alameda CTC awards Measure B Paratransit Gap Grant

funds on a discretionary basis through a competitive grant program. These funds are intended for recipients to provide special transportation services for seniors and people with disabilities directly, or to contract with any other agency to provide a more seamless, uniform program.

- b. *Eligible Uses:* Measure B Paratransit Gap Grant Program Guidelines provide program eligibility and fund usage guidelines and requirements, definitions of terms, evaluation criteria, award details, and monitoring requirements.
- c. *Minimum Service Level Gap Grant Program:* In February 2006, the Alameda County Transportation Improvement Authority (ACTIA) Board approved a set of Minimum Service Levels (MSLs) developed by the Paratransit Advisory and Planning Committee (PAPCO) as essential minimum, or baseline, levels of service which users can expect across Alameda County's multitude of services (see Attachment A). ACTIA also established the Measure B Minimum Service Level Gap Grant Program to help providers meet the Minimum Service Levels.
  - 1) Gap funds provide Alameda County with the opportunity to be innovative and explore alternative service delivery mechanisms in the face of a senior and disability population that is expected to grow substantially over the next 20 years. The population of people who are likely to need paratransit service is expected to outpace the growth in sales tax revenues that fund paratransit programs in Alameda County, including city-based programs and ADA-mandated services. Gap funds provide an opportunity to minimize the differences in service experienced by consumers based on their geographic location.
  - 2) Since 2010, Alameda CTC has awarded funding and administered this program. Funding comes from the Paratransit Gap funds allocated in the Measure B Expenditure Plan. Recipients must demonstrate a need for Measure B funding to help ensure MSLs.

## **Section 6. Advancement of Pass-through Funds**

- A. The Alameda CTC may consider advancing future year pass-through funds, with the goal of seeing improvements made in the near term. If a jurisdiction is interested in this option, a written request to the Alameda CTC Director of Finance and a copy to the Deputy Director of Projects and Programs, indicating the amount of funds requested and the projects on which the funds will be spent, is required. Requests will be considered on an individual basis.

## **Section 7. Adoption of Implementation Guidelines**

- A. Implementation Guidelines are adopted by the Alameda CTC on an as-needed basis. Changes to Implementation Guidelines will be brought through the Alameda CTC's Technical Advisory Committee for review and comment, as well as any other Alameda CTC committees as necessary, before changes are adopted by the Alameda CTC Board.

DRAFT

**Attachment A:  
PAPCO-approved Minimum Service Levels for Measure B Recipients**

<b>Minimum Service Level</b>	<b>A Program <i>Exceeds</i> this MSL if ...</b>
Regarding who programs serve: <ul style="list-style-type: none"> <li>• People 18 and above with disabilities who are unable to use fixed route services.</li> <li>• Seniors 80 and above without proof of a disability</li> </ul>	<ul style="list-style-type: none"> <li>• It serves minors with disabilities.</li> <li>• Seniors under 80 without proof of disability.</li> </ul>
Regarding the type of service programs provide: <ul style="list-style-type: none"> <li>• Accessible individual demand-responsive service</li> </ul>	<ul style="list-style-type: none"> <li>• It offers additional services for participants, such as group trips or meal delivery.</li> </ul>
Regarding the time and days service is provided: <ul style="list-style-type: none"> <li>• At least five days per week between the hours of 8 am and 5 pm (excluding holidays)</li> </ul>	<ul style="list-style-type: none"> <li>• It offers service more than five days a week.</li> <li>• Its service hours begin before 8 am and/or extend after 5pm.</li> </ul>
Regarding the service area of a program: <ul style="list-style-type: none"> <li>• Residents using this program are able to meet life needs, including but not limited to travel to major medical facilities, full service grocery stores and other basic necessities, if ADA services, or coordination between base programs are unable to provide these trips.</li> </ul>	<ul style="list-style-type: none"> <li>• It provides trips to locations beyond those which residents would travel to fulfill life needs, such as recreational trips outside city boundaries.</li> </ul>
Regarding fares: <ul style="list-style-type: none"> <li>• Fares should be comparable to East Bay Paratransit and equated to distance for van/sedan trips</li> <li>• Fares for Taxi trips should not exceed 50% of the total cost of the trip</li> </ul>	<ul style="list-style-type: none"> <li>• If a rider pays less than they would for a comparable trip on East Bay Paratransit for a van/sedan trip.</li> <li>• If a rider pays less than 50% of the total cost of the trip for a taxi trip.</li> </ul>
Regarding interim service for individuals applying for or awaiting ADA certification: <ul style="list-style-type: none"> <li>• Interim service should be provided within three business days upon receipt of application</li> <li>• Interim service should be provided at the request of a health care provider or ADA provider.</li> </ul>	<ul style="list-style-type: none"> <li>• It provides interim service in less than three business days.</li> </ul>
Regarding reservations: <ul style="list-style-type: none"> <li>• Programs should accept reservations between the hours of 8 am and 5 pm Monday – Friday.</li> </ul>	<ul style="list-style-type: none"> <li>• It accepts reservations before 8 am and/or after 5 pm.</li> <li>• It accepts reservations on weekends.</li> </ul>



**Alameda County Transportation Commission  
DRAFT Implementation Guidelines for the  
Local Transportation Technology Program  
Funded through Vehicle Registration Fees**

(Adopted [INSERT DATE])

### **Section 1. Purpose**

- A. To delineate eligible uses of Local Transportation Technology funds authorized under Alameda County Transportation Commission Master Program Funding Agreements, these implementation guidelines have been developed to specify the requirements that local jurisdictions must follow in their use of Vehicle Registration Fees (VRF) discretionary funds. These guidelines are incorporated by reference in the Master Program Funding Agreements. All other terms and conditions for programs are contained in the agreements themselves. The intent of the implementation guidelines is to:
1. Provide guidance on Local Transportation Technology funds eligible uses and expenditures.
  2. Define the terms in the Master Program Funding Agreements.
  3. Guide Local Transportation Technology Program implementation.

### **Section 2. Authority**

- A. These Implementation Guidelines have been adopted by the Alameda County Transportation Commission and set forth eligible uses and expenditures for the Local Transportation Technology funds. The Alameda CTC may update these guidelines on an as-needed basis and will do so with involvement of its technical and community advisory committees (as applicable). Exceptions to these guidelines must be requested in writing and be approved by the Alameda CTC Board.

### **Section 3. Background**

- A. Alameda CTC developed Implementation Guidelines for the Local Transportation Technology funds to clarify eligible fund uses and expenditures in association with new, 10-year Master Program Funding Agreements with local jurisdictions and Alameda County that include a new local, voter-approved revenue stream, the Vehicle Registration Fee (VRF), which will provide approximately \$11 million per year for transportation improvements throughout the County. The VRF includes 10 percent of net revenues for a Local Transportation Technology Program. These Implementation Guidelines define the eligible uses and allocation process for the VRF Local Transportation Technology funds and reflect new policies approved by the Alameda CTC.

## Section 4. Definition of Terms

- A. **Alameda CTC:** The Alameda County Transportation Commission is a Joint Powers Authority created by the merger of the Alameda County Congestion Management Agency, which performed long-range planning and funding for countywide transportation projects and programs, and the Alameda County Transportation Improvement Authority, which administered the voter-approved, half-cent transportation sales taxes in Alameda County (the Measure B sales tax programs approved in 1986 and 2000).
- B. **Capital project:** A capital investment that typically requires the following phases: planning/feasibility, scoping, environmental clearance, design, right-of-way, construction, and completion.
- C. **Construction (includes PS&E):** Construction of a new capital project, including development of preliminary engineering and construction documents, including plans, specifications, and estimates (PS&E).
- D. **Cost Allocation Plans (CAPs):** CAPs and indirect cost (IDC) rate proposals are plans that provide a systematic manner to identify, accumulate, and distribute allowable direct and indirect costs to Local Transportation Technology programs funded through the Alameda CTC Master Program Funding Agreements.
- E. **Direct cost:** A cost completely attributed to the provision of a service, operations, a program, a capital cost, or a product. These costs include documented hourly project staff labor charges (salaries, wages, and benefits) that are directly and solely related to the implementation of Alameda CTC-funded Local Transportation Technology projects, consultants, and materials. These funds may be used for travel or training if they are directly related to the implementation of the Local Transportation Technology funds.
- F. **Education and promotion:** Marketing, education, information, outreach, and promotional campaigns and programs.
- G. **Environmental documents:** Preparation of environmental documents, such as those related to the California Environmental Quality Act (CEQA) or the National Environmental Policy Act (NEPA), or permits required by state or federal permitting agencies.
- H. **Equipment and new vehicles:** Purchase or lease of vehicles, and equipment for service improvements, such as information dissemination, fare collection, etc.
- J. **Grants:** Funding for plans, programs, or projects based on a competitive call for projects; evaluated based on adopted evaluation criteria; and allocated based on a reimbursement basis.
- K. **Indirect cost:** Also known as “overhead,” any cost of doing business other than direct costs. These costs include utilities, rent, administrative staff, officers’ salaries, accounting department costs, and personnel department costs, which are requisite for general operation of the organization but are not directly allocable to a particular service or product.
- L. **Maintenance:** Repairs, renovation, or upgrade of existing facility or infrastructure.

- M. **Measure B:** Alameda County's half-cent transportation sales tax, originally approved in 1986, and reauthorized by voters in November 2000. Collection of the sales tax began on April 1, 2002. Administered by the Alameda CTC, Measure B funds four types of programs in 20 local jurisdictions: bicycle and pedestrian, local streets and roads, mass transit, and paratransit.
- N. **Operations:** Provision of services that operate transportation facilities and programs. Operations costs do not include the costs to operate community outreach or other programs not directly related to a specific transportation service, program, or product.
- P. **Planning:** Identification of project and program current conditions and needs and development of strategies and plans to address the identified needs.
- Q. **Planning area:** Four geographical sub-areas of the county (Planning Areas 1, 2, 3, and 4). The sub-areas of the county are defined by the Alameda CTC as follows:
1. Planning Area 1 – North Area: Cities of Alameda, Albany, Berkeley, Emeryville, Oakland and Piedmont
  2. Planning Area 2 – Central Area: Cities of Hayward and San Leandro, and the unincorporated areas of Castro Valley and San Lorenzo, as well as other unincorporated lands in that area
  3. Planning Area 3 – South Area: Cities of Fremont, Newark, and Union City
  4. Planning Area 4 – East Area: Cities of Dublin, Livermore, and Pleasanton, and all unincorporated lands in that area
- R. **Project completion/closeout:** Inspection/project acceptance, final invoicing, final reporting, and the processes for closing out a project.
- T. **Scoping and project feasibility:** Early capital project phases that identify project needs, costs, and implementation feasibility.
- U. **Smart Corridors Program:** A multi-modal advanced transportation management system, which provides real-time traffic conditions along major transportation corridors to allow participating agencies to better manage congestion and incidents along regional routes; improve transportation mobility, efficiency, and safety; and provide timely, multi-modal transportation information to agency transportation managers and to the public.
- V. **Staffing:** Salary and benefits for staff to support projects, programs, or services.
- W. **Vehicle Registration Fee (VRF):** Measure F, Alameda County's VRF Program, approved by the voters in November 2010 with 63 percent of the vote. It will generate approximately \$11 million per year through a \$10 per year vehicle registration fee. Administered by the Alameda CTC, the VRF funds four main types of programs and the distribution percentage is as follows: local streets and roads (60 percent); transit (25 percent); local transportation technology (10 percent); and bicycle and pedestrian projects (5 percent).

## Section 5. Local Transportation Technology Fund Allocations

- A. These Implementation Guidelines provide guidance on the VRF Local Transportation Technology Fund allocation process.
1. *General:* The VRF Expenditure Plan dedicates 10 percent of net revenues for the VRF Local Transportation Technology fund for technology projects. Alameda CTC awards VRF Local Transportation Technology funds on a discretionary basis. These funds are intended to continue and improve the performance of road, transit, pedestrian and bicyclist technology applications, and to accommodate emerging vehicle technologies such as electric and plug-in-hybrid vehicles.
  2. *Eligible Uses:* VRF Local Transportation Technology Program Guidelines provide program eligibility and fund usage guidelines and requirements, definitions of terms, geographic equity, evaluation criteria, award details, and monitoring requirements. Eligible projects include:
    - a. Development, installation, operations, monitoring, and maintenance of local street and arterial transportation management technology such as the Smart Corridors Program, traffic signal interconnection, transit and emergency vehicle priority, advanced traffic management systems, and advanced traveler information systems
    - b. Infrastructure for alternative vehicle fuels such as electric and plug-in-hybrid vehicle stations
    - c. New or emerging transportation technologies that provide congestion or pollution mitigation
    - d. Advanced signal technology for walking and bicycling

## Section 6. Adoption of Implementation Guidelines

- A. Implementation Guidelines are adopted by the Alameda CTC on an as-needed basis. Changes to Implementation Guidelines will be brought through the Alameda CTC's Technical Advisory Committee for review and comment, as well as any other Alameda CTC committees as necessary, before changes are adopted by the Alameda CTC Board.

**Alameda County Transportation Commission  
DRAFT Implementation Guidelines for the  
Transit Center Development Program  
Funded through Measure B**

(Adopted [INSERT DATE])

**Section 1. Purpose**

- A. To delineate eligible uses of Transit Center Development funds authorized under Alameda County Transportation Commission Master Program Funding Agreements, these implementation guidelines have been developed to specify the requirements that local jurisdictions must follow in their use of Measure B discretionary funds. These guidelines are incorporated by reference in the Master Program Funding Agreements. All other terms and conditions for programs are contained in the agreements themselves. The intent of the implementation guidelines is to:
1. Provide guidance on Transit Center Development funds eligible uses and expenditures.
  2. Define the terms in the Master Program Funding Agreements.
  3. Guide Transit Center Development Program implementation.

**Section 2. Authority**

- A. These Implementation Guidelines have been adopted by the Alameda County Transportation Commission and set forth eligible uses and expenditures for the Transit Center Development funds. The Alameda CTC may update these guidelines on an as-needed basis and will do so with involvement of its technical and community advisory committees (as applicable). Exceptions to these guidelines must be requested in writing and be approved by the Alameda CTC Board.

**Section 3. Background**

- A. Alameda CTC developed Implementation Guidelines for the Transit Center Development funds to clarify eligible fund uses and expenditures in association with new, 10-year Master Program Funding Agreements for the November 2000 voter-approved Measure B pass-through funds. The Expenditure Plan allocates 0.19 percent of Measure B funds for Transit Center Development programs and projects. The original program funding agreements for Measure B pass-through funds expired in spring 2012, and Alameda CTC put in place new Master Program Funding Agreements to continue fund allocations for the remaining term of Measure B funds allocations through June 2022. These Implementation Guidelines define the eligible uses and allocation process for the Measure B Transit Center Development funds and reflect new policies approved by the Alameda CTC.

## Section 4. Definition of Terms

- A. **Alameda CTC:** The Alameda County Transportation Commission is a Joint Powers Authority created by the merger of the Alameda County Congestion Management Agency, which performed long-range planning and funding for countywide transportation projects and programs, and the Alameda County Transportation Improvement Authority, which administered the voter-approved, half-cent transportation sales taxes in Alameda County (the Measure B sales tax programs approved in 1986 and 2000).
- B. **Capital project:** A capital investment that typically requires the following phases: planning/feasibility, scoping, environmental clearance, design, right-of-way, construction, and completion.
- C. **Construction (includes PS&E):** Construction of a new capital project, including development of preliminary engineering and construction documents, including plans, specifications, and estimates (PS&E).
- D. **Cost Allocation Plans (CAPs):** CAPs and indirect cost (IDC) rate proposals are plans that provide a systematic manner to identify, accumulate, and distribute allowable direct and indirect costs to Transit Center Development programs funded through the Alameda CTC Master Program Funding Agreements.
- E. **Direct cost:** A cost completely attributed to the provision of a service, operations, a program, a capital cost, or a product. These costs include documented hourly project staff labor charges (salaries, wages, and benefits) that are directly and solely related to the implementation of Alameda CTC-funded Transit Center Development projects, consultants, and materials. These funds may be used for travel or training if they are directly related to the implementation of the Transit Center Development funds.
- F. **Education and promotion:** Marketing, education, information, outreach, and promotional campaigns and programs.
- G. **Environmental documents:** Preparation of environmental documents, such as those related to the California Environmental Quality Act (CEQA) or the National Environmental Policy Act (NEPA), or permits required by state or federal permitting agencies.
- H. **Equipment and new vehicles:** Purchase or lease of vehicles, and equipment for service improvements, such as information dissemination, fare collection, etc.
- I. **Grants:** Funding for plans, programs, or projects based on a competitive call for projects; evaluated based on adopted evaluation criteria; and allocated based on a reimbursement basis.
- J. **Indirect cost:** Also known as “overhead,” any cost of doing business other than direct costs. These costs include utilities, rent, administrative staff, officers’ salaries, accounting department costs, and personnel department costs, which are requisite for general operation of the organization but are not directly allocable to a particular service or product.
- K. **Maintenance:** Repairs, renovation, or upgrade of existing facility or infrastructure.

- L. **Measure B:** Alameda County’s half-cent transportation sales tax, originally approved in 1986, and reauthorized by voters in November 2000. Collection of the sales tax began on April 1, 2002. Administered by the Alameda CTC, Measure B funds four types of programs in 20 local jurisdictions: bicycle and pedestrian, local streets and roads, mass transit, and paratransit.
- M. **Operations:** Provision of services that operate transportation facilities and programs. Operations costs do not include the costs to operate community outreach or other programs not directly related to a specific transportation service, program, or product.
- N. **Project completion/closeout:** Inspection/project acceptance, final invoicing, final reporting, and the processes for closing out a project.
- O. **Scoping and project feasibility:** Early capital project phases that identify project needs, costs, and implementation feasibility.
- P. **Staffing:** Salary and benefits for staff to support projects, programs, or services.
- Q. **Transit center development (TCD or transit oriented development [TOD]):** Also referred to as priority development areas (PDAs), transit villages, or transit oriented design, a mixed-use residential or commercial area designed to maximize access to public transportation. The California Department of Transportation defines TCD or TOD as, “Moderate to higher density development, located within an easy walk of a major transit stop, generally with a mix of residential, employment, and shopping opportunities designed for pedestrians without excluding the auto. TOD can be new construction or redevelopment of one or more buildings whose design and orientation facilitate transit use.”
- R. **Transit Oriented Development-Technical Assistance Program (TOD-TAP):** Program created in 2005 by the Alameda County Congestion Management Agency to provide jurisdictions technical assistance to complete studies and plans in a variety of topics that help advance transit oriented development projects.
- S. **Transportation for Livable Communities (TLC):** A regional program that the Metropolitan Transportation Commission administers to support community-based transportation projects that bring new vibrancy to downtown areas, commercial cores, neighborhoods, and transit corridors, enhancing their amenities and ambiance and making them places where people want to live, work, and visit. TLC provides funding for projects that are developed through an inclusive community planning effort, provide for a range of transportation choices, and support connectivity between transportation investments and land uses.

## Section 5. Transit Center Development Fund Allocations

- A. These Implementation Guidelines provide guidance on the Measure B Transit Center Development Fund allocation process.
  - 1. *General:* Alameda CTC awards Measure B Transit Center Development funds to cities in the county and to Alameda County on a discretionary basis through a

competitive grant program. These funds are intended to encourage residential and retail development near transit centers. Nonprofit organizations and transit operators are not directly eligible for these funds.

2. *Eligible Uses:* The Measure B Transit Center Development Grant Program Guidelines provide program eligibility and fund usage guidelines and requirements, definitions of terms, evaluation criteria, award details, and monitoring requirements. Eligible projects include:
  - a. The local match portion of the Metropolitan Transportation Commission (MTC) Transportation for Livable Communities Program for planning and capital projects.
  - b. A match to the MTC Transportation and Land Use (T-PLUS) program for TOD-TAP.
  - c. Funding for consultant services, studies and plans for the Alameda CTC administered TOD-TAP.

## **Section 6. Adoption of Implementation Guidelines**

- A. Implementation Guidelines are adopted by the Alameda CTC on an as-needed basis. Changes to Implementation Guidelines will be brought through the Alameda CTC's Technical Advisory Committee for review and comment, as well as any other Alameda CTC committees as necessary, for comment before changes are adopted by the Alameda CTC Board.