



TRI DELTA TRANSIT

# Board of Directors Meeting Agenda

## Wednesday, May 22, 2024

**Meeting Time:**  
4:00 pm

**Location:**  
Eastern Contra Costa Transit Authority Boardroom  
801 Wilbur Avenue, Antioch



### BOARD OF DIRECTORS:

#### CITY OF ANTIOCH

Lamar Hernandez-Thorpe, Chair  
Monica Wilson

#### CITY OF BRENTWOOD

Joel Bryant  
Tony Oerlemans

#### CITY OF OAKLEY

Shannon Shaw  
Anissa Williams

#### CITY OF PITTSBURG

Dionne Adams  
Shanelle Scales-Preston

#### CONTRA COSTA COUNTY

Diane Burgis  
Federal Glover, Vice-Chair

#### MEMBER-AT-LARGE

Merl Craft

**Board of Directors Meeting Agenda**  
**Wednesday May 22, 2024**  
**Available Online: <https://trideltatransit.com/board.aspx>**

1. **CALL TO ORDER** Chair Lamar Hernandez-Thorpe
  - 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 the last page of this agenda.

4. **CHAIR'S REPORT** Chair Lamar Hernandez-Thorpe

5. **CONSENT CALENDAR (ACTION ITEM):**

(see attachment: tab #1)

- a. Minutes of the Board of Directors meeting of April 24, 2024
  - b. Financial Report
  - c. Marketing and Customer Service Activities Report
- Requested Action:** Approve items 5a, 5b, and 5c

6. **CEO'S REPORT** Rashidi Barnes

*(see attachment: tab #2)*

7. **ACTION ITEMS and DISCUSSION ITEMS**

- a. **ACTION ITEM:** FY2023-24 Regional Measure 3 (RM3) Operating Program  
*(see attachment: tab #3)*

**Requested Action:** Adopt Resolution #240522A authorizing the CEO to file an amended FY2023-24 claim to MTC requesting the allocation of FY2023-24 RM3 operating funds

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- b. ACTION ITEM:** Regional Measure 3 (RM3) Capital Allocation Requests  
*(see attachment: tab #4)*  
**Requested Action:** Adopt resolution #240522B authorizing the CEO to execute and submit capital allocation requests for RM3 funds
- c. ACTION ITEM:** Low Carbon Transit Operations Program (LCTOP) Corrective Action Plan  
*(see attachment: tab #5)*  
**Requested Action:** Adopt resolution #240522C authorizing the execution of ECCTA's Corrective Action Plan and submittal of the allocation request for the FY2024 Low Carbon Transit Operations Program (LCTOP) allocation request cycle
- d. ACTION ITEM:** Introduce Makers Boulevard outdoor market at the Oakley Mobility Hub  
*(see attachment: tab #6)*  
**Requested Action:** Authorize staff to enter into a one-year agreement with The Makers Boulevard for a quarterly operation of a community market at the Oakley Mobility Hub, 4300 Main Street
- e. DISCUSSION ITEM:** Advocacy Activities Update  
*(see attachment: tab #7)*  
**Requested Action:** Approve the staff recommendation to maintain the current position (oppose unless amended).

### 8. BOARD OF DIRECTOR'S 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.

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### 9. ADJOURN

Next Meeting: June 26, 2024, at 4:00 p.m., 801 Wilbur Avenue, Antioch, CA 94509.

# Board of Directors Meeting Agenda

Wednesday May 22, 2024

Available Online: <https://trideltatransit.com/board.aspx>

## PUBLIC COMMENT GUIDELINES:

- Public comments can be submitted via e-mail to [CEO@trideltatransit.org](mailto:CEO@trideltatransit.org).
- Comments received one hour prior to the meeting will be distributed to the members of the Board of Directors and summarized in the minutes.
- Persons requesting to address the ECCTA Board of Directors in person 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 (ADA) 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 #5

Consent Calendar (ACTION ITEM): Minutes, Financial Report and  
Marketing Activities Report

## **Board of Directors Meeting**

Wednesday May 22, 2024

ECCTA Boardroom

801 Wilbur Avenue, Antioch, CA 94509

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

MINUTES

April 24, 2024

The Eastern Contra Costa Transit Authority (ECCTA) meeting was called to order in the ECCTA Board Room, 801 Wilbur Avenue, Antioch, California by Director Burgis at 4:05 P.M.

**ROLL CALL / CALL TO ORDER**

BOARD MEMBERS

PRESENT: Diane Burgis (Contra Costa County); Merl Craft (Member-at-Large); Tony Oerlemans (Brentwood); Shanelle Scales-Preston; Shannon Shaw (Oakley); Anissa Williams (Oakley)\*; Monica Wilson (Antioch); Lamar Hernandez-Thorpe (Antioch/ Chair)\*  
\*Arrived after item 7a

ABSENT: Dionne Adams (Pittsburg); Joel Bryant (Brentwood); Federal Glover (Contra Costa County);

STAFF PRESENT: Rashidi Barnes, Chief Executive Officer (CEO)  
Toan Tran, Chief Operating Officer (COO)  
Eli Flushman, General Counsel  
Agustin Diaz, Manager of Planning and Grants  
Rosanna Dominguez, Executive Assistant  
Joe Chappelle, Manager of Administrative Services  
Tania Babcock, Compliance Manager  
Leeann Lorono, Manager of Customer Service and Marketing  
DeAnna Perry, Manager of Accessible Services  
Sam Tolley, Director of Maintenance

OTHERS

PRESENT: Myeisha Williams, TransDev Assistant General Manager  
Ben Trejo , TransDev Safety Manager  
Debra Steidle, Paratransit Coordinator  
Chris Kelly, Legislative Representative

**PLEDGE OF ALLEGIANCE**

Director Burgis led the Pledge of Allegiance.

**PUBLIC COMMENT**

No public comment

### **CHAIR'S REPORT**

No Chair report

### **CONSENT CALENDAR**

On motion by Director Wilson, seconded by Director Craft, ECCTA Board members adopted the Consent Calendar below, which was carried by the following vote:

- A. Minutes of the Board of Directors meeting of March 27, 2024
- B. Financial Report
- C. Marketing and Customer Service Activities Report

AYES: Burgis, Craft, Oerlemans, Scales-Preston, Shaw, Wilson

NOES: None

ABSTAIN: None

ABSENT: Adams, Bryant, Glover, Williams, Hernandez-Thorpe

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

- A. Operations Report

Chief Executive Officer Rashidi Barnes gave an update on the APTA Legislative conference that he attended with Chair Hernandez-Thorpe.

Mr. Barnes gave an update on events coming up that Tri Delta Transit participates in, including the Shred It event, National Bike to Work Day, and the County Fair. Mr. Barnes also presented the new online store, which is available internally and externally.

### **ACTION ITEM AND DISCUSSION ITEMS**

- A. FY2025 Transportation Fund for Clean Air Program

Manager of Planning and Grants Agustin Diaz presented the history of the Transportation Fund for Clean Air Program (TFCA). Tri Delta Transit is an eligible applicant. If funds are received, staff recommends that the application for the FY25 TFCA program be allocated towards project funding for Tri MyRide. At Director Wilson's request, staff will give a current map of the Tri MyRide service area.

On motion by Director Scales-Preston, seconded by Director Oerlemans, ECCTA Board members adopted Resolution #240424A authorizing the application submittal of the ECCTA FY2025 TFCA program project.

AYES: Burgis, Craft, Oerlemans, Scales-Preston, Shaw, Wilson  
NOES: None  
ABSTAIN: None  
ABSENT: Adams, Bryant, Glover, Williams, Hernandez-Thorpe

#### B. SB 1031 Update

Chief Executive Officer Rashidi Barnes presented the background of SB 1031, which replaces SB 925 and SB 397. An updated PowerPoint presentation, which gave key dates and concerns from East Bay transportation agencies, was provided during the meeting and will be updated on the website.

The legislative representative, Chris Lee, introduced himself and his firm. Mr. Lee provided recent updates on the bill and information on its timeline.

Mr. Barnes reviewed the main points of Tri Delta Transit's concerns with the language in the bill's current version. The board of directors discussed the bill, and Mr. Barnes presented the details of what the funding distribution would mean for Tri Delta Transit. Additional updates will be given to the board as the bill gets amended and moves further down in the timeline.

On motion by Director Craft, seconded by Director Shaw, board members adopted Resolution #240424B, opposing the April 17<sup>th</sup> amended version of SB 1031. If authorized by the Board of Directors, staff will prepare a letter to be sent to the Chair of the Senate Appropriations Committee, which is the next scheduled Committee for this bill. Resolution #240424B was carried by the following vote:

AYES: Burgis, Craft, Oerlemans, Scales-Preston, Shaw, Williams, Wilson, Hernandez-Thorpe  
NOES: None  
ABSTAIN: None  
ABSENT: Adams, Bryant, Glover

#### C. Six Month Means Based Fare Update

Manager of Accessible Services Deanna Perry provided an update on the Means-Based Fare Program. She provided current data and its future goals.

No action was needed by the board.

### **BOARD OF DIRECTORS COMMENT**

The following Board of Directors commented:

Director Craft

Director Williams

Director Scales-Preston

### **ADJOURNMENT**

The meeting of the Eastern Contra Costa Transit Authority adjourned at 5:07 p.m. until May 22, 2024, at 4:00 p.m. in the ECCTA Administrative Facility, 801 Wilbur Ave Antioch, California.

Respectfully submitted,

Rosanna Dominguez

Executive Assistant

**TRI DELTA TRANSIT**  
**Income Statement - Comparison to Annual Budget**  
As of April 30, 2024  
*(unaudited)*

	YTD Actual			YTD Budget			YTD Variance <i>Favorable/(unfavorable)</i>			FY24 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	\$ 1,489,892	\$ 961,088	\$ 508,744	\$ 1,508,806	\$ 819,417	\$ 689,189	\$ (38,774)	\$ 141,671	\$ (180,445)	\$ 1,813,298	\$ 984,639	\$ 828,659	\$ 81%	\$ 98%	\$ 61%	
Other Income	\$ 453,781	\$ 142,500	\$ 311,281	\$ 410,431	\$ 158,332	\$ 252,099	\$ 43,350	\$ (15,832)	\$ 59,182	\$ 490,741	\$ 190,000	\$ 300,741	\$ 92%	\$ 75%	\$ 104%	
<b>Total Operating Revenues:</b>	\$ 1,923,613	\$ 1,103,588	\$ 820,025	\$ 1,919,037	\$ 977,749	\$ 941,288	\$ 4,576	\$ 125,839	\$ (121,263)	\$ 2,304,039	\$ 1,174,639	\$ 1,129,400	\$ 83%	\$ 94%	\$ 73%	
<b>NON-OPERATING REVENUES</b>																
Federal Funds	\$ 1,614,375	\$ -	\$ 1,614,375	\$ 1,426,757	\$ -	\$ 1,426,757	\$ 187,618	\$ -	\$ 187,618	\$ 1,712,109	\$ -	\$ 1,712,109	\$ 94%	\$ -	\$ 94%	
State Funds	\$ 19,695,388	\$ 16,933,741	\$ 2,761,647	\$ 21,675,030	\$ 17,205,860	\$ 4,469,170	\$ (1,979,642)	\$ (272,119)	\$ (1,707,523)	\$ 25,968,665	\$ 20,589,362	\$ 5,379,303	\$ 76%	\$ 82%	\$ 51%	
Local Funds	\$ 2,378,844	\$ 951,012	\$ 1,427,832	\$ 2,296,071	\$ 986,330	\$ 1,299,741	\$ 82,773	\$ (45,318)	\$ 128,091	\$ 2,755,287	\$ 1,195,596	\$ 1,559,691	\$ 86%	\$ 80%	\$ 92%	
Inter-Operator Agreements	\$ 2,532,085	\$ 2,532,085	\$ -	\$ 2,110,070	\$ 2,110,070	\$ -	\$ 422,015	\$ 422,015	\$ -	\$ 2,532,085	\$ 2,532,085	\$ -	\$ 100%	\$ 100%	\$ n/a	
Interest & Other Misc. Income	\$ 92,000	\$ 20,270	\$ 71,730	\$ 49,998	\$ 41,666	\$ 8,332	\$ 42,002	\$ (21,396)	\$ 63,398	\$ 60,000	\$ 50,000	\$ 10,000	\$ 153%	\$ 41%	\$ 717%	
<b>Total Non-operating Revenues:</b>	\$ 26,312,692	\$ 20,437,108	\$ 5,875,584	\$ 27,557,926	\$ 20,353,926	\$ 7,204,000	\$ (1,245,234)	\$ 83,182	\$ (1,328,416)	\$ 33,028,146	\$ 24,367,043	\$ 8,661,103	\$ 80%	\$ 84%	\$ 68%	
<b>Total Revenues:</b>	\$ 28,236,305	\$ 21,540,696	\$ 6,695,609	\$ 29,476,963	\$ 21,331,675	\$ 8,145,288	\$ (1,240,659)	\$ 209,021	\$ (1,449,679)	\$ 35,332,185	\$ 25,541,682	\$ 9,790,503				
<b>OPERATING EXPENSES</b>																
Purchased Transportation	\$ 17,025,028	\$ 10,959,751	\$ 6,065,277	\$ 17,075,520	\$ 10,993,004	\$ 6,082,516	\$ 50,492	\$ 33,253	\$ 17,239	\$ 20,459,235	\$ 13,145,945	\$ 7,313,290	\$ 83%	\$ 83%	\$ 83%	
Materials and Supplies	\$ 3,781,519	\$ 2,984,454	\$ 797,065	\$ 4,454,883	\$ 3,588,041	\$ 866,842	\$ 673,364	\$ 603,587	\$ 69,777	\$ 5,338,844	\$ 4,296,981	\$ 1,041,863	\$ 71%	\$ 69%	\$ 77%	
Salaries & Benefits	\$ 4,710,002	\$ 4,063,456	\$ 646,546	\$ 5,321,944	\$ 4,683,318	\$ 638,626	\$ 611,942	\$ 619,862	\$ (7,920)	\$ 6,386,332	\$ 5,619,980	\$ 766,352	\$ 74%	\$ 72%	\$ 84%	
Services	\$ 984,025	\$ 737,514	\$ 246,511	\$ 1,025,682	\$ 749,458	\$ 276,224	\$ 41,657	\$ 11,944	\$ 29,713	\$ 1,230,818	\$ 899,350	\$ 331,468	\$ 80%	\$ 82%	\$ 74%	
Other	\$ 298,551	\$ 242,595	\$ 55,956	\$ 380,104	\$ 328,040	\$ 52,064	\$ 81,553	\$ 85,445	\$ (3,892)	\$ 459,753	\$ 396,145	\$ 63,608	\$ 65%	\$ 61%	\$ 88%	
Casualty and liability insurance	\$ 948,167	\$ 782,750	\$ 165,417	\$ 962,492	\$ 772,580	\$ 189,912	\$ 14,325	\$ (10,170)	\$ 24,495	\$ 1,154,991	\$ 927,097	\$ 227,894	\$ 82%	\$ 84%	\$ 73%	
Utilities	\$ 266,025	\$ 223,502	\$ 42,523	\$ 236,460	\$ 201,837	\$ 34,623	\$ (29,565)	\$ (21,665)	\$ (7,900)	\$ 282,334	\$ 240,787	\$ 41,547	\$ 94%	\$ 93%	\$ 102%	
Taxes	\$ 21,267	\$ 15,806	\$ 5,461	\$ 19,878	\$ 15,397	\$ 4,481	\$ (1,389)	\$ (409)	\$ (980)	\$ 19,878	\$ 15,397	\$ 4,481	\$ 107%	\$ 103%	\$ 122%	
<b>Total Operating Expenses:</b>	\$ 28,034,584	\$ 20,009,828	\$ 8,024,756	\$ 29,476,963	\$ 21,331,675	\$ 8,145,288	\$ 1,442,379	\$ 1,321,847	\$ 120,532	\$ 35,332,185	\$ 25,541,682	\$ 9,790,503	\$ 79%	\$ 78%	\$ 82%	
<b>EXCESS REV/(EXP)</b>	\$ 201,721	\$ 1,530,868	\$ (1,329,147)	\$ -	\$ 0	\$ -	\$ (201,721)	\$ (1,530,868)	\$ 1,329,147	\$ 0	\$ 0	\$ -				

**Staff Report to ECCTA Board of Directors**

**Meeting Date:** May 22, 2024

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

**Lead Staff:** Leeann Loroño, Manager of Customer Service and Marketing

**Approved:** Rashidi Barnes, Chief Executive Officer 

Tri Delta Transit strives to provide top notch service to our customers and the community, as well as communicate the pivotal role Tri Delta Transit plays. Here are some projects Marketing has been working on.

	<p><b>May Marketing Campaign</b></p> <p>Summer Youth Pass is on sale NOW, so advertising in the Monthly Grapevine and online features this terrific program.</p> <p>Sales will take place through approximately July 21st. Passes can be used between June 1st and August 31st. Tell everyone!</p>
	<p><b>Successful Shred-It</b></p> <p>A great day was had by all at this year's Shred-it event. With wonderful helpers from TDT, City of Antioch, Mt. Diablo Resource Recovery (MDRR), Board member Shannon Shaw, and public helper Glenn, we shredded nearly two full trucks of paper from approximately 75 cars.</p> <p>Thank you to our sponsors City of Oakley, City of Antioch, Republic Services, and MDRR. Special thanks to maintenance for all their hard work!</p>

*Agenda Item #5c  
 Eastern Contra Costa Transit Authority  
 Board of Directors Meeting  
 May 22, 2024*



## Upcoming Fun

Tri Delta Transit will be appearing at various places throughout May and June. Stop by if you can. Here are a few:

- **Bike to Wherever Day**, Antioch BART, May 16th 7-9 am. Promoting alternate transportation to driving.
- **Contra Costa County Fair**, May 16-19th, 12-5 pm. Enter to win a four pack of tickets contest run. Booth will be on site for giveaways and photos.
- **Marsh Elementary School Community Resource Fair and Picnic**, Antioch, May 30th, 5-7 pm.
- **Brentwood Library Exploration Station**, June 12th, 11 am-1 pm
- **All-in-One Community Resource Fair**, Bay Point, June 22nd



## Out and About

- Tri Delta Transit showed off our battery electric bus at the new Hands-on Stem Event at Williamson Ranch Park on April 27th. Families were able to explore the bus and learn about the technology.
- Tri Delta Transit met riders and potential staff at the LMC Career event on April 30th. We were able to educate students on the various jobs available in transportation.

There's a job in transit for just about everyone!

*Agenda Item #5c  
Eastern Contra Costa Transit Authority  
Board of Directors Meeting  
May 22, 2024*

## Ongoing Projects:



## Transit Takes You Places

Riders are encouraged to take public transportation to get to and from events safely. Tri Delta Transit takes you to most major points of interest in eastern Contra Costa County like these:

- This month's Mother's Day events

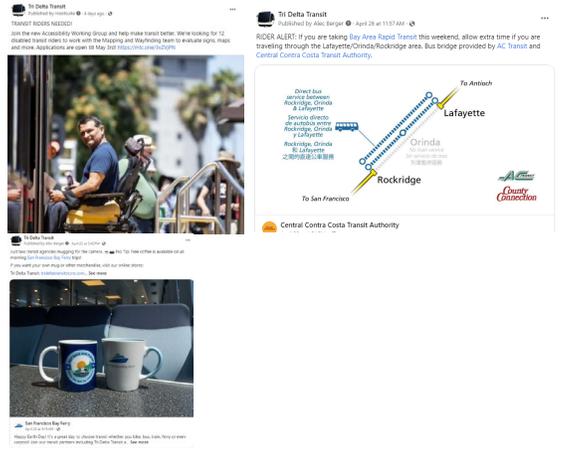
If you have an event that a Tri Delta Transit route goes near or to, send it to [comments@eccta.org](mailto:comments@eccta.org), and we will let riders know.



## Honoring & Celebrations

Tri Delta Transit honored Asian American, Native Hawaiian and Pacific Islander Month and Administrative Professionals Day and then had fun with Earth Day, Honesty Day, and Cinco de Mayo.

Hope you were able to see the posts and enjoy them.



## Collaboration

Tri Delta Transit collaborates with agencies and entities around the Bay Area to strengthen and bring attention to public transit. This month we collaborated on:

- Mapping and Wayfinding Group's request for disabled volunteers to weigh in on how signage works for them.
- BART service changes
- SF Bay Ferry helped promote our new Tri Delta Transit Store [www.trideltatransitstore.com](http://www.trideltatransitstore.com)



## Website Reimagined

Exciting news. Internal testing of the new website starts on May 21st. We will let you know when it's ready for additional testers to try. We're getting close to a brand-new site!

## SOCIAL MEDIA ANALYTICS

Following please find a brief summary of metrics for the Tri Delta Transit social media accounts.

MAIN ACCOUNTS	MONTHS		
Followers	FEBRUARY 2024	APRIL 2024	MAY 2024
Facebook	1.3k	1.3k	1.3k
Instagram	994	1,016	1,029
X (Twitter)	1,054	1,054	1,054
LinkedIn	545	555	571

ALERT ACCOUNTS	MONTHS		
Followers	FEBRUARY 2024	APRIL 2024	MAY 2024
Facebook	53	56	56
Instagram	78	81	77
X (Twitter)	22	21	23

X (TWITTER)	MONTHS		
	FEBRUARY 2024	APRIL 2024	MAY 2024
Impressions	4,332	4,230	4,377

Please let us know if you have any questions or need further information about any of these materials.

# **TAB 2**

Agenda Item #6  
ACTION ITEM: CEO Report

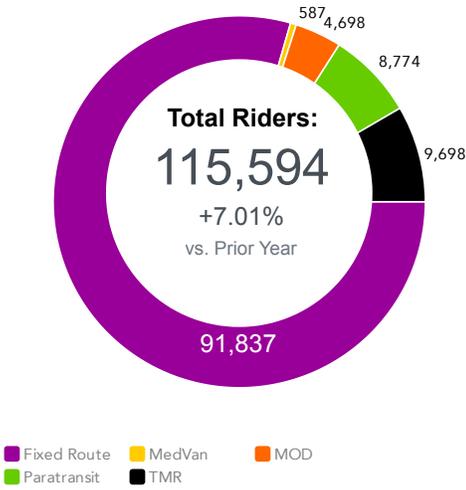
## **Board of Directors Meeting**

Wednesday May 22, 2024

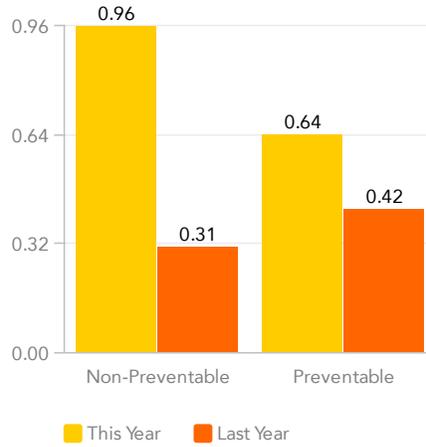
ECCTA Boardroom  
801 Wilbur Avenue, Antioch, CA 94509

# TRI DELTA TRANSIT Performance Summary

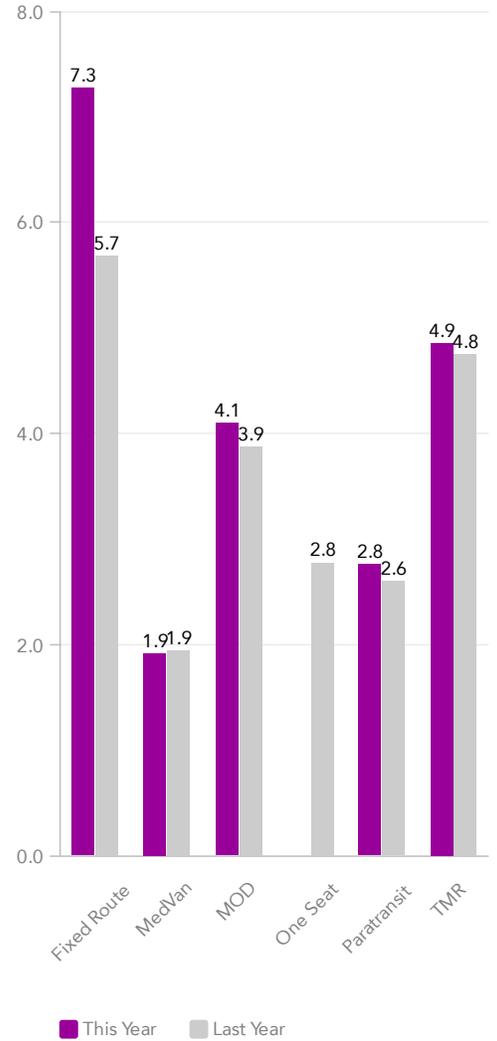
### Ridership



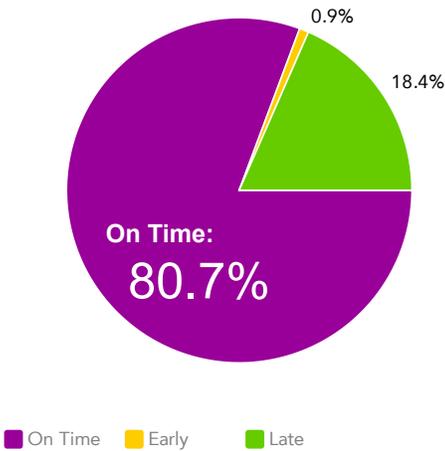
### Accidents / 100K Miles



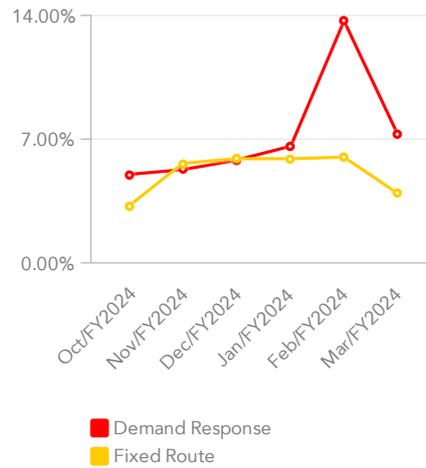
### Passengers Per Revenue Hour



### On Time Performance



### Cost Recovery Ratio



## Preventable Accident Report

	Accidents	Per 100,000 Miles
Oct/FY2024	3	0.87
Nov/FY2024	2	0.64
Jan/FY2024	4	1.22
Feb/FY2024	4	1.28
Mar/FY2024	2	0.64
YTD 2023	4	0.42
YTD 2024	2	0.64
YTD Change	-2	52.38%

## Preventable Accidents Per 100,000 Miles Last Six Months - System Wide



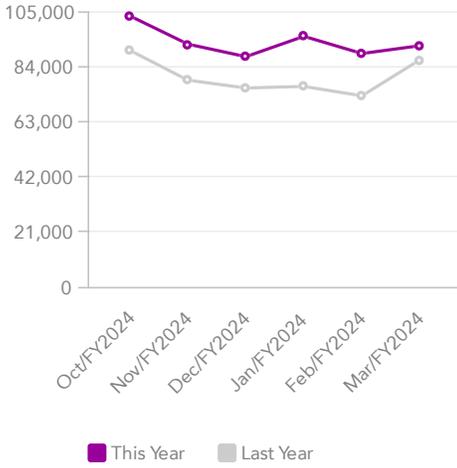
## Year To Date - System Wide Accidents Per 100,000 Miles



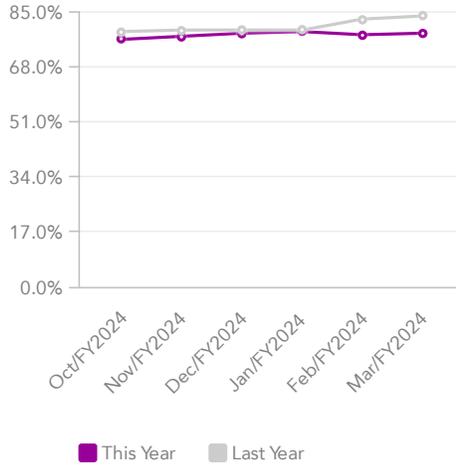
## Non-Preventable Accidents Per 100,000 Miles Last Six Months - System Wide



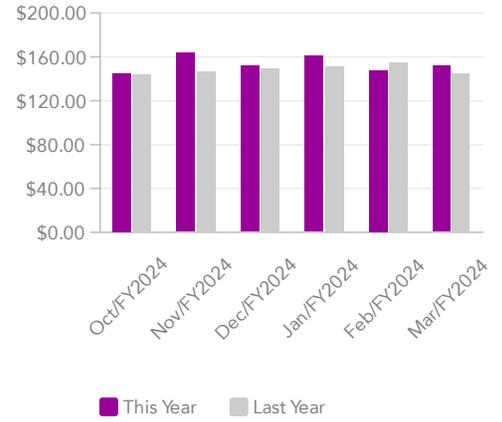
### Total Ridership



### On Time Performance



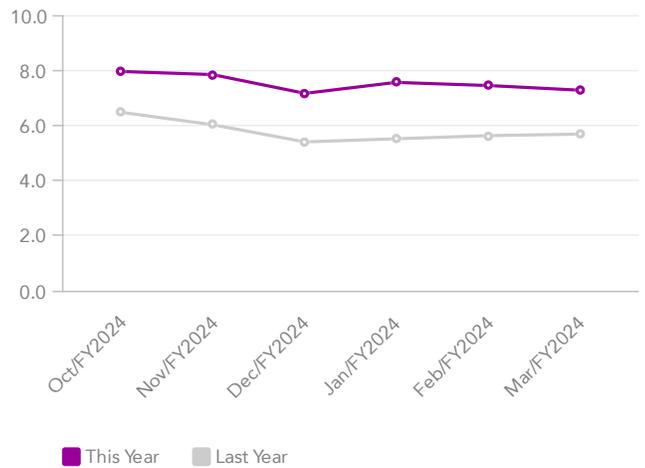
### Operating Cost Per Revenue Hour



### YTD Report - Fixed Route

	Metric	This Year	Prior Year	% Change
Customer Service	% of Trips On Time	78.17	83.66	-6.6%
	Average Miles Between Roadcalls	9,101.93	0.00	
Ridership	Complaints Per 100k Riders	29.40	32.46	-9.4%
	Ridership Per Rev. Hour	7.28	5.69	+27.9%
Financial	Operating Costs Per Rev. Hour	152.09	144.13	+5.5%
Ridership	Ridership	91,837.00	86,267.00	+6.5%

### Passengers Per Revenue Hour



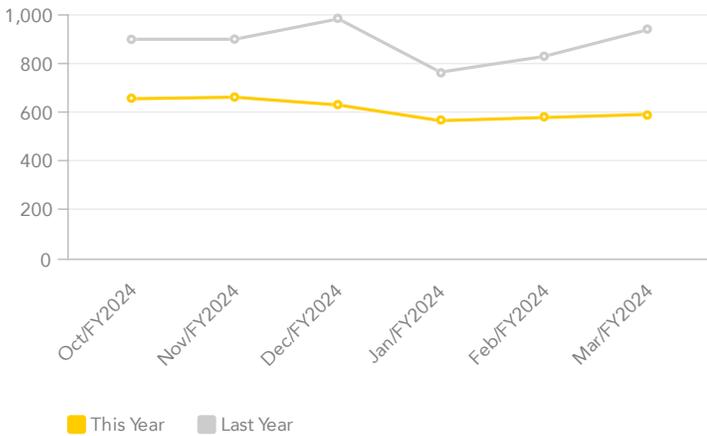
# MedVan, Paratransit, and MOD Performance

## YTD Report

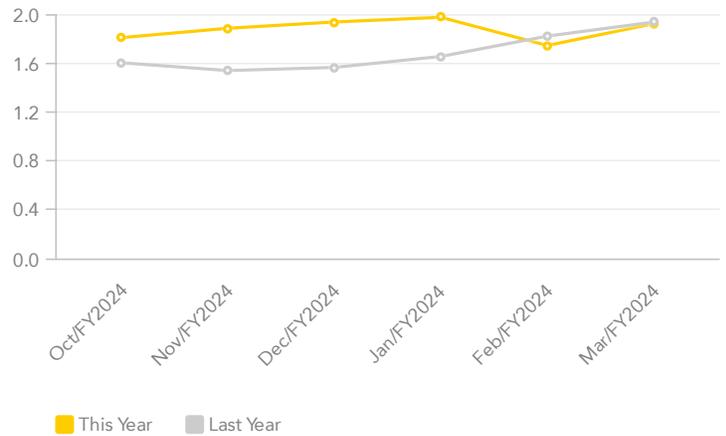
### MedVan

	Metric	This Year	Prior Year	% Change
Customer	% of Trips On Time	95.75	97.00	-1.3%
Service	Complaints Per 100k Riders	0.00	319.49	-100.0%
	Ridership Per Rev. Hour	1.92	1.94	-1.0%
Financial	Operating Costs Per Rev. Hour	115.29	140.34	-17.8%
Ridership	Ridership	587.00	939.00	-37.5%

### Total Ridership



### Passengers Per Revenue Hour

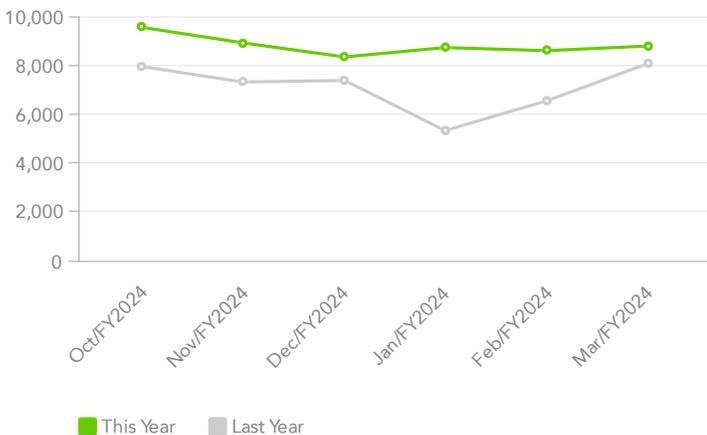


## YTD Report

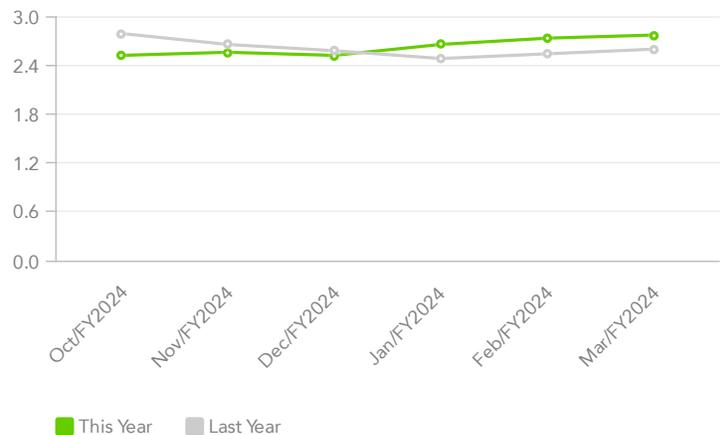
### Paratransit

	Metric	This Year	Prior Year	% Change
Customer	% of Trips On Time	90.48	88.61	+2.1%
Service	Complaints Per 100k Riders	113.97	185.67	-38.6%
	Ridership Per Rev. Hour	2.76	2.59	+6.6%
Financial	Operating Costs Per Rev. Hour	113.63	117.41	-3.2%
Ridership	Ridership	8,774.00	8,079.00	+8.6%

### Total Ridership



### Passengers Per Revenue Hour

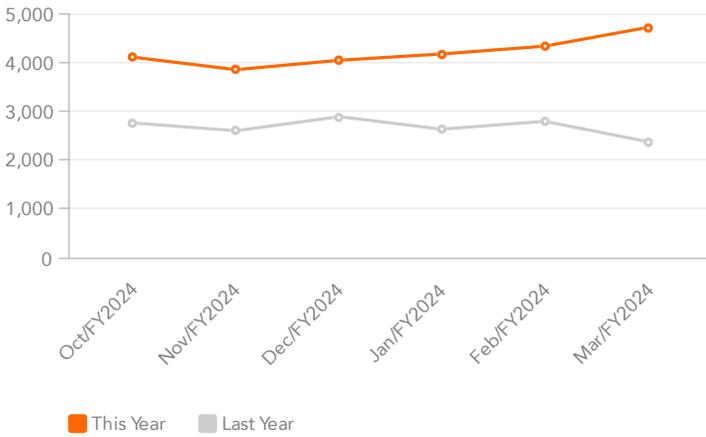


## YTD Report

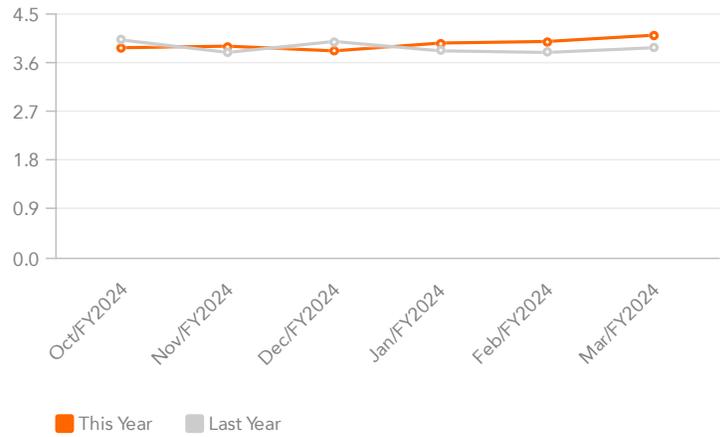
# MOD

	Metric	This Year	Prior Year	% Change
Customer	Complaints Per 100k Riders	0.00	0.00	
Service	Ridership Per Rev. Hour	4.09	3.87	+5.7%
Financial	Operating Costs Per Rev. Hour	80.82	119.78	-32.5%
Ridership	Ridership	4,698.00	2,359.00	+99.2%

### Total Ridership



### Passengers Per Revenue Hour

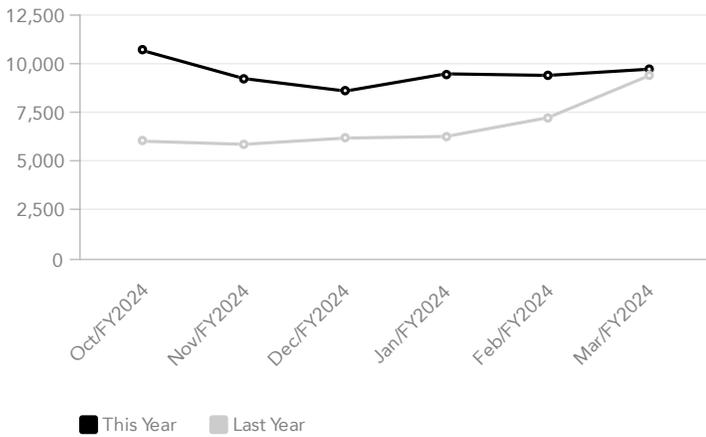


## YTD Report

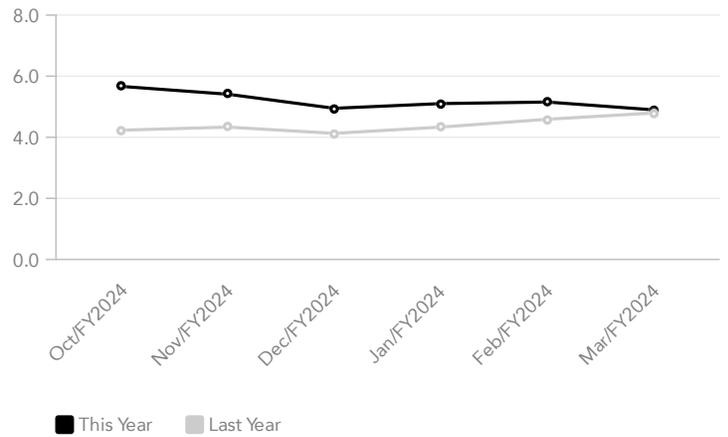
# TMR

	Metric	This Year	Prior Year	% Change
Customer	Complaints Per 100k Riders	51.56	42.66	+20.9%
Service	Ridership Per Rev. Hour	4.86	4.75	+2.3%
Financial	Operating Costs Per Rev. Hour	111.56	104.73	+6.5%
Ridership	Ridership	9,698.00	9,376.00	+3.4%

### Total Ridership



### Passengers Per Revenue Hour



# **TAB 3**

Agenda Item #7a

ACTION ITEM: FY2023-24 Regional Measure 3 Operating Program

## **Board of Directors Meeting**

Wednesday May 22, 2024

ECCTA Boardroom  
801 Wilbur Avenue, Antioch, CA 94509

## Staff Report to ECCTA Board of Directors

**Meeting Date:** May 22, 2024  
**Agenda Item:** FY2023-24 Regional Measure 3 (RM3) Operating Program – Agenda Item #7a  
**Lead Staff:** Agustin Diaz, Manager of Planning and Grants  
**Approved:** Rashidi Barnes, Chief Executive Officer 

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### Background

In 2018 a Bay Area-wide special election was held that approved Regional Measure 3 (RM3), allowing toll increases of three dollars phased in over time. This includes a one-dollar toll increase on January 1, 2019, a one-dollar toll increase on January 1, 2022 and a one-dollar toll increase on January 1, 2025 for vehicles that travel on the state-owned bridges located in the San Francisco Bay Area.

Unfortunately, a lawsuit was filed that delayed the distribution of RM3 funds. That lawsuit ended in 2023 allowing MTC to begin distributing funds. On March 27, 2024, MTC adopted a program that establishes RM3 operating subsidy amounts for FY2023-24. This program includes \$526,491 in operating funds for ECCTA.

### Financial Impact

FY2023-24 RM3 Operating funds are to be expended within the year they are allocated. In order to be eligible for these funds ECCTA must submit an amended FY2023-24 claim to MTC which includes the RM3 funding allocation request. ECCTA is prepared to submit an amended claim to MTC for these funds at this time.

### Requested Action

Adopt Resolution #240522A authorizing the CEO to file an amended FY2023-24 claim to MTC requesting the allocation of FY2023-24 RM3 operating funds.

Attachment 1 – ECCTA RM3 FY24 C&As

Attachment 2- ECCTA RM3 Operating Agreement FY24 Express Bus

**Agenda Item #7a**  
*Eastern Contra Costa Transit Authority  
Board of Directors Meeting  
May 22, 2024*



# TRI DELTA TRANSIT

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

## **RESOLUTION #240522A RM3 IMPLEMENTING AGENCY RESOLUTION OF PROJECT COMPLIANCE – OPERATING AGREEMENT**

**Implementing Agency:** Eastern Contra Costa Transit Authority

**Project Title:** ECCTA Regional Express Bus

**WHEREAS**, SB 595 (Chapter 650, Statutes 2017), commonly referred to as Regional Measure 3, identified projects eligible to receive funding under the Regional Measure 3 Expenditure Plan; and

**WHEREAS**, the Metropolitan Transportation Commission (MTC) is responsible for funding projects eligible for Regional Measure 3 funds, pursuant to Streets and Highways Code Section 30914.7(a) and (c); and

**WHEREAS**, MTC has established a process whereby eligible transportation project sponsors may submit allocation requests for Regional Measure 3 funding; and

**WHEREAS**, allocation requests to MTC must be submitted consistent with procedures and conditions as outlined in Regional Measure 3 Policies and Procedures (MTC Resolution No. 4404); and

**WHEREAS**, the Eastern Contra Costa Transit Authority (ECCTA) is an eligible sponsor of transportation project(s) in the Regional Measure 3 Expenditure Plan; and

**WHEREAS**, the ECCTA Regional Express Bus project is eligible for consideration in the Regional Measure 3 Expenditure Plan, as identified in California Streets and Highways Code Section 30914.7(a); and

**WHEREAS**, the Regional Measure 3 allocation request, attached hereto in the Operating Agreement and incorporated herein as though set forth at length, enumerates the project details for which ECCTA is requesting that MTC allocate Regional Measure 3 funds; now, therefore, be it

**RESOLVED**, that ECCTA, and its agents shall comply with the provisions of the Metropolitan Transportation Commission's Regional Measure 3 Policies and Procedures; and be it further

**RESOLVED**, that ECCTA certifies that the project is consistent with the Regional Transportation Plan (RTP); and be it further

**RESOLVED**, that ECCTA approves the allocation request and updated Initial Project Report, attached to this resolution; and be it further

**RESOLVED**, that ECCTA approves the updated Operating Agreement, attached to this resolution; and be it further

**RESOLVED**, that ECCTA approves the certification of assurances, attached to this resolution; and be it further

**RESOLVED**, that ECCTA is an eligible sponsor of projects in the Regional Measure 3 Expenditure Plan, in accordance with California Streets and Highways Code 30914.7(a); and be it further

**RESOLVED**, that ECCTA is authorized to submit an application for Regional Measure 3 funds for ECCTA Regional Express Bus in accordance with California Streets and Highways Code 30914.7(a); and be it further

**RESOLVED**, that ECCTA certifies that the projects and purposes for which RM3 funds are being requested are in compliance with the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) and with the State Environmental Impact Report Guidelines (14 California Code of Regulations Section 15000 et seq.) and if relevant the National Environmental Policy Act (NEPA), 42 USC Section 4-1 et. seq. and the applicable regulations thereunder; and be it further

**RESOLVED**, that there is no legal impediment to ECCTA making allocation requests for Regional Measure 3 funds; and be it further

**RESOLVED**, that there is no pending or threatened litigation which might in any way adversely affect the proposed project, or the ability of ECCTA to deliver such project; and be it further

**RESOLVED**, that ECCTA agrees to comply with the requirements of MTC's Transit Coordination Implementation Plan as set forth in MTC Resolution 3866; and be it further

**RESOLVED**, that ECCTA indemnifies and holds harmless MTC, BATA, and their Commissioners, representatives, agents, and employees from and against all claims, injury, suits, demands, liability, losses, damages, and expenses, whether direct or indirect (including any and

all costs and expenses in connection therewith), incurred by reason of any act or failure to act of ECCTA, its officers, employees or agents, or subcontractors or any of them in connection with its performance of services under this allocation of RM3 funds. ECCTA agrees at its own cost, expense, and risk, to defend any and all claims, actions, suits, or other legal proceedings brought or instituted against MTC, BATA, and their Commissioners, officers, agents, and employees, or any of them, arising out of such act or omission, and to pay and satisfy any resulting judgments. In addition to any other remedy authorized by law, so much of the funding due under this allocation of RM3 funds as shall reasonably be considered necessary by MTC may be retained until a disposition has been made of any claim for damages, and be it further

**RESOLVED**, that ECCTA shall, if any revenues or profits from any non-governmental use of property (or project) that those revenues or profits shall be used exclusively for the public transportation services for which the project was initially approved, either for capital improvements or maintenance and operational costs, otherwise the Metropolitan Transportation Commission is entitled to a proportionate share equal to MTC’s percentage participation in the projects(s); and be it further

**RESOLVED**, that ECCTA authorizes its Chief Executive Officer, or their designee, to execute and submit an allocation request for operating or planning costs for Fiscal Year 2023-24 with MTC for Regional Measure 3 funds in the amount of \$526,491, for the project, purposes and amounts included in the project application attached to this resolution; and be it further

**RESOLVED**, that the Chief Executive Officer, or their designee, is hereby delegated the authority to make non-substantive changes or minor amendments to the Operating Agreement as he/she deems appropriate.

**RESOLVED**, that a copy of this resolution shall be transmitted to MTC in conjunction with the filing of the ECCTA application referenced herein.

**PASSED AND ADOPTED THIS 22<sup>nd</sup> day of May 2024, by the following votes:**

**EASTERN CONTRA COSTA TRANSIT AUTHORITY**

\_\_\_\_\_  
Lamar Hernandez-Thorpe, Chair

\_\_\_\_\_  
Rashidi Barnes, Chief Executive Officer

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



**TRI DELTA TRANSIT**  
EASTERN CONTRA COSTA TRANSIT AUTHORITY

801 Wilbur Avenue  
Antioch • California 94509  
925 • 754-6622  
925 • 757-2530 FAX

[www.TriDeltaTransit.com](http://www.TriDeltaTransit.com)

May 3, 2024

Metropolitan Transportation Commission  
375 Beal Street  
San Francisco, CA 94105

RE: Eastern Contra Costa Transit Authority RM3 Certifications and Assurances

The Eastern Contra Costa Transit Authority (hereinafter "Applicant") certifies that, if RM3 funding was received in the prior year, it has included the RM3 costs and revenues in its general fiscal audit for that year. Applicant also assures that it will include the RM3 costs and revenues in its general fiscal audit for the year in which funds are requested. Applicant certifies to the following:

- 1) For bus operators, that it has submitted a copy of the California Highway Patrol (CHP) certification, which was issued within the last 13 months indicating compliance with California Vehicle Code §1808.1 and Public Utility Code §99251 (CHP "pull notice system and periodic reports").

Applicant for RM3 funds certifies that it has current SB 602 "joint fare revenue sharing agreements" in place with transit operators in the MTC region with which its service connects, and that it has submitted valid and current copies of all such agreements to MTC.

Applicant also agrees to participate in the Integrated Fare Structure and Transit Connectivity studies authorized in SB 916 (Chapter 715, Statutes of 2004).

Applicant for funds certifies that it complies with MTC's Transit Coordination Implementation Plan (MTC Resolution No. 3866, revised) and with Public Utilities Code §99314.5(c) and §99314.7).

The applicant may be asked to certify such other assurances as MTC may deem appropriate consistent with the RM3 Policies and Procedures outlined above.

The undersigned attests that the certifications indicated above are true and correct, and further attests to the applicant's intent to comply with the indicated certifications.

A handwritten signature in blue ink, appearing to read 'Rashidi Barnes', is written over the attestation text.

Rashidi Barnes  
Chief Executive Officer

**Regional Measure 3 Operating Agreement**

**FY2023-24**

**Submittal Date:** 5/3/2024

**Operator:** Eastern Contra Costa Transit Authority

**A. Project Title:** ECCTA Regional Express Bus

**B1. Brief Description of Service**

Briefly describe service (provide map as attachment). Include information about markets being served and interoperator connections.

This project is for express bus service on route 300X which serves from Brentwood Park and Ride to Oakley Park and Ride to Antioch BART.

**B2. Description of Service Changes**

Describe any service changes made in the previous fiscal year and describe any changes planned for the current fiscal year.

No change from previous fiscal year.

**C. Service Description**

	Start Time	Headways		Vehicles in service		Daily Rev Veh Hrs
		Peak	Off-peak	Peak	Off-peak	
1. Weekday	3:59	30		4		26
2. Saturday						
3. Sunday						

**D. Cost Allocation Plan/Cost Methodology**

**E. Environmental Clearance Type**

*Exempt (state rationale) or environmentally cleared*

1. Exempt, existing facilities

2. Date 10/31/2019

**F. Operating Plan**

	1	2	3
	Past Actual FY 21/22	Current Year Revised FY 22/23	Budget FY 23/24
<b>Operating Budget</b>			
1. <b>Total Operating Cost (Fully Loaded)</b>	1,014,828	1,565,337	1,173,454
1. <b>RM3 Operating Cost (Fully Loaded)</b>	1,014,828	1,565,337	1,173,454
2. -- Fare Revenue (RM3-Funded Service)	27,954	61,202	62,048
3. -- RM 3 Operating Assistance Request		239,613	526,491
4. -- RM 2 Operating Assistance Request	452,060	461,609	427,779
5. -- Other Operating Revenue (RM3-Funded Service)			
6. -- Other Subsidy (RM3-Funded Service)	534,814	802,913	157,136
7. <b>Total Subsidy (RM3-Funded Service)</b>	986,874	1,504,135	1,111,406
8. <b>Total Revenues (RM3-Funded Service)</b>	1,014,828	1,565,337	1,173,454
9. <b>Surplus/(Deficit) (RM3-Funded Service)</b>	-	-	-

**G. Service Parameters**

	1	2	3
	Past Actual FY 21/22	Current Year Revised FY 22/23	Budget FY 23/24
1. Estimated Annual Ridership (RM3-Funded Service)	13,977	30,601	31,024
2. Average Weekday Ridership (RM3-Funded Service)	66	122	125
4. Total Annual Revenue Hours (RM3-Funded Service)	7,224	10,453	7,383
5. Total Annual Revenue Miles (RM3-Funded Service)	115,199	162,823	119,628

**H. Performance Measures**

	1	2	3
	Past Actual FY 21/22	Current Year Revised FY 22/23	Budget FY 23/24
<b>Required Measures Per MTC Resolution No. 4404, Revised</b>			
1. Farebox Recovery Ratio (Fully Loaded Cost)	2.8%	3.9%	5.3%
2. Passengers/Total Hour	2	3	4
3. On-Time Performance	92	87	95
4. Percent of Missed Trips	1	1	-

# **TAB 4**

Agenda Item #7b

ACTION ITEM: Regional Measure 3 Capital Allocation Requests

## **Board of Directors Meeting**

Wednesday May 22, 2024

ECCTA Boardroom  
801 Wilbur Avenue, Antioch, CA 94509

## Staff Report to ECCTA Board of Directors

**Meeting Date:** May 22, 2024  
**Agenda Item:** Regional Measure 3 (RM3) Capital Allocation Requests – Agenda Item #7b  
**Lead Staff:** Agustin Diaz, Manager of Planning and Grants  
**Approved:** Rashidi Barnes, Chief Executive Officer 

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### Background

Regional Measure 3 (RM3) raised tolls on the Bay Area's state-owned bridges starting in 2019. Following the dismissal of legal challenges in January 2023, the Metropolitan Transportation Commission (MTC) began allocating funds to eligible projects identified in the RM3 Expenditure Plan, which included \$20 million for transit improvements in Contra Costa County with project selection being delegated to the Contra Costa Transportation Authority (CCTA).

### Discussion

You will recall that in February 2024, a resolution was adopted to authorize the submission of two capital allocation requests for RM3 funds. There is no change in the projects which include the hydrogen fueling station and hydrogen fuel cell buses. An updated resolution is required because the previous resolution did not include all of the clauses required by the RM3 policies and procedures.

### Financial Impact

The total anticipated cost for the hydrogen fueling station is roughly \$10 million, with \$3.5 million from RM 3 and the remaining from a federal fund (\$4 million) and a state fund (\$2.5 million). The total cost for 25 hydrogen fuel cell buses is approximately \$32.8 million, with the bulk from a federal fund (\$26.2 million) and the remaining from RM 3 (\$3.2 million) and TDA (\$3.4 million).

## **Requested Action**

Adopt Resolution #240522B authorizing the CEO to execute and submit capital allocation requests for RM3 funds.

Attachment 1 – ECCTA RM3 Subproject IPR Form – H2 Station

Attachment 2 – ECCTA RM3 Subproject IPR Form – Bus Replacement



# TRI DELTA TRANSIT

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

## **RESOLUTION #240522B RM3 IMPLEMENTING AGENCY RESOLUTION OF PROJECT COMPLIANCE – ALLOCATION REQUEST**

**Implementing Agency:** Eastern Contra Costa Transit Authority  
**Project Title(s):** ECCTA Hydrogen Fueling Station; ECCTA Bus Replacement

**WHEREAS**, SB 595 (Chapter 650, Statutes 2017), commonly referred as Regional Measure 3, identified projects eligible to receive funding under the Regional Measure 3 Expenditure Plan; and

**WHEREAS**, the Metropolitan Transportation Commission (MTC) is responsible for funding projects eligible for Regional Measure 3 funds, pursuant to Streets and Highways Code Section 30914.7(a) and (c); and

**WHEREAS**, MTC has established a process whereby eligible transportation project sponsors may submit allocation requests for Regional Measure 3 funding; and

**WHEREAS**, allocation requests to MTC must be submitted consistent with procedures and conditions as outlined in Regional Measure 3 Policies and Procedures (MTC Resolution No. 4404); and

**WHEREAS**, the Eastern Contra Costa Transit Authority (ECCTA) is an eligible sponsor of transportation project(s) in the Regional Measure 3 Expenditure Plan; and

**WHEREAS**, the ECCTA Hydrogen Fueling Station and ECCTA Bus Replacement projects are eligible for consideration in the Regional Measure 3 Expenditure Plan, as identified in California Streets and Highways Code Section 30914.7(a); and

**WHEREAS**, the Regional Measure 3 allocation request, attached hereto in the Initial Project Report and incorporated herein as though set forth at length, lists the project, purpose, schedule, budget, expenditure and cash flow plan for which ECCTA is requesting that MTC allocate Regional Measure 3 funds; now, therefore, be it

**RESOLVED**, that ECCTA, and its agents shall comply with the provisions of the Metropolitan Transportation Commission's Regional Measure 3 Policies and Procedures); and be it further

**RESOLVED**, that the year of funding for any design, right-of-way and/or construction phases has taken into consideration the time necessary to obtain environmental clearance and permitting approval for the project; and be it further

**RESOLVED**, that ECCTA certifies that the project is consistent with the Regional Transportation Plan (RTP); and be it further

**RESOLVED**, that the Regional Measure 3 phase or segment is fully funded, and results in an operable and useable segment; and be it further

**RESOLVED**, that ECCTA approves the allocation request and updated Initial Project Report, attached to this resolution; and be it further

**RESOLVED**, that ECCTA approves the cash flow plan, attached to this resolution; and be it further

**RESOLVED**, that ECCTA has reviewed the project needs and has adequate staffing resources to deliver and complete the project within the schedule set forth in the allocation request and updated Initial Project Report, attached to this resolution; and, be it further

**RESOLVED**, that ECCTA is an eligible sponsor of projects in the Regional Measure 3 Expenditure Plan, in accordance with California Streets and Highways Code 30914.7(a); and be it further

**RESOLVED**, that ECCTA is authorized to submit an application for Regional Measure 3 funds for ECCTA Hydrogen Fueling Station and ECCTA Bus Replacement in accordance with California Streets and Highways Code 30914.7(a); and be it further

**RESOLVED**, that ECCTA certifies that the projects and purposes for which RM3 funds are being requested is in compliance with the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), and with the State Environmental Impact Report Guidelines (14 California Code of Regulations Section 15000 et seq.) and if relevant the National Environmental Policy Act (NEPA), 42 USC Section 4-1 et. seq. and the applicable regulations thereunder; and be it further

**RESOLVED**, that there is no legal impediment to ECCTA making allocation

requests for Regional Measure 3 funds; and be it further

**RESOLVED**, that there is no pending or threatened litigation which might in any way adversely affect the proposed project, or the ability of ECCTA to deliver such project; and be it further

**RESOLVED**, that ECCTA agrees to comply with the requirements of MTC's Transit Coordination Implementation Plan as set forth in MTC Resolution 3866; and be it further

**RESOLVED**, that ECCTA indemnifies and holds harmless MTC, BATA, and their Commissioners, representatives, agents, and employees from and against all claims, injury, suits, demands, liability, losses, damages, and expenses, whether direct or indirect (including any and all costs and expenses in connection therewith), incurred by reason of any act or failure to act of ECCTA, its officers, employees or agents, or subcontractors or any of them in connection with its performance of services under this allocation of RM3 funds. ECCTA agrees at its own cost, expense, and risk, to defend any and all claims, actions, suits, or other legal proceedings brought or instituted against MTC, BATA, and their Commissioners, officers, agents, and employees, or any of them, arising out of such act or omission, and to pay and satisfy any resulting judgments. In addition to any other remedy authorized by law, so much of the funding due under this allocation of RM3 funds as shall reasonably be considered necessary by MTC may be retained until disposition has been made of any claim for damages, and be it further

**RESOLVED**, that ECCTA shall, if any revenues or profits from any non-governmental use of property (or project) that those revenues or profits shall be used exclusively for the public transportation services for which the project was initially approved, either for capital improvements or maintenance and operational costs, otherwise the Metropolitan Transportation Commission is entitled to a proportionate share equal to MTC's percentage participation in the projects(s); and be it further

**RESOLVED**, that assets purchased with RM3 funds, including facilities and equipment shall be used for the public transportation uses intended, and should said facilities and equipment cease to be operated or maintained for their intended public transportation purposes for its useful life, that MTC shall be entitled to a present-day value refund or credit (at MTC's option) based on MTC's share of the Fair Market Value of the said facilities and equipment at the time the public transportation uses ceased, which shall be paid back to MTC in the same proportion that Regional Measure 3 funds were originally used; and be it further

**RESOLVED**, that ECCTA shall post on both ends of the construction site(s) at least two signs visible to the public stating that the Project is funded with Regional Measure 3 Toll Revenues; and be it further

**RESOLVED**, that ECCTA authorizes its Chief Executive Officer, or their designee, to execute and submit an allocation request for the planning, specifications, and estimates (PS&E) phase with MTC for Regional Measure 3 funds in the amount of \$300,000 for the project, purposes and amounts included in the ECCTA Hydrogen Fueling Station project application attached to this resolution; and be it further

**RESOLVED**, that ECCTA authorizes its Chief Executive Officer, or their designee, to execute and submit an allocation request for the construction phase with MTC for Regional Measure 3 funds in the amount of \$3,200,000 for the project, purposes and amounts included in the ECCTA Hydrogen Fueling Station project application attached to this resolution; and be it further

**RESOLVED**, that ECCTA authorizes its Chief Executive Officer, or their designee, to execute and submit an allocation request for the construction phase with MTC for Regional Measure 3 funds in the amount of \$3,170,000 for the project, purposes and amounts included in the ECCTA Bus Replacement project application attached to this resolution; and be it further

**RESOLVED**, that the Chief Executive Officer, or their designee, is hereby delegated the authority to make non-substantive changes or minor amendments to the allocation request or IPR as he/she deems appropriate.

**RESOLVED**, that a copy of this resolution shall be transmitted to MTC in conjunction with the filing of the ECCTA applications referenced herein.

**PASSED AND ADOPTED THIS 22<sup>nd</sup> day of May 2024, by the following votes:**

**EASTERN CONTRA COSTA TRANSIT AUTHORITY**

\_\_\_\_\_  
Lamar Hernandez-Thorpe, Chair

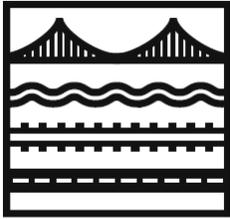
\_\_\_\_\_  
Rashidi Barnes, Chief Executive Officer

**AYES:** \_\_\_\_\_

**NOES:** \_\_\_\_\_

**ABSENT:** \_\_\_\_\_

**ABSTENTIONS:** \_\_\_\_\_



# Regional Measure 3

## Initial Project Report

### *Project/Subproject Details*

#### Basic Project Information

Project Number	26
Project Title	North Bay Transit Improvements
RM3 Funding Amount	\$100,000,000

#### Subproject Information

Subproject Number	
Subproject Title	ECCTA Hydrogen Fueling Station
RM3 Funding Amount	\$3,500,000

#### I. Overall Subproject Information

##### a. Project Sponsor / Co-sponsor(s) / Implementing Agency

Eastern Contra Costa Transit Authority (Tri Delta Transit)

##### b. Detailed Project Description *(include definition of deliverable segment if different from overall project/subproject)*

RM3 funding will provide the local match for the design and construction of a hydrogen fueling station within the existing footprint of ECCTA's maintenance facility. The fueling station will include an 18,000-gallon tank to store liquid hydrogen and will have 2 dispensers (for redundancy). The station will also have the ability to dispense gaseous hydrogen that is trailered in from a local supplier as a backup for any delivery of liquid hydrogen that may occur. The hydrogen fueling station will have the capacity to fuel up to 75 hydrogen fuel cell buses.

##### c. Impediments to Project Completion

From past experience with other large capital project, one main potential impediment to the completion of the project could be a prolonged timeline by PG&E. In recent years completion of projects from bus electrification to the introduction of new substations has become problematic and extended the project time line. Since a hydrogen fueling station in Contra Costa County is a new



## Regional Measure 3 Initial Project Report

concept, the involvement and permitting/approvals required by the County Fire Department may also impact the timeline.

**d. Risk Management** (*describe risk management process for project budget and schedule, levels of contingency and how they were determined, and risk assessment tools used*)

Our COO will lead the construction project with the help of our Facilities and Maintenance managers. Our CFO will also play a pivotal role in helping to manage the budget and track expenditures. Because ECCTA owns the land that the facility will be constructed on and has studied this project for 24 months, we believe that budgetary risks are low. However, as a byproduct of the pandemic, some technical heavy-duty components may have a longer than expected lead time.

**e. Operability** (*describe entities responsible for operating and maintaining project once completed/implemented*)

ECCTA purchased transportation contractor, Transdev, will operate the replacement vehicles and they will be maintained by ECCTA maintenance staff.

**f. Project Graphic(s)** (*include below or attach*)

N/A

## II. Project Phase Description and Status

**a. Environmental/Planning**

Does NEPA apply? Yes  No

NEPA does not apply because the construction of the hydrogen fueling station is located within the confines of ECCTA's existing maintenance facility

**b. Design**

An A&E firm is currently under contract to assist with the analysis, design, and specifications development of the hydrogen station.

**c. Right-of-Way Activities / Acquisition**

N/A

**d. Construction / Vehicle Acquisition / Operating**



## Regional Measure 3 Initial Project Report

Once entered into contract it should take 12-18 months for construction of the hydrogen fueling station. Per ECCTA’s CARB approved Zero Emission Plan, 40-foot Hydrogen buses will begin to be purchased starting in 2026. ECCTA is in constant contact with the large bus manufacturers and anticipates that the 40-foot hydrogen bus market will expanding in 2026 allowing for more competition and the reduction in vehicle cost. We anticipate the same for the production of hydrogen.

### III. Project Schedule

Phase-Milestone	Planned	
	Start Date	Completion Date
Environmental Studies, Preliminary Eng. (ENV / PE / PA&ED)		
Final Design - Plans, Specs. & Estimates (PS&E)	7/1/2024	12/31/2024
Right-of-Way Activities /Acquisition (R/W)		
Construction (Begin – Open for Use) / Acquisition (CON)	3/1/2025	6/30/2026

### IV. Project Budget

#### Capital

Project Budget	Total Amount - Escalated to Year of Expenditure (YOE)- (Thousands)
Environmental Studies & Preliminary Eng (ENV / PE / PA&ED)	
Design - Plans, Specifications and Estimates (PS&E)	\$300
Right-of-Way Activities /Acquisition (R/W)	
Construction / Rolling Stock Acquisition (CON)	\$9,700
Total Project Budget (in thousands)	\$10,000

Deliverable Segment Budget (if different from Project budget)	Total Amount - Escalated to Year of Expenditure (YOE)- (Thousands)



## Regional Measure 3 Initial Project Report

Environmental Studies & Preliminary Eng (ENV / PE / PA&ED)	
Design - Plans, Specifications and Estimates (PS&E)	
Right-of-Way Activities /Acquisition (R/W)	
Construction / Rolling Stock Acquisition (CON)	
Total Project Budget (in thousands)	

<b>Operating</b>	<b>Total Amount - Escalated to Year of Expenditure (YOE)- (Thousands)</b>
Annual Operating Budget	

### V. Project Funding

*Please provide a detailed funding plan in the Excel portion of the IPR. Use this section for additional detail or narrative as needed and to describe plans for any "To Be Determined" funding sources, including phase and year needed.*

### VI. Contact/Preparation Information

#### Contact for Project Sponsor

Name: Agustin Diaz

Title: Manager of Planning and Grants

Phone: 925-754-6622 ext. 246

Email: [adiaz@eccta.org](mailto:adiaz@eccta.org)

Mailing Address: 801 Wilbur Avenue, Antioch, CA 94509

#### Person Preparing Initial Project Report (if different from above)

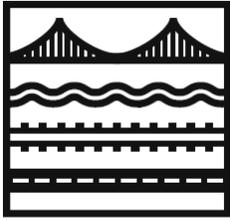
Name:

Title:

Phone:

Email:

Mailing Address:



# Regional Measure 3

## Initial Project Report

### *Project/Subproject Details*

#### Basic Project Information

Project Number	26
Project Title	North Bay Transit Improvements
RM3 Funding Amount	\$100,000,000

#### Subproject Information

Subproject Number	
Subproject Title	ECCTA Bus Replacement
RM3 Funding Amount	\$3,170,000

#### I. Overall Subproject Information

**a. Project Sponsor / Co-sponsor(s) / Implementing Agency**

Eastern Contra Costa Transit Authority (Tri Delta Transit)

**b. Detailed Project Description** *(include definition of deliverable segment if different from overall project/subproject)*

Local match funds for replacement of 25 40-ft diesel buses with hydrogen fuel cell electric buses.

**c. Impediments to Project Completion**

N/A

**d. Risk Management** *(describe risk management process for project budget and schedule, levels of contingency and how they were determined, and risk assessment tools used)*

N/A



## Regional Measure 3 Initial Project Report

- e. **Operability** (*describe entities responsible for operating and maintaining project once completed/implemented*)

ECCTA purchased transportation contractor, Transdev, will operate the replacement vehicles and they will be maintained by ECCTA maintenance staff

- f. **Project Graphic(s)** (*include below or attach*)

N/A

## II. Project Phase Description and Status

- a. **Environmental/Planning**

Does NEPA apply? Yes  No

N/A

- b. **Design**

N/A

- c. **Right-of-Way Activities / Acquisition**

N/A

- d. **Construction / Vehicle Acquisition / Operating**

Once entered into contract it should take 12 months for replacement vehicles to be delivered.

## III. Project Schedule

Phase-Milestone	Planned	
	Start Date	Completion Date
Environmental Studies, Preliminary Eng. (ENV / PE / PA&ED)		
Final Design - Plans, Specs. & Estimates (PS&E)		
Right-of-Way Activities /Acquisition (R/W)		
Construction (Begin – Open for Use) / Acquisition (CON)	9/1/2025	8/31/2027



## IV. Project Budget

### Capital

<b>Project Budget</b>	<b>Total Amount - Escalated to Year of Expenditure (YOE)- (Thousands)</b>
Environmental Studies & Preliminary Eng (ENV / PE / PA&ED)	
Design - Plans, Specifications and Estimates (PS&E)	
Right-of-Way Activities /Acquisition (R/W)	
Construction / Rolling Stock Acquisition (CON)	\$32,800
<b>Total Project Budget (in thousands)</b>	<b>\$32,800</b>

<b>Deliverable Segment Budget</b> (if different from Project budget)	<b>Total Amount - Escalated to Year of Expenditure (YOE)- (Thousands)</b>
Environmental Studies & Preliminary Eng (ENV / PE / PA&ED)	
Design - Plans, Specifications and Estimates (PS&E)	
Right-of-Way Activities /Acquisition (R/W)	
Construction / Rolling Stock Acquisition (CON)	
<b>Total Project Budget (in thousands)</b>	

<b>Operating</b>	<b>Total Amount - Escalated to Year of Expenditure (YOE)- (Thousands)</b>
Annual Operating Budget	

## V. Project Funding

Please provide a detailed funding plan in the Excel portion of the IPR. Use this section for additional detail or narrative as needed and to describe plans for any "To Be Determined" funding sources, including phase and year needed.



## VI. Contact/Preparation Information

### **Contact for Project Sponsor**

Name: Toan Tran

Title: Chief Operating Officer

Phone: 925-754-6622

Email: [ttran@eccta.org](mailto:ttran@eccta.org)

Mailing Address: Eastern Contra Costa Transit Authority  
801 Wilbur Avenue  
Antioch, CA 94509

### **Person Preparing Initial Project Report (if different from above)**

Name:

Title:

Phone:

Email:

Mailing Address:

# TAB 5

Agenda Item #7c

ACTION ITEM: Low Carbon Transit Operations Program (LCTOP) Corrective  
Action Plan

## Board of Directors Meeting

Wednesday May 22, 2024

ECCTA Boardroom  
801 Wilbur Avenue, Antioch, CA 94509

## Staff Report to ECCTA Board of Directors

**Meeting Date:** May 22, 2024  
**Agenda Item:** Low Carbon Transit Operations Program (LCTOP) Corrective Action Plan – Agenda Item #7c  
**Lead Staff:** Agustin Diaz, Manager of Planning and Grants  
**Approved:** Rashidi Barnes, Chief Executive Officer 

---

### Background

The Low Carbon Transit Operations Program (LCTOP) is one of several programs that are part of the Transit, Affordable Housing, and Sustainable Communities Program established by the California Legislature in 2014 by Senate Bill 862. The LCTOP was created to provide operating and capital assistance for transit agencies to reduce greenhouse gas emissions and improve mobility, with a priority on serving disadvantaged communities. Approved projects in LCTOP will support new or expanded bus or rail services, expand intermodal transit facilities, and may include equipment acquisition, fueling, maintenance and other costs to operate those services or facilities, with each project reducing greenhouse gas emissions. For agencies whose service area includes disadvantaged communities, at least 50 percent of the total money received shall be expended on projects that will benefit disadvantaged communities.

This program will be administered by Caltrans in coordination with the Air Resource Board (ARB) and the State Controller's Office (SCO). The California Department of Transportation (Caltrans) is responsible for ensuring that the statutory requirements of the program are met in terms of project eligibility, greenhouse reduction, disadvantaged community benefit, and other requirements of the law.

### Financial Impact

To avoid the expiration of previously awarded LCTOP funds, ECCTA must submit a Corrective Action Plan to reallocate the funds to a new project. ECCTA must also submit a new project allocation request in the current period. A total of \$920,847 was previously allocated to a project focused on the electrical infrastructure needed for the future hydrogen fueling station. Since that

project is no longer feasible to complete in a timely manner prior to funding expiration, ECCTA is proposing a change in project scope to avoid losing these funds. ECCTA proposes using funds to expand the Tri MyRide service. The service expansion is planned to coincide with the system redesign that will be implemented as a result of the comprehensive operational analysis (COA). The COA will evaluate Tri MyRide and determine where additional service is needed most.

### **Requested Action**

Adopt Resolution #240522C authorizing the execution of ECCTA's Corrective Action Plan and submittal of the allocation request for the FY2024 Low Carbon Transit Operations Program (LCTOP) allocation request cycle.



# TRI DELTA TRANSIT

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

## **RESOLUTION #240522C**

### **AUTHORIZATION FOR THE EXECUTION OF THE CORRECTIVE ACTION PLAN FOR THE LOW CARBON TRANSIT OPERATIONS PROGRAM (LCTOP)**

#### **FOR THE FOLLOWING PROJECT:**

**Tri MyRide Service Expansion (\$920,847)**

**WHEREAS**, the Eastern Contra Costa Transit Authority is an eligible project sponsor and may receive state funding from the Low Carbon Transit Operations Program (LCTOP) for transit projects; and

**WHEREAS**, the statutes related to state-funded transit projects require a local or regional implementing agency to abide by various regulations; and

**WHEREAS**, Senate Bill 862 (2014) named the Department of Transportation (Department) as the administrative agency for the LCTOP; and

**WHEREAS**, the Department has developed guidelines for the purpose of administering and distributing LCTOP funds to eligible project sponsors (local agencies); and

**WHEREAS**, the Eastern Contra Costa Transit Authority wishes to delegate authorization to execute these documents and any amendments thereto to Rashidi Barnes, Chief Executive Officer; and

**WHEREAS**, the Eastern Contra Costa Transit Authority wishes to submit a Corrective Action Plan to change the project scope of a previously awarded LCTOP project (listed below) to implement the proposed LCTOP project (listed below),

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Eastern Contra Costa Transit Authority that the fund recipient agrees to comply with all conditions and requirements set forth in the Certification and Assurances and the Authorized Agent documents and applicable statutes, regulations, and guidelines for all LCTOP funded transit projects.

**NOW THEREFORE, BE IT FURTHER RESOLVED** that Rashidi Barnes, Chief Executive Officer, be authorized to execute all required documents of the LCTOP program and any Amendments thereto with the California Department of Transportation.

**RESOLUTION #240522C**  
**AUTHORIZATION FOR THE EXECUTION OF THE CORRECTIVE ACTION PLAN**  
**FOR THE LOW CARBON TRANSIT OPERATIONS PROGRAM (LCTOP)**  
**FOR THE FOLLOWING PROJECT:**  
**Tri MyRide Service Expansion (\$920,847)**

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Eastern Contra Costa Transit Authority that it hereby authorizes the submittal of the following project Corrective Action Plan and allocation request to the Department in FY2023-2024 LCTOP allocation request cycle:

**Current Project Name:** Maintenance Facility Upgrades for Fuel Cell Electric Buses

**Amount of LCTOP funds awarded:** \$920,847

**Short description of the project:** Critical electrical infrastructure upgrades to our maintenance facility to allow for the safe operation and maintenance of fuel cell electric buses.

**Reason for Scope Change:** The project is no longer feasible to complete in a timely manner prior to funding expiration.

**Proposed Project Name:** Tri MyRide Service Expansion

**Amount of LCTOP funds proposed:** \$920,847

**Short description of the project:** LCTOP funding will provide increased service to Tri MyRide for a period of six months. This service expansion period will coincide with a system redesign that will be implemented as a result of the comprehensive operational analysis.

**Benefit to Priority Populations:** Improved connections to other modes and reduction in harmful GHG emissions.

**Contributing Sponsors:** Metropolitan Transportation Commission.

**PASSED AND ADOPTED THIS 22<sup>nd</sup> day of May 2024 by the following votes:**

**EASTERN CONTRA COSTA TRANSIT AUTHORITY**

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Lamar Hernandez-Thorpe, Chair

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Rashidi Barnes, Chief Executive Officer

**AYES:** \_\_\_\_\_

**ABSENT:** \_\_\_\_\_

**NOES:** \_\_\_\_\_

**ABSTENTIONS:** \_\_\_\_\_

# **TAB 6**

Agenda Item #7d

**ACTION ITEM: Makers Boulevard at the  
Oakley Mobility Hub**

## **Board of Directors Meeting**

**Wednesday May 22, 2024**

**ECCTA Boardroom**

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

## Staff Report to ECCTA Board of Directors

**Meeting Date:** May 22, 2024

**Agenda Item:** Introduce Makers Boulevard outdoor market events at the Oakley Mobility Hub - Agenda Item #7d

**Lead Staff:** Leeann Lorono, Manager of Customer Service and Marketing

**Approved:** Rashidi Barnes, Chief Executive Officer 

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### Background

ECCTA completed the Oakley Mobility Hub and held the grand opening in September 2022. This beautiful mobility hub features 164 parking stalls, a free solar car charging station, solar bus shelters, bike racks, and sustainable landscaping. With the changing commuter trends, the site varies in usage, allowing Tri Delta Transit to expand the transportation hub into a community hub as well. In 2023, our community Shred-it event was moved there with great success.

The Makers Boulevard (TMB) is a community-driven makers market featuring local artisan makers and small businesses. TMB runs high quality, very successful events focusing on supporting small businesses, community engagement, preservation of community resources, and family fun. Currently, TMB runs a monthly market in Downtown Brentwood and runs individual events at various other locations around the Bay Area.

### Discussion

ECCTA recognizes that a partnership with The Makers Boulevard may bring health, welfare, cultural and social economic, entertainment, and tourism benefits to the City of Oakley.

Transportation is a vital part of a community and serves to bring communities together. By providing use of the Oakley Mobility Hub, the event also highlights the transit hub's many features and potential uses as a community gathering place. Since multiple routes serve the mobility hub, a community event at this site will allow the public greater access. With success at

this location, Tri Delta Transit could consider other functions that may or may not have fiscal benefits.

### **Fiscal Impact**

There is no fiscal impact associated with this action outside of in-kind staff hours for support per the Agreement; The Makers Boulevard is responsible for all clean-up and repair of any portion of the mobility hub altered by the event.

### **Requested Action**

Authorize staff to enter into a one-year agreement with The Makers Boulevard for a quarterly operation of a community market at the Oakley Mobility Hub, 4300 Main Street.

Attachment 1 - Agreement

## LICENSE AGREEMENT

This License Agreement (“Agreement”) is made and entered into between the Eastern Contra Costa Transit Authority (“Licensor” or “ECCTA”), a California joint powers authority, and The Makers Boulevard, LLC (“Licensee” or “TMB”), a community makers market. Licensor and Licensee may be collectively referred to as the “Parties.”

### RECITALS

A. ECCTA is the owner of a parcel of real property known as the “Oakley Park and Ride” located at 4300 Main Street in the City of Oakley, County of Contra Costa, State of California (“Oakley Park and Ride” or “Property”), and more particularly described as indicated on the site plan, attached hereto as Exhibit “A,” and incorporated herein by reference.

B. Licensee desires to use Oakley Park and Ride to conduct an open-air makers market quarterly on Sunday mornings. Dates to be mutually agreed upon.

NOW THEREFORE, in consideration of the mutual covenants and conditions contained herein, the Parties agree as follows:

1. License. ECCTA hereby grants Licensee and its representatives and agents a non-exclusive revocable license to enter the Oakley Park and Ride to operate The Makers Boulevard makers market.

2. Description of Event. Licensee may conduct The Makers Boulevard at the Oakley Park and Ride quarterly on Sunday from 9:00 a.m. to 1:00 pm on the mutually agreed upon dates. The Licensee and its vendors may enter the Properties two (2) hours prior to the start time of The Makers Boulevard for set up and may remain on the Properties for up to one and a half (1.5) hours after the Makers Market has closed to break down and clean up.

3. License Fee. ECCTA reserves the right to request the Licensee to pay ECCTA a percentage of the revenue collected from vendor stall fees from the previous quarterly market that took place (“License Fee”) for the renewal term years. Licensee will mutually agree on the percentage to pay ECCTA, will make the payments the following quarter, and will submit the payment with an itemized accounting of each monthly payment.

4. Term. This Agreement upon execution shall take effect on April 24, 2024 (“Effective Date”) and shall have a term of one (1) year from the Effective Date. This Agreement shall be eligible to renew for successive two (2) year terms unless either Party delivers a notice of non-renewal in writing pursuant to Section 7 of this Agreement no later than thirty (30) days prior to the end of the current one (1) year term.

5. Rights & Responsibilities of Licensee.

a. Licensee is solely responsible for promoting and marketing The Makers Boulevard. ECCTA will make its best effort to supplement advertising on [www.trideltatransit.com](http://www.trideltatransit.com), Lobby TV, our social media channels, and possibly other media available, with a focus being on taking public transit. Cross-promotion of transit and The Makers Boulevard will be mutually agreed upon by both parties.

b. Licensee shall obtain any required City of Oakley business permits needed and keep such required documents current at all times during the term of this Agreement. The Licensee shall obtain and keep current any other licenses or permits required by law to operate The Makers Boulevard. The Licensee shall comply at all times with the conditions of approval for any permits or licenses granted to it.

c. Licensee may provide electricity that conforms to the requirements of the permits from the City of Oakley for their use-if needed.

d. Licensee is responsible for maintaining public health and safety on the Properties during The Makers Boulevard makers market. The Licensee shall use barricades to prevent automobiles from driving on the Property during the Makers Boulevard. If needed, the Licensee shall provide trash cans for public use and properly dispose of all trash after each market. The Licensee shall return the Property to a clean condition, and the original condition, at the close of each Makers Boulevard, including the condition of landscaping.

e. Licensee is responsible for providing any traffic controls necessary related to the use of the Oakley Park and Ride and Main Street for The Makers Boulevard, including no parking signs one week in advance, signs for designated vendor parking areas, signs for entrance into the property for patron parking, and any additional signage needed for disabled parking.

6. Termination of Agreement.

a. Either Party may terminate this Agreement, with or without cause, at any time by giving thirty (30) days written notice of termination to the other Party unless otherwise extended by the CEO.

b. If either Licensee or Licensor fails to perform any material obligation under this Agreement, then, in addition to any other remedies, either Licensee, or Licensor may terminate this Agreement immediately upon written notice.

7. Notices. All notices required or permitted to be given under this Agreement shall be in writing and shall be personally delivered, or sent by certified mail, postage prepaid and return receipt requested, addressed as follows:

To ECCTA: Eastern Contra Costa Transit Authority  
Attn: Rashidi Barnes  
801 Wilbur Avenue  
Antioch, CA 94509  
E-mail: RBarnes@eccta.org

To Licensee: Katie Rogina  
The Makers Boulevard, LLC  
2268 Newton Drive  
Brentwood, CA 94509  
E-mail: [katie@themakersboulevard.com](mailto:katie@themakersboulevard.com)

Notice shall be deemed effective on the date personally delivered or transmitted by facsimile or, if mailed, three (3) days after deposit of the same in the custody of the United States Postal Service.

8. Insurance. Throughout the term of this Agreement, Licensee shall maintain in full force and effect Commercial General Liability insurance coverage written on an occurrence basis to protect Licensee and ECCTA against liability or claims of liability which may arise out of this Agreement in the amount of One Million Dollars (\$1,000,000). Insurance is to be placed with insurers with a current A.M.Best's rating of no less than A:VII. No workers' compensation insurance is required.

a. ECCTA, and its respective elected and appointed officers, officials, and employees and volunteers are to be covered as additional insureds as respects: liability arising out of activities Licensee performs; products and completed operations of Licensee; premises owned, occupied or used by Licensee; or automobiles owned, leased, hired or borrowed by Licensee. The coverage shall contain no special limitations on the scope of protection afforded to ECCTA, and their respective elected and appointed officers, officials, or employees.

b. Licensee's insurance coverage shall be primary insurance with respect to ECCTA, and its respective elected and appointed officials, officers, employees and volunteers. Any insurance or self-insurance maintained by ECCTA, and its respective elected and appointed officials, officers, employees or volunteers, shall apply in excess of, and not contribute with, Licensee's insurance.

c. Licensee's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

d. All deductibles on any policy shall be the responsibility of the Licensee and shall be disclosed to ECCTA at the time the evidence of insurance is provided.

9. Indemnification. Licensee, and any successor-in-interest to Licensee having a legal and/or equitable interest in the Makers Boulevard, shall defend, indemnify, and hold harmless ECCTA, its elected officials, officers, employees, volunteers and agents from any and all actual or alleged claims, demands, causes of action, liability, loss, damage, or injury, to property or persons, including wrongful death, whether imposed by a court of law or by administrative action of any federal, state, or local governmental body or agency, arising out of or incident to any acts, omissions, negligence, or willful misconduct of Licensee, its personnel, employees, volunteers, agents, or contractors in connection with or arising out of the operation of The Makers Boulevard or performance of this Agreement. This indemnification includes, without limitation, the payment of all penalties, fines, judgments, awards, decrees, attorneys' fees, and related costs or expenses, and the reimbursement of ECCTA, its elected officials, officers, employees, volunteers and/or agents for all legal expenses and costs incurred by each of them. This indemnification excludes only such portion of any claim, demand, cause of action, liability, loss, damage, penalty, fine, or injury, to property or persons, including wrongful death, which is caused solely and exclusively by the gross negligence or willful misconduct of ECCTA as determined by a court or administrative body of competent jurisdiction. Licensee's obligation to indemnify ECCTA shall survive the expiration or termination of this Agreement, and shall not be restricted to insurance proceeds, if any, received by ECCTA, its elected officials, officers, employees, or agents.

10. Authority. Each signatory hereto warrants to the other party its authority to sign on behalf of the Party for whom he or she purports to sign.

11. Entire Agreement. This Agreement sets forth the entire agreement of the Parties with respect to the subject matter hereof and supersedes all prior discussions, negotiations, understandings or agreements relating thereto.

12. No Oral Modification. No alteration or variation of this Agreement shall be valid or binding unless made in writing and signed by the Parties hereto.

13. Successors and Assigns. Licensee may not assign any of its rights under this Agreement, either voluntarily or involuntarily or by operation of law, without ECCTA's prior written consent. No assignment by Licensee shall release Licensee from any liability under this Agreement. Subject to the foregoing, this Agreement shall be binding upon and insure to the benefit of the Parties hereto and their respective heirs, personal representatives, successors and assigns.

14. Governing Law. This Agreement shall be construed in accordance with and governed by the laws of the State of California.

15. Counterparts. This Agreement may be executed in counterpart signature pages which, when attached to this Agreement, shall constitute one fully executed document.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

**EASTERN CONTRA COSTA  
TRANSIT AUTHORITY:**

By: \_\_\_\_\_  
Rashidi Barnes, CEO

**ATTEST:**

By: \_\_\_\_\_  
\_\_\_\_\_  
Clerk

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
Eli Flushman  
General Counsel

**LICENSEE:**

By: \_\_\_\_\_  
Katie Porter  
Founder/Principal

DRAFT

**EXHIBIT "A"**

**SITE PLAN OF OAKLEY PARK AND RIDE**



# **TAB 7**

Agenda Item #7e

DISCUSSION ITEM: Advocacy Activities Update

## **Board of Directors Meeting**

Wednesday May 22, 2024

ECCTA Boardroom

801 Wilbur Avenue, Antioch, CA 94509

## Staff Report to ECCTA Board of Directors

**Meeting Date:** May 22, 2024  
**Agenda Item:** Advocacy Activities Update – Agenda Item #7e  
**Lead Staff:** Rashidi Barnes, Chief Executive Officer  
**Approved:** Rashidi Barnes, Chief Executive Officer

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### Background

In late 2023, LAVTA, County Connection, WestCat, and Tri Delta Transit (aka East Bay small operators) jointly procured the Politico Group's services for State advocacy support. With proposed budgetary cuts to traditional state transportation funds and increased state regulations/mandates, the East Bay small operators felt the need for continued advocacy in Sacramento. Politico Group has become our eyes and ears throughout April in the fast-moving debate surrounding SB 1031. They have helped facilitate meetings with political leaders like Assembly Member Lori Wilson and Senator Steve Glazer. The attached April activity report provides a complete overview of Politico's monthly activities as well as policy updates from the state capitol.

### Discussion

SB 1031 is still a fast-moving bill that has faced much criticism and opposition from public transit agencies across the region. VTA, Sam Trans, LAVTA, Sonoma County Transportation Authority, and CalTrain have all taken "oppose unless amended" positions.

The concerns the Tri Delta Transit Board of Directors expressed on April 24, 2024, have not changed. Operator consolidation, conditional access to existing and new funds (STA and LTF), and marginal return-to-source guarantees are still included in the bill at this time.

### Recommendation

Maintain current position (oppose unless amended) and continue working with the authors, MTC, and state legislators on additional changes to the bill. Focus on removing any consolidation

language. Require that MTC's increased control over STA and LTF be dependent on the passage of a measure. A 100% return to source guarantee.

### **Requested Action**

Approve the staff recommendation to maintain the current position (oppose unless amended).

Attachment 1 – Politico Group April Activities Report



May 2, 2024

To: East Bay Small Operator Transit Coalition

From: Chris Lee, Partner, Politico Group

Re: **April Activity Report**

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Politico Group is pleased to provide the following report to the East Bay Small Operators Transit Coalition (Coalition) on April activities and policy updates.

### **April Activity Report**

In April, Politico Group monitored the Senate Transportation and Senate Revenue and Taxation Committee hearings of SB 1031 (Wiener and Wahab) and advised the Coalition on the legislative debate and pending changes to the bill. Politico Group also continued to work with the Coalition to identify key areas of common concern with the bill and begin to communicate those concerns to members of the legislative delegation, starting with Senator Glazer, Chair of the Senate Revenue and Taxation Committee.

### **Legislative and Budget Updates**

#### **Amended Version of SB 1031 Advances – Additional Changes Pending**

Senate Bill 1031 (Wiener and Wahab), which authorizes a future Bay Area regional transportation funding measure and makes other changes related to public transit service, was approved by the Senate Transportation Committee on April 23 and the Senate Revenue and Taxation Committee on April 24. Both votes were along party lines with Republicans voting no. The bill had been amended on April 16 to make the following changes:

- **Expenditure Plan:** The prior version of the bill set a \$750 million floor of funding dedicated to sustaining and expanding public transit services in the Bay Area—regardless of total revenues available from a potential revenue measure—and included intent language about other spending categories.

The amended bill creates a more flexible overall expenditure plan with the following categories:

- **45% for Transit Transformation** – Funding to sustain, expand and improve transit services with minimum allocations to agencies based on revenue generated by county and by number of trips per year.
- **25% for Safe Streets** – Formula funding allocated directly to county transportation authorities for safety, active transportation, road repair, and stormwater purposes on local streets and roads.

- **15% for Connectivity** – “Climate-neutral” projects, including transit capital and highway improvements, that improve regional connectivity and climate resilience projects.
- **15% for a Flexible Category** – Projects that meet the other three categories, ensure that the 70% “return to source” requirement is met, or invest in other regional priorities.

The bill also requires MTC to calculate at least biannually and maintain a minimum 70% “return to source” for the total revenues generated by the measure in each applicable county across a rolling five-year period. Since transit operational needs vary significantly by county, the flexible category is necessary to enable this “return to source” requirement.

- **Maintenance of Effort:** The prior version of the bill had a rigid requirement about maintaining local spending for public transit as a condition of receiving measure revenues. The amended bill softens this language, especially as related to expiring local self-help measures.
- **Transit Funding and Network Management:** The amended bill adds limitations on the network management-related conditions MTC can impose on existing transit formula funding, including State Transit Assistance funding and Transportation Development Act funds, as well as new funding generated by the revenue measure.
- **Transit Consolidation:** The prior version of the bill required a study by an academic transportation institute that would examine the potential consolidation of all 27 public transit operators in the Bay Area and require the California State Transportation Agency (CalSTA) to develop a subsequent plan for implementation. The amended version of the bill changes this requirement to a study that would include both transportation and labor academic institutions and requires CalSTA to report to the Legislature with recommendations.

During a long recess of the Senate Transportation Committee on April 23, the Committee Chair, Dave Cortese (D-San Jose) and the authors negotiated several other conceptual amendments. The term sheet that was shared with Committee members included the following commitments for future changes:

- Sunset MTC authority to place a measure before the voters after 2040.
- Allow taxes to have a duration of up to 30 years.
- Set a goal for the measure to raise \$1.5 billion annually.
- Cap the authorized sales tax increase to no more than ½-cent.
- Retain placeholder language for new transit pass proposal.
- Limit MTC bonding authority to revenues raised by taxes authorized in SB 1031 and that are retained by MTC. Bonds can only be used for capital investments.
- Authorize MTC, as regional network manager, to condition State Transit Assistance (STA) funds on its network management policies approved by the Commission, subject to the guardrails in the bill. SB 1031 shall not change MTC authority on conditioning any other existing funds.
- The authors also made a commitment to ongoing discussions with stakeholders on “return to source” and the structure of the expenditure plan framework.

Chair Cortese characterized these additional amendments as the “absolute minimum” needed for the bill to advance and stated that MTC needed to conduct additional regional outreach and consensus-

building for the bill and a future revenue measure to succeed. Despite the April 16 amendments, he raised strong concerns about “return to source,” noting Santa Clara County’s high share of regional sales tax revenue and suggested that a higher proportion of measure revenue should be allocated directly to individual counties.

While there was much more limited debate in the Senate Revenue and Taxation Committee the following day, Chair Glazer commented on his agreement with the authors to continue working to improve the bill. He also reserved his right to work address additional concerns that stakeholders may raise as the bill proceeds.

It is unclear when amendments negotiated in the Senate Transportation Committee will appear in the bill. The earliest opportunity to make amendments will be prior to the bill’s upcoming hearing in the Senate Appropriations Committee. SB 1031 is likely to be referred to the Committee’s suspense file and taken up for action immediately prior to the May 17 deadline for approval of bills with a state or local fiscal impact. Appropriations committees will dispense with legislation around mid-May and then each house will work bills on their respective floors until the house of origin deadline on May 24.

### **Governor Signs Bill with Early Budget Actions, Freeze to One-Time Spending**

On April 11, the Legislature approved AB 106, which represented a \$17.3 billion down payment on the reducing the state’s budget deficit. The so-called Budget Bill, Jr. includes spending reductions, deferrals, and fund shifts. The reductions affect the current and prior fiscal years and will reduce the deficit by \$3.3 billion.

AB 106 also contains a provision acknowledging an agreement to reduce another \$14 billion for the 2024-25 budget year. These reductions – including a plan to utilize the state’s budget reserves – will be included in the Governor’s deficit estimate in the May Revision and are anticipated to be approved in future budget bills.

The agreement includes budget language authorizing the Administration to freeze additional one-time funding that was included in the 2021, 2022, or 2023 Budget Acts. According to the [Assembly Budget Summary](#), this was a key Assembly priority to preserve at least a few billion dollars more of budget balancing options for June. (The Senate Budget Summary is available [here](#).)

At this time, it is unclear how much one-time funding remains unspent or how much savings will be generated from this action. A recent [budget letter](#) from the Department of Finance directed departments to suspend one-time General Fund expenditures where the value of remaining unallocated or unencumbered funds is greater than \$1 million, among other criteria. The California State Transportation Agency has indicated that disbursement of transit-related funding from SB 125 (2023) will be frozen pending resolution of the budget and the Department of Housing and Community Development had previously informed REAP 2.0 grantees that they would not provide reimbursement beyond 25% of grant awards (several applicants have reported that they received their 25% allocations in advance of the AB 106 spending freeze taking effect).

Specific items in the early action package include:

*Reductions - \$3.6 billion*

- Salary Savings Sweep from Vacant Positions - \$762.5 million
- Withdraw Elimination of Two-week Fee-For-Service Checkwrite Hold - \$532.5 million
- School Facility Aid Program - \$500 million
- CalWORKs Single Allocation Partial Reversion - \$336.6 million
- UCLA Institute of Immunology and Immunotherapy Project - \$300 million
- Watershed Climate Resilience - \$206.5 million
- Broadband - Loan Loss Reserve - \$150 million
- Climate Innovation Program - \$100 million
- Foreclosure Intervention Housing Preservation Program - \$85 million

*Delays - \$3.1 billion*

- Formula Transit and Intercity Rail Capital Program - \$1 billion
- Preschool, TK and Full-Day Kindergarten Facilities Grant Program - \$550 million
- Behavioral Health Bridge Housing - \$235 million
- CA Jobs First - \$183.3 million
- Vulnerable Community Toxic Clean-Up - \$175 million
- Behavioral Health Continuum Infrastructure Program - \$140.4 million
- Diablo Canyon Land Conservation and Economic Development - \$110 million
- Broadband Last Mile - \$100 million
- Ports and Freight Infrastructure - \$100 million
- Clean Energy Reliable Investment Plan - \$100 million
- Oroville Pump Storage - \$90 million
- Health and Human Services Innovator - \$74 million

*Revenue and Borrowing - \$5.2 billion*

- Managed Care Organization Tax - \$3.8 billion
- AIDS Drug Assistance Program Rebate Fund Loan - \$500 million (with commitment to enhance program in the future)
- Other special fund loans – balance

*Fund Shifts - \$3.4 billion*

- Greenhouse Gas Reduction Fund - \$1.8 billion
- Retirement Contribution Reductions Using Prop 2 - \$1.3 billion
- Medi-Cal Drug Rebate Special Fund Reserve - \$162.7 million
- Employment Training Fund for UI Interest Payment - \$100 million

*Deferrals - \$2.1 billion*

- Statewide Payroll Deferral - \$1.6 billion
- UC and CSU Deferrals - \$499.1 million

**State Revenue Trends**

Higher than expected tax refund volume has weakened a mildly promising revenue outlook, according to Jason Sisney, the Speaker's Chief Fiscal Consultant. As of this writing, the Franchise Tax Board is reporting that the state's net personal income tax collections are barely on track to meet the

Administration's April monthly estimate, while net corporation tax collections continue to be several hundred million dollars below the month's estimate. Sisney indicates that this data collectively suggest that April revenues may come in several hundred million dollars below monthly estimates.

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