



# TRI DELTA TRANSIT

Eastern Contra Costa Transit Authority  
801 Wilbur Avenue • Antioch, California 94509  
Phone 925.754.6622 Fax 925.757.2530

## Board of Directors Meeting Agenda

Wednesday April 24, 2019

4:00pm

ECCTA Boardroom

801 Wilbur Avenue, Antioch, CA 94509

Available online: [www.trideltatransit.com](http://www.trideltatransit.com)

Please see the last page of this agenda for:

- Public comment guidelines
- Agenda, staff report, and document availability
- Americans with Disabilities Act information
- Limited English Proficiency (LEP) information
- Anticipated action by the Board of Directors

1. **Call to Order:** Vice Chair Robert Taylor
  - a. Roll Call
2. **Pledge of Allegiance**
3. **Public Comment**

While public comments are encouraged and taken very seriously, State law prevents the Board of Directors from discussing items that are not on the meeting agenda. If appropriate, staff will follow up on public comments. Please see Public Comment Guidelines on Page 3 of this agenda.
4. **Chair's Report:** Vice Chair Robert Taylor
5. **Consent Calendar (ACTION ITEM):** Minutes, Financial Report, and Marketing Activities Report (*see attachment: tab #1*)
  - a. Minutes of the Board of Directors meeting of March 27, 2019
  - b. Financial Report
  - c. Marketing and Customer Service Activities Report

**Requested Action:** Approve items 5a, 5b, and 5c
6. **CEO's Report:** Jeanne Krieg
  - a. **Operations Report** (*see attachment: tab #2*)

### Board of Directors:

City of Antioch

Lamar Thorpe

Monica Wilson

City of Brentwood

Barbara Guise

Robert Taylor\*\*

City of Oakley

Doug Hardcastle

Kevin Romick

City of Pittsburg

Merl Craft

Shanelle Scales-Preston

Contra Costa County

Diane Burgis\*

Federal Glover

Member-at-Large

Ken Gray

\* Chair: FY 2018-19

\*\* Vice-chair: FY 2018-19

**Board of Directors Meeting Agenda  
Wednesday April 24, 2019**

**7. ACTION and DISCUSSION ITEMS**

**a. DISCUSSION ITEM: 2019 Tri Delta Transit On-Board Survey**

*(see attachment: tab #3)*

**Requested Action:** No action requested.

**b. ACTION ITEM: Disadvantaged Business Enterprise Program**

*(see attachment: tab #4)*

**Requested Action:** Adopt Resolution #190424A accepting the updated ECCTA Disadvantaged Business Enterprise Program.

**c. ACTION ITEM: Proposed 2019-20 Budget**

*(see attachment: tab #5)*

**Requested Action:** Approve the proposed FY 2019-20 fully funded operating budget of \$22,399,000 and the proposed fully funded capital budget of \$640,000.

**d. ACTION ITEM: Authorization to File Funding Application**

*(see attachment: tab #6)*

**Requested Action:** Adopt Resolution #190424B which authorizes the Chief Executive Officer or her designee to file an application with the Metropolitan Transportation Commission for the allocation of Transportation Development Act and State Transit Assistance funds.

**e. DISCUSSION ITEM: May 2019 ECCTA Board of Directors meeting**

*(see attachment: tab #7)*

**Requested Action:** No action requested.

**8. Board of Directors Comments**

Under this item, Directors are limited to providing information, asking clarifying questions about matters not on the agenda, responding to public comment, referring matters to staff, or requesting a report be made at another meeting.

**9. Adjourn**

Next Meeting: June 26, 2019 at 4:00pm, 801 Wilbur Avenue, Antioch, CA 94509  
Board Chair Burgis and Vice Chair Taylor canceled the May 29<sup>th</sup> meeting due to a lack of pressing agenda items

**Public Comment Guidelines:**

- Persons requesting to address the ECCTA Board of Directors are requested to complete a Comment Request form and submit it to the clerk. If possible, please submit the form prior to the start of the meeting. At the appropriate time, the ECCTA chair will call on individuals to comment.
- During the public comment agenda item, the public is permitted to address the ECCTA Board of Directors on items that are on the consent calendar or items not on the agenda. Individuals may also make a request for future agenda items. No action or discussion may take place on any item not appearing on the posted agenda.
- If a person wishes to speak on a specific agenda item, the ECCTA chair will call on the individual when the agenda item is being discussed by the Board of Directors.
- Persons addressing the ECCTA Board of Directors are requested to limit their remarks to three (3) minutes unless an extension of time is granted by the chair, subject to approval of the ECCTA Board of Directors.

**Agenda, staff report, and document availability:**

Copies of all staff reports and documents subject to disclosure that relate to each item of business referred to on the agenda are available for public inspection the Friday before each regularly scheduled Board of Director's meeting at ECCTA's front desk located at 801 Wilbur Avenue, Antioch, California. Any documents subject to disclosure that are provided to all, or a majority of all, of the members of the Board regarding any item on this agenda after the agenda has been distributed will also be made available for inspection at ECCTA's front desk at the above referenced address during regular business hours.

**Americans with Disabilities Act Information:**

In compliance with the Americans with Disabilities Act, the meeting room is wheelchair accessible and disabled parking is available in the ECCTA parking lot. If you are a person with a disability and you need disability-related modifications or accommodations to participate in this meeting, please contact the CEO's Office at (925) 754-6622 or fax (925) 757-2530. Notification no fewer than 48 hours prior to the meeting will enable Tri Delta Transit to make reasonable arrangements to ensure accessibility to this meeting. {28 CFR 35.102-35, 104 ADA Title II} Please help us accommodate individuals with EI-MSD and refrain from wearing scented products to this meeting. Please turn off any electronic paging device or cell phone.

**Limited English Proficiency (LEP):**

Any person with Limited English Proficiency (LEP) who requires language assistance to communicate with the Tri Delta Transit Board of Directors during the meeting should contact the CEO's Office at (925) 754-6622 or fax (925) 757-2530. Notification no fewer than 48 hours prior to the meeting will enable Tri Delta Transit to make reasonable arrangements to assure language assistance for this meeting.

**Anticipated action by the Board of Directors:**

The Board of Directors may take action on any item on the agenda, which action may consist of the recommended action, no action or a related action.

# **TAB 1**

Agenda Item #5a,b,c  
Consent Calendar (ACTION ITEM): Minutes, Financial Report, and  
Marketing Activities Report

## **Board of Directors Meeting**

Wednesday April 24, 2019

ECCTA Boardroom  
801 Wilbur Avenue, Antioch, CA 94509

**EASTERN CONTRA COSTA TRANSIT AUTHORITY**  
**Antioch - Brentwood - Pittsburg - Oakley and Contra Costa County**

**MINUTES**

March 27, 2019

The Eastern Contra Costa Transit Authority (ECCTA) meeting was called to order in the ECCTA Board Room, 801 Wilbur Avenue, Antioch, California by Chair Diane Burgis at 4:00 P.M.

**ROLL CALL / CALL TO ORDER**

**PRESENT:** Merl Craft (Pittsburg); Federal Glover (Contra Costa County); Ken Gray (Member-at-Large); Barbara Guise (Brentwood); Doug Hardcastle (Oakley); Kevin Romick (Oakley); Shanelle Scales-Preston (Pittsburg); Lamar Thorpe (Antioch); Monica Wilson (Antioch); Robert Taylor (Brentwood/Vice Chair); and Diane Burgis (Contra Costa County/Chair)

**ABSENT:** None

**STAFF:** Jeanne Krieg, Chief Executive Officer (CEO)  
Steve Ponte, Chief Operating Officer (COO)  
Stephanie Vollmer, Legal Counsel  
Tania Babcock, Executive Assistant  
Maria Korbay, Manager of Customer Service and Marketing  
Maureen Gonzales, Controller

**OTHERS**

**PRESENT:** Michael Daugelli, Board Alternate  
Susan Hinson, First Transit  
Gary Mitchell, First Transit  
Hosie Pintily, First Transit  
Holland White, Pittsburg Councilmember

**PLEDGE OF ALLEGIANCE**

Director Guise led the Pledge of Allegiance.

**PUBLIC COMMENT**

Michael Daugelli reported that he had, as a private citizen and not representing the Board of Directors or Tri Delta Transit in any way, made a presentation to the Tabora Gardens Senior complex to inform the residents of the paratransit and other services offered by Tri Delta Transit.

### **CHAIR'S REPORT**

Chair Burgis thanked Vice Chair Taylor for chairing last month's meeting in her absence.

The Board welcomed the Chair back.

### **CONSENT CALENDAR**

On motion by Director Romick, seconded by Director Glover, ECCTA Boardmembers adopted the Consent Calendar, as follows, which carried by the following vote:

- A. Minutes of the Board of Directors meeting of February 27, 2019
- B. Financial Report
- C. Marketing and Customer Service Activities Report

AYES: Craft, Glover, Gray, Guise, Hardcastle, Romick, Scales-Preston, Thorpe,  
Wilson, Taylor, and Burgis

NOES: None

ABSTAIN: None

ABSENT: None

### **CHIEF EXECUTIVE OFFICER'S REPORT**

- A. Operations Report

Chief Executive Officer (CEO) Jeanne Krieg reported that unclaimed lost and found cell phones were donated to an organization that supplied emergency communication to people in need; the Summer Youth Pass program had been going well and 511 Contra Costa was offering a bigger subsidy than originally promised so the passes would be sold at \$35 instead of \$50 this year, and it appeared that County Connection would participate in the Summer Youth Pass program this year.

Ms. Krieg highlighted the American Public Transportation Association's (APTA's) Legislative Conference that Vice Chair Taylor had also attended when mobility evolution had been greatly discussed, as had the national drop in ridership and proposed increases in gas tax. At the Conference, the Undersecretary of Transportation had included building efficiently for future technology as a goal, and had also expressed a growing interest in rural and suburban transit.

Ms. Krieg reported that Tri Delta Transit continued to operate BART's Early Bird service between the Antioch BART station and the Pittsburg Bay Point station averaging 50 people a day over four trips. She noted that BART was planning to change the schedules on June 17 to three earlier trips. BART would be paying Tri Delta Transit to operate the service during the three and a half years of the Transbay Tube construction project.

Stating that the Microtransit demonstration project "Tri MyRide" was expected to start on June 17, Ms. Krieg reported that a media sneak peek day would be held prior to the launch. The project would take a smaller bus into neighborhoods, sort of a cross between fixed route and Uber, with the initial demonstration to focus on areas around the Antioch and Pittsburg Bay Point BART stations. She noted that the biggest MediCal provider in East County had closed business which had resulted in 19 new passengers being added to Tri Delta Transit's specialized MediCal service, which had been a challenge.

Ms. Krieg explained that with the 2008 recession, Tri Delta Transit had been able to operate without cutting service because of its Transportation Development Act (TDA)/ State Transit Assistance (STA) funds reserve equal to its operating budget. During that downturn, most of the reserve had been used instead of cutting service, and when the economy got better there was an effort in 2011 to start rebuilding the reserves. While there had been changes in STA regulations since that time where those funds could no longer be reserved, TDA funds could continue to be reserved. Every year a little more had been tucked away and this year's total was \$7.5 million, with a goal of \$8.0 million which should be achieved in July this year.

With respect to the Pittsburg Seafood Festival, Ms. Krieg stated that the agency continued to communicate with the Seafood Festival committee that Tri Delta Transit would provide shuttle service only. There would be no Tri Delta Transit marketing of the service, the festival was the responsibility of the committee, and the route would operate every 15 minutes as it did last year. While some members of the Seafood Festival committee wanted more headways, she stated that would not be done because it would double Tri Delta Transit's cost to \$40,000.

Ms. Krieg reported that staff continued to work through the issues that had resulted from the driver shortage with First Transit; service was getting better, and there were no longer missing trips.

Ms. Krieg explained that the Federal Transit Administration (FTA) would reduce ridership counts nationwide by 8 to 15 percent to account for drivers getting on and off the buses, to be done nationwide for every transit agency that had an automatic passenger counter. As a result, ridership would look worse next fiscal year.

Ms. Krieg reported that fixed route ridership continued to be below last year but the efficiencies continued to look good in terms of billable hours, salaries and benefits, and parts. She added that ridership in paratransit was up while costs were down due to the Mobility on Demand program. It was hoped that the Microtransit project would also have a positive effect on fixed route service. She also reported that Tri Delta Transit this year had participated in APTA's Transit Driver Appreciation Day on March 18, and the Manager of Customer Service and Marketing had put together a program that had received a great deal of positive feedback. At this time, the ECCTA Board was provided the same gift program of recognition and appreciation as the drivers had received.

Ms. Krieg announced that APTA's Transit Conference would be held in July in Jacksonville, Florida, and the Annual Conference would be held in October in New York City. She would submit more information when available.

**ACTION AND DISCUSSION ITEMS**

A. Bus Disposal

Ms. Krieg explained that staff had gone through the process of offering buses and cars that were at the end of their life to members of the Joint Powers Authority (JPA), and two buses remained to be disposed. She requested the adoption of the resolution to authorize the addition of two 2011 El Dorado Paratransit buses to the upcoming disposal auction.

On motion by Director Romick, seconded by Director Hardcastle, ECCTA Boardmembers adopted Resolution 190327A authorizing the disposal of two 2011 El Dorado paratransit buses to the upcoming disposal auction, carried by the following vote:

AYES: Craft, Glover, Gray, Guise, Hardcastle, Romick, Scales-Preston, Thorpe,  
Wilson, Taylor, and Burgis  
NOES: None  
ABSTAIN: None  
ABSENT: None

B. Objectives, Measures, Standards, and Productivity Guidelines

Ms. Krieg explained that ECCTA's Short Range Transit Plan included Objectives, Measures, Standards, and Productivity Guidelines, a ten-year plan that was in the process of renewal, which would require updates consistent with the new regulations set by the FTA and other regulatory agencies. She requested the adoption of the resolution to implement those updates.

On motion by Director Craft, seconded by Director Scales-Preston, ECCTA Boardmembers adopted Resolution 190327B which implements updated Objectives, Measures, and Standards as well as updated Productivity Guidelines, carried by the following vote:

AYES: Craft, Glover, Gray, Guise, Hardcastle, Romick, Scales-Preston, Thorpe,  
Wilson, Taylor, and Burgis  
NOES: None  
ABSTAIN: None  
ABSENT: None



C. Employee Title Adjustment

Ms. Krieg explained that MAP-21 amended federal transit law by authorizing a new Public Transportation Safety Program which must include a plan to improve the safety of all public transportation systems that receive federal transit funds. There were a number of requirements involved with the Safety Management System (SMS), one of which required a staff person whose sole function was to tend to the day-to-day SMS responsibilities. She had designated her Executive Assistant, Tania Babcock, to fill the role with the title of SMS Executive, to be added to Ms. Babcock's other titles of Executive Assistant, DBE Liaison Officer, and Civil Rights Officer, and requested Board approval.

On motion by Director Guise, seconded by Director Hardcastle, ECCTA Boardmembers authorized the addition of the title *SMS Executive* to the Executive Assistant's job title, carried by the following vote:

AYES: Craft, Glover, Gray, Guise, Hardcastle, Romick, Scales-Preston, Thorpe,  
Wilson, Taylor, and Burgis  
NOES: None  
ABSTAIN: None  
ABSENT: None

D. Low Carbon Transit Operations Program

Ms. Krieg explained that the Low Carbon Transit Operations Program (LCTOP) provided funding for several routes. This year authorization was being sought for continued operation of Route 383 to the Antioch BART station. The Board's approval of the resolution would allow her to apply for the funding.

On motion by Director Romick, seconded by Director Glover, ECCTA Boardmembers adopted Resolution 190327C authorizing the CEO to execute the certifications and assurances and apply for the Low Carbon Transit Operations Program (LCTOP) to continue the operation of Route 383 serving the Antioch BART station for an additional 24 months, carried by the following vote:

AYES: Craft, Glover, Gray, Guise, Hardcastle, Romick, Scales-Preston, Thorpe,  
Wilson, Taylor, and Burgis  
NOES: None  
ABSTAIN: None  
ABSENT: None

E. Fuel Hedging

Chief Operating Officer (COO) Steve Ponte stated in December 2016 the ECCTA Board allowed staff to pursue fuel hedging, to budget the cost of fuel over the period of a year.

In May 2017, Mr. Ponte reported that \$100,000 had been deposited into the fuel hedge account, and every month 42,000 gallons of diesel fuel stayed in Tri Delta Transit's possession for a year and allowed staff to save or sell the fuel, with a month to buy and a month to sell, all at one time or split into two parts. Since May 2017, there had been seven months of losses with the largest loss almost \$17,000, although there had been 15 months of positives and the largest positive was \$28,000. As of this date, there was \$295,667 in the fuel hedging account. Minus the initial \$100,000, almost \$196,000 had been made to date. Part of what had to be done with the accounting was that there had to be a justification of the process to the benefit of the agency, which had obviously been the case. When asked, he stated that the funds were left in the fuel hedging account although the funds could be used as another reserve. He added there was currently a year's worth of fuel hedge. It was also clarified that there was an ongoing services agreement with Linwood Capital.

Chair Burgis commended staff.

#### **BOARD OF DIRECTORS COMMENTS**

Chair Burgis reminded everyone of the Form 700 and Ethics Training due by April 2, 2019.

Director Gray thanked Ms. Krieg for speaking at the Senior Mobility Action Council on March 25.

Director Craft referenced the situation reported to the Board at its last meeting with respect to the intersection of Loveridge and Leland Roads in Pittsburg and the concerns raised with respect to transients and garbage at the WalMart stop where a meeting was to have been scheduled with a number of entities to address the problem. She apologized that the date for that meeting had been set up at a time when Ms. Krieg would not be available, although Ms. Krieg advised that a Tri Delta Transit employee would attend in her stead.

Director Scales-Preston noted her understanding that there would be quarterly meetings scheduled to address that issue.

Director Thorpe referred to Antioch's Youth Development Task Force and the discussions that had occurred where Measure W had dedicated funds to police services, youth programs, and quality of life issues, and where a Networks Youth Manager position had been created to look at youth services comprehensively as a network, with transportation to be a big issue in the position. He looked forward to that individual partnering with Tri Delta Transit to ensure transportation for youth.

Director Romick announced that the next Mayors Conference would be held in the City of Oakley at the new soon-to-open Rec Center.

Eastern Contra Costa Transit Authority  
Board of Directors Minutes  
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**ADJOURNMENT**

The meeting of the Eastern Contra Costa Transit Authority adjourned at 4:36 P.M. to April 24, 2019 at 4:00 P.M. in the ECCTA Administration Facility, 801 Wilbur Avenue, Antioch, California.

Respectfully submitted,

Anita L. Tucci-Smith

**TRI DELTA TRANSIT**  
**Income Statement - Comparison to Annual Budget**  
As of March 31, 2019  
*(unaudited)*

	YTD Actual			YTD Budget			YTD Variance <i>favorable/(unfavorable)</i>			FY19 Full Year Budget			YTD % of Fiscal Year Budget		
	ECCTA	FR	DR	ECCTA	FR	DR	ECCTA	FR	DR	ECCTA	FR	DR	ECCTA	FR	DR
<b>OPERATING REVENUES</b>															
Passenger Fares	\$ 1,517,700	\$ 1,231,049	\$ 286,651	\$ 2,023,889	\$ 1,727,731	\$ 296,158	\$ (506,189)	\$ (496,682)	\$ (9,507)	\$ 2,765,569	\$ 2,368,069	\$ 397,500	55%	52%	72%
Other Income	\$ 231,929	\$ 150,212	\$ 81,717	\$ 197,500	\$ 85,000	\$ 112,500	\$ 34,429	\$ 65,212	\$ (30,783)	\$ 235,000	\$ 85,000	\$ 150,000	99%	177%	54%
<i>Total Operating Revenues:</i>	\$ 1,749,629	\$ 1,381,261	\$ 368,368	\$ 2,221,389	\$ 1,812,731	\$ 408,658	\$ (471,760)	\$ (431,470)	\$ (40,290)	\$ 3,000,569	\$ 2,453,069	\$ 547,500	58%	56%	67%
<b>OPERATING EXPENSES</b>															
Purchased Transportation	\$ 9,263,063	\$ 7,257,837	\$ 2,005,226	\$ 9,083,770	\$ 6,748,000	\$ 2,335,770	\$ (179,293)	\$ (509,837)	\$ 330,544	\$ 12,142,672	\$ 9,030,500	\$ 3,112,172	76%	80%	64%
Materials and Supplies	\$ 1,994,626	\$ 1,701,189	\$ 293,437	\$ 2,370,047	\$ 1,940,497	\$ 429,550	\$ 375,421	\$ 239,308	\$ 136,113	\$ 3,168,000	\$ 2,593,000	\$ 575,000	63%	68%	51%
Salaries & Benefits	\$ 3,140,034	\$ 2,949,127	\$ 190,907	\$ 3,124,584	\$ 2,718,387	\$ 406,197	\$ (16,450)	\$ (230,740)	\$ 215,290	\$ 4,166,112	\$ 3,624,517	\$ 541,595	75%	81%	35%
Services	\$ 561,170	\$ 483,216	\$ 77,954	\$ 637,502	\$ 510,003	\$ 127,499	\$ 76,332	\$ 46,787	\$ 29,545	\$ 850,000	\$ 680,000	\$ 170,000	66%	68%	58%
Other	\$ 319,351	\$ 301,283	\$ 18,068	\$ 296,500	\$ 285,725	\$ 10,775	\$ (22,851)	\$ (15,558)	\$ (7,293)	\$ 407,000	\$ 392,050	\$ 14,950	78%	77%	121%
Casualty and liability insurance	\$ 396,595	\$ 368,871	\$ 27,724	\$ 427,206	\$ 397,238	\$ 29,968	\$ 30,811	\$ 28,367	\$ 2,244	\$ 549,975	\$ 513,869	\$ 36,106	72%	72%	77%
Utilities	\$ 133,797	\$ 127,569	\$ 6,228	\$ 177,121	\$ 168,264	\$ 8,857	\$ 43,324	\$ 40,695	\$ 2,629	\$ 204,367	\$ 194,148	\$ 10,219	65%	66%	61%
Taxes	\$ 15,706	\$ 13,133	\$ 2,573	\$ 17,380	\$ 14,788	\$ 2,592	\$ 1,654	\$ 1,655	\$ (1)	\$ 22,460	\$ 19,168	\$ 3,292	70%	69%	78%
<i>Total Operating Expenses:</i>	\$ 15,824,342	\$ 13,182,225	\$ 2,642,117	\$ 16,134,090	\$ 12,782,902	\$ 3,351,188	\$ 309,748	\$ (399,323)	\$ 709,071	\$ 21,510,586	\$ 17,047,252	\$ 4,463,334	74%	77%	59%
<b>NON-OPERATING REV</b>															
Federal Funds	\$ 347,105	\$ 347,105	\$ -	\$ 684,692	\$ 408,649	\$ 276,043	\$ (337,587)	\$ (61,544)	\$ (276,043)	\$ 960,734	\$ 408,649	\$ 552,085	36%	85%	
State Funds	\$ 10,719,848	\$ 8,385,707	\$ 2,334,141	\$ 9,687,218	\$ 7,695,265	\$ 1,971,953	\$ 1,052,630	\$ 690,442	\$ 362,188	\$ 12,611,582	\$ 10,373,129	\$ 2,438,453	84%	81%	96%
Local Funds	\$ 907,053	\$ 489,876	\$ 417,177	\$ 1,542,732	\$ 848,945	\$ 693,787	\$ (635,679)	\$ (359,069)	\$ (276,610)	\$ 2,046,952	\$ 1,122,656	\$ 924,296	44%	44%	45%
Inter-Operator Agreements	\$ 2,685,749	\$ 2,685,749	\$ -	\$ 2,014,311	\$ 2,014,311	\$ -	\$ 671,438	\$ 671,438	\$ -	\$ 2,685,749	\$ 2,685,749	\$ -	100%	100%	
Interest & Other Misc Income	\$ 81,671	\$ 38,827	\$ 22,844	\$ 3,744	\$ 2,997	\$ 747	\$ 57,927	\$ 35,830	\$ 22,097	\$ 5,000	\$ 4,000	\$ 1,000	1233%	971%	2284%
<i>Total Non-operating Revenues:</i>	\$ 14,721,426	\$ 11,947,264	\$ 2,774,162	\$ 13,912,697	\$ 10,970,167	\$ 2,942,530	\$ 808,729	\$ 977,097	\$ (168,368)	\$ 18,510,017	\$ 14,594,183	\$ 3,915,834	80%	82%	71%
<b>EXCESS REV/(EXP)</b>	\$ 648,713	\$ 146,300	\$ 500,413	\$ (4)	\$ (4)	\$ -	\$ 648,717	\$ 146,304	\$ 500,413	\$ -	\$ -	\$ -			


Agenda Item #5b  
Eastern Contra Costa Transit Authority  
Board of Directors Meeting  
April 24, 2019

## Staff Report to ECCTA Board of Directors

**Meeting Date:** April 24, 2019

**Agenda Item:** Marketing/Communications Activities – Agenda Item #5c

**Lead Staff:** Maria Korbay, Manager Customer Service & Marketing

**Approved:** Jeanne Krieg, Chief Executive Officer 

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Marketing continues to work on exciting outreach and service opportunities with a focus on unifying the voice of Tri Delta Transit and delivering superior customer service. Listed below are the major items my department is researching, working on, and developing this month.

### **Promotional Events**

The summer is a busy time in East County and Tri Delta Transit Marketing department will be attending as many events as possible. Our goal is to be seen as a community member and ensure our neighbors are fully aware of the range of services we offer. The Marketing department is scheduled to attend several fairs, festivals, and other community events.

#### **Bike to Work Day**

On May 9<sup>th</sup> Tri Delta Transit will participate in the 25<sup>th</sup> annual Bay Area Bike to Work Day, an event hosted by 511 Contra Costa. The marketing team will work as brand ambassadors, encouraging the public to consider bikes and buses for their daily commute.

#### **Pittsburg Senior Appreciation Health Fair**

This annual event, held May 11, will honor local senior citizens as well as offer information about services available to them. In the past, over 200 seniors have attended this event and we look forward to being there to answer questions about fixed route options in the area.

#### **Contra Costa County Fair**

The fair is such an exciting community event. From May 16-19 Tri Delta Transit will have a booth to promote our fixed route service as well as our new microtransit offering, Tri MyRide. We are in talks with the fair publicist to see if we can park our new Tri MyRide vehicle on the fairgrounds so attendees can get a sneak peek at this new service.

#### **Brentwood Art Society's Art, Wine & Jazz Festival**

This entertaining event is returning to Brentwood June 21-23. We are working with Art Society staff to provide cross promotions to encourage attendees to take public transit to the event. We will also have a booth Saturday and Sunday.

## **Pittsburg Seafood & Music Festival**

After a very productive meeting with the chamber, we are looking forward to continuing our sponsorship relationship. Although the details have not been finalized, we are working closely with the chamber to ensure that appropriate shuttle service expectations are set for the event.

## **Internal Promotions**

There are so many benefits to creating a positive work environment. Our CEO has led the way in creating a workplace that fosters creativity, enthusiasm, and ingenuity among all staff. We have ongoing internal promotions that aim to create safety and security for all Tri Delta Transit employees.

### **Shred It**

Tax time can be stressful for so many. Our Shred It event was designed to alleviate some of that stress and potential identity theft. On April 23<sup>rd</sup> we had a truck from Shred It, on site, to offer shredding services for those documents that are better left out of the garbage. This was open to all board members, First Transit staff, and Tri Delta Transit employees. Once we review the outcome of the event we will determine if this will be an annual event open to the public.

### **Staff Appreciation BBQ**

On April 25<sup>th</sup> we will hold our first staff appreciation BBQ. We want to thank our staff for their dedication and hard work year after year.

## **Summer Youth Pass**

We are awaiting final confirmation on County Connection's participation in the Summer Youth Pass. We have been working closely with 511 Contra Costa and WestCAT to create a comprehensive marketing campaign. So far we have managed to secure cross promotions with the Contra Costa County Library, the County Fair, as well as the City of Pittsburg Recreation Guide to help us spread the news about this offer. This Summer Youth Pass provides a wonderful opportunity for our youth to travel throughout the county with unlimited bus rides from Jun 1-Aug 31. 511 Contra Costa has agreed to increase their subsidy from \$10 per pass to \$25 per pass making our \$60 pass available to youth, age 18 and under, for just \$35.

## **Tri MyRide**

Marketing has been working hard to prepare for our new on-demand service Tri MyRide. This is an exciting campaign with new branding, logos, and even a new website: TriMyRide.com. In order to ensure we can meet the needs of this new service, our launch has been pushed to June 17<sup>th</sup>. The bus wraps are almost complete and they look great. We are now negotiating with advertisers and community partners to leverage our bus back advertising for promotions in radio, print, and public events. We are also crafting a sneak peek media day the week prior to launch.

# **TAB 2**

Agenda Item #6a  
CEO's REPORT: Operations Report

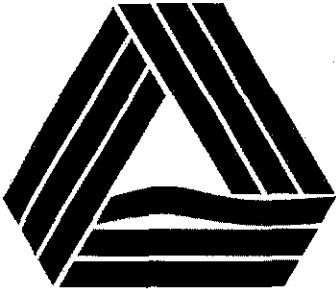
## **Board of Directors Meeting**

Wednesday April 24, 2019

ECCTA Boardroom  
801 Wilbur Avenue, Antioch, CA 94509

# Chief Executive Officer's Report

April 2019



TRI DELTA TRANSIT

## ECCTA Executive Team

Jeanne Krieg  
Chief Executive Officer

Steve Ponte  
Chief Operating Officer

Kevin Moody  
Director of  
Maintenance

Susan Hinson  
First Transit  
Director of Operations

## Highlights:

- *Early Bird* bus service continues to operate with limited success. Ridership on the four trips provided by Tri Delta Transit is less than 50 per day. BART will be paying Tri Delta Transit to operate the service for the 3½ year transbay tube construction project.
- The first six months of operating electric buses show that electric buses cost 80¢/mile to operate. This compares to 50¢/mile for diesel buses.
- ECCTA's facility auction is scheduled. The auction items can be inspected April 22<sup>nd</sup> and 23<sup>rd</sup> and bids are due May 10<sup>th</sup>.
- Details for the implementation of Tri Delta Transit's Microtransit demonstration project are being finalized. The project is scheduled to begin June 17<sup>th</sup>.
- Plans for promoting the county-wide summer youth pass are being developed with CCCTA, WestCAT, and 511 Contra Costa.
- Applications for the American Public Transportation Foundation scholarships are due June 17<sup>th</sup>. Awards range from \$2,500 to \$10,000 each.
- I was appointed to serve on the California Zero Emission Bus task force to establish an educational program on electrification and develop evidence-based policy recommendations that support ZEB deployments.
- Tri Delta Transit received a *Top Supporter* award from CellPhone Bank.
- On September 26<sup>th</sup> and 27<sup>th</sup>, the Center for Transportation and the Environment (CTE) will host the International Zero Emission Bus (ZEB) Conference in San Francisco. All board members and staff members are invited to attend free of charge.

## Pending:

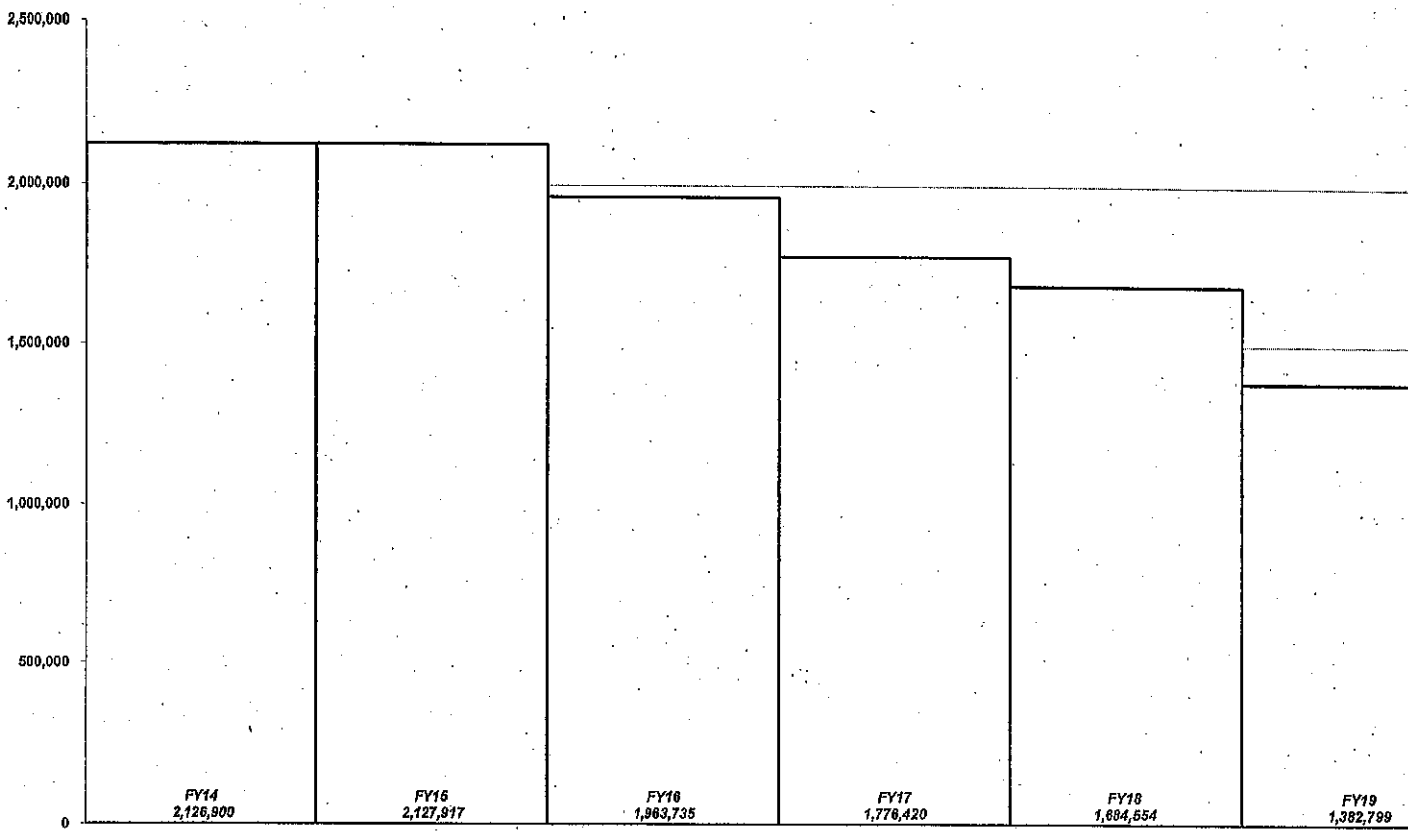
- International Transit Study Mission (June 2019)
- Voice radio conversion
- CCTA's Accessible Transportation Plan
- Web based data management system
- Bike to Work Day (May 9<sup>th</sup>)
- Seafood Festival shuttle (September 7<sup>th</sup> – 8<sup>th</sup>)
- CARB electric bus purchase requirements
- Mobile Emergency Operations Center construction
- Microtransit demonstration project (launching June 17<sup>th</sup>)
- Mobility on Demand demonstration project
- Mobile ticketing app group discount program
- Service to Brentwood LMC campus (2019)
- Antioch Park & Ride lot construction
- Oakley Park & Ride lot construction

**Agenda Item #6a**  
Eastern Contra Costa Transit Authority  
Board of Directors Meeting  
April 24, 2019



# TRI DELTA TRANSIT

## COMPARATIVE FR RIDERSHIP - MARCH YTD



## EASTERN CONTRA COSTA TRANSIT AUTHORITY KEY PERFORMANCE INDICATORS BY SERVICE

								<b>YTD COMPARISON</b>		
	<b>Actual</b>					<b>Budget</b>	<b>18/19B</b>	<b>Actual</b>		<b>% ▲</b>
	<b>13/14</b>	<b>14/15</b>	<b>15/16</b>	<b>16/17</b>	<b>17/18</b>	<b>18/19</b>	<b>% ▲</b>	<b>Mar-18</b>	<b>Mar-19</b>	
<b>DIAL-A-RIDE</b>										
<b>PASSENGERS</b>										
Total DAR Trips Provided	131,476	133,769	131,917	133,406	125,558	124,604	-1%	93,759	116,583	24%
Average Weekday Ridership	471	487	489	498	469	464	-1%	469	567	21%
Average Sat Ridership	180	153	118	107	105	108	2%	107	174	62%
Average Sun/Hol Ridership	68	63	49	47	47	48	2%	46	97	110%
Average Passengers/Hour (wkdays DAR On)	2.3	2.4	2.5	2.9	2.9	2.9	-1%	2.9	3.1	10%
<b>CUSTOMER SERVICE</b>										
Ride Refusals / Day	0.0	0.0	0.0	0.0	0.0	0.0	-100%	0.0	0.0	0%
Customer Complaints	0.071%	0.103%	0.114%	0.382%	0.486%	0.250%	-48%	0.496%	0.482%	-3%
On Time Performance	89%	87%	85%	81%	66%	90%	37%	67%	59%	-12%
<b>MAINTENANCE</b>										
Gallons of Fuel Consumed	145,043	138,528	135,809	131,936	122,057	122,772	1%	91,505	81,186	-11%
Miles Between Preventable Accidents	244,390	162,293	159,143	153,397	207,048	200,000	-3%	208,711	290,168	39%
Miles Between Road calls	61,109	139,113	190,963	919,507	276,017	100,000	-64%	208,697	580,539	178%
<b>COST RATIO</b>										
Farebox Recovery Ratio	10%	10%	10%	11%	10%	9%	-15%	10%	11%	5%
\$/Gal Fuel	\$ 3.67	\$ 3.09	\$ 2.59	\$ 2.57	\$ 3.21	\$ 3.00	-7%	\$ 2.98	\$ 3.13	5%
Operating Cost/Passenger	\$ 35.25	\$ 34.18	\$ 34.41	\$ 29.15	\$ 29.68	\$ 35.82	21%	\$ 30.75	\$ 22.66	-26%
Operating Cost/Revenue Hour	\$ 68.75	\$ 69.81	\$ 72.26	\$ 73.97	\$ 80.33	\$ 95.04	18%	\$ 81.25	\$ 67.42	-17%
Operating Cost/Revenue Mile	\$ 5.76	\$ 5.74	\$ 5.85	\$ 5.18	\$ 5.38	\$ 6.72	25%	\$ 5.52	\$ 5.56	1%
<b>FIXED ROUTE</b>										
<b>PASSENGERS</b>										
Total FR Trips Provided	2,832,264	2,806,028	2,574,864	2,344,985	2,232,469	2,321,636	4%	1,684,554	1,382,799	-18%
Average Weekday Ridership	9,930	9,794	8,999	8,230	7,886	8,238	4%	7,965	6,561	-18%
Average Sat Ridership	3,464	3,498	3,061	2,715	2,490	2,450	-2%	2,526	2,177	-14%
Average Sun/Hol Ridership	2,692	2,787	2,501	2,236	2,087	2,140	3%	2,135	1,883	-21%
Average Passengers/Hour	19.0	19.2	17.8	16.1	14.7	15.4	5%	14.9	12.3	-17%
<b>CUSTOMER SERVICE</b>										
Customer Complaints	0.009%	0.009%	0.009%	0.025%	0.025%	0.025%	-2%	0.026%	0.037%	43%
On Time Performance	92%	92%	92%	82%	83%	90%	8%	83%	81%	-3%
<b>MAINTENANCE</b>										
Gallons of Fuel Consumed	603,013	600,072	606,378	584,879	575,568	534,257	-7%	428,408	397,002	-7%
Miles Between Preventable Accidents	110,754	98,066	97,469	117,465	145,522	100,000	-31%	124,301	67,123	-46%
Miles Between Road calls	67,684	41,553	27,690	21,084	19,951	50,000	151%	22,197	29,231	32%
<b>COST RATIO</b>										
Farebox Recovery Ratio	18%	18%	18%	16%	13%	14%	0%	14%	9%	-32%
\$/Gal Fuel	\$ 3.48	\$ 2.77	\$ 1.96	\$ 2.07	\$ 2.30	\$ 2.65	15%	\$ 2.30	\$ 2.85	24%
Operating Cost/Passenger	\$ 5.58	\$ 5.54	\$ 5.98	\$ 6.93	\$ 7.56	\$ 7.34	-3%	\$ 7.39	\$ 9.53	29%
Operating Cost/Revenue Hour	\$ 105.76	\$ 106.36	\$ 106.33	\$ 111.83	\$ 111.07	\$ 113.24	2%	\$ 109.91	\$ 117.29	7%
Operating Cost/Revenue Mile	\$ 7.71	\$ 7.62	\$ 7.49	\$ 7.98	\$ 8.19	\$ 8.95	9%	\$ 8.04	\$ 9.18	14%

**TRI DELTA TRANSIT  
COMPARATIVE YTD FR RIDERSHIP BY ROUTE**

<b>TOTAL PASSENGER TRIPS</b>											<b>YTD COMPARISON</b>		
<b>ROUTE</b>	<b>13/14</b>		<b>14/15</b>		<b>15/16</b>		<b>16/17</b>		<b>17/18</b>		<b>Mar-18</b>	<b>Mar-19</b>	<b>% Chg</b>
	<b>% Chg</b>	<b>% Chg</b>	<b>% Chg</b>	<b>% Chg</b>	<b>% Chg</b>	<b>% Chg</b>	<b>% Chg</b>	<b>% Chg</b>					
200	55,914	1%	54,187	-3%	48,866	-10%	44,467	-9%	40,568	-9%	30,720	26,770	-13%
201	124,289	4%	112,116	-10%	116,301	4%	117,839	1%	116,491	-2%	86,778	73,062	-16%
300	328,682	13%	353,802	8%	340,127	-4%	351,131	3%	323,694	-8%	257,576	56,186	-78%
379	6,759	-56%	3,223	-52%	3,659	14%	2,407	-34%	2,358	-2%	2,156	1,728	-20%
380	682,650	0%	666,704	-2%	606,012	-9%	652,671	-9%	610,333	-8%	383,115	338,440	-12%
381	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	51,256	N/A	30,758	74,959	144%
383	32,073	-8%	30,200	-6%	25,830	-14%	21,936	-15%	21,987	0%	15,531	27,837	79%
384	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	3,366	N/A	N/A	31,509	N/A
385	70,974	16%	68,013	-4%	68,045	-3%	54,207	-16%	55,316	2%	40,816	35,817	-12%
386	1,902	-12%	1,583	-17%	1,507	-5%	1,398	-7%	1,104	-21%	889	N/A	N/A
387	264,036	1%	257,944	-2%	233,185	-10%	198,990	-15%	180,733	-9%	132,973	130,142	-2%
388	400,190	-9%	370,128	-8%	327,685	-11%	287,820	-12%	265,449	-8%	196,011	180,040	-8%
389	53,068	0%	51,480	-3%	45,836	-11%	40,557	-12%	41,396	2%	29,979	32,702	9%
390	72,054	5%	71,211	-1%	70,022	-2%	71,431	2%	70,019	-2%	54,626	26,796	-51%
391	386,640	4%	402,579	4%	360,256	-11%	317,873	-12%	286,436	-10%	217,447	172,239	-21%
Shuttles	3,370	-32%	5,375	59%	13,410	149%	2,956	-78%	2,027	-31%	2,027	4,841	139%
392	142,284	7%	142,650	0%	124,708	-13%	110,687	-11%	105,150	-5%	81,474	69,233	-15%
393	133,078	-2%	141,281	6%	126,653	-10%	114,022	-10%	98,170	-14%	81,508	27,371	-66%
394	64,904	-9%	63,087	-3%	63,894	-15%	48,389	-10%	47,726	-1%	35,628	38,852	9%
395	9,497	100%	10,485	100%	10,968	100%	6,204	100%	5,937	100%	4,542	5,399	19%
396	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	3,953	N/A	N/A	28,174	N/A
<b>Total Fixed Route</b>	<b>2,832,264</b>	<b>3%</b>	<b>2,806,028</b>	<b>-1%</b>	<b>2,574,864</b>	<b>-8%</b>	<b>2,344,985</b>	<b>-9%</b>	<b>2,232,469</b>	<b>-5%</b>	<b>1,684,554</b>	<b>1,382,097</b>	<b>-18%</b>

<b>AVERAGE PASSENGERS PER REVENUE HOUR</b>											<b>YTD COMPARISON</b>		
<b>ROUTE</b>	<b>13/14</b>		<b>14/15</b>		<b>15/16</b>		<b>16/17</b>		<b>17/18</b>		<b>Mar-18</b>	<b>Mar-19</b>	<b>% Chg</b>
	<b>% Chg</b>	<b>% Chg</b>	<b>% Chg</b>	<b>% Chg</b>	<b>% Chg</b>	<b>% Chg</b>	<b>% Chg</b>	<b>% Chg</b>					
200	12.5	-1%	12.6	1%	11.5	-9%	9.9	-14%	8.6	-14%	8.7	7.9	-9%
201	17.9	1%	17.0	-5%	16.1	-5%	13.8	-15%	12.9	-6%	12.9	11.8	-9%
300	18.6	18%	20.3	10%	19.6	-4%	20.6	5%	20.5	0%	20.7	10.4	-50%
379	16.8	67%	26.5	57%	30.6	15%	18.9	-38%	16.7	-11%	20.3	14.6	-28%
380	20.6	2%	20.2	-2%	18.7	-7%	17.3	-8%	16.1	-7%	16.1	15.6	-3%
381	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	11.6	N/A	11.1	12.3	11%
383	12.6	23%	13.0	3%	11.6	-11%	10.1	-12%	8.8	-13%	9.5	6.8	-28%
384	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	6.8	N/A	N/A	8.1	N/A
385	12.9	8%	12.3	-4%	11.4	-8%	9.3	-19%	9.5	2%	9.4	8.5	-9%
386	6.3	74%	6.3	1%	6.6	5%	6.0	-10%	4.8	-20%	5.0	N/A	N/A
387	23.7	4%	23.3	-2%	21.7	-7%	18.6	-14%	15.9	-15%	15.9	13.6	-15%
388	18.2	7%	17.4	-5%	16.2	-7%	14.3	-12%	13.1	-8%	13.0	12.1	-7%
389	14.4	8%	15.4	7%	14.4	-6%	12.4	-14%	11.9	-4%	11.6	12.6	9%
390	20.8	12%	21.6	3%	21.4	-1%	22.1	3%	21.3	-4%	22.2	10.6	-52%
391	20.5	4%	21.9	7%	19.7	-10%	17.3	-12%	15.5	-11%	15.7	13.8	-12%
Shuttles	6.4	N/A	30.7	383%	23.6	-23%	15.0	-36%	15.4	3%	17.2	58.2	238%
392	19.1	9%	18.9	-1%	16.7	-12%	14.2	-15%	13.1	-7%	13.1	12.4	-6%
393	17.5	0%	18.7	7%	16.8	-10%	15.3	-9%	13.8	-9%	14.2	10.1	-28%
394	17.0	13%	15.9	-7%	13.9	-13%	12.9	-7%	12.4	-4%	12.2	12.3	1%
395	16.2	N/A	16.4	1%	17.1	5%	9.9	-42%	9.9	0%	9.7	10.1	4%
396	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	9.2	N/A	N/A	9.0	N/A
<b>Total Fixed Route</b>	<b>19.0</b>	<b>7%</b>	<b>19.2</b>	<b>1%</b>	<b>17.8</b>	<b>-7%</b>	<b>16.1</b>	<b>-9%</b>	<b>14.7</b>	<b>-9%</b>	<b>14.9</b>	<b>12.3</b>	<b>-17%</b>

# **TAB 3**

Agenda Item #7a

DISCUSSION ITEM: 2019 Tri Delta Transit On-Board Survey

## **Board of Directors Meeting**

Wednesday April 24, 2019

ECCTA Boardroom

801 Wilbur Avenue, Antioch, CA 94509

## Staff Report to ECCTA Board of Directors

**Meeting Date:** April 24, 2019

**Agenda Item:** 2019 Tri Delta Transit On-Board  
Agenda Item #7a

**Lead Staff:** Jeanne Krieg, Chief Executive Officer 

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### **Background**

The Metropolitan Transportation Commission contracted with ETC Institute to conduct on-board surveys on all transit operations in the nine-county bay area region. The surveys are required by the Federal Transit Administration for Title VI purposes. Passengers using Tri Delta Transit were surveyed in February and March of 2019.

### **Action Requested**

No action is requested. The Executive Summary is attached and the full survey results will be available at the board meeting.

## EXECUTIVE SUMMARY

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Tri Delta Transit conducted the 2019 Transit On-Board Origin-Destination (OD) Survey in partnership with the Metropolitan Transportation Commission (MTC). MTC contracted with ETC Institute to conduct the Tri Delta On-Board OD Survey. The data collection began in February of 2019 and ended in March of 2019. This summary will provide an overview and detailed description of the 2019 On-Board OD Survey process. The summary covers the purpose/background, design, sampling, administration methodology, quality control process, and survey findings.

### OBJECTIVES

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The primary objectives for the Survey were as follows:

- ▲ Compile statistically accurate information about the use of transit in the region by Tri Delta passengers.
- ▲ Generate reliable linked OD data to support computerized travel demand modeling and transportation network simulation activities for purposes of regional long-range transportation planning.
- ▲ Assess changes in trip characteristics and ridership profiles of Tri Delta passengers by comparing the Survey results with data from previous Tri Delta surveys.
- ▲ Acquire demographic data to meet requirements for compliance under Title VI of the Civil Rights Act of 1964.

### SURVEY METHODOLOGY SUMMARY

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ETC Institute Interviewers conducted the On-Board Survey upon a representative sample of Tri Delta routes on weekdays and weekends. The passenger-intercept interviews were completed using hand-held tablet personal computers (PCs) upon which the online Survey, created and developed by ETC Institute in cooperation with Tri Delta, was administered. Passengers were selected for participation using a random sampling function built into the Survey programming and passenger responses were captured in real time. ETC Institute Interviewers were required to adhere strictly to the random sampling protocol and were at no time permitted to exercise personal discretion with regard to the selection of Survey subjects.

For those passengers who elected to participate, the Survey was administered in two uninterrupted sections: The first was designed to create a detailed record of the passenger's current one-way trip and the second to gather required demographic data. In the initial section, the survey application's mapping features allowed for geocoding of addresses using information provided by the passenger. Passengers were able to see each on-screen map and confirm the accuracy of the trip data collected. At the end of the Survey's first section, passengers were asked to confirm a comprehensive summary of their complete origin-to-destination trip. In the demographics section of the Survey, passengers were offered the choice of physically selecting the answers themselves (pressing the buttons on the tablet PC screen) to ensure their privacy. Upon completion of the Survey, minimal passenger contact information was collected and passengers were thanked for their time and willingness to participate.

ETC Institute Interviewers were available to answer passenger questions, the most common of which involved the need to ask for personal information and how the information gathered would ultimately

be used. Passengers were assured all information collected would be kept strictly confidential, that Tri Delta intended to use the information for research purposes designed to improve their system, and that the information would never be used for any commercial purpose.

The summary information below is based on the linked weight factors. A linked passenger trip is a trip from origin to destination on the transit system. Even if a passenger must make several transfers during a one-way journey the trip is counted as one linked trip on the system. Unlinked passenger trips count each boarding as a separate trip regardless of transfers.

## TRANSIT TRIP CHARACTERISTICS

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The following bullets describe Tri Delta Passengers' transit trips:

### *Weekday*

- ▲ Thirty-five (35.0 percent) of all Tri Delta Weekday Passengers' trips surveyed were home-to-work or work-to-home trips. Half of all transit passenger trips (55.3 percent) surveyed were either home-to-other (non-work) or other-to-home (non-work). Ten percent of all transit passengers' trips were non-home-based type trips (9.7 percent).
- ▲ Ninety-one percent of transit passengers responding to the survey reported walking to access transit (91.1 percent). About two percent reported personal bike to transit (1.9 percent). Six-percent reported driving alone or being dropped off by someone – not a service (6.1 percent).
- ▲ More than eighty-percent of all Tri Delta Weekday Passengers had trips that did not require any transfers on any system routes to complete their one-way trip (84.4 percent). About sixteen-percent of passengers required one or two system transfer (15.6 percent). ***Transfer percentages above were based on the unlinked expansion.***
- ▲ Majority of Tri Delta Weekday Passengers (84.5 percent) paid the Adult fare for their one-way trip. About eight-percent of Tri Delta Weekday Passengers (7.6 percent) paid for the Senior fare.

### *Weekend*

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- ▲ Thirty-nine (38.9 percent) of all Tri Delta Weekend Passengers' trips surveyed on the weekend routes were home-to-work or work-to-home trips. Half of all transit passenger trips (56.8percent) surveyed were either home-to-other (non-work) or other-to-home (non-work). Less than 5 percent of all transit passengers' trips were non-home-based type trips (4.2 percent).
- ▲ Most Tri Delta Weekend Passengers reported walking to access transit (96.1 percent). About two percent reported personal bike to transit (1.9 percent).
- ▲ Most Tri Delta Weekend Passengers had trips that did not require any transfers on any system routes to complete their one-way trip (95.8 percent). ***Transfer percentages above were based on the unlinked expansion.***
- ▲ Most Tri Delta Weekend Passengers (92.8 percent) paid the Adult fare for their one-way trip. About five-percent of Tri Delta Weekend Passengers (4.8 percent) paid for the Senior fare.

## TRANSIT PASSENGER PROFILE

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The following bullets describe Tri Delta Passengers' demographics:

### *Weekday*

- ▲ Nearly sixty-percent of Tri Delta Weekday Passengers (59.3 percent) are employed.
- ▲ Seventy-percent of Tri Delta Weekday Passengers (70.3 Percent) are currently not a student. About one-fifth of Tri Delta Passengers (18.2 percent) are either full- or part-time college/university students.
- ▲ Nearly two-thirds of Tri Delta Weekday Passengers (65.7 percent) are between 18 and 50 years of age, with forty-three percent being between 18 and 34 years of age (43.4 percent).
- ▲ The race/ethnicity of Tri Delta Weekday Passengers in the region are: 39.3 percent Black/African American, 27.9 percent Latino/Hispanic, 27.8 percent White, 5.9 percent Asian, 2.8 percent American Indian/Alaska Native, 2.0 percent Native Hawaiian/Pacific Islander and 1.4 percent "Other".
- ▲ More than one-third of Tri Delta Weekday Passengers report an annual household income below \$25,000 (37.8 percent) and nearly half of Tri Delta Passengers (48.5 percent) reported an annual household income of between \$25,000 and \$75,000.

### *Weekend*

- ▲ Nearly two-thirds of Tri Delta Weekend Passengers (65.2 percent) are employed.
- ▲ Most Tri Delta Weekend Passengers are currently not a student (84.7 percent).
- ▲ Over half of Tri Delta Weekend Passengers (55.5 percent) indicated their age is between 18-34. Forty-three percent of Tri Delta Weekend Passengers are 35 or over (42.6 percent).
- ▲ The race/ethnicity of Tri Delta Passengers in the region are: 38.2 percent Latino/Hispanic, 32.1 percent Black/African American, 25.1 percent White, 4.9 percent Asian, 1.2 percent Native Hawaiian/Pacific Islander, 1.0 percent American Indian/Alaska Native and 0.7 percent "Other".
- ▲ More than one-third of Tri Delta Weekend Passengers report an annual household income below \$25,000 (39.3 percent) and half of Tri Delta Passengers (52.1 percent) reported an annual household income of between \$25,000 and \$75,000.



# **TAB 4**

Agenda Item #7b

**ACTION ITEM: Disadvantaged Business Enterprise Program**


Resolution #190424A

## **Board of Directors Meeting**

**Wednesday April 24, 2019**

**ECCTA Boardroom  
801 Wilbur Avenue, Antioch, CA 94509**

## Staff Report to ECCTA Board of Directors

**Meeting Date:** April 24, 2019  
**Agenda Item:** Disadvantaged Business Enterprise Program  
Agenda Item #7b  
**Lead Staff:** Tania Babcock, DBE Liaison Officer  
**Approved:** Jeanne Krieg, Chief Executive Officer 

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The Federal Transit Administration (FTA) requires all federal grantees to adopt a program that encourages and includes Disadvantaged Business Enterprises (DBEs) and Small Businesses to participate in bidding on projects and providing services. The FTA requires dissemination of the program to the Board of Directors of each grantee when the program is updated.

Update of ECCTA's plan includes naming the new DBE Liaison Officer, implementing procurement procedures that reflect new regulations, and adding a small business outreach element.

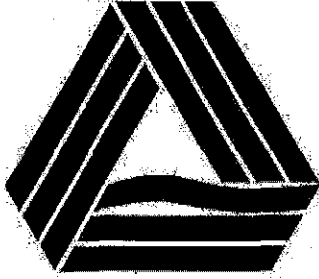
**Attached:**

- Resolution #190424A
- The proposed Eastern Contra Costa Transit Authority Disadvantaged Business Enterprise Program

**Action Requested:**

Approve Resolution #190424A accepting the updated ECCTA Disadvantaged Business Enterprise Program.

**Agenda Item #7b**  
*Eastern Contra Costa Transit Authority  
Board of Directors Meeting  
April 24, 2019*



# TRI DELTA TRANSIT

Eastern Contra Costa Transit Authority  
801 Wilbur Avenue • Antioch, California 94509  
Phone 925.754.6622 Fax 925.757.2530

## RESOLUTION #190424A

### Acceptance of updated

### ECCTA DISADVANTAGED BUSINESS ENTERPRISE PROGRAM

**WHEREAS**, the U.S. Department of Transportation (DOT) and the Federal Transit Administration (FTA) have periodically changed and updated rules and regulations with regard to participation by Disadvantaged Business Enterprises (DBEs) in the United States Department of Transportation programs; and

**WHEREAS**, the Eastern Contra Costa Transit Authority is a federal grantee and is required to adopt a program that encourages and includes DBEs and Small Businesses to participate in bidding on projects and providing services; and

**WHEREAS**, ECCTA has prepared an updated DBE Program in compliance with 49 CFR Part 26, the DOT DBE rule; and

**WHEREAS**, ECCTA's updated plan reflects procedures that reflect new regulations, names a new DBE Liaison Officer, and adds a small business outreach element.

**NOW, THEREFORE BE IT RESOLVED** by the Board of Directors of the Eastern Contra Costa Transit Authority that the updated Disadvantaged Business Enterprise Program for the Eastern Contra Costa Transit Authority is hereby accepted.

PASSED AND ADOPTED THIS 24<sup>th</sup> DAY OF APRIL 2019 by the following votes:

**AYES:** \_\_\_\_\_  
**NOES:** \_\_\_\_\_  
**ABSENT:** \_\_\_\_\_  
**ABSTENTIONS:** \_\_\_\_\_

\_\_\_\_\_  
Robert Taylor, Vice Chair

\_\_\_\_\_  
Jeanne Krieg, Chief Executive Officer

# **Eastern Contra Costa Transit Authority Disadvantaged Business Enterprise Program (DBE Program)**

## **Policy Statement**

### **Policy Statement and Program Objectives (§26.1, 26.23)**

Eastern Contra Costa Transit Authority (ECCTA) has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 Code of Federal Regulations (CFR) Part 26. As a recipient of Federal financial assistance from the DOT, ECCTA has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of ECCTA to ensure that DBEs, as defined in 49 CFR Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. The objectives of the DBE Program include:

1. Ensure nondiscrimination in the award and administration of DOT-assisted contracts;
2. Create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. Ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. Ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. Help remove barriers to the participation of DBEs in DOT-assisted contracts; and
6. Adhere to the adopted ECCTA purchasing policy principles throughout all aspects of the DBE Program.

ECCTA's Executive Assistant has been delegated as the DBE Liaison Officer (DBELO). In that capacity, the Executive Assistant is responsible for implementing all aspects of the DBE program. Implementation of the DBE program has the same priority as compliance with all other legal obligations incurred by ECCTA in its financial assistance agreements with the DOT.

ECCTA has disseminated this policy statement to its Board of Directors and to all departments of its organization. This policy statement is disseminated to members of the DBE and non-DBE business communities that perform or are interested in performing work on ECCTA's DOT-assisted contracts. The policy statement is on the Tri Delta Transit website at [www.trideltatransit.com/business.aspx](http://www.trideltatransit.com/business.aspx). Questions regarding ECCTA's DBE Program should be addressed to DBE Liaison Officer, 801 Wilbur Avenue, Antioch, CA 94509, fax 925-757-2530, telephone 925-754-6622, email [civilrights@eccta.org](mailto:civilrights@eccta.org).

\_\_\_\_\_  
Jeanne Krieg, CEO

\_\_\_\_\_  
Date

## **SUBPART A - General Requirements**

### **Objectives (§26.1)**

The objectives are found in the policy statement on the first page of this program.

### **Applicability (§26.3)**

ECCTA is the recipient of federal transit funds authorized by Congress and administered through the Federal Transit Administration (FTA).

### **Definitions (§26.5)**

ECCTA will adopt the definitions contained in §26.5 for this program. §26.5 definitions are outlined in Attachment 1 of this program.

### **Non-discrimination Requirements (§26.7)**

ECCTA will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex, or national origin.

In administering its DBE program, ECCTA will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE program with respect to individuals of a particular race, color, sex, or national origin.

### **Record Keeping Requirements (§26.11)**

#### **Reporting to DOT (§26.11b)**

ECCTA will report DBE participation on a semi-annual basis to the FTA using the Uniform Report of DBE Awards or Commitments and Payments, found in Appendix B in the DBE regulation. These reports will reflect payments actually made to DBEs on DOT-assisted contracts.

- DBE participation from October 1 through March 31 (submitted by June 1).
- DBE participation from April 1 through September 30 (submitted by December 1).

#### **Bidders List: (§26.11c)**

ECCTA will maintain a bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on DOT-assisted contracts. The bidders list will include the name, address, DBE/non-DBE status, age and annual gross receipts of firms. ECCTA may also request additional information from bidders such as the type of work performed and associated NAICS code, although this information is not required to be provided by any bidders.

ECCTA collects this information in the following ways:

- A contract clause requiring prime bidders to report the name, address, DBE/non-DBE status, age and annual gross receipts of all firms who quote to them on subcontracts.
- A notice in solicitations requesting firms quoting on the solicitation provide the name,

address, DBE/non-DBE status, age and annual gross receipts of themselves and any planned subcontractors.

**Assurances (§26.13)**

ECCTA has signed the following assurances, applicable to all DOT-assisted contracts and their administration:

**Federal Financial Assistance Agreement Assurance (§26.13a)**

*ECCTA shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE Program or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The recipient's DBE Program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to ECCTA of its failure to carry out its approved program, the Department may impose sanction as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).*

This language will appear in financial assistance agreements with sub-recipients.

**Contract Assurance (§26.13b)**

ECCTA will ensure that the following clause is placed in every DOT-assisted contract and subcontract:

*The contractor, sub-recipient, or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate, which may include, but is not limited to:*

- (1) Withholding monthly progress payments;*
- (2) Assessing sanctions;*
- (3) Liquidated damages; and/or*
- (4) Disqualifying the contractor from future bidding as non-responsible.*

**SUBPART B - ADMINISTRATIVE REQUIREMENTS**

**DBE Program Updates (§26.21)**

Since ECCTA may receive a grant of \$250,000 or more in FTA planning capital, and or operating assistance in a federal fiscal year, ECCTA will continue to carry out this program until all funds from DOT financial assistance have been expended. ECCTA will provide updates representing significant changes in the program to DOT.

**Policy Statement (§26.23)**

The Policy Statement is on the first page of this program.

**DBE Liaison Officer (§26.25)**

ECCTA's DBE Liaison Officer (DBELO) may be contacted at:

Tania Babcock  
DBE Liaison Officer  
801 Wilbur Avenue  
Antioch, CA 94509  
phone: (925) 754-6622  
fax: (925) 757-2530  
email: [civilrights@eccta.org](mailto:civilrights@eccta.org)

The DBELO is responsible for implementing all aspects of the DBE program and ensuring that ECCTA complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the Chief Executive Officer concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found in Attachment 2 to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program. The duties and responsibilities include the following:

1. Develops, implements, and updates the DBE program plan.
2. Gathers and reports statistical data and other information as required by DOT.
3. Works with all affected departments in establishing the overall DBE goal.
4. Ensures monitoring and oversight in the DBE program.
5. Participates in pre-bid meetings.
6. Advises the Chief Executive Officer on DBE matters and achievement.
7. Acts as a liaison to the Uniform Certification Program in California.
8. Provides outreach to DBEs and community organizations to promote contracting opportunities.
9. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.

**DBE Financial Institutions (§26.27)**

It is the policy of ECCTA to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contract to make use of these institutions. ECCTA has made the following efforts to identify and use such institutions:

- Reviewed all vendors certified as "Minority Depository Institutions (MDIs)" dated September 30, 2018 by using the website:  
<https://www.fdic.gov/regulations/resources/minority/mdi.html>

To date, ECCTA has not identified any financial institutions owned and controlled by socially and economically disadvantaged individuals in ECCTA's community. ECCTA will re-

evaluate the availability of DBE financial institutions every three years when setting the overall DBE goal.

#### **Prompt Payment Mechanisms (§26.29)**

- ECCTA requires that all subcontractors performing work on DOT-assisted contracts shall be promptly paid for work performed pursuant to their agreements, in accordance with all relevant federal, state, and local law.
- In accordance with §26.29, ECCTA established a contract clause implementing this requirement and requires prime contractors to pay subcontractors for satisfactory performance of their contracts no later than 10 days from the prime contractor's receipt of each payment from ECCTA.
- ECCTA ensures prompt and full payment of retainage from the prime contractor to the subcontractor. Pursuant to §26.29, ECCTA has selected the following method to comply with this requirement:
  - For construction procurements: ECCTA will hold retainage from prime contractors and provide for prompt and regular incremental acceptances of portions of the prime contract, pay retainage to prime contractors based on these acceptances, and require a contract clause obligating the prime contractor to pay all retainage owed to the subcontractor for satisfactory completion of the accepted work within 10 days after ECCTA's payment to the prime contractors.
  - For professional services procurements: ECCTA will decline to hold retainage and prohibit prime contractors from holding retainage from subcontractors.

ECCTA will include the following clause in each DOT-assisted prime contract:

*The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 10 days from the receipt of each payment the prime contractor receives from ECCTA. The prime contractor agrees further to return retainage payments to each subcontractor for satisfactory completion of the accepted work within 10 days after ECCTA's payment to the prime contractor. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of ECCTA. This clause applies to both DBE and non-DBE subcontracts.*

#### **Directory (§26.31)**

ECCTA is a non-certifying member of the California Unified Certification Program (CUCP). ECCTA uses the CUCP DBE directory maintained by Caltrans that identifies all firms eligible to participate as DBEs. The directory lists the firm's name, address, phone number, and the type of work the firm has been certified to perform as a DBE. The directory is updated by Caltrans in real time, as changes are made to the directory. The directory may be found online at [http://www.dot.ca.gov/hq/bep/find\\_certified.htm](http://www.dot.ca.gov/hq/bep/find_certified.htm)



### **Overconcentration (§26.33)**

Since ECCTA is a federal recipient located within the jurisdiction of the U.S. Court of Appeals for the Ninth Circuit and subject to *Western States Paving Co, Inc. v. Washington State Department of Transportation*, 407 F.3d 983 (9<sup>th</sup> Cir. 2005), ECCTA uses race-neutral means of achieving DBE participation. Overconcentration of DBEs is not applicable to ECCTA while using race-neutral means.

### **Business Development Programs (§26.35)**

ECCTA is a member of the Business Outreach Committee (BOC) that represents Bay Area transit and transportation agencies. The BOC assists DBEs and other small companies with expansion of their businesses through training, technical assistance, and relationship-building with agency staff and the contracting community of the San Francisco Bay Area. ECCTA's DBELO participates in meetings, trainings and workshops held by the BOC.

ECCTA provides outreach to the small business community prior to future procurement opportunities. The DBELO also works with NorCal Procurement Technical Assistance Center (PTAC) and the Small Business Transportation Resource Center Southwest Region as resources to provide technical assistance and guidance to DBEs and small businesses.

### **Monitoring Responsibilities (§26.37)**

ECCTA implements and carries out appropriate mechanisms to ensure compliance with 49 CFR Part 26 program requirements by all program participants, including prompt payment, and describes and sets forth these mechanisms in ECCTA's DBE program.

### **Monitoring and Enforcement Mechanisms**

- ECCTA requires prime contractors to maintain records and documents of payments to subcontractors, including DBEs, for a minimum of three (3) years unless otherwise provided by applicable record retention requirements for ECCTA's financial assistance agreement, whichever is longer. These records will be made available for inspection upon request by an authorized representative of ECCTA or DOT. This reporting requirement extends to all subcontractors, both DBE and non-DBE.
- ECCTA documents its monitoring and oversight processes by completing a "Record of DBE Compliance Monitoring" (Appendix 3) for each DOT-assisted contract with DBE participation. ECCTA reviews subcontracts, monitors work sites, monitors prime payments to subcontractors and provides a written certification of the monitoring during the life of the project. The Project Manager or DBELO is responsible for completing the "Record of DBE Compliance Monitoring."
- To determine the Commercially Useful Function of a DBE, ECCTA completes the "Record of Commercially Useful Function Report" (Appendix 4) for all DBEs on each DOT-assisted contract. This is accomplished by conducting field reviews and DBE contractor interviews. The Project Manager or DBELO is responsible for completing the "Record of Commercially Useful Function Report" and for monitoring the DBE

firm to provide a written certification that Commercially Useful Function requirements are being met.

- ECCTA proactively reviews contract payments to subcontractors, including DBEs at milestone intervals. ECCTA uses conditional lien releases to verify payment for work committed to subcontractors at the time of contract award is actually paid to subcontractors. ECCTA uses unconditional lien releases to verify that the entire payment has been made to subcontractors, which includes retention, upon completion of successful work.

#### **Prompt Payment Dispute Resolution**

- ECCTA will take the following step to resolve disputes as to whether work has been satisfactorily completed for purposes of §26.29.
  - ECCTA will hold a dispute resolution meeting between the prime contractor and subcontractor, along with the Project Manager or representative from ECCTA as appropriate. The meeting will include those individuals who are authorized to bind each interested party and a representative from ECCTA with authority to take enforcement action.

#### **Prompt Payment Complaints**

- Complaints by subcontractors regarding the prompt payment requirements are handled according to the following procedure.
  - Subcontractors are to contact the prime contractor to discuss payment discrepancies. If a resolution is not reached regarding the payment discrepancies, then the affected subcontractor may escalate the complaint to the Project Manager or designated representative from ECCTA. ECCTA will investigate and follow up with both parties involved in the complaint resolution within 10 days. If filing a complaint with ECCTA does not result in timely and meaningful action by ECCTA, the affected subcontractor may contact the FTA.

#### **Enforcement Actions for Noncompliance of Participants**

ECCTA will provide appropriate means to enforce the requirements of §26.29. These means include:

- ECCTA will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in §26.109.
- In the event of non-compliance with the DBE regulation by a participant in ECCTA's procurement activities, ECCTA may choose to issue joint checks to the prime contractor and subcontractor to resolve the payment problem.

### **Fostering Small Business Participation (§26.39)**

Because ECCTA is a small agency, contracts tend to be a size that small businesses, including DBEs, can reasonably perform. In order to foster small business participation, ECCTA has incorporated the following non-discriminatory element into its DBE program to facilitate competition on DOT-assisted projects by small business concerns.

- Participating in the Business Outreach Committee (BOC) of the San Francisco Bay Area and assisting with BOC group programs, activities and efforts in the San Francisco Bay Area. These efforts help to create a level playing field on which DBEs and small businesses can compete fairly; enhance outreach and communication efforts with these firms; provide appropriate assistance and information for participation in DOT-assisted contracts; and develop joint resources among recipients.
- Holding procurement meetings at least quarterly with ECCTA's DBELO and employees from maintenance, purchasing and finance who are involved in purchasing decisions for ECCTA. This allows ECCTA's DBELO to provide appropriate outreach to the small business community prior to future procurement opportunities.
- Referring small businesses to available resources, including the Southwest Small Business Transportation Resource Center and Norcal PTAC, for assistance with bonding, financing and other technical assistance needed.
- Encouraging prime contractors to use small businesses as subcontractors.
- Submitting timely solicitations, conducting pre-bid meetings, developing clearly written plans and specifications, and delivering schedules in ways that facilitate small business firms' participation.

## **SUBPART C - GOALS, GOOD FAITH EFFORTS, AND COUNTING**

### **Set-asides or Quotas (§26.43)**

ECCTA does not use quotas in any way in the administration of this DBE program.

### **Overall Goals (§26.45)**

A description of the methodology to calculate the overall goal and the goal calculation can be found in Attachment 5 to this program. This section of the program will be updated as required.

In accordance with §26.45f, ECCTA will submit its triennial overall DBE goal ("Triennial Goal") to the FTA by August 1 of the year specified by the FTA. Before establishing the Triennial Goal, ECCTA will consult with appropriate constituent groups representing minority, women's and general contractor groups; community organizations; and other officials or organizations to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs,

and ECCTA's efforts to establish a level playing field for the participation of DBEs.

Following this consultation, ECCTA will publish a notice of the proposed Triennial Goal on its Internet website at [www.trideltatransit.com/business.aspx](http://www.trideltatransit.com/business.aspx), informing the public that the proposed goal and its rationale are available for inspection from 8:00am to 5:00pm, Pacific Standard Time, Monday through Friday, at ECCTA administrative offices for 30 days following the date of the notice, and informing the public that ECCTA will accept comments on the goal for 30 days from the date of the notice. Normally, ECCTA will issue this notice by June 1 of each year that the Triennial Goal is due. The notice will include addresses to which comments may be sent and addresses (including office and website) where the proposal may be reviewed.

ECCTA will begin using the Triennial Goal on October 1, unless other instructions have been received from the FTA.

**Transit Vehicle Manufacturers Goals (§26.49)**

ECCTA will require each transit vehicle manufacturer (TVM), as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, to certify that it has complied with the requirements of this section.

**Breakout of Estimated Race-Neutral & Race-Conscious Participation (§26.51a-c)**

ECCTA uses race-neutral means of achieving DBE participation.

ECCTA uses the following race-neutral means to increase DBE participation:

- Making DBEs and other small businesses aware of opportunities.
  
- Ensuring the dissemination to bidders on prime contracts lists of potential subcontractors.
  
- Submitting timely solicitations, conducting pre-bid meetings, developing clearly written plans and specifications, and delivering schedules in ways that facilitate DBEs and other small business firms' participation.
  
- Referring DBEs to available resources, including the Southwest Small Business Transportation Resource Center (SBTRC), for assistance in obtaining bonding, lines of credit, and/or insurance requirements.

For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following:

- DBE participation through a prime contract that a DBE obtains through customary competitive procurement procedures;
  
- DBE participation through a subcontract on a prime contract that does not carry a DBE goal;

- DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

### **Contract Goals (§26.51d-g)**

Contract goals are race-conscious means that take race into consideration. Since ECCTA is a federal recipient located within the jurisdiction of the U.S. Court of Appeals for the Ninth Circuit and subject to *Western States Paving Co, Inc. v. Washington State Department of Transportation*, 407 F.3d 983 (9<sup>th</sup> Cir. 2005), ECCTA uses race-neutral means of achieving DBE participation. If ECCTA uses contract goals, it will get approval from the FTA to set contract goals.

### **Good Faith Efforts Procedures (§26.53)**

#### **Demonstration of good faith efforts (§26.53a&c)**

Good faith efforts do not apply to ECCTA. ECCTA uses race-neutral means of achieving DBE participation.

### **Counting DBE Participation (§26.55)**

ECCTA will count DBE participation toward overall goals as provided in §26.55.

## **SUBPART D - CERTIFICATION STANDARDS**

### **Certification Process (§26.61 - 26.73)**

ECCTA is a participant of the CUCP that uses the certification standards of Subpart D of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. The CUCP Memorandum of Agreement (MOA) provides DOT recipients the option to be either a certifying member or a non-certifying member. ECCTA is a non-certifying member.

ECCTA uses DBE vendors certified by the CUCP. The certification application form and documentation requirements can be found online at the following website address:  
[http://www.dot.ca.gov/hq/bep/business\\_forms.htm](http://www.dot.ca.gov/hq/bep/business_forms.htm)

For information about the certification process or to apply for certification, firms should use the Internet to locate the nearest certifying agency. The website address to obtain the most recent roster of certifying agencies can be found online at:  
[http://dot.ca.gov/obeo/docs/Agency\\_Roster.pdf](http://dot.ca.gov/obeo/docs/Agency_Roster.pdf)

Firms may also contact:  
California Department of Transportation (Caltrans)  
Office of Business & Economic Opportunity  
1823 - 14<sup>th</sup> Street  
Sacramento, CA 95811  
phone: (916) 324-1700  
fax: (916) 324-1862

## **SUBPART E - CERTIFICATION PROCEDURES**

### **Unified Certification Programs (§26.81-§26.83)**

ECCTA is a non-certifying member of the CUCP. As such, ECCTA does not provide certification procedures itself. Interested parties are encouraged to use the Internet to obtain contact information on the most recent roster of certifying agencies at the following website address: [http://dot.ca.gov/obeo/docs/Agency\\_Roster.pdf](http://dot.ca.gov/obeo/docs/Agency_Roster.pdf)

### **Procedures for Certification Decisions (§26.83)**

#### **Re-certifications (§26.83a&c)**

ECCTA is a non-certifying member of the CUCP and currently does not re-certify or make certification decisions.

### **Information, Confidentiality, Cooperation (§26.109)**

ECCTA will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law. ECCTA will follow the procedures in §26.109 regarding availability of records, confidentiality of information on complainants, cooperation, intimidation and retaliation.

## ATTACHMENTS

Attachment 1 Definitions

Attachment 2 Organizational Chart

Attachment 3 Record of DBE Compliance Monitoring

Attachment 4 Record of Commercially Useful Function Report

Attachment 5 Overall Goal Calculation

Attachment 6 Regulations: 49 CFR Part 26

## Attachment 1

### Definitions

(§ 26.5) What do the terms used in 49 CFR Part 26 mean?

*Affiliation* has the same meaning the term has in the Small Business Administration (SBA) regulations, 13 CFR part 121.

(1) Except as otherwise provided in 13 CFR part 121, concerns are affiliates of each other when, either directly or indirectly:

(i) One concern controls or has the power to control the other; or

(ii) A third party or parties controls or has the power to control both; or

(iii) An identity of interest between or among parties exists such that affiliation may be found.

(2) In determining whether affiliation exists, it is necessary to consider all appropriate factors, including common ownership, common management, and contractual relationships. Affiliates must be considered together in determining whether a concern meets small business size criteria and the statutory cap on the participation of firms in the DBE program.

*Alaska Native* means a citizen of the United States who is a person of one-fourth degree or more Alaskan Indian (including Tsimshian Indians not enrolled in the Metlaktla Indian Community), Eskimo, or Aleut blood, or a combination of those bloodlines. The term includes, in the absence of proof of a minimum blood quantum, any citizen whom a Native village or Native group regards as an Alaska Native if their father or mother is regarded as an Alaska Native.

*Alaska Native Corporation* (ANC) means any Regional Corporation, Village Corporation, Urban Corporation, or Group Corporation organized under the laws of the State of Alaska in accordance with the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601, *et seq.*).

*Assets* mean all the property of a person available for paying debts or for distribution, including one's respective share of jointly held assets. This includes, but is not limited to, cash on hand and in banks, savings accounts, IRA or other retirement accounts, accounts receivable, life insurance, stocks and bonds, real estate, and personal property.

*Business, business concern or business enterprise* means an entity organized for profit with a place of business located in the United States, and which operates primarily within the United States or which makes a significant contribution to the United States economy through payment of taxes or use of American products, materials, or labor.

*Compliance* means that a recipient has correctly implemented the requirements of this part.



**Contingent Liability** means a liability that depends on the occurrence of a future and uncertain event. This includes, but is not limited to, guaranty for debts owed by the applicant concern, legal claims and judgments, and provisions for federal income tax.

**Contract** means a legally binding relationship obligating a seller to furnish supplies or services (including, but not limited to, construction and professional services) and the buyer to pay for them. For purposes of this part, a lease is considered to be a contract.

**Contractor** means one who participates, through a contract or subcontract (at any tier), in a DOT-assisted highway, transit, or airport program.

**Days** mean calendar days. In computing any period of time described in this part, the day from which the period begins to run is not counted, and when the last day of the period is a Saturday, Sunday, or Federal holiday, the period extends to the next day that is not a Saturday, Sunday, or Federal holiday. Similarly, in circumstances where the recipient's offices are closed for all or part of the last day, the period extends to the next day on which the agency is open.

**Department or DOT** means the U.S. Department of Transportation, including the Office of the Secretary, the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), and the Federal Aviation Administration (FAA).

**Disadvantaged business enterprise or DBE** means a for-profit small business concern—

(1) That is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals; and

(2) Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

**DOT-assisted contract** means any contract between a recipient and a contractor (at any tier) funded in whole or in part with DOT financial assistance, including letters of credit or loan guarantees, except a contract solely for the purchase of land.

**Good faith efforts** means efforts to achieve a DBE goal or other requirement of this part which, by their scope, intensity, and appropriateness to the objective, can reasonably be expected to fulfill the program requirement.

**Home state** means the state in which a DBE firm or applicant for DBE certification maintains its principal place of business.

**Immediate family member** means father, mother, husband, wife, son, daughter, brother, sister, grandfather, grandmother, father-in-law, mother-in-law, sister-in-law, brother-in-law, and domestic partner and civil unions recognized under State law.

**Indian tribe** means any Indian tribe, band, nation, or other organized group or community of Indians, including any ANC, which is recognized as eligible for the special programs and

services provided by the United States to Indians because of their status as Indians, or is recognized as such by the State in which the tribe, band, nation, group, or community resides. See definition of “tribally-owned concern” in this section.

**Joint venture** means an association of a DBE firm and one or more other firms to carry out a single, for-profit business enterprise, for which the parties combine their property, capital, efforts, skills and knowledge, and in which the DBE is responsible for a distinct, clearly defined portion of the work of the contract and whose share in the capital contribution, control, management, risks, and profits of the joint venture are commensurate with its ownership interest.

**Liabilities** mean financial or pecuniary obligations. This includes, but is not limited to, accounts payable, notes payable to bank or others, installment accounts, mortgages on real estate, and unpaid taxes.

**Native Hawaiian** means any individual whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

**Native Hawaiian Organization** means any community service organization serving Native Hawaiians in the State of Hawaii which is a not-for-profit organization chartered by the State of Hawaii, is controlled by Native Hawaiians, and whose business activities will principally benefit such Native Hawaiians.

**Noncompliance** means that a recipient has not correctly implemented the requirements of this part.

**Operating Administration or OA** means any of the following parts of DOT: the Federal Aviation Administration (FAA), Federal Highway Administration (FHWA), and Federal Transit Administration (FTA). The “Administrator” of an operating administration includes his or her designees.

**Personal net worth** means the net value of the assets of an individual remaining after total liabilities are deducted. An individual's personal net worth does not include: The individual's ownership interest in an applicant or participating DBE firm; or the individual's equity in his or her primary place of residence. An individual's personal net worth includes only his or her own share of assets held jointly or as community property with the individual's spouse.

**Primary industry classification** means the most current North American Industry Classification System (NAICS) designation which best describes the primary business of a firm. The NAICS is described in the North American Industry Classification Manual—United States, which is available on the Internet at the U.S. Census Bureau Web site:  
<http://www.census.gov/eos/www/naics/>.

**Primary recipient** means a recipient which receives DOT financial assistance and passes some or all of it on to another recipient.

**Principal place of business** means the business location where the individuals who manage the firm's day-to-day operations spend most working hours. If the offices from which management is directed and where the business records are kept are in different locations, the recipient will determine the principal place of business.

**Program** means any undertaking on a recipient's part to use DOT financial assistance, authorized by the laws to which this part applies.

**Race-conscious** measure or program is one that is focused specifically on assisting only DBEs, including women-owned DBEs.

**Race-neutral** measure or program is one that is, or can be, used to assist all small businesses. For the purposes of this part, *race-neutral* includes gender-neutrality.

**Recipient** is any entity, public or private, to which DOT financial assistance is extended, whether directly or through another recipient, through the programs of the FAA, FHWA, or FTA, or who has applied for such assistance.

**Secretary** means the Secretary of Transportation or his/her designee.

**Set-aside** means a contracting practice restricting eligibility for the competitive award of a contract solely to DBE firms.

**Small Business Administration or SBA** means the United States Small Business Administration.

**SBA certified firm** refers to firms that have a current, valid certification from or recognized by the SBA under the 8(a) BD or SDB programs.

**Small business concern** means, with respect to firms seeking to participate as DBEs in DOT-assisted contracts, a small business concern as defined pursuant to section 3 of the Small Business Act and Small Business Administration regulations implementing it (13 CFR part 121) that also does not exceed the cap on average annual gross receipts specified in §26.65(b).

**Socially and economically disadvantaged individual** means any individual who is a citizen (or lawfully admitted permanent resident) of the United States and who has been subjected to racial or ethnic prejudice or cultural bias within American society because of his or her identity as a members of groups and without regard to his or her individual qualities. The social disadvantage must stem from circumstances beyond the individual's control.

(1) Any individual who a recipient finds to be a socially and economically disadvantaged individual on a case-by-case basis. An individual must demonstrate that he or she has held himself or herself out, as a member of a designated group if you require it.

(2) Any individual in the following groups, members of which are rebuttably presumed to be socially and economically disadvantaged:

(i) “Black Americans,” which includes persons having origins in any of the Black racial groups of Africa;

(ii) “Hispanic Americans,” which includes persons of Mexican, Puerto Rican, Cuban, Dominican, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;

(iii) “Native Americans,” which includes persons who are enrolled members of a federally or State recognized Indian tribe, Alaska Natives, or Native Hawaiians;

(iv) “Asian-Pacific Americans,” which includes persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, Indonesia, the Philippines, Brunei, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands (Republic of Palau), Republic of the Northern Marianas Islands, Samoa, Macao, Fiji, Tonga, Kiribati, Tuvalu, Nauru, Federated States of Micronesia, or Hong Kong;

(v) “Subcontinent Asian Americans,” which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal or Sri Lanka;

(vi) Women;

(vii) Any additional groups whose members are designated as socially and economically disadvantaged by the SBA, at such time as the SBA designation becomes effective.

(3) Being born in a particular country does not, standing alone, mean that a person is necessarily a member of one of the groups listed in this definition.

**Spouse** means a married person, including a person in a domestic partnership or a civil union recognized under State law.

**Transit vehicle manufacturer** means any manufacturer whose primary business purpose is to manufacture vehicles specifically built for public mass transportation. Such vehicles include, but are not limited to: Buses, rail cars, trolleys, ferries, and vehicles manufactured specifically for paratransit purposes. Producers of vehicles that receive post-production alterations or retrofitting to be used for public transportation purposes (e.g., so-called cutaway vehicles, vans customized for service to people with disabilities) are also considered transit vehicle manufacturers. Businesses that manufacture, mass-produce, or distribute vehicles solely for personal use and for sale “off the lot” are not considered transit vehicle manufacturers.

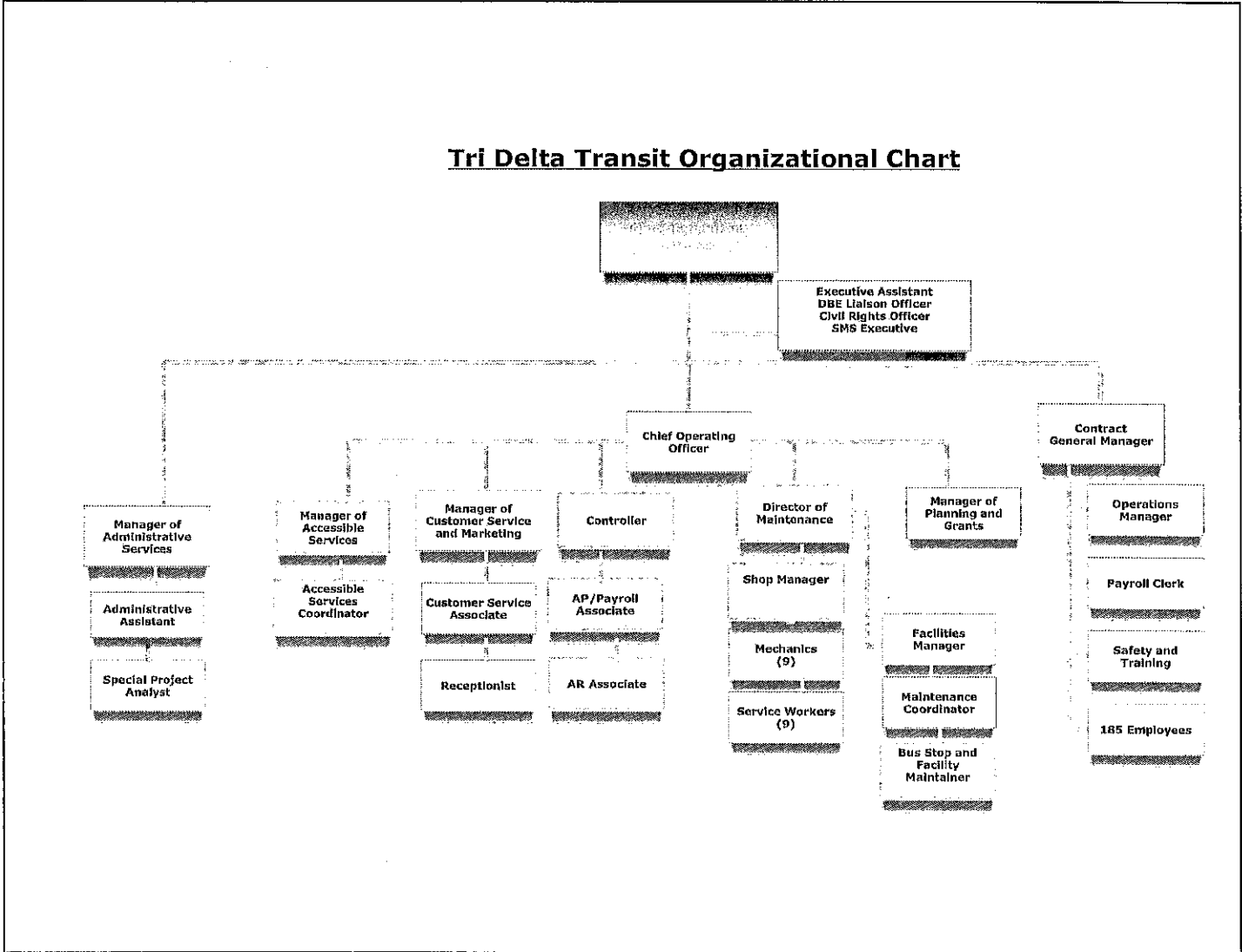
**Tribally-owned concern** means any concern at least 51 percent owned by an Indian tribe as defined in this section.

**You** refers to a recipient, unless a statement in the text of this part or the context requires otherwise (i.e., ‘You must do XYZ’ means that recipients must do XYZ).

[64 FR 5126, Feb. 2, 1999, as amended at 64 FR 34570, June 28, 1999; 68 FR 35553, June 16, 2003; 76 FR 5096, Jan. 28, 2011; 79 FR 59592, Oct. 2, 2014]

Attachment 2

Organizational Chart



**Attachment 3**

**Record of DBE Compliance Monitoring**

**Record of DBE Compliance Monitoring**

Contract Number:		Contract Award Date:	
Current Contract Amount:		Contract End Date:	
Prime Contractor:		DBE Commitment Amount:	
DBE Subcontractors:			

**Records reviewed:**

**Subcontracts Review**

DBE Name	Date Reviewed	Reviewed By	Subcontract Reviewed for the Following			
			Scope (Y/N)	Price (Y/N)	Restrictions (Note Any)	Additional Comments

**Summary Site or Place of Business Visits**

Date	Place	Business	Comments

**Summary of Invoice/Payment/Lien Release Review**

Date	Activity	Comments

This summary serves as the certification that the above monitoring activities occurred on the project noted in accordance with 49 CFR Part 26.37.

\_\_\_\_\_  
Name/Signature

\_\_\_\_\_  
Date

**Attachment 4**

**Record of Commercially Useful Function Report**

**Record of Commercially Useful Function Report**

Contract Number:
Review Date:
Prime Contractor:
DBE Firm:
DBE Function:

Please mark "YES", "NO" or "N/A" for each question.

For any question marked "NO", please explain in the "COMMENTS" section below.

**PERFORMANCE**

1. Does the DBE have its own employees on the job to perform the work? \_\_\_\_\_
2. Does the DBE own the equipment being utilized to perform its work? (If there is a lease agreement, review information on lease document.) \_\_\_\_\_
3. Is the DBE self performing the subcontract defined task for a specific item of work on the contract? \_\_\_\_\_

**HAULING FIRMS**

1. Does the DBE hauling firm own and/or lease their trucks? (Review ownership/vehicle registration and/or lease documents to verify). \_\_\_\_\_
2. Does the DBE employ drivers for trucks owned by the company? (If leased trucks include operators, this should be indicated in the agreement/purchase order.) \_\_\_\_\_
3. Do the haul tickets and/or bills of lading associated with the project confirm that hauling is being performed by the DBE? \_\_\_\_\_

**MATERIAL SUPPLIERS OR MANUFACTURERS/FABRICATORS**

1. Does the DBE's name appear on all applicable invoices, haul tickets, and/or bills of lading? \_\_\_\_\_
2. Did the DBE provide documentation showing that the funds used to pay a supplier in fact came from the DBE's own funds? \_\_\_\_\_
3. If the DBE had any materials drop shipped to the project site, was the invoice addressed to the DBE? \_\_\_\_\_
4. Did the DBE deliver materials to the site with their own and/or leased trucks? \_\_\_\_\_

**SUPERVISION**

1. Is the DBE self performing work without assistance from the prime or another subcontractor?  
\_\_\_\_\_



2. Is the DBE providing supervision of its employees and their work? \_\_\_\_\_

3. Is the supervisor a full-time employee of the DBE? \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This summary serves as the certification that the above Commercially Useful Function review occurred on the project noted in accordance with 49 CFR Part 26.55.

\_\_\_\_\_  
Name/Signature

\_\_\_\_\_  
Date

#### **GUIDANCE FOR COMPLETING THE RECORD OF COMMERCIALLY USEFUL FUNCTION REPORT**

The guidance below is included to assist you in determining whether or not a Disadvantaged Business Enterprise (DBE) is performing a Commercially Useful Function (CUF) as required under Section 26.55 of Title 49 Code of Federal Regulations Part 26. Federal DBE regulations provide that a DBE is performing a CUF when it is responsible for execution of the work it committed to perform under a contract with the prime and is carrying out its contractual responsibilities by performing, managing, and supervising the work. If it is determined that a DBE is not performing a CUF on some or all of the work subcontracted to them, the prime contractor will lose DBE credit. Continue to monitor the DBE firm to ensure that Commercially Useful Function requirements are being met during the life of the project. A CUF form must be completed for all DBEs performing on any federally funded project.

**The following are some examples of some common incidences:**

#### **PERFORMANCE**

##### **RED FLAGS**

- Employee(s) working for both the Prime and the DBE
- Equipment used by DBE belongs to the Prime Contractor
- Equipment used by DBE belongs to another contractor with no formal lease agreement
- Equipment signs and markings cover another contractor's identity
- Equipment has another contractor's name on it
- A portion of the DBE's work being done by the Prime Contractor or jointly with another contractor

#### **RECORDS/DOCUMENTS**

- Certified payrolls
- Equipment ownership, rental, or lease documents
- Subcontract Agreement or Purchase Order

#### **HAULING FIRMS**

##### **RED FLAGS**

- Trucks used by DBE belong to the Prime Contractor.
- Trucks used by DBE belong to another contractor with no formal lease agreement
- Truck signs and markings conceal another contractor's identity
- Trucks have another contractor's name on them
- Operator(s) working for both the Prime and DBE
- Use of operator(s) for leased trucks is/are not specified in the lease agreement and operator(s) is not an/are not employee(s) of the DBE
- Haul tickets and/or bills of lading have a firm other than the DBE listed

#### **RECORDS/DOCUMENTS**

- Certified payrolls
- Truck ownership/vehicle registration, purchase orders, rental, or lease documents

## **MATERIAL SUPPLIERS OR MANUFACTURERS/FABRICATORS**

### **RED FLAGS**

- Invoices do not indicate that DBE is the customer
- A Prime Contractor's employee is listed as the contact person on invoices
- Materials are ordered, billed to, and/or paid, by the Prime Contractor
- Drop shipped materials are addressed to the Prime Contractor
- Materials for DBE credited work are delivered by the Prime Contractor
- Evidence is provided that the DBE supplier is not actually supplying material
- Evidence is provided that the DBE manufacturer is not actually manufacturing material
- Two Party checks or joint checks are sent by the Prime to the supplier or manufacturer

### **RECORDS/DOCUMENTS**

- Invoices/Purchase Orders
- Copies of cancelled checks, electronic bill transfers, bank statements, credit card statement, etc.
- Bills of Lading

## **SUPERVISION**

### **RED FLAGS**

- Prime Contractor or another subcontractor is performing the DBE's work
- The DBE's employees are being supervised by the Prime Contractor or another subcontractor
- The DBE provides little or no supervision of work
- The DBE supervisor is not a full-time employee of the DBE

### **RECORDS/DOCUMENTS**

- Document communication with DBE owner or Superintendent
- Certified Payroll

## Attachment 5

### Overall Goal Calculation (§26.45)

#### Amount of Goal

Pursuant to §26.45, ECCTA will establish an annual overall goal for DBE participation in DOT-assisted contracts.

#### Methodology used to Calculate Overall Goal

The following is a summary of the method ECCTA uses to calculate a goal:

##### Determining a Base Figure

ECCTA will determine a base figure for the relative availability of DBEs on any project by using one of the following methods:

1. *DBE Directories and Census Bureau Data.* Determine the number of ready, willing, and able DBEs in ECCTA's market from the CUCP directory. Using the Census Bureau's County Business Pattern data base, determine the number of all ready, willing, and able businesses in ECCTA's market that perform work in the same NAICS codes. Divide the number of DBEs by the number of all businesses to derive a base figure for the relative availability of DBEs in ECCTA's market.
2. *Use of a goal of another DOT recipient.* If another DOT recipient in the same or substantially similar market has set an overall goal in compliance with this rule, ECCTA may use that goal as a base figure for its goal.

##### Adjusting a Base Figure

As required in the rule, ECCTA will adjust the base figure so that it reflects as accurately as possible the DBE participation that can be expected in the absence of discrimination. Possible information used to adjust the based figure:

1. Demonstrated evidence of DBE capacity to perform work on ECCTA's project;
2. Disparity studies conducted within the jurisdiction;
3. Input from interested parties;
4. Adjustments if using the goal of another DOT recipient;
5. Past participation.

## Attachment 6

### Regulations: 49 CFR Part 26

eCFR — Code of Federal Regulations

<https://gov.ecfr.io/cgi-bin/text-idx?SID=740a21634bfc069a1af321f..>

#### ELECTRONIC CODE OF FEDERAL REGULATIONS

e-CFR data is current as of January 11, 2019

Title 49 → Subtitle A → Part 26

Title 49: Transportation

#### PART 26—PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES IN DEPARTMENT OF TRANSPORTATION FINANCIAL ASSISTANCE PROGRAMS

##### Contents

##### Subpart A—General

- §26.1 What are the objectives of this part?
- §26.3 To whom does this part apply?
- §26.5 What do the terms used in this part mean?
- §26.7 What discriminatory actions are forbidden?
- §26.9 How does the Department issue guidance and interpretations under this part?
- §26.11 What records do recipients keep and report?
- §26.13 What assurances must recipients and contractors make?
- §26.15 How can recipients apply for exemptions or waivers?

##### Subpart B—Administrative Requirements for DBE Programs for Federally-Assisted Contracting

- §26.21 Who must have a DBE program?
- §26.23 What is the requirement for a policy statement?
- §26.25 What is the requirement for a liaison officer?
- §26.27 What efforts must recipients make concerning DBE financial institutions?
- §26.29 What prompt payment mechanisms must recipients have?
- §26.31 What information must you include in your DBE directory?
- §26.33 What steps must a recipient take to address overconcentration of DBEs in certain types of work?
- §26.35 What role do business development and mentor-protégé programs have in the DBE program?
- §26.37 What are a recipient's responsibilities for monitoring the performance of other program participants?
- §26.39 Fostering small business participation.

##### Subpart C—Goals, Good Faith Efforts, and Counting

- §26.41 What is the role of the statutory 10 percent goal in this program?
- §26.43 Can recipients use set-asides or quotas as part of this program?
- §26.45 How do recipients set overall goals?
- §26.47 Can recipients be penalized for failing to meet overall goals?
- §26.49 How are overall goals established for transit vehicle manufacturers?
- §26.51 What means do recipients use to meet overall goals?
- §26.53 What are the good faith efforts procedures recipients follow in situations where there are contract goals?
- §26.55 How is DBE participation counted toward goals?

##### Subpart D—Certification Standards

- §26.61 How are burdens of proof allocated in the certification process?
- §26.63 What rules govern group membership determinations?
- §26.65 What rules govern business size determinations?
- §26.67 What rules determine social and economic disadvantage?
- §26.69 What rules govern determinations of ownership?
- §26.71 What rules govern determinations concerning control?
- §26.73 What are other rules affecting certification?

##### Subpart E—Certification Procedures

- §26.81 What are the requirements for Unified Certification Programs?
- §26.83 What procedures do recipients follow in making certification decisions?
- §26.85 Interstate certification.
- §26.86 What rules govern recipients' denials of initial requests for certification?
- §26.87 What procedures does a recipient use to remove a DBE's eligibility?
- §26.89 Summary suspension of certification.
- §26.89 What is the process for certification appeals to the Department of Transportation?
- §26.91 What actions do recipients take following DOT certification appeal decisions?

##### Subpart F—Compliance and Enforcement

- §26.101 What compliance procedures apply to recipients?
- §26.103 What enforcement actions apply in FHWA and FTA programs?
- §26.105 What enforcement actions apply in FAA programs?

The remaining 44 pages  
of the 49 CFR Part 26  
will be available at the  
board meeting for  
review

# **TAB 5**

Agenda Item #7c

**ACTION ITEM: Proposed 2019-20 Budget**


## **Board of Directors Meeting**

**Wednesday April 24, 2019**

**ECCTA Boardroom**

**801 Wilbur Avenue, Antioch, CA 94509**

## Staff Report to ECCTA Board of Directors

**Meeting Date:** April 24, 2019  
**Agenda Item:** Proposed FY20 ECCTA Budget – Agenda Item #7c  
**Lead Staff:** Maureen Gonzales, Controller  
**Approved:** Jeanne Krieg, Chief Executive Officer 

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### **Operating Budget Components**

#### Operating Revenue

Operating revenue is divided into these categories:

1. Non-Fund Operating (fares, advertising sales, interest, BART contract)
2. Federal Operating
3. Transportation Development Act (TDA) and State Transit Assistance (STA) funds.
4. LCTOP
5. BART Feeder Bus
6. Measure J

#### Operating Expenses

Operating expenses are divided into these categories:

1. Purchased transportation (First Transit contract for operations)
2. Materials and Supplies (fuel, tires, other materials and supplies)
3. Salaries and Benefits
4. Services (custodial, temporary help, professional & technical service, contract maintenance services)
5. Insurance
6. Utilities
7. Taxes (property & diesel fuel tax)
8. Other (dues, subscriptions, travel, advertising)

### **Operating Budget Process**

The budget is driven by the projected miles, hours, and passengers for each class of service. From that point, everything else is derived from actual expenses such as taxes, fuel, insurance, tires, and purchased transportation.



## Revenue

- The Metropolitan Transportation Commission (MTC) issued their annual estimate and proposed apportionment and distribution of funds. Additionally, the Contra Costa Transportation Authority (CCTA) apportioned STA and Measure J operating funds for FY20. Those revenue estimates were used as a guide to create the proposed budget for FY20 operating and capital projects.
- The current year-to-date average fare per passenger was used to calculate fare income (\$1.04 for fixed route and \$3.29 for paratransit).
- Other revenue sources remain level.

## Expenses

ECCTA's FY19 actual expenses have been close to the FY19 budget so it was used as the foundation of the FY20 budget with the following adjustments:

- Ridership: a 13% decline in ridership from prior year.
- Purchased Transportation: New purchased transportation contract rates will take effect July 1<sup>st</sup>.
- Materials and Supplies: Fuel Hedging has resulted in a stable cost for diesel fuel of \$2.85 per gallon. The fuel hedge account remains in a positive state of \$196,000.
- Salary and benefits: Retirements from some higher salaried positions and filling open positions resulted in a minimal change. A 4% inflation buffer was included in the proposed budget.
- Outside services: Increased by 6% due to increased marketing efforts and technical services associated with microtransit, mobile ticketing, and AVL.
- Insurance: Staying consistent with past years, the budget for insurance costs was increased by 8%.
- Utilities: Increased by 18% to address increase in usage by electric buses.
- Taxes: This is based on current property tax bills and projected diesel fuel usage.
- Other: Increased by 11% (\$54,000) due to new employee training, anticipated conference participation, and increased marketing activities.

## **Capital Budget**

The proposed FY2019-20 capital budget is \$640,000:

Parking lot repair	\$200,000
MedVan replacement	\$350,000
Phone system replacement	\$75,000
Bus stop maintenance	\$15,000

## Budget

ECCTA's proposed fully funded FY2019-20 operating budget is \$22,399,000, a 4% increase over the FY 2019 operating budget. ECCTA's proposed fully funded FY2019-20 capital budget is \$640,000.

## ECCTA FY20 PROPOSED OPERATING BUDGET EXECUTIVE SUMMARY

	FY17 Actual	%	FY18 Actual	%	FY19 Budget	%	FY19 Estimate	%	FY20 Budget	%
<b>REVENUES</b>										
Fares	3,023	15%	2,661	13%	2,765	12%	2,705	13%	2,023	9%
Advertising Sales	120	1%	156	1%	85	0%	155	1%	85	0%
BART OR Service Reimbursement	148	1%	133	1%	150	1%	140	1%	150	1%
<b>Total Operating Sources</b>	<b>3,291</b>	<b>16%</b>	<b>2,950</b>	<b>14%</b>	<b>3,000</b>	<b>13%</b>	<b>3,002</b>	<b>14%</b>	<b>2,258</b>	<b>10%</b>
Federal	1,182	6%	950	5%	961	4%	888	4%	656	3%
State	11,381	55%	12,110	59%	12,811	58%	12,179	59%	14,300	64%
Local	1,871	9%	1,960	10%	3,351	15%	2,004	10%	2,478	11%
BART "Needy bus"	2,529	12%	2,625	13%	2,585	12%	2,625	13%	2,602	13%
Interest & Other	(18)	0%	8	0%	5	0%	6	0%	5	0%
<b>Total Non-operating Sources</b>	<b>16,945</b>	<b>83%</b>	<b>17,653</b>	<b>86%</b>	<b>19,814</b>	<b>87%</b>	<b>17,702</b>	<b>86%</b>	<b>20,141</b>	<b>90%</b>
<b>Total Operating Revenues</b>	<b>20,236</b>	<b>100%</b>	<b>20,603</b>	<b>100%</b>	<b>22,814</b>	<b>100%</b>	<b>20,704</b>	<b>100%</b>	<b>22,399</b>	<b>100%</b>
<b>EXPENDITURES</b>										
Purchased Transportation	11,495	57%	11,788	57%	12,161	56%	11,800	57%	12,922	58%
Materials and Supplies	2,793	14%	2,816	14%	3,172	15%	2,850	14%	2,839	13%
Salaries & Benefits	3,904	19%	3,973	19%	4,186	19%	4,000	19%	4,941	20%
Services	785	4%	851	4%	850	4%	850	4%	902	4%
Casualty and liability insurance	523	3%	594	3%	550	3%	549	3%	647	3%
Utilities	282	1%	156	1%	204	1%	230	1%	169	1%
Other	452	2%	414	2%	429	2%	425	2%	479	2%
<b>Total Operating Expenses</b>	<b>20,236</b>	<b>100%</b>	<b>20,802</b>	<b>100%</b>	<b>21,532</b>	<b>100%</b>	<b>20,704</b>	<b>100%</b>	<b>22,389</b>	<b>100%</b>
<b>KEY PERFORMANCE INDICATORS</b>										
Passengers	2,478		2,368		2,452		2,375		2,446	
Revenue Hours	198		198		198		199		215	
Revenue Miles	2,788		2,754		2,574		2,770		2,740	
Gallons of Diesel Fuel	685		576		536		590		652	
Gallons of Gasoline	132		122		123		120		107	
FTEs	175		175		176		172		176	
Average # ECCTA Positions	34.8		36.0		35.0		35.0		35.0	
<b>FINANCIAL RATIOS</b>										
\$/Passenger	\$8.17		\$8.74		\$8.78		\$8.72		\$9.16	
\$/Rev Hour	\$102.20		\$104.05		\$108.75		\$104.04		\$104.18	
\$/Rev Mile	\$7.26		\$7.48		\$8.36		\$7.47		\$8.17	
\$/Gallon Diesel	\$2.24		\$2.28		\$2.65		\$2.50		\$2.85	
\$/Gallon Gasoline	\$2.56		\$2.77		\$3.00		\$2.50		\$3.00	
\$/SalBert/Employee ECCTA (\$000s)	\$112		\$114		\$119		\$114		\$127	

## Requested Action

Approve the proposed FY 2019-20 fully funded operating budget of \$22,399,000 and the proposed fully funded capital budget of \$640,000.

# **TAB 6**

Agenda Item #7d

**ACTION ITEM: Authorization to File Funding Application**

Resolution #190424B

## **Board of Directors Meeting**

**Wednesday April 24, 2019**


**ECCTA Boardroom  
801 Wilbur Avenue, Antioch, CA 94509**

## **Staff Report to ECCTA Board of Directors**

**Meeting Date:** April 24, 2019

**Agenda Item:** Authorization to File Funding Application – Agenda Item #7d

**Lead Staff:** Maureen Gonzales, Controller

**Approved:** Jeanne Krieg, Chief Executive Officer 

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### **TDA & STA BACKGROUND**

The Mills-Alquist-Deddeh Act (SB 325) was enacted by the California Legislature to improve existing public transportation services and encourage regional transportation coordination. Known as the Transportation Development Act (TDA) of 1971, this law provides funding to be allocated to transit and non-transit related purposes that comply with regional transportation plans. The TDA provides two funding sources:

1. Local Transportation Fund (LTF), which is derived from a ¼ cent of the general sales tax collected statewide.
2. State Transit Assistance fund (STA), which is derived from the statewide sales tax on gasoline and diesel fuel.

The State Board of Equalization, based on sales tax collected in each county, returns the general sales tax revenues to each county's LTF. The STA funds are appropriated by the legislature to the State Controller's office. The Controller's office then allocates the tax revenue, by formula, to planning agencies and other selected agencies. Statute requires that 50% of STA funds be allocated according to population and 50% be allocated according to operator revenues from the prior fiscal year. The Metropolitan Transportation Commission (MTC) is the transportation planning agency for the Bay Area and administers TDA and STA funds for the region.

### **ECCTA's RESPONSIBILITIES**

ECCTA:

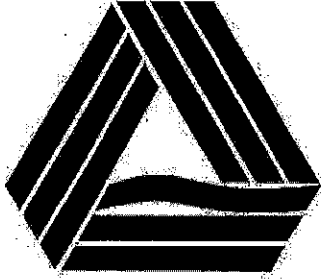
- applies for an annual allocation of TDA and STA funds through MTC each year;
- uses TDA funds for general operating purposes, including amounts statutorily directed to paratransit services;
- obligates an amount of these TDA funds for capital projects and as a required local match for other capital funds obtained when necessary;
- applies for an annual STA allocation through MTC simultaneously with the TDA application; and
- uses the STA funds received for general operating purposes in much the same way that TDA funds are used.

## **APPLICATION PROCESS**

ECCTA submits an annual TDA/STA application to MTC. A resolution adopted by the governing board is required.

## **REQUESTED ACTION**

Adopt Resolution #190424B which authorizes the Chief Executive Officer or her designee to file an application with the Metropolitan Transportation Commission for the FY20 allocation of Transportation Development Act and State Transit Assistance funds.



# TRI DELTA TRANSIT

Eastern Contra Costa Transit Authority  
801 Wilbur Avenue • Antioch, California 94509  
Phone 925.754.6622 Fax 925.757.2530

## RESOLUTION #190424B AUTHORIZATION FOR FILING OF TDA and STA FUNDING

**Resolution #190424B authorizes the Chief Executive Officer or her designee, to file an application with the Metropolitan Transportation Commission for the allocation of Transportation Development Act and State Transit Assistance.**

**WHEREAS**, the Transportation Development Act (TDA), (Public Utilities Code §99200 *et seq.*), provides for the disbursement of funds from the Local Transportation Fund (LTF) of the County of Contra Costa for use by eligible applicants for the purpose of administering and operating public transit services in Eastern Contra Costa County; and

**WHEREAS**, pursuant to the provisions of the TDA, and pursuant to the applicable rules and regulations thereunder (21 Cal. Code of Regs. §6600 *et seq.*) a prospective applicant wishing to receive an allocation from the Local Transportation Fund (LTF) shall file its claim with the Metropolitan Transportation Commission; and

**WHEREAS**, the State Transit Assistance (STA) fund is created pursuant to Public Utilities Code §99310 *et seq.*, and

**WHEREAS**, the STA fund makes funds available pursuant to Public Utilities Code §99313.6 for allocation to eligible applicants to support approved transit projects; and

**WHEREAS**, TDA funds from the Local Transportation Fund of Contra Costa County and STA funds will be required by applicant in Fiscal Year 2019-2020 for administering and operating Fixed Route and paratransit services for the public of Eastern Contra Costa County; and

**WHEREAS**, the Eastern Contra Costa Transit Authority is an eligible applicant for TDA and/or STA funds pursuant to PUC §99260;

**NOW, THEREFORE, BE IT RESOLVED**, that the Chief Executive Officer is authorized to execute and file appropriate TDA / STA applications together with all necessary supporting documents with the Metropolitan Transportation Commission; and be it further

**RESOLVED**, that a copy of this resolution be transmitted to the Metropolitan Transportation Commission in conjunction with the filing of such claims; and the Metropolitan Transportation Commission be requested to grant the allocation of funds specified in the applications and supporting documents.

PASSED AND ADOPTED THIS 24<sup>th</sup> day of April 2019, by the following votes:

### EASTERN CONTRA COSTA TRANSIT AUTHORITY

Robert Taylor, Vice Chair

Jeanne Krieg, CEO

AYES: \_\_\_\_\_  
NOES: \_\_\_\_\_

ABSENT: \_\_\_\_\_  
ABSTENTIONS: \_\_\_\_\_

# **TAB 7**

Agenda Item #7e

DISCUSSION ITEM: May Board of Directors Meeting

## **Board of Directors Meeting**

Wednesday April 24, 2019

ECCTA Boardroom  
801 Wilbur Avenue, Antioch, CA 94509

## **Staff Report to ECCTA Board of Directors**

**Meeting Date:** April 24, 2019

**Agenda Item:** May Board of Directors Meeting  
Agenda Item #7e

**Lead Staff:** Jeanne Krieg, Chief Executive Officer 

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After consultation with staff, Chair Diane Burgis and Vice Chair Bob Taylor have decided to cancel the May 29<sup>th</sup> ECCTA Board of Directors meeting due to a lack of pressing agenda items. The next meeting will be held June 26<sup>th</sup>, 2019.

**Recommendation**

No action requested.