BOARD OF DIRECTORS
ALAMEDA-CONTRA COSTA TRANSIT DISTRICT
AGENDA

Regular Meetings of the Board of Directors and the External Affairs and Finance and Audit Committees
AC Transit General Offices
2nd Floor Board Room
1600 Franklin Street
Oakland, CA 94612

Wednesday, October 22, 2014, at 5:00 p.m.
Closed Session: 4:00 p.m. (Items 9A-9D)
Committee meetings will commence when the Board of Directors recesses to a Committee of the Whole

MEMBERS OF THE BOARD OF DIRECTORS
GREG HARPER, PRESIDENT (WARD 2)
JOE WALLACE, VICE PRESIDENT (WARD 1)
ELSA ORTIZ (WARD 3)
MARK WILLIAMS (WARD 4)
JEFF DAVIS (WARD 5)
JOEL YOUNG (AT-LARGE)
H. E. CHRISTIAN PEEPLES (AT-LARGE)

BOARD OFFICERS
DAVID J. ARMijo, GENERAL MANAGER
DENISE C. STANDRIDGE, GENERAL COUNSEL
LINDA A. NEMEROFF, DISTRICT SECRETARY

STANDING COMMITTEES
Planning Committee
Operations Committee
External Affairs Committee
Finance and Audit Committee

* All Standing Committees are held in conjunction with the regular Board of Directors meeting.

To access live and archived audio of Board of Directors and Standing Committee meetings as well as agendas, staff reports, and the schedule of future meetings please visit www.actransit.org and click on “Board Meetings”. Dial (510) 891-7200 to access agendas by telephone. For questions, contact the District Secretary’s Office at (510) 891-7201.
MEETING PROCEDURES

Public Comment: Members of the public wishing to present comments should complete a Speaker's Form and submit it to the District Secretary. For subjects not listed on this agenda, the public will be invited to speak under the "PUBLIC COMMENTS" section of the agenda. For specific agenda item(s), speakers will be invited to address the Board/Standing Committee(s) at the time the item is being considered. All speakers are allowed two (2) minutes to present comments. Individuals wishing to present more detailed information are encouraged to submit comments in writing. Written comments are included in the record for meeting(s), and as such, are available for public inspection and may be posted to the District's website.

Electronic Devices: All electronic devices (cell phones, pagers and similar-sounding devices) shall be placed on mute, vibrate or silent mode during Board and Committee meetings pursuant to District Ordinance No. 12.

Time of Meetings: Times included on this agenda for commencement of Standing Committee meetings are estimates only. Committee meetings will commence when the Board of Directors recesses to a Committee of the Whole.

Order of Agenda Items: The Board or Standing Committee(s) may discuss any item listed on this agenda and in any order.

Agenda Planning: The Agenda Planning portion of the agenda is designed to assist the Board and staff in the preparation of future Board and Committee agendas. Each item requested shall have the concurrence of at least two Directors in order to place a proposed agenda item on a future agenda.

LIVE AUDIO STREAMING OF BOARD AND COMMITTEE MEETINGS

Live audio streaming and an archive of previously recorded meetings is available on the District's website at www.actransit.org. For technological reasons, recordings of meetings held outside of the Board Room cannot be streamed to the web.

AVAILABILITY OF AGENDA RELATED MATERIALS

Written agenda related materials for all open session regular meetings are available to the public 72 hours prior to the meeting or at the time the materials are distributed to a majority of the Board. Written materials presented at a meeting by staff or a member of the Board will be available to the public at that time, or after the meeting if supplied by an outside party. Agenda related materials are available on the District’s website or by contacting the District Secretary’s Office.

ACCESSIBLE PUBLIC MEETINGS

Meetings of the Board of Directors are accessible to individuals in wheelchairs. The Board Room is equipped with Assistive Listening Devices for individuals with a hearing impairment. Written materials in appropriate alternative formats, disability-related modification/accommodation as well as sign language and foreign language interpreters must be made 72 hours in advance of the meeting or hearing to help ensure availability. Please direct requests for disability related modification or accommodation and/or interpreter services to Linda A. Nemeroff, District Secretary, 1600 Franklin Street, Oakland, California, 94612 or call (510) 891-7201.

AC Transit’s General Offices are generally served by bus lines 1, 11, 12, 51A, 72, 72M. The nearest accessible bus service is provided at the intersection of Broadway and 17th Street in Oakland. The nearest accessible BART station is the 19th Street Station in Oakland.

District Ordinance No. 13 prohibits bringing non-service animals to District facilities unless specifically authorized by federal or state law.

To accommodate individuals with severe allergies and environmental illnesses, meeting participants should refrain from wearing scented products to the meeting.
1. **ROLL CALL**

2. **PUBLIC COMMENT**
   Any person may directly address the Board at this time on any items of interest to the public that is within the subject matter and jurisdiction of the Board. Speakers wishing to address a specific agenda item will be invited to address the Board at the time the item is being considered. Two (2) minutes are allowed for each item.

3. **GENERAL MANAGER'S REPORT**

4. **BOARD/STAFF COMMENTS**
   (Government Code Section 54954.2)

5. **CONSENT CALENDAR**
   Items listed under the Consent Calendar are considered to be routine and may be enacted by one motion/one vote. If discussion is desired, an item may be removed from the Consent Calendar and will be considered individually.

   5A. Consider approving Board of Directors and Standing Committee minutes of October 8, 2014.
   
   5B. Consider approving Accessibility Advisory Committee minutes of September 9, 2014 (Report 14-254).
   
   5C. Consider approving Retirement Board minutes of September 24, 2014 (Report 14-255).
   

6. **REGULAR CALENDAR**

   6A. Consider approving the Business Impact Mitigation Plan for Bid Package #1, Advanced Utilities, and the Parking and Business Impact Mitigation Plan for Bid Packet #2, Fruitvale Bypass and Off-Street Parking Lots (Fruitvale and Elmhurst) associated with the Bus Rapid Transit Project (Report 14-155a).
   
   6B. Consider authorizing the recruitment of two public members and one non-ATU member to the AC Transit Retirement Board (Report 14-245).
   
   6C. Consider adoption of **Resolution No. 14-047** appointing one member to the Alameda-Contra Costa Transit District Parcel Tax Fiscal Oversight Committee (Report 14-237a).
6D. Consider approving First Amendment to the Interim General Counsel’s Employment Agreement (Report 14-298).

6E. Consider approving the Fourth Amendment to the District Secretary’s Employment Agreement and authorize the necessary budget adjustments for FY 2014-15 (Report 14-299).

RECESS TO STANDING COMMITTEES (as the Committee of the Whole)
Speakers will be invited to address a Committee at the time an item on the agenda is being considered or under Public Comment for items not on the agenda. Immediately following the Standing Committee Meetings, the Board meeting will reconvene at which time the Board may take action on any of the following Committee agenda items.

ALL COMMITTEES ARE ADVISORY ONLY.

<table>
<thead>
<tr>
<th>A.</th>
<th>EXTERNAL AFFAIRS COMMITTEE – Elsa Ortiz, Chairperson</th>
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<tbody>
<tr>
<td></td>
<td>Held immediately following the Board Meeting recess.</td>
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<td><strong>Public Comment</strong> (for items not on the agenda)</td>
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<td><strong>Briefing/Action Items:</strong></td>
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<tr>
<td>A-2.</td>
<td>Consider recommending introduction and waive the reading of Ordinance No. 16, an Ordinance Regulating the Use of the Alameda-Contra Costa Transit District’s Registered Logo and Service Marks and Repealing Ordinance No. 11 (Report 14-241).</td>
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<th>B.</th>
<th>FINANCE AND AUDIT COMMITTEE – Jeff Davis, Chairperson</th>
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<td>Held immediately following the External Affairs Committee meeting.</td>
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<td><strong>Public Comment</strong> (for items not on the agenda)</td>
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<td><strong>Consent Items:</strong></td>
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<td>B-3.</td>
<td>Consider recommending that the General Manager, or his designee, be authorized to file an application with the California Department of Transportation (CalTrans) for the Fiscal Year 2015-16 CalTrans Planning Grant in support of the Dumbarton Express Service Expansion Study (Report 14-270).</td>
</tr>
</tbody>
</table>
Briefing/Action Items:


RECONVENE BOARD OF DIRECTORS MEETING – Greg Harper, President

7. REPORTS OF STANDING COMMITTEES

The District Secretary will report on the recommendations made by the Committees, including those items referred to the Consent Calendar Addenda. If discussion or comment is desired, any person may request that an item be considered individually.

A. EXTERNAL AFFAIRS COMMITTEE:


A-2. Consider introduction and waive the reading of Ordinance No. 16, an Ordinance Regulating the Use of the Alameda-Contra Costa Transit District's Registered Logo and Service Marks and Repealing Ordinance No. 11 (Report 14-241).

B. FINANCE AND AUDIT COMMITTEE


B-3. Consider authorizing the General Manager, or his designee, to file an application with the California Department of Transportation (CalTrans) for the Fiscal Year 2015-16 CalTrans Planning Grant in support of the Dumbarton Express Service Expansion Study (Report 14-270).


8. CONSENT CALENDAR ADDENDA
   The Board is requested to authorize as recommended from the committee meetings above.

9. CLOSED SESSION/REPORT OUT
   The items for consideration are listed below and will be reported on by the General Counsel as necessary at the end of the meeting.

9A. Conference with Legal Counsel – Potential Litigation
   (Government Code Section 54956.9(b)) (Two Cases)

9B. Conference with Labor Negotiators
   (Government Code Section 54957.6):
   Agency Designated Representative: David J. Armijo, General Manager
   Employee Organizations: ATU Local 192, AFSCME Local 3916, IBEW Local 1245, Unrepresented Employees

9C. Conference with Labor Negotiators – Board Officers
   (Government Code Section 54957.6):
   Agency Designated Representative: Greg Harper, Board President
   Title: General Manager, General Counsel, District Secretary

9D. Public Employee Performance Evaluation
   (Government Code Section 54957)
   Title: General Manager, General Counsel, District Secretary

10. AGENDA PLANNING
11. ADJOURNMENT
    Next Meeting: November 12, 2014, at 5:00 p.m.
BOARD OF DIRECTORS
CONSENT CALENDAR

October 22, 2014

Agenda Items 5A – 5D
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BOARD OF DIRECTORS
ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

MINUTES

Regular Meetings of the Board of Directors and the
Planning and Operations Committees
AC Transit General Offices
2nd Floor Board Room
1600 Franklin Street
Oakland, CA 94612

Wednesday, October 8, 2014, at 5:00 p.m.
Closed Session: 4:00 p.m. (Items 9A-9E)
Committee meetings will commence when the
Board of Directors recesses to a Committee of the Whole

MEMBERS OF THE BOARD OF DIRECTORS
GREG HARPER, PRESIDENT (WARD 2)
JOE WALLACE, VICE PRESIDENT (WARD 1)
ELSA ORTIZ (WARD 3)
MARK WILLIAMS (WARD 4)
JEFF DAVIS (WARD 5)
JOEL YOUNG (AT-LARGE)
H. E. CHRISTIAN PEEPLES (AT-LARGE)

BOARD OFFICERS
DAVID J. ARMijo, GENERAL MANAGER
DENISE C. STANDRIDGE, INTERIM GENERAL COUNSEL
LINDA A. NEMEROFF, DISTRICT SECRETARY
The Alameda-Contra Costa Transit District Board of Directors held a regular meeting on Wednesday, October 8, 2014.

The meeting was called to order at 4:03 p.m. for the purpose of Closed Session. All Board members were present with the exception of Directors Williams and Young who were absent. The District Secretary announced that the Board would convene in Closed Session to discuss Items 9A-E as listed on the agenda. Closed Session concluded at 4:20 p.m.

At 5:02 p.m., President Harper called the Board of Directors meeting to order.

1. ROLL CALL
   Present: Ortiz, Davis, Peeples, Young (arrived at 5:10 p.m.), Wallace, Harper
   Absent: Williams (Excused Absence)

2. PUBLIC COMMENT
   Lynn Burpee suggested that the District go back to using the old Regional Transit Discount Card because it had a picture ID and she felt it was less susceptible to fraud and abuse than the new Clipper Senior Card.

3. GENERAL MANAGER’S REPORT
   General Manager David Armijo reported on the following:

   - Plan ACT public outreach meetings are being held throughout the District to obtain public input on the Comprehensive Operational Analysis;
   - The External Affairs Department will give a presentation to the Castro Valley Chamber of Commerce on current AC Transit projects;
   - AC Transit is a sponsor of Richmond’s Home Front: Festival by the Bay, and will participate with a booth; and
   - Marketing and Communications have produced a television ad which will be seen on cable channels throughout November and is funded by the Transit Performance Initiative Grant fund.

   [The television ad was shown at the meeting; a copy of the video is incorporated into the file by reference.]

   The item was presented for information only.
4. BOARD/STAFF COMMENTS

Members of the Board commented on meetings and events attended since the last meeting. In addition, the following requests/suggestions were made:

- Director Wallace requested an early morning employee shuttle for Division 2 operators from El Cerrito del Norte until Division 3 is re-opened.
- Director Ortiz requested clarification of the recruitment process and the use of an outside search firm for open executive positions.
- President Harper commended the Marketing Department for their work. He further noted that internet search engines do not handle fragmented services and transit locations very well, and encouraged staff to look at new car safety features, such as back up cameras, for use on buses.

Director Young arrived at 5:10 p.m.

5. CONSENT CALENDAR

MOTION: ORTIZ/WALLACE to approve the Consent Calendar as presented. The motion carried by the following vote:

AYES:6: Ortiz, Wallace, Davis, Young, Peeples, Harper
ABSENT:1: Williams

5A. Consider approving Board of Directors and Standing Committee minutes of September 24, 2014.

5B. Consider receiving Retirement Board minutes of August 14, 2014 (Report 14-246).

6. REGULAR CALENDAR

6A. Consider the adoption of Resolution No. 14-051, approving amendments to Board Policy 327 - Bus Rapid Transit Construction Careers Policy and Project Labor Agreement; repealing Resolution No. 13-027; and direct staff to work collaboratively with community and labor stakeholders on a written “Implementation Plan” including the implementation steps identified in the Staff Report (Report 12-176C).

Interim General Counsel Denise Standridge presented the staff report.

Public Comment:

- Christine Garrett, Business Representative for the Alameda Building and Construction Trades Council, said her organization felt the changes were okay and they were looking forward to providing good construction jobs that will benefit the whole community.
Shirley Burnell, ACCE and Revive Oakland, commented that Revive Oakland met with AC Transit staff and several Board members, and while there were serious concerns about the removal of the local hire piece of the proposal, they were encouraged by AC Transit’s commitment to work with labor and the community partners to develop an implementation plan for the construction and project labor agreement. She added the biggest concern was putting people in Oakland to work.

Discussion ensued regarding the suggested Federal Transportation Administration language to target hiring from economically disadvantaged areas. Ms. Standridge reported that the District’s outside counsel met with stakeholders about this issue and because it meant the use of a variety of zip codes throughout the United States, there was not a large acceptance of it and, it was therefore, not included.

MOTION: ORTIZ/PEEPLES to adopt Resolution No. 14-051, approving amendments to Board Policy 327 - Bus Rapid Transit Construction Careers Policy (CCP) and Project Labor Agreement; repealing Resolution No. 13-027. The motion carried by the following vote:

AYES:6: Ortiz, Williams, Davis, Young, Wallace, Harper
ABSENT:1: Williams

MOTION: ORTIZ/WALLACE to direct staff to work collaboratively with community and labor stakeholders on a written “Implementation Plan” including the implementation steps regarding 1) role of the Special Limited Purpose Committee established by the Construction Careers Policy (CCP), and the Committee’s communication and engagement with AC Transit staff and Board; 2) how AC Transit will designate “Alternative Referral Sources” as required by the CCP; and 3) how AC Transit will implement the CCP’s apprentice sponsorship requirements. The motion carried by the following vote:

AYES:6: Ortiz, Wallace, Davis, Young, Peeples, Harper
ABSENT:1: Williams

Consider the options for amending Board Policy 350 – Procurement Policy with regard to the Solicitation of Contracts (Section VI.B) and Appendix A of the policy (Report 14-184).

[A copy of Board Policy 350 – Procurement Policy was distributed at the meeting for the Board’s information.]

Contracts Compliance Administrator Phillip McCants presented the staff report.
Discussion ensued concerning the options provided in the staff report as well as the language proposed to Appendix A of the policy pertaining to Disadvantaged Business Enterprises (DBE) and Small Local Business Enterprises (SLBE).

General Manager David Armijo advised that the Board was provided with options he felt staff could accept. He felt that anything over $100,000, in general, should come to the Board.

Direction was given to strike all references to the language "if known and available" from Appendix A concerning DBE/SLBEs on the basis that it did not strengthen the policy.

With regard to Option 2 regarding approval of all formal solicitations, the Board was akin to exclude solicitations for fuel, parts, and the items otherwise outlined in Section VI.A. of the Policy, from the Board approval process.

MOTION: ORTIZ/WALLACE to incorporate Option 2 into Board Policy 350 to require Board approval for all formal solicitations ($100,000 or more) whether or not the item is included in the approved annual operating or capital budget and with the exception of the items which are currently excluded under the policy from the Board approval process. The motion carried by the following vote:

AYES: 6: Ortiz, Wallace, Davis, Young, Peeples, Harper
ABSENT: 1: Williams

Staff was directed to prepare an amendment to Board Policy 350 to capture the direction provided by the Board and place it on the Board’s consent calendar at the next meeting.

RECESS TO STANDING COMMITTEES (as the Committee of the Whole)

The Board meeting recessed to the Standing Committees at 5:58 p.m.

ALL COMMITTEES ARE ADVISORY ONLY.

A. PLANNING COMMITTEE – Mark Williams, Chairperson

The Planning Committee convened at 5:58 p.m. All Committee members were present.

Public Comment (for items not on the agenda)

Yvonne Williams, President of ATU Local 192, reported that ATU is working actively with community groups to promote Measure B8 in the November election.
Briefing/Action Items:

A-1. Consider recommending that the General Manager be authorized to enter into a one-year pilot program agreement with the Bay Area Rapid Transit District (BART) to operate late night service to augment BART's weekend night service and AC Transit's All-Nighter Service (Report 14-222).

Transportation Planner Stephen Newhouse presented the staff report.

Director Ortiz commented on the lack of credit being given to AC Transit in media coverage of the pilot service.

Vice President Wallace stressed the need for restroom facilities for late night drivers, noting that BART should make station facilities available.

Public Comment:
Jerry Grace thanked the Board for this project and said better service was also needed to Pittsburg, Walnut Creek and Dublin.

MOTION: ORTIZ/PEEPLES to forward to the Consent Calendar Addenda recommending approval as presented. The motion carried by the following vote:

AYES: 6: Ortiz, Peeples, Davis, Young, Wallace, Harper
ABSENT: 1: Williams

A-2. Consider recommending that a public hearing be set on December 10, 2014, at 5:00 p.m. regarding the proposed Spring 2015 Service Expansion, including new service on street segments not previously served in Alameda and Oakland; and waive the requirement under Board Policy 100 to hold two public hearings (Report 14-267).

Transportation Planner Linda Morris presented the staff report.

Director Peeples requested that the parameters of the public hearing include the following: 1) Increase the frequency on Lines 72 and 72M; 2) run Line 72R on weekends truncated to El Cerrito/del Norte with 15 minute headways; and 3) run Line 72R all the way to Contra Costa College at 20 minute headways. Ms. Morris advised there would be an additional cost component associated with the request.

MOTION: PEEPLES/WALLACE to amend staff's recommendation to include all three alternatives for Line 72, 72M and 72R in the parameters of the public hearing. The motion carried by the following vote:
Director Ortiz requested that staff contact the Oakland Zoo about restoring weekend service since their patrons were outspoken when weekend service was cut.

Public Comment:
- Howard Mills would like to see jobs go to people in this area and not outside the area. He especially objected to bringing workers in from outside the state.
- Kit Vaq, ACCE, agreed with the expansion of Line 72R and requested two hearings to give people a chance to comment.
- Yvonne Smith, ACCE, thought there should be two public hearings because changes in bus service are important and people who can’t come to one meeting can come to the other.
- Rachel Osajima, East Bay Innovation Academy (EBIA), spoke in support of the staff recommendation to serve EBIA and thanked them for service.
- Shirley Bernell, ACCE, had a concern about Lines 12 and 18 saying it took her hours to get from her house in Oakland to Berkeley. She agreed there should be two public hearings on the upcoming changes.
- Jerry Grace thought there should be 2:00 and 5:00 hearings and Lines 72R and 72M should run on the weekend because Line 72 is so crowded.

Staff requested a waiver of the policy requiring two hearings and discussion ensued. After receiving comments from the public and further discussion, it was determined that staff could conduct an informal public hearing at 2:00 p.m. on December 10th and the Board would hold a hearing at 5:00 p.m. Transcripts of public comment from both hearing would be made available to the Board when a decision is made.

MOTION: PEEPLES/WALLACE to forward to the Consent Calendar Addenda recommending approval to set two public hearings at 2:00 p.m. (informal) and 5:00 p.m. (official) on December 10, 2014, and expand the parameters of the hearing to include three options for Line 72. The motion carried by the following vote:

AYES:6: Peeples, Wallace, Ortiz, Davis, Young, Harper
ABSENT:1: Williams
A-3. Consider recommending that the General Manager be authorized to amend the Broadway Shuttle Agreement with the City of Oakland to include extended weekday evening service (Report 14-193a).

Transportation Planner Becca Homa presented the staff report.

Director Ortiz asked about the status of funding from the Bay Area Air Quality Management District (BAAQMD). Zack Seal of the City of Oakland said BAAQMD had made a decision to fund the shuttle into 2016 and that the City had other sources of grant and sponsor funding for the service.

Director Peeples said that of the 66 shuttles serving BART stations, this is the one that does it right by contracting with the District and union operators.

MOTION: PEEPLES/YOUNG to forward to the Consent Calendar Addenda recommending approval as presented. The motion carried by the following vote:

AYES:6: Peeples, Young, Ortiz, Davis, Wallace, Harper
ABSENT:1: Williams


Transportation Planning Manager Jim Cunradi presented the staff report.

MOTION: WALLACE/PEEPLES to forward to the Consent Calendar Addenda recommending receipt. The motion carried by the following vote:

AYES:6: Wallace, Peeples, Ortiz, Davis, Young, Harper
ABSENT:1: Williams

A-5. Consider recommending receipt of report on possibility of installing bus benches at bus stops for lines that have a 30-minute headway or more during the peak period [Requested by Director Davis – 6/11/14] (Report 14-262).

Director of Service Development Robert del Rosario presented the staff report.

Committee members asked about service criteria for benches, how AC Transit would fund benches in neighborhoods where advertising is not
allowed, the high incidence of vandalism against advertising benches, and whether alcohol or tobacco ads were allowed.

Mr. del Rosario reported that staff used the shelter policy to develop the bench criteria, but that every local jurisdiction has advertising regulations and any advertising program would need additional regulations and specifications to ensure accessibility, maintenance and restrictions on ads at bus stops. In addition, the District could seek grant funding for capital costs if advertising is not allowed, and ownership of the benches could be transferred to the cities for maintenance.

President Harper suggested that staff make presentations at the Alameda and Contra Costa Mayor's Conferences so cities would be aware of what the District was considering.

Public Comment:
Jerry Grace said he was bothered that people break the benches and vandalize the shelters.

MOTION: PEEPLES/WALLACE to forward to the Consent Calendar Addenda recommending receipt. The motion carried by the following vote:

AYES: 6: Peeples, Wallace, Ortiz, Davis, Young, Harper
ABSENT: 1: Williams

The Planning Committee adjourned at 6:57 p.m.

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<tr>
<th>B. OPERATIONS COMMITTEE – Joe Wallace, Chairperson</th>
<th>ACTION SUMMARY</th>
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<td>The Operations Committee convened at 6:57 p.m. All Committee members were present.</td>
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Public Comment (for items not on the agenda)
There was no public comment offered.

Briefing/Action Items:


Human Resources Manager Elisabeth West presented the staff report.

Director Ortiz inquired about Section 2.5 of the policy concerning Acting Appointments with respect to emergency situations, time limits, and the requirement under Management Procedure 230 that the
appointed person meet minimum qualifications. Ms. West advised that the Human Resources Department reviews the qualifications of individuals placed in an acting assignment to ensure they meet the minimum qualifications. She added that an acting appointment can also be made under exceptional or emergency circumstances. She added that there were time limits subject to extension by the General Manager.

Interim General Counsel Denise Standridge advised that she had concerns about Section 2.5, but those concerns were allayed because the requirement to create an administrative regulation was added.

Director Davis did not feel a 5% supervisory differential was adequate.

MOTION: DAVIS/HARPER to forward to the Consent Calendar Addenda recommending adoption. The motion carried by the following vote:

AYES: 6: Davis, Harper, Ortiz, Young, Peeples, Wallace
ABSENT: 1: Williams

B-2. Consider recommending that the General Manager be authorized to execute documents related to the California State Consortium Contract for the procurement of eleven (11) non-revenue vehicles (Report 14-263).

[Public comment received prior to the meeting is incorporated into the file by reference.]

Technical Services Manager Stuart Hoffman presented the staff report.

Members of the Committee wanted to ensure that the vehicles would meet the District’s Buy America policy and inquired about other alternatives such as the Ford Escape Hybrid, which staff advised did not exist, as well as fuel cell options.

MOTION: YOUNG/PEEPLES to forward to the Consent Calendar Addenda recommending approval. The motion carried by the following vote:

AYES: 6: Young, Peeples, Harper, Ortiz, Davis, Wallace
ABSENT: 1: Williams

The Operations Committee adjourned at 7:16 p.m.
The Board of Directors meeting reconvened at 7:16 p.m. All Board members were present.

7. REPORTS OF STANDING COMMITTEES
District Secretary Linda Nemeroff reported that all of the items from the Planning and Operations Committee meetings had been referred to the Consent Calendar Addenda recommending receipt, approval, or adoption as indicated with the following exception:

Item A-2 was forwarded to the Consent Calendar Addenda recommending that there be two public hearings at 2:00 p.m. and 5:00 p.m. on December 10, 2014 (one of which can be an informal hearing) and that the parameters of the hearing be expanded to include three options for Line 72.

8. CONSENT CALENDAR ADDENDA
MOTION: WALLACE/PEEPLES to receive, approve or adopt the items referred to the Consent Calendar Addenda as indicated on the agenda with the following exception:

Item A-2 was forwarded to the Consent Calendar Addenda recommending approval to set two public hearings at 2:00 p.m. (informal) and 5:00 p.m. (official) on December 10, 2014, and expand the parameters of the hearing to include three options for Line 72. The motion carried by the following vote:

AYES:6: Wallace, Peeples, Ortiz, Davis, Young, Harper
ABSENT:1: Williams

The items brought before the Board were as follows:

A. PLANNING COMMITTEE:
A-1. Consider authorizing the General Manager to enter into a one-year pilot program agreement with the Bay Area Rapid Transit District (BART) to operate Late Night Service to augment BART’s weekend night service and AC Transit’s All-Nighter Service (Report 14-222).
A-2. Consider setting a public hearing on December 10, 2014, at 5:00 p.m. regarding the proposed Spring 2015 Service Expansion, including new service on street segments not previously served in Alameda and Oakland; and waive the requirement under Board Policy 100 to hold two public hearings (Report 14-267).
A-3. Consider authorizing the General Manager to amend the Broadway Shuttle Agreement with the City of Oakland to include extended weekday evening service (Report 14-193a).
A-5. Consider receiving report on possibility of installing bus benches at bus stops for lines that have a 30-minute headway or more during the peak period [Requested by Director Davis – 6/11/14] (Report 14-262).

B. OPERATIONS COMMITTEE:
B-2. Consider authorizing the General Manager to execute documents related to the California State Consortium Contract for the procurement of eleven (11) non-revenue vehicles (Report 14-263).

9. CLOSED SESSION/REPORT OUT
President Harper reported out on the following:

MOTION: ORTIZ/PEEPLES to appoint Denise Standridge as General Counsel subject to contract negotiations. The motion carried by the following vote:

AYES:5: Ortiz, Peeples, Davis, Wallace, Harper
ABSENT:2: Williams, Young

No other reports were given.

9A. Conference with Legal Counsel – Potential Litigation
(Government Code Section 54956.9(b)) (Two Cases)

9B. Public Employee Appointment
(Government Code Section 54957):
Title: General Counsel

9C. Conference with Labor Negotiators
(Government Code Section 54957.6):
Agency Designated Representative: David J. Armijo, General Manager
Employee Organizations: ATU Local 192, AFSCME Local 3916, IBEW Local 1245, Unrepresented Employees

9D. Conference with Labor Negotiators – Board Officers
(Government Code Section 54957.6):
Agency Designated Representative: Greg Harper, Board President
Title: General Manager, General Counsel, District Secretary

9E. Public Employee Performance Evaluation
(Government Code Section 54957)
Title: General Manager, Interim General Counsel, District Secretary

10. AGENDA PLANNING
There were no new items added to agenda planning.
11. **ADJOURNMENT**

There being no further business to come before the Board of Directors, the meeting was adjourned at 7:18 p.m. The next meeting of the Board of Directors is scheduled for Wednesday, October 22, 2014.

Respectfully submitted,

[Signature]

Linda A. Nemeroff
District Secretary
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TO: AC Transit Board of Directors
FROM: David J. Armijo, General Manager
SUBJECT: Accessibility Advisory Committee Minutes of September 9, 2014

BRIEFING ITEM

RECOMMENDED ACTION(S):
Consider receiving the Accessibility Advisory Committee minutes of September 9, 2014.

EXECUTIVE SUMMARY:
The Minutes for September 9, 2014 were approved by the Accessibility Advisory Committee on October 14, 2014. Major topics included: Discussion of AAC Involvement in Driver Training, and Discussion of Accessibility Concerns Regarding Gillig Buses.

BUDGETARY/FISCAL IMPACT:
There is no budgetary or fiscal impact associated with this report.

BACKGROUND/RATIONALE:
The Accessibility Advisory Committee was established by the Board of Directors in 1991 to review, comment and advise the Board of Directors and District staff regarding the implementation and enhancement of planning programs and services for seniors and people with disabilities. The committee consists of 14 members with two members being appointed by each of the seven elected members of the District’s Board of Directors. Committee members serve a one-year term.

ADVANTAGES/DISADVANTAGES:
This report is being provided to inform the Board of the activities of the Accessibility Advisory Committee.

ALTERNATIVES ANALYSIS:
This report does not recommend an action.
PRIOR RELEVANT BOARD ACTIONS/POLICIES:

GM Memo No. 12-073, dated March 28, 2012, Accessibility Advisory Committee Bylaws

GM Memo No. 10-221, dated October 13, 2010, Adopted Resolution No. 10-047 Repealing all Prior Resolutions Concerning the Establishment of the Accessibility Advisory Committee (AAC) and Board Policy No. 504.

ATTACHMENTS
1. AAC Minutes for September 9, 2014

Department Head Approval: Dennis W. Butler, Acting Chief Planning, Construction & Engineering Officer
Reviewed by: Robert del Rosario, Director of Service Development
Mallory Nestor-Brush, Accessible Services Manager
Kim Ridgeway, Accessible Services Specialist
Prepared by: Tammy Kyllo, Administrative Coordinator
REGULAR MEETING OF THE AC TRANSIT ACCESSIBILITY ADVISORY COMMITTEE (AAC)  
SEPTEMBER 9, 2014

The meeting came to order at 1:07 p.m.

1. Roll Call and Introduction of Guests

AAC members present:
Janet Abelson (arrived at 1:26 p.m.)  Shirley Cressey
Pam Fadem  Steve Fort
Jim Gonsalves (arrived at 1:34 p.m.)  Yuli Jacobson
James Robson  Hale Zukas, Vice Chair

AAC members absent:
Scott Blanks, Chair (excused)  Patrick Forte
Don Queen (excused)  Will Scott
Deborah Taylor  Marina Villena (excused)

Staff:  Mallory Nestor-Brush, Accessible Services Manager
Tammy Kyllo, Administrative Coordinator
Kim Ridgeway, Accessible Services Specialist
H.E. Christian Peeples, Board of Directors
Michael Flocchini, Training and Education Manager
Stuart Hoffman, Technical Services Manager
Annette Owens, Bus Operator
Delandus Carminer, Bus Operator
Salvador Ramirez, Bus Operator

Guests:  Randall Glock

2. Order of Agenda
The order of the agenda was approved.

3. Approval of Minutes
MOTION: Fadem/Villena approved the June 10, 2014 AAC meeting minutes. The motion carried by the following vote:

AYES:6: Abelson, Cressey, Fadem, Fort, Robson, Zukas
ABSTENSIONS:2: Gonsalves, Jacobson
ABSENT:6: Blanks, Forte, Queen, Scott, Taylor, Villena
4. Discussion of AAC Involvement in Driver Training
Michael Flocchini, Training and Education Manager, reported that a New Bus Operator training class starts on September 15, 2014. He extended an invitation to the AAC members to participate in one day of training during the week of October 6, 2014. The training is held at the Training Center and the best time to attend would be 10:00 a.m. to 2:00 p.m. The AAC committee would ask for volunteers each month to attend and participate in the New Bus Operator training. The committee discussed how important it is to share personal stories and to interact with the new drivers. Sal Ramirez, Bus Operator, stated that it is beneficial for the drivers to have more interaction with the committee member's. The committee decided it would be best to include a member that utilizes a wheelchair, and a member with a visual impairment and a senior member to attend the training.

AAC Members that volunteered to participate in the October training:

- Janet Abelson
- Shirley Cressey
- Steve Forte
- Yuli Jacobson

5. Discussion of Accessibility Concerns RE: Gillig Buses
Stuart Hoffman, Technical Services Manager, reported that his department had reviewed the letter to AC Transit Board of Directors regarding Gillig Buses from Scott Blanks, AAC Chair, dated June 12, 2014. Hoffman stated that after meeting with the drivers committee and getting their feedback they are recommending some changes and would like the AAC input.

- Ramp too steep. The current ramp on the Gillig buses is 1:4 slope, Technical Services are reviewing two other types of ramps, Lift-U and Ricon for a 1:6 slope, which is less steep. Lift-U is currently used by WESTCAT and CCCTA. The Ricon ramp is not being used in the Bay Area.
  - Committee members were concerned with the Lift-U extended length of 48-inches outside of the bus due to limited space between bus shelters and the street. Bus Operators replied that would be a training issue for the drivers and not a problem.
  - Drivers commented that the manual operation requires less than 20 pounds of force, which would make it very easy to use.
  - Committee members also requested that the maximum kneeler amount allowed by the manufacture, be used with the ramp, and the front kneeler be used rather than the side kneeler for a level floor inside the bus.
  - Committee members requested a working model of the ramp on a bus so that the ramp could be tested by the AAC.

- Alternative Flip Seats - Current flip seats in the wheelchair securement areas are too wide when they are flipped up. Technical Services are reviewing two alternative flip seats for future bus procurement, Bantam Individual Flip Seat and Aries Slim Flip.
  - Bantam Individual Flip Seat only come in cloth, drivers recommend only non-cloth seats, which make cleaning easier.
- Aries Slim Flip is the thinnest non-cloth seat available and would be a savings of 2.5 inch per ADA space and increasing the isle width by 5 inches.
- Both seats have more vertical backing than current flip seat, altering comfort level.
- A committee member was concerned with the latch being harder to operator and would prefer the spring loaded seat like on the VanHools.
- Committee members noted that a staggered layout configuration of the wheelchair securement space would yield more aisle width rather than parallel positions, which cause navigational issues with two wheelchairs occupying the space.

- Additional Stanchions or banister to the steps to the back of the bus for safety were requested. Technical services are recommending additional stanchions on both sides of the steps in back of the bus (with hand holds).
- Narrower modesty panels were also requested. Technical Services staff reviewed and reported that the first row of front-facing seats is required by law to have the modesty panel. The barrier requirement was recently implemented due to passenger injury litigation against New Flyer Industries.
- Other items that the committee commented on regarding the Gillig buses:
  - Farebox needs to be lower for individuals in wheelchair to read the display.
  - Hanging straps for standing passengers should not move once the passenger is holding onto it.

6. Review of Denver RTD Alternative Seating Analysis
The committee reviewed and discussed this report at the same time as agenda item (5) Discussion of Accessibility Concerns RE: Gillig Buses.

7. Review of Quarterly ADA Complaints
The committee reviewed the 4th Quarter (April 1 – June 30) FY 12/13 and FY 12/14 report and noted the reduction of 12% of ADA Complaints compared to the same quarter last year.

8. Chair’s Report
None.

9. Board Liaison Report
Director Peeples reported that the September 10, 2014 Board of Directors Meeting agenda includes a Report on the Telegraph Avenue Complete Streets Implementation Plan. He encourages everyone to provide input into this Plan.

10. Review of Lift/Ramp Road Call Report
The report for the period of July 27, 2014 – August 23, 2014, showed 11 lift/ramp road calls. Of these 11 roadcalls, 4 were chargeable or mechanical.

The Committee reviewed the MCI Fleet Lift Report and Wheelchair Lift Cycling Report. Drivers are continuing to do a great job in cycling the lifts during the pre-trip with the average percentage of cycled lifts above 94% daily.

11. Service Review Advisory Committee (SRAC) Report
Janet Abelson shared that the committee received the Annual Customer Satisfaction Survey 2014, and noted that 82% of surveyed riders say they are very satisfied or satisfied with their past years’ experience with East Bay Paratransit. This is a significant improvement compared to 2013 (77%). The SRAC also did a final review of Emergency Planning Driver Instructions for placement in the EBPC vehicles.

12. Alameda County Transportation Commission (ACTC) PAPCO Report
None.

13. Public Comments
None.

14. Member Communications and Announcements
- Jim Gonsalves reported that he is glad to be back after his extended absence.
- Pam Fadem congratulated Yuli Jacobson for finishing Law School and taking the Bar Exam.

15. Staff Communications and Announcements
Kim Ridgeway announced two outreach events that staff will be attending:
- 17th Annual Senior Resource Fair, “Living Longer, Growing Stronger in San Leandro”
  - Friday, September 19th, 10:00 am – 1:00 pm
  - San Leandro Senior Community Center
  - 13909 E. 14th Street, San Leandro, CA 510-577-3462
- 15th Annual Senior Resource Faire
  - Tuesday, October 7th, 9:00 am – 12:00 pm
  - Silliman Activity Center
  - 6800 Mowry Avenue, Newark, CA 510-578-4845

16. Set Next Agenda & Meeting Date
The next AAC Meeting will be held Tuesday, October 14, 2014 at 1600 Franklin Street, 2nd Floor, Oakland, CA. Agenda items include Discussion on PlanACT, and Volunteering for Driver Training.

17. Adjournment
The meeting adjourned at 3:45 p.m.
ROLL CALL

Chair Jeffrey Lewis called the meeting to order at 9:05 AM

Members Present: Sue Lee, Davis Riemer, Joyce Willis, Chair Jeffrey Lewis, and Vice Chair Yvonne Williams, -- 5
Absent at Roll Call: None
Members Absent: None

Also Present: Hugo Wildmann, Retirement System Manager; Adelle Foley, Retirement System Administrator; Russell Richeda, Legal Counsel; (the following individuals were at part of the meeting) H.E. Christian Peeples, District Board Liaison; Carolyn Smith, NEPC; Barry Olliff, Mark Dwyer, Carlos Yuste and Todd Fawaz, City of London; Iris Oliver.

CONSENT CALENDAR

MOTION: RIEIMER/WILLIAMS to adopt the Consent Calendar. (5-0-0-0)

Ayes: Members Lee, Riemer, and Willis, Vice Chair Williams, and Chair Lewis -- 5
Noes: None
Abstain: None
Absent: None

APPROVED

A. Approval of Minutes for August 14, 2014

APPROVED

B. Approval of Financials for July 2014

APPROVED

C. Approval of Invoices in the Amount of 174,659.70

APPROVED
AC Transit Retirement Board  
September 24, 2014

D. Approval of Retirements for October 2014

1. Paul Ash #31497
2. Kenneth Farias #31895
3. Larry Knox #30456
4. Edward Lewis #40603
5. Steven Portlock #72178
6. Barbara Quinones #30471
7. Donald Chipman #1207 – Term Vested

APPROVED

REGULAR CALENDAR

E. Approval of Retirements/Conversions for September/October 2014

with conditions, if any:

1. Ronald Williams #4236 (October)
2. Wanda Pitts #474 (October) – Conversion
3. Sir Pierre Antoine #30342 (September) – Pre-Retirement Survivor, Marta Antoine

MOTION: WILLIAMS/RIEMER to approve the retirements listed above effective September/October 2014. (5-0-0-0)

The Board congratulated retiree Steven Portlock for 36 years of service; retiree Ronald Williams for 31 years of service; Larry Knox and Barbara Quinones for 29 and Edward Lewis for 25 years of service.

(Carolyn Smith of NEPC joined the Board for Agenda Items F through M.)

F. Quarterly Investment Performance Report

Carolyn referred to the Total Funds Performance Detail (“Flash”) Report, included in the Board Package. Through the month of August the fund had returned 5.5%, trailing both the Policy Index (index returns weighted by asset targets) and the Allocation Index (index returns applied to the actual allocation). These results indicate that passive management outperformed the fund’s active managers. Underperformance was primarily among equity managers. Dodge & Cox, Sands trailed their benchmarks significantly. Carolyn recalled the phenomenal returns of the Fund’s large cap equity managers in 2013, and stressed that these returns were unlikely to recur soon. Hugo added that occasional underperformance can be expected by managers. Carolyn also pointed out the value of diversification.
Turning to fixed income, Carolyn noted that these managers had done well, returning 5.7% for the first eight months of 2014. In Emerging Market Debt, Stone Harbor had struggled since the Fund first placed funds with that manager.

Chair Lewis asked if the Board should be concerned if the Fund’s actual performance continued to trail the Policy and Allocation Indexes, and wondered if the Board should consider allocating more to index funds. Carolyn replied that passive alternatives are not available in some asset classes. She recommended staying with active managers in small cap, Emerging Markets and Credit, and recalled that the Board would be discussing the Global Asset Allocation asset class in October. Member Riemer mentioned that there are many indexes, not just one. He asked that Carolyn discuss alternative indexes at a later date. Member Riemer also raised the question of ETFs (Exchange Traded Funds) as alternatives to Mutual Funds. Carolyn summarized the differences between the two types of funds in terms of pricing and availability of buyers. The Fund invests in Collective Investment Trusts as well as Mutual Funds. Carolyn agreed to provide information on equivalent ETFs at a later meeting.

(Agenda Item I. was taken out of order to continue the flow of the discussion.)

L. NEPC Work Plan

The discussion of Global Asset Allocation managers will take place in October, Stone Harbor/Emerging Market Debt in November. The Board will look at passive equity alternatives in December.

Member Riemer asked to look at the Vanguard approach, open end and ETF as well.

G. Asset Allocation, Performance and Rebalancing

H. International Small Cap Equity Manager (DFA) Update

Hugo recalled that the Board had approved hiring DFA to manage a portion of the Fund’s international portfolio dedicated to small cap equity. He reported that he will begin moving the funds (3% of the portfolio) a small amount at a time.

I. Park Square Update

Hugo told the Board that he had received the side letter and he expects to get the terms afforded to Orange County’s.

J. Joint Meeting with the District Board

The Board reviewed Carolyn’s presentation for the Joint Meeting with the District Board that afternoon. She stressed the increase in diversification of assets since she had become Investment Consultant. Chair Lewis suggested that Carolyn make it clear that that Plan does not have any Hedge Funds and has no plans to acquire any.
K. Draft of the Investment Policy Statement

This item will be held over until October. Hugo mentioned that he included this item this month so Board members will have ample time to review the document.

M. Calendar for 2014

The Board confirmed the October 13 and November 7 meeting dates and set the December date for December 3.

Chair Lewis called a recess at 10:21 AM

The meeting reconvened at 10:35 AM

I. Park Square Update (Continued)

MOTION: RIEMER/WILLIAMS to authorize Hugo to sign the Park Square agreement and move the funds based on Tom Hickey and Counsel Richeda’s assurance that the side letter contains the terms included in Orange County’s side letter. (5-0-0-0)

(Agenda Items T and U were taken out of order to accommodate outside participants.)

(Iris Oliver joined the Board for Agenda Item T in Open Session)

T. Iris Oliver Claim for Survivorship Benefits

Counsel Richeda introduced this Agenda Item by telling the Board that Iris Oliver was there to request survivor benefits. Her late husband, Calvin, retired in 2003 and died in 2013. When he retired he signed a statement, under penalty of perjury, that he was not married, and he selected the benefit option for his lifetime only. Iris did not sign the benefit option form. The Retirement Department requires that a spouse sign the benefit option selection of a retiree.

Retirement staff became aware of his wife in 2013. However, in 2003 Calvin and Iris signed life insurance forms listing Iris as Calvin’s wife. In addition, Human Resources had their marriage certificate in Mr. Oliver’s file, but Retirement staff was unaware of this fact and had not asked Human Resources. Under the Retirement Plan a retiree cannot change a benefit option selection after retirement. In this case Calvin was paid a higher benefit than if he had chosen a beneficiary.

Iris told the Board that she and Calvin were both hired in 1984 and were married in 1990. She left AC Transit in 1993, but was added to Calvin’s benefits as a dependent. Calvin suffered strokes and depression. Because Iris could not provide for his care herself, Calvin’s sister took over. Later a housekeeper provided for his care. Iris claimed that Human Resources and Retirement should have communicated about
the Olivers’ marriage. Chair Lewis explained the legal separation between AC
Transit and the Retirement System.
Iris concluded that she hoped that she would be granted full benefits without further
litigation. At this point Counsel Richeda explained the requirements of the Brown
Act calling for open meetings, with limited exceptions. He said that discussion of
litigation was one of these exceptions.

The Board went into CLOSED SESSION AT THIS POINT.

THE BOARD RESUMED OPEN SESSION

(Barry Olliff, Mark Dwyer, Carlos Yuste and Todd Fawaz, of City of London joined the
Board for Agenda Item U.)

U. Presentation by City of London – (Emerging Market Equity Manager)

Hugo mentioned that the City of London representatives were in San Francisco on
other business and took advantage of the opportunity to meet with the Retirement
Board.

Barry recalled that AC Transit has invested in City of London’s Emerging Markets
closed end funds for about three years. He said that through September 24 City of
London had outperformed its Morgan Stanley MSCI Emerging Markets benchmark.
He added that unlike a Mutual Fund, the number of shares in a closed end fund
remains the same, while the price changes with supply and demand. Referring to a
chart of the three-month rolling average discount Barry noted that the current
discount (net asset value compared to share price) is currently about 12%, which is
historically quite deep. He told the Board that there had been little IPO activity in the
last few years and a lot of tender offers and buy backs, which generate alpha. City of
London looks at the geo-political situation of the country, as well as the currency net
asset values, the discounts and the volatility of funds. Barry said that the discounts on
a given security may differ by 400-500 basis points in different markets. City of
London makes money by trading where the discounts are deepest. Barry expects the
discounts to narrow in the future.

Chair Lewis called a recess at 12:02 PM

The meeting reconvened at 12:13 PM

N. Update on Plan Amendment 13-A-16 and Tier 2
O. Update Plan Amendment 14-A-17

Hugo reported that the amendment nullifying 13-A-16 (implementing PEPRA) has
been drafted. He and Counsel Richeda had reviewed it. The next step is the review of
Amendment 14-A-17 by the bargaining parties.
AC Transit Retirement Board
September 24, 2014

P. Update on Calculation of Pension Benefit for Former Union Officer James Gardner

Retirement Staff has provided information to the Union’s attorney.

Q. Hearing Officer Update

Hugo told the Board that the District and the bargaining parties had submitted the names of five possible hearing officers. There was agreement on one name. Chair Lewis suggested that Hugo ask if all parties could agree to use the one agreed-upon name.

R. 2014 Benefit Statements and Letter

Hugo reported that Retirement staff will send out the Benefit Statements about mid-October. He pointed out the new material in the letter referring to the new Website, the cost of Health Insurance and rumors circulating about possible changes to the Retirement Plan. Representatives of the Benefits Department and MassMutual (deferred compensation) will join Retirement Staff at the Divisions, CMF and GO on November 17 through November 21.

MOTION: RIFMER/WILLIAMS to approve the Benefit Statement letter. (5-0-0-0)

S. Disability Determination Process

This item was postponed.

V. Retirement System Manager Report

1. Report on CALAPRS Principles of Pension Management (August 5-8 @ Stanford)

Member Lee told the Board that it was a really good program, particularly the material on investment. It was good to learn from others. She said that many Trustees worked with material on iPads rather than hard copy. A discussion pertaining to distributing the Board packet on iPads was discussed. It was suggested that District Secretary Linda Nemeroff be invited to talk about the District Board’s experience implementing and using the iPads.

2. Report on CALAPRS Disability Administration - September 11, 2014 @ Burbank

3. Report on CALAPRS Benefits Roundtable September 12, 2014 @ Burbank

Adelle stressed the information about how other Systems handle disability retirements, including the medical groups that they use. She agreed to distribute material on bias.

W. (CLOSED SESSION)


   a. Aubrey Johnson – Total and Permanent Disability
AC Transit Retirement Board
September 24, 2014

b. Arsenia Legaspi – Total and Permanent Disability
c. Ray Dunhams – Total and Permanent Disability
d. Terence Chrisman – Total and Permanent Disability
e. Darry Jones – Total and Permanent Disability
f. Gary Bennett – Occupational Disability

X. (RESUME OPEN SESSION)

The Board did not go into Closed Session for matters relating to Disability Retirement.

STAFF COMMENTS

None

RETIREMENT BOARD COMMENTS

None

ATTORNEYS’ REPORT

None

ADJOURNMENT

MOTION: LEE/WILLIAMS to adjourn (5-0-0-0)

The meeting adjourned at 12:35 PM
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TO: AC Transit Board of Directors
FROM: Denise C. Standridge, General Counsel
SUBJECT: Amendments to Board Policy 350 Procurement Policy

ACTION ITEM

RECOMMENDED ACTION(S):
Consider approving amendments to Board Policy 350 – Procurement Policy, including Appendix A, based upon Board direction at the October 8, 2014 Board meeting.

EXECUTIVE SUMMARY:
This report outlines the amendments to Board Policy 350 and Appendix A to said policy based upon the direction the Board gave at its last meeting on October 8, 2014. The changes reflect the Board’s selection of Option 2 from Staff Report 14-184 and the Board’s direction to remove language “if known and available” from Appendix A.

BUDGETARY/FISCAL IMPACT:
There are no budgetary or fiscal impacts.

BACKGROUND/RATIONALE:
At the last Board meeting on October 8, 2014, staff presented SR 14-184 providing options for amendments to Board Policy 350 and Appendix A. The Board chose option 2, requesting that all formal solicitations come to the Board for approval except for a few items such as fuel and parts, emergency procurements and procurements taken to prevent a violation of law or imposition of a fine. The Board also rejected the suggested changes to the appendix and requested all references to the words “if known and available” as they pertained to DBEs and SLBEs, be removed. These changes have been made and the redlined policy and appendix are attached. Additionally, in Section VI Board of Directors Approval, the order of the paragraphs was rearranged to logically reflect that solicitations are addressed prior to the award of contracts.

ADVANTAGES/DISADVANTAGES:
The advantage of changing Board Policy 350 is to provide transparency as almost all solicitations of $100,000 or more will now be brought to the Board for approval. The advantage
of taking out the words “if known and available” from the appendix is that they did not strengthen the policy.

There are no disadvantages to the amendments to Board Policy 350 or to its Appendix A.

ALTERNATIVES ANALYSIS:

Because the Board requested these specific changes, there are no alternatives.

PRIOR RELEVANT BOARD ACTIONS/POLICIES:

SR14-184
Board Policy No. 350 – Procurement Policy
GM Memo No. 11-134 – Amendments to Board Policy No. 350
GC Memo No. 09-299 – Consider Award of a Contract to Mason Tillman Associates, LTD, for Consultant Services related to the District’s Small Local Business Enterprise (SLBE) and Disadvantaged Business Enterprise (DBE) Programs

ATTACHMENTS:
1: Redlined version of Board Policy 350 reflecting the changes.
2. Appendix A to Board Policy 350 Procurement Standards

Department Head Approval: Denise C. Standridge, General Counsel
Reviewed by: David J. Armijo, General Manager
Prepared by: Denise C. Standridge, General Counsel
AC Transit

Policy No. 350

BOARD POLICY

Category: FINANCIAL MATTERS

PROCUREMENT POLICY

I. PURPOSE

The purpose of this policy is to ensure that the District's procurement activities are conducted in accordance with the applicable sections of the California Public Contract Code and Federal Transit Administration (FTA) Circular(s). This Policy incorporates applicable legal and District policy requirements and sets forth the guidelines for meeting these requirements. The General Manager shall establish administrative procedures to ensure proper review and budgetary monitoring for all procurement activities.

II. DEFINITIONS

Best Value: means the overall combination of quality, price, and other elements of a proposal that when considered together, in response to the requirements described in the solicitation documents, provides the greatest overall benefit to the District. In a qualitative evaluation, a best value evaluation may necessitate award to other than the firm who receives the most points. For example, a best value award may be based on determining the firm with the lowest cost per qualitative point. If a best value approach is utilized, that approach shall be specifically stated in the solicitation.

Cardinal Change: means a major deviation from the original purpose of the work or the intended method of achievement, or a revision of contract work so extensive, significant, or cumulative that, in effect, the contractor is required to perform very different work from that described in the original contract. (FTA Circular 4220.1F, Ch. 1.5.c.)

Goods: means the purchase of materials, supplies and equipment, including rolling stock.

Independent Cost Estimate (ICE): means the cost or price analysis performed by the requesting department in connection with every procurement action, including contract modifications. Ideally, the ICE should be prepared prior to issuance of solicitation(s). At the very latest, it needs to be prepared and in possession of the Purchasing staff prior to receipt of financial bids or proposals.
Invitation For Bid (IFB): means a procurement done by sealed bid. At a designated time and location, all bids will be opened in a public forum and the apparent low bidder, pending thorough staff review, disclosed. This is appropriate when:

(1) precise specifications are available; (2) adequate sources are available; (3) fixed price contract; (4) evaluation is price determinative; (5) negotiations are prohibited using this approach, although clarifications are acceptable based solely on information already submitted. (FTA Circular 4220.1F, Ch. VI, 3.c.1)

Micro-Purchase: means purchases of $2,500 or less (California Public Contract Code §20211)

Request For Proposals (RFP): means a formal competitive procurement method that is appropriate when: (1) performance or functional specifications are utilized; (2) there are uncertain number of sources; (3) price alone is not determinative, or deemed to be a secondary factor in consideration of award; and (4) discussions with potential vendors is expected. (FTA Circular 4220.1F, Ch. VI, 3.d.1.)

Request For Qualifications: (a.k.a. Brooks Act Procurement, 40 U.S.C. §§ 1101-1104) means a formal procurement method for procurements of $2,000 or more which are limited to professional architectural/engineering (A/E) services, and are also for program management, construction management, feasibility studies, preliminary engineering, design, architectural, engineering, surveying and mapping related services. The nature of the work to be performed and its relationship to construction, not the nature of the prospective contractor, determine whether qualifications-based procurement procedures may be used as described above. (FTA Circular 4220.1F, Ch. VI, 3.f.)

Request For Quotes (RFQ): means a method of soliciting quotes for procurements under $100,000.

Rolling Stock: means transit vehicles such as buses, vans, cars, railcars, locomotives, trolley cars and buses, and ferry boats, as well as vehicles used for support services. (49 CFR 661.3)

Sole Source: means that there is only one known person or entity that can provide the contractual services required.

III. POLICY GOALS

A. Buy American Goods: Resolution 09-051 adopted by the Board of Directors on October 14, 2009, requires that "the District employ its best efforts to procure goods manufactured in America". The District’s Buy American Goods requirement is implemented under this Policy in a manner intended to mirror the federal Buy America rule (49 CFR 661) and is applicable to the following types of procurements:
1. Negotiated procurements of goods over $100,000 under California Public Contract Code sections 20216 and 20217 and to procurements of goods over $100,000 where a Best Value procurement process is utilized; when possible, the documentation of "Best Efforts" by the bidder to offer goods manufactured in America will be included as an evaluation criterion.

2. The Procurement Department will engage in outreach efforts to the maximum extent practical, to ensure that vendors of U.S. made goods are informed of bidding opportunities and encouraged to participate in District procurements.

3. The Buy American Goods requirement shall not apply to the following procurements

- Procurements that are federally funded, as they are governed by FTA's Buy America requirements; purchases from the State of California Multiple Award Schedule (CMAS); purchases from the Strategic Source Initiative; intergovernmental contracts; and other procurements where the District is not the lead agency and cannot exercise control over the content of the solicitation.

B. Disadvantaged Business Enterprise Participation: The District shall administer its Disadvantaged Business Enterprise (DBE) Program in accordance with the Department of Transportation's (DOT) Federal Transit Administration (FTA) regulations found at 49 CFR Part 26 and as authorized by Board Policy 326, Disadvantaged Business Enterprise Policy. Formal advertisements shall explicitly state the District's commitment to using DBE's; DBE outreach shall be carried out in each federally funded procurement and whenever practicable, procurement strategies shall be implemented, pursuant to applicable laws and regulations, that provide maximum opportunities for DBEs to participate in the District's DOT-assisted procurements.

C. Small and Small Local Business Enterprise Participation: The DOT's FTA Small Business Enterprise (SBE) regulations and provisions will apply to all DOT-assisted procurements. A list of qualified Small Businesses, if available from the California Unified Certification Program (CUCP), the District's vendor data base, and/or the Alameda County Small, Local and Emerging Business Program data base shall be prepared and such firms notified via email upon the release of a formal solicitation.

The use of small business enterprise goals, set-asides, or in the case of non-federally funded procurements, bid discounts shall be applied on a case-by-case basis and supported by an availability analysis or other reasonable means for warranting such actions. (Reference Board Policy 351 Small and Small Local Business Enterprise Policy for additional guidance.)

D. Transparency and Fairness: District procurements shall be conducted in a manner that is open, transparent and fair and equitable to all parties.
E. Efficient and Cost Effective: District procurements shall be conducted in an efficient and cost effective manner.

IV. PROCUREMENT STANDARDS

Procurement Standards have been developed to ensure that all federally and non-federally funded procurements meet the minimum basic requirements outlined in Exhibit A of this policy for the following types of procurements:

- Materials, Supplies and Equipment
- Professional Services
- Construction Services (including repairs or remodeling of District facilities)
- Architectural and Engineering Services

A. Negotiated Procurement of Rolling Stock and Other Technology

1. Notwithstanding the Procurement Standards outlined in Exhibit A of this Policy, the procurement of computers, data processing equipment, telecommunications equipment, fare collection equipment, radio and microwave equipment, and other related electronic equipment and apparatus used in transit operations and specialized transit equipment including buses may be made using competitive negotiations in accordance with California Public Contract Code Sections 20216 and 20217. As applicable and allowable, at least one of the qualified sources should be a DBE or SLBE.

2. As an FTA grant recipient, the District will require and include 49 CFR Part 26 procedures in all federally funded contract actions.

3. The Board of Directors may direct the purchase by competitive negotiation upon a finding by two-thirds vote of all members of the Board that the purchase of the above-described items by competitive sealed bid does not constitute a method of procurement adequate for the District's needs.

4. Procurement under this section will be by formal advertisement requesting proposals and shall strictly adhere to any established DBE, SBE and/or SLBE participation goals.

B. Procurement by Non-Competitive Proposals (Sole Source)
1. Sole Source procurement is a procurement action utilized when the goods or services are available from only one source for a required proprietary need of the District, or for compatibility purposes, or for reasons of continuity with previous delivered services or products. A Sole Source procurement is accomplished through solicitation or acceptance of a proposal from a single source. A contract amendment or change order that is not within the scope of the original contract is considered a Sole Source procurement.

2. Notwithstanding Public Contract Code Section 20213, the intent to award a Sole Source contract shall be published on the District’s website for at least three (3) business days; providing an opportunity for review by SBEs, SLBE’s and DBE’s. In the event an expression of interest is received from firms with the requisite capabilities, the sole source status must be reassessed and consideration given to compete the project.

3. Sole Source procurement is a limited exception to the procurement process and may be used only where the award of a contract is infeasible or impracticable under competitive procedures and at least one of the following circumstances applies, supported by written justification and documentation:

   a. the item is available only from a single source, and there is no comparable or “as equal” available;

   b. there exists a public exigency or emergency as defined by Public Contracts Code Section 20213 (not including delays in planning or in initiating the procurement) which will not permit the delay accompanying competitive solicitation; or

   c. the procurement is FTA funded, and Sole Source procurement is authorized under FTA Third Party Contracting Guidelines (FTA C. 4220 1F), and/or the use of a specific firm is contained within a grant.

4. In the appropriate case, where supported by case law or statutory authority, the Procurement and Materials Director may recommend to the General Manager the authorization of exception to the competitive bidding requirements provided for in this Policy.

V. AUTHORITY OF THE GENERAL MANAGER

A. With the exception of the items identified in Section VI of this policy (Board of Directors Approval) the General Manager has the authority to approve all formal solicitations and the award of any contract where the services, materials, or supplies are specifically demarcated the approved annual District Operating or Capital Budget. For unbudgeted amounts, the General Manager’s authority shall not exceed $100,000.
B. The General Manager, at his or her discretion, may forward any contract within his or her authority outlined above that he or she deems to be of significant importance to the Board of Directors for action.

C. The General Manager has the authority to execute contract extensions that are tied to options that have been previously addressed in the solicitation, provided that such extension(s) is/are within the General Manager's authority and subject to all of the following conditions:

1. there is a continued need for the services performed under the contract;
2. sufficient funds are available;
3. the contractor's performance has been satisfactory; and
4. the General Manager, Director of Procurement, Chief Financial Officer and the respective Executive Staff member agree that the contract extension or the exercise of an option to extend the contract is in the best operational and financial interest of the District.

D. The General Manager has the authority to enter into agreements including, but not limited to, agreements for professional, technical, architectural, engineering, construction, and construction management services; agreements for repair or remodeling of District facilities; and lease or license agreements for District use of real property, facilities, equipment and software, provided that the General Manager or his or her designee first determines that the work or subject matter of the agreement cannot satisfactorily be performed by District officers or personnel.

VI. BOARD OF DIRECTORS APPROVAL

A. Award of Contracts

Except as indicated below, the Board of Directors shall approve the award of any contract where the cost is $100,000 or more per contract year.

The following items are exempted from Board approval:

- fuel and/or parts for revenue vehicles exceeding $100,000 either in aggregate or individually that impact delivery of service
- emergency procurements to avoid impacts to the health, welfare, or safety of an employee or the public;* or
- any procurement action taken to prevent a violation of law or a fine by another political jurisdiction.*

[*—Any procurement of this nature will come to the Board for ratification at the earliest possible date.]
B.A. Solicitation of Contracts

The Board of Directors shall approve all formal solicitations of any contracts where:

1. the services are not included in the approved annual District Operating or Capital Budget and the anticipated cost is $100,000 or more per contract year;

2. the solicitation is for the following professional services regardless of cost or inclusion in the approved District Annual Operating or Capital Budget:
   • audit services
   • legal services related to Board Officers

3. the purchase of rolling stock which requires a public hearing pursuant to Vehicle Code Section 35554(d)(1)

4. solicitations for the items exempted in section B below are exempt from Board approval.

G-B. Award of Contracts

Except as indicated below, the Board of Directors shall approve the award of any contract where the cost is $100,000 or more per contract year.

The following items are exempted from Board approval:

• fuel and/or parts for revenue vehicles exceeding $100,000 either in aggregate or individually that impact delivery of service
• emergency procurements to avoid impacts to the health, welfare, or safety of an employee or the public; or
• any procurement action taken to prevent a violation of law or a fine by another political jurisdiction.

[* Any procurement of this nature will come to the Board for ratification at the earliest possible date.]

C. Contract Amendments: The Board of Directors shall approve all amendments to Board-approved contracts in excess of 15% of the original contract amount per contract year, or any cardinal change in the terms and conditions of the original contract as defined by this policy.

1 Until January 1, 2015, a public hearing is required for the purchase of any bus procured through a solicitation process that began on or after January 1, 2013, if the procured bus represents a new fleet class. A public hearing is not required for the procurement of a bus that is of the same or lesser weight than the bus it is replacing. (See Board Policy 163, Public Hearing Processes for the Board of Directors.)
In the case of capital improvement or construction contracts, the Board of Directors shall approve all amendments to Board-approved contracts whose cumulative total exceeds 15% of the original contract amount, or $75,000, whichever is greater.

D. **Contract Assignments:** The Board of Directors shall approve the assignment of any contract that was originally approved by the Board.

E. **Contract Extensions:** The Board of Directors shall approve contract extensions that are tied to options in Board-approved contracts that have been previously addressed in the solicitation, regardless of cost or inclusion in the annual District Operating or Capital Budget.

**VII. REPORTING**

A. The Board of Directors shall review on a quarterly basis the status of all contracts over $100,000 awarded by the District. The report shall identify the purpose of the contract and the funding source for each contract.

B. The Board of Directors shall review on a quarterly basis the status of all contracts approved by the General Manager between $50,000 and $100,000. The report shall include an explanation of the purpose of the contract and the funding source for each contract.

**VIII. FACSIMILE SIGNATURES**

The use of facsimile signatures on purchase orders faxed or emailed directly from the District's automated purchasing system to vendors is authorized if the purchase order is within the delegated signature authority of the buyer.

**IX. PERIODIC REVIEW**

This policy shall be reviewed and amended as necessary every two years pursuant to Board Policy 302 unless earlier review becomes necessary.
# PROCUREMENT STANDARDS

## PROCUREMENT OF MATERIALS, SUPPLIES & EQUIPMENT

<table>
<thead>
<tr>
<th>AMOUNT NON-FED FUNDED</th>
<th>AMOUNT FEDERAL FUNDS</th>
<th>PROCUREMENT REQUIREMENTS</th>
<th>DBE/SLBE (SBE - Federal)</th>
<th>BASIS FOR AWARD</th>
<th>SECURED BY</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - $25000 OR LESS</td>
<td>$3,000 TO $100,000</td>
<td>One informal quote. No need to obtain competitive quotations.</td>
<td>There should be use of DBE’s and SLBE’s, if known and available.</td>
<td>For federal funded projects determine and document that the price is fair and reasonable and how this determination was derived. For non-federal funded projects a cost or price analysis may be required.</td>
<td>Purchase Order</td>
</tr>
<tr>
<td>$25,000 TO $100,000</td>
<td>$100,000 OR MORE</td>
<td>Informal. To the extent practicable, obtain price or rate quotations that permit prices and terms to be compared from an adequate number of qualified sources (3 is acceptable).</td>
<td>At least one of the qualified sources should be a DBE or SLBE, if known and available.</td>
<td>Lowest price if an invitation for BID or request for quotations was employed. For federal funded projects determine and document that the price is fair and reasonable and how this determination was derived. For non-federal funded projects a cost or price analysis may be required.</td>
<td>Purchase or Written Contract (Determined by PMD)</td>
</tr>
<tr>
<td>$100,000 OR MORE</td>
<td>$100,000 OR MORE</td>
<td>Formal Advertisement: Invitation For Bids (IFB) or Request For Proposals (RFP), Sealed bids.</td>
<td>Formal advertisements shall explicitly state the District’s commitment to using DBE’s and SLBE’s in all procurements. A list of qualified DBE’s and SLBEs shall be prepared prior to the release of a formal solicitation and the solicitation shall be transmitted electronically by e-mail or facsimile to each DBE and SLBE listed in the California Unified Certification Program Directory and the District’s Vendor Registration System well in advance of the bid opening date.</td>
<td>IFB: Lowest responsive, responsible bidder. RFP: Lowest responsive, responsible proposer or Best Value as defined by Board Policy 350. The PMD to determine if Best Value is appropriate.</td>
<td>Written contract required</td>
</tr>
</tbody>
</table>

## PROCUREMENT OF PROFESSIONAL SERVICES (Excluding Architectural & Engineering Services)

<table>
<thead>
<tr>
<th>AMOUNT NON-FED FUNDED</th>
<th>AMOUNT FEDERAL FUNDS</th>
<th>PROCUREMENT REQUIREMENTS</th>
<th>DBE/SLBE</th>
<th>BASIS FOR AWARD</th>
<th>SECURED BY</th>
</tr>
</thead>
<tbody>
<tr>
<td>$10,000 OR LESS</td>
<td>$3,000 OR LESS</td>
<td>One informal quote. No need to obtain competitive quotations.</td>
<td>There should be use of DBE’s and SLBE’s, if known and available.</td>
<td>For federal funded projects determine and document that the price is fair and reasonable and how this determination was derived. For non-federal funded projects a cost or price analysis may be required.</td>
<td>Purchase or Written Contract (Determined by PMD)</td>
</tr>
<tr>
<td>$10,000 TO $100,000</td>
<td>$3,000 TO $100,000</td>
<td>Informal. To the extent practicable, obtain price or rate quotations that permit prices and terms to be compared from an adequate number of qualified sources (3 is acceptable).</td>
<td>At least one of the qualified sources should, if available, be a DBE or SLBE.</td>
<td>Lowest price if an invitation for BID or request for quotations was employed. For federal funded projects determine and document that the price is fair and reasonable and how this determination was derived. For non-federal funded projects a cost or price analysis may be required.</td>
<td>Purchase or Written Contract (Determined by PMD)</td>
</tr>
</tbody>
</table>
## APPENDIX A TO BOARD POLICY 350
### PROCUREMENT STANDARDS

| $100,000 OR MORE | $100,000 OR MORE | Formal Advertisement: Invitation For Bids (IFB) or Request For Proposals (RFP). | The formal advertisement for the solicitation shall explicitly state the District's commitment to using DBE's and SLBE's in all procurements. A list of qualified DBE's and SLBE's shall be prepared prior to the release of a formal solicitation and the solicitation shall be transmitted electronically by e-mail or facsimile to each DBE and SLBE listed in the California Unified Certification Program Directory and the District's Vendor Registration System well in advance of the bid opening date. | IFB: Lowest responsive, responsible bidder. RFP: Award to proposer whose proposal is deemed most advantageous to the District with cost as a consideration. In evaluating the relative merit of the proposals submitted, cost shall be evaluated objectively based on mathematical formula. | Written contract Required |

### PROCUREMENT OF CONSTRUCTION SERVICES (Including Repairs or Remodeling of District Facilities)

<table>
<thead>
<tr>
<th>NON-FEDERALLY FUNDED</th>
<th>PROCUREMENT REQUIREMENTS</th>
<th>DBE/SLBE</th>
<th>BASIS FOR AWARD</th>
<th>SECURED BY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under $10,000</td>
<td>One informal quote. No need to obtain competitive quotations.</td>
<td>There should be use of DBE's and SLBE's, if known and available.</td>
<td>Price or cost analysis</td>
<td>Purchase Order or Written Contract (Determined by PMD)</td>
</tr>
<tr>
<td>$10,000 OR MORE</td>
<td>Formal Advertisement: Invitation For Bids (IFB).</td>
<td>The formal advertisement for the solicitation shall explicitly state the District's commitment to using DBE's and SLBE's in all procurements. A list of qualified DBE's and SLBE's shall be prepared prior to the release of a formal solicitation and the solicitation shall be transmitted electronically by e-mail or facsimile to each DBE and SLBE listed in the California Unified Certification Program Directory and the District's Vendor Registration System well in advance of the bid opening date.</td>
<td>Award to the lowest responsive, responsible bidder.</td>
<td>Written contract Required</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FEDERALLY FUNDED</th>
<th>PROCUREMENT REQUIREMENTS</th>
<th>DBE/SLBE</th>
<th>BASIS FOR AWARD</th>
<th>SECURED BY</th>
</tr>
</thead>
<tbody>
<tr>
<td>$3,000 OR LESS</td>
<td>One informal quote. No need to obtain competitive quotations.</td>
<td>There should be use of DBE's and SLBE's, if known and available.</td>
<td>Award to lowest price. Determine and document that the price is fair and reasonable and how this determination was derived.</td>
<td>Purchase Order</td>
</tr>
<tr>
<td>$3,000 TO $100,000</td>
<td>Informal. Obtain price or rate quotations that permit prices and terms to be compared from an adequate number of qualified sources (3 is acceptable).</td>
<td>At least one of the qualified sources should be a DBE or SBE, if known and available.</td>
<td>Award to lowest price. Must determine and document that price is fair and reasonable.</td>
<td>Purchase Order or Written Contract (Determined by PMD)</td>
</tr>
<tr>
<td>PROCUREMENT OF ARCHITECTURAL AND ENGINEERING SERVICES (Including Construction Management Services)</td>
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<td>---------------------------------------------------------------</td>
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<tr>
<td><strong>FEDERAL AND NON-FEDERALLY FUNDED</strong></td>
<td><strong>PROCUREMENT REQUIREMENTS</strong></td>
<td><strong>DBE/SLBE</strong></td>
<td><strong>BASIS FOR AWARD</strong></td>
<td><strong>SECURED BY</strong></td>
</tr>
<tr>
<td>Under $100,000</td>
<td>Qualifications Based – Informal solicitation from an adequate number of qualified sources (3 is acceptable)</td>
<td>At least one of the qualified sources should be a DBE or SBE (SLBE if no federal funding), if known available.</td>
<td>Negotiations conducted with the most qualified offeror. Only after failing to agree on a fair and reasonable price with the most qualified offeror may negotiations with successive offerors in descending order may be conducted until contract award can be made.</td>
<td>Purchase Order or Written Contract (Determined by PMD)</td>
</tr>
<tr>
<td>$100,000 OR MORE</td>
<td>Qualifications Based – Formal RFQ.</td>
<td>The formal advertisement for the solicitation shall explicitly state the District's commitment to using DBE's and SLBE's in all procurements. A list of qualified DBE's and SLBE's shall be prepared prior to the release of a formal solicitation and the solicitation shall be transmitted electronically by e-mail or facsimile to each DBE and SLBE listed in the California Unified Certification Program Directory and the District's Vendor Registration System well in advance of the bid opening date.</td>
<td>Written contract Required</td>
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October 22, 2014

Agenda Items 6A – 6E
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TO: AC Transit Board of Directors  
FROM: David J. Armijo, General Manager  
SUBJECT: BRT Parking and Business Improvement Programs

ACTION ITEM

RECOMMENDED ACTION(S):
Consider receiving an informational report on development of business and parking impact mitigation programs for the East Bay Bus Rapid Transit (BRT) Project including the allocation of funds for a Business Technical Assistance Program of $2.5 million for City of Oakland and $.294 million for City of San Leandro.

Consider approving the Business Impact Mitigation Plan for Bid Package #1, Advanced Utilities and the Parking and Business Impact Mitigation Plan for Bid Package #2, Fruitvale Bypass and Off-Street Parking Lots (Fruitvale and Elmhurst).

EXECUTIVE SUMMARY:
Since the last update to the Board of Directors in May 2014, interagency staff, while conducting intensive merchant engagement process, has completed the 100% Plans, Specifications and Estimates (PS&E) for Advanced Utility Bid Package #1 and Fruitvale Bypass & Off-Street Parking Lot Bid Package #2; prepared a corridor-wide parking impact report and parking improvement plans for Bid Package 2; developed the Oakland Business Sustainability Program; and identified fund elements and allocated budget for the Business Impact Mitigation Fund.

At the September 30, 2014, Policy Steering Committee (PSC) meeting, committee members recommended that the Board approve the Business Impact Mitigation Plan for Bid Package #1, Advanced Utilities and the Parking and Business Impact Mitigation Plan for Bid Package #2, Fruitvale Bypass and Off-Street Parking Lots (Fruitvale and Elmhurst).

BUDGETARY/FISCAL IMPACT:
The District has allocated $14,030,000 of project funding to the proposed business and parking improvement mitigation fund in compliance with FTA guidelines. The District’s part is comprised of three major elements: $8,816,000 for construction impact mitigations; $2,420,000 Business Support Initiatives and $2,794,000 for Business Technical Assistance programs.
The following table lists the funding amount for each element of the BRT Business and Parking Improvement mitigation fund. AC Transit (ACT) has previously allocated Construction Impact Mitigation, Business Support Initiatives funds (Table 1 – Sections A + B) to comply with the Final Environmental Impact Statement (FEIS) and Comprehensive Operations Analysis (COA), all in alignment with Federal Transit Administration (FTA) regulations for grants governing the use of federal funds. In April 2014, the AC Transit’s General Manager and Oakland City Administrator announced an agreement, in principle, to add a Business Sustainability Program (Table 1 – Section C) to enhance the overall program and make it more robust. The District agreed in principle to allocate funds for the Technical Assistance component (C.1. and D) while the City Of Oakland committed to funding items C2 to C5.

<table>
<thead>
<tr>
<th>Table 1. Business Impact Mitigation Fund</th>
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</thead>
<tbody>
<tr>
<td>Program Element</td>
</tr>
<tr>
<td>A. Construction Impact Mitigations</td>
</tr>
<tr>
<td>1. Fruitvale Bypass &amp; Parking Lots (bid</td>
</tr>
<tr>
<td>Package #2)</td>
</tr>
<tr>
<td>2. On-Street Parking Modifications</td>
</tr>
<tr>
<td>3. Advanced Utility Relocation</td>
</tr>
<tr>
<td>Subtotal</td>
</tr>
<tr>
<td>B. Business Support Initiatives</td>
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<tr>
<td>B.1 – San Leandro</td>
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<tr>
<td>B.2 – Oakland</td>
</tr>
<tr>
<td>Subtotal</td>
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<tr>
<td>C. Oakland Business Sustainability Program</td>
</tr>
<tr>
<td>1. Business Technical Assistance Program</td>
</tr>
<tr>
<td>2. Business Interruption Fund</td>
</tr>
<tr>
<td>3. Access to Existing City Grant / Loan Programs</td>
</tr>
<tr>
<td>4. BRT Capital Improvement Mitigation Projects</td>
</tr>
<tr>
<td>5. Int'l Blvd Pedestrian Lighting &amp; Sidewalk Repair</td>
</tr>
<tr>
<td>Subtotal</td>
</tr>
<tr>
<td>D. San Leandro Business Technical Assistance Program</td>
</tr>
<tr>
<td>Subtotal</td>
</tr>
</tbody>
</table>

*California Transportation Commission

The AC Transit Construction Impact Mitigation funds cover the costs of mitigations related to station placement such as the utility relocations along the corridor; on-street parking modifications; parking displacement mitigation lots in Fruitvale and Elmhurst Districts, bypass improvements in Fruitvale District to alleviate traffic congestion, and providing business support services (e.g. way finding signs, street sweeping, a 24-hour hotline and sidewalk and window washing). The Business Support Initiatives line item also covers the cost of the BRT Information Center and the Construction Community Relations Manager.
BACKGROUND/RATIONALE:

The District, City of Oakland, and City of San Leandro have been engaged in intensive design and merchant engagement activities since the last information update to the Board in April 2014. The interagency team has focused its efforts in four key areas:

A. Developing the 100% plans, specifications, and estimates (PS&E) and Business Impact Mitigation Plans for the Advanced Utility Bid Package #1 and Fruitvale Bypass & Off-Street Parking Lot Bid Package #2, which are now complete. The bid solicitations for each package were advertised on September 25, 2014, and September 26, 2014, respectively. These construction activities in and of themselves are considered mitigation efforts under the BRT Project and must be completed in advance of major roadway construction on the BRT corridor. These activities must commence in winter 2014-15 in order for the BRT Project to remain on schedule for start of revenue service in winter 2017.

B. Preparing the BRT Parking Impact Report for the BRT Project; Parking Improvement Plans for Bid Package #2; and gathering merchant feedback for the development of Parking Improvement Plans for the Major Roadway Bid Package #3. Construction on Bid Package #3 will commence in fall 2015.

C. Developing the Oakland Business Sustainability Program. The Downtown Oakland to San Leandro (DOSL) BRT Project Final Environmental Impact Study (FEIS) adopted by the AC Transit Board of Directors and agency partners in 2012 requires a series of construction impact mitigation activities. One of the City of Oakland’s Conditions of Approval (COA) when approving the DOSL as the locally preferred alternative was the creation of a mitigation fund to address parking and business (merchant) impacts during construction and operations of the BRT Project not necessarily contained in the FEIS. In April 2014, AC Transit’s General Manager and Oakland City Administrator announced an agreement, in principle, to add a Business Sustainability Program to this BRT Business Impact Mitigation Fund.

D. Conducting intensive Merchant Engagement processes. Input from the Community Outreach Working Group (COWG), discussions with council members from Oakland and San Leandro and the major roadway package design reaching the 65% milestone led to the development of a Pilot Merchant Engagement Process focusing on formulating mitigations that could be incorporated into the project design. The interagency team agreed to work directly with all corridor merchants in each neighborhood along the corridor; first through larger district merchant group meetings and then in individual meetings upon request. The COWG members agreed to assist the BRT interagency team with the merchant outreach and engagement for merchant group and individual
meetings. The Eastlake/San Antonio district was selected to pilot this approach to merchant engagement.

Options:

1. **Business Sustainability Program**

In April 2014, the AC Transit General Manager and Oakland City Administrator announced an agreement, in principle, to add a Business Sustainability Program to the BRT Business Impact Mitigation Fund. The agreement for Oakland's BRT Business Technical Assistance Program caps AC Transit's investment at $2.5 million. It requires the City to invest at least $2.0 million in other Business Sustainability Program elements, and requires the City to collaborate with AC Transit to determine the means and methods for implementing the Technical Assistance element of the larger City program.

On July 1, 2014, the Oakland City Council allocated $1.0 million to infrastructure improvements outside of the BRT Project scope. In August, the City's Public Works and Economic and Workforce Development Departments obtained support from AC Transit and Transform (a transit advocacy group and COWG partner) and won a California Transportation Commission $2.48 million grant for International Boulevard Pedestrian Lighting and Sidewalk Repairs to complement the AC Transit BRT project roadway improvements. In addition, the City is targeting the use of Community Development Block Grant (CDBG) funds for a Business Interruption Fund and is exploring targeted uses for other existing City grant and loan programs to support BRT corridor businesses. (Also see Item #5 below.)

The agreement, in principle, between AC Transit and the City of San Leandro for that City's BRT Business Technical Assistance Program caps AC Transit's investment at $249 million and requires the City to collaborate with AC Transit to determine the means and methods for implementing the assistance program.

2. **Merchant Engagement Process**

At the April 2014 PSC meeting, BRT interagency staff reported that it was working with the COWG to strengthen connections between the programmatic and technical elements related to development of the business and parking impact plans. The input from the COWG and discussions with council members from Oakland and San Leandro and the project design reaching the 65% milestone led to the development of a Pilot Merchant Engagement Process focused on formulating mitigations that could be incorporated into the project design. The interagency team agreed to work directly with all impacted merchants in each neighborhood along the corridor; first through larger district merchant group meetings and then in individual meetings upon request. The COWG members agreed to assist staff with the merchant outreach and engagement for merchant group and individual meetings.
The Eastlake/San Antonio district was selected to pilot this approach to merchant engagement. The BRT interagency staff planned to complete its meetings with district merchants, assessing outreach strategies, meeting format, project materials and quality of the exchange. As planned, the first merchant group meeting was held with Eastlake/San Antonio merchants on June 5th. Outreach was conducted in concert with East Bay Asian Youth Center (EBAYC) and consisted of a combination of door-to-door distribution of invitations produced in English, Mandarin, Spanish and Vietnamese and phone calls encouraging attendance.

This meeting drew 13 merchants from a 23-block stretch of the corridor. At the beginning of the meeting, AC Transit staff presented a brief overview of the BRT project. Then merchants were divided into smaller groups according to business location. In each group, BRT Interagency Staff cited the location for BRT stations, parking displacement as well as the proposed schedule and nature of construction activity that would be taking place on those specific blocks. Additionally, the mitigations for responding to the impacts previously identified by merchants as having the highest priorities -- parking impacts, driveway blockages, loading zone issues -- were presented. Merchants had the opportunity to offer their input on these proposed mitigations and offer additional mitigation ideas. Each merchant had the opportunity to request a follow-up one-on-one meeting with BRT Interagency Staff members to further discuss mitigations to address their individual concerns.

In the Eastlake/San Antonio District, 22 merchants requested individual meetings with BRT interagency team either at the June 5th merchant group meeting or through referrals from EBAYC. To date, the interagency team has held meetings with 11 merchants. Some have resulted in clarifications of BRT features with little or no impacts to the businesses, others are leading to modest design changes or mitigation measures to address such issues as a loading zone location, and a few have resulted in merchant requests to reposition BRT stations or for other major design changes. Many of the merchant concerns raised during these meetings have been connected to wider city issues including crime, safety or street maintenance. All meeting exchanges and outcomes have been memorialized in Memorandums of Record (Attachment 4).

Since the initial Eastlake/San Antonio District merchant meeting, the BRT interagency staff has completed merchant group meetings in the Fruitvale (July 10th), Downtown/Uptown (September 16th), Elmhurst (September 18th) and Havenscourt/Lockwood (September 19th), Districts of Oakland. The AC Transit BRT team and City of San Leandro BRT staff hosted a San Leandro merchant meeting on September 11th. The same meeting format was followed as for the Eastlake/San Antonio meeting, beginning with a general project overview and then breaking into smaller location based groups. Corridor maps, renderings of the curbside and median BRT stations, and general project informational handouts were displayed and distributed. The District-based merchant group meeting series will conclude with a merchant meeting in Chinatown in October.
Evaluation of the pilot meeting in June revealed that the District group meetings have been extremely valuable in several significant areas:

- Facilitating meaningful and useful communication with corridor merchants.
- Imparting factual information about the BRT Project design through the use of three dimensional station renderings and easy-to-read layout plans of the entire BRT route.
- Continuing to enhance the AC Transit BRT team’s knowledge of business conditions along the BRT corridor and of unique programmatic and technical issues.
- Obtaining feedback from merchants about the efficacy of proposed design mitigations as well as obtaining their ideas about other potential mitigations.
- Enhancing AC Transit’s BRT presence and connection to the BRT merchant community and laying the groundwork for future 1:1 engagement under the Oakland Business Sustainability Program and San Leandro Business Technical Assistance Program.

Since June, BRT interagency staff has diligently attempted to schedule and meet with the remaining merchants in Eastlake/San Antonio that requested individual meetings as well as those requesting such meetings from the Fruitvale meeting. Since the Oakland Business Sustainability Program and San Leandro Business Technical Assistance Program will provide for 1:1 interaction with merchants and address their programmatic and non-project needs and concerns, the BRT interagency staff will shift its final design phase merchant engagement strategy from following the district meetings with individual merchant meetings to a block-based approach. Going forward, the BRT interagency team will meet with merchants located on the same block who may share similar design concerns.

3. Parking and Business Impact Mitigation Plans

   A. Parking Impact Report

   A Parking Impact Report and Layout Plans for the BRT Project are complete and, along with station area renderings, served as the basis for the 65% Design Phase Merchant Meetings (See Attachment #3 - Parking Impact Report and Sample Parking Impact Layout Plans).

   B. Status and Business Impact Mitigation Plan for Advanced Utilities Bid Package #1

   The 100% Plans, Specifications, and Estimates (PSE) for Bid Package #1 were approved by the Oakland Public Works Department on September 12, 2014. The 100% PSE, when packaged, with Board and City Council Business Impact Mitigation Plans will constitute the complete permit package. (NOTE: There are no permanent parking or adverse infrastructure impacts associated with Bid Package #1.)

   The completion of BP #1 will result in a significantly improved sanitary sewer infrastructure system within 24 city blocks in the Cities of Oakland and San Leandro. These improvements will
complement other city initiatives to enhance sewer infrastructure. Old sewer lines and manholes will be upgraded through the replacement to current and future standards, property owners will gain the benefit of having their sewer lateral upgraded through the replacement to meet current code and in some cases will receive an up-sized lateral to accommodate future property development and expansion. Private sewer lateral replacement or upgrade locations directly correspond with planned station construction and these activities are therefore considered direct mitigations to the correlating construction impacts at each location. The approximate value of private sewer lateral replacement in-kind is $416,325 and $201,344 in the City of Oakland and Caltrans Right-of-Way respectively. The approximate value of private sewer lateral replacement with up-sizing is $425,248 and $209,520 in the City of Oakland and Caltrans Right-of-Way respectively. The value of the overall sewer lateral replacement mitigation is $1,252,437.

The Merchant Engagement Matrix included in Attachment 1 – BP#1 BIM summarizes the frequency and number of engagements conducted with community stakeholders in the city blocks where utility relocations will be performed. These stakeholders are comprised of merchant associations, business improvement districts, community based organizations, elected officials, faith-based organizations, schools, tenant associations, individual businesses and enterprises and residents of the areas. In many cases direct, 1:1 engagement was conducted such as the Winter 2013 Merchant interviews and survey performed along the entire corridor that individually connected with 165 business owners. Another example is the forthcoming notice to property owners of the sewer lateral upgrade. In addition, multiple group community meetings were held during the past 2 years throughout the corridor, most of which were interactive and sought feedback and input from stakeholders. These types of meetings presented a range of topics from a general project overview to design review on station architecture, functional needs access, integrated art enhancement, parking mitigation and business impact identification and resolution.

The BRT interagency staff recommend that the AC Transit Board approve the Business Impact Mitigation Plan for Bid Package #1.

C. Status and Parking and Business Impact Mitigation Plans for Fruitvale Bypass and Off-Street Parking Lots (Fruitvale and Elmhurst) Bid Package #2.

Staff anticipates Oakland Public Works Department approval of the 100% Plans, Specifications, and Estimates (PSE) for Bid Package #2 in October 2014. These 100% PSE when packaged with Board and City Council Business Impact Mitigation Plans will constitute the complete permit package.

The permanent improvements resulting from the completion of BP #2 will be an off-street parking lot to mitigate the displacement of parking spaces in the Fruitvale sector of the corridor and a reconfiguration of the street parking along the Fruitvale Bypass route that results in a net
Increase of 1 additional space and up to 5 additional spaces with other improvements. There are some notable benefits that will be derived from this project, namely the alleviation of congestion and rerouting of traffic at the 12th Street-Fruitvale Avenue intersection to the Fruitvale-10th Street intersection; fiber optic cable upgrade to traffic signals; the addition of new sidewalks, curbs and gutters along 10th Street; and newly paved and striped streets.

The Merchant Engagement Matrix included in BP #2 - BIM (Attachment #2) summarizes the frequency and number of engagements conducted with community stakeholders in the areas where Bid Package #2 construction will be performed. These stakeholders are comprised of merchant associations, business improvement districts, community-based organizations, elected officials, faith-based organizations, schools, tenant associations, individual businesses and enterprises and residents of the areas. In many cases direct, 1:1 engagement was conducted such as the Summer 2014 Bypass Project Coordination meetings in which separate individual meetings were conducted with Union Pacific Railroad, Epic Charter School, Norton Factory Studios, Blank & Cable and Guadalajara Restaurant. In addition, group community meetings were held at various times during the past 2 years in these two sectors of the corridor (Fruitvale and Elmhurst), most of which were interactive and sought feedback and input from stakeholders. These types of meetings presented a range of topics from a general project overview to design review on station architecture, functional needs access, integrated art enhancement, parking mitigation and business impact identification and resolution.

One such community meeting, the Fruitvale Bypass Neighborhood Meeting of August 14, 2014, engaged residents, merchants and other agencies who were given the opportunity to review the Fruitvale Bypass Parking Impact and Parking Improvement Plans for Bid Package #2 (see Exhibit A and Exhibit B in the Attachment 2). The Parking Improvement Plan provides 1:1 replacement of displaced on-street parking with new on-street parking spaces. All loading zones are sized and located commensurate with existing business operations. To be determined is the parking configuration for Guadalajara Restaurant pending acquisition of a portion of that parcel by the BRT Project; talks are underway. In addition, the plan identifies a parcel under consideration by the City of Oakland for off-street parking.

The BRT interagency staff recommend that the AC Transit Board approve the Parking and Business Impact Mitigation Plan for Fruitvale Bypass and Parking Lots Bid Package #2.

D. Status of the Parking and Business impact Mitigation Plan for Major Roadway Bid Package #3

As previously discussed, the Major Roadway package is 65% complete and intensive final design and merchant and neighborhood engagement activities are underway. These activities will continue through the final design phase and inform the development of a Parking and Business
Impact Mitigation Plan (P/BIM-p) for Bid Package #3, similar to those produced for Bid Packages #1 & #2. Once Parking Impact Improvement Plans are drafted, neighborhood parking discussions will provide opportunities for residents, merchants and other agencies to view drawings and see exactly how and where displaced parking spaces in their district would be replaced through creation of parking on side streets, in new parking lots or through reconfiguration of existing uncontrolled parking spaces.

Staff will return to BRT Policy Steering Committee, AC Transit Board, the City of Oakland City Council and the City of San Leandro in spring 2015 with the draft P/BIM-p for Bid Package #3. AC Transit and City staffers will issue interim status reports and memorandum to COWG and Oakland officials.

E. City of Oakland Parking Operations Study

The BRT interagency team meetings with the community members and merchants revealed concerns about potential displacement of parking spaces along the BRT corridor, potential increase demand on remaining parking spaces and scarcity of existing parking supply to meet the future needs of the business and residents along the BRT corridor. This prompted the City of Oakland to undertake a comprehensive Parking Operations Study to better understand the parking needs all along the corridor and develop measures to improve parking configurations for the future.

The City of Oakland’s Parking Operations Study has become part of the BRT merchant engagement process to gather input from the merchants regarding their needs and the parking conditions along Oakland’s BRT corridor. The Parking Operations Study will include strategies and measures to improve parking along the corridor before and after the start of revenue service. This may include developing additional off-street parking lots in specific districts, improving alleyways, coordinating parking plans with BART, and creating merchant or residential permit parking areas. The City of Oakland is also exploring the creation of Parking Benefit Districts along the corridor similar to one that exists in Montclair.

4. City of Oakland Business Sustainability Program

The Oakland Business Sustainability Program (BSP) is distinct but complementary to the AC Transit Construction Impact Mitigations and Business Support Initiatives because the BSP will offer a comprehensive, integrated mix of services to directly support BRT route existing businesses, before, during and after construction of the BRT system. The program was developed based on input received from the BRT Community Outreach Working Group, merchant surveys conducted by AC Transit outreach efforts, Anew America merchant survey, and best practices of other business mitigation programs, as well as drawing from the knowledge and expertise of the City of Oakland and its proposed Program Manager, the
Oakland Business Development Corporation. See Attachment 4 for a detailed Program description.

The BRT Inter-Agency Staff recommends that the BRT Policy Steering Committee endorse the proposed BRT Business Sustainability Program and recommend to the AC Transit Board of Directors to approve BRT Project funding in the amount of $2.5 million for City of Oakland and $.249 million for City of San Leandro Business Technical Assistance Programs.

ADVANTAGES/DISADVANTAGES:

Board approval of the Parking and Business Impact Mitigation Plans for Bid Package #1 & #2 will facilitate District and City Staff’s effort to get the Oakland City Council approvals and relevant permits to start construction on ‘Advanced Utilities’ and ‘Fruitvale Bypass & Parking Lots’ projects in the winter of 2014.

Without these approved plans, it will not be possible to secure the necessary permits from the City to do the work.

ALTERNATIVES ANALYSIS:

There are no alternatives to not having a Business Impact mitigation (BIM) plan for bid packages #1 and #2. An approved BIM Plan is required to obtain the necessary permits to execute construction. Without a BIM Plan, the contractor cannot obtain a permit to do work.

PRIOR RELEVANT BOARD ACTIONS/POLICIES:
There are no prior relevant Board actions or policies associated with this report.

ATTACHMENTS:

1: Business Impact Mitigation Plan for Advanced Utility Bid Package #1
2: Parking and Business Impact Mitigation Plan for Fruitvale Bypass and Parking Lots Bid Package #2
3: Parking Impact Report and Sample Parking Impact Layout Plan for the BRT Project
4. Oakland Business Sustainability Program Proposal
5. Sample Community Engagement Materials

Department Head Approval:  Dennis W. Butler, Acting Chief Planning, Engineering and Construction Officer
Reviewed by:  David J. Armijo, General Manager
              Denise C. Standridge, Office of the General Counsel
Prepared by:  David Wilkins, BRT Program Director
              Rama Pochiraju, BRT Senior Project Manager
              Christine Calabrese, Acting BRT Program Manager (City of Oakland)
              Aliza Gallo, Economic Development Manager (City of Oakland)
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   - PG&E Construction
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   - Adjacent Residences
   - Adjacent Businesses
   - Business Signage
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I. Project Purpose and Overview

The Alameda-Contra Costa Transit District (AC Transit) is developing the East Bay Bus Rapid Transit (BRT) Project, a new, world-class transit service that will offer riders faster, more reliable and efficient service along a 9.5-mile route from downtown Oakland to San Leandro BART. The BRT project will construct 45 raised station platforms along the curbside and in the medians to provide level boarding. The “Advanced Utility Relocation” project is to relocate the existing underground utilities to clear the way for station platform construction.

The “Advance Utility Relocation” project consists of relocating underground utilities, i.e. city sewer main pipes, some private sewer laterals, EBMUD fresh water pipes, PG&E electric and gas pipes, where the future BRT station platforms will be constructed. This type of work involves trench work within the road right of way and disruption of some of these services at times. The circulation of traffic may also be affected which will be mitigated according to a Traffic Mitigation Plan that is being reviewed by City of Oakland and was recently reviewed and approved by City of San Leandro and Caltrans. The utility relocation construction is expected to begin in late November of 2014 and be completed by end of June 2015.

The completion of the Advanced Utility Relocation project will result in a significantly improved sanitary sewer infrastructure system within 24 city blocks in the City of Oakland and the City of San Leandro. These improvements will complement other city initiatives to enhance sewer infrastructure. Old sewer lines and manholes will be upgraded through the replacement to current and future standards, some property owners will gain the benefit of having their sewer lateral upgraded through the replacement to meet current code and in some cases will receive an up-sized lateral to accommodate future property development and expansion. Private sewer lateral replacement or upgrade locations directly correspond with planned station construction and these activities are therefore considered direct mitigations to the correlating construction impacts at each location. The approximate value of private sewer lateral replacement in-kind is $416,325 and $201,344 in the City of Oakland and Caltrans Right-of-Way respectively. The approximate value of private sewer lateral replacement with up-sizing is $425,248 and $209,520 in the City of Oakland and Caltrans Right-of-Way respectively. The value of the overall sewer lateral replacement mitigation is $1,252,437.
II. Construction Impacts and Mitigation Measures

The following is an assessment of potential impacts the construction activities may have on residents and businesses within the immediate area of the future station locations. In addition to the specific mitigation measures required by this document, the Contractor is required to restore the areas impacted by construction to the original or approved conditions.

**Working / Construction Hours**

Construction activities will be limited to daytime hours for any construction within 500 feet of a residence. Any work outside of the listed hours and days will need to be approved by AC Transit, City of Oakland, Caltrans and City of San Leandro depending on the location of the construction activity. Construction material deliveries will not occur outside of the approved construction hours. All construction equipment will be required to meet maximum sound thresholds, and certain specific activities that generate concentrated high levels of noise (like pavement sawcutting) may be limited to daytime work only.

**Anticipated Construction Duration for non-PG&E Work Activities**

The duration of non PG&E construction is expected to be 7 months. The construction is anticipated to start late November 2014 and substantially complete by end of June 2015.

**PG&E Construction**

PG&E will be concurrently working on PG&E owned and maintained facilities in preparation for the BRT project. Due to the sensitivity of PG&E facilities (high-pressure gas lines, etc.) PG&E has chosen to perform the relocation work independent from the AC Transit construction contract. Therefore, ACT will not be in control of or schedule the work performed by PG&E forces. AC Transit will endeavor to coordinate its construction activities immediately prior to the PG&E work and coordinate the work site to the betterment and convenience of businesses and the general public. However, PG&E will be working within the typical requirements of the respective local jurisdiction permit(s).

**Bikeways Access**

In the construction influence areas, especially at curbside platforms, the Contractor is required to maintain bike lanes during construction or propose temporary rerouting of the bike lane system. The proposed reroute will be reviewed and approved by the appropriate local agency representatives prior to implementation.
Adjacent Residents
The Contractor, along with the AC Transit Community Construction Relations Manager, is required to meet with residents adjacent to the work sites during a pre-construction meeting to determine the access needs, and develop access plans for AC Transit and Agency Partners approvals. The Contractor will be required to notify businesses of any changes to the access plans prior to starting construction. AC Transit has been engaged with the residents during the design phase. Refer to the Exhibit A for the merchant engagement matrix.

Adjacent Businesses
The Contractor, along with the AC Transit Community Construction Relations Manager, is required to meet with business owners adjacent to the work sites during a pre-construction meeting to determine the access and operation needs, and develop access plans for AC Transit and Agency Partners approvals. The Contractor will be required to notify businesses of any changes to the access plans prior to starting construction. AC Transit has been engaged with the businesses during the design phase. Refer to the Exhibit A for the merchant engagement matrix.

Business Signage
Changeable message signs (CMS) will be used to direct pedestrians toward accessible walkways and detoured sidewalks. In addition, the CMS will provide messaging informing patrons that the businesses adjacent to the work areas are open. The CMS will be placed at strategic locations to keep the public informed and directed to the accessible route. The locations of the signage vary for each work zone; however, it is anticipated that the CMS will be installed along International Blvd in the vicinity of major cross-roads.

Construction Debris Removal
Construction containers will be located at key locations throughout the project area with trash being hauled away on a regular basis.

Parking
During construction the on-street parking will be temporarily impacted. The Contractor shall provide notices to all residents and businesses on a block where work will begin at least one week prior to parking displacement. The notice shall include the project name, the contract information and duration of the parking displacement. The table below identifies the parking spaces that are allowed to be displaced at each work site, as specified on the contract plans.
<table>
<thead>
<tr>
<th>Work Site</th>
<th>No. of Parking Spaces Allowed per Construction Stage</th>
<th>Allowed Duration per Construction Stage (Days)</th>
<th>Associated Liquidated Damages</th>
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<td>7</td>
<td>$250 per day per parking space</td>
</tr>
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</tr>
<tr>
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<tr>
<td>E 12th Street and 10th Avenue</td>
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<td>3</td>
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<tr>
<td>International</td>
<td>12</td>
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<td>$250 per day per parking space</td>
</tr>
<tr>
<td>Work Site</td>
<td>No. of Parking Spaces Allowed per Construction Stage</td>
<td>Allowed Duration per Construction Stage (Days)</td>
<td>Associated Liquidated Damages</td>
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<td>Davis Street between E 14th Street and Hays Street</td>
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<td>9</td>
<td>$250 per day per parking space</td>
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</table>

Note 1 – The number of construction stages will be defined in the temporary traffic control plans approved by the Engineer and the respective City Engineer.

Environmental Impacts

No significant environmental impacts due to noise, vibration, dust, drainage, erosion, storm water runoff and odor are anticipated because of the proposed project.

Air Quality: Dust control measures will be implemented. Common mitigation measures include water trucks, street sweepers for earth work phases, dust bags and filters for power equipment.

Noise: Construction activities will be limited to daytime hours for any construction within 500 feet of a residence. Any work outside of the listed hours and days will need to be approved. Construction material deliveries will not occur outside of the approved construction hours. All construction equipment will be required to meet maximum sound thresholds, and certain specific activities that generate concentrated high levels of noise (like pavement sawcutting) may be limited to daytime work only.

Storm Water Runoff: The project will implement a Storm Water Pollution Prevention Plan (SWPPP). The plan will include best management practices (BMP) to prevent discharge of sediments or other pollutants into the storm water system.
addition, the project will install erosion and sediment controls per the city standards as designed and approved in the contract documents.

**Special Events Impact and Mitigation**

To mitigate the effects of construction on special events adjacent to the project site the Contractor will coordinate meetings with the event organizers and businesses to address concerns and mitigation measures. The following are the list of special events that occur annually during the construction duration:

*Oakland Running Festival:* The Contractor will be required to coordinate with event organizers for planned public and civic events. The Oakland Running Festival (Oakland Marathon) takes place annually in the third or fourth week of March. The marathon route is on International Boulevard. The Contractor is required coordinate with the event organizers ahead of the time to minimize the impacts for this and all sanctioned public events.

*Cinco De Mayo:* This festival takes place annually on May 5. The construction of Fruitvale Bypass will be substantially completed by the time of this festival. No construction impact is anticipated at this time.

*Bike to Workday:* This event takes place annually in mid May. The construction of Fruitvale Bypass will be substantially completed by the time of this event. No construction impact is anticipated at this time.

**III. Communication Plan**

AC Transit in collaboration with Agency Partners has been conducting pre-construction outreach activities like project update briefings and 1:1 meetings to the businesses and the residents. Refer to the Exhibit C, Merchant Engagement Matrix. One of the most important elements of this Business Impact Mitigation Plan is the connection between the Plan requirements and the permit conditions required by each approving local agency. In effect, this Plan is a special provision that the Contractor must comply with in order to obtain a permit to complete the proposed construction. One of the most important Contractor requirements is to establish a construction staging and traffic handling plan that will, but is not limited to, minimize disruption to local business operations, accommodates on-going business delivery operations, limits temporary impacts to street parking, accommodates safe pedestrian access via sidewalk rerouting and preserves existing bus service.
Construction staging and traffic handling plans that are prepared by the Contractor will be reviewed and approved by each jurisdictional agency prior to construction.

**BRT Community Construction Relations Manager**
Prior the start of early BRT construction activities, AC Transit will hire a BRT Community Construction Relations Manager to serve as a liaison between BRT corridor businesses, residents and the construction Contractor and construction management team. The BRT Community Construction Relations Manager will serve as a single point of contact for merchants as issues arise during construction. The BRT Community Construction Relations Manager will maintain face-to-face contact with BRT corridor merchants, and keeping them informed and up-to-date on project activities. This individual will provide confidential assistance to businesses and residents along the BRT corridor to help resolve issues and concerns, advocate for fairness, ensure proposed mitigations to business impacts are carried out as planned and serve as a source of information and support. Another key role will be to direct businesses to the Merchant Technical Assistance Program if and when needed to access the services within the Business Sustainability Program.

**During Construction:**
During the construction phase, the Contractor is required implement the following in collaboration with AC Transit’s Community Construction Relations Manager, the City of Oakland’s Business Sustainability Program Manager and the Interagency BRT Project Staff.

**BRT Website:** The Contractor will provide monthly project updates and solicit feedback from the AC Transit BRT website (brt.actransit.org).

**Community Meetings:** Being a good neighbor is important to the community and the project. Regular community meetings will be conducted by AC transit Project Team and the Contractor to communicate the status of the project as well as future events.

**Newsletters:** AC Transit project team will publish features on individual businesses in monthly BRT newsletters and on the BRT website as an additional means of attracting customers to businesses in the construction zone.

**Mailers and Web Ads:** AC Transit project team will develop mailers and web ads containing coupons with promotional advertisements and discounts as a means to both stimulating business during construction and informing the public that businesses are operational during construction.
24 Hr. Hotline: AC Transit project will host 24-hour Toll Free project hotline to receive calls from area businesses, residents, and others.

Monitoring of Mitigation Plan: The AC Transit project team will evaluate the implementation of the Construction Impact Mitigation Plan (CIMP) on a regular basis and solicit feedback from businesses in the construction influence area. The updates on Mitigation Monitoring will be posted on BRT website (brt.actransit.org), printed in Newsletters and discussed at the community meetings.

Construction Staging and Traffic Handling Plan: The Contractor shall engage the CCR Manager to meet with merchants and finalize how and when the construction will be performed in order to obtain a final work authorization from the City of Oakland.

Project Information Center: AC transit has established a project Information Center at 3322A International Boulevard to provide fixed location for information dissemination and community meeting space.

IV. Exhibits:
Exhibit A: Merchant Engagement Matrix
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The Merchant Engagement Matrix below summarizes the frequency and number of engagements conducted with community stakeholders in the city blocks where utility relocations will be performed. These stakeholders are comprised of merchant associations, business improvement districts, community based organizations, elected officials, faith-based organizations, schools, tenant associations, individual businesses and enterprises and residents of the areas. In many cases direct, 1:1 engagement was conducted such as the Winter 2013 Merchant interviews and survey performed along the entire corridor that individually connected with 165 business owners. Another example is the forthcoming notice to property owners of the sewer lateral upgrade. In addition, multiple group community meetings were held during the past 2 years throughout the corridor, most of which were interactive and sought feedback and input from stakeholders. These type of meetings presented a range of topics from a general project overview to design review on station architecture, functional needs access, integrated art enhancement, parking mitigation and business impact identification and resolution.

**Merchand Engagement Summary**

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<td>9I 1400 block of E. 14th St.</td>
<td>San Antonio</td>
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<td>10J 2400 block of Int'l Blvd.</td>
<td>Fruitvale</td>
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<td>11K 2800 block of Int'l Blvd.</td>
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<td>12L 3000 block of Int'l Blvd.</td>
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<td>15O 4400 block of Int'l Blvd.</td>
<td>Fruitvale</td>
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<td>16P 4800 block of Int'l Blvd.</td>
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<tr>
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<td>Fruitvale</td>
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<td>18R* 5700 block of Int'l Blvd.</td>
<td>Havenscourt - Lockwood</td>
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<tr>
<td>19S* 6300 block of Int'l Blvd.</td>
<td>Havenscourt - Lockwood</td>
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<tr>
<td>20T* 6700 block of Int'l Blvd.</td>
<td>Havenscourt - Lockwood</td>
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<tr>
<td>21U* 7100 block of Int'l Blvd.</td>
<td>Havenscourt - Lockwood</td>
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<tr>
<td>27V 9900 block of Int'l Blvd.</td>
<td>Hegenberger - Elmhurst</td>
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<tr>
<td>23W 1050 block of E. 14th St.</td>
<td>San Leandro</td>
<td>X</td>
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<tr>
<td>24X 200 block of Davis St.</td>
<td>San Leandro</td>
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<td>X</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

* = only sewer main line relocation

** = engaged adjacent blocks
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   - Bikeway Access
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   - Business Signage
   - Parking
   - Public Transit
   - Construction Debris Removal
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I. Project Purpose and Overview

The Alameda-Contra Costa Transit District (AC Transit) is developing the East Bay Bus Rapid Transit (BRT) Project, a new, world-class transit service that will offer riders faster, more reliable and efficient service along a 9.5-mile route from downtown Oakland to San Leandro BART. The East Bay BRT Project includes the conversion of two traffic lanes into dedicated bus lanes. The addition of BRT only lanes within the existing right-of-way will allow for faster bus travel; however, it also would reduce roadway traffic capacity on streets on the project alignment. The reduction in roadway capacity may lead to additional peak hour congestion at certain intersections on the BRT corridor, as documented in the intersection impacts section of the FEIS/R. The result of the peak hour congestion could be a diversion of traffic off the BRT corridor and onto parallel local streets. The "Fruitvale Bypass" project is a traffic congestion mitigation improvement project identified in the FEIS/R for the Fruitvale area. This "Fruitvale Bypass" project will improve a parallel roadway west side of the BRT corridor, between 29th and 33rd Avenues. These mitigation improvements are to accommodate local vehicles, and BRT buses will not travel along or in this project area.

The "Fruitvale Bypass" consists of resurfacing and reconstructing a section of Derby Avenue from the E 12th Street (NB) intersection to E 10th Street; E 10th Street from Derby Avenue to Fruitvale Avenue intersection; and the Derby Avenue / Fruitvale Ave/San Leandro Street Intersection. Pavement will be reconstructed at Derby Avenue at the intersections with E 12th Street (NB & SB) and at the intersection of Fruitvale Avenue and E10th Street/San Leandro Street. New pavement sections will be constructed along Derby Avenue and E 10th Street. Concrete curb ramps, driveways, curb and gutter, and sidewalk will be constructed. Signal and lighting will be installed or modified at two (2) intersections. Pavement delineation and signs will be installed, drainage system will be modified, and roadway lighting will be installed.

In conjunction with the "Fruitvale Bypass" project improvements, and in compliance with City of Oakland Conditions of Approval, surface parking lots (one in the Fruitvale commercial district and one in the Elmhurst commercial district) will be constructed to mitigate on street parking impacts. The surface parking lot in the Fruitvale District is located on 35th Avenue just east of International Boulevard. The surface parking lot in the Elmhurst District is located at the intersection of Ausson Avenue and International Boulevard. Both parcels are existing private parking lots that have been acquired for the project, and will be converted to public parking lots. The surface parking lot work consists of resurfacing the existing parking area, restriping, lighting, landscaping, drainage improvements and fencing.
The construction of ’Fruitvale Bypass” and two surface “Parking Lots” is expected to begin in late November of 2014 and be substantially complete by end of June 2015. The project costs associated with installing the required mitigation measure Fruitvale Bypass improvements and providing the two off street parking lots in the Fruitvale and Elmhurst districts are estimated to be in the range of $3 million – 4 million.

II. Construction Impacts and Mitigation Measures – Fruitvale Bypass

The following is an assessment of the potential impacts the construction activities may have on residents and businesses within impact radius of the Fruitvale Bypass project. In addition to the any specific mitigation measures required by this document, the Contractor is required to restore the areas impacted by construction to the original or approved conditions.

Working / Construction Hours

Construction activities will be limited to daytime hours for any construction within 500 feet of a residence and non-resident areas. With prior approval from AC Transit and the City of Oakland, night time work may be allowed in agreed upon blocks of time. Work conducted outside of these work hours will require the approval of AC Transit and the City of Oakland.

Construction Duration

The construction on Fruitvale Bypass is anticipated to start in January 2015 and be substantially complete in July 2015. The approximate construction milestones are noted below, within the overall duration of approximately 170 calendar days.

<table>
<thead>
<tr>
<th>Stage 1</th>
<th>Derby Avenue</th>
<th>E 10th Street</th>
<th>Fruitvale Avenue</th>
<th>E 12th Street</th>
<th>San Leandro Street</th>
<th>Const Duration (calendar days)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Northbound lane between E12th Street (SB) &amp; E 10th</td>
<td>EB lane between Derby Avenue and Fruitvale</td>
<td>No construction work. Only one SB lane will be closed</td>
<td>No work. Only lane transitions</td>
<td>No work.</td>
<td>30</td>
</tr>
<tr>
<td>Stage</td>
<td>Derby Avenue</td>
<td>E 10&lt;sup&gt;th&lt;/sup&gt; Street</td>
<td>Fruitvale Avenue</td>
<td>E 12&lt;sup&gt;th&lt;/sup&gt; Street</td>
<td>San Leandro Street</td>
<td>Const Duration (calendar days)</td>
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<tr>
<td>2</td>
<td>Southbound lane between E12th Street (SB) &amp; E 10&lt;sup&gt;th&lt;/sup&gt; Street</td>
<td>WB lane between Derby Avenue and Fruitvale Ave</td>
<td>No construction work. Only one SB lane will be closed for short duration.</td>
<td>No work. Only lane transitions</td>
<td>No work.</td>
<td>40</td>
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<tr>
<td>3</td>
<td>No work.</td>
<td>No work.</td>
<td>Partial Intersection construction. The Rt-turn lane and one NB lane at San Leandro Street intersection will be closed.</td>
<td>No work. Only lane transitions</td>
<td>intersection leg closure</td>
<td>30</td>
</tr>
<tr>
<td>4</td>
<td>Curb Ramp &amp; Sidewalk work</td>
<td>No work.</td>
<td>No work</td>
<td>Work at E 12&lt;sup&gt;th&lt;/sup&gt; St (NB) quadrant with Derby Ave &amp; one lane closure on E 12&lt;sup&gt;th&lt;/sup&gt; St (NB) for short duration.</td>
<td>No work.</td>
<td>20</td>
</tr>
<tr>
<td>5</td>
<td>E 12&lt;sup&gt;th&lt;/sup&gt; Street intersection work</td>
<td>No work.</td>
<td>No work</td>
<td>Intersection work</td>
<td>No work</td>
<td>20</td>
</tr>
<tr>
<td>6</td>
<td>Work on roadway</td>
<td>No work.</td>
<td>No work</td>
<td>Left-turn lane work and</td>
<td>No work.</td>
<td>30</td>
</tr>
<tr>
<td>Work Zone</td>
<td>Derby Avenue</td>
<td>E 10th Street</td>
<td>Fruitvale Avenue</td>
<td>E 12th Street</td>
<td>San Leandro Street</td>
<td>Const Duration (calendar days)</td>
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<td>Street NB &amp; SB</td>
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<tr>
<td>Total Construction</td>
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<td>170</td>
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<tr>
<td>Duration (Working</td>
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<td>Days)</td>
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</table>

**Pedestrian Access**

While working in the sidewalk area, the Contractor is required to maintain pedestrian accessibility throughout the construction area by providing a minimum of 60" wide walkway and ADA compliant ramps for any pedestrian detour that crosses a curb line along the detour.

As the project progresses, any pedestrian accessibility issues that arise will be addressed through signage, circulation plan modifications and/or detours. Upon completion of the project all affected areas will be restored to pre-construction and/or proposed plan conditions.

*Derby Avenue:* During stage 1 construction the existing sidewalk on the east side of Derby Avenue, between E 12th Street (SB) and E 10th Street, will be closed off completely. The Contractor must accommodate the business and community access needs by installing appropriate temporary pedestrian detours for each business and the community that are accessibly compliant. The signage will indicate each required pedestrian detour. During Stage 5 construction, the existing crosswalk at the intersection of E 12th Street (NB) and Derby Avenue will be closed. The pedestrian detour signage will direct pedestrians to the E 12th Street (NB) at Fruitvale Avenue intersection and E 12th Street (NB) at 29th Avenue intersection.

*E 10th Street:* During stage 1 of construction, the existing sidewalk on the north side of E 10th Street will be intermittently closed. The Contractor will be required to meet the business and community access needs, by accommodating appropriately detoured pedestrian traffic. The appropriate signage will indicate the pedestrian traffic detour.
Bikeways Access
In the construction influence area, Fruitvale Avenue has class 3 bike lanes from East 12th Street going south. The Contractor is required to maintain bike lanes during stage 3 and 4 construction while working at the Fruitvale Avenue and E 10th Street intersection.

Adjacent Residents
The Fruitvale Bypass project area is in close proximity to residential uses near International Boulevard and E 12th Street (NB). Even though these residences are within the construction influence area there is no proposed work in front of these residences. The Contractor is required to maintain driveway access to these residences at all times during traffic lane transitions and E 12th Street (NB) intersection closure in Stage 5.

Adjacent Businesses
The Fruitvale Bypass project construction influence area consists of one Fire station (FS#13), Auto Collision Repair shop (H&H Body Shop), BART surface parking lots, UPRR frontage, one restaurant (Guadalajara), one club (Aloha Club), EPIC Charter School, one brewery (Ale Industries), Norton Factory Studios, and Blank & Cables, a fabrication-design-furniture consultation business. AC Transit construction community relation manager and the Contractor will meet with business owners and residents during pre-construction to determine the access plans. AC Transit is engaged with businesses during the design phase. Refer to the Exhibit C for the merchant engagement matrix.

Fire Station 13: Located on the Derby Avenue at the northwest corner of Derby Avenue and E 12th Street (NB) intersection. The proposed construction will require the closure of the Derby Ave on the east side of the intersection with E. 12th Street for approximately 12 working days. During this time, emergency responders headed south will travel down E. 13th St. to Fruitvale Avenue, and emergency responders headed north will need to travel east on Derby to International Blvd. The proposed construction will require the closure of the Derby Ave intersection between SB E. 12th and NB E 12th, for approximately 12 working days. During this time, the Contractor is required to maintain access to emergency responders headed south on Derby Avenue at all times and there will be no impact to emergency responders headed north. No significant increases to response times are anticipated.

The Contractor is required to maintain access to and from the Fire Station at all times and required to coordinate with Fire Station personnel 72 hours ahead of any
construction activity requiring closure of lanes and/or intersections. All detour plans need to be approved by the Fire Department ahead of implementation. No impact to deliveries, trash removal, and utilities are anticipated at this time.

**H&H Body Shop:** Located at southwest quadrant of E 12th Street (SB) and Derby Avenue. This business has access from E 12th Street (SB) which is a one-way street. During Stage 5 construction, Derby Avenue will be closed off on the west side of the E 12th Street (NB) and E 12th Street (SB) intersection for approximately 12 working days but at least one lane of traffic on E 12th Street NB & SB will be maintained. The Contractor is required to maintain driveway access at all time during traffic lane transitions and intersection improvement work. No impact to deliveries, trash removal, and utilities are anticipated at this time.

**BART Surface Parking Lot:** Located at southeast quadrant of E 12th Street (SB) and Derby Avenue. The access to the parking lot is located on Derby Avenue just south of the E 12th Street (SB). This access will be maintained at all stages of construction. During Stage 1 and Stage 2, Contractor will post directional signs on Fruitvale Avenue using E 12th Street (NB) to access the parking lot. During closure of Derby Avenue intersection with E 12th Street NB & SB crossing in Stage 5 and Stage 6, the Contractor is required to post detour signs on 29th Avenue, Derby Avenue and Fruitvale Avenue for vehicular traffic on how to access the surface parking lot via E 10th Street and Derby Avenue.

**UPRR Frontage:** The Union Pacific Railroad (UPRR) property fronts along south side of the E 10th Street from Derby Avenue to the Fruitvale Avenue in the construction Influence area. UPRR leases this frontage to Blank & Cables and Norton Factory Studios for parking. The Contractor is required to coordinate with tenants of the UPRR frontage on access needs and ensure access to parking lot driveways on E 10th Avenue including the safe pedestrian access between businesses and parking lot is maintained during stage 1 and stage 2.

**EPIC Charter School:** EPIC Charter School leased Caltrans maintenance station located along the entire block between 29th Street and Derby Avenue. The lot is currently being reconfigured to fit the needs of the school (25 employees & 150 kids). The main entrance for this school is located on 29th Avenue which is outside of the construction influence area. The school is planning to use the entrance and the frontage located on Derby Avenue at the intersection of E 10th Street for drop-off/pick-up area. The Contractor is required to coordinate with the school and provide a safe zone for children
drop-off/pick-up operations. In addition, the Contractor is required to provide an area and safe passage for children crossing around the construction influence area. The Contractor is required to maintain the access to the driveway on Derby Avenue at all times.

*Norton Factory Studio:* Located on north side of E 10th Street between Derby Avenue and Fruitvale Avenue. The Norton Factory Studio complex has multiple micro and small businesses that offer classes, studios, and evening events. This multi-business complex’s roll-up doors are located on E 10th Street. The Contractor is required to coordinate with the warehouse on delivery schedules and ensure access to delivery driveways on E 10th Street are maintained during stage 1 and stage 2. The Contractor is required to have Flagman to facilitate truck access to these businesses due to the limited lane width during construction. The Contractor is required to post directional signs on E 12th Street and Fruitvale Avenue on how to access the warehouse driveways on Derby Avenue during Stage 5 when portions of the Derby Avenue intersection with E 12th Street (SB) are closed.

*Blank & Cables:* Located on north side of E 10th Street between Derby Avenue and Fruitvale Avenue. The Contractor is required to coordinate with this facility on access needs including loading and unloading needs and ensure access to driveway on E 10th Street are maintained during stage 1 and stage 2. The Contractor is required to coordinate in advance on providing a space for loading trucks to park and provide access for the facility’s fork trucks safely access the loading trucks. The Contractor may also be required to have Flagman to facilitate truck access to these businesses due to the limited lane width during construction. The Contractor is required to post directional signs on E 12th Street and Fruitvale Avenue on how to access the Black & Cables driveway on Derby Avenue during Stage 5 when portions of the Derby Avenue intersection with E 12th Street (SB) are closed.

*Guadalajara Restaurant:* Located at northwest quadrant of E 10th Street and Fruitvale Avenue. This facility has a restaurant on the ground floor and Chiropractic Clinic & Law Offices on the second floor. This location has one driveway access point from Fruitvale Avenue and two driveway accesses from E 10th Street, one of which will be permanently closed as part of this construction project. The project improvements require a fee acquisition and a temporary construction easement along E 10th Street at this location. The Contractor is required to maintain driveway access at all times during traffic lane transitions and intersection realignment work. The trash pick-up for this property is
along Fruitvale Avenue. No impact to deliveries, trash removal, and utilities are anticipated at this time.

**Aloha Club**: Located on Fruitvale Avenue at Southeast corner of Fruitvale Avenue and San Leandro Street intersection. This business has one driveway access from Fruitvale Avenue. Even though there is no construction in front of the driveway, the access will be impacted due to the traffic lane transitions during construction. The Contractor is required to maintain driveway access at all time during traffic lane transitions and intersection realignment work. No impact to deliveries, trash removal, and utilities are anticipated at this time.

**Auto Glass / Body Shop**: Located on Fruitvale Avenue at Northeast corner of the Fruitvale Ave and San Leandro Street intersection. Currently this property is vacant and no business activity is present. This business has one driveway access from Fruitvale Avenue. Even though there is no construction in front of the driveway, the access will be impacted due to the traffic lane transitions during construction. The Contractor is required to maintain driveway access at all time during traffic lane transitions and intersection realignment work. No impact to deliveries, trash removal, and utilities are anticipated at this time.

**Business Signage**

Changeable message signs (CMS) will be used to direct pedestrians toward accessible walkways and detoured sidewalks. In addition, the CMS will provide messaging informing patrons that the businesses adjacent to the work areas are open. The CMS will be placed at strategic locations to keep the public informed and directed to the accessible route. The locations of the signage vary for each work zone; however, it is anticipated that at various times, the CMS will be installed along Derby Avenue, Fruitvale Avenue, E 12th Street (NB), E 12th Street (SB) and/or San Leandro Street.

**Parking**

During construction the on-street parking on Derby Avenue, E 10th Street and San Leandro Street will be temporarily impacted. The duration of temporary parking impacts will be specified on the contract plans. The durations are anticipated to be approximately between 5 to 30 working days based upon the construction stage. There are 103 existing parking spaces within the project construction area. The BRT Fruitvale Bypass project will remove 19 parking spaces but adds 8 parking spaces. The net parking remaining is 92 spaces. Refer to the Exhibit A for BRT Parking Impact Plan. The City of Oakland is considering adding an
additional 18 on-street parking spaces bringing the total number of on-street parking spaces to 110 after the additional parking improvements. Additionally, an off-street parking lot at the 33rd Avenue / San Leandro Street intersection, which would add an additional 65 parking spaces, is being considered. Refer to the Exhibit B for BRT Parking Improvement Plan.

The Contractor will submit a construction worker parking plan identifying parking locations for construction workers and methods of transportation to and from the project area for approval 15 days prior to commencement of construction. It is understood that construction is in urban location with limited parking. The Contractor will endeavor to secure parking in the surrounding lots, which have excess capacity to meet the needs of the construction worker parking, without disrupting existing public parking.

**Public Transit**

The Stage 3 construction proposed to close the San Leandro Street leg of the Fruitvale Ave /E10th St/San Leandro St intersection for 20 days. This temporary closure will impact the public transit, emergency vehicles and vehicular traffic turning left or right onto the San Leandro Street from the Fruitvale Avenue. The Contractor will need to notify AC Transit, Fire Station, BART, local businesses and post signs of the closure 10 working days ahead of the closure. The Contractor is also required to post the detour signs during the closure of the intersection leg. All detour plans need to be approved by the AC Transit, BART and Fire Department ahead of the detour implementation.

**Construction Debris Removal**

Construction containers will be located at key locations throughout the project area with debris/trash being hauled away on a regular basis.

**Environmental Impacts**

No significant environmental impacts due to noise, vibration, dust, drainage, erosion, storm water runoff and odor are anticipated because of the proposed project.

*Air Quality:* Dust control measures will be implemented. Common mitigation measures include water trucks, street sweepers for earth work phases, dust bags and filters for power equipment.

*Noise:* Construction activities will be limited to daytime hours for any construction within 500 feet of a residence. Any work outside of the listed hours and days will need
to be approved. Construction material deliveries will not occur outside of the approved construction hours. All construction equipment will be required to meet maximum sound thresholds, and certain specific activities that generate concentrated high levels of noise (like pavement sawcutting) may be limited to daytime work only.

Storm Water Runoff: The project will implement a Storm Water Pollution Prevention Plan (SWPPP). The plan will include best management practices (BMP) to prevent discharge of sediments or other pollutants into the storm water system. In addition, the project will install erosion and sediment controls per the City standards as designed and approved in the Contract Documents.

Special Events Impact and Mitigation
To mitigate the effects of construction on special events adjacent to the project site the Contractor will coordinate meetings with the event organizers and businesses to address concerns and mitigation measures. The following are the list of special events that occur annually during the construction duration,

Oakland Running Festival: This festival (Oakland Marathon) takes place annually in the third or fourth week of March. The marathon route is on International Boulevard which is outside of the construction influence area. But closures and detours due to the marathon may have an effect on the construction. The Contractor is required coordinate with the event organizers ahead of the time to minimize the impacts.

Cinco De Mayo: This festival takes place annually on May 5. The construction of Fruitvale Bypass will be substantially completed by the time of this festival. No construction impact is anticipated at this time.

Bike to Workday: This event takes place annually in mid May. The construction of Fruitvale Bypass will be substantially completed by the time of this event. No construction impact is anticipated at this time.

III. Construction Impacts and Mitigation Measures—Elmhurst Parking Lot
The surface parking lot in Elmhurst District is located at intersection of Auseon Avenue and International Boulevard. This parking lot is approximately 7,750 sq ft and contains 16 parking spaces including 2 ADA parking spaces. The improvements include drainage,
landscaping, paving, driveway, lighting, signing, striping, fencing and sealing of four windows and one door of an adjacent building. This is an existing private parking lot that has been acquired for the project.

Working / Construction Hours
Construction activities will be limited to daytime hours. With prior approval from AC Transit and the City of Oakland, Night time work may be allowed and/or on Saturdays which can be provided in agreed upon blocks of time. Work conducted outside of these work hours will require the approval of AC Transit and the City of Oakland.

Construction Duration
The duration of construction is expected to be 2 months. This work is separate but will be part of a bid package that includes construction activities for Fruitvale bypass (discussed in the Section II above).

Parking
No impact to existing on-street parking on Auseon Avenue is anticipated at this time.

Adjacent Residences & Businesses
There are residences & businesses along Auseon Avenue adjacent to the existing parking lot but no direct impact due to construction is anticipated because work activities are restricted in an existing parking lot.

Pedestrian Access
While working in the sidewalk area to construct driveway access to the proposed parking lot, the Contractor is required to maintain pedestrian area throughout construction area by providing a minimum of 60 inch wide walkway and ADA compliant ramps for any pedestrian detour that crosses a curb line along the detour.

Environmental Impacts
No significant environmental impacts due to noise, vibration, dust, drainage, erosion, storm water runoff and odor are anticipated because of the proposed project.

Air Quality: Dust control measures will be implemented. Common mitigation measures include water trucks, street sweepers for earth work phases, dust bags and filters for power equipment.
Noise: Construction activities will be limited to daytime hours. Any work outside of the listed hours and days will need to be approved. Construction material deliveries will not occur outside of the approved construction hours. All construction equipment will be required to meet maximum sound thresholds, and certain specific activities that generate concentrated high levels of noise (like pavement sawcutting) may be limited to daytime work only.

Storm Water Runoff: The project will implement a Storm Water Pollution Prevention Plan (SWPPP). The plan will include best management practices (BMP) to prevent discharge of sediments or other pollutants into the storm water system. In addition, the project will install erosion and sediment controls per the City standards as designed and approved in the Contract Documents.

IV. Construction Impacts and Mitigation Measures—Fruitvale Parking Lot

The surface parking lot in Fruitvale District is located on 35th Avenue just north of International Boulevard. This lot will have 21 parking spaces including 2 ADA spaces. The improvements include drainage, landscaping, paving, driveway, lighting, signing, striping, fencing and sealing of four windows and one door of an adjacent building. This is an existing private parking lot that has been acquired for the project.

Working / Construction Hours

Construction activities will be limited to daytime hours. With prior approval from AC Transit and the City of Oakland, Night time work may be allowed and/or on Saturdays which can be provided in agreed upon blocks of time. Work conducted outside of these work hours will require the approval of AC Transit and/or the City of Oakland.

Construction Duration

The duration of construction is expected to be 2 months. This work is separate but will be part of a bid package that includes construction activities for Fruitvale bypass (discussed in the Section II above).

Public Transit

No impact to public transportation on 35th Avenue is anticipated at this time.
Parking
No impact to existing on-street parking on 35th Avenue is anticipated at this time.

Adjacent Residences & Businesses
There are residences & businesses along Auseon Avenue adjacent to the existing parking lot but no direct impact due to construction is anticipated because work activities are restricted in an existing parking lot.

Pedestrian Access
While working in the sidewalk area to construct driveway access to the proposed parking lot, the Contractor is required to maintain pedestrian area throughout construction area by providing a minimum of 60 inch wide walkway and ADA compliant ramps for any pedestrian detour that crosses a curb line along the detour.

Environmental Impacts
No significant environmental impacts due to noise, vibration, dust, drainage, erosion, storm water runoff and odor are anticipated because of the proposed project.

Air Quality: Dust control measures will be implemented. Common mitigation measures include water trucks, street sweepers for earth work phases, dust bags and filters for power equipment.

Noise: Construction activities will be limited to daytime hours. Any work outside of the listed hours and days will need to be approved. Construction material deliveries will not occur outside of the approved construction hours. All construction equipment will be required to meet maximum sound thresholds, and certain specific activities that generate concentrated high levels of noise (like pavement saw cutting) may be limited to daytime work only.

Storm Water Runoff: The project will implement a Storm Water Pollution Prevention Plan (SWPPP). The plan will include best management practices (BMP) to prevent discharge of sediments or other pollutants into the storm water system. In addition, the project will install erosion and sediment controls per the City standards as designed and approved in the Contract Documents.
V. Communication Plan

AC Transit in collaboration with Agency Partners has been conducting pre-construction outreach activities like project update briefings and 1:1 meetings to the businesses and the residents. Refer to the Exhibit C, Merchant Engagement Matrix. One of the most important elements of this Business Impact Mitigation Plan is the connection between the Plan requirements and the permit conditions required by each approving local agency. In effect, this Plan is a special provision that the Contractor must comply with in order to obtain a permit to complete the proposed construction. One of the most important Contractor requirements is to establish a construction staging and traffic handling plan that will, but is not limited to, minimize disruption to local business operations, accommodates on-going business delivery operations, limits temporary impacts to street parking, accommodates safe pedestrian access via sidewalk rerouting and preserves existing bus service. Construction staging and traffic handling plans that are prepared by the Contractor will be reviewed and approved by AC Transit and the City of Oakland prior to construction.

BRT Community Construction Relations Manager

Prior the start of early BRT construction activities, AC Transit will hire a BRT Community Construction Relations Manager to serve as a liaison between BRT corridor businesses, residents and the construction Contractor and construction management team. The BRT Community Construction Relations Manager will serve as a single point of contact for merchants as issues arise during construction. The BRT Community Construction Relations Manager will maintain face-to-face contact with BRT corridor merchant and keeping them informed and up-to-date on project activities. This individual will provide confidential assistance to businesses and residents along the BRT corridor to help resolve issues and concerns, advocate for fairness, ensure proposed mitigations to business impacts are carried out as planned and serve as a source of information and support. Another key role will be to direct businesses to the Merchant Technical Assistance Program if and when needed to access the services within the Business Sustainability Program.

During Construction:

During the construction phase, the Contractor is required implement the following in collaboration with AC Transit’s Community Construction Relations Manager, the City of Oakland’s Business Sustainability Program Manager and the Interagency BRT Project Staff.

BRT Website: The Contractor will provide monthly project updates and solicit feedback from the AC Transit BRT website (brt.actransit.org).
Community Meetings: Being a good neighbor is important to the community and the project. Regular community meetings will be conducted by AC transit Project Team and the Contractor to communicate the status of the project as well as future events.

Newsletters: AC Transit project team will publish features on individual businesses in monthly BRT newsletters and on the BRT website as an additional means of attracting customers to businesses in the construction zone.

Mailers and Web Ads: AC Transit project team will develop mailers and web ads containing coupons with promotional advertisements and discounts as a means to both stimulating business during construction and informing the public that businesses are operational during construction.

24 Hr. Hotline: AC Transit project will Host 24-hour Toll Free project hotline to receive calls from area businesses, residents, and others.

Monitoring of Mitigation Plan: The AC Transit project team will evaluate the implementation of the Construction Impact Mitigation Plan (CIMP) on a regular basis and solicit feedback from businesses in the construction influence area. The updates on Mitigation Monitoring will be posted on BRT website (brt.actransit.org) and Newsletters and discussed at the community meetings.

Construction Staging and Traffic Handling Plan: The Contractor shall engage the CCR Manager to meet with merchants and finalize how and when the construction will be performed in order to obtain a final work authorization from the City of Oakland.

Project Information Center: AC transit has established a project Information Center at 3322A International Boulevard to provide fixed location for information dissemination and community meeting space.

VI. Exhibits:

Exhibit A: BRT Parking Impacts
Exhibit B: BRT Parking Improvement Plan
Exhibit C: Merchant Engagement Matrix
BRT PARKING IMPROVEMENT PLAN
BID PACKAGE 2 - "FRUITVALE BYPASS"

EXHIBIT A to Attachment 2
ALAMEDA CONTRA COSTA TRANSIT DISTRICT
EAST BAY BUS RAPID TRANSIT

FEHR & PEERS
August 11, 2014

PARKING INVENTORY (THIS SHEET ONLY)

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BRT PARKING IMPACTS
BID PACKAGE 2 - "FRUITVALE BYPASS"

LEGEND

EXCLUSIVE BRT LANE
SHARED BRT LANE
HIGH VISIBILITY CROSSWALK
BRT SERVICES
SHARED MEDIAN ISLAND
SHARED MEDIAN PLAIN
EXISTING CURB LINE
CONCRETE PATHWAY/SUTTER LANE LINE
(XX) BUS LANE TO BE REMOVED AT BUS STOP

DIRECTOR OF TRAFFIC
SHARED LEGEND
TRAFFIC SIGNAL, EXISTING
TRAFFIC SIGNAL, NEW PROPOSED
PARKING, PARKING METERED
PARKING, UNCONTROLLED
PARKING, CONTROLLED
PARKING, ADA
PARKING, REMOVED
PARKING, short term

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The Merchant Engagement Matrix below summarizes the frequency and number of engagements conducted with community stakeholders in the areas where bid package #2 construction will be performed. These stakeholders are comprised of merchant associations, business improvement districts, community based organizations, elected officials, faith-based organizations, schools, tenant associations, individual businesses and enterprises and residents of the areas. In many cases direct, 1:1 engagement was conducted such as the Summer 2014 Bypass Project Coordination meetings in which separate individual meetings were conducted with Union Pacific Railroad, Epic Charter School, Norton Factory Studios, Blank & Cable and Guadalajara Restaurant. In addition, group community meetings such as the Fruitvale Bypass Project Meeting in August 2014 were held at various times during the past 2 years in these two sectors the corridor (Fruitvale and Elmhurst), most of which were interactive and sought feedback and input from stakeholders. These types of meetings presented a range of topics from a general project overview to design review on station architecture, functional needs access, integrated art enhancement, parking mitigation and business impact identification and resolution.

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* - in addition, several 1:1 meetings were held with representatives of Allen Temple Baptist Church regarding the parking lot.
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Technical Memorandum

PARKING IMPACT REPORT

Task No. 27.1.4

Prepared by
Parsons
September 17, 2014

For
Alameda-Contra Costa Transit District
## Document Description

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1. Executive Summary

This document presents the implications to on-street parking, the strategies used to minimize parking impacts, and ultimately the post-Project parking plan.

Besides keeping the community informed on parking impacts, this document also responds to mitigation commitments presented in the Project’s Final Environmental Impact Statement/Report (FEIS/R) and resulting federal Record of Decision (ROD) and also to the City of Oakland and City of San Leandro Conditions of Approval (COA). Consideration is also given to the input and findings from the Parking Design Basis Memorandum and the Off-Street Parking Lot Site Selection Memorandum as well as comments received from the City of Oakland and City of San Leandro upon review of the geometric approval drawings (GADs) dated March 5, 2014.

2. Introduction

Alameda – Contra Costa Transit District (AC Transit) is in final design for the East Bay Bus Rapid Transit Project (Project) and, in collaboration with partner agencies, AC Transit has been working diligently to ensure that community feedback is incorporated into the ongoing design process. The Project generally creates dedicated bus lanes through the corridor (except in San Leandro) that connect to stations either on the median or along the curb creating a transit-rich environment and enhancing pedestrian mobility and safety. Features built into the Project will contribute to greater quality of life including: better security through closed circuit cameras and pedestrian-scale lighting, safer street crossings with curb extensions and signal controls, and bicycle lane and parking accommodations.

Providing these improvements will require tangible changes, such as the availability of parking spaces and the overall efficiency of the area’s parking program. The Parking Impact Mitigation Report is one of the many products that AC Transit is using to keep stakeholders informed of the Project.

A. Guiding Principles

This document supports final design of the Project for AC Transit but more importantly it supports several guiding principles for establishing a cohesive post-Project parking plan including:

- Support the vision of a diverse environment with distinct and well-connected places along the BRT corridor.
- Keep parking solutions flexible along the corridor to address changing activities as the area evolves over time.
- Balance parking needs with freight mobility, access and loading/unloading.
- Support parking strategies that address adjacent neighborhood impacts.

“The impetus for this International Boulevard Transit-Oriented Development (TOD) Plan is to leverage a planned Bus Rapid Transit (BRT) system – which would extend across multiple cities and run along the full length of International Boulevard on its route, with multiple stops along the corridor – to improve conditions along the street itself and in surrounding neighborhoods. Construction of the BRT system is expected to bring millions of dollars of new investment in infrastructure to the corridor and result in significant physical improvements to the street. This TOD Plan creates the opportunity to restore International Boulevard and the surrounding area back to the vital and beautiful neighborhoods that they once were.”

– City Of Oakland International Boulevard Transit Oriented Development Plan.
The remainder of this document will present the parking baseline and establish the framework from which parking mitigation will occur.

Figure 1: Project Location

3. Parking Baseline
Exhibit A attached to this document shows the existing parking inventory, identifies the parking spaces displaced by the Project, and shows the parking spaces added by the Project. Today there are 2,277 parking spaces and after the Project is constructed there will be 1,657 spaces which represent about a 28% reduction in parking along the corridor prior to parking improvements under consideration by the City of Oakland. Corridor-wide, the inventory of spaces within the Project footprint is given in Table 1 below for the segments reported in the FEIS/R as well as the Fruitvale Bypass. These segments are:
- Downtown – from Broadway to Lake Merritt Boulevard
- East Oakland – from Lake Merritt Boulevard to Durant Boulevard
- Fruitvale Bypass – on San Leandro Street from 33rd Ave along E 10th Street to Derby Avenue
- San Leandro – from Durant Boulevard to San Leandro BART
AC Transit East Bay Bus Rapid Transit
Parking Impact Report

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¹ New spaces will result where parallel parking is converted to diagonal parking, where bus stops are removed, or where parking lots are constructed.

Table 1: Parking Baseline Summary

A. Project Description
The Project consists of implementing bus rapid transit (BRT), generally with dedicated lanes, along a 9.5-mile corridor through the cities of Oakland and San Leandro in Alameda County, California, and of that about 8.1 miles are located in the City of Oakland. The route will start on Broadway in downtown Oakland, generally following 12th and 11th Streets in downtown Oakland, International Boulevard in East Oakland, and East 14th Street and Davis Street in San Leandro, terminating at the San Leandro Bay Area Rapid Transit (BART) station. The Project location is shown in Figure 1.

BRT elements include: dedicated transit lanes; light rail-like stations with level boarding and passenger amenities such as lighting, safety and security systems, and seating; transit signal priority at intersections with traffic signals; self-service, proof-of-payment fare collection with fares collected off the bus; and streetscape and landscape changes. Service would be provided using 60-foot, low-floor articulated hybrid diesel-electric buses operating at high frequencies.

Associated with the Project comes the opportunity for corridor transformation following the guidance of the International Boulevard Transit Oriented Development Plan such as pedestrian access changes incorporated into the Project – curb extensions to shorten pedestrian crossing distances, consistent and regular pedestrian crossings, traffic signals with enhanced accessibility features such as crossing time countdown, and additional and high-visibility crosswalks with pedestrian-scale safety lighting.

B. Existing Parking Characteristics
Parking characteristics along the Project corridor differ by neighborhood, by block, and at times within a single block. Parking signage, how long visitors and employees can park and the organization of the on-street system is confusing. This has created an inefficient parking system and leads to conflicts between employees, residents, and customers and provides opportunities for non-corridor-based parkers to “poach” parking.

Often, the on-street parking on the corridor is unregulated, that is, parking is uncontrolled and one outcome is that people park and take transit during the day to avoid parking costs elsewhere. These are parking spaces that could be used to support the needs of customers and visitors to the corridor. Another outcome of an inefficient parking system is that the unregulated on-street parking is parked with employees and so corridor parking is unavailable to customers and visitors.
The Fruitvale District has a unique parking characteristic because of the BART station located in the Fruitvale District. The demand for parking at this station outnumbers the available commuter-dedicated parking in the area and so unregulated parking spaces in the area around the station are often used by commuters as all-day parking to facilitate BART trips.

C. Cause of Parking Impacts (displaced parking)
The Project will change the parking configuration either directly by the Project features such as at stations and reconfigured intersections or indirectly because of parking replacement or other mitigation. While AC Transit will work to minimize parking displacement, the loss of some parking is unavoidable.

Constructing the Project (transitway and stations) in the existing roadway without widening requires the conversion of traffic lanes to transit (for example, one lane in each direction of travel where dedicated transit lanes are planned) and, in limited instances, the removal of street features, such as existing medians. It also requires parking reconfiguration in some areas. Curbside parking at intersections and in the vicinity of stations may be displaced to provide for traffic lane transitions and room for left- and right-turn lanes, bike lanes, pedestrian facilities and station platforms.

Many of the features that contribute to the desirable corridor transformation and improve walkability also impact parking spaces. Curb extensions and additional crosswalks in some cases require changing parking. Stations provide median refuges for pedestrians crossing the street, but can change the space available for parking. In limited instances bike lanes also require width that could otherwise be used for parking.

D. Parking Displaced during Construction
Three construction contracts or bid packages will be issued.
- Bid Package 1 includes relocation of utilities that would otherwise be in conflict with Project features.
- Bid Package 2 includes improvements to San Leandro Street to alleviate traffic impacts on International Boulevard.
- Bid Package 3 includes construction of the Project including: remaining utility relocation, pavement reconstruction, platform construction and striping operations along the length of the corridor.

The first two packages will mainly create temporary parking impacts, and typically for short durations of three to four weeks. Complete information on short term parking impacts and mitigations will be contained in the Business Impact Mitigation Plan.

With Bid Package 3, some existing parking spaces will be temporarily and/or permanently displaced during construction activities, although not all at the same time. Existing bus stops will also be relocated to continue service in accordance with the construction staging and these stop relocations may require temporary removal of on-street parking. Allowable temporary displacement of parking spaces due to the contractor's construction activities will be identified in the specifications for each bid package with associated working days and liquidated damages.

Mr. Joseph Robinson, AC Transit’s Superintendent for Transportation/Operations Control Center, will determine which stops will be closed and the final temporary relocation. The contractor will be required to notify AC Transit 10 days prior to any work activity requiring a bus stop closure. Notice will be given to adjacent businesses and residents as well, in accordance with the Business Impact Mitigation Plan.
E. Parking Mitigation Requirements

Final Environmental Impact Statement/Environmental Impact Report

The Project will displace on-street parking along the Project's alignment, mainly International Boulevard/East 14th Street and 11th and 12th Streets, to provide for the dedicated bus lane and/or other related changes. The FEIS/R established that on-street parking on much of the corridor was underutilized and so the Project would not cause an adverse parking impact for many neighborhoods. This determination was based on the Urban Land Institute which recommends that balanced parking systems in commercial areas have 85 percent parking utilization which means that 85 percent of the available parking spaces are occupied with a parked car and the remaining 15 percent of the spaces are available for parking. The FEIS/R did, however, establish that the Fruitvale and Elmhurst districts have high parking occupancy levels and possibly limited opportunities for other parking, and therefore replacement off-street parking is proposed. The FEIS/R also recognized revenue loss from displaced parking meters and stipulated that metered spaces should be replaced on a one for one basis. AC Transit, as the lead agency, is responsible for mitigating the loss of on-street parking attributable to the Project.

Oakland Conditions of Approval

The Oakland City Council, upon adopting a resolution approving the Project, included in its Conditions of Approval (COA) a requirement for off-street parking to mitigate the on-street parking space removal in the San Antonio district, in addition to the Fruitvale and Elmhurst districts. This mitigation could be provided by a parking lot near International Boulevard and 20th Avenue. The COA also stipulates that any revenue from meters or parking lot control systems will be collected by the City of Oakland. The COA was clarified in August 2013 in a conformance document attached to the BRT Master Cooperative Agreement between Oakland and AC Transit to indicate specific standards for meeting the COA.

In its responses to the FEIS/R and the Oakland COA, AC Transit made a commitment to provide two parking lots—one each in the Fruitvale and Elmhurst districts. Conditional Use Permits (CUP) are in process to fully assess the effects of parking lot development.

The San Antonio district did not meet the FEIS/R criteria established to justify acquisition and construction of a parking lot under the BRT Project. AC Transit will nonetheless strive to replace lost parking in the area on a 1:1 basis to the maximum extent practicable. This includes, but is not limited to, conversion of parallel parking to diagonal parking.

AC Transit has and will continue to coordinate with the city and local businesses and residents throughout final design on the parking strategy, including the number and location of spaces to be developed. For example, suitable replacement non-metered parking stalls may be converted to metered parking spaces to mitigate a displaced metered parking stall. Mitigation includes provisions to coordinate and confirm with businesses the disposition of all displaced and replaced on-street parking stalls, metered spaces, white zones, blue zones, green zones, yellow loading zones and controlled spaces prior to finalizing the design.

San Leandro Conditions of Approval

The San Leandro City Council adopted a resolution on July 16, 2012 identifying an updated Locally Preferred Alternative, including certain provisions. COA III stipulated that AC Transit shall as soon as possible explore the means and feasibility of extending BRT along the length of East 14th Street to Bay

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2 Oakland City Council Resolution No. 84016 C.M.S., adopted July 17, 2012.
Fair BART. This segment was evaluated and after discussions with the City, it was determined that the traffic and parking impacts were too severe.

4. Parking Realignment Methodology

As noted in the FEIS/R parking systems are balanced when a driver is able to find an available parking space without excessive travel searching for an open space. Excessive travel can increase corridor traffic congestion and unnecessarily add traffic to side streets as drivers search for available parking. The Urban Land Institute recommends that balanced parking systems in commercial areas have 85 percent parking utilization which means that 85 percent of the available parking spaces are occupied with a parked car and the remaining 15 percent of the spaces are available for parking.

While this approach was used in the FEIS/R it became apparent through one-on-one meetings held in the East Lake, San Antonio, and Fruitvale neighborhoods that parking along the corridor is constrained and that one for one parking replacement was desirable. This approach goes beyond the methodology in the FEIS/R for parking mitigation and will be used as the basis to establish parking improvements, to offset corridor parking losses.

The Business Impact Mitigation Plan documents AC Transit’s commitments, including the parking impact mitigation identified in this Parking Impact Report.

The City of Oakland is conducting an independent Parking Analysis for the BRT Project corridor based on the parking realignment methodology outlined in this section. This assessment will complement the Parking Impact Report by first validating the inventory, methodology and proposed changes to existing parking therein. The Parking Analysis will also provide expanded information on various existing parking programs and demand to assist transportation planners with the task of optimizing parking and controls on the modernized corridor. The Parking Analysis will be part of scheduled stakeholder engagement programs aimed at producing parking improvements that conforms to the Oakland Conditions of Approval and provides the best possible outcome for continued vehicular access to corridor offerings.

A. Key definitions

*Accessible parking:* An accessible parking space is one that is marked with blue curb to allow convenient access for persons with disabilities.

*Commercial loading zone:* A commercial loading zone is a space marked with yellow curb to allow temporary parking while actively loading or unloading goods for a commercial establishment.

*Controlled parking:* A controlled parking space is one where parking is restricted, usually by time. The restrictions may be effective between certain hours or for a specific duration, say one or two hours. Short-term time-limited spaces, say 12 minutes, are marked with green curb.

*Displaced:* A displaced parking space is one that is no longer available in its original type.

*Existing parking:* Existing parking is counted on the Project’s alignment and those side streets where the lane configuration is changed by the Project.
Lost parking: A lost parking space is one that is displaced and not replaced within the corridor. A negative number of spaces lost indicate a net gain.

Metered parking: A metered parking space is one that requires payment to legally park in the space. Payment may be by individual meter or by pay station.

Mitigation: Actions to replace parking in order to comply with the FEIS/R and the COAs.

Passenger loading zone: A passenger loading zone is a space designated by signage and white curb to allow temporary parking while actively picking up or dropping off passengers.

Replaced parking:
Added—these are parking spaces that did not previously exist, including spaces available due to removal of an existing bus stop, spaces created by converting parallel parking to diagonal parking, or spaces provided in a parking lot made available to the public as part of the Project.
Changed/Converted—these are parking spaces that changed in use, such as converting an uncontrolled or controlled space to a metered space, changed in the level of time restriction, or changed in the level of occupancy, such as uncontrolled spaces on side streets that are used to meet mitigation requirements.

Uncontrolled parking: An uncontrolled parking space is unrestricted as to parking type and duration. An uncontrolled parking space may still have limited restrictions such as for street cleaning or to restrict overnight parking.

B. Metered Parking
Metered parking spaces will be replaced on a one-to-one basis so that there will be no revenue impact to the City of Oakland. COA II stipulates that any revenue from meters or parking lot control systems installed by the Project will be collected by the city. Suitable replacement non-metered parking spaces will be converted to metered parking spaces to mitigate a metered parking space removed by the Project. Metered parking spaces will not be placed in residential neighborhoods, unless metered parking already exists. AC Transit will advise businesses adjacent to new metered parking.

C. Commercial Loading Zones
Commercial loading zones will be replaced on a one-to-one basis and the replacement space will be prioritized for the closest available parking space and for the same block face or adjacent side street. The location of replacement loading zones will be finalized in consultation with local businesses.

D. Passenger Loading Zones
Passenger loading zones will be replaced on a one-to-one basis and the replacement space will be prioritized for the closest available parking space and for the same block face or adjacent side street to facilitate the drop off and pick up of passengers for the intended use.

E. Accessible Parking
ADA accessible parking spaces, identified by blue curb, will be replaced on a one-to-one basis and the replacement space will be prioritized for the closest available parking space and for the same block face or adjacent side street. The location of the replacement accessible parking space will be finalized in consultation with local businesses.

F. Controlled Parking
Controlled or time-limited parking spaces will be replaced on a one-to-one basis. Controlled parking will be located in areas where parking turnover is important for businesses. Controlled parking will not be placed in residential neighborhoods, unless controlled parking already exists.

G. Uncontrolled Parking
Uncontrolled parking spaces will be replaced on a one-to-one basis.

H. Distance to Replacement Parking
Where feasible, parking replacement spaces will be identified within 200 feet of the displaced space, but no greater than 500 feet from the displaced space.

5. Oakland Condition of Approval (COA) IIA, B, and C
This section of the document addresses three specific areas referenced in the City of Oakland’s COA II including San Antonio, Fruitvale, and Elmhurst. COA IIA, B and C require off-site parking lots if mitigation on the side streets is insufficient to achieve 1:1 replacement of displaced parking within the San Antonio District, defined as between 18th Avenue and 23rd Avenue; the Fruitvale District, defined as between Fruitvale Avenue and 38th Avenue; and the Elmhurst District, defined as between 82nd Avenue and 87th Avenue. On-street mitigation to achieve 1:1 replacement in San Antonio and Fruitvale can only be achieved by converting side-street uncontrolled spaces to controlled parking.

A. San Antonio District
The results of the existing inventory and analysis in the San Antonio District are shown in Table 2. The table compares the existing parking spaces, the displaced parking spaces, and the post-Project mitigation. Today, this segment of the corridor has 115 parking spaces. After the Project, by utilizing 36 underutilized spaces on side streets and converting 9 parallel to 16 angled parking spaces, there will be 115 parking spaces. No loading zones are displaced by the BRT Project in the San Antonio. Total mitigation of 43 spaces meets COA II.A requirement.

<table>
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Table 2: San Antonio District Parking Summary
B. Fruitvale District

The results of the existing inventory and analysis in the Fruitvale District are shown in Table 3. The table compares the existing parking spaces, the displaced inventory, and the post-Project mitigation. Today, this segment of the corridor has 123 parking spaces. After the Project, with the construction by the Project of a 21-space parking lot and by utilizing 23 underutilized spaces on side streets, there will be 131 parking spaces. Total mitigation of 44 spaces exceeds COA II.B requirement.

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<td>23 21</td>
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Table 3: Fruitvale District Parking Summary
C. Elmhurst District
The results of the existing inventory and analysis in the Elmhurst District are shown in Table 4. The table compares the existing parking spaces, the displaced inventory, and the post-Project mitigation. Today, this segment of the corridor has 81 parking spaces. After the Project, with the construction of a 16-space parking lot, there will be 82 parking spaces. No loading zones are displaced by the BRT Project in the Elmhurst District. Total mitigation of 16 spaces exceeds COA II.C requirement.

<table>
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Table 4: Elmhurst District Parking Summary

6. Mitigations in San Leandro
The Project in San Leandro will displace two metered parking spaces, one accessible parking space, and 35 controlled parking spaces. The accessible parking space will be replaced through discussions with the applicable stakeholders and the two meter parking spaces will be relocated to an adjacent side street with commercial development. In addition, 24 uncontrolled parking spaces on the side streets, also in front of commercial development, will be repurposed to control parking such that the net loss of controlled parking spaces will be eleven. The resultant occupancy level is less than 85 percent; therefore no other mitigation is needed or proposed in San Leandro.

7. References

Oakland City Council Resolution No. 84016 C.M.S., adopted July 17, 2012

San Leandro City Council Resolution No. 12-373, adopted July 16, 2012

8. Exhibits

Exhibit A: Existing, Displaced, and Added Parking District 3 (Oakland)
Exhibit B: Existing, Displaced, and Added Parking District 2 (Oakland)
Exhibit C: Existing, Displaced, and Added Parking District 5 (Oakland)
Exhibit D: Existing, Displaced, and Added Parking District 6 (Oakland)
Exhibit E: Existing, Displaced, and Added Parking District 7 (Oakland)
Exhibit F: Existing, Displaced, and Added Parking (City of San Leandro)
Oakland Business Sustainability Program Proposal

Overview

The City of Oakland and AC Transit recognize that in order to ensure a well-planned and executed BRT system, which can provide a framework for future real estate investment, support corridor revitalization, and foster transit oriented development, it is important that the two agencies fully collaborate on all aspects and phases of implementation to address:

- Construction Mitigation – eliminate or reduce construction related impediments that may cause disruption to the financial performance of all businesses.
- Business Development – strengthen the ability of existing businesses to proactively prepare and effectively manage adverse conditions that may occur during periods of construction as well as beneficial opportunities that may arise after construction is completed.
- Economic Development – maximize the economic opportunity and job growth potential, and thereby the community benefit, of the Eastbay BRT line.

The BRT Corridor Parking and Business Improvement Program is comprised of two major elements: the required BRT Business Impact Mitigation Program and the City Business Sustainability Program that involve resources and actions by AC Transit and the City of Oakland.

As set forth by the Record of Decision and the Oakland Conditions of Approval, the BRT Business Impact Mitigation Program is required to delineate a set of business impact mitigation activities that address short term (construction) and permanent impacts, including parking mitigations.

The City Business Sustainability Program is distinct but complementary because the Program will offer a comprehensive, integrated mix of services to directly support BRT route existing businesses, before, during and after construction of the BRT system. The program was developed based on input received from the BRT Community Outreach Working Group, merchant surveys conducted by AC Transit outreach efforts, Anew America merchant survey, and best practices of other business mitigation programs, as well as drawing from the knowledge and expertise of the City of Oakland and its proposed Business Sustainability Program Manager, the Oakland Business Development Corporation.

Funding

In April 2014, the AC Transit General Manager and Oakland City Administrator announced a Business Sustainability Program (BSP) proposal. In June 2014, the Oakland City Council allocated $1.0 M in General Purpose Fund (GPF) dollars for BRT Capital Improvement Mitigation Projects. In August 2014, CTC awarded the City a $2.5 M Active Transportation Program grant for infill sidewalk repair and pedestrian lighting improvements on the BRT corridor. With Board approval, AC Transit will commit $2.5 M to business technical assistance efforts for Oakland and $249 MM for San Leandro. With Oakland City Council approval, $1.0 M in CDBG funds will be...
made available for interruption payments and streamlined access to an additional $1.0 M in current City of Oakland grant/loan programs to BRT corridor businesses. Please refer to Table 1: Business Impact Mitigation Fund in the staff report for a breakdown of the budget.

**City Of Oakland Business Sustainability Program**

The proposed Business Sustainability Program will complement the AC Transit BRT Business Impact Mitigation Program. While the BIM-P is required to address direct project impacts; it can also serve as a foundation to develop a broader economic development strategy, setting a foundation for commercial corridor revitalization, new investment and development to support a successful transit system. By offering a comprehensive mix of business development services, the City of Oakland will assist existing businesses to prepare and weather construction and adapt and grow in the new transit economy.

The City of Oakland will administer and manage the Business Sustainability Program and funds - now a combination of proposed and committed funding in the amount of $8M to support 5 key activities. Given the source of funds for the Business Technical Assistance Program, the City will segregate the AC Transit funding in separate fund accounts and as part of the Master Services Cooperative Agreement, will be responsible for oversight and quarterly financial and program reporting. In addition the District will be conducting very careful oversight of the Program activities to ensure compliance with FTA guideline.

**Business Technical Assistance Program**

This is most critical element of the Business Sustainability Program. The objectives of the Technical Assistance program are to:

- Mitigate BRT construction impact by working with businesses prior to construction to help them prepare for what is to come
- Respond to the community and businesses request for support from the City of Oakland and AC Transit to help businesses that will be impacted by the construction
- Gather information prior to construction that can be used for post construction assessments to evaluate the longer-term impact of construction on businesses
- Increase business capacities and productivity
- Avoid business relocation and help to prevent business closures

The Program will formally start at "pre-construction stage," to provide information, tools, training and assistance to encourage existing businesses to prepare for construction and be in a position to thrive once the system begins operation. As the Project is constructed and the BRT revenue operations begin, it is envisioned that the Business Sustainability Program will continue to provide support to existing businesses to adapt to new transit system and lead efforts to market and support new investment, businesses and development activities.

The Technical Assistance Program is a complement to the Base Project Mitigation Program in that the TA Program will focus on working directly with impacted businesses situated along the BRT Corridor to address their individual concerns. While technical assistance services will be available to all businesses along International Blvd., the Program will prioritize those existing
businesses that are located near stations, particularly near planned curbside stations and/or has been identified through the merchant pilot program as needing support due to loading, driveway impacts or left turn issues.

Technical assistance services will start with a major outreach and assessment campaign followed by the individual business follow ups, particularly those businesses identified as part of the Merchant Outreach Pilot Program or previous community outreach activities. Also it is expected that a series of workshops will be offered prior to the start of construction. Ideally the Program will start prior to BRT Bid Package 1 construction activity (Advanced Utilities) to provide assistance to affected businesses or areas. The BRT Technical Assistance Program will align with the BRT construction schedule for BRT Bid Package 2 construction activities and the major of effort will be focused on BID Package 3 system construction related outreach and services.

Technical Service Approach
- Proactive multi-lingual outreach and promotion to provide business development & technical assistance through management and technical assistance consultants. Services will be offered through on-site 1-1 business consulting or small business workshops in cultural or language appropriate methods. In addition, each business will be assigned to a Business Advisor so that working relationships are developed throughout the BRT project.

- All Oakland businesses currently in operation along the BRT route as of the Technical Assistance Program start date will be eligible for the Business Technical Assistance Program. Businesses will be required to participate in an assessment process and will be required to participate in the program designed for their needs, if they expect to apply for the City of Oakland’s Business Interruption Fund Program.

- Comprehensive Technical Assistance Curriculum: The curriculum will be based upon the individual needs of the businesses, input and recommendations of the BRT Community Working Group, and other community partners, as well as business development programming identified through research of other transportation projects. Technical assistance services will include, but is not limited to:
  - Business planning (Finance, bookkeeping, and record keeping)
  - Technology utilization
  - Improving operational efficiency
  - Addressing employee concerns
  - Business Management support services including business process improvements, supplier & vendor support to adapt to new operation requirements
  - Marketing, advertising and promotional programs including website development, online business services

- Funds will be set aside as part of the Technical Assistance Program to contract with expert business advisors to work with businesses with special needs or assist in
merchant outreach. Sub-contracts will be approved by the City of Oakland, after a request for qualifications is completed. It is envisioned that the Sustainability Program Manager will have a pool of business services providers to be available on an as needed basis.

City of Oakland Business Sustainability Program Management
The City of Oakland will provide overall management of the Business Sustainability Program. A dedicated Business Sustainability Program (BSP) Manager will be added for the three-year program, to focus on the implementation of the Business Sustainability Program with the BRT Interagency Team, various City of Oakland departments, and provide oversight to the program contractor and all subcontractors hired through the Business Sustainability Program. Additionally the BSP Manager will be responsible for monitoring the Program activities and ensuring that regular program and financial reports are submitted to AC Transit and the City of Oakland.

The City of Oakland intends to enter into a new Professional Services Agreement with the Oakland Business Development Corporation (OBDC) to develop and implement the Business Sustainability Program – Technical Assistance Program. The final scope of work is expected to be approved by the Oakland City Council as part of the November 2014 BRT Program actions. The OBDC has operated in Oakland since 1979 and is a qualified SBA Community Advantage program lender, certified Community Development Financial Institution (CDFI) lender, recognized micro-lender and SBA Technical Assistance provider.

The $2.5MM will be used to provide direct technical assistance services to existing businesses over the proposed 3-year project term. Immediate access to the funding will allow the City of Oakland the ability to start the Business Technical Assistance Program efforts to help businesses prepare for construction. OBDC will use a Business Case Management (BCM) approach to deliver technical assistance services. Three full-time, expert Business Advisors will be responsible for implementing the delivery of services described under the comprehensive technical assistance curriculum. In addition, the Business Advisors will be responsible for outreach to existing community based organizations and providers to coordinate activities as well as develop relationships with corridor businesses. OBDC is required to hire Business Advisors with language capabilities that reflect the cultural communities that exist along the corridor.

Other Business Sustainability Program Components

Business Interruption Fund:
The City of Oakland will implement a Business Interruption Fund for qualified businesses to assist with short term construction and business operation impacts through a very favorable loan program. Eligibility for the proposed Business Interruption Loan Fund will be determined by the City of Oakland. The Fund will have requirements and restrictions that confirm need and maximize its use for needy businesses. Businesses will be required to participate in an assessment process and will be required to participate in the program designed for their needs,
if they expect to apply for the City of Oakland’s Business Interruption Fund Program. Finalization of the eligibility criteria and use of funds is in development.

**Existing City of Oakland Business Development Programs:**
The City intends to increase its marketing and use of current business development financing and grant programs along the BRT Corridor. The City has approximately $1M of its Citywide Façade Improvement & Tenant Improvement Matching Grants, earmarked for former redevelopment areas, some of which are within the Oakland BRT corridor route. Additionally, the City has established other loan programs targeted to small and mid-size existing businesses.

**Capital Improvement Fund:**
The Oakland City Council further its commitment to the BRT Project in June 2014, by appropriating $1M in General Funds for capital improvements to further enhance or provide gap funding for needed physical improvements to the Corridor.

**Int'l Blvd Pedestrian Lighting & Sidewalk Repair Program:**
The City of Oakland was awarded a $2.45M grant from the State Active Transportation Grant Program. The funds are earmarked for repair sidewalks and provide pedestrian-scale lighting along the length of International Boulevard. These improvements complement the roadway and center median improvements of AC Transit’s Bus Rapid Transit (BRT) project.

**Summary**
As per the agreement in principle between the two agencies, the City of Oakland is requesting that AC Transit Board of Directors approve the $2.5M allocation to fund the Business Sustainability Program – Business Technical Assistance Program. The City of Oakland has met its requirements to match the AC Transit program funding requirement of $2M; the total City contribution is approximately $3M and along with the new $2.5M Active Transportation grant, the City is contributing a total $5.5M to the BSP.
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TO: AC Transit Board of Directors
FROM: Linda A. Nemeroff, District Secretary
SUBJECT: Recruitment for the AC Transit Retirement Board

ACTION ITEM

RECOMMENDED ACTION(S):
Consider authorizing the recruitment of two public members and one non-ATU member to the AC Transit Retirement Board.

EXECUTIVE SUMMARY:
The terms of the public member positions and one non-ATU position on the Retirement Board will expire on March 31, 2015. The District Secretary’s Office is requesting that the Board authorize the recruitment effort to fill the positions. This effort will limit applications for the public member positions to the five-county Bay Area Region of Alameda, Contra Costa, San Francisco, San Mateo and Santa Clara Counties.

BUDGETARY/FISCAL IMPACT:
There is no impact to the District’s budget resulting from the recruitment of Retirement Board members.

BACKGROUND/RATIONALE:
The terms of the two public member positions and one non-ATU position on the Retirement Board will expire on March 31, 2015. The District Secretary is seeking authorization to move forward with the recruitment process, which will limit applications for the public member positions to the five-county Bay Area Region of Alameda, Contra Costa, San Francisco, San Mateo and Santa Clara Counties, as has been done in the last two recruitments.

The Board can also choose not to limit applications to a specific geographic area; however, doing so could hamper the Retirement Board’s ability to be effective in terms of having productive meetings and flexibility in the meeting schedule.

Ordinance 10, adopted by the Board of Directors in 1997, provides no specificity in regard to limiting prospective candidates to a designated geographical area. However, Section 2A of the ordinance permits the Board of Directors to establish the criteria for the selection of the two public member positions, which may include a geographical preference.
The Recruitment Process

In the past, candidates for the public member positions were required to submit an application and resume, while candidates seeking appointment to the non-ATU position only had to submit a letter of interest. In order for the Board to better assess the qualifications for each group, staff is recommending that all candidates provide the following information:

1) Letter of Interest
2) Application
3) Resume

For the public member positions, notices and application forms will be distributed to the general public, local community colleges and universities within the designated geographical area, and to riders via eNews. A press release will be sent to all major newspapers and information will be posted on the District’s website. Internally, a memorandum directed to all non-ATU employees will be distributed by email and posted at the General Offices and Divisions and on the Board’s intranet page.

It is recommended that the Board of Directors authorize the District Secretary to commence the recruitment for the three positions in late December with an application return deadline of February 2, 2015 at Noon. Upon the close of the recruitment, the Board can determine at its February 11, 2015 meeting when to schedule interviews of potential candidates and adopt the appropriate resolution making the appointments. The terms of the new appointees will commence on April 1, 2015.

ADVANTAGES/DISADVANTAGES:

This report does not recommend a course of action with notable advantages or disadvantages.

ALTERNATIVES ANALYSIS:

There are no practical alternatives to the course of action recommended in this report.

PRIOR RELEVANT BOARD ACTIONS/Policies:

Ordinance 10, adopted April 23, 1997

ATTACHMENTS:

1: Ordinance No. 10
2: Sample Application Form

Reviewed by: David J. Armijo, General Manager
Denise C. Standridge, Interim General Counsel
Linda A. Nemeroff, District Secretary
ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

ORDINANCE NO. 10

AN ORDINANCE ESTABLISHING THE ALAMEDA-CONTRA COSTA TRANSIT DISTRICT RETIREMENT BOARD AND REPEALING ORDINANCE NO. 8(a)

WHEREAS, the Board of Directors of the Alameda-Contra Costa Transit District is authorized by Public Utilities Code §§25301, et seq., to establish a retirement system and create a Retirement Board responsible for the administration of that system; and

WHEREAS, the Public Utilities Code §25361 provides that:

The Board, upon establishing a retirement system pursuant to this chapter, shall create a Retirement Board of not more than five members, at least two members of which shall be the elected representatives of the employees, to administer the retirement system, and shall define its powers and duties and the tenure of the members; and

WHEREAS, the Retirement Board and its composition was previously established by a resolution, but the District Board of Directors determined to establish the Retirement Board by ordinance and adopted Ordinance No. 8(a), effective February 3, 1993; and

WHEREAS, Ordinance No. 8 assigned the five seats on the Retirement Board as follows:

Two selected from the membership of the District's Board of Directors;

Two selected by ATU from the elected officers of ATU, Local 192; and

One selected by the District's Board of Directors from the employees who are not represented by ATU, Local 192; and

WHEREAS, the Board of Directors has decided to seek qualified individuals to fill the two seats on the Retirement Board presently reserved for two members of the Board of Directors; and

WHEREAS, pending the selection of the public members to the Retirement Board, the representatives of the Board of Directors designated in Resolution No. 979 shall continue to sit on the Retirement Board.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE ALAMEDA-CONTRA COSTA TRANSIT DISTRICT DOES ORDAIN A FOLLOWS:
Section 1. Ordinance No. 10 is enacted to read:

Section 1. The Alameda-Contra Costa Transit District Retirement Board (or Retirement Board) is created and established in accordance with the provisions of Public Utilities Code §25361.

Section 2. The Retirement Board shall consist of five (5) members, selected as follows:

A. Two members shall be selected by the District's Board of Directors based on criteria established by the District Board of Directors, and they shall serve for a period of two years.

B. Two members, constituting the two elected representatives of the employees, shall be elected officers of ATU, Local 192. These members shall serve until replaced by Local 192. The President of Local 192 shall notify the District Board President, in writing, of its representatives and of any change in the Local's representatives on the Retirement Board.

C. One member shall be selected by the District Board of Directors from employees who are not represented by ATU, Local 192. This member shall serve for a period of two (2) years.

For the positions identified in subsections 2.A. and C., the District Board of Directors shall adopt a resolution identifying the individuals selected and their term of office.

Section 3. The terms of the members of the Retirement Board shall be staggered in order that no more than three members' terms expire at any one time.

Section 4. The initial selection of the Retirement members identified in Section 2.A. shall be made by the District's Board of Directors as soon as possible following the effective date of this ordinance. Until the selection of the Retirement Board members identified in Section 2.A. occurs, the present Board of directors' representatives to the Retirement Board shall retain their seats and continue to perform their responsibilities as members of the Retirement Board. The Retirement Board members identified in Section 2.A., once designated and appointed by resolution of the District's Board of Directors, shall fulfill the unexpired terms of the members of the Board of Directors they replace.

Section 5. If a vacancy occurs in any of the positions on the Retirement Board identified in Section 2, they shall be replaced as soon as possible using the same process identified in this Ordinance for their original selection. Except for Retirement Board members selected by ATU, Local 192, the District Board of Directors may designate a replacement on an interim basis pending a recruitment of a permanent
replacement. In making an interim replacement, the District Board of Directors whenever possible shall select individuals who meet the desired qualifications established by regular members of the Retirement Board.

Section 6. A member of the Retirement Board may be removed from office under the following circumstances:

A. Upon expiration of a member's term;
B. Upon resignation;
C. Due to death or an illness or injury which renders the member incapable of performing his/her duties;
D. For any other cause which brings into question a member's ability to perform his/her duties, including, but not limited to, misfeasance, malfeasance, conflicts of interest, conduct which calls into question the member's integrity, conviction of a serious crime or similar issues.

Section 7. The Retirement Board may establish rules and regulations for the conduct of its meetings. However, at least three (3) members of the Retirement Board must be present to constitute a quorum for the transaction of any business.

Section 8. Members of the Retirement Board shall serve without compensation for their services and shall not have a financial interest in any of its decisions. Except as otherwise provided by law, nothing herein shall prevent a person from serving as a member of the Retirement Board and voting on matters arising before the Retirement Board because he/she is a member of the retirement system.

Section 9. The Retirement Board shall comply with the requirements of Article 16, Section 17 of the California Constitution, the District Law pertaining to the retirement system (as applicable) and the Plan Document in the performance of their duties.

Section 10. The Retirement Board shall have exclusive control of the administration, investment and disbursement of the funds of the retirement system.

Section 11. The Retirement Board shall provide a report to the Board of Directors at least twice per year regarding the activities of the Retirement Board and the status of the Retirement System's investments.

Section 2. This ordinance supersedes, replaces and repeals Ordinance No. 8 and any prior ordinance(s) or resolution(s), which may conflict with it.
Section 3. This ordinance shall become effective thirty (30) days after its adoption, which shall be at least three days after its introduction. This ordinance shall be published once a week for two consecutive weeks following its passage in a newspaper of general publication within the District.

ORDINANCE NO. 10 WAS PASSED AND ADOPTED THIS 23rd day of April 1997.

<table>
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<th>AYES:</th>
<th>DIRECTORS:</th>
<th>PIRAS, BISCHOFBERGER, WOODBURY, VICE PRESIDENT WILLIAMS, PRESIDENT KILLIAN</th>
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<td>NOES:</td>
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<td>CREASON</td>
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<td>ABSTAIN:</td>
<td>DIRECTORS:</td>
<td>NONE</td>
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<td>ABSENT:</td>
<td>DIRECTORS:</td>
<td>HAWLEY</td>
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APPLICATION FOR APPOINTMENT TO THE
AC TRANSIT DISTRICT RETIREMENT BOARD

I understand that I am obligated to be complete and truthful in providing information on this application. I understand that all of the information provided by me on this application will be subject to public disclosure.

I am: [ ] A member of the public  [ ] A non-ATU employee

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<tr>
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Responses to the following questions may be printed or typed in the space below or attached on a separate sheet of paper. Please answer each question as completely as possible.

1) Please describe the insights, knowledge and experience and/or education you would bring to the Retirement Board.

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

2) Please list the specific areas of interest you would best represent on the Retirement Board and reasons why.

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

3) Individuals currently involved in the community can bring special insights to the Board. In what ways are you active in the community? (List organizations or community activities with which you have been involved.)

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

I understand that if appointed to the Retirement Board, I will file a financial disclosure statement (Statement of Economic Interest, Form 700) as required by law.

__________________________________________  ______________________________
Signature of Applicant                        Date

APPLICATIONS ARE DUE NO LATER THAN 12:00 Noon on Monday, February 2, 2015. Email, Mail or fax to: districtsecretary@actransit.org, AC Transit District Secretary, 1600 Franklin Street, Oakland 94612, (510) 891-4705.

Rev. 8/14
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Alameda-Contra Costa Transit District

STAFF REPORT

TO: AC Transit Board of Directors
FROM: Linda A. Nemeroff, District Secretary
SUBJECT: Appointment to the Alameda-Contra Costa Transit District Parcel Tax Fiscal Oversight Committee

ACTION ITEM

RECOMMENDED ACTION(S):

Consider adoption of Resolution No. 14-047 appointing a member to the Alameda-Contra Costa Transit District Parcel Tax Fiscal Oversight Committee.

EXECUTIVE SUMMARY:

Currently, one vacancy exists on the Alameda-Contra Costa Transit District Parcel Tax Fiscal Oversight Committee. The Committee is composed of community representatives who provide independent oversight of parcel tax proceeds collected by the District. An informal recruitment to fill the vacancy commenced in August and yielded two individuals who were interested in serving on the Committee. It is requested that the Board adopt Resolution No. 14-047 appointing one new member to fill the vacancy on the Committee.

BUDGETARY/FISCAL IMPACT:

There is no budgetary/fiscal impact associated with this report.

BACKGROUND/RATIONALE:

On November 5, 2002, the voters in Special Transit District One approved Measure AA, a 5-year $24 per year parcel tax. To ensure that the parcel tax funds were being used for their intended purpose, the measure required the appointment of an independent fiscal oversight committee composed of community representatives. On July 16, 2003, the Board of Directors adopted Resolution No. 2098 creating the Measure AA Oversight Committee and appointed the members of the committee. Subsequently, in 2004 and 2008, the voters passed two more parcel tax measures (Measure BB and VV). The latter measure increased the tax to $96 per parcel per year and extended the time period to collect the tax to June 30, 2019. Like previous measures, Measure VV also called for the establishment of an independent oversight committee to ensure the funds were being used for their intended purpose. Following the passage of Measure VV, the committee was re-designated as the "Alameda-Contra Costa Transit District Parcel Tax Fiscal Oversight Committee".
The Role of the Committee

The role of the Committee is to review the District's use of parcel tax proceeds and provide its findings to the Board. In addition, the Committee must comply with the following requirements:

a. It shall convene at least once a year, as soon as convenient after the receipt by the District of the most recent fiscal year end annual audit independently prepared for the District, to determine that funds generated by the parcel tax measures have been expended in accordance with intentions of the voters. The committee shall provide a written report and/or resolution regarding its findings to the appropriate Board Standing Committee and to the Board of Directors at the same meeting that the Chief Financial Officer makes his/her report on the annual fiscal year audit.

b. The Chair of the Committee shall be selected from among its members and shall serve at the pleasure of the majority of the Committee members.

c. A quorum for the conduct of business and for decisions of the Committee shall be a majority of the total existing membership of the Committee.

d. The Committee may establish such administrative rules and regulations it deems necessary for the Committee to function and perform its responsibilities.

e. All meetings of the Committee shall conform to the requirements of the Ralph M. Brown Act, Government Code Sections 54950 et seq.

Composition, Membership and Vacancies

The committee consists of seven members who are appointed by the Board of Directors to serve for an indefinite term. In 2003, a memo to the Board regarding the establishment of the committee indicated that the composition of the committee would be made up of "people who represent diverse interests and geographic distribution of the communities served by AC Transit in District One; to include representation from the disability and elderly communities, sound government management, and bus riders ..." Although not a requirement, prospective candidates should have a general understanding of basic accounting principles and experience in interpreting financial documents.

The following individuals have notified the Board of their interest in serving on the Committee:

- Chris Miley
- Igor Tregub

It is requested that the Board select one of the aforementioned individuals for appointment to the Committee and adopt Resolution No. 14-047.
ADVANTAGES/DISADVANTAGES:

The advantage of the Committee is to provide transparency and independent oversight of the parcel tax proceeds collected in Special Transit Service District One to ensure the funds are spent for the purposes intended (maintenance and operations) in Special District One.

There are no disadvantages.

ALTERNATIVES ANALYSIS:

There are no practical alternatives to the course of action recommended in this report.

PRIOR RELEVANT BOARD ACTIONS/POLICIES:

Ds Memo No. 12-063: Appointments to the Alameda-Contra Costa Transit District Parcel Tax Fiscal Oversight Committee.

Staff Report 12-268A: Consider Adoption of Resolution 12-045 Appointing Members to the Alameda-Contra Costa Transit District Parcel Tax Fiscal Oversight Committee.

Staff Report 14-237: Report on the District’s Parcel Tax Fiscal Oversight Committee and provide direction on the process to be used to fill vacancies on the Committee.

ATTACHMENTS:

1: Resolution No. 14-047
2: Letters of Interest from Prospective Candidates

Reviewed by: David J. Armijo, General Manager
Denise C. Standridge, Interim General Counsel
Jim Pachan, Interim Chief Financial Officer

Prepared by: Linda A. Nemeroff, District Secretary
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ALAMEDA-CONTRA COSTA TRANSIT DISTRICT
RESOLUTION NO. 14-047

A RESOLUTION APPOINTING A MEMBER TO THE ALAMEDA-CONTRA COSTA TRANSIT DISTRICT PARCEL TAX OVERSIGHT COMMITTEE

WHEREAS, on November 5, 2002, the voters in Special Transit District 1 approved Measure AA, a $24 per year parcel tax for a period of five years and the measure required the appointment of an independent fiscal oversight committee composed of community representatives; and

WHEREAS, on July 16, 2003, the Board of Directors adopted Resolution No. 2098 creating the Measure AA Oversight Committee and appointing the members of that committee; and

WHEREAS, on August 4, 2004, the Board of Directors adopted Resolution No. 2135 calling for an election on a special tax measure (designated Measure BB on the ballot) to increase the amount of the parcel tax by an additional $24.00 per parcel per year (commencing on July 1, 2005), to extend the time period for its collection by ten years and to have the use of the funds reviewed by an independent oversight committee, using the established Measure AA Oversight Committee; and

WHEREAS, on September 7, 2005, the Board of Directors adopted Resolution No. 05-031 repealing Resolution No. 2098 and establishing the Measure AA/BB Oversight Committee and appointing its membership and amending Resolution No. 2067 and Resolution No. 2135 to modify the reporting period from September 30th to December 31st of each year; and

WHEREAS, on July 23, 2008, the Board of Directors adopted Resolution No. 08-044 calling for an election on a special tax measure (designated Measure VV on the ballot) to increase the amount of the parcel tax by an additional $48 per parcel per year (a total per parcel per year tax of $96 commencing on July 1, 2009), to extend the time period for its collection by ten years (to June 30, 2019) and to have the use of the funds reviewed by an independent oversight committee, using the established Measure AA/BB Oversight Committee; and

WHEREAS, on November 4, 2008, Measure VV was approved by the voters and due to successful passage of the measure, on November 12, 2008, the Board of Directors adopted Resolution No. 08-064 establishing the “Alameda-Contra Costa Transit District Parcel Tax Fiscal Oversight Committee” to perform the functions required of that committee by the parcel tax resolutions that have been adopted for Measures AA, BB and VV, and any future parcel tax measure(s) and expanded the membership of the committee from five to seven members, and appointed the membership.

WHEREAS, on August 13, 2014, the Board was advised that one vacancy existed on the Committee and gave direction to conduct an informal recruitment.
NOW THEREFORE, the Board of Directors of the Alameda-Contra Costa Transit District does resolve as follows:

**Section 1.** In accordance with Section 1 of Resolution No. 08-064 appoints __________ to serve as a member of the Alameda-Contra Costa Transit District Parcel Tax Fiscal Oversight Committee.

**Section 2.** The individual identified in Section 1 of this Resolution shall serve on the committee for an indefinite term commencing with the adoption of this resolution and terminating upon voluntary resignation or the appointment of a successor.

**Section 3.** This resolution shall become effective immediately upon its passage by four affirmative votes of the Board of Directors.

PASSED AND ADOPTED this 22nd day of October, 2014.

Greg Harper, President

Attest:

Linda A. Nemeroff, District Secretary

I, Linda A. Nemeroff, District Secretary for the Alameda-Contra Costa Transit District, do hereby certify that the foregoing Resolution was passed and adopted at a Regular meeting of the Board of Directors held on the 22nd day of October, 2014 by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Linda A. Nemeroff, District Secretary

Approved as to Form and Content:

Denise C. Standridge, Interim General Counsel
Dear Director Williams,

I write to you today to request your consideration of my resume and this letter of interest to serve on the Alameda-Contra Costa Transit District Parcel Tax Fiscal Oversight Committee.

Working for the City of Oakland and County of Alameda has provided me with experience working on variety of policy items, including land-use and transportation planning at both the local and regional levels. This experience extends to agency budget overview and adoption proceedings as well. I believe my experience working with central and southern Alameda County cities can bring an increased perspective to the District and its goal of fulfilling voter intent and serving its customers.

In my current position with Alameda County I have had the opportunity to work with staff at the Alameda County Transportation Commission and local cities on the Commission's development of the most recent transportation expenditure plan. It is important that agency staff and local jurisdictions work together to fulfill the public trust with our tax dollars.

The Parcel Tax Fiscal Oversight Committee provides an important watchdog function. As a public servant, tax payer, and voter I understand the importance of fulfilling agency commitments and voter mandates.

Community and public service are important to me. I appreciate the opportunity to submit to you this letter. Thank you for taking the time to consider my request.

Respectfully submitted,

Chris Miley
OBJECTIVE
Serve as a member on the Alameda-Contra Costa Transit District Parcel Tax Fiscal Oversight Committee

PROFESSIONAL EXPERIENCE

County of Alameda Board of Supervisors, Office of Second District Supervisor Richard Valle, Oakland, CA
Supervisor's Aide (1/2011), Deputy Chief of Staff (8/2012) January 2011 – Present
• Manage digital communications with constituents, including website, newsletter, and email blast correspondence
• Provide policy analysis for transportation, regional planning agencies, senior, environmental, land-use planning, and public protection departments
• Serve as the field and constituent representative for Newark and Sunol communities
• Coordinated multiple Sustainable Communities Strategy Workshops/Summits for elected officials

City of Oakland, Office of Councilmember At-Large Rebecca Kaplan, Oakland, CA
Administrative Director January 2009 – December 2010
• Served as the representative for the At-Large office on the Oakland Community Action Partnership Board allocating funding to programs that work to eliminate poverty
• Served as transportation policy assistant helping to secure grants and implement the Downtown Oakland Broadway Shuttle which serves 800,000 annual passengers
• Managed office administration, including scheduling, office budget, and constituent services

Power Light Systems – Computer Repair, Alameda, CA
• Provided direct customer service troubleshooting system errors, virus removal, and network support
• Built, repaired, and upgraded Microsoft Windows based personal computers

United Seniors of Oakland and Alameda County, Oakland, CA
• Coordinated multiple community engagement and training projects, including senior pedestrian safety classes, intergenerational driver safety classes, and community walkability audits
• Managed annual Healthy Living Festival with average attendance of over 2,000 participants
• Established 10 senior walk clubs throughout Oakland and central Alameda County
• Wrote grants, made presentations to community groups, organized membership for actions, and created organizations first website

AFFILIATIONS
• Alameda County Democratic Party, Alternate, 18th Assembly District Current
• City of Alameda Transportation Commission, Vice Chair Current
• Sierra Club, San Francisco Bay Chapter, Member Current
• Oakland Metropolitan Chamber of Commerce – Leadership Oakland Program, Guest Speaker “Leadership & Government” Panel Discussion 2009
• National Forum for Black Public Administrators, Guest Speaker “Engaging New Leaders in Government” Panel Discussion 2011

EDUCATION
San Francisco State University, San Francisco, CA
Bachelor of Arts: Political Science, History 2007
Statement of Interest – AC Transit Parcel Tax Fiscal Oversight Committee

Honorable Directors of the AC Transit Board of Directors,

As a frequent AC Transit bus rider and resident of Berkeley, California, I would like to lend the full extent of my experience in helping your agency achieve its goal – and the goal of Measures AA, BB, and VV – to ensure that bus ridership and services are maximized while ensuring sound fiscal management of these funds for their intended purposes.

I have extensive professional and academic experience in several related areas. I am cognizant of the principles of project and program management and earned value analysis through extensive coursework taken at UC Berkeley, through a Georgetown University professional project management program, and through the performance of my regular duties as an engineer with the Department of Energy (DOE). In the latter capacity, I oversee the contract and program administration of the Lawrence Livermore National Laboratory (LLNL) as it concerns nuclear safety. As a DOE Nuclear Safety Specialist, I regularly evaluate the condition and maintenance regimen of nuclear and high-hazard facilities at LLNL and have performed audits of complex facilities and associated safety systems at the DOE Nevada Field Office, the Y-12 Complex in Oak Ridge, Tennessee, and the Pantex Site in Amarillo, Texas. Closer to home, as Vice Chair of the Berkeley Housing Advisory Commission (HAC), I chair the Community Development Block Grant (CDBG) Review Subcommittee, which evaluates the distribution of the City of Berkeley’s CDBG funds to various nonprofit service providers for capital improvements and conducts site visits of applicants’ facilities. As a result of this subcommittee’s – as well as that of the Housing Trust Fund Allocation Subcommittee, of which I was also a member – ability to quantitatively assess needs and match them with appropriate resources, the City Manager agreed with the HAC recommendation of both subcommittees last year and the City Council approved our recommendations without objection. I hold an Associate Project Manager certificate through coursework completed jointly with Georgetown University and the DOE.

As the co-founder and principal of a consulting company, I have a keen eye for managing budgets from a small business owner perspective. I have also served as the Chair of the Budget Committee of the Berkeley Rent Stabilization Board (an approximately $3.9 million budget and about 20 FTEs) and treasurer of several organizations, ranging from a membership of several dozen to tens of thousands of members. I recently wrapped up a successful term as Treasurer of the Sierra Club San Francisco Bay Chapter, which has over the past year seen an increase in revenue, a reduction in operational deficit, and the hiring of several new staff. All of these experiences have provided me real-life familiarity with budget planning and implementation and the application of standard (GAAP) accounting practices. Finally, I am in the process of completing a distance Master of Science program in Engineering Management with a concentration in Finance through Duke University.

I hope that the experience and attributes detailed above – as well as my indefatigable drive to serve our community – will be viewed favorably as you make your decision. It would be an honor to serve you as a member of this committee, and I look forward to working both for and in partnership with you as we utilize our limited resources in way that maintains AC Transit’s sterling reputation as a service-minded agency.

Sincerely yours,

Igor A. Tregub
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IGOR ALEXANDER TREGUB

EDUCATION

Duke University
- Candidate, M.S. Engineering Management– Low-Residency Distance Program (Expected May 2015)

Stanford University
- International Security Certificate, 2013; Graduate Coursework in Management Science/Engineering (3.63 GPA)

University of California at Berkeley
- B.S. Mechanical Engineering, B.A. Political Science, 2008 (3.021 GPA)
  - Member, Pi Tau Sigma Mechanical Engineering Honor Society; Fmr. President, Order of Omega Honor Society

George Washington University
- Associate Project Manager Certificate, 2010 (completed through NNSA Future Leaders Program)

PROFESSIONAL EXPERIENCE

- Manages oversight of multimillion-dollar Startup and Restart Program for high-hazard facilities and operations at Lawrence Livermore National Laboratory (LLNL)
- Responsible for reviews of documented safety analyses of nuclear facilities and coordination of review teams
- As Assistant to Technical Lead for agency’s Global Threat Reduction Initiative, completed position paper advising on strategy for securing follow-on nonproliferation agreement with the Russian Federation
- Technical Qualification Program-Qualified to serve as NNSA-certified Nuclear Safety Specialist
- Performed analysis and participated in public meetings in support of 2010 Supplemental Analysis of LLNL Site-Wide Environmental Impact Study; team received Livermore Site Office Defense Program Quarterly Award

Principal, Charles and Tregub Consulting | Berkeley, CA
- Manages communications, data, event planning, and strategy for a variety of clients, including the Mayor of Oakland, California and a $7.8 billion Alameda County, California transportation ballot measure
- Hires, supervises, and trains paid associates and volunteers to assume complex tasks in support of consultancy

Elected Commissioner, Berkeley Rent Stabilization Board (2008-12); Vice Chair, Housing Advisory Commission (2012- ) and Zoning Adjustments Board Member (2012- ) | Berkeley, CA
- Elected in at-large City of Berkeley race to administer policies for affordable, habitable, and sustainable housing
- Oversaw preparation and ratification of $3.9 million annual budget and performance benchmarks for 21 FTEs
- Reviews Community Development Block Grant and Housing Trust Fund applications and allocates city funds
- Reviews and adjudicates city’s residential, commercial, and industrial zoning and variance applications

Thermal Hydraulics Laboratory, Research Assistant | Berkeley, CA
- Conducted feasibility study and cost-benefit analysis of advanced high-temperature nuclear reactor
- Designed novel energy and environmental systems and processing of nuclear waste

American Express, Industrial Engineering Intern, Supply Chain Management | Salt Lake City, UT
- Managed cost-benefit analysis and deployment preparation of Six Sigma direct to-store distribution project
- Documented and oversaw successful overhaul of service request and database querying infrastructures

SELECTED VOLUNTEER LEADERSHIP EXPERIENCE

Community Board Member, Savo Island Limited Equity Housing Cooperative | Berkeley, CA
- Serves as an outside community representative on governing body of one of the Bay Area’s premier affordable housing cooperative in accordance with requirements set forth in the Davis Stirling Act
- Advises, hears testimony, and votes on matters relating to contract approval, budget, legal action, oversight of management company, and residential policies

CA Young Democrats, VP Membership (2013-Present); Credentials Vice Chair and Select Committee on Chapter Building Representative (2014-Present), Young Democrats of America | Washington DC
- Serves as second in command of and manages executive functions of the national organization’s largest chapter
- Overseas formation of nearly 10 new chapters in 12-county region with a diverse set of constituencies
- Led statewide efforts to craft and debate resolutions and transmit to legislators and other stakeholders
- Overhauled credentialing rules to increase equity between large and small chapters and improve civility
- Supported team that successfully brought Young Democrats of America 2015 Convention bid to Los Angeles

Leadership East Bay Co-Chair, Steering Committee
- Managed curriculum, reviews financials, and sets strategic direction for professional program for professionals who reside, manage a business, or work in Berkeley and Emeryville
- Led presentation and case study simulation on negotiating to class of approximately ten high-level professionals
- Provided periodic updates of program health to the Berkeley Chamber of Commerce as fiscal sponsor
IGOR ALEXANDER TREGUB

Sierra Club, Vice Chair, San Francisco Bay Chapter; Conservation Chair, Northern Alameda County Group; Nor Cal Secretary, CA/NV Regional Committee | Berkeley, San Francisco, Sacramento, CA

- Sets administration policy and financial direction for chapter encompassing 10,000 members and ~15 FTEs
- Assists local Sierra Club with issues such as advising Berkeley City Council on implementation of Downtown Plan and Oakland City Council on implementation of third green (recycling) bin
- Coordinates with partner agencies on energy independence initiatives and community-choice energy
- Serves on the final adjudicative body for emergent policy issues and endorsements of local ballot measures

Bend the Arc – a Jewish Partnership for Justice, Regional Council; Government Affairs and Legislative Liaison; Fmr. Chair, Outreach Committee | San Francisco, CA

- Sets strategic direction for maturing nonprofit that provides solutions to social justice work through Jewish lens
- Overseas merger with national organization that tripled financial and resource portfolio
- Led or supported organizing efforts around labor negotiating efforts and Oakland Climate Action Plan

Toastmasters Intl. Area Governor (2013-14); Club President (2011-12) | Livermore, CA

- Overseas revival of 47-year old Lawrence Livermore National Laboratory club culminating in recruitment of about 25 new members over two-year period and first-ever repeat Select Distinguished Club achievement awards
- As Area Governor, led area to achievement of President’s Distinguished Area Award and rapid rise in membership; efforts earned Outstanding Achievement in Toastmasters Award and Triple Crown Award in 2014

ACADEMIC INSTRUCTION AND SUPERVISORIAL EXPERIENCE

- Founder of Better Berkeley Working Group and supervises interns through Cal in Local Government Program, Chan Fellowship, and Combating Global Poverty Initiative on directed City of Berkeley policy projects (2010 - Present)
- Facilitated for credit course on City of Berkeley policymaking and political life (Aug. 2006 - Dec. 2007)

SELECTED AWARDS

- 2014: NNSA/Livermore Field Office first awardee for leadership above call of duty (mentorship of senior member on review)
- 2014: Outstanding Achievement in Toastmasters Award and Triple Crown Award (Advanced Leadership, Advanced Communicator)
- 2012: Proclamation from City of Berkeley Rent Board for four years of public service
- 2012: California Young Democrats Leadership Award (given to one statewide officer per year; achieved in first year of position)
- 2012: NNSA/Livermore Field Office Coin for Exceeding Goal in Coordinating Feds Feeding Families Campaign
- 2012: NNSA/Livermore Field Office Defense Programs Employees of the Quarter Team Award

SELECTED TRAININGS AND FELLOWSHIPS

- 2012: Young Elected Officials Network Policy Training on Education, Health Care, & Environmental Topics (Washington, DC)
- 2012: Leadership East Bay Fellowship (topics in leadership, business, and policy); commencement speaker (Berkeley/Emeryville, CA)
- 2010: Young Elected Officials Network Policy Training on Foreclosure Prevention (Baltimore, MD)
- 2009: Graduate, New Leaders Council – Los Angeles Chapter (advanced topics in leadership and communication)
- 2009: Graduate, Bend the Arc Bay Area Jeremiah Fellowship (topics in leadership and economic justice through Jewish lens)

PUBLICATIONS


SKILLS

- Language Skills: English (fluent); Russian (fluent); Spanish (conversational); some Hebrew and German
- Excellent team member with strong presentation, interpersonal, and communication skills
- Ability to bring together people from various background and empower their working towards common goals
- Computer Proficiency: MS Office Professional Suite, Adobe PageMaker and Illustrator, CRM, C/C++, MatLab, others
- Data Analysis Proficiency: STATA, PDI, Excel (including PivotTables), Gantt Charts, other project management tools
- Six Sigma Green Belt and Yellow Belt Training Completed, Green Belt Process Improvement Project Ongoing
- Proficiency in Earned Value Budgeting Management, Generally Accepted Auditing Standards, general auditing practices
BOARD OF DIRECTORS
October 22, 2014

Staff Report 14-298

Consider approving First Amendment to the Interim General Counsel’s Employment Agreement

CURRENTLY NOT AVAILABLE

WILL BE MADE AVAILABLE TO THE PUBLIC AT THE TIME IT IS PROVIDED TO THE BOARD OF DIRECTORS
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Consider approving the Fourth Amendment to the District Secretary's Employment Agreement and authorize the necessary budget adjustments for FY 2014-15

CURRENTLY NOT AVAILABLE

WILL BE MADE AVAILABLE TO THE PUBLIC AT THE TIME IT IS PROVIDED TO THE BOARD OF DIRECTORS
EXTERNAL AFFAIRS COMMITTEE

October 22, 2014

Agenda Items A-1 – A-2
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TO: External Affairs Committee  
AC Transit Board of Directors

FROM: David J. Armijo, General Manager

SUBJECT: Monthly Legislative Report

BRIEFING ITEM

RECOMMENDED ACTION(S):
Consider receipt of the monthly legislative report.

EXECUTIVE SUMMARY:
Congress has approved a Continuing Resolution to provide government funding through December 11, 2014 at current levels.

Congress is in recess until November 12, 2014.

The 2013-14 California Legislative session has ended. Governor Brown has signed four bills that were supported by AC Transit.

BUDGETARY/FISCAL IMPACT:
There is no budgetary or fiscal impact associated with this report.

BACKGROUND/RATIONALE:

Federal Legislation Update

1) Congress has approved a Continuing Resolution
Both houses of Congresses voted to fund the federal government through December 11, 2014. Transportation programs including formula funds, New Starts and transit research are funded at current FY 2014 spending levels. President Obama is expected to sign the bill.

State Legislation Update

1) The 2013-14 Legislative Session has ended
Governor Brown has signed hundreds of bills including four that the AC Transit Board supported and three that were watched. AB 1720 (Bloom – D) extends the vehicle bus weight exemption until January 1, 2016. AB 1783 (Sawyer – D) provides a one year extension to the transit employee exemption from the Public Employees’ Pension Reform Act of 2013 (PEPRA). AB 2445 (Chau – D) allows community college districts to impose transportation services on
individual campuses. SB 1236 (Monning – D) authorizes governing transit boards to designate certain employees to enforce transportation related laws.

Of the bills that AC Transit watched, three were signed into law by Governor Brown. AB 2707 Chau – D allows transit agencies to accommodate three position bike racks on 40 foot coaches. SB 556 Padilla – D prohibits nongovernmental workers or contractors from displaying an agency seal without an accompanying similar sized disclosure statement. This bill was amended to remove transit service contracts. SB 1204 Lara – D created the California Clean Truck, Bus and Off-Road Vehicle and Equipment Technology Program which uses cap & trade revenue to fund zero emission bus demonstration programs.

2) Legislative Matrix

Refer to Attachment 3 for the legislative matrix from Platinum Advisors. The matrix lists previously approved Board positions.

ADVANTAGES/DISADVANTAGES:

This report is being provided to inform the Board of monthly legislative activities and to seek its approval to support or oppose legislation affecting AC Transit. This provides clear direction to legislators, and other bodies, of AC Transit’s positions.

ALTERNATIVE ANALYSIS:

This report provides an update of monthly legislative activities. AC Transit could opt to defer from legislative positions and operate without making its positions known, leaving the District vulnerable to unfavorable legislation.

PRIOR RELEVANT BOARD ACTIONS/POLICIES:

Staff Report 12-253: 2013 Federal and State Legislative Advocacy Programs

ATTACHMENTS:

1: Federal Legislative Report from Van Scyoc Associates
2: State Legislative Report from Platinum Advisors
3: State Bill Matrix from Platinum Advisors
4: FY 2014 Federal Advocacy Program
5: FY 2014 State Advocacy Program

Department Head Approval: Dennis Butler, Acting Chief Planning, Construction and Engineering Officer

Prepared by: Beverly Greene, Director of Legislative Affairs & Community Relations
This Week

House

The House and Senate are in recess until after the November elections. Both are scheduled to return on November 12th to elect leaders for the 114th Congress and to finish legislative activity.

Last Week

Floor Passage: FY 2015 Appropriations. Congress approved the Continuing Resolution to fund the government at current levels through December 11, 2014. The legislation passed both the House and Senate with strong bipartisan majorities. The President is expected to sign the bill.

Floor Passage: Aviation Security Fees. On September 17, the House passed H.R. 5462, legislation that would limit the security fee TSA is permitted to charge to airline passengers to $5.60 per one-way trip and $11.20 per round trip. The bill, which passed on a 423-0 vote, was introduced after TSA began charging more than twice the amount for round trips as for one-way trips.

Report: Public-Private Partnerships. On September 17, the Transportation and Infrastructure Committee’s Panel on Public-Private Partnerships (P3s) released its final report and recommendations on how to balance the needs of the public and private sector when undertaking P3s to finance the nation’s infrastructure. The report found that P3s have the potential to deliver projects in a quicker and more efficient manner than would otherwise be the case, but that they have the potential to address only a small portion of the nation’s infrastructure needs.

Markup: Amtrak Authorization. On September 17, the Transportation and Infrastructure Committee approved on a voice vote H.R. 5449, the Passenger Rail Reform and Investment Act of 2014. The bill would make several changes to Amtrak’s accounting and procurement processes, leverage private sector resources, and direct increased funding to the Northeast Corridor between Boston and Washington D.C.

Hearing: Aviation Security and Secure Flight. On September 18, the Homeland Security Committee’s Subcommittee on Transportation Security held a hearing entitled “Safeguarding Privacy
and Civil Liberties while Keeping our Skies Safe.” The hearing featured testimony from TSA, FBI, and GAO about the No Fly List, its effectiveness, and privacy concerns. GAO testified that TSA must make additional improvements to ensure effectiveness and safeguards to privacy.

**Senate**

**Markup: STB Authorization.** On September 17, the Committee on Commerce, Science, and Transportation unanimously approved S. 2777, the Surface Transportation Board (STB) Reauthorization Act of 2014, as well as the nomination of Chris Hart to be Chairman of the National Transportation Safety Board.

**Hearing: NHTSA Oversight.** On September 16, the Subcommittee on Consumer Affairs, Product Safety, and Insurance of the Committee on Commerce, Science, and Transportation held an oversight hearing of the National Highway Traffic Safety Administration (NHTSA). Witnesses included NHTSA Deputy Administrator David Friedman, as well as representatives of the automobile industry, state government officials, and safety advocates. As has been the case with other recent NHTSA hearings, the hearing focused heavily on NHTSA’s actions during the General Motors recalls that began earlier this year.

**White House**

**Nomination: DOT Policy.** Last month, the President nominated Carlos Monje, Jr. to be Assistant Secretary for Transportation Policy. He currently serves as counselor to Secretary Foxx. Prior to coming to DOT earlier this year, Mr. Monje served as Special Assistant to the President and Chief of Staff of the Domestic Policy Council. He previously worked for then-Senator Obama and former Senator Ken Salazar.

**Nomination: NTSB Board Member.** Last week, the President nominated Bella Dinh-Zarr to the five member National Transportation Safety Board. Ms. Dinh-Zarr is the director of the FIA Foundation, a group that promotes auto safety. She also has served as AAA’s director of traffic safety policy and as a social scientist for NHTSA.

**Government Accountability Office**

**Report: Air Traffic Control.** On September 12, GAO released a report entitled “Air Traffic Control System: Selected Stakeholders’ Perspectives on Operations, Modernization, and Structure.” The report featured perspectives from airlines, airports, labor unions, manufacturers, and other stakeholders. The report praised FAA’s current Air Traffic Control system but expressed skepticism about the agency’s abilities to successfully transition to NextGen.

**Reports: TSA’s Secure Flight Program.** In conjunction with the House Homeland Security Committee hearing on aviation security, GAO released two reports on TSA’s Secure Flight Program.
September 26, 2014

TO:  Director Greg Harper, President, and
     Members of the Board
     David J. Armijo, General Manager
     Beverly Greene, Director, Community Relations & Legislative Affairs

FR:  Steve Wallauch
     Platinum Advisors

RE:  Legislative Update

It’s Over:  The 2013-14 legislative session ended almost two days before the August 31st midnight deadline. While major pieces of legislation were approved during the final hours, such as groundwater management, the plastic bag ban and paid sick leave, the past proliferation of gut and amends sprouting in the final hours did not materialize this year. Both houses spent a good deal of time in the days leading up to the end of session commemorating termed out members and other departing staff, including Senators Ellen Corbett, Mark DeSaulnier, and Assemblywomen Joan Buchanan and Nancy Skinner, as well as the retirements of the Secretary of Senate Greg Schmidt and Assembly’s Chief Administrative Officer, John Waldie. Next year we’ll have 23 new legislators as well as a new Pro Tem – Senator De León and a (fairly) new Speaker – Toni Atkins.

Governor Brown now has until September 30th to sign or veto the bills sent to his desk during the final week of session, and the Legislature is gone until December 1st. Of the 1,075 measures sent to his desk, the Governor has acted on 617 measures so far, leaving 458 to go before Tuesday’s deadline.

The major transportation related bills still pending before the Governor are SB 1077 (DeSaulnier), which create a process to explore replacing the fuel excise tax with a vehicle miles traveled fee, and AB 1783 (Jones-Swayer), which would extend the transit employee exemption from PEPRA for another year.
**Interim Events:** While most will be focusing is on the November elections, there will continue to be significant activity in Sacramento regarding the drafting of guidelines for the cap & trade programs funded in the budget. In particular the Strategic Growth Council (SGC) released yesterday its draft guidelines for the Affordable Housing and Sustainable Communities Program. The California State Transportation Agency (CalSTA) is expected to release its draft guidelines for the Low Carbon Transit Operations Program and the Transit and Intercity Rail Capital Program in the next week or so. The release of these draft guidelines triggers another round of statewide workshops and the solicitation of public comments.

**Interim Guidance:** The California Air Resources Board approved staff’s proposed “Interim Guidance to Agencies Administering Greenhouse Gas Monies.” This document provides direction to those state agencies administering cap & trade funds as well as local entities expending these funds on issues of accountability and determining if a project benefits a disadvantage community.

The adopted motion approved the Guidance document along with additional changes requested by Board members. The motion also included direction to submit comments to CalEPA stating that the CalEnviroscreen process needs additional refinements to address issues on adequately identifying disadvantage communities (DAC).

Since this is guidance and NOT guidelines, the Board was not required to take action on this item. However, given the importance of this document, the Board added it to its agenda and unanimously approved this document with additional direction to staff. The next steps are for CARB staff to complete additional revisions by next week, which is when CalEPA is expected to finalize its identification of disadvantage communities.

Several of the Board members expressed concerns about how many DACs do not register in the top 20% of the CalEnviroscreen process. CARB staff attempted to address some of these concerns, by illustrating a definition of benefiting a disadvantage community by using transit corridors in the Bay Area. The illustration used the top 20% of DAC’s per method 1 of the CalEnviroscreen process, then extended the boundaries first using the ½ mile radius for access to transit, and then further expanding the sphere of benefit by using zip codes instead of census tracts. This substantially increased the area where a project would benefit a DAC, but it did not sufficiently address the Board’s concerns.

Supervisor John Gioia proposed nearly all of the changes to the Guidance document, which the Board approved. The changes include providing greater clarity and specifics on the reporting and accountability requirements, specify in each of the tables in the appendix the need to maximize benefits to disadvantage communities, strikeout the use of “whenever feasible/possible” under Item 3 on page 18 and insert “To the maximum extent feasible/possible,” and add anti-displacement language to the table for Affordable Housing & Sustainable Communities Projects. There was also direction to clarify that affordable housing projects should not be restricted to a DAC in order to be considered a benefit to a DAC, or to at least use zip code areas rather than census tracts to determine this benefit.
Supervisor Gioia also raised questions about the need to clarify the link between a disadvantage community and a transit project. CARB staff explained that improvements to a transit corridor that include a stop in a disadvantage community, or the stop is within ½ mile of a disadvantage community then it would count as a benefit to that community. CARB Chair Mary Nichols thought the existing definition was clear, but CARB staff will reexamine to determine if changes are needed. Supervisor Gioia also questioned how a transit operator can determine if any ridership increases are DAC residents.

A copy of the guidance document can be found at the following link, but this document does not yet reflect the changes mentioned above:

**SGC Guidelines:** This week the Strategic Growth Council (SGC) released its draft guidelines for the Affordable Housing & Sustainable Communities Program, as well as draft guidelines for the Sustainable Agriculture and Land Conservation Program. A series of workshops has been set for October 27th in Sacramento and October 24th in Oakland. Additional workshops will be held in Merced and Los Angeles. The time and location of these workshops has not been announced. Comments on the draft guidelines may be submitted anytime between now and October 31st.

For the 2014-15 fiscal year there is $130 million available for these programs. For the Sustainable Agriculture Program, $1 million is available, with individual grants capped at $100,000. The balance is dedicated to the Affordable Housing & Sustainable Communities (AHSC) Program. Under the AHSC program grants are capped at $15 million for a Transit Oriented Development (TOD) project, with the minimum award being $1 million, and for an Integrated Connectivity Project (ICP) the maximum award is $8 million, with a minimum award of $500,000.

There are generally two categories of projects in the AHSC program. A TOD project must include an affordable housing component and be located within a ½ mile of a High Speed Rail, Commuter or Light Rail station, or a Bus Rapid Transit or Express Bus corridor. The other category is the ICP, which would be for smaller projects aimed at enhancing access to transit or improving transit service, which can range from high speed rail, rail, BRT, bus and shuttle services.

Applications must be submitted by the public entity that has jurisdiction over the project area, but the application can be in partnership with other public or private entities. It is a two-step application process. Applicants will first submit online a “concept proposal” and then those meeting minimum criteria will be asked to submit a full application. SGC will provide the MPO that covers a proposed project a copy of the concept proposal to ensure it is consistent with the Sustainable Communities Strategies. SGC will also be seeking the advice of MPOs throughout the evaluation process.
This is a scant summary of the 80 page document. AC Transit staff are encourage to review the draft guidelines and submit comments if necessary. A copy of the draft guidelines can be found at:

Affordable Housing & Sustainable Communities Program
Table 1: Board Action Positions

<table>
<thead>
<tr>
<th>Bills</th>
<th>Subject</th>
<th>Status</th>
<th>Position</th>
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</thead>
<tbody>
<tr>
<td><strong>AB 1720</strong></td>
<td>AB 1720 extends the sunset date for the bus axle weight exemption by</td>
<td>Signed Into Law</td>
<td>AC Transit - Support</td>
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<tr>
<td>Bloom D</td>
<td>one year from January 1, 2015 to January 1, 2016. This bill would also</td>
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<td>Vehcles: bus</td>
<td>likely be used to implement any agreement reached this year on the axle</td>
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<td>gross weight.</td>
<td>weight issue.</td>
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<tr>
<td><strong>AB 1783</strong></td>
<td>AB 1783 was gutted and amended last week to provide a one year</td>
<td>Signed Into Law</td>
<td>AC Transit - Support</td>
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<tr>
<td>Jones-Sawyer D</td>
<td>extension to existing law that exempts transit employees from the Public</td>
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<td>Public</td>
<td>Employees' Pension Reform Act of 2013 (PEPRA).</td>
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<tr>
<td>employees'</td>
<td>Existing law exempts transit employees from PEPRA until January 1,</td>
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<td>retirement.</td>
<td>2015. The need for this exemption was due to a decision by the US</td>
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<td>Department of Labor (US DOL) refusing to certify millions of dollars</td>
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<td>of transit funds because US DOL opined that PEPRA violated federal</td>
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<td>protections provided to specific transit employees. The limited term</td>
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<td>exemption was expected to provide sufficient time for the courts to</td>
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<td></td>
<td>resolve the difference of opinion between California and US DOL</td>
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<tr>
<td><strong>AB 2445</strong></td>
<td>AB 2445 has been signed into law.</td>
<td>Signed Into Law</td>
<td>AC Transit - Support</td>
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<tr>
<td>Chau D</td>
<td>This bill makes clarifying changes in existing law to allow a</td>
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<tr>
<td>Community</td>
<td>community college district to impose a fee approved by the students</td>
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<td>colleges:</td>
<td>for transportation services on a campus by campus basis. Some believe</td>
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<tr>
<td>transportation</td>
<td>existing law limits the approval of the fee to a district wide vote.</td>
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<td>fees.contracts.</td>
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<tr>
<td><strong>SB 1</strong></td>
<td>SB 1 would create a new form of tax increment financing that would</td>
<td>Senate Floor - Inactive</td>
<td>AC Transit - Support</td>
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<tr>
<td>Steinberg D</td>
<td>allow local governments to create a Sustainable Communities Investment</td>
<td>File</td>
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<tr>
<td>Sustainable</td>
<td>Authority to finance specified activities within a</td>
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<tr>
<td>Communities</td>
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<td>DEAD</td>
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<tr>
<td>Investment Authority.</td>
<td>sustainable communities investment area.</td>
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<tr>
<td>The Governor's Office asked the authors' of the various tax increment measures to hold-off sending these bills to his desk last year. With the Governor's IFD proposal released as part of the budget, negotiations over the structure of a new tax increment financing proposal will heat-up during the budget process.</td>
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**SB 11**  
(Pavley D)  
Alternative fuel and vehicle technologies: funding programs.  
SB 11 originally proposed to extend the deadlines and make the same changes in AB 8. SB 11 was amended to address chaptering out issues with AB 8, but analogous amendments were not amended into AB 8. Rather than send both bills to the Governor, it was decided to send only AB 8. SB 11 is now a two year bill, and will likely be used for another purpose.

**SB 1236**  
(Monning D)  
Transit districts: transit offenses and enforcement.  
SB 1236 would authorize the governing board of a transit district to designate district employees, except as specified, or security officers contracted by the district, to enforce state laws relative to certain prohibited acts on or in public transportation systems or on the property, facilities, or vehicles of a transit district, if the employees or officers satisfy specified training requirements.

The bill would also make it an infraction to knowingly give false information to an enforcement officer or otherwise obstruct the issuance of a citation.

**SCA 4**  
(Liu D)  
Local government transportation projects: special taxes: voter approval.  
SCA 4 is in the Senate Committee on Appropriations. Constitutional amendments are exempt for the House of Origin deadline. This measure would amend the Constitution to lower the voter approval threshold to 55% for the imposition, extension, or renewal of a local tax for transportation projects.

**SCA 8**  
(Corbett D)  
Transportation projects: special taxes: voter approval.  
SCA 8 is in the Senate Committee on Appropriations. Constitutional amendments are exempt for the House of Origin deadline. SCA 8 is another measure that would amend the Constitution to lower the voter approval.
threshold to 55% for the imposition, extension, or renewal of a local tax for transportation projects.

**SCA 11**

(Hancock D)

Local government: special taxes: voter approval.

SCA 11 is in the Senate Committee on Appropriations. SCA 11 is an "umbrella measure" on lowering the voter threshold from 2/3 to 55% for local sales taxes and parcel taxes. This measure would lower the vote threshold for any purpose.

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<thead>
<tr>
<th>Bills</th>
<th>Subject</th>
<th>Status</th>
<th>Client - Position</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>AB 1684</strong></td>
<td>AB 1684 was recently amended to authorize the North County Transit District to use the longer three position bicycle racks.</td>
<td>ASSEMBLY TRANS -- DEAD</td>
<td>AC Transit - Watch</td>
</tr>
<tr>
<td>(Chávez R)</td>
<td>Vehciles: length limitations: buses: bicycle transportation devices.</td>
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<tr>
<td><strong>AB 2707</strong></td>
<td>This bill was unanimously approved by the Senate, but the Assembly returned the bill to the Senate to make additional changes. However, Caltrans and the CHP dropped their request for amendments to require the use route review committees to analyze the routes where these racks will be used. AB 2707 authorizes any transit operator to utilize bicycle racks that can accommodate 3 bicycles. Specifically, the bill would allow transit buses of no more than 40 feet in length to be equipped with a front-mounted bicycle rack that extends up to 40 inches from the front body of the bus when fully deployed rather than the 36 inches allowed under current law, and limits the handlebars of a bicycle that is being transported on such a rack from extending more than 46 inches from the front of the bus rather than the 42 inches allowed under current law.</td>
<td>Signed Into Law Chapter #310, Statutes of 2014</td>
<td>AC Transit -- Watch</td>
</tr>
<tr>
<td>(Chau D)</td>
<td>Vehciles: length limitations: buses: bicycle transportation devices.</td>
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<tr>
<td><strong>SB 33</strong></td>
<td>SB 33 has been gutted and amended to address a local sales tax authority issue in Sonoma County. The bill no longer contains provisions creating a new tax increment financing structure based on Infrastructure Financing District (IFD) law.</td>
<td>ASSEMBLY INACTIVE DEAD</td>
<td>AC Transit - Watch</td>
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<tr>
<td>(Wolk D)</td>
<td>Local taxation: County of Sonoma: transactions and use tax...</td>
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</table>
| **SB 556**  
(Padilla D)  
Agency: nongovernmental entities. | Previously SB 556 would prohibit a nongovernmental person or entity contracting with a public agency from displaying a seal or emblem of that public agency on a uniform or vehicle unless a disclosure statement is also conspicuously displayed identifying the uniform wearer or vehicle operator as not a government employee. The bill has also been amended to change the author from Senator Corbett to Senator Padilla.  
SB 556 was amended to limit the application of the disclosure requirements to contracts dealing with public health or safety services, as defined in the bill. The bill no longer applies to any transit service contracts. | Signed Into Law Chapter #832, Statutes of 2014 | AC Transit – Watch |
| --- | --- | --- | --- |
| **SB 1122**  
(Pavley D)  
Sustainable communities: Strategic Growth Council. | SB 1122 was approved by the Senate Committee on Environmental Quality.  
SB 1122 creates two funding programs. One for the Strategic Growth Counsel to administer grants to local agencies for implementing sustainable communities and other greenhouse gas reduction plans. The second pot of funds would be allocated to MPOs on a per capita basis to be used for competitive grants for projects within the region. The regional grants would be awarded pursuant to guidelines adopted by the Strategic Growth Council. The bill lists the types of eligible projects for the regional funds, which include funding for public transportation operations, maintenance, and capital costs. | SENATE APPR Held on Suspense File -- DEAD | AC Transit – Watch |
| **SB 1204**  
(Lara D)  
California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program. | SB 1204 creates the California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program. The purpose of this bill is to use cap & trade auction revenue to fund the development, demonstration, and commercial deployment of zero- and near-zero-emission truck, bus, and off-road vehicle. In particular this bill would create large scale zero emission bus demonstration program aimed at making zero emission bus technology commercially available. | Signed Into Law Chapter #524, Statutes of 2014 | AC Transit – Watch |
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<th>Bills</th>
<th>Subject</th>
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<tr>
<td>AB 8</td>
<td>Alternative fuel and vehicle technologies: funding programs.</td>
<td>Signed Into Law Chapter #401</td>
<td>AC Transit - Support</td>
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<td>(Perea D)</td>
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<td>AB 160</td>
<td>California Public Employees’ Pension Reform Act of 2013: exceptions.</td>
<td>DEAD</td>
<td>AC Transit - Watch</td>
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<td>(Alejo D)</td>
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<td>AB 179</td>
<td>Public transit: electronic transit fare collection systems: disclosure of personal information.</td>
<td>Signed Into Law Chapter #375</td>
<td>AC Transit - Watch</td>
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<tr>
<td>(Bocanegra D)</td>
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<tr>
<td>AB 206</td>
<td>Bicycle transportation devices.</td>
<td>Signed Into Law Chapter #95</td>
<td>AC Transit - Support</td>
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<td>(Dickinson D)</td>
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<td>AB 210</td>
<td>Transactions and use taxes: County of Alameda.</td>
<td>Signed Into Law Chapter #194</td>
<td>AC Transit - Support</td>
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<td>(Wieckowski D)</td>
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<td>AB 431</td>
<td>County Employees Retirement Law of 1937: federal law compliance</td>
<td>DEAD</td>
<td>AC Transit - Watch</td>
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<tr>
<td>(Mullin D)</td>
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<td>AB 730</td>
<td>Monterey-Salinas Transit District.</td>
<td>Signed Into Law Chapter #394</td>
<td>AC Transit - Watch</td>
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<td>(Alejo D)</td>
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<td>(Lowenthal D)</td>
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<td>AB 1002</td>
<td>Vehicles: registration fee: sustainable communities strategies.</td>
<td>DEAD</td>
<td>AC Transit - Watch</td>
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<td>(Bloom D)</td>
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<td>AB 1051</td>
<td>Housing</td>
<td>DEAD</td>
<td>AC Transit - Watch</td>
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<td>(Bocanegra D)</td>
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<td>AB 1222</td>
<td>Public employees’ retirement: collective bargaining: transit workers: transportation.</td>
<td>Signed Into Law Chapter #527</td>
<td>AC Transit: SUPPORT</td>
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<td>(Bloom D)</td>
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<td>AB 1290</td>
<td>Transportation planning.</td>
<td>Vetoed</td>
<td>AC Transit - Watch</td>
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<td>(John A. Pérez D)</td>
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<tr>
<td>SB 13</td>
<td>Public employees’ retirement benefits.</td>
<td>Signed Into Law Chapter #528</td>
<td>AC Transit - Watch</td>
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<td>(Beall D)</td>
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<td>SB 142</td>
<td>Public transit</td>
<td>Signed Into Law Chapter #655</td>
<td>AC Transit - Support</td>
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<td>(DeSaulnier D)</td>
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<tr>
<td>SB 791</td>
<td>Motor vehicle fuel tax: rate adjustment</td>
<td>DEAD</td>
<td>AC Transit: Oppose</td>
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<td>(Wyland R)</td>
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Funding

- FY 2014 Grant Opportunities- Secure federal funds for key capital projects and support funding for 2014 Project Priorities for:
  - East Bay BRT Improvements within the Small Starts Program and other programs
  - AC Transit’s Intelligent Transportation and Communication System upgrades
  - Bus lifting equipment program
  - Rehabilitation of aging facilities

- Advocate for supplemental funding through the Federal Transit Administration to offset rising operating costs without jeopardizing total funding available for capital projects.

- Support funding for the Transbay Terminal.

- Support/seek additional funding for lifeline services including, but not limited to services for access to work, school or medical facilities.

- Support efforts to rescind the planned across-the-board cuts to all federal programs, called “Sequestration,” as enacted under the Budget Control Act of 2011. Such cuts would reduce funding for the Small Starts Program, which could impact the East Bay BRT project schedule.

Transportation Authorization Principles

- Support efforts to increase the gas tax or to increase other revenues to replenish and sustain long-term growth of the Highway Trust Fund/Mass Transit Account.

- Support transportation authorization reform that emphasizes greater funding levels to urban mass transit systems, and oppose efforts to reduce spending on transit formula programs.

- Support FTA and Congressional efforts to make State of Good Repair for transit bus systems a strategic priority.
- Support broad funding eligibility for BRT projects in federal transit programs, including New Starts and Small Starts programs,

- Seek revisions to the Metropolitan Planning Organization (MPO) grandfather clause that supports the direct representation of transit properties on local transportation policy boards.

**Other Advocacy**

- Advocate for transit-supportive legislation that mitigates global warming and/or calls for environmental stewardship and related funding.

- Support funding and coordination between Health and Human Service (HHS) agencies and other transportation agencies to provide services to HHS clients.

- Support modal parity in the commute tax benefits.

- Support legislation that relieves the fiscal burden of mandatory regulations.
Funding

- Support efforts to implement the Moving Ahead for Progress in the 21st Century Act (MAP-21) and future transportation authorizations that at least maintains funding level for mass transit projects and programs for bus operators in the Bay Area.

- Support the development and implementation of an expenditure plan for AB 32 cap and trade revenue that provides an equitable investment in mass transit capital improvements, operations, and infill/transit oriented development.

- Support efforts that create new sources of operating funds with equitable distribution to reflect urban transit needs.

- Support efforts to sustain existing transit revenues.

- Support efforts that would exempt public transit providers from state sales tax.

- Support efforts to provide funding for lifeline services including, but not limited to, services for access to work, school or medical facilities.

- Support local ability to increase fees and gas taxes to be used for local mass transit purposes.

- Support legislation and programs that would provide funding to offset the costs of global warming initiatives, clean air and clean fuels and implementation of AC Transit's Climate Action Plan.

- Seek funding to support and promote Bus Rapid Transit projects.

- Support congestion pricing strategies and legislation that provide an equitable multi-modal distribution of generated revenues.

- Support legislative or administrative action to remove State barriers so that Medicaid transportation funds can be used for public transit services, including ADA paratransit services.

- Support funding and coordination between Health and Human Service (HHS) agencies and other transportation agencies to provide services to HHS clients.
• Support legislation and programs that would provide funding for employee benefits programs.

• Support funding initiatives that relieve the fiscal burden of mandatory regulations.

Equipment and Operations

• Support legislation or administrative action that would direct Caltrans to establish and maintain HOV lanes on state highway routes and to improve existing HOV lane management to maximize throughput.

• Support incentives to provide bus contra flow lanes on the San Francisco-Oakland Bay Bridge to/from the Transbay Terminal.

• Support legislation to exempt public transit vehicles from state and local truck route ordinances.

• Support legislation or administrative action that would direct Caltrans to permit permanent use of freeway shoulders by public transit buses.

Transit Incentives

• Support legislation to provide incentives for employees and employers to use public transportation to commute to work, including tax credits for purchasing transit passes.

• Support Clean Air Initiatives that encourage increased public transit use.

• Support incentives that would give auto insurance credits to heavy transit users.

• Support common fare programs between Bay Area systems.

• Support legislation to provide incentives for local governments and developers to incorporate transit passes into the cost of housing.

Environment and Transit Supportive Land Use

• Support efforts that provide a new form of tax increment financing that promotes economic investment through transit oriented development, and requires the approval of all affected taxing entities.

• Advocate for transit-supportive legislation that addresses climate change, healthy communities and environments.

Page 2
• Foster transit supportive land use initiatives that require coordination with transit providers in the initial stages of local planning or project development that impacts transit, including density level decisions or transit oriented developments (TODs); and advocate for the required use of:
  o Transit streets agreements, and
  o Complete streets plans in which local transportation plans anticipate use of all modes.

• Support legislation that requires reporting of Vehicle Miles Traveled (VMT) annually through DMV renewal.

Policy Interests

• Support simple majority vote for local transportation ballot tax initiatives.

• Support legislation to allow District to ban persons for specified offenses from entering district property.

• Seek revisions to the Metropolitan Planning Organization (MPO) grandfather clause that supports direct representation of transit properties on local transportation policy boards.

• Support legislation for STA formula reform that includes federal operating funding as eligible revenue.

• Support efforts that maintain existing Workers’ Compensation regulation.
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STAFF REPORT

TO: External Affairs Committee
AC Transit Board of Directors

FROM: Denise C. Standridge, Interim General Counsel

SUBJECT: Introduction of Ordinance No. 16

ACTION ITEM

RECOMMENDED ACTION(S):

Introduce, read by title only, and waive the first full reading of Ordinance No. 16, an Ordinance Regulating the Use of the Alameda-Contra Costa Transit District’s Registered Logo and Service Marks and repealing Ordinance No. 11.

EXECUTIVE SUMMARY:

Ordinance No. 11, regulating the use of the District’s registered logo, was adopted on February 9, 2000. On March 7, 2002, the Board authorized the General Manager to update the District’s logo. Various versions of this logo were registered as service marks on April 25, 2005. The District simultaneously registered its service marks pertaining to its Rapid service and its hydrogen fuel program. Ordinance No. 11 was not updated to reflect the new logo, nor the other new service marks.

BUDGETARY/FISCAL IMPACT:

Other than the cost to publish the ordinance in a newspaper of general circulation, which is budgeted, there are no fiscal impacts resulting from the adoption of Ordinance No. 16.

BACKGROUND/RATIONALE:

Section 6.7 of Board Policy 100 discusses the procedures for adopting an ordinance. An ordinance may not be passed until at least three days after its introduction and must be passed at a regular meeting or an adjourned regular meeting. As such, Ordinance 16 is being introduced at this meeting and will be on the November agenda for adoption. Section 6.7 also requires that once an ordinance is adopted, it must be published once a week for two weeks. Absent an exception, a newly adopted ordinance does not take effect until thirty days after being passed. Therefore, Ordinance No. 16 will not take effect until December, assuming it is passed at the November meeting.
Ordinance No. 11 regulated the use of the District's logo that was created in 1960. The District updated its logo in 2002. The new logo, in varying forms, was registered with the California Secretary of State as service marks on April 25, 2005, as were two variations of the District's Rapid logo/design and Taking the HyROAD logo/design. Ordinance No. 11 does not address these new service marks.\(^1\)

On September 25, 2013, Staff Report 13-243 was presented and discussed, among other things, a slight change to the AC Transit logo. The Board did not express an objection and staff proceeded by slightly changing the shading and the font. This variation will need to be registered and will be included as a "registered service mark." In the future, changes to any of the AC Transit logos will be brought to the Board for approval, unless the Board wishes to delegate its authority to the General Manager for such minor changes.

The language in Ordinance No. 16 updates language from Ordinance No. 11 to include use of all the registered service marks. Additionally, the language has been changed to reflect that the Board may authorize use of these service marks by four affirmative votes. New language was added to allow the use of these service marks for any advertisements of events or programs sponsored, even in part, by the District without the need of Board approval, whether they are District or third party advertisements. Additional language was added to allow the Board, by four affirmative votes, to delegate its authority to the General Manager. If said authority is delegated, the ordinance provides that the General Manager shall inform the Board, in the General Manager's quarterly report, of all authorizations approving use of the District's logo and/or service mark(s). Language was also included to provide an aggrieved party with a remedy if the General Manager denies a request to use the service mark(s). The Board may wish to delegate its authority to the General Manager for a specified period of time or for specific projects.

**ADVANTAGES/DISADVANTAGES:**

The advantage of adopting the ordinance is to control the use of the District's logo and service marks. The disadvantage of adopting the ordinance is that the Board may have additional items placed on the agenda requesting approval to use the logo and service mark(s) unless it delegates its authority to the General Manager.

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\(^1\) "Service mark" means any word, name, symbol, or device, or any combination thereof, used by a person to identify and distinguish the services of that person, including a unique service, from the services of others, and to indicate the source of the services, even if that source is unknown. Titles, character names used by a person, and other distinctive features of radio or television programs may be registered as service marks notwithstanding that they, or the programs, may advertise the goods of the sponsor.
ALTERNATIVES ANALYSIS:

One alternative is to not repeal Ordinance No. 11, which would result in the District not regulating its current service marks as they are not mentioned in Ordinance No. 11. The other alternative would be to repeal Ordinance No. 11, and not adopt Ordinance No. 16, which would also result in not regulating the use of the District's service marks. Neither alternative is recommended as the District desires to protect the use of its logo and service marks to insure that they are unique to the District.

PRIOR RELEVANT BOARD ACTIONS/POLICIES:


ATTACHMENTS:

1: Proposed Ordinance No. 16
2. Ordinance No. 11
3. 7 Certificates of Registration of Service Mark

Reviewed by: David J. Armijo, General Manager
Linda Nemeroff, District Secretary
Prepared by: Denise C. Standridge, Interim General Counsel
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ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

ORDINANCE NO. 16

AN ORDINANCE REGULATING
THE USE OF THE ALAMEDA-CONTRA COSTA TRANSIT DISTRICT'S REGISTERED LOGOS AND SERVICE MARKS AND REPEALING ORDINANCE NO. 11

WHEREAS, the Alameda-Contra Costa Transit District (District) created a logo for its service when it began service in 1960; and

WHEREAS, the District adopted Ordinance 11 on February 9, 2000 regulating the use of its registered logo to insure it was being used appropriately; and

WHEREAS, on March 7, 2002, the District's Board of Directors authorized the General Manager to update the logo; and

WHEREAS, on April 25, 2005, the District registered its logo as well as other service marks pertaining to its service, such as the Rapid and the Fuel Cell programs. (See attachments A through G); and

WHEREAS, Ordinance No. 16 was introduced at a regular meeting of the Board of Directors on October 22, 2014;

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

Section 1. Prohibition

A. It shall be unlawful for any individual, person, candidate for office, firm, corporation, entity or partnership, regardless of any nature or kind, however formed, regardless of whether for profit or nonprofit purposes, to use any of the District's logo and/or service marks in any manner whatsoever unless authorized by four affirmative votes of the District's Board of Directors or its designee.

B. It shall be unlawful for any employee, agent or contractor of the District to use any of the District's logo and/or service marks in any manner which has not been authorized in advance by four affirmative votes of the District's Board of Directors or its designee.

Section 2. Exceptions

A. The provisions of this ordinance are inapplicable to the use by the District of its logo and/or service marks on goods, services or activities associated with the District's transit business, including but not limited to transit information; advertising; promotional, educational and outreach channels; stationery; vehicles
(revenue and non-revenue); facilities owned or leased by the District; District business cards; souvenir items; banners; apparel or goods authorized by any Collective Bargaining Agreements with a recognized District bargaining unit; or advertisements of events or programs sponsored, even in part, by the District.

B. Whenever the Board delegates, by four affirmative votes, its authority to approve the use of the District's logo and/or service marks to the District's General Manager, authority may then be granted via the General Manager. If said authority is delegated, the General Manager shall provide the Board with an annual report on all authorizations granted. If the General Manager denies the use of the District's logo and/or service mark(s), an aggrieved party may appeal this denial to the Board of Directors by written notice and the matter will be considered at the next scheduled Board meeting in which the matter can be agendized.

Section 3. The use of the singular tense in this ordinance also includes the plural tense.

Section 4. Any violation of this ordinance shall be deemed a public nuisance and may be enforced by injunctive relief and any other civil remedy available to the District.

Section 5. In the event any provision of this ordinance is held invalid or unenforceable by a court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provisions of this ordinance.

Section 6. This ordinance shall become effective thirty (30) days after its adoption by the District's Board of Directors, which shall be at least three (3) days after its introduction. This ordinance shall be published once a week for two consecutive weeks following its passage in a newspaper of general circulation within the District.
ORDINANCE NO. 11

AN ORDINANCE REGULATING THE USE OF THE ALAMEDA-CONTRA COSTA TRANSIT DISTRICT'S REGISTERED LOGO

WHEREAS, the Alameda-Contra Costa Transit District (District) created a logo for its service when it began service in 1960; and

WHEREAS, there are no regulations governing the use of the logo thereby making it available for use by anyone for any purpose regardless of whether the use is related or unrelated to District business, as well as the placement of the logo on personal correspondence, documents or apparel; and

WHEREAS, in order to avoid confusion by the public and ensure that the District's logo is being used appropriately, this ordinance has been adopted by the District's Board of Directors;

NOW, THEREFORE, be it enacted by the Board of Directors of the Alameda-Contra Costa Transit District as follows:

Section 1. Prohibition

A. It shall be unlawful for any individual, person, firm, corporation, entity, or partnership, regardless of any nature or kind, however formed, regardless of whether for profit or nonprofit purposes, to use the District's logo in any manner whatsoever without first obtaining the written consent of the District's Board of Directors. The District's logo is identified in Attachment A to this ordinance and is incorporated into it by reference,

B. It shall be unlawful for any employee, agent or contractor of the District to use the District's logo in any manner which has not been approved in advance by the District's Board of Directors.

Section 2. Exceptions

A. The provisions of this ordinance are inapplicable to the use by the District of its logo on goods, services or activities associated with the District's transit business, including but not limited to its stationery; vehicles (revenue and non-revenue); to facilities owned or leased by the District; District business cards; apparel or goods sold at the District store or authorized by any Collective Bargaining Agreement with a recognized District bargaining unit; souvenir items; banners; and similar items.

B. Whenever authorized by four affirmative votes of the Board of Directors, including delegation of this authority to the General Manager or General Counsel, as appropriate.

Section 3. The use of the singular tense in this ordinance also includes the plural tense.
Section 4. Any violation of this ordinance shall be deemed a public nuisance and may be enforced by injunctive relief and any other civil remedy available to the District.

Section 5. In the event any provision of this ordinance is held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provisions of the ordinance.

Section 6. This ordinance shall become effective thirty (30) days after its adoption which shall be at least three days after its introduction. This ordinance shall be published once a week for two consecutive weeks following its passage in a newspaper of general publication within the District.

ORDINANCE NO. 11 was introduced at a regular meeting of the Board of Directors held on January 26, 2000 and adopted at a regular meeting held on the 9th day of February 2000 by the votes indicated below.

ATTEST:

Frances Miller-Rogers, District Secretary

I, Frances Miller-Rogers, District Secretary for the Alameda-Contra Costa Transit District, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the Board of Directors held on January 26, 2000 by a vote of four ayes (Piras, Hawley, Killian and Peeples) and three noes (Creason, Cross and Williams) and adopted at a Regular Meeting of the Board of Directors held on the 9th day of February 2000, by the following roll call vote:

AYES: DIRECTORS: Piras, Williams, Hawley, Vice President Killian, and President Peeples
NOES: DIRECTORS: Cross
ABSENT: DIRECTORS: None
ABSTAIN: DIRECTORS: Creason

Approved as to Form:

Kenneth C. Scheldig, General Counsel

Ordinance No. 11
State of California
Secretary of State

Service Mark Reg. No. 060552 Class No. INT 39
CERTIFICATE OF REGISTRATION OF SERVICE MARK

I, BRUCE McPHERSON, Secretary of State of the State of California, hereby certify:

That in accordance with the application filed in this office the SERVICE MARK described below has been duly registered in this office on behalf of:

Name of Applicant: Alameda-Contra Costa Transit District
Business Address: 1600 Franklin St., Oakland, CA 94612
Date First Used in California: August 2002
Date First Used Anywhere: August 2002
Description of Service Mark: AC TRANSIT & DESIGN - see original application
Description of Services with Which the Service Mark is Used: Transit service
A copy, specimen, facsimile, counterpart or a reproduction of the mark is attached
Date of Registration: April 25, 2005
Term of Registration Extends to and Includes: April 25, 2015

IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this 29th day of April, 2005.

BRUCE McPHERSON
Secretary of State

IN P-25 (REV 03/31/05)
PUBLIC HEARINGS
JANUARY 23

SERVICE DEPLOYMENT PLAN
Proposed Service Changes in
North Alameda & West Contra Costa Counties

Public Hearings:
Thursday, January 23, 2003
3:00 p.m. & 6:00 p.m.
AC Transit General Offices
1600 Franklin St., Oakland
(near all downtown bus lines and 19th Street BART)
State of California
Secretary of State

Service Mark Reg. No. 060553    Class No. INT 39

CERTIFICATE OF REGISTRATION OF SERVICE MARK

I, BRUCE McPHERSON, Secretary of State of the State of California, hereby certify:

That in accordance with the application filed in this office the SERVICE MARK described below has been duly registered in this office on behalf of:

Name of Applicant: Alameda-Contra Costa Transit District
Business Address: 1600 Franklin St., Oakland, CA 94612
Date First Used in California: 2003
Date First Used Anywhere: 2003
Description of Service Mark: AC TRANSIT & DESIGN - see original application
Description of Services with Which the Service Mark is Used: Public transit bus service

A copy, specimen, facsimile, counterpart or a reproduction of the mark is attached

Date of Registration: April 25, 2005
Term of Registration Extends to and Includes: April 25, 2015

IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this 29th day of April, 2005.

BRUCE McPHERSON
Secretary of State

NP-25 (REV 03/31/05)
Measure BB

on your ballot
November 2, 2004

en su papeleta para votar
el 2 de noviembre de 2004

包括在2004年11月2日選票內
AC Transit Solid Logo

The main elements of the AC Transit solid logo mark are a large uppercase “A” and “C.” Both letters are in block type. Each letter is divided into two solid black bands of color, between which there is a negative space measuring approximately one-quarter of the width of each band.

The right leg of the letter “A” forms a 90-degree angle with the crossbar. The bottom edge of the crossbar is flush with both the bottom of the right leg of the “A” and the bottom of the letter “C.” The crossbar extends beyond left leg of the letter “A” and forms a beveled edge. The left leg of the letter “A” extends slightly below the baseline of the two letters.

The bottom of the letter “C” forms a horizontal plane. The vertical stroke of the “C” angles upward slightly towards the right, making the letter appear italicized. The top of the letter “C” forms a horizontal line, which is parallel to the bottom plane of the letter. The open sides of the letter both end in beveled edges.

Cradled within the aperture of the letter “C,” the word “TRANSIT” is centered in black type, all capital letters. The letters are skewed slightly towards the right, making them appear italicized.
CERTIFICATE OF REGISTRATION OF SERVICE MARK

I, BRUCE McPHERSON, Secretary of State of the State of California, hereby certify:

That in accordance with the application filed in this office the SERVICE MARK described below has been duly registered in this office on behalf of:

Name of Applicant: Alameda-Contra Costa Transit District
Business Address: 1600 Franklin St., Oakland, CA 94612
Date First Used in California: 2004
Date First Used Anywhere: 2004
Description of Service Mark: TAKING THE HYROAD - see original application
Description of Services with Which the Service Mark is Used: Public transit bus service
A copy, specimen, facsimile, counterpart or a reproduction of the mark is attached
Date of Registration: April 25, 2005
Term of Registration Extends to and Includes: April 25, 2015

IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this 29th day of April, 2005.

BRUCE McPHERSON
Secretary of State
Fast Facts

The Hy Road: AC Transit's Hydrogen Fuel Cell Program

Program Description
- In 1999, AC Transit conducted its first successful test of a hydrogen fuel cell bus
- Since 2003, AC Transit has been demonstrating the viability of zero-emission, hydrogen fuel cell buses in revenue service
- Beginning in 2005, AC Transit will introduce three state-of-the-art 40' fuel cell buses, along with a fleet of light-duty fuel cell vehicles, using hydrogen produced onsite by a small-scale natural gas steam reformer

Funding
- AC Transit has secured more than $20 million in funding from public agencies and private sector companies (Bay Area Air Quality Management District, California Air Resources Board, California Energy Commission, California Transportation Commission/Caltrans, Calstart, ChevronTexaco, Department of Energy, Department of Transportation/Federal Transit Administration, and Soft Energy)
- These funds are specifically tagged for the fuel cell demonstration program and may not be used for any other purpose

Vehicles
- Thor 30' prototype fuel cell bus (leased from IDE and Thor)
- Three Van Hool 40' fuel cell hybrid buses
- Up to ten, light-duty, Hyundai Tucson fuel cell cars (DOE Technology Validation Project)
- Each 40' bus is powered by a 120 kW UTC fuel cell. Three nickel sodium chloride batteries store regenerative breaking energy and can provide an additional 100kW of booster power
- UTC Fuel Cells of Connecticut manufactures the fuel cells; IDE Corporation of San Diego manufactures the series hybrid drive system (featuring Siemens/Elta drive motors and components) and is responsible for fuel cell integration; and Van Hool of Belgium manufactures the bus gliders (chassis and bodies)

Energy Stations
- Primary Station (AC Transit Seminary Division - Oakland): small-scale, onsite, natural gas steam reformer developed in partnership with ChevronTexaco; will dispense up to 150kg of hydrogen per day, with co-generation capability to power a stationary fuel cell that can provide electricity to the facility
CERTIFICATE OF REGISTRATION OF SERVICE MARK

I, BRUCE McPHERSON, Secretary of State of the State of California, hereby certify:

That in accordance with the application filed in this office the SERVICE MARK described below has been duly registered in this office on behalf of:

Name of Applicant: Alameda-Contra Costa Transit District
Business Address: 1600 Franklin St., Oakland, CA 94612
Date First Used in California: 2003
Date First Used Anywhere: 2003
Description of Service Mark: RAPID & DESIGN – see original application
Description of Services with Which the Service Mark is Used: Public transit bus service
A copy, specimen, facsimile, counterpart or a reproduction of the mark is attached
Date of Registration: April 25, 2005
Term of Registration Extends to and Includes: April 25, 2015

IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this 29th day of April, 2005.

BRUCE McPHERSON
Secretary of State
San Pablo Rapid Business Partnership Program Request for More Information

YES, we are interested in finding out more about the AC Transit San Pablo Rapid Business Partnership Program. I understand our interest does not obligate our company to participate in the program.

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MOVING YOU FASTER & BETTER
CERTIFICATE OF REGISTRATION OF SERVICE MARK

I, BRUCE McPHERSON, Secretary of State of the State of California, hereby certify:

That in accordance with the application filed in this office the SERVICE MARK described below has been duly registered in this office on behalf of:

Name of Applicant: Alameda-Contra Costa Transit District
Business Address: 1600 Franklin St., Oakland, CA 94612
Date First Used in California: 2003
Date First Used Anywhere: 2003
Description of Service Mark: RAPID & DESIGN – see original application
Description of Services with Which the Service Mark is Used: Public transit bus service

A copy, specimen, facsimile, counterpart or a reproduction of the mark is attached

Date of Registration: April 25, 2005
Term of Registration Extends to and Includes: April 25, 2015

IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this 29th day of April, 2005.

BRUCE McPHERSON
Secretary of State
A COPY, SPECIMEN, FACSIMILE, COUNTERPART OR REPRODUCTION OF SERVICE MARK REG. NO. 060556

AC TRANSIT INVITES YOU TO A LAUNCH EVENT
State of California  
Secretary of State  

Service Mark Reg. No. 060557  
Class No. INT 39  
CERTIFICATE OF REGISTRATION OF SERVICE MARK  

I, BRUCE McPHERSON, Secretary of State of the State of California, hereby certify:  

That in accordance with the application filed in this office the SERVICE MARK described below has been duly registered in this office on behalf of:  

Name of Applicant: Alameda-Contra Costa Transit District  
Business Address: 1600 Franklin St., Oakland, CA 94612  
Date First Used in California: 2003  
Date First Used Anywhere: 2003  
Description of Service Mark: AC TRANSIT & DESIGN - see original application  
Description of Services with Which the Service Mark is Used: Public transit bus service  
A copy, specimen, facsimile, counterpart or a reproduction of the mark is attached  
Date of Registration: April 25, 2005  
Term of Registration Extends to and Includes: April 25, 2015  

IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this 29th day of April, 2005.  

BRUCE McPHERSON  
Secretary of State
A COPY, SPECIMEN, FACSIMILE, COUNTERPART OR
REPRODUCTION OF SERVICE MARK REG. NO. 060557

AC TRANSIT
Alameda-Contra Costa Transit District
1600 Franklin Street
Oakland, CA 94612

JOIN US OCTOBER 9TH! RAPID
State of California
Secretary of State

Service Mark Reg. No. 060558    Class No. INT 39
CERTIFICATE OF REGISTRATION OF SERVICE MARK

I, BRUCE McPHERSON, Secretary of State of the State of California, hereby certify:

That in accordance with the application filed in this office the SERVICE MARK described below has been duly registered in this office on behalf of:

Name of Applicant: Alameda-Contra Costa Transit District
Business Address:  1600 Franklin St., Oakland, CA 94612
Date First Used in California: 2002
Date First Used Anywhere: 2002
Description of Service Mark: AC TRANSIT & DESIGN - see original application
Description of Services with Which the Service Mark is Used: Public transit bus service
A copy, specimen, facsimile, counterpart or a reproduction of the mark is attached
Date of Registration:    April 25, 2005
Term of Registration Extends to and Includes: April 25, 2015

IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this 29th day of April, 2005.

BRUCE McPHERSON
Secretary of State
Public Hearings
Bus Service & Fare Changes
June 11, 2003

3:00 p.m. & 6:00 p.m.
Scottish Rite Center
1547 Lakeside Drive
Oakland

Service changes would affect bus lines in northern and central Alameda County, and western Contra Costa County. Fare changes would apply to all AC Transit bus lines.

Your comments are invited before or at the public hearings. See inside for details on the proposals and how to make comments.
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STAFF REPORT

TO: Finance and Audit Committee
AC Transit Board of Directors

FROM: David J. Armijo, General Manager

SUBJECT: Bi-Monthly Budget Update – August 2014 Year to Date

BRIEFING ITEM

RECOMMENDED ACTION(S):


EXECUTIVE SUMMARY:

Current revenues on a year-to-date basis are included in the bi-monthly budget report to provide a more complete overview of the District’s current financial condition.

The year-to-date operating revenues and subsidies are showing an increase of $2.1 million or 4.0 percent from the same period last fiscal year. The increase in revenues and subsidies are primarily due to the improved economic performance for retail sales and property values in the region. Sales Tax Subsidies increased by $1.0 million and Property Tax Subsidies increased by $1.2 million over the same period from the prior year. Farebox revenues showed a 0.4 percent increase from the prior year.

The District’s operating expenses are trending at the budgeted levels projected for FY 2014-15, with expenditures slightly higher than budget by approximately $0.06 million or 0.1 percent as of August 31, 2014. Salaries and Wages are trending 0.7 percent below budgeted levels. Fringe Benefit costs are currently higher than the budgeted levels. Non-labor expenditures are currently below budgeted levels, with services expenditures $1.0 million under budget. The Fuels and Lubricants account, along with the Materials and Supplies account, have expenses that are currently over the budgeted levels.

The combined revenues and expenses for the current fiscal year show a strong financial position for the initial two months of Fiscal Year 2014-15. Staff will continue to monitor both revenues and expenses during the fiscal year to proactively manage the District’s operating budget.

BUDGETARY/FISCAL IMPACT:

There is no budgetary or fiscal impact associated with this report.
BACKGROUND/RATIONALE:

OPERATING REVENUES AND SUBSIDIES:

Current revenues on a year-to-date (YTD) basis are included in the bi-monthly budget report to provide a more complete overview of the District’s current financial condition. The Operating Revenues and Operating Subsidies are provided on a YTD basis to provide annual trends and account for seasonal fluctuations experienced by several revenue items.

The August YTD revenues are showing an increase of $2.1 million or 4.0 percent over the same period from the prior year. The increase in revenues and subsidies are primarily due to the improved economic performance for retail sales and property values in the region.

Fare box revenues showed an increase of $0.04 million or 0.4 percent from the same period for the prior fiscal year. The Contract Services revenues showed a decrease of $0.3 million, which is due to the timing of collections from contract services. The Other revenues showed a decrease of $0.2 million, which is due to a reduction in parking citation tickets as law enforcement continues to focus on improving the system safety on buses and in the District’s service area.

The Operating Subsidies showed an overall increase of $2.5 million or 6.0 percent from the same period last fiscal year. The increase in Operating Subsidies resulted from the following:

- Sales Tax Subsidies increased by $1.0 million or 4.8 percent due to improved taxable retail sales in the region.
- Property Tax Subsidies increased by $1.2 million or 6.7 percent due to higher property valuations and increased real estate sales transactions in the East Bay region.
- Purchased Transportation Related Subsidies increased by $0.3 million or 26.7 percent due to the timing of the recording of Federal Paratransit lease revenues.
- Other subsidies increased by $0.1 million or 3.2 percent due to receipt of annual subsidies from the Oakland Unified School District for school service.

OPERATING EXPENSES SECTION:

The Operating Expenses continue to be presented on an YTD Budget vs YTD Actual basis for the current budget period. The August YTD budget variance report shows the District operating at budget levels. The expenditures were slightly higher than the budgeted levels by $0.06 million or 0.1 percent of the period’s operating budget. The negative variance in the labor categories were primarily due to benefit accruals and timing issues, an extra payroll pay period, and the delay in capitalization of labor costs associated with projects, which normally begin to be recognized later in the fiscal year.

The Salary and Wages account line item had a positive variance of $0.1 million or 0.7 percent of the Salary and Wages budget. The savings in the Salary and Wages account reflect the positive changes and lower costs that resulted from accelerated hiring programs that were put into place to fill Operator vacancies. The savings were also due to reduced overtime expenditures in
the Maintenance Department due to the implementation of improved management control mechanisms.

The Fringe Benefits account line item had a negative variance of $1.5 million or 10.8 percent of the Fringe Benefit budget. The unfavorable variance is primarily due to the timing of accruals for employee healthcare benefits ($0.7 million) and other post employment and retiree medical expenses ($0.8 million).

The Pension Fund account line item had a positive variance of $0.7 million or 9.9 percent of the Pension Fund budget. The savings in the Pension Fund account are primarily due to pensionable payroll expenses being lower than the salary and wages budgeted. The Adjusted Labor Costs account line item expenditures were over budget due to delays in the capitalization of labor and indirect costs for Capital Projects which are normally recognized later in the fiscal year.

The non-labor expenses showed a positive variance during the YTD period, July-August, as expenditures were below budget for five of eight account line items. The non-labor account line items had a favorable variance of approximately $1.0 million, which represented a 5.8 percent savings from the budgeted non-labor accounts for the period. The Services account line item had a positive variance of $1.0 million or 25.8 percent of the Services budget for the YTD July-August period.

The Fuel and Lubricants account line item had a negative variance of $0.5 million or 16.7 percent of the period's Fuel and Lubricant budget. The negative variance was primarily due to an adjustment to the account for two weeks of activity that was not reflected in the final quarter of the last fiscal year. Also contributing to the unfavorable variance was a slightly higher per gallon cost for diesel fuel compared to the budgeted price in the first few weeks of the fiscal year.

The Other Materials and Supplies account line item, which includes Bus Parts and Supplies, had a negative variance of $0.4 million or 16.8 percent of the Material and Supplies budget. The negative variance was primarily due to an adjustment to inventory due to obsolescence ($0.3 million) and other more minor inventory adjustments.

The Utilities and Taxes account line item had a positive variance of $0.2 million or 21.3 percent of the Utilities and Taxes budget for the period. The positive variance was the result of lower than expected charges for use and sales taxes.

The Casualty and Liability account line item had a positive variance of $0.1 million or 6.4 percent of the YTD budget. The savings in the Casualty and Liability account was primarily due to improved actuarial projections based upon the reduction in claims, which is a result of the drop in accidents that has occurred over the past several months.

The Interest Expense account line item had a negative variance of $0.01 million or 4.8 percent of the YTD Interest Expense budget. The negative variance was primarily due to minor
adjustments and reconciliation in the amortization schedules for the Certificates of Participation (COP).

The ADA Consortium and Other Purchased Transportation account line item had a positive variance of $0.3 million or 6.9 percent of the budget. The savings in the ADA Consortium and Purchased Transportation account was primarily due to lower than anticipated ridership for the ADA Consortium Program and stable para transit provider billing rates.

ADVANTAGES/DISADVANTAGES:

This report does not recommend a course of action with notable advantages or disadvantages.

ALTERNATIVES ANALYSIS:

This report does not recommend an action.

PRIOR RELEVANT BOARD ACTIONS/POLICIES:

Board Policy 312 – Budget Policy

ATTACHMENTS:

1: FY 2014-15 Operating Expense Trend Analysis

Department Head Approval: James D. Pachan, Interim Chief Financial Officer
Prepared by: Hernan Vargas, Budget Manager
## FY14/15 Operating Expense Trend Analysis

### Preliminary August 2014

#### Year over Year Actual comparison

<table>
<thead>
<tr>
<th>Operating Revenue (000's)</th>
<th>FY13/14 Actual</th>
<th>FY14/15 Actual</th>
<th>Var $</th>
<th>Var %</th>
<th>FY13/14 Actual</th>
<th>FY14/15 Actual</th>
<th>Var $</th>
<th>Var %</th>
<th>FY13/14 Actual</th>
<th>FY14/15 Actual</th>
<th>Var $</th>
<th>Var %</th>
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</thead>
<tbody>
<tr>
<td>FY13/14</td>
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<td>FY14/15</td>
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</tr>
<tr>
<td><strong>Total Operating Revenues</strong></td>
<td>5,201</td>
<td>5,039</td>
<td>(162)</td>
<td>-3.1%</td>
<td>5,337</td>
<td>5,105</td>
<td>(232)</td>
<td>-4.3%</td>
<td>10,538</td>
<td>10,146</td>
<td>(392)</td>
<td>-3.7%</td>
</tr>
<tr>
<td><strong>Sales Tax Subsidies</strong></td>
<td>10,447</td>
<td>10,578</td>
<td>132</td>
<td>1.3%</td>
<td>10,413</td>
<td>11,274</td>
<td>861</td>
<td>8.3%</td>
<td>20,859</td>
<td>21,852</td>
<td>993</td>
<td>4.8%</td>
</tr>
<tr>
<td><strong>Property Tax Subsidies</strong></td>
<td>8,729</td>
<td>9,132</td>
<td>403</td>
<td>4.6%</td>
<td>8,729</td>
<td>9,493</td>
<td>764</td>
<td>8.0%</td>
<td>17,457</td>
<td>18,625</td>
<td>1,167</td>
<td>6.7%</td>
</tr>
<tr>
<td><strong>Purchased Transportation Related Subs</strong></td>
<td>504</td>
<td>617</td>
<td>113</td>
<td>22.4%</td>
<td>489</td>
<td>641</td>
<td>152</td>
<td>31.5%</td>
<td>903</td>
<td>1,257</td>
<td>354</td>
<td>26.7%</td>
</tr>
<tr>
<td><strong>Other Federal, State &amp; Local Subsidies</strong></td>
<td>1,336</td>
<td>1,677</td>
<td>341</td>
<td>25.6%</td>
<td>1,486</td>
<td>1,234</td>
<td>(252)</td>
<td>-15.9%</td>
<td>2,821</td>
<td>2,911</td>
<td>90</td>
<td>3.2%</td>
</tr>
<tr>
<td><strong>Total Subsidies</strong></td>
<td>21,015</td>
<td>22,004</td>
<td>989</td>
<td>4.7%</td>
<td>21,136</td>
<td>22,541</td>
<td>1,525</td>
<td>7.2%</td>
<td>42,131</td>
<td>44,645</td>
<td>2,514</td>
<td>5.6%</td>
</tr>
<tr>
<td><strong>Total Operating Revenues and Subsidies</strong></td>
<td>26,516</td>
<td>27,064</td>
<td>548</td>
<td>2.0%</td>
<td>26,545</td>
<td>27,747</td>
<td>1,294</td>
<td>4.9%</td>
<td>52,668</td>
<td>54,791</td>
<td>2,123</td>
<td>4.0%</td>
</tr>
</tbody>
</table>

#### YTD Budget vs YTD Actual comparison

<table>
<thead>
<tr>
<th>Operating Expenses (000's)</th>
<th>Budget Actual</th>
<th>Var $</th>
<th>Var %</th>
<th>Budget Actual</th>
<th>Var $</th>
<th>Var %</th>
<th>Budget Actual</th>
<th>Var $</th>
<th>Var %</th>
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</thead>
<tbody>
<tr>
<td>FY13/14</td>
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<tr>
<td>FY14/15</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Salary &amp; Wages</strong></td>
<td>9,611</td>
<td>9,570</td>
<td>41</td>
<td>0.4%</td>
<td>9,611</td>
<td>9,521</td>
<td>90</td>
<td>0.9%</td>
<td>19,222</td>
</tr>
<tr>
<td><strong>Fringe Benefits</strong></td>
<td>7,995</td>
<td>7,780</td>
<td>(215)</td>
<td>-2.8%</td>
<td>7,169</td>
<td>8,100</td>
<td>(931)</td>
<td>-15.0%</td>
<td>14,337</td>
</tr>
<tr>
<td><strong>Pension Fund</strong></td>
<td>3,135</td>
<td>3,488</td>
<td>353</td>
<td>11.3%</td>
<td>3,115</td>
<td>4,032</td>
<td>917</td>
<td>28.6%</td>
<td>6,300</td>
</tr>
<tr>
<td><strong>Total Labor Costs</strong></td>
<td>20,094</td>
<td>20,298</td>
<td>204</td>
<td>1.0%</td>
<td>20,054</td>
<td>20,645</td>
<td>(591)</td>
<td>-2.8%</td>
<td>40,189</td>
</tr>
<tr>
<td><strong>Adjusted Labor Costs</strong></td>
<td>19,328</td>
<td>20,288</td>
<td>(960)</td>
<td>-5.0%</td>
<td>19,928</td>
<td>20,645</td>
<td>(717)</td>
<td>-3.5%</td>
<td>39,555</td>
</tr>
<tr>
<td><strong>Services</strong></td>
<td>1,976</td>
<td>1,183</td>
<td>793</td>
<td>40.0%</td>
<td>1,976</td>
<td>1,747</td>
<td>228</td>
<td>11.8%</td>
<td>3,951</td>
</tr>
<tr>
<td><strong>Fuel &amp; Lubricants</strong></td>
<td>1,526</td>
<td>2,079</td>
<td>(553)</td>
<td>-36.2%</td>
<td>1,526</td>
<td>1,484</td>
<td>42</td>
<td>2.7%</td>
<td>3,052</td>
</tr>
<tr>
<td><strong>Other Materials &amp; Supplies</strong></td>
<td>1,250</td>
<td>1,438</td>
<td>(188)</td>
<td>-15.0%</td>
<td>1,250</td>
<td>1,483</td>
<td>(233)</td>
<td>-18.6%</td>
<td>2,500</td>
</tr>
<tr>
<td><strong>Utilities &amp; Taxes</strong></td>
<td>511</td>
<td>332</td>
<td>178</td>
<td>34.9%</td>
<td>511</td>
<td>472</td>
<td>39</td>
<td>7.7%</td>
<td>1,021</td>
</tr>
<tr>
<td><strong>Casualty &amp; Liability</strong></td>
<td>833</td>
<td>760</td>
<td>73</td>
<td>8.8%</td>
<td>833</td>
<td>800</td>
<td>67</td>
<td>8.4%</td>
<td>1,667</td>
</tr>
<tr>
<td><strong>Interest Expense</strong></td>
<td>95</td>
<td>100</td>
<td>5</td>
<td>4.8%</td>
<td>95</td>
<td>100</td>
<td>5</td>
<td>4.8%</td>
<td>190</td>
</tr>
<tr>
<td><strong>AOA Consort &amp; Other Purchased Transp</strong></td>
<td>2,184</td>
<td>1,495</td>
<td>689</td>
<td>35.5%</td>
<td>2,184</td>
<td>2,572</td>
<td>(388)</td>
<td>-17.8%</td>
<td>4,368</td>
</tr>
<tr>
<td><strong>Other</strong></td>
<td>217</td>
<td>60</td>
<td>157</td>
<td>72.5%</td>
<td>217</td>
<td>47</td>
<td>171</td>
<td>75.8%</td>
<td>434</td>
</tr>
<tr>
<td><strong>Total Operating Expenses</strong></td>
<td>26,516</td>
<td>27,064</td>
<td>548</td>
<td>2.0%</td>
<td>26,545</td>
<td>27,747</td>
<td>1,294</td>
<td>4.9%</td>
<td>52,668</td>
</tr>
</tbody>
</table>

*Note:

August 2014 accruals and adjustments are being finalized by the Accounting and Budget departments.
Alameda-Contra Costa Transit District

STAFF REPORT

TO: Finance and Audit Committee
   AC Transit Board of Directors

FROM: David J. Armijo, General Manager

SUBJECT: Monthly Report on Investments

BRIEFING ITEM

RECOMMENDED ACTION(S):


EXECUTIVE SUMMARY:

As of August 31, 2014, the District had the following investments:

<table>
<thead>
<tr>
<th>Repurchase Agreement (REPO)</th>
<th>$25 million (Collateralized 102%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Money Market Account</td>
<td>$71.34 million (Collateralized 110%)</td>
</tr>
<tr>
<td>Money Market Account</td>
<td>$1.75 million (small banks; all FDIC insured)</td>
</tr>
</tbody>
</table>

BUDGETARY/FISCAL IMPACT:

There are no budgetary or fiscal impacts associated with this report.

BACKGROUND/RATIONALE:

In compliance with Section 15.0 of Board Policy 336, Investment Policy, the Monthly Report on Investments for August 2014 is forwarded to the Board of Directors for review.

The portfolio contained in the report is in compliance with Board Policy 336, Investment Policy. The District is able to meet its expenditure requirements for the next six months.

Return on the District's investments is small due to the market conditions and ultra conservative investment approach. Daily roll-over of REPO and collateralized money market accounts is done with preservation of principal foremost in mind.
ADVANTAGES/DISADVANTAGES:

This report does not recommend a course of action with notable advantages or disadvantages.

ALTERNATIVES ANALYSIS:

This report is being provided to inform the Board of activities of the Treasury Department.

PRIOR RELEVANT BOARD ACTIONS/POLICIES:

Board Policy 336, Investment Policy

ATTACHMENTS:


Department Head Approval: James D. Pachan, Interim Chief Financial Officer
Reviewed by: Sue Lee, Treasury Manager
Prepared by: Beverly Abad-Fitzgerald, Treasury Administrator
Table of Contents

Investment Summary ........................................... 1
Investment Overview ........................................... 2
Return on Investments ......................................... 3
Detail of Portfolio ............................................. 4
Repurchase Agreements ....................................... 5
Government Securities (General Fund) ..................... 6
# INVESTMENT SUMMARY

**FOR THE GENERAL FUND & BUS/OTHER FUND**

**AUGUST 31, 2014**

<table>
<thead>
<tr>
<th>TYPE</th>
<th>Average Interest Rate %</th>
<th>Carrying Value</th>
<th>Par Value</th>
<th>Fair Value</th>
<th>% of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>MONEY MARKET ACCOUNTS</strong></td>
<td>0.248%</td>
<td>$30,810,761.85</td>
<td>$30,810,761.85</td>
<td>$30,810,761.85</td>
<td>55.21%</td>
</tr>
<tr>
<td><strong>REPO'S</strong></td>
<td>0.030%</td>
<td>$25,000,000.00</td>
<td>$25,000,000.00</td>
<td>$25,000,000.00</td>
<td>44.79%</td>
</tr>
<tr>
<td><strong>TREASURY BILLS</strong></td>
<td>0.000%</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td><strong>DISCOUNT NOTES</strong></td>
<td>0.000%</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td><strong>AGENCY BONDS</strong></td>
<td>0.000%</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td><strong>TOTAL GENERAL FUND INVESTMENTS</strong></td>
<td></td>
<td>$55,810,761.85</td>
<td>$55,810,761.85</td>
<td>$55,810,761.85</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TYPE</th>
<th>Average Interest Rate %</th>
<th>Carrying Value</th>
<th>Par Value</th>
<th>Fair Value</th>
<th>% of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>MONEY MARKET</strong></td>
<td>0.070%</td>
<td>$42,292,075.25</td>
<td>$42,292,075.25</td>
<td>$42,292,075.25</td>
<td>100.00%</td>
</tr>
<tr>
<td><strong>REPO'S</strong></td>
<td>0.000%</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td><strong>DISCOUNT NOTES</strong></td>
<td>0.000%</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td><strong>AGENCY BONDS</strong></td>
<td>0.000%</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td><strong>TOTAL OTHER (CaIOES/Bus Proc.) INVESTMENTS</strong></td>
<td></td>
<td>$42,292,075.25</td>
<td>$42,292,075.25</td>
<td>$42,292,075.25</td>
<td>100.00%</td>
</tr>
</tbody>
</table>
### ALAMEDA - CONTRA COSTA TRANSIT DISTRICT
### INVESTMENT OVERVIEW
FOR THE GENERAL FUND & BUS PROCUREMENT/OTHER FUND
AUGUST 31, 2014

|-------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|

#### CURRENT MONTH AVERAGE INTEREST RATES

- Repurchase Agreements (current month): 0.033% 0.030%
- Money Market Accounts (current month): 0.072% 0.070%
- Treasury Bills (purchased in current month): 0.032%
- Discount Notes (purchased in current month): 0.070%
- Agency Bonds (purchased in current month): 0.070%

#### AVERAGE INTEREST RATE

- Repurchase Agreements (12-month avg): 0.024%
- Money Market Accounts (12-month avg): 0.070%
- Securities held at month end and
  - Treasury Bills (Portfolio): 0.070%
  - Discount Notes (Portfolio): 0.070%
  - Agency Bonds (Portfolio): 0.070%

#### INVESTMENT BENCHMARKS

- Current Month Daily Fed Funds Average: 0.110%
- Current Month Daily 3 Month T Bill Rates Average: 0.030%
- Monthly Avg of Daily Fed Funds (12 month avg): 0.111%
  - The amount difference of the Daily "Repo" in 0.042%

#### AVERAGE MATURITY OF INVESTMENTS

<table>
<thead>
<tr>
<th></th>
<th>DAYS</th>
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</thead>
<tbody>
<tr>
<td>Repurchase Agreements</td>
<td>9</td>
<td>10</td>
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<td>Treasury Bills</td>
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<td>Discount Notes</td>
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<tr>
<td>Agency Bonds</td>
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#### INVESTMENTS AT CARRYING VALUE

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<tbody>
<tr>
<td>Repurchase Agreements</td>
<td>$25,000,000</td>
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</tr>
<tr>
<td>Treasury Bills</td>
<td>$73,097,085</td>
<td>$73,102,837</td>
<td>$73,102,837</td>
<td>$73,102,837</td>
<td>$73,102,837</td>
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<td>Agency Bonds</td>
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</tr>
<tr>
<td><strong>Total</strong></td>
<td>$98,097,085</td>
<td>$98,102,837</td>
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<td>$98,102,837</td>
<td>$98,102,837</td>
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#### INVESTMENTS AT COST

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<td>$25,000,000</td>
<td>$25,000,000</td>
<td>$25,000,000</td>
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</tr>
<tr>
<td>Treasury Bills</td>
<td>$73,097,085</td>
<td>$73,102,837</td>
<td>$73,102,837</td>
<td>$73,102,837</td>
<td>$73,102,837</td>
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<td>Discount Notes</td>
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<tr>
<td><strong>Total</strong></td>
<td>$98,097,085</td>
<td>$98,102,837</td>
<td>$98,102,837</td>
<td>$98,102,837</td>
<td>$98,102,837</td>
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Page 2
### ALAMEDA - CONTRA COSTA TRANSIT DISTRICT
#### RETURN ON INVESTMENTS
FOR THE GENERAL FUND & BUS PROCUREMENT/OTHER FUND
AUGUST 31, 2014

#### RETURN ON INVESTMENTS

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<tr>
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<td>$736</td>
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<td>4,046</td>
<td>4,242</td>
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<td>$9,087</td>
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<tr>
<td>Treasury Bills</td>
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<td>0</td>
<td>$0</td>
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<tr>
<td><strong>Total</strong></td>
<td>$5,381</td>
<td>$4,488</td>
<td>$0</td>
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<td>$0</td>
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<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$10,269</td>
</tr>
</tbody>
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#### Interest received
- **JUL** 2013: $568
- **AUG** 2013: $583
- **SEP** 2013: 0
- **OCT** 2013: 0
- **NOV** 2013: 0
- **DEC** 2013: 0
- **JAN** 2014: 0
- **FEB** 2014: 0
- **MAR** 2014: 0
- **APR** 2014: 0
- **MAY** 2014: 0
- **JUN** 2014: 0
- **TOTAL** 2014: $5,564

#### PORTFOLIO INVESTED

<table>
<thead>
<tr>
<th></th>
<th>FY 14/15</th>
<th>FY 13/14</th>
<th>FY 12/13</th>
<th>FY 11/12</th>
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<tbody>
<tr>
<td>Average daily portfolio available for investment</td>
<td>$51,703,009</td>
<td>$55,350,229</td>
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<tr>
<td>Average daily portfolio invested</td>
<td>$26,229,006</td>
<td>$29,032,598</td>
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<tr>
<td>% of average daily portfolio invested</td>
<td>54.53%</td>
<td>52.45%</td>
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#### CARRYING VALUE GENERAL FUND PORTFOLIO

<table>
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</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$65,807,924</td>
<td>$60,480,404</td>
<td>$42,808,947</td>
<td>$35,460,612</td>
</tr>
<tr>
<td>Money Market</td>
<td>$53,810,752</td>
<td>$46,135,214</td>
<td>$42,607,120</td>
<td>$35,463,298</td>
</tr>
</tbody>
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#### CARRYING VALUE BUS/OTHER PORTFOLIO

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$42,268,561</td>
<td>$73,126,770</td>
<td>$34,705,571</td>
<td>$5,743,569</td>
</tr>
<tr>
<td>Money Market</td>
<td>$42,252,075</td>
<td>$73,495,973</td>
<td>$34,707,265</td>
<td>$5,743,025</td>
</tr>
</tbody>
</table>

#### PORTFOLIO INVESTED

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</thead>
<tbody>
<tr>
<td>Total return on investment</td>
<td>$5,564</td>
<td>$5,564</td>
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<td>Total return on investment</td>
<td>$5,564</td>
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<td>$5,564</td>
<td>$5,564</td>
</tr>
<tr>
<td>Type</td>
<td>Purchased From</td>
<td>Settlement Date</td>
<td>Maturity Date</td>
<td>Days to Maturity</td>
</tr>
<tr>
<td>---------------------------</td>
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<td>-----------------</td>
<td>---------------</td>
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</tr>
<tr>
<td><strong>MONEY MARKET ACCOUNTS</strong></td>
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<tr>
<td>Wells Fargo</td>
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<tr>
<td>Local Banks</td>
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<tr>
<td><strong>TOTAL MONEY MARKET ACCOUNTS</strong></td>
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<tr>
<td><strong>REPO'S</strong></td>
<td>Bank of America</td>
<td>TOTAL Repo</td>
<td>06/25/14</td>
<td>06/03/14</td>
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<tr>
<td><strong>TREASURY BILLS</strong></td>
<td></td>
<td>TOTAL TREASURY BILLS</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**AGENCY DISC NOTES:**

- **TOTAL DISCOUNT NOTES**
  - 0.00
  - 0.00
  - 0.00

**AGENCY BONDS:**

- **TOTAL BONDS**
  - 0.00
  - 0.00
  - 0.00

**PORTFOLIO - GENERAL FUND**

- **MONEY MARKET ACCOUNTS**
  - CaiOES
    - 0.070%
  - Bus Procurement
    - 0.070%
  - 2,148,964.95
  - 2,148,964.95
  - 2,148,964.95

- **TREASURY BILLS**
  - 0.00
  - 0.00
  - 0.00

**AGENCY DISC NOTES:**

**AGENCY BONDS:**

- **PORTFOLIO - OTHER (CaiOES/Bus Procurement)**
  - 0.070%
  - 0.070%
  - 42,292,075.25
  - 42,292,075.25
  - 42,292,075.25

**TOTAL PORTFOLIO**

- 98,102,837.10
- 98,102,837.10
- 98,102,837.10

**COMPOSITION OF PORTFOLIO:**

- **GENERAL FUND**
  - Money Market: 55.21%
  - Repurchase Agreements: 44.79%
  - Treasury Bills: 0.00%
  - Discount Notes: 0.00%
  - Bonds: 0.00%
  - 100.00%

- **OTHER (CaiOES/Bus Procurement)**
  - 100.00%

**Page 4**
## ALAMEDA - CONTRA COSTA TRANSIT DISTRICT
### REPURCHASE AGREEMENTS
#### FOR THE MONTH ENDED
##### AUGUST 31, 2014

<table>
<thead>
<tr>
<th>SETTLEMENT DATE</th>
<th>MATURITY DATE</th>
<th>DAILY &quot;REPO&quot; INVESTMENTS</th>
<th># OF DAYS</th>
<th>CURRENT INTEREST RATE</th>
<th>INTEREST EARNED</th>
<th>INTEREST RECEIVED</th>
<th>CASH RECEIPT</th>
<th>AIR ACTIVITY</th>
<th>NET ACTIVITY</th>
<th>AVERAGE INVESTMENT AMT. INV * # OF DAYS/ DAYS IN MONTH :</th>
</tr>
</thead>
<tbody>
<tr>
<td>BANK OF AMERICA</td>
<td></td>
<td>$25,000,000.00</td>
<td>7</td>
<td>0.0300%</td>
<td>62.50</td>
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<td>-33.33</td>
<td>-25,000,000.00</td>
<td>5,645,161.29</td>
</tr>
<tr>
<td>07/28/14</td>
<td>08/04/14</td>
<td>$25,000,000.00</td>
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<td>0.0300%</td>
<td>291.67</td>
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<td>0.00</td>
<td>11,290,322.58</td>
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<tr>
<td>08/18/14</td>
<td>08/25/14</td>
<td>$25,000,000.00</td>
<td>7</td>
<td>0.0300%</td>
<td>145.83</td>
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<td>25,000,000.00</td>
<td>0.00</td>
<td>0.00</td>
<td>5,645,161.29</td>
</tr>
<tr>
<td>08/25/14</td>
<td>09/02/14</td>
<td>$25,000,000.00</td>
<td>8</td>
<td>0.0300%</td>
<td>145.84</td>
<td>0.00</td>
<td>25,000,000.00</td>
<td>20.83</td>
<td>25,000,000.00</td>
<td>6,451,612.90</td>
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<tr>
<td>TOTAL</td>
<td></td>
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<td>10</td>
<td>0.0300%</td>
<td>$645.84</td>
<td>$583.33</td>
<td>$100,000,000.00</td>
<td>-$62.50</td>
<td>$0.00</td>
<td>$29,032,258.06</td>
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</table>

Note: The Daily "Repo" Investments Total column represents current month Purchased Repo and the Cash Receipts Total column represents Matured Repo. The amount difference of the Daily "Repo" Investment Total and Cash Receipts Total represents the outstanding Repo Purchased for the current month.
<table>
<thead>
<tr>
<th>CUSIP</th>
<th>AGENCY</th>
<th>SETTLEMENT DATE</th>
<th>MATURITY DATE</th>
<th>DISCOUNT RATE (%)</th>
<th>PAR VALUE</th>
<th>COST</th>
<th>DAYS HELD</th>
<th>MARKET RATE</th>
<th>FAIR VALUE</th>
<th>YIELD RATE</th>
<th>CARRYING VALUE</th>
<th>CURRENT MONTH M成熟</th>
<th>PURCHASED MONTHLY</th>
<th>MATURED MONTHLY</th>
<th>PREVIOUS MONTHLY</th>
<th>CARRYING VALUE</th>
</tr>
</thead>
<tbody>
<tr>
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</tbody>
</table>

**Treasury Bills Matured:**

**Treasury Bills Held at Month End:**

**TOTAL TREASURY BILLS:**

0.00 0.00 0.00

0.00 0.00 0.00

**Discount Notes Matured:**

**Discount Notes Held at Month End:**

**TOTAL DISCOUNT NOTES:**

0.00 0.00 0.00

0.00 0.00 0.00

**Agency Bond Matured**

**Agency Bond Held at Month End:**

**TOTAL BONDS:**

0.00 0.00 0.00

0.00 0.00 0.00

**TOTAL GOVERNMENT SECURITIES:**

0.00 0.00 0.00

0.00 0.00 0.00

**Government Securities 90 days and less:**

0.00 0.00 0.00

0.00 0.00 0.00

**Government Securities over 90 days:**

0.00 0.00 0.00

0.00 0.00 0.00

**Total Government Securities - Aged:**

0.00 0.00 0.00

0.00 0.00 0.00

**Variance:**

0.00 0.00 0.00

0.00 0.00 0.00
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STAFF REPORT

TO: Finance and Audit Committee
    AC Transit Board of Directors

FROM: David J. Armijo, General Manager

SUBJECT: FY 2015-16 Caltrans Planning Grant Programs Funds

ACTION ITEM

RECOMMENDED ACTION(S):

Consider authorizing the General Manager, or his designee, to file an application with the California Department of Transportation (Caltrans) for the Fiscal Year 2015-16 Caltrans Planning Grant, in support of the Dumbarton Express (DBX) Service Expansion Study.

EXECUTIVE SUMMARY:

Caltrans announced a call for projects for the Fiscal Year 2015-16 Planning Grant Programs. The District intends to apply for a grant from the Sustainable Communities program to support the DBX Service Expansion Study. The application is fully supported by the Dumbarton Bridge Regional Operations Consortium (DBROC). DBROC membership includes AC Transit, Santa Clara Valley Transportation Authority (VTA), BART, SamTrans, and Union City Transit.

BUDGETARY/FISCAL IMPACT:

Staff plans on applying for up to $180,000 in FY 2015-16 funds, which will be in the form of FTA 5304 Statewide Planning funds or State Highway Account funds through Caltrans. If awarded, the District will be required to provide up to $23,320 in matching funds, as part of the FY 2015-16 capital and operating budgets.

BACKGROUND/RATIONALE:

Caltrans has released the FY 2015-16 Planning Grant Programs Call for Projects. The funds are available to eligible project sponsors under two broad categories: Strategic Partnerships, and Sustainable Communities. The Metropolitan Planning Organizations/Regional Transportation Planning Agencies are the only entities eligible for the Strategic Partnerships; therefore, the District is applying for funding through the Sustainable Communities program. The Sustainable Communities program provides $8.3 million statewide for a wide range of transportation planning projects, including transit planning efforts. Individual projects are eligible for funds ranging from $50,000 to $500,000.

Staff intends to apply for a grant to support a DBX Service Expansion Study. The DBX service is currently provided under the administration and governance of AC Transit with operational
oversight from DBROC. DBROC membership includes AC Transit, VTA, BART, SamTrans, and Union City Transit.

DBX was originally funded proportionately by members of DBROC, with AC Transit funding any operating fund shortfall. In Fiscal Year 2012-13, the Metropolitan Transportation Commission approved the transfer of Dumbarton Rail RM-2 operating funds to DBX operations and allocated $2.4 million in RM-2 funds to operate the service. Dumbarton Rail RM-2 operating funds were originally established at $5 million annually, with the remaining funds available to support expanded service.

The last published bus operations study was incorporated as part of the Dumbarton Rail Alternatives Analysis in 2010. Since then, DBX ridership has increased 28%, from nearly 250,000 riders annually in Fiscal Year 2009-10 to almost 320,000 riders annually in Fiscal Year 2013-14. The ridership is expected to increase further as employment continues to recover from the economic downturn and due to congestion from the increase in commuter traffic along the Dumbarton Bridge corridor.

Applications are due by October 31st. Award announcements are anticipated in March 2015 and funds will be available for use by July 2015. If the District’s projects are funded, staff will return for Board approval to enter into the relevant funding agreements with Caltrans.

**ADVANTAGES/DISADVANTAGES:**

Not applying for the funds would cause the district to forgo approximately $180,000 in planning funds that are needed to evaluate DBX service expansion.

**ALTERNATIVES ANALYSIS:**

There are no recommended alternative actions at this point.

**PRIOR RELEVANT BOARD ACTIONS/POLICIES:**

There are no prior relevant Board Actions/Policies.

**ATTACHMENTS:**

There are no attachments.

**Department Head Approval:** James D. Pachan, Interim Chief Financial Officer

**Reviewed by:** Robert Del Rosario, Director of Service Development

**Prepared by:** Ben Stupka, Senior Capital Planning Specialist
Staff Report 14-260

Consider receiving the Year-End Financial Statements and Independent Auditors Report for the Fiscal Year Ended June 30, 2014

AVAILABLE FOR DOWNLOAD AS A SEPARATE FILE

SEE STAFF REPORT 14-260
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TO: Operations Committee
AC Transit Board of Directors
FROM: Denise C. Standridge, Interim General Counsel
SUBJECT: Board Policy 108 – Settlement Authority

ACTION ITEM

RECOMMENDED ACTION(S):
Consider the adoption of Resolution No. 14-052, amending Board Policy No. 108 – Claims and Lawsuits Settlement Authorizations, and repealing Resolution No. 13-050.

EXECUTIVE SUMMARY:
Board Policy No. 108 sets forth the settlement authority of the Claims and Liability Administrator, General Manager and General Counsel to settle claims and lawsuits brought by third parties against the District. The policy was last amended December 11, 2013, by the adoption of Resolution No. 13-050, which also repealed Resolution No. 1155. An amendment to Board Policy No. 108 is necessary, as it does not provide for settlement of workers’ compensation claims and litigation, does not provide for any oversight of the Claims and Liability Administrator’s settlement authority, and it is vague as to Board approval requirements. In addition, the policy would be more efficient if the threshold for the General Manager’s authority were increased.

BUDGETARY/FISCAL IMPACT:
There is no budgetary or fiscal impact associated with this report.

BACKGROUND/RATIONALE:
Currently, Board Policy No. 108 (BP 108), as adopted by Resolution No. 13-050, provides that the Claims and Liability Administrator, or his/her designee, has authority to approve or deny all claims filed pursuant to the California Tort Claims Act and may consider late claim applications. The Claims and Liability Administrator, or his/her designee, also has the authority to settle claims up to $15,000, for personal injury or property damage. The current policy does not provide that this authority is subject to concurrence of the General Counsel. The General Manager, with the concurrence of the Claims and Liability Administrator, or his/her designee, and the General Counsel, has authority to settle personal injury or property damage claims between $15,001 and $30,000. Only the Board can approve settlements above $30,000 for personal injury or property damage claims. In litigation matters, the General Counsel, or his/her designee, may settle any claim or suit up to $15,000. Settlements of claims and lawsuits $15,001 to $30,000 require the approval of the General Counsel, with the concurrence of the
General Manager and the input of the Claims and Liability Administrator. Any settlements of claims or lawsuits that exceed $30,000 require Board approval. The current policy does not specifically address workers' compensation matters but staff has been treating them the same as any other claim or lawsuit.

Resolution No. 13-050 sets forth the same authority limits on a per party basis for matters with more than one party arising out of a single accident/incident. Requests for settlements above $15,000 for claims or lawsuits must be discussed jointly with the Claims Department and General Counsel's Office before a proposed settlement is presented to the General Manager or the Board. Property damage settlements are processed separately and are not included in the threshold amount when settling a related personal injury claim.

The current language in BP 108 is unclear as to whether or not the Board can approve a settlement without the recommendation of counsel and the concurrence of the Claims and Liability Administrator and the General Manager. It is recommended that this language be clarified.

Since the amendment of BP 108 on December 11, 2013, staff has been treating workers' compensation claims and litigation in the same manner as other claims and suits. However, the current policy does not provide for any input by the Human Resources Manager responsible for the District's Workers' Compensation Program, nor does it provide the manager any independent authority to settle claims or litigation. It also does not conform to the longstanding practice of allowing the workers' compensation Third Party Administrator (TPA) settlement authority of up to 10% of a permanent disability rating without seeking additional approval. The monetary value of this settlement authority is based upon the figures in the California Labor Code. Currently, the value of 10% of a permanent disability rating ranges between $6,000 and $7,700. Staff recommends that the TPA maintain this settlement authority of up to 10% of a permanent disability rating. Staff is also recommending that the Human Resources Manager responsible for the District's Workers' Compensation Program be granted settlement authority up to $50,000 with the concurrence of the General Counsel, and up to $100,000 with the concurrence of the General Counsel and the General Manager. A list of these settlements will be provided to the Board in the Quarterly Litigation Report. Workers' compensation claims and litigation are quite different from tort claims and lawsuits. Liability is akin to strict liability and the damages and settlements are dependent upon medical doctor ratings and formulas set forth in the California Labor Code. There is not much room for negotiations. Therefore, there is not as much financial risk to the District, that there will be abuse of the settlement authority, as there could be in a third party claim or suit.

Although BP 108 does not require the Claims and Liability Administrator to get the concurrence of the General Counsel for settlements up to $15,000, current practice is that the Claims and Liability Administrator is doing so. If the staff members change, there is no safeguard that this would continue without providing for it in the actual Board policy.

It is also recommended that the General Manager's settlement authority be increased to $100,000 for all other claims and lawsuits. The current $30,000 threshold was established in 2000 and has not been increased since. There have been three General Managers since 2000 and there has not been any allegations of abuse or misuse of funds pertaining to settlement
authority. In addition, with inflation, $30,000 does not have the same value today as it had in 2000. Increasing the General Manager’s settlement authority would streamline the settlement process. However, the Quarterly Litigation report can still include a list of all claims and lawsuits with a value in excess of $30,000 as well as any settlements in excess of $30,000.

ADVANTAGES/DISADVANTAGES:

Amending BP 108 would provide specific settlement authority for workers’ compensation claims and litigation and would include the input of the person who is in charge of the District’s Workers’ Compensation Program. The amendment also provides a safeguard that the Claims and Liability Administrator can settle claims up to $15,000 with the concurrence of the General Counsel. It would also streamline the settlement process and decrease the amount of settlements that must be presented to the Board in closed session.

There are no disadvantages associated with this report.

ALTERNATIVES ANALYSIS:

One alternative would be not amending the current Board policy which is not recommended since it is silent as to the settlement of workers’ compensation claims and litigation and does not provide any oversight of the Claims and Liability Administrator’s settlements.

The Board could also decide to set different monetary thresholds.

PRIOR RELEVANT BOARD ACTIONS/POLICIES:
SR 13-290a, Adopting Resolution No. 13-050

ATTACHMENTS:

1: Draft Resolution No. 14-052
2: Board Policy No. 108

Department Head Approval: Denise C. Standridge, Interim General Counsel
Reviewed by: David J. Armijo, General Manager
James Pachan, Interim Chief Financial Officer
Prepared by: Denise C. Standridge, Interim General Counsel
Duc Le, Human Resources Manager
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ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

RESOLUTION NO. 14-052

A RESOLUTION ESTABLISHING THE AUTHORITY FOR THE SETTLEMENT OF CLAIMS AND LAWSUITS AND REPEALING RESOLUTION 13-050

WHEREAS, the Alameda-Contra Costa Transit District is governed by Public Utilities Code Section 24501, et seq. (Transit District Law) of which, § 25702 provides that the District may sue and be sued in all actions and proceedings, in all courts and tribunals of competent jurisdiction; and

WHEREAS, Section 24938 of Transit District Law (PUC § 24938) requires the General Counsel to take charge of all suits and other legal matters to which the District is a party or in which it is legally interested; and

WHEREAS, California Government Code § 935.4 authorizes the Board of Directors to delegate authority for the settlement of claims filed against the District by third parties under the California Tort Claims Act (Government Code § 900, et seq.); and

WHEREAS, the Board adopted Resolution 13-050 (A Resolution Establishing Authority for the Settlement of Claims and Lawsuits and Repealing Resolution 1155) on December 11, 2013; and

WHEREAS, Resolution 13-050 fails to provide procedures for workers' compensation claims and lawsuits; and

WHEREAS, it is the purpose of this resolution to update the authority for the handling of claims and litigation, including workers' compensation, which are filed against the District regardless if they are brought under the California Tort Claims Act; and

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

SECTION 1. In accordance with the above, the Board of Directors delegates the authority to settle claims and lawsuits to the positions and in the amounts identified below:

A. **Claims (excluding workers' compensation)**

1. The Claims and Liability Administrator, or his/her designee, is authorized and directed to handle all phases of the Claims Procedure for claims brought pursuant to the California Tort Claims Act, including but not limited to the following:

   a. Initial consideration and approval or denial of all claims filed with the District pursuant to the California Tort Claims Act; and

Resolution No. 14-052

Page 1 of 5
b. Consideration of late claims applications.

2. The Claims and Liability Administrator, or his/her designee, may allow compromise or settle a claim for personal injury or property damage which does not exceed fifteen thousand dollars ($15,000) with the concurrence of the General Counsel.

3. The General Manager, with the concurrence of the Claims and Liability Administrator and General Counsel, shall approve any allowance, compromise or settlement of a claim of any type which exceeds fifteen thousand dollars ($15,000), but does not exceed one hundred thousand dollars ($100,000).

4. The approval of the Board of Directors shall be required for any allowance, compromise or settlement of a claim of any type in excess of one hundred thousand dollars ($100,000), as recommended by the General Counsel, with the concurrence of the General Manager and Claims and Liability Administrator. The Board’s decision is not contingent upon the recommendation of the General Counsel or the concurrence of the General manager and Claims and Liability Administrator.

B. Litigation (excluding workers' compensation)

1. The General Counsel, or his/her designee, may compromise or settle a suit of any type against the District, which does not exceed fifteen thousand dollars ($15,000).

2. The General Manager, with the concurrence of the General Counsel and input of the Claims and Liability Administrator, shall approve any compromise or settlement of a suit of any type against the District, which does not exceed one hundred thousand dollars ($100,000).

3. The approval of the Board of Directors shall be required for any compromise or settlement of a suit of any type against the District in excess of one hundred thousand dollars ($100,000), based on the recommendation of the General Counsel, with the concurrence of the General Manager and input of the Claims and Liability Administrator. The Board’s decision is not contingent upon the recommendation of the General Counsel or the concurrence of the General manager and Claims and Liability Administrator.

C. Claims and Litigation of any Type Involving More than One Party Arising from a Single Accident/Incident (Aggregate Cases)

1. Property damage settlements will be processed as separate matters even if injury claims arise from the same accident/incident. Thus, it will not be required to add the amount of a property damage settlement to a

2. Multiple claims/lawsuits arising from the same accident/incident which have an aggregate exposure in excess of thirty thousand dollars ($30,000) will be reported to the Board in the Quarterly Litigation Report.

3. Individual claims/lawsuits arising from the same accident/incident whose settlements exceed one hundred thousand dollars ($100,000) will be approved by the Board of Directors pursuant to the procedures set forth in Sections A and B above. Claims or lawsuits whose individual settlement amount is one hundred thousand dollars ($100,000) or below will be approved by the appropriate administrative level set forth in Sections A and B above.

4. After all individual claims/lawsuits that arise from a single accident/incident have been resolved; a final tally of the number of claimants/plaintiffs and the aggregate amount of the combined settlements will be reported to the Board in the Quarterly Litigation Report.

D. Workers' Compensation Claims and Litigation

1. The Human Resources Manager, who is responsible for the District's Workers' Compensation Program, may compromise or settle a workers' compensation claim or litigation against the District, which does not exceed fifty thousand dollars ($50,000) with the concurrence of the General Counsel.

2. The Human Resources Manager, who is in charge of the District's Workers' Compensation Program, may compromise or settle a workers' compensation claim or litigation against the District, which does not exceed one hundred thousand dollars ($100,000) with the concurrence of the General Counsel and the General Manager.

3. The approval of the Board of Directors shall be required for any compromise or settlement of a workers' compensation claim or litigation in excess of one hundred thousand dollars ($100,000) based on the recommendation of the Human Resources Manager who is in charge of the District's Workers' Compensation Program with the concurrence of the General Counsel and General Manager. The Board's decision is not contingent upon the recommendation of the General Counsel or the concurrence of the General Manager.

4. The workers' compensation third party administrator (TPA) shall have authority up to ten percent (10%) of a permanent disability rating, which
monetary amount is based upon the California Labor Code. The TPA shall provide the Human Resources Manager responsible for the District's Workers' Compensation Program with a quarterly report of all settlements entered into that quarter.

E. **Risk Management/Office of General Counsel Review of Claims/Lawsuits**

Prior to the consideration of allowing, compromising or settling any claims or lawsuits, of any type, in excess of fifteen thousand dollars ($15,000), as identified above, the Risk Management Department and the Office of the General Counsel shall meet and discuss the advantages and disadvantages of any proposed allowance, compromise or settlement. The views of the individuals from each department shall be considered by the Claims and Liability Administrator and the General Counsel in making the determination of the disposition of the claim or litigation in accordance with the provisions of this resolution as set forth above.

**SECTION 2.** The Treasurer-Controller of the District shall cause a warrant to be issued upon the treasury of the District in the following circumstances:

A. Upon the written order of the Claims and Liability Administrator, or his/her designee, for allowances, compromises or settlements within the Claims and Liability Administrator's authority as specified in Section 1, above.

B. Upon the written order of the General Counsel, or his/her designee, for allowances, compromises or settlements within the General Counsel's authority as specified in Section 1, above.

C. Upon the written order of the General Manager, or his/her designee, for allowances, compromises or settlements within the General Manager's authority as specified in Section 1, above.

D. Upon the written order of the Human Resources Manager for allowances, compromise or settlements within the Human Resources Manager's authority as specified in Section 1, above.

E. Upon approval by the Board of Directors, as specified in Section 1, above.

**SECTION 3:** Resolution 13-050 is repealed in its entirety.

**SECTION 4:** This resolution shall become effective immediately upon its passage by four affirmative votes of the Board of Directors.
PASSED AND ADOPTED this 22\textsuperscript{nd} day of October 2014.

Greg Harper, President

Attest:

Linda A. Nemeroff, District Secretary

I, Linda A. Nemeroff, District Secretary for the Alameda-Contra Costa Transit District, do hereby certify that the foregoing Resolution was passed and adopted at a regular meeting of the Board of Directors held on the 22\textsuperscript{nd} day of October 2014 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Linda A. Nemeroff, District Secretary

Approved as to Form and Content:

Denise C. Standridge, Interim General Counsel
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AC Transit

BOARD POLICY

Policy No. 108

Category: Board and General Administrative Matters

CLAIMS AND LAWSUITS
SETTLEMENT AUTHORIZATIONS

I. PURPOSE

To identify the authority delegated by the Board of Directors to the Claims and Liability Administrator, the General Counsel and the General Manager regarding the settlement of claims and lawsuits, of any type, brought against the District.

II. DELEGATION

In accordance with Government Code section 935.4 and Public Utilities Code section 24938 and 25702, the Board of Directors delegates to the Claims and Liability Administrator, the General Counsel and the General Manager the authority to settle claims and lawsuits, of any type, brought against the District as identified in Resolution No. 14-052, attached and incorporated into this Policy.

III. REPORTING

During each quarter, the Board of Directors shall receive a report through the General Counsel advising the Board of settlements authorized under Resolution No. 14-052.

Adopted: 5/79, 7/88
Amended: 4/00, 12/13, 10/14
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STAFF REPORT

TO:    Finance and Audit Committee
       AC Transit Board of Directors

FROM:  David J. Armijo, General Manager

SUBJECT: Redevelopment Successor Agencies and the Impact on District Revenue

BRIEFING ITEM

RECOMMENDED ACTION(S):

Consider receiving status report on various Redevelopment Successor Agencies and their impact on the District’s property tax revenue.

EXECUTIVE SUMMARY:

This report provides an overview of the historical background of redevelopment laws, how redevelopment projects were funded, and their impact on the District’s property tax revenue.

The Community Redevelopment Law (CRL) that was enacted more than 60 years ago allowed cities and counties to establish Redevelopment Agencies (RDAs) to assist local governments in eliminating blight through redevelopment. The CRL allowed for property tax revenue growth from the increase in assessed valuation within the “project area” to be paid to the redevelopment agency rather than the local governments (e.g., AC Transit) serving the area.

In 2011, the Legislature approved the dissolution of the state’s 400 plus RDAs to protect funding for core public services at the local level. Successor Agencies were established to manage existing redevelopment projects, make payments on enforceable obligations, and dispose of redevelopment assets and properties. Even though RDAs were officially dissolved in February 2012, property tax revenues are still required for payments on existing bonds, contracts and other obligations. In FY2013-14, approximately $13.7 million, or 17% of the District’s annual property tax allocation, was deducted to pay these remaining redevelopment obligations.

The remaining property tax revenues that exceed the enforceable obligations are now being allocated to Affected Taxing Entities (ATE) in proportion to their share of the base property tax (Attachment 1). The local tax revenue provided to the RDAs in FY11, FY12, and FY13 was $12.6 million, $12.4 million, and $12.7 million, and the amount returned due to the dissolution of the RDAs was $1.8 million, $6.6 million, and $11.5 million, respectively. In FY14, about $13.7 million was deducted for RDA obligations and $7.8 million was returned back to the District.

BUDGETARY/FISCAL IMPACT:

This briefing item does not have an associated fiscal impact; however, the RDA obligations will continue to have an impact on the District’s property tax revenue for several years.
BACKGROUND/RATIONALE:

Establishment of Redevelopment Agencies

In 1945, the California Legislature enacted the Community Redevelopment Act to assist local governments in eliminating blight through development and reconstruction. In 1951, the Legislature superseded the Community Redevelopment Act with the Community Redevelopment Law (CRL). This law established a process for cities and counties to establish redevelopment agencies (RDAs), and provide funding from local property taxes to promote the redevelopment of blighted areas. The law also established the authority for tax increment financing (TIF), which allowed the distribution of property tax revenues to redevelopment agencies from increased assessed values in project areas. The rationale behind the TIF was that a revitalized project area would create the conditions for the property value increases and generate more property taxes than before redevelopment. After this declaration, most property tax revenue growth from the increase in assessed valuation within the “project area” was paid to the redevelopment agency, instead of the other local governments serving the area. RDAs had significant negative effects on the amount of property tax revenue received by local governments (e.g. AC Transit).

Dissolution of Redevelopment Agencies

As part of the 2011 Budget Act, the Legislature approved the dissolution of the state’s 400 plus RDAs to protect funding for core public services at the local level. After a period of litigation, RDAs were officially dissolved as of February 1, 2012. Most cities and counties are managing the dissolution as successor agencies. Even though the RDAs were dissolved, property tax revenues are still being used to pay required payments on existing bonds, contracts, and other obligations.

Redevelopment Successor Agencies

To help facilitate the dissolution process at the local level, Successor Agencies have been established to manage redevelopment projects currently underway, make payments on enforceable obligations, and dispose of redevelopment assets and properties. Each Successor Agency has an oversight board that supervises its work. The oversight board is comprised of representatives of the local agencies that serve the redevelopment project area: the city, county, special districts, and K-14 educational agencies. Oversight Board members have a fiduciary responsibility to holders of enforceable obligations, as well as to the local agencies that would benefit from property tax distributions from the former redevelopment project area. To date, the District has signed two (2) Successor Agency Compensation Agreements – Oakland and Fremont.
Residual payments to Affected Taxing Entities

The remaining property tax revenues that exceed the enforceable obligations are being allocated to Affected Taxing Entities - cities, counties, special districts, and school and community college districts - in proportion to their share of the base property tax. Attachment 1 shows the applicable shares of the Taxing Entities: The District's shares for Alameda County District 1 and District 2 are approximately 2.81 percent and 0.71 percent respectively – Attachment 1.

Oakland Redevelopment Successor Agency

The Oakland Redevelopment Successor Agency (ORSA) is noteworthy because of the large scale and the impact on the District's service area and property tax revenue. Since the Oakland Redevelopment Agency was created on October 10, 1956, it managed many projects and programs within eight active Redevelopment Project Areas in the City of Oakland – See Attachment 2. Some of the Agency's projects known to be successful were the rehabilitation of the Paramount and Fox Theaters, the Tribune Towers, Fruitvale Transit Village, the Rotunda Building, Preservation Park, City Center, the Marriott Hotel and the Oakland Convention Center, and the Uptown Arts & Entertainment District. The District recently signed the Oakland Redevelopment Successor Agency's (ORSA's) "Master Agreement for Taxing Entity Compensation" – See Attachment 3. The Agreement summarizes ORSA's Long-Range Property Management (LRPM) Plan. ORSA's LRPM Plan lists the current redevelopment projects in four categories:

- Four properties (comprised of 6 individual parcels) will be conveyed to the City of Oakland for "Governmental Use".
- Twenty-five (25) properties (comprised of sixty-seven (67) individual parcels) will be conveyed to the City for future development.
- Two properties (comprised of 3 individual parcels) are subject to long-term contractual agreements and will be retained by ORSA until the terms of the contractual agreements are met.
- Five properties (comprised of twelve (12) individual parcels) will be offered for sale and the net proceeds will be distributed as property tax to the taxing entities in proportion to their respective shares of the property tax base.

Impact on District's property tax revenue

Through the dissolution process, the property tax revenue that formerly went to redevelopment agencies is now used for payments on existing redevelopment bonds, contracts, and other obligations, with the remainder being distributed to local governments. The Successor Agency must submit a funding request, based on the "Recognized Obligation Payment Schedule (ROPS)", to the County with details of the outstanding debts or obligations to allow payment from the ATE's share of the base property tax.

The remaining unencumbered income from property sales or other residual proceeds are distributed to local governments in proportion to their share of the base property tax - See Attachment 1. In FY2013-14, the total amount deducted from the District's property tax to pay
redevelopment obligations was $13.7 million, and the total amount reimbursed back from redevelopment funds was $7.8 million. As shown below, the payments for the Redevelopment Projects have remained relatively constant since the dissolution of RDAs in 2012; however, about one half of the payment is now being returned to the District.

Property Tax and Redevelopment Deductions and Receipts (in thousands)

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<th>County Name</th>
<th>Redev. Agency name</th>
<th>Property Taxes*</th>
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*Net of Admin Costs and other adjustments; before Redevelopment Deductions.

For prior year details, please see Attachment #4.
ADVANTAGES/DISADVANTAGES:

This report does not recommend a course of action with notable advantages or disadvantages.

ALTERNATIVES ANALYSIS:

This report is being provided to the Board at the request of Director Williams.

PRIOR RELEVANT BOARD ACTIONS/POLICIES:

There are no prior relevant Board Actions/Policies associated with this report.

ATTACHMENTS:

1: Property Tax Allocation Percentages
2: City of Oakland Redevelopment map
3: City of Oakland Master Agreement
4: Property Tax Disbursement and Redevelopment Deductions/Receipts

Department Head Approval: James D. Pachan, Interim Chief Financial Officer
Reviewed by: Denise C. Standridge, Interim General Counsel
Prepared by: Sue Lee, Treasury Manager
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Source: Alameda County Auditor-Controller's office
Oakland Redevelopment Projects – Area Map

Source: Oaklandnet.com
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MASTER AGREEMENT FOR TAXING ENTITY COMPENSATION

This Master Agreement for Taxing Entity Compensation (this “Agreement”), dated for reference purposes as of July 1, 2014, is entered into by and among the following public agencies (all of which are collectively referred to herein as the “Parties” or as the “Taxing Entities”):

City of Oakland, a municipal corporation (“City”);
County of Alameda, a political subdivision of the State of California (“County”);
County of Alameda Flood Control District;
Peralta Community College District;
Chabot Las Positas Community College District;
Oakland Unified School District;
San Leandro Unified School District;
Alameda County Superintendent of Schools (“Superintendent”);
East Bay Municipal Utility District;
Bay Area Air Quality Management District;
Alameda County Mosquito Abatement District;
Alameda-Contra Costa Transit District;
Bay Area Rapid Transit District; and
East Bay Regional Parks District.

RECITALS

A. Pursuant to Assembly Bill x1 26, effective February 1, 2012, the Redevelopment Agency of the City of Oakland (“Redevelopment Agency”) was dissolved, and pursuant to Health & Safety Code Section 34173, the Oakland Redevelopment Successor Agency (the “Successor Agency”) was established to serve as the successor agency to the dissolved Redevelopment Agency.

B. Pursuant to Health and Safety Code Section 34191.5, the Successor Agency prepared a Long-Range Property Management Plan (“LRPMP”) that addresses disposition of the real property formerly owned by the Redevelopment Agency. A copy of the LRPMP has been provided to each Taxing Entity.

C. On May 22, 2014, the LRPMP was approved by Resolution of the Oakland Oversight Board (the “Oversight Board”), a seven-member board established pursuant to Health and Safety Code Section 34179 that includes representatives appointed by the County Board of Supervisors, the Mayor of the City, the Superintendent, the Chancellor of the California Community Colleges, and AC Transit.

D. On May 29, 2014, the California Department of Finance (“DOF”) approved the LRPMP.

Now, therefore, the Parties agree as follows:
1. **Purpose.** This Agreement is executed with reference to the facts set forth in the foregoing Recitals which are incorporated into this Agreement by this reference. The purpose of this Agreement is to address the allocation of certain prospective revenues among the taxing entities that share in the property tax base ("Tax Base") for property located within any of the redevelopment project areas (the "Project Areas") formerly administered by the Redevelopment Agency.

2. **Special Districts and Funds.** The governing boards of certain of the Taxing Entities administer certain special districts and funds that receive allocations of property taxes from the Tax Base, and are authorized to execute this Agreement on behalf of such special districts and funds as described below.

   2.1. **County Funds.** The County administers the following special fund, and in addition to entering into this Agreement for the County itself, the County is authorized to, and has entered into and executed this Agreement on behalf of the following, identified with the Alameda County Auditor-Controller/Alameda County Tax Assessor’s Fund number:

   - Alameda County ERAF (Fund # 9892)

   2.2. **County Superintendent Funds.** The Superintendent administers the following special funds, and in addition to entering into this Agreement for the Superintendent itself, the Superintendent is authorized to, and has entered into and executed this Agreement on behalf of the following, each identified with the Alameda County Auditor-Controller/Alameda County Tax Assessor’s Fund number:

   - CO. SUPT. INST PUPILS (Fund #4010)
   - CO. SUPT. JUV. HALL ED. (Fund #4011)
   - CO. SUPT. SERVICE (Fund #4012)
   - CO. SUPT. CAPITAL (Fund #4013)
   - CO. SUPT. DEV. CENTER (Fund #4015)
   - CO. SUPT. AUDIO VIS. CAP. (Fund #4020)

   2.3. **County Flood Control District Funds.** The County of Alameda Flood Control District administers the following special funds, and in addition to entering into this Agreement for the District itself, the District is authorized to, and has entered into and executed this Agreement on behalf of the following, each identified with the Alameda County Auditor-Controller/Alameda County Tax Assessor’s Fund number:

   - Alameda County Flood Control District (Fund # 7070)
   - Alameda County Flood Control Zone 12 (Fund # 7085)

3. **Parcels to be Conveyed to Public Agencies for Governmental Uses.** The LRPMP provides that pursuant to Health & Safety Code Section 34191.5(c)(2), four properties formerly owned by the Redevelopment Agency will be transferred by the Successor Agency to the City for continued governmental uses. These four properties (collectively, the "Governmental Use Properties" and each, a "Governmental Use Property") are more fully described in Exhibit...
A. No compensation will be paid to the City or to the Taxing Entities in connection with the foregoing transfers. However, should the City choose to sell a Governmental Use Property for a non-governmental use, the provisions set forth in Sections 4.1, 4.2 and 4.3 below shall apply to any such sale when such Governmental Use Property is sold by the City.

4. Parcels to be Conveyed for Development. The LRPMP provides that pursuant to Health & Safety Code Section 34191.5(c)(2), 25 properties formerly owned by the Redevelopment Agency will be transferred by the Successor Agency to the City for disposition consistent with the redevelopment plans, implementation plans, and community plans adopted for the Project Areas (all of the foregoing, collectively, the "Plans"). These 25 properties (collectively, the "Development Properties" and each, a "Development Property") are more fully described in Exhibit B.

4.1. Payment of Compensation. The City agrees that, consistent with the LRPMP, in connection with the conveyance of any of the Development Properties, the City will remit the Net Unrestricted Proceeds to the Alameda County Auditor-Controller for distribution to the Taxing Entities in accordance with each Taxing Entity’s pro rata share of the Tax Base. "Net Unrestricted Proceeds" shall mean the proceeds of sale received by the City for the sale of any of the Development Properties, less: (i) costs incurred by City for expenses incurred in connection with the management and disposition of the Development Property, including without limitation, costs incurred for property management, maintenance, insurance, marketing, appraisals, brokers’ fees, escrow, closing costs, survey, title insurance, attorneys’ and consultants’ fees, and other reasonable costs incurred, including reasonable compensation for City staff performing functions associated with the management, maintenance and disposition of the Development Property, and (ii) any proceeds of sale that are restricted by virtue of the source of funds (e.g., grant funds or the proceeds of bonds) that were used for the original acquisition and/or improvement of the Development Property. Upon request, the City shall deliver to the Taxing Entities an accounting of all such costs, expenses and restricted proceeds.

The Parties acknowledge that many of the properties addressed in the LRPMP were acquired and/or improved using tax allocation bond proceeds. Under applicable federal law and the bond covenants, the revenue produced by bond-funded facilities, as well as proceeds from any sale of these properties, will continue to be restricted to uses consistent with the covenants set forth in the bond indenture, such as retiring the bonds or investing in other capital projects meeting a redevelopment purpose within the applicable redevelopment project area. For properties funded with tax-exempt bond proceeds, IRS regulations also require the revenues and proceeds to be used for another governmental purpose within two years. Therefore, revenue generated by the sale of bond-financed properties would not be available for distribution to the Taxing Entities.

4.2. Sale Procedures and Proceeds. The Parties acknowledge that City is obligated to convey the Development Properties for development consistent with the Plans. The Parties further acknowledge that consistent with California Government Code Section 52200, et seq., prior to the disposition of a Development Property or any part thereof, the
City may be obligated to hold a noticed public hearing and prepare a report that includes, among other things (i) an explanation of why the disposition will assist in the creation, retention, or expansion of job opportunities, increased property tax revenues, and the development of affordable housing, transit priority projects and sustainable development, and (ii) an explanation of the difference between the highest and best use value and the disposition price taking into consideration development constraints and requirements, and the covenants, conditions and development costs required by the sale or lease. The Parties agree that the sale of the Development Properties pursuant to the Plan for development will benefit each of the Taxing Entities in the form of increased property tax revenue and other revenue generated by successful development and other social and economic benefits.

4.3. Compensation Agreement. Health and Safety Code Section 34191.3 provides that once an LRPMP has been approved by DOF, the LRPMP supersedes all other provisions of the statute relating to the disposition and use of the former redevelopment agency's real property assets. Nonetheless, in compliance with a directive from DOF, with Oversight Board consent, the Successor Agency included the following provision in the LRPMP:

ORSA [the Successor Agency] interprets Health and Safety Code Section 34191.5 to mean that agreements with taxing entities are not required in connection with the disposition of successor agency properties to the sponsoring city for governmental use or for future development. However, pursuant to California Department of Finance direction, the City of Oakland will enter into an agreement or agreements with the affected taxing entities prior to disposition of properties by the City that addresses disposition of the parcels to be conveyed to the City pursuant to this Plan. The agreement(s) will specify that any net unrestricted proceeds from sales of the parcels will be distributed to all of the affected taxing entities on a pro rata basis in proportion to each entity's respective share of the property tax base. The calculation of net unrestricted proceeds shall take into account the transaction costs incurred by the City in marketing the property and processing the sale or lease, as well as the costs incurred by the City in carrying or maintaining the property and in preparing and improving the site for development. Notwithstanding the foregoing, this paragraph will not be operative if a court order or decision, legislation or Department of Finance policy reverses the Department's directive regarding such agreements.

The Parties intend this Agreement to satisfy the foregoing provision of the LRPMP. Consistent with the above LRPMP provision, if a court order, legislation or DOF policy reverses the DOF requirement, the Parties acknowledge that it will not be necessary for the City to pay compensation to the Taxing Entities for the sale of the Development Properties.

5. Enforceable Obligation Properties. The LRPMP provides that pursuant to Health & Safety Code Section 34191.5(e)(2), two properties formerly owned by the Redevelopment Agency will be retained by the Successor Agency to fulfill existing enforceable obligations. These two properties (collectively, the “Enforceable Obligation Properties” and each, an
“Enforceable Obligation Property”) are more fully described in Exhibit C. No compensation will be paid to the City or to the Taxing Entities in connection with the retention of the Enforceable Obligation Properties by the Successor Agency. However, if and when the enforceable obligations for an Enforceable Obligation Property as set forth in the LRPMP are satisfied, the Enforceable Obligation Property shall be transferred to the City for future development, and then the provisions set forth in Sections 4.1, 4.2 and 4.3 above shall apply when such Enforceable Obligation Property is sold by the City.

6. Properties Proposed for Sale. The LRPMP provides that pursuant to Health & Safety Code Section 34191.5(c)(2), five properties formerly owned by the Redevelopment Agency will be sold by the Successor Agency. These five properties (collectively, the “Sale Properties” and each, a “Sale Property”) are more fully described in Exhibit D. The Sale Properties will be sold for fair market value at their highest and best use. The Successor Agency will follow the City of Oakland’s rules and procedures for disposing of surplus properties, as those rules may be modified for the Successor Agency. The Net Unrestricted Proceeds from the sale will be distributed as property tax to each taxing entity in an amount proportionate to its share of property tax revenues pursuant to Health and Safety Code Section 34188. The Parties understand that among the Sale Properties there are several remainder parcels that are small, narrow, land locked or have other problems that limit or prevent their development. If buyers cannot be found for these properties on the open market, the Successor Agency will try to negotiate sales or transfers to adjacent property owners in order to dispose of the properties and eliminate any future costs and liabilities to the Successor Agency and the Taxing Entities.


7.1 Notices. Except as otherwise specified in this Agreement, all notices to be sent pursuant to this Agreement shall be made in writing, and sent to the Parties at their respective addresses specified on the signature pages to this Agreement or to such other address as a Party may designate by written notice delivered to the other Parties in accordance with this Section. All such notices shall be sent by: (i) personal delivery, in which case notice is effective upon delivery; (ii) certified or registered mail, return receipt requested, in which case notice shall be deemed delivered on receipt if delivery is confirmed by a return receipt; or (iii) nationally recognized overnight courier, with charges prepaid or charged to the sender’s account, in which case notice is effective on delivery if delivery is confirmed by the delivery service.

7.2 Headings; Interpretation. The section headings and captions used herein are solely for convenience and shall not be used to interpret this Agreement. The Parties agree that this Agreement shall not be construed as if prepared by one of the Parties, but rather according to its fair meaning as a whole, as if all Parties had prepared it.

7.3 Action or Approval. Whenever action and/or approval by City is required under this Agreement, the City Administrator or his or her designee may act on and/or approve such matter unless specifically provided otherwise, or unless the City Administrator determines in his or her discretion that such action or approval requires referral to City Council for consideration.
7.4 **Entire Agreement.** This Agreement, including the attachments attached hereto and incorporated herein by this reference, contains the entire agreement among the Parties with respect to the subject matter hereof, and supersedes all prior written or oral agreements, understandings, representations or statements between the Parties with respect to the subject matter hereof.

7.5 **Counterparts.** This Agreement may be executed in counterparts, each of which shall be an original and all of which taken together shall constitute one instrument. The signature page of any counterpart may be detached therefrom without impairing the legal effect of the signature(s) thereon provided such signature page is attached to any other counterpart identical thereto having additional signature pages executed by the other Parties. Any executed counterpart of this Agreement may be delivered to the other Parties by facsimile and shall be deemed as binding as if an originally signed counterpart was delivered.

7.6 **Severability.** If any term, provision, or condition of this Agreement is held by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Agreement shall continue in full force and effect unless an essential purpose of this Agreement is defeated by such invalidity or unenforceability.

7.7 **No Third Party Beneficiaries.** Except as expressly set forth herein, nothing contained in this Agreement is intended to or shall be deemed to confer upon any person, other than the Parties and their respective successors and assigns, any rights or remedies hereunder.

7.8 **Parties Not Co-Venturers: Independent Contractor; No Agency Relationship.** Nothing in this Agreement is intended to or shall establish the Parties as partners, co-venturers, or principal and agent with one another. The relationship of the Parties shall not be construed as a joint venture, equity venture, partnership or any other relationship.

7.9 **Governing Law: Venue.** This Agreement shall be governed by and construed in accordance with the laws of the State of California without regard to principles of conflicts of laws. Any action to enforce or interpret this Agreement shall be filed and heard in the Superior Court of Alameda County, California or in the Federal District Court for the Northern District of California.

SIGNATURES ON FOLLOWING PAGES
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*Net of Admin Costs and other adjustments; before Redevelopment Deductions.
# Property Tax and Redevelopment Deductions/Receipts FY2012-13

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<th>Redevelopment Remittances</th>
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*Net of Admin Costs and other adjustments; before Redevelopment Deductions.
### Property Tax and Redevelopment Deductions/Receipts FY2011-12

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<td>Emeryville</td>
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<tr>
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<td><strong>Total</strong></td>
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<td><strong>Total</strong></td>
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<td>Pinole</td>
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<td>Richmond</td>
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<tr>
<td>San Pablo- LMI</td>
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*Net of Admin Costs and other adjustments; before Redevelopment Deductions.
## Property Tax and Redevelopment Deductions/Receipts FY2010-11

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<td>Berkeley</td>
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<td>Emeryville</td>
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<td>Oakland</td>
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<td>San Leandro</td>
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<td>Richmond</td>
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<td>San Pablo- LMI</td>
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*Net of Admin Costs and other adjustments; before Redevelopment Deductions.
STAFF REPORT

TO: Finance and Audit Committee
    AC Transit Board of Directors

FROM: David J. Armijo, General Manager

SUBJECT: Amendments to Board Policy No. 201-Personnel Policies for Unrepresented Employees

ACTION ITEM

RECOMMENDED ACTION(S):

Consider adoption of Resolution No. 14-044, adopting a new salary structure for unrepresented employees and related amendments to Board Policy No. 201 – Personnel Policies for Unrepresented Employees.

EXECUTIVE SUMMARY:

As the District prepares for the transition to a merit-based pay system for unrepresented employees, staff is proposing that a new salary structure be adopted to replace the current Grade and Step system with a structure that can accommodate a merit-based pay plan once this plan is fully developed by the District and approved by the Board. The proposed salary structure was developed with the assistance of an outside consulting firm. The new salary structure includes 10 salary grade levels for non-executive unrepresented employees and four salary grade levels for unrepresented employees in executive management classifications. This structure will provide the necessary flexibility for the District to implement a merit-based salary plan for unrepresented employees, which currently is not available under the existing salary structure.

BUDGETARY/FISCAL IMPACT:

There is no fiscal impact related to the adoption of this new salary structure as employees will be placed in the new salary structure with no change to their current salary.

BACKGROUND/RATIONALE:

The Board has expressed a desire for the District to adopt a merit-based pay plan for unrepresented employees. Under the current Grade and Step salary structure, it is virtually impossible to implement an effective merit pay plan because more than half of the unrepresented employees (32 of 60) are at the top step of their pay grade and within two years 75% (i.e. 45 of 60) of all unrepresented employees will be at top step of their pay grade. Without the possibility for salary growth there are only very limited options to reward performance through a merit-based pay plan.
As a result, prior to implementing a merit-based plan, a new pay structure needs to be developed that can accommodate such a plan by allowing room for individual salary growth based on an unrepresented employee’s performance. To accomplish this task, the District enlisted the assistance of a compensation consulting firm to review the District’s pay structure and suggest modifications that represent best practices for compensation.

**Consultant’s Recommendations**

There were three key findings from this study. First, the mid-points of the District’s current salary structure were generally low and should be moved “closer to the 50th percentile (median) of the market”. Second, there are currently too many salary grades for non-executive employees. Third, the current salary grades are only 20% wide and should be expanded.

To address these issues the consultant recommended a 10 grade salary structure for non-executive employees, centered on new mid-points that were closer to the 50th percentile of the market. Around these new mid-points, new minimum and maximum salaries were developed to achieve the recommended 50% salary growth in each pay grade.

The consultant also recommended a four grade salary structure for executive employees that included mid-points closer to the 50th percentile of the market and a 50% salary range within each grade.

**Implementation of the Recommendations**

Some unanticipated problems were identified with the implementation of the Recommended Salary Structure developed by the consultant.

**No Room for Salary Growth**

An effective merit-based system depends on adequate room for salary growth to reward good performance. Unfortunately, the maximum salary proposed by the consultants for the new grades 140 and 150 is actually lower than the current maximum salary for the equivalent classifications under the current pay structure (i.e. grades 7 and 8), which means that three of the seven employees in these classification who are currently at top step will see the maximum salary for their position drop if the consultant’s recommendation is adopted.

---

1 The consultant noted that at the “top levels” the District “lags the market more significantly” and the newly recommended mid-points were described as “incremental adjustments which brings AC Transit closer to the market, but does not prescribed dramatic increases.”

2 This was accomplished by eliminating the current Grades 1 and 5 (no current classifications were in these grades); merging Grades 6 and 7 (into new 140) and Grades 11 and 12 (into new 180); and distributing Grades 13, 14, and 15 over two grades (new 190 and 200) rather than three.

3 These are calculated by adjusting downward 25% from the mid-point to determine the minimum salary for the grade and upward 20% from the mid-point to determine the maximum salary for the grade.

4 See Attachment 2 for the Recommended Salary Structure proposed by the consultant.
In addition, the proposed new pay grades through the current grade 9 do not provide sufficient room for future salary growth to allow implementation of an effective merit-based pay plan.\textsuperscript{5} Currently there are 22 employees in grade 2 through grade 9 classifications. Nine of these employees are at the top step and would be affected by this problem.

Upon close review of the consultant’s report it became clear that the reason for the problem with potential salary growth was that the consultant’s recommendation was based on older salary data collected in 2013. As a result, the baseline numbers used by the consultant to produce the new salary structure understated the District’s current salary structure by 8.3% on average.\textsuperscript{6}

Solution

Once this reliance on outdated information was discovered a relatively easy solution presented itself. The consultant’s model for the new pay structure could be rebuilt by increasing the proposed mid-points on the new salary grades by 8.3% to account for the error. Thereafter the new minimum and maximum points can be established using the formula identified previously (i.e. 25% below the mid-point for the minimum and 20% above the mid-point for the maximum).\textsuperscript{7}

Placement of Existing Classifications in the New Wage Structure

Under the salary structure developed by the consultant, the relationship between existing and proposed grades was identified as follows: 9 to 160, 10 to 170, 11 & 12 to 180, 13 to 190.

The first problem under this heading arose when the consultant recommended placement of certain classifications on the new pay structure in a lower grade than the relationship between the existing and new salary grades outlined above called for.

In particular, there were 13 classifications that were placed at a lower grade on the new pay structure than one would have expected, yet only five of these 13 classifications (identified in bold typeface below) were benchmarked by the consultant.

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<th>Proposed Grade</th>
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<td></td>
<td>Project Manager</td>
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<td></td>
<td>Real Estate Manager</td>
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</tr>
<tr>
<td></td>
<td>Transportation Superintendent</td>
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</tbody>
</table>

\textsuperscript{5} See Attachment 3

\textsuperscript{6} See Attachment 4 that compares the District’s current salary plan to the outdated data used by the consultant and demonstrates the average 8.3% difference.

\textsuperscript{7} See Exhibit A to Resolution 14-044 (Attachment 1) for the updated Salary Structure developed using this solution.
In summary, six of the current grade 10 classifications were placed at the lower Grade 160 and five at the expected Grade 170 on the new salary structure. Similarly, five of nine grade 11 & 12 positions were placed at the lower Grade 170 and the remaining four were placed at the expected Grade 180. Finally, eight of ten grade 13 positions were placed at the expected Grade 190 but the remaining two were placed at the lower Grade 180 level.

The report suggests that this placement was done as a leveling mechanism between jobs at the District but there is no comprehensive analysis to support these decisions. The proposed changes would result in the disruption of long standing relationships between these classifications. In addition, the data for the five benchmarked classifications does not appear to support the proposed downgrades.

All five benchmarked classifications were significantly behind the market at the P75 level (i.e. 75\textsuperscript{th} percentile of the market), ranging from 8.5\% to 19.1\% behind at this level. Three of the five classifications were behind the market at the median, P50, level, ranging from 3.6\% to 8.9\% behind the market. With respect to the other two classifications, the Attorney III classification was essentially at the market at the P50 level (0.3\% ahead) and the Transportation Superintendent classification was ahead at the P50 level by only 4.7\% (somewhat of a surprise.

---

8 Formerly budgeted as a Project Manager.
given the difficulty the District is having recruiting for Transportation Superintendents). Despite no empirical evidence that these classifications were overpaid as compared to the market, a recommendation was made to downgrade these classifications as compared to their peer classifications at the District.

The proposed placements for these 13 classifications also gave rise to a second problem. Some of the placements ignored the overall purpose of the new salary structure, which is to accommodate sufficient salary growth for an effective merit-based pay plan.

For example, six current Grade 10 classifications were placed in the new Grade 160, with a proposed maximum salary of $117,600. There are currently 11 employees in these six classifications, eight of whom are at top step earning $121,524, and one who is at step 6 earning $117,989. In other words, for nine of the 11 employees affected by this change their proposed maximum salary is less than they are earning now, which effectively rules out any merit-based incentives for these employees.

Similarly, one of the two current Grade 12 employees placed in the new Grade 170 is at top step and earning $141,409, yet the proposed maximum for Grade 170 is $134,400. The other grade 12 employee is currently at step 5 and earning $133,284, leaving virtually no room for salary growth (i.e. 0.8%). This is true as well for employees in those classifications currently in Grade 11 that were placed at Grade 170. Two of three of these employees are at top step and as a result only have only 2.4% room for salary growth above their current top step. Likewise, the new maximum salary for those Grade 13 classifications placed in Grade 180 is only 1.4% higher than their current top step. Again, this effectively rules out any merit-based pay incentives for employees in these classifications.

Solution

These 13 classifications should be initially placed on the new salary structure with their peer classification at the expected salary grade level. If desired, this placement can be followed up by a benchmarking study of comparable local agencies with respect to these 13 classifications to determine that they are appropriately placed.

With respect to the salary issues identified above, this would be rectified somewhat by the placement along with peer positions. It would be completely rectified if the District were to adopt the revised salary structure discussed above.

Compaction

The placement of the Director of Service Planning and Development and the Director of Bus Rapid Transit classifications at the new Grade 200 level creates a potential compaction problem as both classifications report to an executive at the E1 level. The same is true for the currently vacant Grade 15 Director of Environmental Technology classification. The maximum salary for the Grade 200 classifications is only 2.2% lower than the maximum salary for the E1 classifications. The District’s personnel policies call for at least a 5% gap between the salaries of
the supervisor and subordinate. Placing these three classifications at the 200 level unnecessarily creates a potential compaction issue. In addition, the proposed placement of these three classifications also ignores the consultant's recommendation for a two-step “gap” between classifications in the supervisory chain. The E1 level is the next “step” in the salary plan above the 200 level.

Solution

Placement of these three classifications at the Grade 190 level provides adequate room for salary growth without creating any compaction issue. In addition, the other Directors placed at the 190 level have a similar span of control as these three classifications.

It should be noted that two other Director level classifications were placed at the 200 level (Director of Transportation, Director of Maintenance) but both of these have a much broader span of control and both report to an executive at the E3 level, eliminating any possibility of compaction.

Updated Placement Recommendation

The updated placement recommendation for active classification on the new salary schedule can be found at Exhibit B to Resolution 14-044. This includes all of the currently active unrepresented classifications.

In addition, Attachment 5 lists all of the inactive or currently unused unrepresented classifications and their proposed placement on the new salary structure should they become active again at some future date.

Summary

To summarize, the District is proposing a new pay structure that will lay the foundation for the implementation of a merit based pay system in the future. The new pay structure eliminates annual step increases as there are typically no fixed steps in a merit based pay plan. This structure should provide potential for salary growth for all unrepresented employees based on their performance.

In the interim, while a merit-based pay plan is being developed, the proposed pay structure is flexible enough to accommodate an across the board wage increase approved by the Board without disturbing the framework of the salary structure.

Upon approval by the Board of the new salary structure, employees will be transferred at their current salary level to the new salary structure. The adoption of the proposed structure will not increase unrepresented employee salaries.
Related Amendments to Policy 201

To accommodate the implementation of the proposed pay structure some changes to Board Policy 201 are required. These are outlined below.

SECTION 2.1 SALARY GRADES

This section has been revised to broadly describe the new salary structure. Language referencing grades and steps has been removed to allow unrepresented employees to move to a merit-based pay plan once developed by the District and approved by the Board.

SECTION 2.3 STEP INCREASES

This amendment eliminates the annual step advances that are part of the current salary plan.

SECTION 2.5 PROMOTIONS (formally 2.6)

This amendment replaces the requirement for an automatic 4.75% salary increase for employees receiving promotions with a requirement that their new salaries be based on the analysis by Human Resources staff of their applicable education and experience (i.e. appropriate placement within the salary grade).

SECTION 2.6 EXTENUATING CIRCUMSTANCES (formally 2.7)

Language referencing steps has been removed from this section.

ADVANTAGES/DISADVANTAGES:

The advantage to adopting the proposed new pay structure at this time is that it lays the foundation for the transition to a merit-based pay system over the next several months and establishes a framework that allows all unrepresented employees an opportunity to receive salary improvements in subsequent years based on their performance.

There are no identified disadvantages to adopting the new salary plan structure at this time.

ALTERNATIVES ANALYSIS:

There are two alternative for the Board. The first would be to make no changes and retain the current Grade and Step system, which would effectively forestall the implementation of a merit-based pay system. The second would be to implement the proposal submitted by the consultant "as-is", with the attendant problems outlined above.
PRIOR RELEVANT BOARD ACTIONS/POLICIES:

On February 26, 2014, the Board adopted Resolution No. 14-010, establishing Board Policy No. 201; Personnel Policies for Unrepresented Employees.

ATTACHMENTS:

1. Resolution No. 14-044 and related exhibits.
2. Original recommended salary structure from consultant.
3. Comparison of consultant’s maximum salaries to current maximum salaries.
4. Comparison of current data against the outdated information used by consultant.
5. Chart of salary placement by classification-inactive/unused classifications.

Department Head Approval: Tom Prescott, Acting Chief Administrative Services Officer
Reviewed by: Denise C. Standridge, Interim General Counsel
Prepared by: Tom Prescott, Acting Chief Administrative Services Officer
ALAMEDA-CONTRA COSTA TRANSIT DISTRICT
RESOLUTION NO. 14-044

A RESOLUTION ADOPTING A NEW PAY STRUCTURE FOR UNREPRESENTED EMPLOYEES AND RELATED AMENDMENTS TO BOARD POLICY NO. 201 - PERSONNEL POLICIES FOR UNREPRESENTED EMPLOYEES.

WHEREAS, the Board of Directors of the Alameda Contra Costa Transit District has from time-to-time adopted Board Policies and Resolutions related to the policies and procedures that apply to the employment of unrepresented District employees; and

WHEREAS, the General Manager has from time-to-time recommended amendments to Board Policies that apply to the employment of unrepresented District employees; and

WHEREAS, the Board of Directors approved the adoption of Board Policy No. 201 on February 26, 2014; and

WHEREAS, the Board of Directors has reviewed and considered the recommendation of the General Manager to create a new pay structure for unrepresented employees that will permit the adoption of a merit based pay plan in the future; and

WHEREAS, the Board of Directors has considered the recommendation of the General Manager to amend Article 2 Compensation of Board Policy No. 201 to accommodate the new pay structure;

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

Section 1. The new pay structure attached hereto as Exhibit A is hereby approved and the former Grade and Step pay structure is hereby abolished.

Section 2. The placement of unrepresented classifications on the new pay structure as detailed in Exhibit B is hereby approved.

Section 3. The amendments to Article 2 Compensation of Board Policy No. 201 attached hereto as Exhibit C, are hereby adopted.

Section 4. This resolution shall become effective immediately upon its passage by four affirmative votes of the Board of Directors.
PASSED AND ADOPTED this 22nd day of October 2014.

Attest:

Greg Harper, President

Linda A. Nemeroff, District Secretary

I, Linda A. Nemeroff, District Secretary for the Alameda-Contra Costa Transit District, do hereby certify that the foregoing Resolution was passed and adopted at a regular meeting of the Board of Directors held on the 22nd day of October, 2014 by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Linda A. Nemeroff, District Secretary

Approved as to Form and Content:

Denise C. Standridge, Interim General Counsel
### PROPOSED NEW PAY STRUCTURE - 2014

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## Existing and New Salary Grades for Unrepresented Employees

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<td>$226,130</td>
</tr>
<tr>
<td>Director of Maintenance</td>
<td>14</td>
<td>$138,112</td>
<td>$164,899</td>
<td>200</td>
<td>$150,754</td>
<td>$188,442</td>
<td>$226,130</td>
</tr>
<tr>
<td>Chief Administrative Services Officer</td>
<td>15</td>
<td>$149,143</td>
<td>$178,058</td>
<td>£1</td>
<td>$154,133</td>
<td>$192,666</td>
<td>$231,199</td>
</tr>
<tr>
<td>Chief Planning, Engineering and Construction Officer</td>
<td>15</td>
<td>$149,143</td>
<td>$178,058</td>
<td>£1</td>
<td>$154,133</td>
<td>$192,666</td>
<td>$231,199</td>
</tr>
<tr>
<td>Chief Information Services Officer</td>
<td>15</td>
<td>$149,143</td>
<td>$178,058</td>
<td>£1</td>
<td>$154,133</td>
<td>$192,666</td>
<td>$231,199</td>
</tr>
<tr>
<td>Chief Financial Officer</td>
<td>Exec</td>
<td>$224,293</td>
<td>$224,293</td>
<td>E2</td>
<td>$164,183</td>
<td>$205,229</td>
<td>$246,274</td>
</tr>
<tr>
<td>Chief Operating Officer</td>
<td>Exec</td>
<td>$215,270</td>
<td>$215,270</td>
<td>£3</td>
<td>$180,211</td>
<td>$225,264</td>
<td>$270,317</td>
</tr>
</tbody>
</table>
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PERSONNEL POLICIES FOR UNREPRESENTED DISTRICT EMPLOYEES

ARTICLE 2. COMPENSATION

Section 2.1 Salary Grades
Section 2.2 Initial Hire Rates
Section 2.3 Salary Step Advances
Section 2.34 Maintenance of Differentials
Section 2.45 Acting Appointments
Section 2.56 Promotions
Section 2.67 Extenuating Circumstances
Section 2.78 Project Pay
Section 2.89 Overtime

SECTION 2.1 SALARY GRADES.

The salary structure for unrepresented classifications shall be comprised of multiple salary grades, each with identified minimum, mid, and maximum points seven (7) steps with three percent (3%) between each step, which shall be subject to change from time to time by the Board in accordance with District policies, practice and labor market considerations.

SECTION 2.3 SALARY STEP ADVANCES.

A salary step advancement may be granted to employees who continue to demonstrate satisfactory job performance after completion of one year of service in the former step until said employees reach the top step of the salary grade schedule.

A salary step advancement may be postponed for an employee who has not demonstrated satisfactory performance. The employee shall not be entitled to a salary step increase until such time as his/her performance is deemed satisfactory. After demonstration of satisfactory performance, the employee’s supervisor is responsible for determining the effective date of the step increase in coordination with the Human Resources Department. That date shall become the employee’s new salary anniversary date.
A salary step increase shall be postponed if an employee has been placed on performance review. After the employee has successfully completed the performance review, the employee will be entitled to a non-retroactive step increase, which shall become effective on the date the employee is no longer on performance review. That date shall become the employee's new salary anniversary date.

SECTION 2.56 PROMOTIONS.

The rate of pay for an employee promoted to a classification in a higher pay grade shall be determined based on the Human Resources Department's analysis of the education and experience that employee brings to the new position, in relation to the published minimum qualification.

Employees promoted to a higher level classification shall be placed on at least the first step of the new salary grade, or at minimum the step that provides for at least a 4.75% salary increase.

SECTION 2.67 EXTENUATING CIRCUMSTANCES.

When necessary and appropriate, and in coordination with the Human Resources Department, the General Manager may authorize individual step-movements within salary grades provided such movements are within the minimum and maximum ranges of the Board adopted grade and step-system.
### Recommended Salary Structure - Unrepresented jobs

This table shows the recommended ranges for base salary, including combining some grades.

<table>
<thead>
<tr>
<th>Hay Grade</th>
<th>AC Transit Grade</th>
<th>Current Structure</th>
<th>Recommended Structure</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Min</td>
<td>Mid</td>
</tr>
<tr>
<td>GM</td>
<td>EXEC</td>
<td></td>
<td></td>
</tr>
<tr>
<td>E4</td>
<td>EXEC</td>
<td></td>
<td></td>
</tr>
<tr>
<td>E3</td>
<td>EXEC</td>
<td></td>
<td></td>
</tr>
<tr>
<td>E2</td>
<td>EXEC</td>
<td></td>
<td></td>
</tr>
<tr>
<td>E1</td>
<td>EXEC</td>
<td></td>
<td></td>
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<tr>
<td>H200</td>
<td>15</td>
<td>$137.9</td>
<td>$151.3</td>
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<td>H200</td>
<td>14</td>
<td>$127.7</td>
<td>$140.1</td>
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<tr>
<td>H190</td>
<td>13</td>
<td>$118.3</td>
<td>$129.7</td>
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<tr>
<td>H180</td>
<td>12</td>
<td>$109.5</td>
<td>$120.1</td>
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<td>H180</td>
<td>11</td>
<td>$101.4</td>
<td>$111.2</td>
</tr>
<tr>
<td>H170</td>
<td>10</td>
<td>$93.8</td>
<td>$103.0</td>
</tr>
<tr>
<td>H160</td>
<td>9</td>
<td>$86.9</td>
<td>$95.3</td>
</tr>
<tr>
<td>H150</td>
<td>8</td>
<td>$80.4</td>
<td>$88.3</td>
</tr>
<tr>
<td>H140</td>
<td>7</td>
<td>$74.5</td>
<td>$81.8</td>
</tr>
<tr>
<td>H140</td>
<td>6</td>
<td>$69.7</td>
<td>$76.1</td>
</tr>
<tr>
<td>H130</td>
<td>5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>H130</td>
<td>4</td>
<td>$59.2</td>
<td>$64.9</td>
</tr>
<tr>
<td>H120</td>
<td>3</td>
<td>$54.8</td>
<td>$60.1</td>
</tr>
<tr>
<td>H110</td>
<td>2</td>
<td>$50.9</td>
<td>$55.8</td>
</tr>
</tbody>
</table>

**Note:** Current AC Transit Grades are not a direct match to Hay Grades.
### COMPARISON OF HAY MAX TO DISTRICT CURRENT MAX

<table>
<thead>
<tr>
<th>AC Transit Grade</th>
<th>Actual Max</th>
<th>Hay Max</th>
<th>Available Salary Growth</th>
</tr>
</thead>
<tbody>
<tr>
<td>15</td>
<td>$178,058</td>
<td>$208,800</td>
<td>17.3%</td>
</tr>
<tr>
<td>14</td>
<td>$164,899</td>
<td>$208,800</td>
<td>26.6%</td>
</tr>
<tr>
<td>13</td>
<td>$152,725</td>
<td>$178,800</td>
<td>17.1%</td>
</tr>
<tr>
<td>12</td>
<td>$141,409</td>
<td>$154,800</td>
<td>9.5%</td>
</tr>
<tr>
<td>11</td>
<td>$131,238</td>
<td>$154,800</td>
<td>18.0%</td>
</tr>
<tr>
<td>10</td>
<td>$121,524</td>
<td>$134,400</td>
<td>10.6%</td>
</tr>
<tr>
<td>9</td>
<td>$112,402</td>
<td>$117,600</td>
<td>4.6%</td>
</tr>
<tr>
<td>8</td>
<td>$104,170</td>
<td>$103,400</td>
<td>-0.7%</td>
</tr>
<tr>
<td>7</td>
<td>$96,457</td>
<td>$91,800</td>
<td>-4.8%</td>
</tr>
<tr>
<td>6</td>
<td>$89,412</td>
<td>$91,800</td>
<td>2.7%</td>
</tr>
<tr>
<td>4</td>
<td>$76,558</td>
<td>$81,600</td>
<td>6.6%</td>
</tr>
<tr>
<td>3</td>
<td>$70,971</td>
<td>$73,400</td>
<td>3.4%</td>
</tr>
<tr>
<td>2</td>
<td>$65,805</td>
<td>$66,900</td>
<td>1.7%</td>
</tr>
<tr>
<td>AC Transit Grade</td>
<td>Hay Min</td>
<td>Hay Mid</td>
<td>Hay Max</td>
</tr>
<tr>
<td>------------------</td>
<td>--------</td>
<td>--------</td>
<td>--------</td>
</tr>
<tr>
<td>15</td>
<td>$ 137,900</td>
<td>$ 151,300</td>
<td>$ 164,600</td>
</tr>
<tr>
<td>14</td>
<td>$ 127,700</td>
<td>$ 140,100</td>
<td>$ 152,500</td>
</tr>
<tr>
<td>13</td>
<td>$ 118,300</td>
<td>$ 129,700</td>
<td>$ 141,200</td>
</tr>
<tr>
<td>12</td>
<td>$ 109,500</td>
<td>$ 120,100</td>
<td>$ 130,800</td>
</tr>
<tr>
<td>11</td>
<td>$ 101,400</td>
<td>$ 111,200</td>
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</tr>
<tr>
<td>10</td>
<td>$ 93,800</td>
<td>$ 103,000</td>
<td>$ 112,100</td>
</tr>
<tr>
<td>9</td>
<td>$ 86,900</td>
<td>$ 95,300</td>
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<td>$ 80,400</td>
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<td>7</td>
<td>$ 74,500</td>
<td>$ 81,800</td>
<td>$ 89,000</td>
</tr>
<tr>
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<td>$ 69,700</td>
<td>$ 76,100</td>
<td>$ 82,500</td>
</tr>
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<td>5</td>
<td>$ -</td>
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<td>4</td>
<td>$ 59,200</td>
<td>$ 64,900</td>
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<td>$ 54,800</td>
<td>$ 60,100</td>
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</tr>
<tr>
<td>2</td>
<td>$ 50,900</td>
<td>$ 55,800</td>
<td>$ 60,700</td>
</tr>
</tbody>
</table>

Average 8.3%
# Existing and New Salary Grades for Unrepresented Employees

<table>
<thead>
<tr>
<th>Classification</th>
<th>Current Grade</th>
<th>New Grade</th>
<th>Vacant Since</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accounting Manager</td>
<td>10</td>
<td>170</td>
<td>3/07</td>
</tr>
<tr>
<td>Attorney I</td>
<td>10</td>
<td>170</td>
<td>5/12</td>
</tr>
<tr>
<td>Information Services Customer Services Manager</td>
<td>10</td>
<td>170</td>
<td>11/09</td>
</tr>
<tr>
<td>Attorney II</td>
<td>11</td>
<td>170</td>
<td>before 1998</td>
</tr>
<tr>
<td>Information Services Support Manager</td>
<td>11</td>
<td>180</td>
<td>6/11</td>
</tr>
<tr>
<td>Labor Relations Manager</td>
<td>11</td>
<td>180</td>
<td>10/99</td>
</tr>
<tr>
<td>Project Engineer - Architect</td>
<td>11</td>
<td>180</td>
<td>11/12</td>
</tr>
<tr>
<td>Service Planning Manager</td>
<td>11</td>
<td>180</td>
<td>never filled</td>
</tr>
<tr>
<td>Assistant Director of Transportation</td>
<td>12</td>
<td>180</td>
<td>1/12</td>
</tr>
<tr>
<td>Service Development Director</td>
<td>12</td>
<td>180</td>
<td>12/00</td>
</tr>
<tr>
<td>Assistant General Manager</td>
<td>14</td>
<td>180</td>
<td>2/13</td>
</tr>
<tr>
<td>Information Services Manager</td>
<td>13</td>
<td>180</td>
<td>11/01</td>
</tr>
<tr>
<td>Director of Facilities &amp; Construction Engineering</td>
<td>14</td>
<td>190</td>
<td>6/11</td>
</tr>
<tr>
<td>Deputy GM - Service Development</td>
<td>EXE</td>
<td>190</td>
<td>5/10</td>
</tr>
<tr>
<td>Human Resources Director</td>
<td>EXE</td>
<td>190</td>
<td>7/05</td>
</tr>
<tr>
<td>Deputy General Manager</td>
<td>EXE</td>
<td>190</td>
<td>3/10</td>
</tr>
<tr>
<td>Assistant General Counsel</td>
<td>15</td>
<td>190</td>
<td>2/12</td>
</tr>
<tr>
<td>Chief Maintenance Officer</td>
<td>EXE</td>
<td>190</td>
<td>7/10</td>
</tr>
<tr>
<td>Chief Planning &amp; Development Officer</td>
<td>13</td>
<td>E1</td>
<td>8/14</td>
</tr>
<tr>
<td>Chief Technology Officer</td>
<td>13</td>
<td>E1</td>
<td>8/14</td>
</tr>
<tr>
<td>Chief Performance Officer</td>
<td>14</td>
<td>E1</td>
<td>8/14</td>
</tr>
<tr>
<td>Chief Human Resources Officer</td>
<td>EXE</td>
<td>E1</td>
<td>8/14</td>
</tr>
</tbody>
</table>
The District Secretary will report on the recommendations made by the Committees, including those items referred to the Consent Calendar Addenda.

PLEASE REFER TO THE COMMITTEE SECTIONS OF THIS AGENDA PACKAGE FOR STAFF REPORTS
AGENDA PLANNING/
STANDING COMMITTEE PENDING LISTS

EXTERNAL AFFAIRS COMMITTEE

Monthly
- Legislative Report [Updates on State, Federal, Regional and Local Legislation, including Measure B and the APTA Reauthorization process for T-4].

Annual
- State/Federal Advocacy Program

Pending Not Scheduled
- Status report on the Oral History Project. [Request from Director Peeples to retain on long-term pending. Staff to continue efforts to locate funds, hire personnel utilizing grant funds, and contact local museums to determine if there is interest in taking on the project].
- Planning staff to provide comments and recommendations pertaining to California Environmental Quality Act (CEQA) Reform. [Requested by Director Peeples – 10/24/12]

FINANCE AND AUDIT COMMITTEE

October
- A review of post-retirement medical benefits provided to all employee groups for the purpose of identifying any disparities that may exist and whether other government entities offer similar benefits [Requested by President Harper – 3/26/14] Referred to Board Retreat.

November
- Update on Certificates of Participation transactions and the purpose/function of the Financing Corporation. [Requested by Director Ortiz/President Harper – 5/28/14]

January
- Development of a policy concerning ex parte communications and disclosures by Directors during the entire procurement process from issuance of an RFP, IFB, or RFQ through protest. It was suggested that staff review the California Public Utilities Commission Rules of Practice and Procedure pertaining to ex parte situations. [Requested by Director Peeples – 9/5/12]

Monthly
- Report on Investments
- Fiscal Policies (Review one per month)
- Budget Update

Bi-Monthly
- Budget Update

Quarterly Reports (Nov, Feb, May, Aug)
- Board/Officer Travel/Meeting Expense
- Employee Out-of-State Travel
- Surplus/Obsolete Materials
- Contracts/Purchasing Activity Report
Finance and Audit Committee, Cont.

**Semi Annual Reports**
- DBE/FTA Report and DBE Goal Update (May/Nov)

**Annual Reports**
- Appropriations Limit (June); Adoption (July)
- Audit Engagement Letter (June)
- Budget Calendar (Nov)
- Externally Funded Welfare to Work (Nov)
- Parcel Tax Oversight Committee (Dec to Board)
- Year-End Audited Financial Statements (Nov)

**Pending Not Scheduled**
- Report on the advisability of having the Internal Audit Department report directly to the Board. [Requested by Director Peeples – 5/28/14]

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**OPERATIONS COMMITTEE**

**November**
- Resolution supporting continuation and expansion of the District’s Fuel Cell Program, subject to funding availability. *The resolution will be drafted by Director Peeples* [Requested by Director Peeples – 6/11/14]
- Comprehensive analysis and alternatives to PeopleSoft before more money is invested in the system. Staff is to analyze whether the District should 1) maintain the status quo at an exorbitant cost; 2) change to a simpler system at a lower cost; and 3) check with other public agencies who use PeopleSoft and analyze if the District should enter into partnerships with them given PeopleSoft’s ability to accommodate multiple business units with an independent set of accounts. [Requested by Director Ortiz – 7/23/14]

**December**
- Report on how a community with a significant number of low income riders similarly situated to a low income community in the AC Transit service area has dealt with the challenges related to the availability of Clipper vendors (or similar payment system). [Requested by Director Ortiz – 6/11/14].

**Quarterly Reports (Nov, Feb, May, Aug)**
- Operations Performance Report (includes report on the Call Center)
- Clipper Outreach efforts

**Pending Not Scheduled**
- Request for staff to investigate reports that bus stops are being painted over with grey paint and provide a report on whether there is a cost effective way to determine if these incidents were isolated or more frequent occurrences and what could be done. [Requested by Director Peeples – 7/9/11]
- Report on the savings associated with the October service cuts. [Requested by Director Harper – 2/23/11]
Operations Committee, cont.

- Report on the closure of the print shop. Retained in Committee pending further study of the placement of Print Shop employees into other positions, the anticipated cost savings, capital investments and useful life of capital equipment, and to explore whether the Print Shop can in-source work from outside of AC Transit (Retained in Committee 8/15/12).
- Implementation of a District-wide calendaring system to track contracts, license renewals, etc. [Requested by Director Peeples – 4/25/12]
- Discussion regarding suggestions for a Board Policy on exit interviews and to what extent those interviews, and the reporting thereof, should be different if the person who exited reports directly to a Board Officer. [Requested by Director Peeples – 11/14/12]
- Investigate the creation of a District store which would have hats, clothing and other items available or sale. [Requested by Director Williams -8/28/13]
- Creation of a video privacy policy specifically for all of the video associated with the BRT stations once operational. [Requested by Director Peeples – 2/12/14. Director Peeples to provide additional information to be included in the draft policy.]
- Report on the bankruptcy of ClearEdge and the consequences for AC Transit. [Requested by Director Ortiz – 5/28/14]
- Investigate and report what other public agencies are doing as part of the ongoing conversation of the merit pay issue. [Requested by Director Ortiz – 7/9/14]
- Report from staff on the modifications/improvements that were made to the Gillig 1400 series buses to address complaints and issues raised by the Accessibility Advisory Committee and others about the 1300 series buses. [Requested by Director Peeples – 9/10/14]
- Report on management training provided to AC Transit managers, including what is currently offered and what can be made available. [Requested by Director Williams – 9/24/14]
- Report on the Heavy Duty Coach Mechanic Apprenticeship program [Requested by Director Peeples – 9/24/14]

PLANNING COMMITTEE

October

- Board Policy 550 – Service Standards and Design. [Requested by the Board – 12/17/08; 2/12/14] 
  *Referred to October Board Retreat*

December

- Development of a policy to officially require regular ridership surveys every four or five years. [Requested by Director Peeples – 6/24/09] Report to be combined with another request for a report on a long-range strategy to obtain better information as to why people choose not to ride the bus. [Requested by Director Davis – 5/22/13]

January

- Report on AC Transit’s attitude toward shuttles. [Requested by Director Harper – 5/9/12]

Quarterly Reports (Nov, Feb, May, Aug)

- Bus Rapid Transit Project
- MTC Sustainability Process
- Transbay Transit Center Project
Planning Committee, Cont.

- Update on District Involvement in External Planning Processes.
  - Lake Merritt Area Plan [Requested by Director Peeples – 3/9/11]
  - Oak to 9th Street project and details of the commitments made by and to Signature Properties [Requested by Director Peeples – 3/25/06]

Annual Reports
- Update on CARB (Jun)
- Update on Service and Operations in Special District 2 (Oct)

Pending Not Scheduled
- Update of the Designing with Transit document, which is to include the development of bus shelter design standards. [Requested by Director Peeples – 10/27/10]
- Review Board Policy 163 with respect to environmental issues. [Board Policy 512] [Requested by Director Peeples]
- Report on the implications of a study by the California Transportation Commission on anticipated transportation needs in California and the implications to AC Transit. [Requested by Director Peeples – 11/16/11]
- Update on the status of the customer satisfaction survey. Matter was retained in committee on July 9, 2008 pending receipt of proposed survey. On 9/30/09 Director Peeples requested the report include staff’s analysis of surveys conducted in Europe, specifically surveys conducted in Helsinki Finland, to determine how surveys can be done cheaper, better and more often. [Requested by Director Peeples – 5/28/08]
- Report on the feasibility of cancelling the Bus Rapid Transit Project. [Requested by Director Peeples – 7/31/13]
- Outcome of staff’s investigation to see if it is possible to be more nimble in restoring service in areas where the Oakland Running Festival has concluded. [Requested by Director Peeples – 3/26/14]
- Report on whether bus stops on the new eastern span of the Bay Bridge can be utilized to let people from San Francisco and parts of the East Bay off so they can access the Bay Bridge Trail Pathway. [Requested by President Harper – 3/26/14]
- Report on staff’s investigation of the possible use of double-decker buses to address transbay capacity issues. [Requested by Director Peeples – 4/9/14]