

**MEASURE B AND MEASURE BB  
Annual Program Compliance Report  
Reporting Period - Fiscal Year 2022-23**

**AGENCY CONTACT INFORMATION**

Agency Name: **City of Newark**

Date: 12/4/2023

**Primary Point of Contact**

<b>Name:</b>	Brett Oeverndiek
<b>Title:</b>	Management Analyst II
<b>Phone:</b>	510-578-4257
<b>Email:</b>	<a href="mailto:brett.oeverndiek@newark.org">brett.oeverndiek@newark.org</a>

---

**Agency's Certification of True and Accurate Reporting by Submission**

By submitting this Compliance Report to the Alameda County Transportation Commission, the submitting agency certifies the compliance information reported is true and complete to the best of their knowledge, and the dollar figures in the agency's Audited Financial Statement matches exactly to the revenues and expenditures reported herein.

Additionally, for the 2000 Measure B and 2014 Measure BB Direct Local Distribution (DLD) funds, pursuant to the California Public Utilities Code 180001 (e), funds generated by the transportation sales tax are to be used to supplement and not replace existing local revenues used for transportation purposes. By submit this report, the agency confirms that DLD funds are supplementing and not replacing existing local revenues used for transportation purposes.

---

**Program Compliance Report Structure**

This Reporting Form is broken into the following sections for the Measure B and BB Direct Local Distribution Programs applicable to the recipient agency.

- \* **Cover - Agency Contact**
- \* **General Compliance Reporting for all programs**
- \* **Table 1 - Summary of Revenue, Expenditures, and Changes in Fund Balance**
- \* **Table 2 - Detailed Summary of Expenditures and Accomplishments**

**MEASURE B AND MEASURE BB  
Annual Program Compliance Report**

**TABLE 1: SUMMARY OF REVENUE, EXPENDITURES, AND CHANGES IN FUND BALANCE**

*DIRECTIONS: Complete the sections below based on the Measure B and BB Audited Financial Statements, for the applicable DLD programs for your agency. Values must match financial statements and total reported expenditures on Table 2.*

**A. 2000 MEASURE B Direct Local Distribution Programs**

	Bicycle / Pedestrian	Local Streets and Roads	Mass Transit	Paratransit	Total
<b>Beginning of Year Fund Balance</b>	\$ 410,755	\$ 837,699	\$ -	\$ 337,910	\$ 1,586,364
<b>Measure B Revenue</b>	\$ 1,115	\$ 3,783	\$ -	\$ 1,421	\$ 6,319
<b>Interest</b>	\$ 6,804	\$ 14,865	\$ -	\$ 5,881	\$ 27,550
<b>GASB 31 Adjustment</b>	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Expenditures</b> <small>Expenditures Matches Table 2?</small>	\$ 122,825 <small>TRUE</small>	\$ - <small>TRUE</small>	\$ - <small>TRUE</small>	\$ 4,700 <small>TRUE</small>	\$ 127,525
<b>End of Year Fund Balance</b>	\$ 295,849	\$ 856,347	\$ -	\$ 340,512	\$ 1,492,708

*DLD Recipient verifies amounts above agrees to DLD Recipient's audited financial statements; and  
DLD Recipient verifies end of the year Fund Balance reflects what is stated on the audited financial statements.*

*Notes*

**B. 2014 MEASURE BB Direct Local Distribution Programs**

	Bicycle / Pedestrian	Local Streets and Roads	Mass Transit	Paratransit	Total
<b>Beginning of Year Fund Balance</b>	\$ 346,007	\$ 779,539	\$ -	\$ 623,609	\$ 1,749,155
<b>Measure BB Revenue</b>	\$ 331,944	\$ 1,313,179	\$ -	\$ 329,837	\$ 1,974,960
<b>Interest</b>	\$ 2,641	\$ 33,901	\$ -	\$ 15,137	\$ 51,679
<b>GASB 31 Adjustment</b>	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Expenditures</b> <small>Expenditures Matches Table 2?</small>	\$ 349,948 <small>TRUE</small>	\$ 111,718 <small>TRUE</small>	\$ - <small>TRUE</small>	\$ 186,594 <small>TRUE</small>	\$ 648,260
<b>End of Year Fund Balance</b>	\$ 330,644	\$ 2,014,901	\$ -	\$ 781,989	\$ 3,127,534

*DLD Recipient verifies amounts above agrees to DLD Recipient's audited financial statements; and  
DLD Recipient verifies end of the year Fund Balance reflects what is stated on the audited financial statements.*

*Notes*

Beginning fund balance restated - To Local Streets & Roads from Bike & Ped, due to expense.

**C. TIMELY USE OF FUNDS MONITORING**

**Policy:** RECIPIENT may not hold an end of fiscal year fund balance of greater than four-times their annual DLD revenue received for that same fiscal year, by respective Measure B and Measure BB Program. The Cities of Albany, Emeryville, and Piedmont are excluded from this requirement.

Measure B RECIPIENT must expend all Measure B DLD funds and all interest earned thereon by June 30, 2026.

This autopopulated section provides a tool to monitor a RECIPIENT's compliance to this policy.

	Total Annual Revenue (A)	Maximum Allowed Balance (4x Annual) (B) = (A) * 4	Current DLD Balance (C)	Current Balance Over / Under Maximum Allowed (D) = (C) - (B)
<b>Measure BB</b>	\$ 1,974,960	\$ 7,899,840	\$ 3,127,534	\$ (4,772,306)
<b>Measure B</b>	Measure B Balance must be exhausted June 30, 2026.		\$ 1,492,708	

**Exemption Requests:** RECIPIENT must demonstrate that extraordinary circumstances have occurred, and provide a timely expenditure plan that would justify the exemption.

*For Exemption consideration, answer the follow:*

- 1) Explain and justify why there is a excess balance beyond the maximum allowed.
- 2) Describe an Expenditure Plan, activities, and estimated timeframe to draw down balances.

N/A

**Bicycle and Pedestrian Direct Local Distribution Program  
Reporting Period - Fiscal Year 2022-23**

**GENERAL COMPLIANCE REPORTING**

**1. Indicate the adoption year of the most current Bicycle/Pedestrian Master Plans, as applicable.**

Bicycle Master Plan  
Pedestrian Master Plan  
Bike/Ped Master Plan

**Adoption Year**

2017

**1a. If the plans are over five-years past the last adoption year, specify the status of the current update.**

*Indicate N/A, if not applicable.*

The new Pedestrian and Bicycle Master Plan, also known as the Active Transportation Plan is being updated at this time. The anticipated adoption of the updated master plan is tentatively scheduled for the fall of 2024.

**1b. Describe which how your bike/pedestrian master plan is being implemented in the reporting fiscal year i.e. which projects being implemented and transportation benefits/needs addressed.**

The City's Pedestrian and Bicycle Master Plan (PBMP) identifies the need for ongoing repairs of damaged curb, gutter and sidewalk infrastructure to help ensure pedestrian and bicycle safety. Project 1257 was completed primarily during the reporting fiscal year and focused the repairs of this infrastructure on various streets. The City also expended funding related to the design of Project 1238 (Lindsay Tract Street and Storm Drainage Improvements) which will address pedestrian and bicycle safety improvements in this neighborhood in a manner consistent with the PBMP.

**2. Describe how your reported DLD expenditures specifically addressed safety.**

DLD expenditures specifically addressed safety by eliminating existing raised sidewalk and curb, gutter and pavement hazards within the walking and biking portion of the roadway on the affected streets. Expenditures under Project 1257 included repairs to both sidewalk and roadway surfaces at various Citywide locations resulting in improved safety conditions for pedestrians and bicyclists at each of these locations. Expenditures for the planning and design of Project 1238 (Lindsay Tract) are a partial investment in the future improvements to the sidewalk and adjacent roadway surfaces for improved pedestrian and bicycle safety.

**2a. How much of the end of year fund balance is encumbered into active contracts/projects?**

*Encumbered value should be less than or equal to the end of year balance.*

		\$ Encumbered
MB Balance	\$ 295,849	\$ 91,399
MBB Balance	\$ 330,644	\$ -
<b>Total</b>	<b>\$ 626,493</b>	<b>\$ 91,399</b>

**2b. Why is there a fund balance?** *Indicate N/A, if not applicable.*

The City is evaluating the best use of the current remaining Measure B and Measure BB fund balances for upcoming pedestrian and bicycle related projects. The City is seeking additional discretionary funding sources for several projects and these unencumbered fund balances may be used as a critical source of matching funds.

**Bicycle and Pedestrian Direct Local Distribution Program  
Reporting Period - Fiscal Year 2022-23**

**GENERAL COMPLIANCE REPORTING**

**2c. Specify any large planned uses of fund balances within this program and their status i.e. planned or underway.**

Project Title	Brief Project Description	DLD Amount	Project Status
CIP# 1302 2022 Curb, Gutter and Sidewalk Replacement Program	Remove and replace damaged sidewalks, curbs, and gutters throughout the City. Improve bicycle and pedestrian safety.	\$ 535,000	Planned
CIP #1238 Lindsey Tract Street and Storm Drainage Improvements (Measure B)	Complete reconstrution of Lindsey Tract Streets, including replacement of existing sidewalks, replacement of rolled curbs, and street construction for a segment of street with no existing curb, gutter, and sidewalk.	\$ 91,399	Underway

**3. Confirm all expenditures were governing body approved (Yes/No).**

Yes

**4. Confirm the completion of the publicity requirements in the table below (Yes/No).**

	Measure B	Measure BB	Copy of article, website, signage attached?	If applicable, briefly explain why the publicity requirement wasn't completed.
<b>Article</b>	Yes	Yes	Yes	
<b>Website</b>	Yes	Yes	Yes	
<b>Signage</b>	No	No	No	Staff missed opportunity to place signs

**5. Describe how the current DLD investments promoted safety and/or local vision zero efforts.**

The current DLD investments went directly towards addressing idenitified safety concerns on sidewalk and bicycling surfaces for improved safety for pedestrians and bicyclists. Hazards on walking and biking surfaces were physically removed with these investments. The improved safety conditions were promoted with the City's Newark News newsletter, website and project location signage.

**Bicycle and Pedestrian Direct Local Distribution Program  
Reporting Period - Fiscal Year 2022-23**

**TABLE 2: DETAILED SUMMARY OF EXPENDITURES AND ACCOMPLISHMENTS**

Provide a detailed summary of Measure B and BB Expenditures for the reporting fiscal year. Performance reporting/quantity complete and other fund expenditures should be consistent with reporting data sent to other agencies (regional/state/federal reporting).  
- Expenditure total must correspond to your Audited Financial Statements, and Table 1 values.

No.	Project Category <i>(Drop-down Menu)</i>	Project Phase <i>(Drop-down Menu)</i>	Project Type <i>(Drop-down Menu)</i>	Primarily Capital or Administrative Expenditure?	Project Name	Project Description/Benefits	Quantity Completed in FY 22-23	Units for Quantity <i>(Drop-down Menu)</i>	Additional description on units or expanded detail on expenditures, performance, accomplishments	Equity Priority Community Proximity	High Injury Network	Measure B DLD Expenditures	Measure BB DLD Expenditures	
1	Bicycle	Other	Other	Administrative	Bike to Wherever Sponsorship			Other		3. None (Not near EPC)	3. None (Not near HIN)	\$ 2,500	\$ -	
2	Bike/Ped	Construction	Sidewalks and Ramps	Capital	CIP #1257 2021 Curb, Gutter, Sidewalk Replacement Program	Remove and replace damaged sidealks, curbs, and gutters throughout the City. Improved pedestrian and bicycle safety.	894	Square Feet	Remove and replace 894 sf of sidewalk, 84 ft of curb & gutter and 1 curb ramp.	3. None (Not near EPC)	1. Direct (in HIN)	\$ 23,762	\$ -	
3	Bike/Ped	Planning/Scoping	Streetscape / Complete Streets	Capital	CIP #1238 Lindsay Tract and Storm Drainage Improvements	Complete reconstruction of Lindsey Tract Streets, including replacement of existing sidewalks, replacement of rolled curbs, and street construction for a segment of street with no existing curb, gutter, and sidewalk.			In design. Funding supporting the design of this critical project to benefit walking and biking in this neighborhood.	3. None (Not near EPC)	2. Proximate (w/in 1-mile)	\$ 96,563	\$ -	
4	Bike/Ped	Construction	Sidewalks and Ramps	Capital	CIP #1279 2022 Curb, Gutter, Sidewalk Replacement Program	Remove and replace damaged sidealks, curbs, and gutters throughout the City. Improved pedestrian and bicycle safety.	3145	Square Feet	Remove and replace 3,145 sf of sidewalk, 2,752 ft of curb & gutter and 15 curb ramps.	3. None (Not near EPC)	1. Direct (in HIN)	\$ -	\$ 349,948	
<b>Total Percentage of Capital vs Administrative Costs</b>				99%										
a. Total Capital				\$ 470,273										
b. Total Administrative				\$ 2,500										
											<b>TOTAL</b>		\$ 122,825	\$ 349,948
											<b>Match to Table 1?</b>		TRUE	TRUE

Is the total percentage of Capital vs Program Administration (outreach, staffing, administrative support) Costs GREATER THAN 50%? If not, explain how capital investments will increase in the future.

N/A

**Local Streets and Roads (LSR) Direct Local Distribution Program  
Reporting Period - Fiscal Year 2022-23**

**GENERAL COMPLIANCE REPORTING**

**1a. What is agency's 2022 Pavement Condition Index (PCI)?**

PCI = 72

Use same PCI reported to MTC for their Pavement Condition Rpt.

<https://mtc.ca.gov/operations/programs-projects/streets-roads-arterials/pavement-condition-index>

**1b. What is the basis for your PCI number if not from MTC Report** - <https://mtc.ca.gov/operations/programs-projects/streets-roads-arterials/pavement-condition-index>?

N/A

**1c. If your PCI fell below a score of 60 (fair condition), specify what corrective actions are being implemented to increase the PCI? Additionally, if your agency's PCI has been consistently under 60 in the past three years, explain why.**

Indicate N/A, if not applicable.

N/A

**2a. How much of the program fund balance is encumbered into active contracts/projects?**

Encumbered value should be less than or equal to the available balance.

		\$ Encumbered
MB Balance	\$ 856,347	\$ 290,815
MBB Balance	\$ 2,014,901	\$ 17,928
<b>Total</b>	\$ 2,871,248	\$ 308,743

**2b. Why is there a fund balance?** Indicate N/A, if not applicable.

The City is evaluating the best use of the current remaining Measure B and Measure BB fund balances for upcoming local street and road projects, but the funds are not yet formally encumbered. The City is seeking additional discretionary funding sources for several projects and these unencumbered fund balances may be used as a critical source of matching funds. Funding will likely also be directed towards pavement maintenance and local roadway projects.

**2c. Specify any large planned uses of fund balances within this program and their status i.e. planned or underway.**

Project Title	Brief Project Description	DLD Amount	Project Status
CIP 1344 2024 Street Asphalt Overlay Program	Overlay various streets with asphalts concrete. Restored worn out pavement to full serviceability and improved traffic safety by replacing pavement surface and traffic striping.	\$ 2,100,000	Planned
CIP 1345 2024 Slurry Seal Program	Slurry seal various streets throughout the city to maintain the condition of good streets to extend the life of the pavement system. Improve traffic safety by renewing pavement surface and traffic striping.	\$ 400,000	Planned
CIP #1300 Street Asphalt Concrete Overlay	Overlay various streets with asphalts concrete. Restored worn out pavement to full serviceability and improved traffic safety by replacing pavement surface and traffic striping.	\$ 308,743	Underway

**Local Streets and Roads (LSR) Direct Local Distribution Program  
Reporting Period - Fiscal Year 2022-23**

**GENERAL COMPLIANCE REPORTING**

3. Confirm all expenditures were governing body approved (Yes/No).

Yes

4. Confirm the completion of the publicity requirements in the table below (Yes/No).

	Measure B	Measure BB	Copy of article, website, signage attached?	If applicable, briefly explain why the publicity requirement wasn't completed.
<b>Article</b>	Yes	Yes	Yes	
<b>Website</b>	Yes	Yes	Yes	
<b>Signage</b>	Yes	Yes	Yes	

**Local Streets and Roads Direct Local Distribution Program**

**Reporting Period - Fiscal Year 2022-23**

**TABLE 2: DETAILED SUMMARY OF EXPENDITURES AND ACCOMPLISHMENTS**

Provide a detailed summary of Measure B and BB Expenditures for the reporting fiscal year. Performance reporting/quantity complete and other fund expenditures should be consistent with reporting data sent to other agencies (regional/state/federal reporting).  
 - Expenditure total must correspond to your Audited Financial Statements and Table 1 values

No.	Project Category <i>(Drop-down Menu)</i>	Project Phase <i>(Drop-down Menu)</i>	Project Type <i>(Drop-down Menu)</i>	Primarily Capital or Administrative Expenditure?	Project Name	Project Description/Benefits	Quantity Completed in FY 22-23	Units for Quantity <i>(Drop-down Menu)</i>	Additional description on units or expanded detail on expenditures, performance, accomplishments	Equity Priority Community Proximity	High Injury Network	Measure B DLD Expenditures	Measure BB DLD Expenditures
1	Streets/Rds	Maintenance	Street Resurfacing/Main	Capital	CIP #1300 Street Asphalt Concrete Overlay	Overlay various streets with asphalts concrete. Restored worn out pavement to full serviceability and improved traffic safety by replacing pavement surface and traffic striping.	138	Other	138 cubic yards of patch paving was completed. Please note the project started in June 2023 so only several weeks of work is reported. This project is \$1.7M and most of the accomplishments will be reported in the FY 2023-24 final report.	3. None (Not near EPC)	1. Direct (in HIN)	\$ -	\$ 111,718
<b>TOTAL</b>											\$ -	\$ 111,718	
Match to Table 1?											TRUE	TRUE	
<b>Percentage of Capital vs Administrative Costs</b>				100%									
a. Total Capital				\$ 111,718									
b. Total Administrative				\$ -									

If your agency did not expend greater than 50% of total costs on Capital Investments, explain how capital investments will increase in the future over Program Administration (outreach, staffing, administrative support). Indicate N/A if not applicable.

N/A

A minimum of 15% of Measure BB LSR funds are required to be expended on bike/pedestrian Improvements.

In this fiscal year, how much of Measure BB LSR funds were expended on bike/pedestrian improvements?

\$ -

Percent of Measure BB LSR funds expenditures on bike/pedestrian improvements:

0.0%

Meets minimum 15% threshold?

FALSE

If your agency did not meet the 15% minimum expenditure requirement this fiscal year, explain why.

CIP 1300 Street Asphalt Concrete Overlay project started construction in June 2023 and continued through the summer and fall, so more expenditures will be reflected in the reporting period FY 2023-24.

**Paratransit Direct Local Distribution Program  
Reporting Period - Fiscal Year 2022-23**

**GENERAL COMPLIANCE REPORTING**

**1a. How much of the balance identified here is encumbered into active contracts and projects?**

*Encumbered value should be less than or equal to the available balance.*

		\$ Encumbered
MB Balance	\$ 340,512	\$ 9,300
MBB Balance	\$ 781,989	\$ -
<b>Total</b>	\$ 1,122,501	\$ 9,300

**2b. Why is there a fund balance?** *Indicate N/A, if not applicable.*

The Measure B and BB fund balances will be expended on the three services listed below through a contract for services with the City of Fremont. Fund balances will be used for issues related to increased service demands and revenue fluctuations.

**1c. Specify any large planned uses of fund balances within this program and their status i.e. planned or underway.**

Project Title	Brief Project Description	DLD Amount	Project Status
Ride-On Tri-City! Wheelchair Van Service	Accessible door-to-door, advance registration trips for individuals	\$ 191,506	Planned
Ride-On Tri-City! Taxi Service	Same-day transportation for individuals	\$ 19,708	Planned
Ride-On Tri-City! TNC Service	Same-day transportation for individuals	\$ 62,838	Planned
Meal Delivery	Life Elder Care Meals on Wheels	\$ 7,000	Planned
CIP #1257 2021 Curb, Gutter, and Sidewalk Replacement Program	Remove and replace damaged sidewalks, curbs, and gutters throughout the City. Improved pedestrian and bicycle safety.	\$ 9,300	Underway

**4. Confirm all expenditures were governing body approved (Yes/No).**

Yes

**5. Confirm the completion of the publicity requirements in the table below (Yes/No).**

	Measure B	Measure BB	Copy of Article, website, signage Attached?	If applicable, briefly explain why the publicity requirement wasn't completed.
<b>Article</b>	Yes	Yes	Yes	
<b>Website</b>	Yes	Yes	Yes	
<b>Signage</b>	Yes	Yes	No	Signage will be provided by City of Fremont and MV Transportation

**Paratransit Direct Local Distribution Program**  
Reporting Period - Fiscal Year 2022-23

**TABLE 2: DETAILED SUMMARY OF EXPENDITURES AND ACCOMPLISHMENTS**

Provide a detailed summary of Measure B and BB Expenditures for the reporting fiscal year. Performance reporting/quantity complete and other fund expenditures should be consistent with reporting data sent to other agencies (regional/state/federal reporting).  
- Expenditure total must correspond to your Audited Financial Statements and Table 1 values.

No.	Project Category <i>(Drop-down Menu)</i>	Project Phase <i>(Drop-down Menu)</i>	Project Type <i>(Drop-down Menu)</i>	Project Name	Project Description/Benefits	Quantity Completed in FY 22-23	Units for Quantity <i>(Drop-down Menu)</i>	Additional description on units or expanded detail on expenditures, performance, accomplishments	Equity Priority Community Proximity	Measure B DLD Expenditures	Measure BB DLD Expenditures	Other Fund Expenditures	Total Cost
1	Other	Construction	Other	CIP #1257 Curb, Gutter, Sidewalk Replacement Program	Remove and replace damaged sidealks, curbs, and gutters throughout the City. Improved pedestrian and bicycle safety.	310	Square Feet	Remove and replace 310 sf of sidewalk	3. None (Not near EPC)	\$ 4,700	\$ -	\$ -	\$ 4,700
2	Senior and Disabled Services	Operations	City-based Door-to-Door	Ride-On Tri-City! Wheel Chair Accessible Transportation	Ride-On Tri-City! Wheel Chair Accessible Transportation	3027	Number of One-Way Unduplicated Trips			\$ -	\$ 118,600	\$ -	\$ 118,600
3	Senior and Disabled Services	Operations	Same Day/Taxi Program	City of Newark/Fremont Same Day Taxi Voucher Program	Provides same day subsidized Taxi Voucher rides for seniors and disabled who cannot access fixed route services. Provides rides to places of worship, medical appointments, shopping trips, social and recreation opportunities and visits with friends and relatives.	479	Number of One-Way Unduplicated Trips			\$ -	\$ 11,975	\$ -	\$ 11,975
4	Senior and Disabled Services	Operations	Other	City of Newark/Fremont Same Day TNC Program	Provides same day subsidized TNC rides for seniors and disabled who cannot access fixed route services. Provides rides for medical appointments, grocery shopping, places of worship, social and recreation opportunities and visits with friends and family.	867	Number of One-Way Unduplicated Trips			\$ -	\$ 32,067	\$ -	\$ 32,067
5	Meals on Wheels	Operations	Meal Delivery	Life Elder Care Meals on Wheels	Provides hot and nutritious meal delivery to home-based Newark seniors. Also provides a daily well-check of program participants.	18000	Other	Life Eldercare did not invoice for FY21/22 until FY22/23 so this is payment for two FYs (\$7k each)		\$ -	\$ 14,000	\$ -	\$ 14,000
6	Senior and Disabled Services	Operations	Program Administration	Administrative fee from City of Fremont	The city of Fremont administers the City of Newark's program and charges a monthly administrative fee	12	Other		3. None (Not near EPC)	\$ -	\$ 9,952	\$ -	\$ 9,952
<b>TOTAL</b>										\$ 4,700	\$ 186,594	\$ -	\$ 191,294
<b>Match to Table 1?</b>										TRUE	TRUE		