

CITY OF OAKLAND

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OFFICE OF THE CITY CLERK  
OAKLAND

2016 MAY 11 PM 3: 11

# AGENDA REPORT

**TO:** Sabrina B Landreth  
City Administrator

**FROM:** Brooke A. Levin  
Director, Public Works

**SUBJECT:** ACTC Master Programs  
Funding Agreement

**DATE:** April 6, 2016

City Administrator Approval

Date:

## RECOMMENDATION

**Staff recommends that the City Council Adopt A Resolution Approving The Master Programs Funding Agreement Between The Alameda County Transportation Commission And The City Of Oakland Effective From July 1, 2016 To June 30, 2026.**

## EXECUTIVE SUMMARY

Adoption of this resolution will allow execution of the Master Programs Funding Agreement (MPFA) with the Alameda County Transportation Commission (ACTC), which will allow Measure B, Measure BB, and Vehicle Registration Fee (VRF) funds to flow directly to the City of Oakland through the Direct Local Distribution (DLD) program. This MPFA succeeds and consolidates the existing MPFA (covering Measure B and VRF) and the Interim Measure BB MPFA. Execution of this Agreement will allow Oakland to collect approximately \$22,000,000.00 annually in Direct Local Distributions from ACTC dedicated to local streets and roads, bicycle, pedestrian and paratransit uses.

## BACKGROUND/LEGISLATIVE HISTORY

Measure B, a half-cent sales tax for transportation, was approved by Alameda County voters in November 2000, and will continue to March of 2022. The VRF \$10.00 per vehicle registration fee was approved by Alameda County voters as Measure F in November 2010, with no expiration date. Measure BB was approved by Alameda County voters in November 2014. The Measure increases the sales tax from one-half cent to one full cent effective April 1, 2015 until Measure B sunsets, and then one full cent to April 1, 2045.

For each of the three funding sources, an Agreement is required between county jurisdictions and the Alameda CTC. Currently, there are two agreements. The Master Programs Funding Agreement, covering Measure B and VRF, was approved by City Council on April 3, 2012 (Resolution No. 83780 C.M.S.), and expires on June 30, 2022. An Interim Measure BB MPFA was approved by City Council on June 2, 2015 (Resolution No. 85635 C.M.S.); this interim MPFA only covered a term until June 30, 2016.

Item: \_\_\_\_\_  
Public Works Committee  
May 24, 2016

On February 25, 2016, the Alameda CTC authorized its executive director to enter into one MPFA for Measure B, BB, and VRF funds with county jurisdictions to replace the two existing MPFAs. This MPFA will remain in effect for a term of ten years, until June 30, 2026. This MPFA is modeled directly on MPFA's previously adopted by Council, with minor alterations, and is intended to only cover distribution of DLD funds.

### **ANALYSIS AND POLICY ALTERNATIVE**

The MPFA will authorize distributions of DLD funding collected from July 1, 2016 through June 30, 2026 according to existing Measure B, Measure BB, and VRF distribution formulas. According to Alameda CTC projections, approximately twenty two million dollars (\$22,000,000) will be distributed to the City of Oakland during the first year of this period, increasing annually thereafter according to growth in total retail sales and number of vehicles registered in the County.

In accordance with passage of Measure BB, certain new policies have been adopted by Alameda CTC and integrated into this MPFA. The MPFA contains policies on expenditures, timely use of funds requirements, and performance measures to guide the expeditious use and investment of these funds. These policies are now consistent across all three funds. Primary changes from the existing MPFA include:

- Removal of existing timely use of funds and reserve policies. The policies were updated and simplified by a new policy adopted by Alameda CTC in December 2015. This policy requires that jurisdictions not carry a balance in each fund (Measure B, BB, and VRF) of greater than forty percent of annual revenues for any four consecutive years. If that measure is not met, jurisdictions may be subject to a "use it or lose it" policy upon Alameda CTC Commission approval.
- Specific Measure BB references and policies were integrated into the MPFA, such as a requirement that 15% of local streets and roads funds must be expended on bicycle/pedestrian related improvements.
- The MPFA incorporates specific performance measures to be collected and reported by jurisdictions, including information on current bicycle and pedestrian masterplans, capital project investments, pavement state of repair, etc.

All other requirements of the existing MPFAs remain unchanged. The changes to the MPFA are, in general, reasonable and simplify both administration by Alameda CTC and compliance by the City of Oakland. The vast majority of County jurisdictions, including Oakland, do not currently strictly meet the new timely use of funds requirement. Staff has already made changes in budgeting practices and project planning to fully meet the timely use requirement no later than June 30, 2019 and expects to be in compliance with this MPFA by that date.



### **FISCAL IMPACT**

The MPFA will allow Oakland to access approximately twenty two million dollars (\$22,000,000) annually in funds for local streets and road projects, bicycle and pedestrian projects, and paratransit operations during the twenty-year period of the agreement. This funding will inflate over time with growth in retail sales and vehicle registrations.

The MPFA will create some additional costs in project cost tracking and reporting, particularly because during the seven-year overlap of Measure B and Measure BB, both funds will need to be separately tracked and reported on in annual compliance reports. The costs of compliance with the MPFA are an allowable cost under the agreement.

### **PUBLIC OUTREACH / INTEREST**

Alameda CTC formulated the Master Programs Funding Agreement with the close involvement of the Alameda CTC Citizen Watchdog Committee, and several advisory committees including the Paratransit Advisory Committee, the Bicycle and Pedestrian Advisory Committee, and the Transportation Advisory Committee. City of Oakland staff participates in all of these committees, the committee meetings and Alameda CTC Board meetings are publicly noticed meetings with opportunities for citizen participation.

### **COORDINATION**

The Office of the City Attorney reviewed this report and legislation while the Controller's Bureau reviewed the report for fiscal impacts.

### **SUSTAINABLE OPPORTUNITIES**

**Economic:** Measure B/BB/VRF DLD funds will provide a critical source of funding for transportation projects and programs in Oakland, including paving streets, implementing the Bicycle and Pedestrian Master Plans, and augmentation of paratransit operations for disabled and senior residents of the City. Jobs will be created or maintained in construction, planning and engineering, and transit operations that will be open to qualified Oakland residents.

**Environmental:** Measure B/BB/VRF funds will be spent to improve bicycle, pedestrian and transit access in the City of Oakland, encouraging use of alternate transport modes to the single-occupant vehicle. These investments have the potential to decrease particulate and greenhouse gas pollution.

**Social Equity:** Measure B/BB/VRF funds will be spent on projects throughout the City of Oakland, and benefit all residents who walk, bike, ride transit, or drive automobiles.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council Adopt A Resolution Approving The Master Programs Funding Agreement Between The Alameda County Transportation Commission And The City Of Oakland Effective From July 1, 2016 To June 30, 2026.

For questions regarding this report, please contact Bruce Williams, Transportation Funding Manager, at (510) 238-7229.

Respectfully submitted,



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BROOKE A. LEVIN  
Director, Oakland Public Works

Reviewed by:  
Michael J. Neary, P.E., Assistant Director  
Bureau of Engineering and Construction

Iris Starr, AICP, Division Manager  
Transportation Planning and Funding

Prepared by:  
Bruce Williams, Trans. Funding Manager  
Transportation Planning and Funding

*Attachments (1):*

*A: Master Programs Funding Agreement*

*Attachment*

**MASTER PROGRAMS FUNDING AGREEMENT**  
**between the**  
**ALAMEDA COUNTY TRANSPORTATION COMMISSION**  
**and the**  
**CITY OF OAKLAND**

This Master Programs Funding Agreement (“AGREEMENT”), effective as of the 1<sup>st</sup> of July 2016, is entered into by and between the Alameda County Transportation Commission (“ALAMEDA CTC”) and the City of Oakland (“RECIPIENT”).

**RECITALS**

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

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

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

D. On November 2, 2010, the voters of Alameda County approved Measure F, the Vehicle Registration Fee (“VRF”) Program, pursuant to Section 65089.20 of the Government Code, thereby authorizing the Alameda County Congestion Management Agency (“ACCMA”) to administer the proceeds from a \$10 per year vehicle registration fee on each annual motor-vehicle registration or renewal of registration in Alameda County, starting in May 2011, six months following approval of Measure F. Vehicles subject to the VRF include all motorized vehicles, including passenger cars, light-duty trucks, medium-duty trucks, heavy-duty trucks, buses of all sizes, motorcycles, and motorized camper homes, unless vehicles are expressly exempted from the payment of the VRF.

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

F. On June 24, 2010, ACTIA and ACCMA took the final actions to create ALAMEDA CTC, which has assumed the responsibilities of ACTIA and ACCMA, including duties related to Measure B and the VRF.

G. On November 4, 2014, the voters of Alameda County, pursuant to the Act, approved Measure BB, thereby authorizing ALAMEDA CTC to administer the proceeds from the extension of the existing Measure B one-half of one percent transaction that is scheduled to terminate on March 31, 2022, and the augmentation of the tax by one-half of one percent.

H. The duration of the Measure BB sales tax will be 30 years from the initial year of collection, which begins April 1, 2015, with said tax to terminate/expire on March 31, 2045. The tax proceeds will be used to pay for the investments outlined in Alameda County's 30-Year Transportation Expenditure Plan ("Measure BB Expenditure Plan"), as it may be amended.

I. This AGREEMENT delineates the requirements of the Measure B/Measure BB/VRF Direct Local Distribution ("DLD") funds that are directly allocated to local jurisdictions and transit operators, as authorized by the Measure B Expenditure Plan, the VRF Expenditure Plan, and the Measure BB Expenditure Plan. Discretionary funds identified in these expenditure plans are not the subject of this AGREEMENT, and RECIPIENT will be required to enter into a separate agreement for those funds.

J. This AGREEMENT was originally approved by the governing body of the ALAMEDA CTC on February 25, 2016.

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

#### ARTICLE I: FUNDING ALLOCATIONS

1. This AGREEMENT authorizes the ALAMEDA CTC to allocate the DLD funds derived from Measure B, Measure BB, and VRF receipts as described in their respective voter-approved expenditure plans and as summarized in Table A: DLD Investment Summary and described below for different fund types.

<b>DLD Program</b>	<b>Fund Program</b>
Bicycle and Pedestrian Program	Measure B and Measure BB
Local Streets and Roads Program	Measure B, Measure BB, and VRF
Mass Transit Program	Measure B and Measure BB
Paratransit Program	Measure B and Measure BB

2. All DLD distributions pursuant to this AGREEMENT shall be effective as of July 1, 2016.

#### **A. BICYCLE AND PEDESTRIAN PROGRAM**

1. ALAMEDA CTC will distribute Measure B and Measure BB DLD funds pursuant to a formula weighted 100 percent by the jurisdiction's population within the subarea. RECIPIENT's allocations are subject to change based on variations in annual population figures.

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

**B. LOCAL STREETS AND ROADS (LOCAL TRANSPORTATION) PROGRAM**

1. ALAMEDA CTC will distribute Measure B and Measure BB DLD funds pursuant to a formula weighted 50 percent by the jurisdiction's population within the subarea and 50 percent by the number of road miles within the subarea. RECIPIENT's allocations are subject to change based on variations in annual population and road mile figures.

2. ALAMEDA CTC will distribute VRF DLD funds pursuant to a formula weighted 50 percent by the jurisdiction's population within the subarea and 50 percent of the number of registered vehicles in the subarea. RECIPIENT's allocations are subject to change based on variations in annual population and number of registered vehicle figures, as they are made available.

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

4. RECIPIENT shall expend a minimum of 15 percent of all Measure BB funds received on project elements directly benefiting bicyclists and pedestrians.

**C. MASS TRANSIT PROGRAM**

1. ALAMEDA CTC will distribute Measure B and Measure BB DLD funds pursuant to set percentages detailed in the Measure B Expenditure Plan and the Measure BB Expenditure Plan. RECIPIENT's percentage fund distribution, if applicable, is detailed in the Measure B and Measure BB Mass Transit Direct Local Distribution Summary, attached hereto as Exhibit A and incorporated into this AGREEMENT by reference. RECIPIENT's allocations are subject to change based on transit service changes.

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

**D. PARATRANSIT PROGRAM**

1. ALAMEDA CTC will distribute Measure B and Measure BB DLD funds by subarea pursuant to percentages in the Measure B Expenditure Plan, and the Measure BB Expenditure Plan. RECIPIENT's percentage fund distribution by subarea, if applicable, is shown on Exhibit B attached hereto and is incorporated into this AGREEMENT by reference.

a. Measure BB distributions to cities and local transit operators are based on a percentage of the population over age 70 in each of the four planning areas for city-based and mandated paratransit services of local bus transit providers.

b. ALAMEDA CTC will distribute Measure BB to the East Bay Paratransit Consortium pursuant to set percentages in the Measure BB Expenditure Plan to assist the Alameda-Contra Costa Transit District and the San Francisco Bay Area Rapid Transit in meeting its responsibilities under the American with Disabilities Act (ADA).

c. Measure B and BB DLD funds may be further distributed to individual cities within each planning area based on a formula refined by PAPCO, and approved by the ALAMEDA CTC Commission (the "Commission"). RECIPIENT's allocations are subject to change based on updated annual population figures.

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

## ARTICLE II: PAYMENTS AND EXPENDITURES

### A. ALAMEDA CTC'S DUTIES AND OBLIGATIONS

1. Within five working days of actual receipt of the monthly Measure B and Measure BB sales tax revenues and VRF revenues from the State Board of Equalization ("BOE"), the bond trustee or the California Department of Motor Vehicles, Alameda CTC shall remit to the RECIPIENT its designated amount of available DLD funds disbursed on a monthly basis by the formulas described above.

2. ALAMEDA CTC shall annually update the Measure B, Measure BB, and VRF fund revenue projections and the resulting fund allocation formulas to reflect the most current population using the California Department of Finance's annual population estimates (Report E-1 published in May); maintained road mileage from the California Department of Transportation; and the number of registered vehicles in each Alameda County subarea, using registered vehicle data provided by the California Department of Motor Vehicles, as it is made available. ALAMEDA CTC shall use the updated Measure B, Measure BB, and VRF program allocation formulas in the allocations beginning July 1 of each new fiscal year, which is from July 1 to June 30.

3. ALAMEDA CTC shall report monthly to the public the amount of Measure B, Measure BB, and VRF revenues distributed to RECIPIENT by each fund type monthly and for the fiscal year.

4. ALAMEDA CTC shall provide for an independent annual audit of its financial statements including revenues and expenditures and also of its calculation of the allocation formula for distributing Measure B, Measure BB, and VRF revenues to various recipients and render an annual report to the ALAMEDA CTC Commission within 180 days following the close of the fiscal year.



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

## **B. RECIPIENT'S DUTIES AND OBLIGATIONS**

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

2. RECIPIENT shall set up and maintain an appropriate system of accounts to report on Measure B, Measure BB, and VRF funds received. RECIPIENT must account for Measure B, Measure BB, and VRF funds, including any interest received or accrued, separately for each fund type, and from any other funds received from the ALAMEDA CTC. The accounting system shall provide adequate internal controls and audit trails to facilitate an annual compliance audit for each fund type and the respective usage and application of said funds. ALAMEDA CTC and its representatives, agents and nominees shall have the absolute right at any reasonable time to inspect and copy any accounting records related to such funds, except to the extent specifically prohibited by applicable law.

3. RECIPIENT shall expend Measure B, Measure BB, and VRF funds in compliance with the Timely Use of Funds Policies for Direct Local Distributions, as approved by the Commission, and as they may be adopted or amended by ALAMEDA CTC from time to time.

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

## **C. OTHER EXPENDITURE RESTRICTIONS**

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

2. **Non-Substitution of Funds:** RECIPIENT shall use Measure B and Measure BB funds, pursuant to the Act, and VRF funds to supplement and not replace existing property taxes used for transportation purposes.

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

4. **Staff Cost Limitations:** Direct costs associated with the delivery of programs and projects associated with Measure B, Measure BB, and VRF programs, including direct staff costs and consultant costs, are eligible uses of Measure B, Measure BB, and VRF funds. ALAMEDA CTC does not allow indirect costs, unless the RECIPIENT submits an independently audited/approved Indirect Cost Allocation Plan.

### ARTICLE III: REPORTING REQUIREMENTS

#### A. REQUIREMENTS AND WITHHOLDING

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

1. RECIPIENT shall, by December 31st of each year, submit to ALAMEDA CTC, at the RECIPIENT's expense, separate independently audited financial statements for the prior fiscal year ended June 30 of Measure B, Measure BB, and VRF funds received and used.

2. RECIPIENT shall, by December 31st of each year, submit to ALAMEDA CTC, at the RECIPIENT's expense, annual program compliance reports (covering the prior fiscal year) regarding programs and projects on which RECIPIENT expended Measure B, Measure BB, and VRF funds.

3. RECIPIENT shall document expenditure activities and report on the performance of Measure B, Measure BB, and VRF funded activities through the annual program compliance reporting process, or through other ALAMEDA CTC performance and reporting processes as they may be requested, including but not limited to the annual performance report, annual program plan, planning monitoring reports. Program Performance Measures are attached hereto as Exhibit C.

4. RECIPIENT shall install or mount signage adjacent to Measure B, Measure BB, and VRF funded construction projects and on vehicles funded with Measure B, Measure BB, and VRF funds (e.g., RECIPIENT and ALAMEDA CTC logos; "Your Transportation Tax Dollars Help Fund the Operation of This Vehicle!") where practical, so Alameda County taxpayers are informed as to how RECIPIENT is using Measure B, Measure BB, and/or VRF funds.

5. RECIPIENT shall provide current and accurate information on RECIPIENT's website, to inform the public about how RECIPIENT is using Measure B, Measure BB, and/or VRF funds.

6. RECIPIENT shall, at least annually, publish an article highlighting a project or program funded by Measure B, Measure BB, and/or VRF funds.

7. RECIPIENT shall actively participate in a Public Awareness Program, in partnership with ALAMEDA CTC and/or its community advisory committees, as a means of ensuring that the public has access

to the ability to know which projects and programs are funded through Measure B, Measure BB, and/or VRF funds.

8. RECIPIENT shall make its administrative officer or designated staff available upon request to render a report or answer any and all inquiries in regard to RECIPIENT's receipt, usage, and/or compliance audit findings regarding Measure B, Measure BB, and/or VRF funds before the Commission and/or the Independent Watchdog Committee or community advisory committees, as applicable.

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

#### **ARTICLE IV: OTHER PROVISIONS**

##### **A. GEOGRAPHIC BREAKDOWN**

In all cases the geographic breakdown by subarea is as follows:

1. North Area refers to the Cities of Alameda, Albany, Berkeley, Emeryville, Oakland, and Piedmont.
2. Central Area includes the Cities of Hayward and San Leandro, and the unincorporated area of Castro Valley, as well as other unincorporated lands governed by Alameda County in the Central Area.
3. South Area includes the Cities of Fremont, Newark, and Union City.
4. East Area includes the Cities of Livermore, Dublin, and Pleasanton, and all unincorporated lands governed by Alameda County in the East Area.

##### **B. INDEMNITY BY RECIPIENT**

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

##### **C. INDEMNITY BY ALAMEDA CTC**

Neither RECIPIENT, nor its governing body, elected officials, any officer, consultant, agent, or employee thereof shall be responsible for any damage or liability occurring by reason of anything done or

omitted to be done by ALAMEDA CTC under or in connection with any work, authority or jurisdiction delegated to ALAMEDA CTC under this AGREEMENT. It is also understood and agreed, pursuant to Government Code Section 895.4, Alameda CTC shall fully defend, indemnify, and hold harmless RECIPIENT, and its governing body, elected officials, all its officers, agents, and employees from any liability imposed on RECIPIENT for injury (as defined in Government Code Section 810.8) occurring by reason of anything done or omitted to be done by ALAMEDA CTC under or in connection with any work, authority or jurisdiction delegated to ALAMEDA CTC under this AGREEMENT.

**D. JURISDICTION AND VENUE**

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

**E. ATTORNEYS' FEES**

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

**F. TERM**

The term of this AGREEMENT shall be from July 1, 2016 to June 30, 2026, unless amended in writing or a new Master Programs Funding Agreement is executed between ALAMEDA CTC and RECIPIENT.

**G. SEVERABILITY**

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

**H. MODIFICATION**

This AGREEMENT, and its Exhibits, as well as the referenced Implementation Guidelines, constitutes the entire AGREEMENT, supersedes all prior written or oral understandings regarding Measure B, Measure BB, and VRF program funds (but not project funding agreements), including but not limited to ALAMEDA CTC Measure B/BB/VRF Master Programs Funding Agreements, which former agreements are terminated as of the effective date hereof. This AGREEMENT may only be changed by a written amendment executed by both parties. Notwithstanding the foregoing, the Implementation Guidelines, Performance Measures, and Timely Use of Funds Policies related to Measure B, Measure BB, and VRF funds may be changed from time to time by the ALAMEDA CTC.

*[Signatures on next page]*



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

CITY OF OAKLAND (RECIPIENT)

ALAMEDA COUNTY TRANSPORTATION COMMISSION (ALAMEDA CTC)

By: \_\_\_\_\_  
John A. Flores Date  
City Administrator

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

Approved as to Form and Legality:

Recommended:

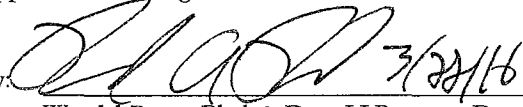
By: \_\_\_\_\_  
Barbara J. Parker Date  
City Attorney

By: \_\_\_\_\_  
Deputy Director of Date  
Programming and Projects

Reviewed as to Budget/Financial Controls:

By: \_\_\_\_\_  
Patricia Reavey Date  
Director of Finance and Administration

Approved as to Legal Form:

By:  3/22/16  
Wendel, Rosen, Black & Dean LLP Date  
Legal Counsel to ALAMEDA CTC

## EXHIBIT A

**MEASURE B AND MEASURE BB  
MASS TRANSIT DIRECT LOCAL DISTRIBUTION SUMMARY**

Alameda CTC distributes Measure B and Measure BB Mass Transit Direct Local Distribution funds based on the distribution percentages for net Measure B and Measure BB Revenues specified in the Measure B Expenditure Plan and Measure BB Expenditure Plan, as shown below.

<b>Table 1: Measure B</b>		
<b>Agency</b>	<b>Area</b>	<b>Percentage of Net Revenues</b>
AC Transit	North County	9.48%
AC Transit	Central County	4.74%
AC Transit	South County	1.61%
AC Transit Welfare to Work	North County	1.24%
AC Transit Welfare to Work	Central County	0.22%
LAVTA	East County	0.69%
Union City Transit	South County	0.34%
ACE	East/South County	2.12%
SF WETA	Alameda County	0.78%

<b>Table 2: Measure BB</b>		
<b>Agency</b>	<b>Area</b>	<b>Percentage of Net Revenues</b>
AC Transit	Alameda County	18.80 %
ACE	East/South County	1.00 %
BART	Alameda County	0.50 %
LAVTA	East County	0.50 %
Union City Transit	South County	0.25 %
SF WETA	Alameda County	0.50 %

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

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

**Transit Operations:** Provides funding to transit operators for maintenance of transit service, restoration of service cuts, expansion of transit service, and passenger safety and security. The transit operators will determine the priorities for these funds through public processes and will submit an annual audit to Alameda CTC.

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

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

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

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

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

**EXHIBIT B****MEASURE B AND MEASURE BB  
PARATRANSIT DIRECT LOCAL DISTRIBUTION SUMMARY**

Alameda CTC distributes Measure B and Measure BB paratransit funds to County subareas/planning areas and to AC Transit and BART based on the distribution percentages in the Measure B Expenditure Plan and the Measure BB Expenditure Plan, as shown below. Distributions to jurisdictions for non-mandated services within each subarea are based on allocation formulas refined by Paratransit Advisory and Planning Committee (PAPCO) and approved by the Commission.

<b>Table 1: Measure B</b>	
<b>Area/Agency</b>	<b>Measure B Percentage<sup>1</sup></b>
<b>North County</b> (non-mandated) <i>Cities of Alameda, Albany, Berkeley, Emeryville, and Oakland</i>	<b>1.24%</b>
<b>Central County</b> (non-mandated) <i>Cities of Hayward and San Leandro</i>	<b>0.88%</b>
<b>East County</b> (non-mandated) <i>LAVTA and City of Pleasanton</i>	<b>0.21%</b>
<b>South County</b> (non-mandated) <i>Cities of Fremont, Newark, and Union City</i>	<b>1.06%</b>
<b>North County<sup>2</sup></b> (ADA-mandated) <i>AC Transit and BART</i>	<b>4.53%</b>
<b>Central County<sup>2</sup></b> (ADA-mandated) <i>AC Transit and BART</i>	<b>1.10%</b>
<ol style="list-style-type: none"> <li>1. Percentage of Measure B funds required to be distributed to each area in the County. Funding for special transportation for seniors and people with disabilities is provided for services mandated by the ADA to fixed-route public transit operators who are required to provide that service. Funds for the South County are allocated between mandated and non-mandated programs on an annual basis by the cities in that part of the County.</li> <li>2. Americans with Disabilities Act (ADA) mandated services are allocated to AC Transit and BART according to the percentages included in the Expenditure Plan.</li> </ol>	

<b>Table 2: Measure BB</b>	
<b>Area/Agency</b>	<b>Percentage<sup>1</sup></b>
<b>City-based and Locally Mandated</b>	<b>3.0%</b>
<b>North County</b> <i>Cities of Alameda, Albany, Berkeley, Emeryville, and Oakland</i>	
<b>Central County<sup>2</sup></b> <i>Cities of Hayward and San Leandro, and unincorporated area of Castro Valley, as well as other unincorporated lands governed by Alameda County in the Central Area.</i>	
<b>South County</b> <i>Cities of Fremont, Newark, Union City, as well as Union City Transit.</i>	
<b>East County<sup>3</sup></b> <i>Cities of Livermore, Dublin, and Pleasanton, and unincorporated lands governed by Alameda County in the East Area, and LAVTA.</i>	
<b>AC Transit - East Bay Paratransit<sup>4</sup></b>	<b>4.5%</b>
<b>BART - East Bay Paratransit<sup>4</sup></b>	<b>1.5%</b>
<ol style="list-style-type: none"> <li>1. Funds are distributed based on the percentage of the population over age 70 in each of the four planning areas for city-based and mandated paratransit services. Funds can be further allocated to individual cities within each planning area based on a formula refined by PAPCO.</li> <li>2. Funding will be assigned to Hayward to serve the unincorporated areas.</li> <li>3. Funding for Livermore and Dublin will be assigned to LAVTA for their ADA-mandated paratransit program.</li> <li>4. Measure BB funds are dispersed to AC Transit and BART to operate the East Bay Paratransit Consortium.</li> </ol>	



**EXHIBIT C****PERFORMANCE MEASURE SUMMARY**

Direct Local Distribution recipients are to document the performance and benefits of the projects and programs funded with Measure B, Measure BB, and/or Vehicle Registration Fee funds. The following performance measures are a selection of performance standards that must be documented at minimum by the recipients, as applicable. Additional performance measures may be requested by the Alameda CTC.

Performance reporting will be done through Alameda CTC's reporting processes including the annual program compliance reports, annual performance report, and various planning activities, as they are requested and applicable. Performance will be evaluated periodically through the aforementioned evaluation reports to determine the effectiveness of investments and to inform future investment decisions.

**BICYCLE AND PEDESTRIAN PROGRAM  
PERFORMANCE MEASURES**

<b>Performance Measure</b>	<b>Performance Metric and Standard</b>	<b>Evaluation Horizon &amp; Method</b>	<b>Corrective Action</b>	<b>Potential Improvements to Correct Deficiency</b>
<b>Current Master Plans</b> Maintain a current Bicycle/Pedestrian Master Plan (BPMP) that features required core elements	Plan(s) no more than 5 years old, based on adoption date.	Annually via Compliance Report	Any agency without a current plan is required to explain and provide anticipated schedule and funding to achieve plan update.	- Schedule for update
<b>Infrastructure Investment</b> - Number of linear feet or lane miles of bicycle facilities built or maintained (bike lanes, bike routes, multi-use pathways) - Number of pedestrian projects completed (linear feet of sidewalks, number of crossing improvements, quantify traffic calming items, lighting, landscaping/streetscape, number of curb/ADA ramps, linear feet of trail/pathway built or maintained)	- Bikeway projects completed by roadway segment and facility type  - Pedestrian projects completed by category (or categories) of improvement; increased quantity of specific improvements i.e. crossing improvements, striping, signage, curb ramps, pathways.	Annually via Compliance Report	N/A; Report on investments	N/A
<b>Capital Project and Program Investment</b> Amount expended on capital projects and programs by phase (design, row, con and capital support)	Investment into capital projects and programs is greater than funding program administration (outreach, staffing, administrative support)	Annually via Compliance Report	Any agency expending less on capital investments compared to other activities must explain how capital investments will be addressed in subsequent years	N/A

## EXHIBIT C (cont.)

LOCAL TRANSPORTATION PROGRAM (Local Streets and Roads)  
PERFORMANCE MEASURES

Performance Measure	Performance Metric and Standard	Evaluation Horizon & Method	Corrective Action	Potential Improvements to Correct Deficiency
<b>Pavement State of Repair</b>	Maintain a city-wide average Pavement Condition Index of 60 (Fair Condition) or above  Track PCI reported based on regional data: <a href="http://www.mtc.ca.gov/news/street_fight/">http://www.mtc.ca.gov/news/street_fight/</a>	Annually via Performance Report	Any agency falling under 60 PCI must provide an explanation and/or identify corrective action will need to increase PCI to target levels	Develop corrective actions
<b>Complete Streets Implementation</b> - Expenditure of LSR funds on bicycle and pedestrian projects elements (for Measure BB funds only)  - Number of exceptions to adopted local complete streets policies issued	- Maintain a 15% annual minimum LSR investment to support bicycling and walking  - Number of projects where accommodation for all users and modes of transportation not included	Annually via Compliance Report	Fund expenditures: Any agency not achieving the target percentage must explain or identify future plan.  Policy exceptions: N/A	N/A
<b>Capital Project and Program Investment</b> Amount expended on capital projects and programs by phase (design, row, con and capital support) and by key corridors	Investment into capital projects and programs is greater than funding program administration (outreach, staffing, administrative support)	Annually via Compliance Report	Any agency expending less on capital investments compared to other activities must explain how capital investments will increase in the subsequent years	Develop corrective actions
<b>Corridor-level Vehicle Speed and Reliability</b> Historic trend of vehicle speed and reliability (V/C) during AM/PM peak hours on key corridors with Capital or Operational Investments	Speed and reliability trends should maintain or improve if corridor had Capital or Operational investments since the last Alameda CTC's Level of Service (LOS) Reporting period.	Bi-annually via Alameda CTC's (LOS) Report	Any agency that shows worsening speed or reliability trend after improvements must provide an explanation and identify corrective steps.	Develop corrective actions

## EXHIBIT C (cont.)

MASS TRANSIT PROGRAM  
PERFORMANCE MEASURES

Performance Measure	Performance Metric and Standard	Evaluation Horizon and Method	Corrective Action	Potential Improvements to Correct Deficiency
<b>Ridership/Service Utilization</b> - Annual Ridership - Passenger trips per revenue vehicle hour/mile	Change in annual ridership and passenger trips per revenue vehicle hour/mile and qualitative explanation for possible reasons	Annually via Performance Report	N/A	N/A
<b>On-time Performance: System wide Average and Key Trunk Lines</b> On time performance of transit system	- Average on-time performance based upon the mode of transit with a target of 75% to 90% or based on the transit agency's adopted performance goals and standards - Agencies are expected to maintain or increase on-time performance annually	Annually via Performance Report	Any agency not meeting this target must prepare a deficiency plan with short- and long-term actions to correct, and explain what would be required to provide this level of service. The deficiency plan should include the involvement of agencies that have jurisdiction over areas that may be impacting transit performance, where applicable.	Through the deficiency plan, identify any corrective actions, responsibilities, and funding opportunities to improve system performance.
<b>Travel Time</b> Speed and reliability (peak vs non-peak) of key trunk lines (bus operators only)	Average speeds at least 50 percent of prevailing auto speed or maintain or increase speed annually	Bi-annually via Alameda CTC's LOS Monitoring Report	Any agency not meeting this target must prepare a deficiency plan with short- and long-term actions to correct, and explain what would be required to provide this level of service. The deficiency plan should include the involvement of agencies that have jurisdiction over areas that may be impacting transit performance, where applicable.	Through the deficiency plan, identify any corrective actions, responsibilities, and funding opportunities to improve system performance.
<b>Cost Effectiveness</b> - Operating Cost per Passenger - Operating Cost per Revenue Vehicle Hour/Mile	Maintain operating cost per passenger or per revenue vehicle hour/mile; percentage increase less than or equal to inflation as measured by CPI	Annually via Performance Report	Any agency with significant increase in costs must provide an explanation	N/A
<b>Transit Fleet State of Good Repair</b> - Distance between breakdowns/service interruptions - Missed trips - Miles between road-calls	- Maintain or increase average distance between break downs or road calls - Maintain or reduce the number of missed trips	Annually via Performance Report	Any agency not meeting expected performance must provide an explanation	N/A
<b>Service Provision</b> - Frequency and service span on major corridors or trunk lines - Revenue hours - Revenue miles	- 15 minute or better frequencies on major corridors or trunk lines: 10 minute or better frequencies during weekday peak periods - Service span of 7 days/week, 20 hours per day - Maintain or increase revenue hours/miles	Annually via performance report	Any agency not meeting expected performance must provide an explanation and a description of how service provision will be met in the future	N/A

**EXHIBIT C (cont.)**

**PARATRANSIT PROGRAM  
PERFORMANCE MEASURES**

<b>Performance Measure</b>	<b>Performance Metric and Standard</b>	<b>Evaluation Horizon and Method</b>	<b>Corrective Action</b>	<b>Potential Improvements to Correct Deficiency</b>
<b>Service Operations and Provisions</b> Number of people served or trips provided	Track number of individuals served by program. - Service types such as ADA mandated paratransit, door-to-door service, taxi programs, accessible van service, shuttle service, group trips, travel training, meal delivery	Annually via Compliance Report and Program Plan Review	N/A; Report on ridership or service data.	N/A
<b>Cost Effectiveness</b> Cost per Trip or Cost per Passenger  Total Measure B/BB program cost per one-way passenger trip divided by total trips or total passengers during period.	Maintain cost per trip or per passengers - Service types such as ADA mandated paratransit, door-to-door service, taxi programs, accessible van service, shuttle service, group trips	Annually via Compliance Report and Program Plan Review	Any agency with significant increase in costs must provide an explanation	Develop corrective actions

*Note: The Paratransit Program Implementation Guidelines contains additional listing of performance measures by program type.*



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

**Section 1. Purpose**

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

**Section 2. Authority**

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

**Section 3. Background**

- A. Alameda CTC developed Implementation guidelines for the Bicycle and Pedestrian Safety Funds to clarify eligible fund uses and expenditures in association Master Programs Funding Agreements for the November 2000 voter-approved Measure B Direct Local Distribution funds (formally known as “pass-through funds”). In 2012, the Master Programs Funding Agreements were updated to include the voter approved Measure F - Vehicle Registration Fee (VRF) program. In November 2014, voters approved the 2014 Transportation Expenditure Plan, Measure BB, and new Master Programs Funding Agreements were subsequently developed to incorporate Measure BB funds.

**Section 4. Definition of Terms**

- A. **Alameda CTC:** The Alameda County Transportation Commission is a Joint Powers Authority created by the merger of the Alameda County Congestion Management Agency, which performed long-range planning and funding for countywide transportation projects and programs, and the Alameda County Transportation Improvement Authority, which administered the voter approved half-cent transportation sales taxes in Alameda County (the 1986 and 2000 approved Measure B sales tax programs)
- B. **Capital project:** A bicycle and pedestrian capital investment that typically requires the following phases: planning/feasibility, scoping, environmental clearance, design, right-of-way, construction, and completion.
- C. **Complete Street:** A transportation facility that is planned, designed, operated, and maintained to provide safe mobility for all users, including bicyclists, pedestrians, transit vehicles, truckers, and motorists, appropriate to the function and context of the facility. Complete street concepts apply to rural, suburban, and urban areas. (Caltrans definition)
- D. **Complete Streets Act of 2008:** The California Complete Streets Act (Assembly Bill 1358) was signed into law in September 2008. It requires that local jurisdictions modify their general plans as follows:

## Alameda CTC Bicycle and Pedestrian Safety Program Implementation Guidelines

“(A) Commencing January 1, 2011, upon any substantial revision of the circulation element, the legislative body shall modify the circulation element to plan for a balanced, multimodal transportation network that meets the needs of all users of the streets, roads, and highways for safe and convenient travel in a manner that is suitable to the rural, suburban, or urban context of the general plan.

(B) For the purposes of this paragraph, “users of streets, roads, and highways” means bicyclists, children, persons with disabilities, motorists, movers of commercial goods, pedestrians, users of public transportation, and seniors.”

- E. **Construction:** Construction of a new capital project, including development of preliminary engineering and construction documents, including plans, specifications, and estimates.
- F. **Cost Allocation Plans (CAPs):** CAPs and Indirect cost rate proposals (IDCs) are plans that provide a systematic manner to identify, accumulate, and distribute allowable direct and indirect costs to Bicycle and Pedestrian Safety programs funded through the Alameda CTC Master Programs Funding Agreements.
- G. **Direct cost:** A cost completely attributed to the provision of a service, operations, a program, a capital cost, or a product. These costs include documented hourly project staff labor charges (salaries, wages and benefits) which are directly and solely related to the implementation of the Alameda CTC-funded Bicycle and Pedestrian Safety Funds, consultants, and materials. These funds may be used for travel or training if they are directly related to the implementation of the Bicycle and Pedestrian Safety Funds.
- H. **Direct Local Distribution Funds:** Funds are allocated based upon a funding formula (such as population, registered vehicles, roadmiles, or a combination thereof) defined in a voter approved measure and provided to eligible jurisdictions on a regularly schedule basis (such as a regular monthly payment).
- I. **Environmental Documents:** Preparation of environmental documents, such as those related to the California Environmental Quality Act (CEQA) or the National Environmental Policy Act (NEPA), or permits required by state or federal permitting agencies.
- J. **Grants:** Funding for plans, programs or projects based upon a competitive call for projects, an evaluation process based on adopted evaluation criteria and allocated based upon a reimbursement basis.
- K. **Indirect cost:** Also known as “overhead,” any cost of doing business other than direct costs. These costs include utilities, rent, administrative staff, officer's salaries, accounting department costs and personnel department costs, which are requisite for general operation of the organization, but are not directly allocable to a particular service or product.
- L. **Local Bicycle Master Plan/Local Pedestrian Master Plans:** Locally adopted plans that, at a minimum, examine existing conditions for walking and/or bicycling, and provide recommendations on improving the walking and/or bicycling environment, and prioritize these improvements. These plans may be stand-alone bicycle and pedestrian plans or may be a joint plan that addresses both walking and bicycling.
- M. **Maintenance:** Repairs, renovation, or upgrade of existing facility or infrastructure.
- N. **Measure B:** Alameda County's half-cent transportation sales tax, originally approved in 1986, then reauthorized by voters in November 2000. Collection of the sales tax began on April 1, 2002. Administered by the Alameda CTC, Measure B funds four types of programs in 20 local jurisdictions: bicycle and pedestrian, local streets and roads, mass transit, and paratransit.
- O. **Measure BB:** Alameda County voters approved Measure BB, the 2014 Transportation Expenditure Plan, in November 2014. It authorizes the collection of a half-cent transportation sales tax and augments the existing 2000 Measure B sales tax program. Collection of the sales tax began on April 1, 2015. Administered by the Alameda CTC, Measure BB funds four types of programs in 20 local jurisdictions: bicycle and pedestrian, local streets and roads, mass transit, and paratransit.

## Alameda CTC Bicycle and Pedestrian Safety Program Implementation Guidelines

- P. **Operations:** Provision of services that operate transportation facilities and programs. Operations costs do not include the costs to operate community outreach or other programs not directly related to a specific transportation service, program, or product.
- Q. **Direct Local Distribution Funds:** Funds are allocated based upon a funding formula (such as population, registered vehicles, roadmiles, or a combination thereof) defined in a voter approved measure and provided to eligible jurisdictions on a regularly schedule basis (such as a regular monthly payment).
- R. **Planning:** Identification of project and program current conditions and needs and development of strategies and plans to address the identified needs.
- S. **Project Completion/Closeout:** Inspection/project acceptance, final invoicing, final reporting, and processes for closing out project.
- T. **Scoping and Project Feasibility:** Early capital project phases that identify project needs, costs and implementation feasibility.
- U. **Vehicle Registration Fee (VRF):** Measure F, Alameda County's VRF Program, approved by the voters in November 2010 with 63 percent of the vote. It will generate approximately \$12 million per year through a \$10 per year vehicle registration fee. Administered by the Alameda CTC, the VRF funds four main types of programs (with the funding distribution noted in parenthesis): local streets and roads (60 percent); transit (25 percent); local transportation technology (10 percent); and bicycle and pedestrian projects (5 percent).

### Section 5. Bicycle and Pedestrian Safety Fund Allocations

- A. These implementation Guidelines provide guidance on two types of Bicycle and Pedestrian Safety allocation processes for Measure B and Measure BB funds: 1) Direct Local Distribution funds and grants.

#### 1. Bicycle and Pedestrian Direct Local Distribution (DLD) Funds

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

For Measure B, the DLD funds constitute seventy-five percent of the total Measure B bicycle/pedestrian funds. For Measure BB, three percent of total net Measure BB revenues are identified for the Measure BB bicycle/pedestrian DLD program. Each city and Alameda County will receive their proportional share of the DLD based on population over the life of the Measure (which share shall be adjusted annually as described in the Master Programs Funding Agreement). These funds are allocated on a monthly basis directly to each city and the County.

- b. *Eligible Uses:* The Measure B and Measure BB Bicycle/Pedestrian DLD funds may be used for capital projects, programs, or plans that directly address bicycle and pedestrian access, convenience, safety, and usage. Eligible uses for these funds include, but are not necessarily limited to:

##### 1) Capital Projects, including:

- a. New pedestrian facilities (e.g. sidewalks, curb ramps, countdown signals, accessible signals)
- b. Improvements to existing pedestrian facilities

## Alameda CTC Bicycle and Pedestrian Safety Program Implementation Guidelines

- c. New bikeways (such as bicycle routes, boulevards, lanes, multi-use pathways)
  - d. Improvements or upgrades to existing bikeways
  - e. Maintenance of bicycle and pedestrian facilities
  - f. Crossing improvements (at intersections, interchanges, railroads, freeways, etc.) for pedestrians and bicyclists
  - g. Bicycle parking facilities, including construction, maintenance and operations
  - h. ADA on-street improvements
  - i. Signage for pedestrians and/or bicyclists
  - j. Pedestrian and bicycle access improvements to, from and at transit facilities
  - k. Traffic calming projects
  - l. All phases of capital projects, including feasibility studies, planning, and environmental
- 2) Development of Local Bicycle and/or Pedestrian Master Plans, and updates of Plans
  - 3) Compliance with complete streets policies, to comply with the California Complete Streets Act of 2008, as specified in Section 6.
  - 4) Design and implementation of education, enforcement, outreach, and promotion programs
  - 5) Direct staff and consultant costs to develop, plan, implement, operate, and maintain the bicycle and pedestrian projects and programs.
  - 6) Maintenance of the portion of the street most often used for bicycling (such as bicycle lanes)
  - 7) Bicycle/pedestrian capital projects on non-city property, such as on school district property.
  - 8) Direct staff and consultant costs that support eligible activities, including the end-of-year compliance report
  - 9) Crossing guards
  - 10) Direct staff training costs directly related to implementation of projects, plans, or programs implemented with the Bicycle and Pedestrian Safety Funds
- c. *Ineligible Uses:* The following is a list of ineligible uses of Measure B Bicycle/Pedestrian pass-through funds:
- 1) Non-transportation projects such as fees charged to capital construction projects for services or amenities not related to transportation
  - 2) Repaving of the entire roadway (see “Eligible Uses” above for exceptions)



## Alameda CTC Bicycle and Pedestrian Safety Program Implementation Guidelines

- 3) Capital projects, programs, or plans that do not directly address bicycle and pedestrian access, convenience, safety, and usage
  - 4) Projects or programs that exclusively serve city/county staff
  - 5) Indirect costs, unless the RECIPIENT submits an independently audited/approved Indirect Cost Allocation Plan
- d. *List of Projects/Programs:* All projects and programs that use Measure B and Measure BB Bicycle and Pedestrian Safety DLD funds must receive governing board approval prior to the jurisdiction expending the DLD funding on the project/program. This approval allows the opportunity for the public to provide input on planning for bicycle and pedestrian safety. These projects and programs may be included in any of the following, as long as they have been adopted by the jurisdiction's governing board:
- 1) List of projects on which to specifically spend Measure B/BB funds
  - 2) Local Bicycle and/or Pedestrian Master Plan with priority projects
  - 3) Capital Improvement Program
  - 4) A resolution, such as to submit a grant application
2. Bicycle and Pedestrian Grant Funds
- a. The Alameda CTC will administer a bicycle and pedestrian discretionary grant program using a portion of each of the Measure B, Measure BB, and the VRF Bicycle and Pedestrian Safety funds. The Alameda CTC will adopt *Grant Program Guidelines* before each grant cycle that will establish the guiding policies for that grant cycle, and will publicize each grant funding cycle.
  - b. Local jurisdictions, transit operators and Community Based Organizations (CBO) in Alameda County may be eligible for these competitive funds as determined by the Alameda CTC discretionary processes and the *Grant Program Guidelines*.

### Section 6. Complete Streets Policy Requirement

- A. To receive Measure B, Measure BB, and VRF funds, local jurisdictions must do both of the following with respect to Complete Street policies:
1. Have an adopted complete streets policy
  2. Comply with the California Complete Streets Act of 2008. The California Complete Streets Act (AB1358) requires that local general plans do the following:
    - a. Commencing January 1, 2011, upon any substantial revision of the circulation element, the legislative body shall modify the circulation element to plan for a balanced, multimodal transportation network that meets the needs of all users of the streets, roads, and highways for safe and convenient travel in a manner that is suitable to the rural, suburban, or urban context of the general plan.
    - b. For the purposes of this paragraph, "users of streets, roads, and highways" means bicyclists, children, persons with disabilities, motorists, movers of commercial goods, pedestrians, users of public transportation, and seniors.

The Governor's Office of Planning and Research has developed detailed guidance for meeting this law: *Update to the General Plan Guidelines: Complete Streets and the Circulation Element* ([http://www.opr.ca.gov/planning/docs/Update\\_GP\\_Guidelines\\_Complete\\_Streets.pdf](http://www.opr.ca.gov/planning/docs/Update_GP_Guidelines_Complete_Streets.pdf)).

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

- A. To receive Measure B, Measure BB, and VRF funds, local jurisdictions must do all of the following with respect to local bicycle and pedestrian master plans. The Alameda CTC will provide technical assistance and funding to local jurisdictions to meet these requirements through the competitive Bicycle and Pedestrian Safety Grant Program. Jurisdictions may also use DLD funds for the development of local bicycle and pedestrian master plans.
1. Have an adopted Local Pedestrian Master Plan AND Local Bicycle Master Plan, OR have an adopted combined Local Pedestrian and Bicycle Plan; or demonstrate that the plan is being developed and will be adopted.
  2. Each plan must be updated, at a minimum, every five years.
  3. Each plan must include core elements to ensure that the plan is effective, and that plans throughout the county are comparable, to the extent that is reasonable, to facilitate countywide planning. The Alameda CTC will develop and maintain guidelines outlining these core elements.

### **Section 8. Advancement of Direct Local Distribution Funds**

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

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

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

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

**Section 1. Purpose**

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

**Section 2. Authority**

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

**Section 3. Background**

- A. Alameda CTC developed Implementation Guidelines for the Local Streets and Roads funds to clarify eligible fund uses and expenditures in association with Master Program Funding Agreements for the November 2000 voter-approved Measure B Direct Local Distribution funds (formally known as “pass-through funds”). The Expenditure Plan allocates 22.34 percent of Measure B funds for Local Streets and Roads programs and projects. In 2012, the Master Programs Funding Agreements were updated to include the voter approved Measure F - Vehicle Registration Fee (VRF) program. The VRF includes 60 percent of net revenues for a Local Streets and Roads Program. In November 2014, voters approved the 2014 Transportation Expenditure Plan, Measure BB, which allocates 20.00 percent of funds for a Local Streets and Roads program. New Master Programs Funding Agreements were subsequently developed to incorporate Measure BB funds.

**Section 4. Definition of Terms**

- A. **Alameda CTC:** The Alameda County Transportation Commission is a Joint Powers Authority created by the merger of the Alameda County Congestion Management Agency, which performed long-range planning and funding for countywide transportation projects and programs, and the Alameda County Transportation Improvement Authority, which administered the voter-approved, half-cent transportation sales taxes in Alameda County (the Measure B sales tax programs approved in 1986 and 2000).
- B. **Bike parking:** Bike racks and lockers, bike shelters, attended bike parking facilities, and bike parking infrastructure.

Alameda CTC Local Streets and Roads Program Implementation Guidelines

- C. **Bikeways and multiuse paths:** Bike lanes, bike boulevards, sidepaths, bike routes, multiuse pathways, at-grade bike crossings, and maintenance of bikeway facilities.
- D. **Bridges and tunnels:** Crossings above or below grade for bicycles, pedestrians, and/or autos and transit.
- E. **Capital project:** A capital investment that typically requires the following phases: planning/feasibility, scoping, environmental clearance, design, right-of-way, construction, and completion.
- F. **Complete Street:** A transportation facility that is planned, designed, operated, and maintained to provide safe mobility for all users, including bicyclists, pedestrians, transit vehicles, truckers, and motorists, appropriate to the function and context of the facility. Complete street concepts apply to rural, suburban, and urban areas. (Caltrans definition)
- G. **Complete Streets Act of 2008:** The California Complete Streets Act (Assembly Bill 1358) was signed into law in September 2008. It requires that local jurisdictions modify their general plans as follows:
  - “(A) Commencing January 1, 2011, upon any substantial revision of the circulation element, the legislative body shall modify the circulation element to plan for a balanced, multimodal transportation network that meets the needs of all users of the streets, roads, and highways for safe and convenient travel in a manner that is suitable to the rural, suburban, or urban context of the general plan.
  - (B) For the purposes of this paragraph, “users of streets, roads, and highways” means bicyclists, children, persons with disabilities, motorists, movers of commercial goods, pedestrians, users of public transportation, and seniors.”
- H. **Construction:** Construction of a new capital project, including development of preliminary engineering and construction documents, including plans, specifications, and estimates (PS&E).
- I. **Cost Allocation Plans (CAPs):** CAPs and indirect cost (IDC) rate proposals are plans that provide a systematic manner to identify, accumulate, and distribute allowable direct and indirect costs to Local Streets and Roads programs funded through the Alameda CTC Master Programs Funding Agreements.
- J. **Direct cost:** A cost completely attributed to the provision of a service, operations, a program, a capital cost, or a product. These costs include documented hourly project staff labor charges (salaries, wages, and benefits) that are directly and solely related to the implementation of the Alameda CTC-funded Local Streets and Roads projects, consultants, and materials. These funds may be used for travel or training if they are directly related to the implementation of the Local Streets and Roads funds.
- K. **Direct Local Distribution Funds:** Funds are allocated based upon a funding formula (such as population, registered vehicles, roadmiles, or a combination thereof) defined in a voter approved measure and provided to eligible jurisdictions on a regularly schedule basis (such as a regular monthly payment).
- L. **Education and promotion:** Marketing, education, information, outreach, and promotional campaigns and programs.
- M. **Environmental documents:** Preparation of environmental documents, such as those related to the California Environmental Quality Act (CEQA) or the National Environmental Policy Act (NEPA), or permits required by state or federal permitting agencies.
- N. **Equipment and new vehicles:** Purchase or lease of vehicles and equipment for service improvements, such as information dissemination, fare collection, etc.
- O. **Grants:** Funding for plans, programs, or projects based on a competitive call for projects; evaluated based on adopted evaluation criteria; and allocated based on a reimbursement basis.

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- P. **Indirect cost:** Also known as “overhead,” any cost of doing business other than direct costs. These costs include utilities, rent, administrative staff, officers’ salaries, accounting department costs, and personnel department costs, which are requisite for general operation of the organization but are not directly allocable to a particular service or product.
- Q. **Maintenance:** Repairs, renovation, or upgrade of existing facility or infrastructure.
- R. **Measure B:** Alameda County’s half-cent transportation sales tax, originally approved in 1986, and reauthorized by voters in November 2000. Collection of the sales tax began on April 1, 2002. Administered by the Alameda CTC, Measure B funds four types of programs in 20 local jurisdictions: bicycle and pedestrian, local streets and roads, mass transit, and paratransit.
- S. **Operations:** Provision of services that operate transportation facilities and programs. Operations costs do not include the costs to operate community outreach or other programs not directly related to a specific transportation service, program, or product.
- T. **Pedestrian crossing improvements:** At-grade pedestrian crossing improvements such as crosswalks, roadway/geometric changes, or reconfiguration specifically benefiting pedestrians.
- U. **Planning:** Identification of project and program current conditions and needs and development of strategies and plans to address the identified needs.
- V. **Planning area:** Four geographical sub-areas of the county (Planning Areas 1, 2, 3, and 4). The sub-areas of the county are defined by the Alameda CTC as follows:
1. Planning Area 1 – North Area: Cities of Alameda, Albany, Berkeley, Emeryville, Oakland and Piedmont
  2. Planning Area 2 – Central Area: Cities of Hayward and San Leandro, and the unincorporated areas of Castro Valley and San Lorenzo, as well as other unincorporated lands in that area
  3. Planning Area 3 – South Area: Cities of Fremont, Newark, and Union City
  4. Planning Area 4 – East Area: Cities of Dublin, Livermore, and Pleasanton, and all unincorporated lands in that area
- W. **Project completion/closeout:** Inspection/project acceptance, final invoicing, final reporting, and the processes for closing out a project.
- X. **Scoping and project feasibility:** Early capital project phases that identify project needs, costs, and implementation feasibility.
- Y. **Sidewalks and ramps:** New sidewalks, sidewalk maintenance, curb ramps, and stairs/ramps for pedestrian and Americans with Disabilities Act access.
- Z. **Signage:** Warning, regulatory, wayfinding, or informational signage.
- AA. **Signals:** New traffic signals or crossing signals, signal upgrades, countdown signals, audible signals, or signal timing improvements.
- BB. **Street resurfacing and maintenance:** Repaving and resurfacing of on-street surfaces, including striping.
- CC. **Traffic calming:** Infrastructure primarily aimed at slowing down motor vehicle traffic.
- DD. **Vehicle Registration Fee (VRF):** Measure F, Alameda County’s VRF Program, approved by the voters in November 2010 with 63 percent of the vote. It will generate approximately \$12 million per year through a \$10 per year vehicle registration fee. Administered by the Alameda CTC, the VRF funds

four main types of programs and the distribution percentage is as follows: local streets and roads (60 percent); transit (25 percent); local transportation technology (10 percent); and bicycle and pedestrian projects (5 percent).

## Section 5. Local Streets and Roads Fund Allocations

A. These Implementation Guidelines provide guidance on the Local Streets and Roads Fund allocation process for Measure B, Measure BB, and VRF Direct Local Distribution funds.

1. Measure B and Measure BB Local Streets and Roads Direct Local Distribution (DLD) Funds

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

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

- b. *Eligible Uses:* The Measure B and Measure BB Local Streets and Roads DLD funds may be used for capital projects, programs, maintenance, or operations that directly improve local streets and roads and local transportation. Eligible uses for these funds include, but are not necessarily limited to:

- 1) Capital projects, including:
  - a) All phases of capital projects, including feasibility studies, planning, and environmental
  - b) Upgrades to or installation of new local streets and roads infrastructure including installation of streets, roads, and highways
  - c) Street resurfacing and maintenance including repaving and resurfacing of on-street surfaces including striping
  - d) Improvements or upgrades to bridges and tunnels
  - e) Installation of or upgrades to sidewalks and curb ramps
  - f) Americans with Disabilities Act (ADA) on-street improvements, including sidewalk upgrades and curb ramp installations
  - g) Purchase or lease of equipment or new vehicles for local streets and roads improvements

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- h) Crossing improvements including traffic signals, signage, and traffic lights (at intersections, interchanges, railroads, freeways, etc.) for drivers, pedestrians, and bicyclists
  - i) Improvements to or installation of new pedestrian facilities (e.g., sidewalks, curb ramps, countdown signals, accessible signals, at-grade bike crossings)
  - j) Improvements or upgrades to or installation of new bikeways (such as bicycle routes, boulevards, lanes, multi-use pathways)
  - k) Maintenance of or installation of bicycle and pedestrian facilities, including construction, maintenance, and operations of bike parking facilities.
  - l) Pedestrian and bicycle access improvements to, from and at transit facilities
  - m) Traffic calming projects
- 2) Transit system operations, operations of traffic signal system controls and interconnections, and corridor monitoring and management
  - 3) Mass transit project operations including bus, ferry, shuttle, rail, and Welfare to Work services
  - 4) Paratransit services
  - 5) Direct staff and consultant costs that support eligible activities, including the end-of-year compliance report
  - 6) Direct staff training costs directly related to implementation of projects or programs implemented with the Local Streets and Roads Funds
- c. *Ineligible Uses:* The following is a list of ineligible uses of Measure B Local Streets and Roads DLD funds:
- 1) Non-transportation projects such as fees charged to capital construction projects for services or amenities not related to transportation
  - 2) Capital projects, programs, maintenances, or operations that do not directly improve local streets and roads and local transportation
  - 3) Projects or programs that exclusively serve city/county staff
  - 4) Indirect costs, unless the RECIPIENT submits an independently audited/approved Indirect Cost Allocation Plan
- d. *List of Projects/Programs:* All projects and programs that use Measure B and Measure BB Local Streets and Roads DLD funds must receive governing board approval prior to the jurisdiction expending the DLD funding on the project/program. This approval allows the opportunity for the public to provide input on planning for local streets and roads projects. These projects and programs must be included in any of the following, as long as they have been adopted by the jurisdiction's governing board:
- 1) List of projects on which to specifically spend Measure B funds

## Alameda CTC Local Streets and Roads Program Implementation Guidelines

- 2) Local Streets and Roads Master Plan with priority projects
- 3) Capital Improvement Program
- 4) A resolution, such as to submit a grant application

### 2. VRF Local Streets and Roads DLD Funds

- a. *General:* Alameda CTC distributes VRF Local Streets and Roads DLD Funds to cities in the county and to Alameda County to be spent on transportation capital improvements for surface streets and arterial roads, and maintenance and upkeep of local streets and roads. These funds are intended to maintain and improve local streets and roads as well as a broad range of facilities in Alameda County (from local to arterial facilities).

The DLD funds constitute 100 percent of the total VRF Local Streets and Roads funds and are distributed among the four planning areas of the county. VRF local streets and roads DLD funds within the geographic planning area are based on a formula weighted 50 percent by the population of the jurisdiction within the planning area and 50 percent of the number of registered vehicles in the planning area. VRF local streets and roads funds will be distributed by population within a planning area. Allocations may change in the future based on changes in population and number of registered vehicle figures. Recipients are not required to enter into a separate agreement with Alameda CTC prior to receipt of such funds. Agencies will maintain all interest accrued from the VRF Local Road Program DLD funds within the program. These funds are allocated on a monthly basis directly to each city and the County. DLD funds must be placed in separate accounts for the Measure B, Measure BB, and VRF programs.

- b. *Eligible Uses:* The VRF Local Streets and Roads DLD funds may be used for improving, maintaining, and rehabilitating local roads and traffic signals. It will also incorporate the Complete Streets practice that makes local roads safe for all modes, including bicyclists and pedestrians, and accommodates transit. Eligible uses for these funds include, but are not necessarily limited to:

- 1) Street repaving and rehabilitation, including curbs, gutters and drains
- 2) Traffic signal maintenance and upgrades, including bicyclist and pedestrian treatments
- 3) Signage and striping on roadways, including traffic and bicycle lanes and crosswalks
- 4) Sidewalk repair and installation
- 5) Bus stop improvements, including bus pads, turnouts and striping
- 6) Improvements to roadways at rail crossings, including grade separations and safety protection devices
- 7) Improvements to roadways with truck or transit routing

- c. *Ineligible Uses:* The following is a list of ineligible uses of VRF Local Streets and Roads DLD funds:

- 1) Non-transportation projects such as fees charged to capital construction projects for services or amenities that are not related to transportation



- 2) Projects or programs that are not directly related to streets and roads improvements
- 3) Projects or programs that exclusively serve city/county staff
- 4) Indirect costs, unless the RECIPIENT submits an independently audited/approved Indirect Cost Allocation Plan.

## Section 6. Complete Streets Policy Requirement

- A. To receive Measure B and VRF funds, local jurisdictions must do both of the following with respect to Complete Streets policies:
1. Have an adopted Complete Streets policy.
  2. Comply with the California Complete Streets Act of 2008. The California Complete Streets Act (AB1358) requires that local general plans do the following:
    - a. Commencing January 1, 2011, upon any substantial revision of the circulation element, the legislative body shall modify the circulation element to plan for a balanced, multimodal transportation network that meets the needs of all users of the streets, roads, and highways for safe and convenient travel in a manner that is suitable to the rural, suburban, or urban context of the general plan.
    - b. For the purposes of this paragraph, “users of streets, roads, and highways” means bicyclists, children, persons with disabilities, motorists, movers of commercial goods, pedestrians, users of public transportation, and seniors.

The Governor’s Office of Planning and Research has developed detailed guidance for meeting this law: *Update to the General Plan Guidelines: Complete Streets and the Circulation Element* ([http://www.opr.ca.gov/planning/docs/Update\\_GP\\_Guidelines\\_Complete\\_Streets.pdf](http://www.opr.ca.gov/planning/docs/Update_GP_Guidelines_Complete_Streets.pdf)).

## Section 7. Pavement Condition Index Reporting

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

## Section 8. Advancement of Direct Local Distribution Funds

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

**Section 9. Adoption of Implementation Guidelines**

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

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

**Section 1. Purpose**

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

**Section 2. Authority**

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

**Section 3. Background**

Alameda CTC developed Implementation Guidelines for the Mass Transit funds to clarify eligible fund uses and expenditures in association with Master Programs Funding Agreements for the November 2000 voter-approved Measure B Direct Local Distribution funds (formally known as “pass-through funds”). In 2012, the Master Programs Funding Agreements were updated to include the voter approved Measure F - Vehicle Registration Fee (VRF) program. In November 2014, voters approved the 2014 Transportation Expenditure Plan, Measure BB, and new Master Programs Funding Agreements were subsequently developed to incorporate Measure BB funds.

**Section 4. Definition of Terms**

- A. **Alameda CTC:** The Alameda County Transportation Commission is a Joint Powers Authority created by the merger of the Alameda County Congestion Management Agency, which performed long-range planning and funding for countywide transportation projects and programs, and the Alameda County Transportation Improvement Authority, which administered the voter-approved, half-cent transportation sales taxes in Alameda County (the Measure B sales tax programs approved in 1986 and 2000).
- B. **Capital project:** A capital investment that typically requires the following phases: planning/feasibility, scoping, environmental clearance, design, right-of-way, construction, and completion.
- C. **Construction:** Construction of a new capital project, including development of preliminary engineering and construction documents, including plans, specifications, and estimates (PS&E).

Alameda CTC Mass Transit Program Implementation Guidelines

- D. **Cost Allocation Plans (CAPs):** CAPs and indirect cost (IDC) rate proposals are plans that provide a systematic manner to identify, accumulate, and distribute allowable direct and indirect costs to Mass Transit programs funded through the Alameda CTC Master Programs Funding Agreements.
- E. **Direct cost:** A cost completely attributed to the provision of a service, operations, a program, a capital cost, or a product. These costs include documented hourly project staff labor charges (salaries, wages, and benefits) that are directly and solely related to the implementation of Alameda CTC-funded Mass Transit projects, consultants, and materials. These funds may be used for travel or training if they are directly related to the implementation of the Mass Transit funds.
- F. **Direct Local Distribution funds:** Funds allocated based on a funding formula (such as population, registered vehicles, roadmiles, or a combination thereof) defined in a voter-approved measure and provided to eligible jurisdictions on a regularly scheduled basis (such as a regular monthly payment).
- G. **Education and promotion:** Marketing, education, information, outreach, and promotional campaigns and programs.
- H. **Environmental documents:** Preparation of environmental documents, such as those related to the California Environmental Quality Act (CEQA) or the National Environmental Policy Act (NEPA), or permits required by state or federal permitting agencies.
- I. **Equipment and new vehicles:** Purchase or lease of vehicles. Equipment for service improvements, such as information dissemination, fare collection, etc.
- J. **Express bus service:** Either of these types of rapid bus service:
  - 1. Service within zones with a defined pick-up area, nonstop express bus service, and a defined drop-off zone.
  - 2. Service that provides a simple route layout, has frequent service and fewer stops than regular fixed route service, and may include level boarding, bus priority at traffic signals, signature identification of the rapid buses such as color-coded buses and stops, and enhanced stations.
- K. **Grants:** Funding for plans, programs, or projects based on a competitive call for projects; evaluated based on adopted evaluation criteria; and allocated based on a reimbursement basis.
- L. **Indirect cost:** Also known as “overhead,” any cost of doing business other than direct costs. These costs include utilities, rent, administrative staff, officers’ salaries, accounting department costs, and personnel department costs, which are requisite for general operation of the organization but are not directly allocable to a particular service or product.
- M. **Maintenance:** Repairs, renovation, or upgrade of existing facility or infrastructure.
- N. **Measure B:** Alameda County’s half-cent transportation sales tax, originally approved in 1986, and reauthorized by voters in November 2000. Collection of the sales tax began on April 1, 2002. Administered by the Alameda CTC, Measure B funds four types of programs in 20 local jurisdictions: bicycle and pedestrian, local streets and roads, mass transit, and paratransit.
- O. **Measure BB:** Alameda County voters approved Measure BB, the 2014 Transportation Expenditure Plan, in November 2014. It authorizes the collection of a half-cent transportation sales tax and augments the existing 2000 Measure B sales tax program. Collection of the sales tax began on April 1, 2015. Administered by the Alameda CTC, Measure BB funds four types of programs in 20 local jurisdictions: bicycle and pedestrian, local streets and roads, mass transit, and paratransit.
- P. **Operations:** Provision of services that operate transportation facilities and programs. Operations costs do not include the costs to operate community outreach or other programs not directly related to a specific transportation service, program, or product.

- Q. **Planning:** Identification of project and program current conditions and needs and development of strategies and plans to address the identified needs.
- R. **Planning area:** Four geographical sub-areas of the county (Planning Areas 1, 2, 3, and 4). The sub-areas of the county are defined by the Alameda CTC as follows:
1. Planning Area 1 – North Area: Cities of Alameda, Albany, Berkeley, Emeryville, Oakland and Piedmont
  2. Planning Area 2 – Central Area: Cities of Hayward and San Leandro, and the unincorporated areas of Castro Valley and San Lorenzo, as well as other unincorporated lands in that area
  3. Planning Area 3 – South Area: Cities of Fremont, Newark, and Union City
  4. Planning Area 4 – East Area: Cities of Dublin, Livermore, and Pleasanton, and all unincorporated lands in that area
- S. **Project completion/closeout:** Inspection/project acceptance, final invoicing, final reporting, and the processes for closing out a project.
- T. **Safety improvements:** Safety or security improvements for operators, passengers, service users, facilities, and infrastructure or property.
- U. **Scoping and project feasibility:** Early capital project phases that identify project needs, costs, and implementation feasibility.
- V. **Vehicle Registration Fee (VRF):** Measure F, Alameda County’s VRF Program, approved by the voters in November 2010 with 63 percent of the vote. It will generate approximately \$11 million per year through a \$10 per year vehicle registration fee. Administered by the Alameda CTC, the VRF funds four main types of programs and the distribution percentage is as follows: local streets and roads (60 percent); transit (25 percent); local transportation technology (10 percent); and bicycle and pedestrian projects (5 percent).
- W. **Welfare to Work:** Transit services to enhance transportation opportunities for persons making the transition from welfare to work.

#### Section 5. Mass Transit Fund Allocations

- A. These Implementation Guidelines provide guidance on the Mass Transit Fund allocation process for Measure B and Measure BB Direct Local Distribution funds and Measure B Express Bus Services Grant Program and VRF Transit for Congestion Relief Program funds.
1. Measure B Mass Transit Direct Local Distribution (DLD) Funds
    - a. *General:* Alameda CTC distributes Measure B and Measure BB Mass Transit DLD Funds to transit operators in Alameda County to be spent on maintenance of transit services, restoration of service cuts, expansion of transit services, and passenger safety and security. Transit operators in Alameda County receive their proportional share of mass transit DLD funds based on percentages of net revenues generated by the Measure B and Measure BB sales and use taxes (which share shall be adjusted annually as described in the Master Programs Funding Agreement). These funds are allocated on a monthly basis directly to each transit operator.
    - b. *Eligible Uses:* The Measure B and Measure BB Mass Transit DLD funds may be used for capital projects, programs, maintenance, or operations that directly improve mass transit services. Eligible uses for these funds include, but are not necessarily limited to:

## Alameda CTC Mass Transit Program Implementation Guidelines

- 1) Capital projects, including:
    - a) All phases of capital projects, including feasibility studies, planning, and environmental
    - b) Upgrades to or expansions to bus, ferry, rail, and shuttle infrastructure
    - c) Purchase or lease of equipment or new vehicles for transit services
  - 2) Mass transit system operations and services, including commuter rail; express, local, and feeder bus; and ferry
  - 3) Paratransit services
  - 4) Welfare to Work services
  - 5) Direct staff and consultant costs to develop, plan, implement, operate and maintain transit projects and programs
  - 6) Direct staff and consultant costs that support eligible activities, including the end-of-year compliance report
  - 7) Direct staff training costs directly related to implementation of projects or programs implemented with the Mass Transit Funds
- c. *Ineligible Uses:* The following is a list of ineligible uses of Measure B and Measure BB Mass Transit DLD funds:
- 1) Non-transportation projects such as fees charged to capital construction projects for services or amenities not related to transportation
  - 2) Capital projects, programs, maintenances, or operations that does not directly improve mass transit services
  - 3) Projects or programs that exclusively serve city/county staff
  - 4) Indirect costs, unless the RECIPIENT submits an independently audited/approved Indirect Cost Allocation Plan.
2. Measure B Express Bus Services Grant Program Funds
- a. The Measure B Expenditure Plan dedicates 0.7 percent of net revenues for the Countywide Express Bus Service fund for express bus service projects. The Alameda CTC will administer a Measure B Countywide Express Bus Services discretionary grant program. The Alameda CTC will adopt *Grant Program Guidelines* before each grant cycle that will establish the guiding policies for that grant cycle, and will widely publicize each grant funding cycle.
  - b. Two agencies are eligible to receive express bus services grant funds:
    - 1) Alameda-Contra Costa Transit District (AC Transit)
    - 2) Livermore Amador Valley Transit Authority (LAVTA)Fund recipients must enter into a separate agreement with Alameda CTC.
3. VRF Transit for Congestion Relief Program Funds

## Alameda CTC Mass Transit Program Implementation Guidelines

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

### **Section 6. Advancement of Direct Local Distribution Funds**

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

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

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

**Alameda County Transportation Commission  
Implementation Guidelines for the  
Paratransit Program Funded through  
Measure B and Measure BB**

**Section 1. Purpose**

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

**Section 2. Authority**

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

**Section 3. Background**

- A. Alameda CTC developed Implementation Guidelines for the Paratransit funds to clarify eligible fund uses and expenditures in association Master Programs Funding Agreements for the November 2000 voter-approved Measure B Direct Local Distribution (formally known as “pass-through funds”). In November 2014, voters approved the 2014 Transportation Expenditure Plan, Measure BB, and new Master Programs Funding Agreements were subsequently developed to incorporate Measure BB funds. The expenditure plans allocates 10.45 percent of Measure B funds and 10 percent of Measure BB funds for special transportation for seniors and people with disabilities (paratransit) programs and projects.

**Section 4. Definition of Terms**

- A. **Alameda CTC:** The Alameda County Transportation Commission is a Joint Powers Authority created by the merger of the Alameda County Congestion Management Agency, which performed long-range planning and funding for countywide transportation projects and programs, and the Alameda County Transportation Improvement Authority, which administered the voter-approved, half-cent transportation sales taxes in Alameda County (the Measure B sales tax programs approved in 1986 and 2000).
- B. **Americans with Disabilities Act (ADA):** According to the U.S. Equal Employment Opportunity Commission, originally passed in 1990 and revised in 2008, a law that prohibits private employers, state and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment. The ADA also requires reasonable accommodations for individuals with disabilities and has resulted in the removal of many barriers to transportation and in better access for seniors and people with disabilities.



## Alameda CTC Paratransit Program Implementation Guidelines

- C. **Capital project:** A capital investment that typically requires the following phases: planning/feasibility, scoping, environmental clearance, design, right-of-way, construction, and completion. For paratransit programs, may be an investment in vehicles or equipment directly related to providing paratransit services.
- D. **Construction:** Construction of a new capital project, including development of preliminary engineering and construction documents, including plans, specifications, and estimates (PS&E).
- E. **Cost Allocation Plans (CAPs):** CAPs and indirect cost (IDC) rate proposals are plans that provide a systematic manner to identify, accumulate, and distribute allowable direct and indirect costs to Paratransit programs funded through the Alameda CTC Master Programs Funding Agreements.
- F. **Customer service and outreach:** Customer service functions as well as costs associated with marketing, education, outreach, and promotional campaigns and programs.
- G. **Direct cost:** A cost completely attributed to the provision of a service, operations, a program, a capital cost, or a product. These costs include documented hourly project staff labor charges (salaries, wages, and benefits) that are directly and solely related to the implementation of the Alameda CTC-funded Paratransit projects, consultants, and materials. These funds may be used for travel or training if they are directly related to the implementation of the Paratransit funds.
- H. **Direct Local Distribution funds:** Funds allocated based on a funding formula (such as population, registered vehicles, roadmiles, or a combination thereof) defined in a voter-approved measure and provided to eligible jurisdictions on a regularly scheduled basis (such as a regular monthly payment).
- I. **Education and promotion:** Marketing, education, information, outreach, and promotional campaigns and programs.
- J. **Environmental documents:** Preparation of environmental documents, such as those related to the California Environmental Quality Act (CEQA) or the National Environmental Policy Act (NEPA), or permits required by state or federal permitting agencies.
- K. **Grants:** Funding for plans, programs, or projects based on a competitive call for projects; evaluated based on adopted evaluation criteria; and allocated based on a reimbursement basis.
- L. **Group trips:** One-way passenger trips considered group trips. Includes vehicle operation and contracts. See individual demand-response trips.
- M. **Indirect cost:** Also known as “overhead,” any cost of doing business other than direct costs. These costs include utilities, rent, administrative staff, officers’ salaries, accounting department costs, and personnel department costs, which are requisite for general operation of the organization but are not directly allocable to a particular service or product.
- N. **Individual demand-response trips:** Taxi service, door-to-door trips, and van trips that passengers request on demand. Includes actual operation cost and contracts for vehicle operation, scheduling, dispatching, vehicle maintenance, supervision, and fare collection (including ticket or scrip printing and sales) for the purpose of carrying passengers.
- O. **Maintenance:** Repairs, renovation, or upgrade of existing facility, infrastructure, or vehicles.
- P. **Management:** Direct staffing costs and benefits to manage programs, projects, and services.
- Q. **Meal delivery:** Service that includes costs associated with vehicle operation, scheduling, dispatching, vehicle maintenance, and supervision for the purpose of delivering meals, whether provided in-house, through contracts, via taxicab, or by grantees. See Meals on Wheels.
- R. **Meals on Wheels:** Service that is part of a Senior Nutrition Program and provides delivery of meals to seniors and people with disabilities. See meal delivery.

## Alameda CTC Paratransit Program Implementation Guidelines

- S. **Measure B:** Alameda County's half-cent transportation sales tax, originally approved in 1986, and reauthorized by voters in November 2000. Collection of the sales tax began on April 1, 2002. Administered by the Alameda CTC, Measure B funds four types of programs in 20 local jurisdictions: bicycle and pedestrian, local streets and roads, mass transit, and paratransit.
- T. **Measure BB:** Alameda County voters approved Measure BB, the 2014 Transportation Expenditure Plan, in November 2014. It authorizes the collection of a half-cent transportation sales tax and augments the existing 2000 Measure B sales tax program. Collection of the sales tax began on April 1, 2015. Administered by the Alameda CTC, Measure BB funds four types of programs in 20 local jurisdictions: bicycle and pedestrian, local streets and roads, mass transit, and paratransit.
- U. **Operations:** Provision of services that operate transportation facilities and programs. Operations costs do not include the costs to operate community outreach or other programs not directly related to a specific transportation service, program, or product.
- V. **Paratransit Advisory and Planning Committee:** Originally named by the Measure B Expenditure Plan as the Alameda County Paratransit Coordinating Council, the Alameda CTC committee that meets to address funding, planning, and coordination issues regarding paratransit services in Alameda County. Members must be an Alameda County resident and an eligible user of any transportation service available to seniors and people with disabilities in Alameda County. PAPCO is supported by a Technical Advisory Committee comprised of Measure B and Measure BB-funded paratransit providers in Alameda County.
- W. **Paratransit service:** Transportation services for seniors and people with disabilities including ADA-mandated or non-mandated shuttle or fixed-route services, including door-to-door services, group trips, and individual demand-response trip services; taxi programs; Meals on Wheels or meal delivery; volunteer driver programs; and purchase of EBP tickets.
- X. **Planning:** Identification of project and program current conditions and needs and development of strategies and plans to address the identified needs.
- Y. **Project completion/closeout:** Inspection/project acceptance, final invoicing, final reporting, and the processes for closing out a project.
- Z. **Scoping and project feasibility:** Early capital project phases that identify project needs, costs, and implementation feasibility.
- AA. **Shuttle or fixed-route trips:** Shuttle service or fixed-route bus service, for example. Includes vehicle operation and contracts. See individual demand-response trips.

### Section 5. Paratransit Fund Allocations

- A. These Implementation Guidelines provide guidance on the Paratransit Fund allocation process for Measure B and Measure BB Direct Local Distribution funds and Paratransit Gap Grant Program funds.
  - 1. Measure B and Measure BB Paratransit Direct Local Distribution Funds
    - a. *General:* Alameda CTC distributes Measure B and Measure BB Paratransit Direct Local Distribution (DLD) Funds to fixed-route public transit operators that are required to provide transportation services mandated by the ADA; and to cities in Alameda County and the County to provide non-mandated services, aimed at improving mobility for seniors and persons with disabilities.
      - 1) A portion of the funds as defined in the Master Programs Funding Agreement are local DLD funds distributed to Alameda County cities to provide non-mandated transportation services for seniors and people with

## Alameda CTC Paratransit Program Implementation Guidelines

disabilities allocated to each city operating paratransit service through a census-based funding formula that is developed by PAPCO and approved by the Alameda CTC Commission.

- 2) A portion of the funds as defined in the Master Programs Funding Agreement are DLD funds distributed to Alameda County's primary mandated ADA service provider, East Bay Paratransit Consortium.
- b. *Eligible Uses:* The Measure B and Measure BB Paratransit DLD funds may be used for capital projects, programs, maintenance, or operations that directly improve paratransit services. Eligible uses for these funds include services as defined in Attachment A, as well as, but not limited to:
- 1) Direct staff and consultant costs to develop, plan, implement, manage, operate and maintain paratransit projects and programs
  - 2) Direct staff and consultant costs to provide customer service and outreach for paratransit projects and programs
  - 3) Direct staff and consultant costs that support eligible activities, including the end-of-year compliance report
  - 4) Direct staff training costs directly related to implementation of projects or programs implemented with the Paratransit Funds
- c. *Ineligible Uses:* The following is a list of ineligible uses of Measure B and Measure BB Paratransit DLD funds:
- 1) Non-transportation projects or services such as fees charged to capital construction projects for services or amenities not related to transportation
  - 2) Capital projects, programs, maintenance, or operations that do not directly improve paratransit services
  - 3) Projects or programs that exclusively serve city/county staff
  - 4) Indirect costs, unless the RECIPIENT submits an independently audited/approved Indirect Cost Allocation Plan.
2. Measure B and Measure BB Paratransit Discretionary Grant Program Funds
- a. The Measure B Expenditure Plan dedicates 1.43 percent of the funds for gaps in services to be recommended by PAPCO to reduce differences that might occur based on the geographic residence of any individual needing services. The Alameda CTC will administer a Measure B Paratransit discretionary grant program.
  - b. The Measure BB Expenditure Plan dedicates 1.0 percent of the funds for paratransit coordination and services to meet the needs of seniors and people with disabilities. The Alameda CTC will administer a Measure B Paratransit discretionary grant program.
  - c. The Alameda CTC adopt Grant Program Guidelines through its programming and allocation processes to guide the grant allocations.
  - d. Gap funds provide Alameda County with the opportunity to be innovative and explore alternative service delivery mechanisms in the face of a senior and disability population expected to grow substantially over the next 30 years. The population of people likely to need paratransit service is expected to outpace the growth in sales tax revenues that fund

Alameda CTC Paratransit Program Implementation Guidelines

paratransit programs in Alameda County, including city-based programs and ADA-mandated services.

- e. Gap funds provide an opportunity to minimize the differences in service experienced by consumers based on their geographic location.

**Section 6. Advancement of Direct Local Distribution Funds**

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

**Section 7. Adoption of Implementation Guidelines**

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

## **Implementation Guidelines and Performance Measures – Special Transportation for Seniors and People with Disabilities Program**

### **Implementation Guidelines**

These guidelines lay out the service types that are eligible to be funded with Alameda County Measure B (2000), Measure BB (2014) and Vehicle Registration Fee (VRF, 2010) revenues under the Special Transportation for Seniors and People with Disabilities Program (Paratransit). All programs funded partially or in their entirety through these sources, including ADA-mandated paratransit services, city-based non-mandated programs and discretionary grant funded projects, must abide by the following requirements for each type of paratransit service.

Fund recipients are able to select which of these service types are most appropriate for their community to meet the needs of seniors and people with disabilities. Overall, all programs should be designed to enhance quality of life for seniors and people with disabilities by offering accessible, affordable and convenient transportation options to reach major medical facilities, grocery stores and other important travel destinations to meet life needs. Ultimately, whether a destination is important should be determined by the consumer.

The chart below summarizes the eligible service types and their basic customer experience parameters; this is followed by more detailed descriptions of each.

<b>Service</b>	<b>Timing</b>	<b>Accessibility</b>	<b>Origins/ Destinations</b>	<b>Eligible Population</b>
<b>ADA Paratransit</b>	Pre-scheduled	Accessible	Origin-to-Destination	People with disabilities unable to ride fixed route transit
<b>Door-to-Door Service</b>	Pre-scheduled	Accessible	Origin-to-Destination	People with disabilities unable to ride fixed route transit and seniors
<b>Taxi Subsidy</b>	Same Day	Varies	Origin-to-Destination	Seniors and people with disabilities

<b>Service</b>	<b>Timing</b>	<b>Accessibility</b>	<b>Origins/ Destinations</b>	<b>Eligible Population</b>
<b>Specialized Accessible Van</b>	Pre-scheduled & Same Day	Accessible	Origin-to-Destination	People with disabilities using mobility devices that require lift- or ramp-equipped vehicles
<b>Accessible Shuttles</b>	Fixed Schedule	Accessible	Fixed or Flexed Route	Seniors and people with disabilities
<b>Group Trips</b>	Pre-scheduled	Varies	Round Trip Origin-to-Destination	Seniors and people with disabilities
<b>Volunteer Drivers</b>	Pre-scheduled	Generally Not Accessible	Origin-to-Destination	Vulnerable populations with special needs, e.g. requiring door-through-door service or escort
<b>Mobility Management and/or Travel Training</b>	N/A	N/A	N/A	Seniors and people with disabilities
<b>Scholarship/ Subsidized Fare Programs</b>	N/A	N/A	N/A	Seniors and people with disabilities
<b>Meal Delivery Programs</b>	N/A	N/A	N/A	Meal delivery programs currently funded by Measure B may continue, but new programs may not be established.
<b>Capital Expenditures</b>	N/A	Accessible	N/A	Seniors and people with disabilities

Service	Timing	Accessibility	Origins/ Destinations	Eligible Population
Hospital Discharge Transportation Service (HDTS)/Wheelchair Scooter Breakdown Transportation Service (WSBTS)	Same Day	Accessible	Origin-to-Destination	People with disabilities using mobility devices that require lift- or ramp-equipped vehicles

**Note on ADA Mandated Paratransit:** Programs mandated by the American’s with Disabilities Act are implemented and administered according to federal guidelines that may supersede these guidelines; however all ADA-mandated programs funded through Measure B and BB or the VRF are subject to the terms of the Master Programs Funding Agreement.

**Interim Service for Consumers Awaiting ADA Certification:** At the request of a health care provider, or ADA provider, city-based programs must provide interim service through the programs listed below to consumers awaiting ADA certification. Service must be provided within three business days of receipt of application.

**Note on Capital Expenditures:** Any capital expenditures within the eligible service categories must be consistent with the objectives of the Alameda CTC Special Transportation for Seniors and Peoples with Disabilities (Paratransit) Program described above and are subject to review by Alameda CTC staff prior to implementation.

### City-based Door-to-Door Service Guidelines

<p>Service Description</p>	<p>City-based door-to-door services provide pre-scheduled, accessible, door-to-door trips. Some programs allow same day reservations on a space-available basis. They provide a similar level of service to mandated ADA services. These services are designed to fill gaps that are not met by ADA-mandated providers and/or relieve ADA-mandated providers of some trips.</p> <p>This service type does not include taxi subsidies which are discussed below.</p>
<p>Eligible Population</p>	<p>Eligible Populations include:</p> <ol style="list-style-type: none"> <li>1. People 18 and above with disabilities who are unable to use fixed route services. Cities may, at their discretion, also provide services to consumers with disabilities under the age of 18, and</li> <li>2. Seniors 80 years or older without proof of a disability. Cities may provide services to consumers who are younger than age 80, but not younger than 70 years old.</li> </ol> <p><i>Cities may continue to offer "grandfathered" eligibility to program registrants below 70 years old who have used the program regularly in FY 11/12, as long as it does not impinge on the City's ability to meet the minimum requirements of the Implementation Guidelines. Program sponsors may use either ADA eligibility, as established by ADA-mandated providers (incl. East Bay Paratransit, LAVTA, Union City Transit) or the Alameda County City-Based Paratransit Services Medical Statement Form, as proof of disability. Program sponsors may, at their discretion, also offer temporary eligibility due to disability.</i></p>
<p>Time &amp; Days of Service</p>	<p>At a minimum, service must be available any five days per week between the hours of 8 am and 5 pm (excluding holidays).</p> <p>At a minimum, programs must accept reservations between the hours of 9 am and 5 pm Monday – Friday (excluding holidays).</p>
<p>Fare (Cost to Customer)</p>	<p>Fares for pre-scheduled service should not exceed local ADA paratransit fares, but can be lower, and can be equated to distance. Higher fares can be charged for "premium" same-day service.</p>



### City-based Door-to-Door Service Guidelines

Other	<p>Door-to-Door programs must demonstrate that they are providing trips at an equal or lower cost than the ADA-mandated provider on a cost per trip basis. Cost per trip is defined as total cost (all sources) during a reporting period divided by the number of one-way trips, including attendant and companion trips, provided during period.</p> <p>Programs may impose per person trip limits to due to budgetary constraints, but any proposed trip limitations that are based on trip purpose must be submitted to Alameda CTC staff for review prior to implementation.</p>
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### Taxi Subsidy Program Guidelines

Service Description	<p>Taxis provide curb-to-curb service that can be scheduled on a same-day basis. They charge riders on a distance/time basis using a meter. Taxi subsidy programs allow eligible consumers to use taxis at a reduced fare by reimbursing consumers a percentage of the fare or by providing some fare medium, e.g. scrip or vouchers, which can be used to cover a portion of the fare. These programs are intended for situations when consumers cannot make their trip on a pre-scheduled basis.</p> <p>The availability of accessible taxi cabs varies by geographical area and taxi provider, but programs should expand availability of accessible taxi cabs where possible in order to fulfill requests for same-day accessible trips.</p>
Eligible Population	<p>Eligible Populations include:</p> <ol style="list-style-type: none"> <li>1. People 18 and above with disabilities who are unable to use fixed route services. Cities may, at their discretion, also provide services to consumers with disabilities under the age of 18, and</li> <li>2. Seniors 80 years or older without proof of a disability. Cities may provide services to consumers who are younger than age 80, but not younger than 70 years old.</li> </ol> <p><i>Cities may continue to offer "grandfathered" eligibility to program registrants below 70 years old who were enrolled in the program in FY 11/12 and have continued to use it regularly, as long as it does not impinge on the City's ability to meet the minimum requirements of the Implementation Guidelines.</i></p> <p><i>Program sponsors may use either ADA eligibility, as established by ADA-mandated providers (incl. East Bay Paratransit, LAVTA, Union City</i></p>

<b>Taxi Subsidy Program Guidelines</b>	
	<p><i>Transit) or the Alameda County City-Based Paratransit Services Medical Statement Form, as proof of disability. Program sponsors may, at their discretion, also offer temporary eligibility due to disability.</i></p> <p><i>ADA-mandated providers that are not also city-based providers (East Bay Paratransit and LAVTA) are not required to provide service to seniors 80 years or older without ADA eligibility.</i></p>
Time & Days of Service	24 hours per day/7 days per week
Fare (Cost to Customer)	<p>Programs must subsidize at least 50% of the taxi fare.</p> <p>Programs can impose a cap on total subsidy per person. This can be accomplished through a maximum subsidy per trip, a limit on the number of vouchers/scrip (or other fare medium) per person, and/or a total monetary subsidy per person per year.</p>
Other	<p>Programs may also use funding to provide incentives to drivers and/or transportation providers to ensure reliable service. Incentives are often utilized to promote accessible service. Planned expenditures on incentives are subject to review by Alameda CTC staff prior to implementation.</p>

<b>City-based Specialized Accessible Van Service Guidelines</b>	
Service Description	<p>Specialized Accessible van service provides accessible, door-to-door trips on a pre-scheduled or same-day basis. This service category is not intended to be as comprehensive as primary services (i.e. ADA-mandated, City-based Door-to-Door, or Taxi programs), but should be a complementary supplement in communities where critical needs for accessible trips are not being adequately met by the existing primary services. Examples of unmet needs might be a taxi program without accessible vehicles, medical trips for riders with dementia unable to safely take an ADA-mandated trip, or trips outside of the ADA-mandated service area. When possible, a priority for this service should be fulfilling requests for same-day accessible trips.</p> <p>This service may make use of fare mediums such as scrip and vouchers to allow consumers to pay for rides.</p>
Eligible Population	At discretion of program sponsor with local consumer input.

Time & Days of Service	At discretion of program sponsor with local consumer input.
Fare (Cost to Customer)	At discretion of program sponsor with local consumer input.
Other	Specialized Accessible van programs must demonstrate that they are providing trips at an equal or lower cost to the provider than the ADA-mandated provider on a cost per trip basis, except if providing same-day accessible trips. Cost per trip is defined as total cost (all sources) during a reporting period divided by the number of one-way trips, including attendant and companion trips, provided during period.

<b>Accessible Shuttle Service Guidelines</b>	
Service Description	<p>Shuttles are accessible vehicles that operate on a fixed, deviated, or flex-fixed route and schedule. They serve common trip origins and destinations visited by eligible consumers, e.g. senior centers, medical facilities, grocery stores, BART and other transit stations, community centers, commercial districts, and post offices.</p> <p>Shuttles should be designed to supplement existing fixed route transit services. Routes should not necessarily be designed for fast travel, but to get as close as possible to destinations of interest, such as going into parking lots or up to the front entrance of a senior living facility. Shuttles are often designed to serve active seniors who do not drive but are not ADA paratransit registrants.</p>
Eligible Population	Shuttles should be designed to appeal to older people, but can be made open to the general public.
Time and Days of Service	At discretion of program sponsor with local consumer input.
Fare (Cost to Customer)	At discretion of program sponsor, but cannot exceed local ADA paratransit fares. Fares may be scaled based on distance.

<b>Accessible Shuttle Service Guidelines</b>	
Cost of Service	By end of the second fiscal year of service, the City's cost per one-way person trip cannot exceed \$20, including transportation and direct administrative costs. Cost per trip is defined as total cost (all sources) during a reporting period divided by the number of one-way trips, including attendant and companion trips, provided during period.
Other	<p>Shuttles are required to coordinate with the local fixed route transit provider.</p> <p>Shuttle routes and schedules should be designed with input from the senior and disabled communities and to ensure effective design, and any new shuttle plan must be submitted to Alameda CTC staff for review prior to implementation.</p> <p>Deviations and flag stops are permitted at discretion of program sponsor.</p>

<b>Group Trips Service Guidelines</b>	
Service Description	Group trips are round-trip rides for pre-scheduled outings, including shopping trips, sporting events, and community health fairs. These trips are specifically designed to serve the needs of seniors and people with disabilities and typically originate from a senior center or housing facility and are generally provided in accessible vans and other vehicle types or combinations thereof.
Eligible Population	At discretion of program sponsor.
Time and Days of Service	Group trips must begin and end on the same day.
Fare (Cost to Customer)	At discretion of program sponsor.
Other	Programs can impose mileage limitations to control program costs.

<b>Volunteer Driver Service Guidelines</b>	
Service Description	<p>Volunteer driver services are pre-scheduled, door-through-door services that are typically not accessible. These programs rely on volunteers to drive eligible consumers for critical trip needs, such as medical trips. Programs may use staff to complete intake or fill gaps. This service meets a key mobility gap by serving more vulnerable populations and should complement existing primary services (i.e. ADA-mandated, City-based Door-to-Door, or Taxi).</p> <p>Volunteer driver programs may also have an escort component where volunteers accompany consumers on any service eligible for paratransit funding, when they are unable to travel in a private vehicle.</p>
Eligible Population	At discretion of program sponsor.
Time and Days of Service	At discretion of program sponsor.
Fare (Cost to Customer)	At discretion of program sponsor.
Other	Program sponsors can use funds for administrative purposes and/or to pay for volunteer mileage reimbursement purposes (not to exceed Federal General Services Administration (Privately Owned Vehicle) Mileage Reimbursement Rates) or an equivalent financial incentive for volunteers.

<b>Mobility Management and/or Travel Training Service Guidelines</b>	
Service Description	<p>Mobility management services cover a wide range of activities, such as travel training, escorted companion services, coordinated services, trip planning, and brokerage. Mobility management activities often include education and outreach which play an important role in ensuring that people use the “right” service for each trip, e.g. using EBP from Fremont to Berkeley for an event, using a taxi voucher for a same-day semi-emergency doctor visit, and requesting help from a group trips service for grocery shopping.</p>
Eligible Population	At discretion of program sponsor.

<b>Mobility Management and/or Travel Training Service Guidelines</b>	
Time and Days of Service	At discretion of program sponsor.
Fare (Cost to Customer)	N/A
Other	For new mobility management and/or travel training programs, to ensure effective program design, a plan with a well-defined set of activities must be submitted to Alameda CTC staff for review prior to implementation.

<b>Scholarship/Subsidized Fare Program Guidelines</b>	
Service Description	Scholarship or Subsidized Fare Programs can subsidize any service eligible for paratransit funding and/or fixed-route transit for customers who are low-income and can demonstrate financial need.
Eligible Population	Subsidies can be offered to low-income consumers with demonstrated financial need who are currently eligible for an Alameda County ADA-mandated or city-based paratransit program.  Low income requirements are at discretion of program sponsors, but the requirement for household income should not exceed 50% AMI (area median income).
Time and Days of Service	N/A
Fare (Cost to Customer)	N/A
Other	Low-income requirements and the means to determine and verify eligibility must be submitted to Alameda CTC staff for review prior to implementation.  If program sponsors include subsidized East Bay Paratransit (EBP) tickets in this program, no more than 3% of a program sponsor's Alameda CTC distributed funding may be used for the ticket subsidy.  Other services or purposes proposed for scholarship and/or fare subsidy must be submitted to Alameda CTC staff for review prior to implementation.

<b>Meal Delivery Funding Guidelines</b>	
Service Description	Meal Delivery Funding programs provide funding to programs that deliver meals to the homes of individuals who are generally too frail to travel outside to congregate meal sites. Although this provides access to life sustaining needs for seniors and people with disabilities, it is not a direct transportation expense.
Eligible Population	For currently operating programs, at discretion of program sponsor.
Time and Days of Service	For currently operating programs, at discretion of program sponsor.
Fare (Cost to Customer)	For currently operating programs, at discretion of program sponsor.
Other	Currently operating funding programs may continue, but new meal delivery funding programs may not be established.

<b>Capital Expenditures Guidelines</b>	
Description	Capital expenditures are eligible if directly related to the implementation of a program or project within an eligible service category, including but not limited to, purchase of scheduling software, accessible vehicles and equipment and accessibility improvements at shuttle stops.
Eligible Population	N/A
Time and Days of Service	N/A
Fare (Cost to Customer)	N/A
Other	Capital expenditures are to support the eligible service types included in the Implementation Guidelines and must be consistent with objectives of the Alameda CTC Special Transportation for Seniors and Peoples with Disabilities (Paratransit) Program. Planned expenditures are subject to review by Alameda CTC staff prior to implementation.

**Hospital Discharge Transportation Service (HDTS)/  
Wheelchair Scooter Breakdown Transportation Service (WSBTS)**

Service Description	These are specialized Countywide services providing accessible, door-to-door trips on a same-day basis in case of hospital discharge or mobility device breakdown. These services are overseen by the Alameda CTC.
Eligible Population	At discretion of Alameda CTC. Targeted towards seniors and people with disabilities without other transportation options who need trips on a same-day basis in case of hospital discharge or mobility device breakdown.
Time & Days of Service	At discretion of Alameda CTC.
Fare (Cost to Customer)	No cost to consumer.



## **Implementation Guidelines and Performance Measures – Special Transportation for Seniors and People with Disabilities Program**

### **Performance Measures**

The Alameda CTC collects performance data from all programs funded with Alameda County Measure B (2000), Measure BB (2014) and Vehicle Registration Fee (VRF, 2010) revenues. All programs funded partially or in their entirety through these sources must at a minimum report annually through the Annual Compliance Report for Direct Local Distribution (DLD) funding on the performance measures identified within the Implementation Guidelines for each DLD program.

The performance measures for the Measure B and Measure BB Direct Local Distribution (DLD) funding distributed through the Special Transportation for Seniors and People with Disabilities (Paratransit) Program, which funds ADA-mandated paratransit services, city-based non-mandated paratransit programs and discretionary grant-funded projects, are identified below. Additional performance-related data may be required through separate discretionary grant guidelines or to report to the Alameda CTC’s Commission or one of its community advisory committees.

<b>ADA-mandated Paratransit</b>
<ul style="list-style-type: none"> <li>• Number of one-way trips provided</li> <li>• Total Measure B/BB cost per one-way trip <i>(Total Measure B/BB program cost during period divided by the number of one-way trips provided during period.)</i></li> </ul>

<b>City-based Door-to-Door Service</b>
<ul style="list-style-type: none"> <li>• Number of one-way trips provided</li> <li>• Total Measure B/BB cost per one-way trip <i>(Total Measure B/BB program cost during period divided by the number of one-way trips provided during period.)</i></li> </ul>

### **Taxi Subsidy Program**

- Number of one-way trips provided
- Total Measure B/BB cost per one-way trip (*Total Measure B/BB program cost during period divided by the number of one-way trips provided during period.*)

### **City-based Specialized Accessible Van Service**

- Number of one-way trips provided
- Total Measure B/BB cost per one-way trip (*Total Measure B/BB program cost during period divided by the number of one-way trips provided during period.*)

### **Accessible Shuttle Service**

- Total ridership (*One-way passenger boardings*)
- Total Measure B/BB cost per one-way passenger trip (*Total Measure B/BB program cost during period divided by the total ridership during period.*)

### **Group Trips Service**

- Number of one-way passenger trips provided
- Total Measure B/BB cost per passenger trip (*Total Measure B/BB program cost during period divided by the number of passenger trips provided during period.*)

### **Volunteer Driver Service**

- Number of one-way trips provided
- Total Measure B/BB cost per one-way trip (*Total Measure B/BB program cost during period divided by the number of one-way trips provided during period.*)

### **Mobility Management Service**

- Number of contacts provided with mobility management support
- Total Measure B/BB cost per individual provided with mobility management support (*Total Measure B/BB program cost during period divided by the number of individuals provided with support during period.*)

<b>Travel Training Service</b>
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- |                                                                                                                                                                                                                                                            |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>• Number of individuals trained</li><li>• Total Measure B/BB cost per individual trained (<i>Total Measure B/BB program cost during period divided by the number of individuals trained during period</i>)</li></ul> |
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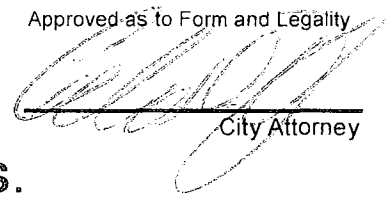
<b>Scholarship/Subsidized Fare Program</b>
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| <ul style="list-style-type: none"><li>• Number of unduplicated individuals who received scholarship/subsidized fares</li><li>• Number of one-way fares/tickets subsidized</li><li>• Total Measure B/BB cost per subsidy (<i>Total Measure B/BB program cost during period divided by the number of subsidized fares/tickets during period</i>)</li></ul> |
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<b>Meal Delivery Funding</b>
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| <ul style="list-style-type: none"><li>• Number of meal delivery trips</li><li>• Total Measure B/BB cost per meal delivery trip (<i>Total Measure B/BB program cost during period divided by the number of meal delivery trips during period</i>)</li></ul> |
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City Attorney

# OAKLAND CITY COUNCIL

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND  
2016 MAY 11 PM 3:11

RESOLUTION NO. \_\_\_\_\_ C.M.S.

Introduced by Councilmember \_\_\_\_\_

**ADOPT A RESOLUTION APPROVING THE MASTER PROGRAMS FUNDING AGREEMENT BETWEEN THE ALAMEDA COUNTY TRANSPORTATION COMMISSION AND THE CITY OF OAKLAND EFFECTIVE FROM JULY 1, 2016 TO JUNE 30, 2026**

**WHEREAS**, Alameda County Transportation Commission (“ACTC”) administers three voter approved transportation funding measures in Alameda County: Measure B, Measure BB, and the Vehicle Registration Fee (VRF); and

**WHEREAS**, ACTC is responsible for distributing a portion of Measure B, Measure BB, and VRF revenues to local jurisdictions as Direct Local Distributions (“DLDs”) to support bicycle and pedestrian infrastructure safety, local street maintenance and safety, and paratransit programs; and

**WHEREAS**, distribution of Measure B and VRF DLD’s is governed by the Master Programs Funding Agreement executed on April 3, 2012 (Resolution No. 83780 C.M.S.), and expires on June 30, 2022; and

**WHEREAS**, distribution of Measure BB DLDs is governed by the Interim Measure BB Master Programs Funding Agreement approved by City Council on June 2, 2016 (Resolution No. 85635 C.M.S.), and expires on June 30, 2016; and

**WHEREAS**, the Alameda CTC has developed a single Master Programs Funding Agreement that includes all DLDs in Measure B, Measure BB, and VRF to replace the two existing agreements; and

**WHEREAS**, the Master Programs Funding Agreement specifies Measure B, BB, and VRF DLD funding distributions, Alameda CTC’s responsibilities, and the recipient’s responsibilities for revenues collected from July 1, 2016 through June 30, 2026 ; and

**WHEREAS**, implementation guidelines for each program are referenced in the Master Programs Funding Agreement to guide fund eligibility and expenditures; and

**WHEREAS**, on February 25, 2016, the Alameda County Transportation Commission authorized their Executive Director to enter into the Master Programs Funding Agreement with county jurisdictions; now, therefore be it

**RESOLVED:** that Oakland City Council approves the Master Programs Funding Agreement attached to this resolution; and be it

**FURTHER RESOLVED:** that the City of Oakland and its agents shall comply with the Master Programs Funding Agreement; and be it

**FURTHER RESOLVED:** that the City of Oakland shall use Measure B, BB, and VRF funds for local transportation programs.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_  
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California