

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

300 Lakeside Drive, P. O. Box 12688, Oakland, CA 94604-2688

BOARD MEETING AGENDA

May 13, 2010

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, May 13, 2010, in the BART Board Room, Kaiser Center 20<sup>th</sup> Street Mall – Third Floor, 344 – 20<sup>th</sup> Street, Oakland, California.

Members of the public may address the Board of Directors regarding any matter on this agenda. Please complete a “Request to Address the Board” form (available at the entrance to the Board Room) and hand it to the Secretary before the item is considered by the Board. If you wish to discuss a matter that is not on the agenda during a regular meeting, you may do so under General Discussion and Public Comment.

Rules governing the participation of the public at meetings of the Board of Directors and Standing Committees are available for review on the District's website (<http://www.bart.gov/about/bod>), in the BART Board Room, and upon request, in person or via mail, at the Office of the District Secretary, 23rd Floor, 300 Lakeside Drive, Oakland, California.

Any action requiring more than a majority vote for passage will be so noted.

Items placed under “consent calendar” are considered routine and will be received, enacted, approved, or adopted by one motion unless a request for removal for discussion or explanation is received from a Director or from a member of the audience.

Please refrain from wearing scented products (perfume, cologne, after-shave, etc.) to these meetings, as there may be people in attendance susceptible to environmental illnesses.

BART provides service/accommodations upon request to persons with disabilities and individuals who are limited English proficient who wish to address BART Board matters. A request must be made within one and five days in advance of Board meetings, depending on the service requested. Please contact the Office of the District Secretary at (510) 464-6083 for information.

Kenneth A. Duron  
District Secretary

Regular Meeting of the  
BOARD OF DIRECTORS

The purpose of the Board Meeting is to consider and take such action as the Board may desire in connection with:

1. CALL TO ORDER

- A. Roll Call.
- B. Pledge of Allegiance.
- C. Introduction of Special Guests: Station Agent Angela Fields; Healthy Kids, Healthy Families. (Director Keller's request)

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meetings of February 11, 2010, February 25, 2010, March 11, 2010 (Regular), and March 11, 2010 (Special).\* Board requested to authorize.
- B. Suspension of Board Rule 5-1.2 – Submission of Fiscal Year 2011 Preliminary Budget from Administration Committee to Full Board.\* Board requested to authorize.
- C. Fiscal Year 2010 Third Quarter Financial Report.\* For information

3. ADMINISTRATION ITEMS

Director Blalock, Chairperson

- A. East Bay Paratransit Fare Increase and Fare Program Modifications.\* (TWO-THIRDS VOTE REQUIRED.) Board requested to authorize.
- B. Approval of Northern California Power Agency (NCPA) Second Phase Agreement for Development Activities of the Solar Photovoltaic Project at Hayward and Richmond Yards, Lafayette and Orinda Stations, and Property in Livermore at Greenville Road.\* Board requested to authorize.
- C. Civil Rights Act of 1964; Title VI – Nondiscrimination in Federally Assisted Programs, Action Plan Update.\* For information.
- D. Fiscal Year 2011 Preliminary Budget Operating Sources, Uses and Service Plan.\* For information.

4. ENGINEERING AND OPERATIONS ITEMS

Director Keller, Chairperson

- A. Award of Contract No. 15PN-110, BART Earthquake Safety Systemwide Equipment Retrofit.\* Board requested to authorize.
- B. Quarterly Performance Report, Third Quarter Fiscal Year 2010 - Service Performance Review.\* For information.

5. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION ITEMS

Director Ward Allen, Chairperson

NO ITEMS.

6. GENERAL MANAGER'S REPORT

NO REPORT.

7. BOARD MATTERS

- A. Special Appointments: Liaisons to San Mateo County Stations.\* Board requested to authorize. (Vice President Franklin's request.)
- B. Report of the BART Police Department Review Committee. For information.
- C. Roll Call for Introductions.

8. GENERAL DISCUSSION AND PUBLIC COMMENT

9. CLOSED SESSION (Room 303, Board Conference Room)

A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR.

Property:	Property located at the Fruitvale BART Station bounded by 35 <sup>th</sup> and 37 <sup>th</sup> Avenues and East 12 <sup>th</sup> Street and the BART Aerial Structure
District Negotiators:	Carter Mau, Executive Manager, Planning & Budget; and Jeffrey P. Ordway, Manager, Property Development
Negotiating Parties:	San Francisco Bay Area Rapid Transit District and the Unity Council
Under Negotiation:	Price and Terms
Government Code Section:	54956.8



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Malca DeBauden</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 5/6/10		BOARD INITIATED ITEM: No		
Originator/Prepared by: Kimberly White Dept. Operating Budgets <i>Kimberly White</i> Signature/Date: 5/4/2010	General Counsel <i>Andrew Rowan</i> 5/5/10	Controller/Treasurer <i>[Signature]</i> 5/6/10	District Secretary <i>[Signature]</i> 05/06/10	BARC <i>[Signature]</i> 5-5-10
Status: Routed		Date Created: 05/04/2010		

### Suspension of Board Rule 5-1.2, in part

NARRATIVE:

**Purpose:**

To obtain BART Board approval to suspend the requirement in Board Rule 5-2.1 that the tentative budget be submitted to the Administration Committee prior to its submission to the Board of Directors.

**Discussion:**

BART Board Rule 5-1.2 provides, in part: “[a]fter study and consideration of the tentative budget by the Administration Committee, the budget shall be submitted to the Board of Directors not later than the first regular meeting in May of each calendar year.” Currently, the Board meetings format does not include regular meetings of the Administration Committee, making compliance with the requirement that the tentative budget first be considered by the Administration Committee problematic. However, the agendas of the Regular Meetings of the Board include a portion devoted to Administration matters, as necessary, and thus provide an opportunity for full Board study and consideration of the budget.

Board Rule 6-1.2 allows for suspension of a rule by majority vote of all members of the Board upon a showing satisfactory to them of a special situation justifying the suspension of the rule. It is recommended that the Board approve suspension of the requirement in Rule 5-1.2 that the FY 2011 budget be submitted to the Board only after study and consideration by the Administration Committee. This action does not preclude further consideration and discussion of the Preliminary Budget at future Administration Committee meetings.

**Fiscal Impact:**

No fiscal impact.

**Alternatives:**

Do not approve the suspension of the requirement that the tentative budget be studied and considered by the Administration Committee before submission to the Board of Directors. However, failure to do so will require that the Board suspend the requirement of Rule 5-1.2 that the budget be submitted to the Board of Directors by the first meeting in May.

**Motion:**

The Board of Directors approves the suspension of the requirement in Rule 5-1.2 that the FY 2011 tentative budget first be studied and considered by the Administration Committee prior to submission to the Board of Directors.

# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

## MEMORANDUM

**TO:** Board of Directors

**DATE:** May 13, 2010

**FROM:** General Manager

**SUBJECT:** **FY10 Third Quarter Financial Report**

The FY10 Third Quarter Financial Report (January–March 2010) is attached. The FY10 Revised Budget was implemented in January. In the current quarter changes to the revised line items impact results for the third quarter, generally making the YTD totals more useful. Year to date, the net result is favorable by \$8.3M, with \$7.2M of caused by timing - receiving Federal ARRA grants earlier than had been budgeted - meaning the “real” net result is about \$1M favorable.

### **Operating Sources**

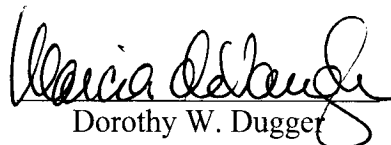
**Ridership** improved slightly from the prior two quarters. Although we are still losing ridership compared to FY09, the losses improved from declines of 10% and 6% in the first and second quarters of FY10, respectively, to 5% in the third quarter. Transbay ridership continues to be the strongest market segment. Westbay ridership, which includes trips taken on BART with Muni’s Fast Pass, is down about 10% this quarter, due to Fast Pass price increases and the resulting ridership loss.

**Sales Tax** (for taxable sales from October to December) declined 5.4% compared to same quarter FY09, slightly better than the budgeted decline of 7%. The trend indicates we are moving away from the bottom of last summer. In the past year, sales tax has dropped 20%, 19%, 14%, and now 5.4%. Going forward, the budget expects the declines to improve next quarter, but with no real growth for at least the next year.

### **Operating Uses**

Expenses were favorable for the quarter, reducing the year-to-date unfavorable variance to less than 0.1%. Labor and benefits are favorable to budget for the quarter primarily due to the continuation of the selective hiring freeze implemented in October 2008. Year to date labor expenses are still slightly unfavorable, but remain close to budget. To date, non-labor is slightly favorable, but is projected to go over budget in the fourth quarter for a variety of reasons, including Title VI implementation costs, credit card fees for ticket transactions, and because some current favorable timing variances in other areas are likely to be absorbed by year-end.

Overall, with just one quarter remaining, operating revenues and expenses are very close to the revised budget. The \$7.2M early reimbursement of federal stimulus funds for work performed is a timing issue that will disappear by year-end. Because both the revenue and expense budgets are so tight, based on current forecasts there is some risk that we may need to use reserves to balance the year-end result.

  
Dorothy W. Dugger

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff

## Third Quarter FY10 BUDGET PERFORMANCE REPORT EXECUTIVE SUMMARY

M=million

### REVENUE

● Avg weekday trips were 310,721 for the qtr. YTD trips are 0.2% above the revised budget. The losses have slowed since last qtr, with core trips down 6% and SFO trips down 2% compared to 2QFY09. Ridership needs to improve further to stay on budget for year end. Net Passenger Revenue was 0.4% over budget for 3Q due to the 0.2% trip variance and slightly longer trips.

● Other Operating Revenue was \$0.6M under budget due to lower parking and interest revenue.

### EXPENSE

● Net Labor was 1.5% favorable to budget for the third quarter primarily due to savings from the selective hiring freeze. Year to date labor is essentially on budget.

● OPEB shown as an expense and offset, with no bottom line impact.

● Electric Power was \$0.1M unfavorable to budget for the quarter. YTD, Power is slightly favorable, by \$0.5M, and is expected to end the year essentially on budget.

● Other Non Labor is \$0.5M favorable this quarter. Year to date, non-labor expenses are close to budget but are expected to end the year over budget

● The Lakeside building lease is recognized over the life of the lease, which is a non-cash book entry and not budgeted; budget includes actual cash outlay for lease payments.

● Total operating expense for the quarter is favorable. Quarterly performance resulted in year to date ending very close to budget.

### EXTRAORDINARY ITEMS

● The Rail Car Fund Swap grant work is complete and includes \$1.2M of work budgeted for 4Q that was completed early.

### OPERATING DEFICIT

● Operating deficit negative variance of \$8.2M for the quarter reflects early completion of Rail Car Fund Swap work, which is offset by equal reimbursement amount in Financial Assistance.

### TAX & FINANCIAL ASSISTANCE

● Sales tax for qtr down 5.4% compared to 3QFY09 and brings YTD actual \$0.7M above revised budget.

● Prop tax is 6% above budget YTD and is only 1% below 3QFY09 YTD total, indicating projected reductions in assessed values is not yet impacting BART receipts.

● Federal Stimulus \$15M work completed and \$7.2M reimbursed earlier than budgeted, timing variance only and will be on budget at year-end.

● Debt Service is \$0.8M over budget due to SFO Prem Fare allocation to debt service. Will be refunded at year end to bring this line item back on budget.

### NET OPERATING RESULT

● Favorable by \$8.3M YTD, with approximately \$6.4M due to timing of Fed Stimulus reimbursements (+\$7.2M) and debt service (-\$0.8). Excluding +\$0.9M Lakeside Lease Accrual, net positive result is about \$1.0M.

### SYSTEM OPERATING RATIO/RAIL COST PER PASSENGER MILE

● Operating ratio (revenue divided by expense) and rail cost per passenger mile slightly favorable for the quarter due to both passenger revenue and operating expense being slightly better than budget.

CURRENT QUARTER			(\$Millions)*	FISCAL YEAR-TO-DATE		
Budget	Actual	Var.		Budget	Actual	Var.
			<b>REVENUE</b>			
78.5	78.8	0.4%	Net Passenger Revenue	249.7	250.7	0.4%
12.0	11.4	-4.8%	Other Operating Revenue	26.8	25.6	-4.7%
<b>90.5</b>	<b>90.2</b>	<b>-0.3%</b>	<b>Total Net Operating Revenue</b>	<b>276.5</b>	<b>276.3</b>	<b>-0.1%</b>
			<b>EXPENSE</b>			
88.6	87.2	1.5%	Net Labor	271.7	272.1	-0.1%
3.8	3.9	-2.8%	OPEB Unfunded Liability**	11.3	12.8	-12.7%
8.7	8.6	1.3%	Electric Power	27.0	26.5	1.8%
4.2	4.1	3.2%	Purchased Transportation	13.1	12.9	2.0%
0.0	(0.3)		Lakeside Lease Accrual	0.0	(0.9)	
19.8	19.3	2.3%	Other Non Labor	59.8	60.0	-0.3%
<b>125.1</b>	<b>122.8</b>	<b>1.8%</b>	<b>Total Operating Expense</b>	<b>382.8</b>	<b>383.3</b>	<b>-0.1%</b>
			<b>EXTRAORDINARY EXPENSES</b>			
12.5	22.7	-81.2%	Rail Car Fund Swap	21.5	22.7	-5.4%
<b>12.5</b>	<b>22.7</b>		<b>Net Extraordinary Items</b>	<b>21.5</b>	<b>22.7</b>	
<b>(47.1)</b>	<b>(55.3)</b>	<b>-14.8%</b>	<b>OPERATING DEFICIT</b>	<b>(127.8)</b>	<b>(129.6)</b>	<b>-1.4%</b>
			<b>TAX &amp; FINANCIAL ASSISTANCE</b>			
34.9	42.8	22.5%	Sales Tax	125.6	126.4	0.6%
4.0	4.9	23.0%	Prop Tax, Other Assistance	23.9	24.3	1.8%
5.0	12.2	144.0%	Federal Stimulus	7.8	15.0	92.3%
12.5	22.7	81.2%	Rail Car Fund Swap	21.5	22.7	5.4%
(18.9)	(19.3)	-2.2%	Debt Service	(58.9)	(59.7)	-1.4%
(5.0)	(4.9)	0.5%	Capital and Operating Allocations	(19.8)	(19.8)	0.0%
(3.5)	(3.3)	7.6%	Other Reserve Allocations	(3.5)	(3.5)	0.0%
3.8	3.9	2.8%	OPEB Unfunded Liability Offset**	11.3	12.8	12.7%
<b>32.9</b>	<b>59.0</b>	<b>79.6%</b>	<b>Net Financial Assistance</b>	<b>108.0</b>	<b>118.1</b>	<b>9.4%</b>
<b>(14.3)</b>	<b>3.7</b>		<b>NET OPERATING RESULT</b>	<b>(19.8)</b>	<b>(11.5)</b>	
<b>72.3%</b>	<b>73.4%</b>	<b>1.1%</b>	<b>System Operating Ratio</b>	<b>72.2%</b>	<b>72.1%</b>	<b>-0.1%</b>
<b>35.8 ¢</b>	<b>35.3 ¢</b>	<b>1.4%</b>	<b>Rail Cost Per Passenger Mile</b>	<b>35.3 ¢</b>	<b>35.2 ¢</b>	<b>0.4%</b>

\* Totals may not add due to rounding to the nearest million.

■ No Problem

□ Caution: Potential Problem/Problem Being Addressed

■ Significant Problem

\*\* The Other Post Employment Benefits (primarily retiree medical) is a non-cash expense to recognize the difference between actual retiree medical funding and the full Annual Required Payment and does not affect the Net Operating Result.

Note: FY10 Revised Budget implemented in January. Because the revision included changes to 1st and 2nd quarter budgets but the revision was implemented in the current quarter, some categories quarterly variances are affected (i.e. Sales Tax). YTD is more indicative of performance in affected line items.



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL <i>Marisa DeLuca</i>		GENERAL MANAGER ACTION REQ'D: Forward to Board for Approval		
DATE: 5/5/10		BOARD INITIATED ITEM: No		
Originator/Prepared by: Susan Gallagher Dept. Customer Access	General Counsel	Controller/Treasurer	District Secretary	BARC
<i>Susan Gallagher</i> Signature/Date: 5/3/10	<i>Andrew Raway</i> 5/4/10	<i>[Signature]</i> 5/4/10	[ ]	<i>Carol Meier</i> 5-5-10
TITLE:				

### Proposed Fare Increase and Fare Modifications for East Bay Paratransit

NARRATIVE:

#### Purpose

Adopt the proposed paratransit fare structure, which includes fare increases and modifications, for the East Bay Paratransit Consortium (EPBC) following appropriate review and analysis, as well as consideration of public comment received.

#### Background

The EBPC is a partnership of BART and AC Transit to provide paratransit service, as required under the Americans with Disabilities Act (ADA), in the overlapping service areas of the two agencies. The EBPC operates East Bay Paratransit which provides paratransit services to riders. BART and AC Transit share the costs of East Bay Paratransit with BART contributing 31% of the funding and AC Transit contributing 69% of the funding.

The federal regulations that implement the ADA specify the fares that transit agencies may charge for ADA paratransit service. Acknowledging the significant cost of providing paratransit, these ADA regulations allow transit agencies to charge up to twice the undiscounted adult fare of a comparable journey by fixed route, including all transfers and all segments. In addition, if transit agencies provide additional paratransit services not required by the ADA, they may impose additional charges for such services. These paratransit fare policies stand in contrast to a federal law requirement to provide people with disabilities and seniors a discount of 50% or more when they use the fixed route service.

The paratransit fare increase and fare modifications currently proposed were developed by staff from AC Transit and BART as part of an overall series of strategies to increase revenue and reduce costs on East Bay Paratransit. Starting last summer, staff worked with EBPC's rider advisory committee, the Service Review Advisory Committee (SRAC) to refine the proposals and gain rider acceptance of them. Increased fares were discussed with the SRAC at several meetings. The attached proposal was reviewed by the SRAC on December 1, 2009. The SRAC reluctantly endorsed the proposal, acknowledging the length of time since the last paratransit fare increase and the immediate fiscal needs of the two agencies.

The agreement of both the AC Transit Board and the BART Board is necessary to adopt the fare



increase and fare modifications. The AC Transit Board will vote on this proposal on May 12, 2010, and the results of that vote will be communicated by staff at the BART Board meeting. If the proposal is approved by the AC Transit Board and approved by a 2/3 vote of the BART Directors, it will be implemented on or after July 1, 2010.

Discussion

The fares for East Bay Paratransit were last increased in 2005. The EBPC has historically had a fare structure which "blended" the fixed route fares of both agencies. This proposal was developed by analyzing the fares that would be charged for a paratransit trip, were it taken by BART and/or AC Transit fixed route transit. A journey includes the complete trip from the rider's origin (e.g. home), to their final destination (e.g. work, school, etc.). Over 650 randomly selected actual paratransit trips were analyzed using the 511.org system to calculate fixed route fares. This analysis allowed for the determination of appropriate fare break points to combine AC Transit's flat rate fare with BART's distance based fares. In developing the proposal, it was also necessary that the fare structure be easy to understand and easy for the disabled and senior riders of East Bay Paratransit to use. As in the past, East Bay Paratransit will accept either coupons or exact change cash payments for service. Following is a comparison of the current and proposed fares. All fares are for one-way trips.

<b>Current East Bay Paratransit Fare--For All Parts of Service Area</b>		<b>Proposed Paratransit Fare--For Service in the East Bay</b>	
<i>Fare</i>	<i>Distance</i>	<i>Fare</i>	<i>Distance</i>
\$3.00	0 to 8 miles	\$4.00	0 to 12 miles
\$4.00	>8 to 12		
\$5.00	>12 to 20	\$6.00	>12 to 20
\$6.00	>20	\$7.00	>20
Travel to and from San Francisco charged at \$6.00 for trips as far as Civic Center and \$7.00 for trips beyond Civic Center. San Francisco travel is 4% of trips.		Travel to and from San Francisco to be based on an origin/destination zone system described in the table below.	

<b>Proposed Paratransit Fare for Service to/from the East Bay and San Francisco in the BART Corridor</b>			
<b>1) If the trip starts or ends in:</b>	<b>2) And the pick-up or drop-off is</b>		
	<b>Up to Civic Center BART</b>	<b>Beyond Civic Center BART in San Francisco</b>	<b>Any Daly City Address</b>
	<b>3) The fare is</b>		
<b>Zone 1:</b> Alameda, Berkeley, Emeryville, Piedmont, Oakland	\$6.00	\$7.00	\$8.00

East Bay Paratransit Proposed Fare Structure

<b>Zone 2:</b> Albany, Castro Valley, El Cerrito, El Sobrante, Kensington, Orinda BART, San Leandro, San Lorenzo, Richmond, San Pablo	\$7.00	\$8.00	\$9.00
<b>Zone 3:</b> Fremont, Hayward, Hercules, Milpitas, Newark, Pleasanton BART, Pinole, Union City	\$8.00	\$9.00	\$10.00

In addition to the proposed fare increase, two policy changes are also proposed, both of which modify the fare structure of East Bay Paratransit. First, staff recommends developing and implementing a system which would allow for charging a fare to those riders who fail to take their ride through their own actions within their control or who fail to cancel the ride in a timely fashion. The "no-show fare" would not be charged if a rider missed a trip through circumstances beyond their control, such as sudden illness. Although the amount of revenue from this source will be very small, it will be part of a program to discourage no-shows which are a significant waste of resources.

Second, staff recommends charging premium fares for group trips (e.g. field trips) of which East Bay Paratransit provides a limited number. Group trips are not required by the ADA. However, East Bay Paratransit provides a few each month as a courtesy to group living facilities. Group trips are more complex to arrange than our required individual trips. Staff recommends charging a premium of two times the regular paratransit fare for individuals on a group trip. This will encourage agencies and facilities to look at the many other resources for group trips such as city paratransit programs or charter services.

Information about the proposed fare increase and modifications was extensively circulated for public comment. A variety of formats for receipt of public comment were made available to accommodate users with all types of disabilities. Two public hearings were held. The first public hearing on April 14, 2010 was before the AC Transit Board of Directors. The second public hearing on April 22, 2010 was at the regular meeting of the BART Board of Directors. A summary of all the public comments received was sent separately to the members of the Board.

Fiscal Impact

Total costs for the EBPC are estimated to be \$32.7 million in Fiscal Year 2011. Fare revenue for Fiscal Year 2011 is projected to be a total of \$2.1 million without this fare increase. Staff estimates that the new fares would generate approximately an additional \$580,000 in fare revenue per year. The low farebox recovery ratio of about 6.7% is typical of paratransit nationally. BART's share of both the cost and fare revenue for EBPC is 31%. In addition to its share of paratransit fare revenue, BART funds EBPC from general funds, an allocation from

Alameda County Measure B sales tax for paratransit in Alameda County, and a very small allocation from Contra Costa County's Measure J.

Alternatives

Do not adopt the proposed fare structure. Board could instruct staff to work with AC Transit staff to develop an alternative structure.

Recommendation

Adopt the following motions:

Motions

1. The Board finds that the fares established for East Bay Paratransit are for the purpose of (a) meeting operating expenses, (b) purchasing or leasing supplies, equipment or materials, and (c) meeting financial reserve needs and requirements; therefore the following actions are exempt from review under the California Public Environmental Quality Act (CEQA) pursuant to the exemption set forth in the California Public Resources Code Section 21080(a)(8) and the CEQA Guidelines Section 152723 (a).
2. The Board approves the fares for East Bay Paratransit as listed on Attachment A. (2/3 vote required)
3. The Board approves fare modifications to allow for a fare to be charged for Rider Fault No-Shows on East Bay Paratransit, provided that such a fare is confirmed to be permissible by the FTA, and to allow for twice the regular paratransit fare to be charged for individuals on group trips arranged under the East Bay Paratransit group trip program. (2/3 vote required)

Attachment A  
May 13, 2010

**East Bay Paratransit Fares, in the East Bay**

Distance	Fare
From 0 up to and including 12 miles	\$4
Greater than 12 miles, up to and including 20 miles	\$6
More than 20 miles	\$7

**East Bay Paratransit Fares into and out of San Francisco**

If the trip starts or ends in:	And the pick up or drop off is:		
	Up to Civic Center BART	Beyond Civic Center BART in SF	Any Daly City Address
The fare is:			
Zone 1: Alameda, Berkeley, Emeryville, Piedmont, Oakland	\$6	\$7	\$8
Zone 2: Albany, Castro Valley, El Cerrito, El Sobrante, Kensington, Orinda BART, San Leandro, San Lorenzo, Richmond, San Pablo	\$7	\$8	\$9
Zone 3: Fremont, Hayward, Hercules, Milpitas, Newark, Pleasanton BART, Pinole, Union City	\$8	\$9	\$10

**Fare Modifications**

1. For group trips organized under the East Bay Paratransit group trip program, a non-ADA program, all participants traveling on the East Bay Paratransit vehicle will pay a fare of two times the regular paratransit fare for that trip.
2. For rider-fault no-shows, where the rider does not take a ride they reserved, and does not cancel within 1 hour of the pick up time, and was not prevented by sudden illness or similar circumstance from doing so, the regular fare for the trip may be charged.

# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

---

## Memorandum

Date: April 30, 2010  
To: Board of Directors  
From: Susan Gallagher  
Subject: Comments on East Bay Paratransit Fare Increase Proposal

Attached is a report of all the comments received on the East Bay Paratransit fare increase proposal up to the time of your public hearing on April 22, 2010. Also attached is the transcript of the public hearing held by the AC Transit Board on April 14, 2010. The AC Transit Board is receiving a transcript of your hearing. The AC Transit Board will vote on the proposal on May 12 and the BART Board will vote on May 13, 2010.

If you have any questions about this item, please contact Kevin Hagerty, Department Manager, Customer Access Department, at 510-464-6169.

Sincerely,



Susan Gallagher  
Manager of Accessible Services

Attachment A: Comments on East Bay Paratransit Fare Increase Proposal

Attachment B: AC Transit Board of Directors, Public Hearing on East Bay Paratransit Fare Proposals, Verbatim Transcript of Public Comments

Cc: Board Appointed Officers  
Executive Staff

**Comments on East Bay Paratransit Fare Increase Proposal**

**Comments received up to 10:30 am on April 22nd.**

<b>Option</b>	<b>Number of comments received</b>
Voice mail	73
Email	9
Letter/fax	6
<b>Total</b>	<b>88</b>

A few comments expressed understanding for the fare increase even if they felt it would be difficult for many riders.

Most comments received opposed the increase. The primary themes expressed were:

- Most riders are on a fixed income.
- There was no SSI increase in 2010 and none is planned for 2011.
- The service should be made more efficient instead of raising fares.

**Following are the individual comments received as shown above:**

### Voice Mail Comments Received

#	Name/City, if given	Comment	Has other transportation ?	Not completely opposed
1.	John Brannon, Fremont	Can't afford another \$1.00 each way. Will have to stop riding after July 1 <sup>st</sup> and depend on family for transportation.	X	
2.		It's not fair that we are increasing fares before the end of the FY. SSI doesn't include Paratransit as an expense.		
3.		Disabled senior Paratransit user of 10 years. Low fixed income of \$50.00 after bills. Will have to stop attending church and skip anything not critical. You are increasing fares and at the same time provide unreliable service. You should charge more for non-urgent trips, such as recreation.		
4.	Cassandra Guardian Adult Day Health Care	An increase of a \$1.00 is too much for people living in SSI. Perhaps an increase of \$0.50 is more reasonable. There's been a \$75.00 cut in SSI benefits.		
5.		An increase of a \$1.00 is too much for people living in SSI. May have to cut back on the rides. Claims she doesn't travel the full 8 miles even now and so is subsidizing riders who are closer to the distance maximum. Very angry; used a lot of profanity.		
6.	Laura	Rides Paratransit 3-4 times per week. If there is an increase she will have to cut her ridership down.		
7.		Increase is reasonable if the service is more reliable.		X
8.		There should be no increase. Measure B funds should cover Increase in costs. There has been no increase in the cost of living money so there should be no fare increase for EBP.		
9.	Daniel Gardiner/ Oakland	There should be no increase. Increasing EBP fares would be a hardship for physically challenged people. They do not have the funds to pay for an increase.		
10.	Pamela	She enjoys and relies on the service. If the fare increases, she will have to cut back on her doctor's visits.		
11.		Increase is reasonable.		X
12.		No increase; unfair to riders.		
13.		No fare increase. There were no SSI benefit increases so don't increase the fare.		
14.		Fare increase is demoralizing. Disabled population can't afford the increase.		
15.		Increase is fair. She is willing to pay twice as much if the rides were reliable and she wasn't placed on standby for her doctor's visits. Great service overall. Hates to call in after 7pm. She has to call sometimes more than one time in order to nail her ride times down.		X

### Voice Mail Comments Received

#	Name/City, if given	Comment	Has other transportation ?	Not completely opposed
16.	Lena Johnson	Please don't increase fare proposed by AC Transit & BART.		
17.		Rider has weekly therapy sessions that are 13 miles from her home. Currently it costs her \$30.00 per month for her appointments now. It will increase to \$50.00. It's a 60% increase she doesn't care if it's been five years since last increase.		
18.	D. Jennings/EI Cerrito	Would like to come and discuss not increasing fares in person.		
19.		The economy is bad right now and riders with low incomes are already struggling to pay the current fares. Best way to save money is to become more gas efficient. Put more people on the buses and don't have only one rider travel a long distance.		
20.	Riana	EBP rider for several years. Please do not raise fare. She is disabled and on a fixed income.		
21.	Carmen Castro, Fremont	This will be a hardship since everything is going up. But understands and feels the increase is not totally unreasonable.		X
22.	Anjelica Staley	Please only increase fares for long distance trips - >20 miles, not local trips. A better idea is to have the same drivers circulating in the same area every day. Too many rides are unshared. Concentrate on better scheduling.		
23.		Can barely afford fare now. On SSI. \$4.00 will be very hard.		
24.		On a fixed income. Won't be able to afford the increase. Visually impaired. Trying to go to school and also work. Have numerous other health problems.		
25.		Paratransit riders have limited incomes. Need affordable paratransit for medical appointments.		
26.		On a fixed income and have lots of other struggles. Everything is going up, including co-pays on medical appointments. Can hardly afford transportation now.		
27.	Jasmine Hunter	Am a frequent rider, asking for no fare increase. On SSI. Paratransit is the only form of transportation she has for church, medical appointments, dialysis, shopping, etc. It's already expensive enough.		
28.	Erline Crosshwhite	Frequent rider. Find drivers very good and helpful. Has a low income. Asking for consideration to postpone the increase for a year.		
29.		Since reducing the advance reservation period to 3 days, she now has to make twice as many calls for her weekly transportation needs. Frequently put on standby, which requires another call. Your procedures are very inefficient and increase your costs. Look to streamline your procedures.		



### Voice Mail Comments Received

#	Name/City, if given	Comment	Has other transportation ?	Not completely opposed
30.		<p>Can understand need for an increase after five years, but has several comments: On dialysis and her cost will increase \$24/ month. Aren't fares subsidized by taxes? If yes, why is there an increase in addition to already available tax subsidies?</p> <p>Scheduling is very circuitous and not efficient. Why not use the vehicles to transport riders going similar places, who all live close together? Too many times separate vehicles are sent for the several, other dialysis riders close to her. She gets picked up by a vehicle that has picked up and dropped off riders in Berkeley, Alameda, Albany and so forth. Better scheduling would save money.</p>		X
31.	Mrs. Major, Hayward	Totally disagree with increase. First, the service was supposed to be free. She's a dialysis rider and the increase per month is too much. Not fair at all. If you have to raise fares, raise them for shopping trips, not medical needs		
32.		Understand the fare increase, but it's really hard on riders with fixed incomes.		X
33.		No raise in SSI benefits this year. Opposed to fare increase for seniors.		
34.	Ms. Jenkins	Please reconsider raising the fare. No increase in SSI. Most elderly people are barely surviving on their current benefits. Please find another way to balance the books.		
35.		I feel that the elderly and handicapped are being penalized. Start with the people at the top with big salaries. Stop discriminating against the elderly!		
36.		Senior citizens are all on fixed income. My ride starts in Oakland and ends in SFO. My ride cost \$9.00 each way and there are other riders who travel to the same destination and their rides are only \$ 7.00. Agencies need to get together and resolve variations in fare.		
37.		No raise in SSI benefits this year. No increases for individuals who can show financial hardship.		
38.	Linda	I currently drive my vehicle but may need to use the service in the future as my Multiple Sclerosis progresses. I wanted to approach the State officials and ask for a decrease in Paratransit fares. The service is great but not always perfect.		
39.	Rhonda	Please do not increase the fare. In November 2009 my SSI payments decreased and I am only receiving \$845.00 per month. I am in a wheelchair struggling with my current living expenses.		

### Voice Mail Comments Received

#	Name/City, if given	Comment	Has other transportation ?	Not completely opposed
40.		EBP rider for 10 years. I am legally blind receiving SSI benefits. BART needs to be aware that the cost of living adjustments for SSI recipients have been taken away for FY 2010/ 2011. Many people depend on cost of living adjustments. The HR213 bill that Obama passed for SSI recipients was voted down. BART and AC Transit did not increase fares but have the nerve to want to implement an increase in Paratransit fares. Plans to attend the hearing at AC Transit.		
41.	Angie	EBP rider for over 12 years. The fare increase in to SFO is acceptable. However, any other increases are unfair. The fare is basically doubling if you count both legs of a trip. Currently EBP rate per rider is \$50.00. This should be more than enough to cover expenses. No raise in SSI benefits this year.		
42.		I have been EBP rider for 2 years. The service is invaluable and I feel the increase is modest. I appreciate the fact that we have Paratransit. Personally I fell that paying \$4.00 for the first 8 miles is a modest increase.		X
43.	Catharine	Please reconsider the increase because most riders are living on limited or fixed incomes. The increase is really \$2.00 if you travel roundtrip. This is no small thing for many riders.		
44.	Sandra	I understand the need for a fare increase but it will be a hardship on me because I travel to SFO to volunteer at church. It will be hard to pay \$8.00 each way because I am disabled and my only source of income is SSI.		X
45.		Information that has been circulated on EBP fare remaining the same since 2005 means nothing to riders. Today's economy has nothing to do with FY2005 economy. Everybody is aware of the current status of today's economy. I think there should be a decrease in EBP fares such as a budgeted fare for rides that are less than 5 miles. Give people who are disabled a break. There are no adjustments to SSI payments for the next two years. BART isn't increasing fares and riders aren't in the same situation as BART employees who have too many benefits. I plan to attend the hearing at AC Transit.		
46.	Ben	No raise in SSI benefits this year. Opposed to fare increase for disabled and seniors. Where are the Measure B Funds? I will have to pay \$2.00 more. I feel the hike is not warranted.		
47.		I want to know why there has been no announcement on the radio on the two public hearings. I haven't heard anything on television or the radio. It sounds like a cover-up to me.		

### Voice Mail Comments Received

#	Name/City, if given	Comment	Has other transportation ?	Not completely opposed
48.		The increase is really \$2.00 because you have to count every leg of the trip. Increasing the fare to \$5.00 for San Francisco is alright. The increase locally should be \$1.00 across the board. Seniors are struggling with all of the cutbacks. Seniors can't afford an increase. Fixed route transit has not increased. The bus lines have been reduced including the #7. It's impossible to get riders transported on fixed route transit. Paratransit often books standby trips on both legs of the trip. You want more money but provide less transportation. There was a 33% cut in SSI funds. There is a raging inflation in the Bay Area. What about the Measure B funds that AC Transit received? There is no efficiency in routing and scheduling.		
49.		I strongly oppose a fare increase. Please recognize that there is a budget problem. Increasing fares for people living off of fixed income is not alright.		
50.	John	Against the increase. SSI has flattened out for at least a year or two. My advice is for you folks use the funds that you received from the federal government. Please consider my request.		
51.	Maureen	Oppose the increase because I am disabled and on disability. I will never get an increase for my workers comp settlement. \$3.00 is way too much money and way too hard for me to leave. My monthly income is \$800.00 per month. I can't even afford the medicine I need. Please don't increase; I don't ever get a rate increase in my income. It would be a cruel thing to do. You should have given us more than a few weeks to respond. You should have given three months notice some people can't remember and need more time to get our thoughts together.		
52.		I am a rider who depends on Para transit living at a poverish level. There is talk about an increase but not a decrease for people who live are poor. This is a hardship for a person only receiving \$1500.00 per month.		
53.		I disapprove of an increase. There will be two years before SSI recipients will receive another increase. I don't travel often to SFO but my day is always long because I have to ride around everywhere before I am taken back to my location. The service hasn't improved. I don't mind being on the bus for two hours but I want to know ahead of time. I got picked up at 2:30 and they came back at 6:30. That's too long. You are asking more money for short distances too. I think your scale is a little off. We aren't getting an increase in income.		

### Voice Mail Comments Received

#	Name/City, if given	Comment	Has other transportation ?	Not completely opposed
54.		I am a rider and I can't afford an increase in fares. I am on a fixed income. I am asking that you don't increase fares.		
55.	Ursula – sister of a rider.	Sister of a rider. At this time a fare increase for Paratransit is justified. I would like to thank everyone for providing great and helpful service. I deeply appreciate and so do many others.		X
56.		I would like to suggest that there are needs testing for people who use the service. I have seen people picked up who live in big houses. People who make \$50,000 or more should pay one fare and people who make \$100,000 or more pay another. Everyone shouldn't pay the same fare. The service should be based on your income and not people like me on low income.		
57.	Maxine	You guys have increased and increased. There are a lot of people who are living on a fixed income. It hasn't been an increase since 2005 but people living on SSI haven't and will not have another increase as well. BART has more money than the riders. Can BART exist if they have no riders? We simply can't afford it.		
58.	Anne	I am a caregiver and just heard the message and I want to know is this set in stone or just a proposal. Since 2005 how many people who are on fixed incomes had an increase? There have been cuts not increases. People will have to turn to crime to be able to live or exist. I hope this isn't just benefiting white people who live in the suburbs, I am white and I think this is a hardship for black people who live in poverty.		
59.		I understand that there is a need for a rate increase and I think a base fare of \$4.00 is reasonable.		X
60.		EBP did not put the notice on the radio or in the paper. She suspects a conspiracy. We did not do these things because we don't want to hear from the public. She did not leave a name or number.		
61.	Shang-Mei Lee 1501 Blake Street, #306 Berkeley, CA 94703 510-665-5914	Ms. Lee's assistance has already been drastically decreased. Because she cannot afford eye glasses, her eyes are deteriorating. She has to choose between medical and food. She is a chronically disabled senior on a very fixed income. She considers this action for a proposed rate increase across the board disingenuous.		

### Voice Mail Comments Received

#	Name/City, if given	Comment	Has other transportation ?	Not completely opposed
62.		Paratransit rider for 10 years. It sounds like the agency has put a lot of planning and thought in the schedule, and it sounds like the decision for the fare increase has already been made. She is legally blind and living on social security. The Obama administration has denied any cost of living increase for SSI for 2010 and 2011. BART is not increasing fare for their riders. How dare you increase fares for the disabled? How dare you ask for one penny more in this kind of economy?		
63.		<p>Ms. Jennings lives in El Cerrito and uses Paratransit quite often, a lot more than she did last year because of her health challenges have changed. The increase is a big jump. She feels that all of the decisions have been made. When she did call a few days ago to have something mailed, the party who answered said it's too late to send the materials. She is annoyed because without the clients, none of the people from AC, BART or Paratransit will have a job. She can understand with the economy that there needs to be an increase but she doesn't feel that the increase should be this much because most of the Paratransit riders are on a fixed income, and considering that there is no cost of living increase, income makes a difference in how medical appointments are made.</p> <p>The reason she is concerned, is most of the places she goes, places she goes to on a regular basis are in the \$3 range, and because anything from 0-12 miles will go to \$4 each way, she will have an increase. She stated that when you are on a fixed income every dollar is designated to do what it needs to do. She believes the persons in charge of specifying the dollar amount are looking at it from one side of the spectrum. Delores Jennings, 510-459-7652 (cell)</p>		
64.	Yvonne	Caller is a regular rider living on a fixed income. She already spent \$24 for paratransit transportation this week. The increase will be really difficult. Riders will be unlikely to use the system at the higher fare.		
65.	Tamara Thiennes	Very hard, as most riders are on fixed incomes. It will be tough going into San Francisco. One book of tickets will now cost \$40; 3 books will cost \$120. The service will lose riders. She hopes the fares don't go up.		
66.	John Cruzer	Is an EBP rider. It's not fair to increase the paratransit fares when riders are on fixed incomes. Not right; not fair		

### Voice Mail Comments Received

#	Name/City, if given	Comment	Has other transportation ?	Not completely opposed
67.		It's very hard to accommodate a full \$1.00 increase. Would prefer to stage fare increases every two years, so smaller increases are planned. A full dollar will be hard to afford.		
68.	Doris Chow, Fremont	Supports the fare increase and wants to thank EBP for their wonderful service.		X
69.		Fares should not be raised for Alameda riders. EBP riders living in Alameda hardly ever leave the city. Only long distance trips should have an increase in fares.		
70.		3-yr EBP rider, living in Fremont. Opposed to the fare increase, due to problems in scheduling. If scheduling was more efficient, eliminating long and circuitous trips, EBP would see savings from less gasoline and fewer hours the drivers have to work. Some trips take her all the way around West Oakland before dropping her off in Fremont. She also recommends the Boards of Directors and the Senior Management take pay and benefit cuts rather than putting the burden on individuals living on fixed incomes.		
71.	Gayle	Why is it so expensive? What if riders can't afford to ride?		
72.	Jonah Markowitz	While I understand the necessity of increasing the fares, I would prefer if EBP explored other options first.		X
73.		Paratransit rider opposed to the fare increase. Most riders are on SSI and have limited funds. Medical has gone up and so has the cost of living. Understands that BART has just got a bunch of money from the Federal Gov't and is actually thinking of reducing BART fares. Why not leave those fares alone and not increase the paratransit fares?		

## **Email comments about the proposed fare increase:**

1) The fare increase is long overdue. It is a welcome sign from East Bay Paratransit that the cost of transit is approaching major cost overruns. I don't like the new assignment hours, but I'll get used to them.

**First Name:** Martha Jo

**Last Name:** Chalmers

**Email:** grammiejo.chalmers@gmail.com

**City:** Albany

**State:** CA

**Phone:** (510) 504-2110

---

2) First and foremost, I am only a concerned citizen throwing out suggestions, and certainly not trying to tell you how to run the company. I understand that the Board is in a difficult situation having to make the decision to increase fares. If there are any other ways to manage the services without a fare increase, we applaud and appreciate those decisions. We also applaud and appreciate your drivers, who truly are kind and caring people to our folks.

Here are my thoughts:

Regarding proposed fare increases, I notice that the current fare of \$4 for 8-12 miles will not incur an increase because it will be incorporated with the current 0-8 miles rate. Maybe the mileage increments should be changed to balance fares: 0-6 miles, 6-12 miles, 12-18 miles, 18-24 miles, 24-? miles.

My mother attends adult day care four days a week, picked up from Union City, taken to Fremont, returned to Union City. We would not object to her being brought home later than the standard time if it meant that more passengers, rather than less, would ride the paratransit bus at the same time, thus eliminating an extra vehicle for carrying just a couple of passengers.

Particularly for families whose parents are not on Medi-Cal or Medicaid, most of the caregiving expenses are substantial and we do not get any State or Federal assistance. For us, a \$2/day increase times 4 days a week is at least another \$32 out of pocket.

It seems as though the riders using paratransit services only on an occasional basis, such as for doctors appointments, hair appointments, a shopping trip, etc., should have a rate increase rather than the standing appointment riders, who can be counted on a regular basis.

The printing of a book of tickets must be quite expensive. There are only 10 tickets in the booklet. Would more tickets in a booklet cost less to print? How about eliminating tickets altogether and having a punch card system?

Do all the paratransit vehicles leave from and, return to, the same location each day? Is it possible to have the vehicles carrying passengers in Fremont-Newark-Union be stored in a location in those cities, leaving and returning there daily, eliminating the driving distance?

Thank you for taking the time to read this e-mail. Natalie and John Telucci

**Email:** anxIntchoice@sbcglobal.net

**City:** Union City **State:** CA

**Phone:** (510) 429-0965

---

**3) From:** krishanbehl@yahoo.com [mailto:krishanbehl@yahoo.com]

**Sent:** Tuesday, April 06, 2010 10:50 AM

**To:** Paratransit

**Subject:** Fare increase on east bay paratransit.

Dear Board members,

I am a disabled senior citizen and a client of paratransit. My only source of living income is SSI. I have recd. the copy of proposed increased fare. I suppose a great number of clients like me have very limited income. I know that the financial problems in its operation are aggravating on its way, but since this is a welfare system for the use of seniors and disabled I request and suggest as follows.

All other recommendations seem to be justified except that fare for a distant up to 8 miles be made \$3.50 because a lot of clients are in this bracket and >8 to 12 miles at \$4.00. And the rest of the recommendations are o.k. and look justified. This is my humble suggestion before the honorable board members.

Thanks.

Sincerely,

Krishan Behl.

Phone #.510-537-6263.

28869 Bay Heights Rd.

Hayward CA 94542.

---



4) **From:** Kevin Laven [mailto:klaven@ci.emeryville.ca.us]  
**Sent:** Thursday, April 01, 2010 3:08 PM  
**To:** Paratransit  
**Subject:** fare increase comment

Hello EBP,

The fee increase seems relatively small and fair with the regular route service fares. The City of Emeryville Senior Center has increased its amount of total EBP tickets an EBP-qualified rider can buy at a discount (up to \$80/quarter at a rate of \$0.10 paid for every \$1.00 coupon), so most of our participants will not feel the affect of this hike.

Best, Kevin  
Kevin Laven, C.P.R.P.  
Community Services Analyst  
City of Emeryville  
4321 Salem Street  
Emeryville, CA 94608  
Phone: 510-450-7813 / Fax: 510-652-0933  
Email: [klaven@emeryville.org](mailto:klaven@emeryville.org)

---

5) **From:** BrownChasE@aol.com [mailto:BrownChasE@aol.com]  
**Sent:** Saturday, April 10, 2010 12:13 PM  
**To:** Paratransit  
**Subject:** NO FARE INCREASE UNTIL...

Dear Board,

During an undue lengthy and frustrating ride, I painfully learned that Eastbay Paratransit transportation contractors reorder trip manifests in order to avoid late ride penalties. A letter from Eastbay Paratransit to me confirms that Eastbay grants blanket authority to contracting transportation companies to do this. If for some reason this were to occur on an exception basis then each manifest re-order should be authorized by Eastbay Partaransit to avoid allowing for profit companies to use this practice to protect their bottom line. My information has it that this practice is widespread and routine.

I have no problem with a fare increase but as a matter of principal I request that a fare increase not be granted until this practice of transportation companies having a blanket authorization to re-order the trip manifest has been fully investigated by an independent outside agency as this practice results in loss that in accountancy terms would be "Opportunity Cost", not to mentioned the abusive affect this practice has on the systems elderly and disabled.

I would appreciate a reply to this email if at all possible.

Charles Brown, rider (510) 655-2791

**6) From:** chimey lee [mailto:chimey2@yahoo.com]  
**Sent:** Wednesday, April 14, 2010 9:05 AM  
**To:** Paratransit  
**Subject:** proposed fare increases

Hello,

I want to put my two cents in here, as a chronically disabled senior on a low fixed income. I consider this action disingenuous, personally as my income has already been decreased along with huge decreases and/or complete cuts from the state assistance for medical expenses. Now on a daily basis I don't even have any choice even to choose between having money for food or medical supplies. I have no means for dental work. I have lost three quarters of my teeth and my health is deteriorating for this reason. I also have no means of purchasing eye care and eye glasses. This has been very depressing for many years now and for these reasons my health will continue deteriorate.

Please find other means to work this out without increasing the fares for the lowest economic strata of the community.

Thank you  
Shang-Mei Lee  
1501 Blake Street #306  
Berkeley, Ca. 94703-1888

**7) From:** wigfield3@att.net [mailto:wigfield3@att.net]  
**Sent:** Sunday, April 18, 2010 12:02 AM  
**To:** Paratransit  
**Subject:** Paratransit Fare Increase

**To whom It May Concern:**

**I am a totally blind user and I do know that times are tough for everyone, however, I do not have a job at this time and times are tough for the disabled as well.**

**It is definitely a hardship for me as I am having trouble paying my bills now and I am just barely making ends meet!**

**Best Regards, Ila Wigfield**

**8) From:** Dominika Bednarska [mailto:dominikaberkeley@gmail.com]  
**Sent:** Monday, April 19, 2010 10:43 AM  
**To:** Paratransit  
**Subject:** Opposing fare increases

To Whom It May Concern:

It seems totally illogical for paratransit to raise its fares again after Social Security has been dramatically cut in the state of California. There are no longer any standard of living increases and yet paratransit is planning on increasing its fares. Paratransit is already twice the amount of public transportation and twice the amount of fares in New York, Portland, D.C. and other cities. New York City tried to double its fares earlier this year and failed. East Bay paratransit would become one of the most expensive paratransit systems in the country. This increase is extremely unfair.

Sincerely,  
Dominika Bednarska

**9) From:** Marissa Shaw [mailto:marissas66@yahoo.com]  
**Sent:** Wednesday, April 21, 2010 3:36 PM  
**To:** Paratransit  
**Cc:** Marissa Shaw  
**Subject:** Protesting Paratransit Fare Increase

Marissa Shaw  
P.O. Box 1776  
El Cerrito, Ca. 94530  
Phone: (510) 717-4919  
E-Mail: [marissas66@yahoo.com](mailto:marissas66@yahoo.com)

To Whom It May Concern:

I am writing to protest the proposed increase in paratransit fares from \$3 to \$4 for the base fare of a paratransit ride.

Here's why: It is not that you're just raising your base fares your raising all your fares by one dollar per ride. Except for rides certain rides in San Francisco may go up by \$3 per ride on top of the base fare. Making certain trips into San Francisco \$10 a trip.

Raising fares by a dollar per trip is extremely expensive for people with disabilities and the elderly who live on Social Security and SSI. I understand the fact that gas prices have gone up and we are in an economic downturn however, passing East Bay Paratransit's economic burden to its consumers who can handle it the least one must ask the question where we going to come up with the money? Once again, are people with disabilities and the elderly

going to be forced with the question of priorities our money or our health in order to get to doctor?

I must also say it's not as if the service from East Bay Paratransit is even remotely decent. In order to get somewhere on time I have to book a trip 45 minutes in advance of when I really need to get there. Even with booking my trip 45 minutes in advance there have been occasions where I have been late. Or I have spent over two hours on a bus when we have been near my drop-off point. I think East Bay Paratransit needs to look at ways to be more cost-effective. I don't believe the companies are doing enough.

If you have to raise fares and you wish to be sensitive to people with disabilities and the elderly (your customer base) I could see adding a \$.50 raise to the base fare and adding \$.50 to every additional fare. This would still add to your revenue base but would not hurt as much as a dollar for those consumers who ride on a weekly basis.

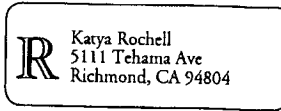
What happens when the economy recovers? Is East Bay Paratransit going to then lower their fares? I think East Bay paratransit owes us (consumers) some answers before fares are raised.

Sincerely,

Marissa Shaw

Written comments:

East Bay Paratransit  
1720 Broadway, 3rd Fl.  
Oakland, Ca. 94612



Protest against Fare Surge Increase

Dear Paratransit:


I am a disabled senior and client of Paratransit for more than ten years. I am also surviving on a marginal fixed income. Since 2003, when I was mowed down by a speeding Mercedes, I have been dependent on your services for, mostly, medical appointments, physical therapy, and spiritual gatherings. This year my finances were further challenged by both an increase in my Medicare and Kaiser Advantage, about \$50.00 a month. This exorbitant fare increase could result in my having to give up my religious meetings and skimping on nutritional needs just to have transportation to my medical visits. Sometimes, I get the feeling that the people in charge wish that special needs people would just disappear.

I have noticed, over the years, that whenever Paratransit raises its fares, the service becomes increasingly unreliable. Please do not make things worse!  
one solution: restrict the fare increases to "luxury" trips -- like to fancy restaurants and the race track.

Sincerely,

Katya V Rochell

COMMENTS:

From:  **Mr. Krishan Behl (client)** Date: 04-05-2010  
 28869 Bay Heights RD.  
 Hayward CA 94542  
 Phone # 510-537-6263 cell phone 510-552-4161  
 East Bay Paratransit Program Coordinator's Office  
 1624 Franklin St. Oakland CA 94612

Dear Board Members:

Subj: - Proposal for EB paratransit fare increase

I am a senior citizen disabled client since last about 8 1/2 years. My only living income is SSI. And a great number of Sr. clients have very little income to survive like I have. A good number of clients use 0 - 8 miles one way distance to attend to their respective places. Moreover, this is a welfare scheme for the seniors/disabled.

The financial crunch has, of course, done hurdle for its smooth running; but the other point be received sympathetically by the honorable members.

I would suggest that 0-8 be done \$3.50 & >8 to 12 miles \$4.00; the rest of the proposal seems to be ok.

I sincerely hope I would request to consider accordingly.

Thanks,  
 Sincerely,  
 Mr. G. Behl  
 KRISHAN G. BEHL

The above letter says the following:

From: Mr. Krishan Behl (client) Date: 04-05-2010  
 28869 Bay Heights Road  
 Hayward, CA 94542  
 Phone # 510-537-6263 cell phone 510-552-4161

East Bay Paratransit Program Coordinator's Office  
 1624 Franklin St. Oakland CA 94612

Dear Board Members:  
 Subj. Proposal for EB paratransit fare increase

I am a senior citizen disabled client since last about 8 1/2 years. My only living income is SSI. And a great number of Sr. clients have very little income to survive like I have. A good number of clients use 0 - 8 miles one way distance to attend to their respective places. Moreover, this is a welfare scheme for the seniors/disabled.

The financial crunch has, of course, done hurdle for its smooth running; but the other point be received sympathetically by the honorable members.

I would suggest that 0-8 be done \$3.50 & >8 to 12 miles \$4.00; the rest of the proposal seems to be ok. I sincerely hope I would request to consider accordingly.

Thanks,  
 Sincerely,  
 Krishan G. Behl

To Mark

April 8, 2010

East Bay Paratransit Program Coordinator's Office  
1624 Franklin St. Fax 510-893-5950  
Oakland, Calif 94612

Re: Fare Increase.

I/We are riders of Paratransit for years  
and depend on the service. But a fare  
increase would put a financial hardship  
on me/us due to we are on a fix income  
and did not get a cost of living increase  
in our Social Security payments for the  
year 2010.

This service is a necessary convenience  
to me, I use it every day going to and  
from Rehab. due to brain damage.

So please consider the disabled  
senior who depends on Social Security as  
our only income without a pay increase.

Sincerely  
Leon C. Jenkins  
and  
Phillie F. Jenkins } Both are riders

If you cannot stay yet want to provide comments to the Board of Directors, please write your comments on this form and give it to an AC Transit Staff member before you leave today.

Your name (optional) HARRIETTE W SAUNDERS

Representing:  Self/Family  Group/Organization \_\_\_\_\_

Regarding Fare Proposal (s): 12+ miles only.

[The following information is optional but assists us in developing a database for community involvement purposes.]

Address: 2104 EAGLE AVE #B 90501

Phone No: 570 E-mail: \_\_\_\_\_

Comments (Please print):

SSI - LOST - OVER 30% INCOME  
NO COST OF LIVING IN TWO YEARS  
LAWS - CAN BE HAD - BECAUSE THEY HAVE  
SS# - ELDERLY & DISABLED WITH INCOME  
OVER \$1500 WERE FORCED TO PAY MEDI-CAL  
PORTION FOR THEIR - HEALTH INS. - SOME  
WERE HIT HARD. I DO OUTREACH  
WITH ELDERLY. IN MY COMMUNITY I KEEP  
THEM UP TO DATE AND PASS INFORMATION AND  
MAKE CALLS FOR THEM.

I AGREE WITH THE ABOVE COMMENTS.  
HILDA HENDL.  
Hilda Hendel

If you use this form to provide comment, please hand this sheet to an AC Transit staff member before you leave today.



If you cannot stay yet want to provide comments to the Board of Directors, please write your comments on this form and give it to an AC Transit Staff member *before you leave today.*

Your name (optional) Sharon Powers

Representing:  Self/Family     Group/Organization \_\_\_\_\_

Regarding Fare Proposal (s): \_\_\_\_\_

*[The following information is optional but assists us in developing a database for community involvement purposes.]*

Address: \_\_\_\_\_  
(Street) (City) (Zip)

Phone No: \_\_\_\_\_ E-mail: \_\_\_\_\_

Comments (Please print):

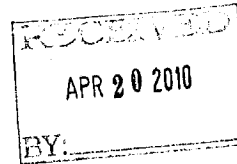
*I'm thankful for paratransit. I object to the comments made about the rough rides on vans. If people are so uncomfortable they can take cabs. I don't want the complaints to endanger their service.*

**If you use this form to provide comment, please hand this sheet to an AC Transit staff member before you leave today.**



April 21, 2010

James Fang  
President, Bart Board of Directors  
East Bay Paratransit  
1722 Broadway, 1<sup>st</sup> Floor  
Oakland, CA 94612  
Fax: 510-287-5069



**RE: EAST BAY PARATRANSIT FARE INCREASE PROPOSAL**

The Lions Center for the Blind, headquartered in Oakland, **STRONGLY** protests against your proposed fare increases. I have reviewed the East Bay Paratransit fare increase proposal by reading the proposal line by line, page by page and wish to inform you of the following:

- 1) Seventy-seven percent of people who are blind or visually impaired are unemployed low income earners.
- 2) Seniors who are blind or visually impaired are already coping with tremendous financial hardship. Should your proposed fare increases come into effect, these consumers will have no additional source of income to draw upon. You will put them at a severe social and financial disadvantage.
- 3) Blind and visually impaired senior clients budget on a long-term fixed income. Any increase in the cost of paratransit transportation will seriously encumber their ability to enrich their lives through the education and training opportunities provided by the Lions Center for the Blind, including but not limited to: orientation and mobility instruction; computer and assistive technology courses; Braille classes; and living skills. Without a doubt, your proposed fare increases would seriously impact at least forty (40) of our clients who currently benefit from around 260-270 visits to our center each and every month.

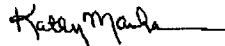
Rehabilitation services are essential to independent living. The Lions Center for the Blind assists people who are blind or visually impaired to break through the isolation and confidence barriers of vision loss. We would like East Bay Paratransit to be our partners in this mission but, instead, your proposed fare increases work against it.

Requiring additional payments from people already struggling financially will amount to fewer consumers:

- Exacerbating frustrations about vision loss;
- Impeding personal independence;
- Delaying competency; and
- Constraining ability to get out of the house and share experiences

On the basis of the above information, and on behalf of the Lions Center for the Blind, I strongly urge you to withdraw your consideration of fare increases. In this current economy, in which the entire state of California is suffering, there is absolutely no moral rationalization for an increase in Paratransit fares.

Yours sincerely



Kathy Manhan  
Executive Director

**AC TRANSIT BOARD OF DIRECTORS  
PUBLIC HEARING  
April 14, 2010  
12:30 PM**

**EAST BAY PARATRANSIT FARE PROPOSALS**

**VERBATIM TRANSCRIPT OF PUBLIC COMMENTS**

--o0o--

**President Fernandez:** Any other questions [on the staff presentation]? Then, why don't we go ahead and take public comments.

**District Secretary Nemeroff:** Mary Lawrence. [to Ms. Lawrence] If you need assistance [Ms. Lawrence was offered a microphone but walked to the podium]

**Mary Lawrence:** My name is Mary Lawrence and I want to be the first to say that I'm a frequent paratransit rider who has received very good, courteous, efficient service from almost 100% of paratransit drivers. That's probably the only good thing I'm going to say, but that's good. Now concerning the proposed increase in fares, I would feel more hesitation about doing my part in helping to meet the current financial difficulties we're all suffering if the cuts were spread among all of those associated with East Bay Paratransit, not just the ones of us who have the least income. I have been asked – oh, by the way, starting with the General Manager – I have been asked by a rider who cannot attend today's meeting to state that there does not seem to be a rise in service associated with the proposed rise in fares. Therefore that singles us out as losing service but paying more. And to ask, why it seems East Bay Paratransit can almost always be on time for our returns but very rarely can be on time for our pick ups. I want to stress that's not been my experience, but it has been that of others who have spoken with me. It would seem that more available vehicles and drivers would considerably lessen that problem of not being picked up on time. It's a monumental job that paratransit is doing. In general, they're doing it pretty well, but I can see that we do need some extra drivers and such things to cover emergencies for the few times that we get stuck missing an appointment or something like that. For everyone to try to do their part, not just the riders, it would be – make us a lot more willing to swallow the rise in fares. Thank you.

**President Fernandez:** Thank you.

**District Secretary Nemeroff:** Sheila Gunn Cushman.

**Sheila Gunn Cushman:** My name is Sheila Gunn Cushman. I'm new to the area; just moved from Sacramento after 13 years. I was in the Bay Area up until 1997 and then moved. I just wanted to provide some perspective. Sacramento's paratransit fares are \$5 no matter where you go, but Sacramento doesn't have regional service like East Bay Paratransit does, and as of June 20<sup>th</sup> the buses and paratransit and light rail in Sacramento are stopping at 9 pm – period. And that is why my sister, my husband and I have moved to San Lorenzo where we now currently reside. I, of course, would rather not pay more, but you guys's fares are cheaper than Sacramento's so I am not terribly opposed at this point. And I don't have much to say about East Bay Paratransit 'cause I

haven't ridden yet, but I've been an advocate in Sacramento and I've been in front of the RT Board many times and in front of their paratransit board many times, and I probably will be here often, and I just kind of wanted to come and see who the usual suspects were and what the lay of the land was and make myself known. If East Bay Paratransit has something like mobility options department, I would be interested in dealing with them to get more familiar with things around. Also, my sister wanted to state that curbside service is often hard for blind folks who can't find the vehicles and sometimes vehicles leave us, so she wanted to say that if the fares were increased she'd like door to door to happen more often. And I guess that's all I have to say. Thank you.

**President Fernandez:** Thank you.

**District Secretary Nemeroff:** Mary Steiner.

**Mary Steiner:** Hello everybody. I came here because, well, number one, for myself, I require paratransit and an attendant and it's only because of your services that I've been able to get medical care, and I want to thank you for that. Also, I want to commend the drivers of paratransit. For the most part they really, really put out a huge effort, and it's a really stressful job. I do believe that they are overbooked and that has been consistent for years that I have used paratransit. And that may be some of the reason for the late pick ups and drop offs and so forth. I did want to say that I'm against the fare increase because there are a lot of people out there using paratransit who are on SSI or SSA and have no cost of living increase, and in order to get medical care and hopefully, to recover, paratransit's absolutely a necessity. The other is I gave a list of questions to you all. I don't know if you have copies of them. I faxed them a couple of hours ago. I don't know if you can read my handwriting. I printed it out as best I could, myself, by hand. But basically, there are eight questions and I've since added a few more. And the other is why the fare increase for people who can't afford it, but also, how is the fare determined? Are there any Federal laws or any formulas for determining the fare? Is it based on bus fares, as they are, or BART fares? The other is, are the costs, what are the costs of the penalties that the various contractors and Veolia have to pay for no shows, for other things, such as injury to riders and to drivers? Now, we know that there are penalties for being late, and arriving late, and dropping off late. What is the cost of these penalties and is there a way to reduce them through better scheduling? The other questions I had were I'd like to see a breakout of the capital costs in terms of purchasing the bus vans versus the sedans and all of the computerization that's being implemented. I rarely see more than one or two people on those bus vans, and I'm one of the people who can't ride them. I can't ride a bus. That's why I'm using paratransit, and I'm aware of a number of injuries that take place on those buses—they are really rough...

**President Fernandez:** [Interrupting] I'm sorry, I want to make sure everybody else has an opportunity to speak. And, do we know if we received your questions?

**District Secretary Nemeroff:** We did, but she has the additional ones, maybe she could provide us with them.

**Mary Steiner:** I have additional ones.

**President Fernandez:** Please do and we'll work on getting a response for all of your questions.

**Mary Steiner:** Really, the backup idea . . .

**President Fernandez:** [Interrupting] I'm sorry, I really need to make sure that we can keep moving.

**Mary Steiner:** Okay, I'll send more.

**President Fernandez:** Please do, thank you.

**District Secretary Nemeroff:** Sharon Ann Powers.

**General Counsel Scheidig:** Is that portable mike really working? It seemed like it was but then it wasn't.

**Sharon Powers:** Hello, I'm Sharon Powers and the reason I'm here is because I'm with at least three advisory things, but I did not put them down because I feel I'm responsible for what I say and I did not want to include them. Anyway, I voted "yes" for the increase, but I was under the impression when I was at the meeting that it was not a definite decision and it was supposed to be put in front of the Board. Now I understand that you did speak and say that it's not determined today for the salary increase, but what worries me is a lot of people have been cut back from Medicare and also from SSI. And a lot of the people that use paratransit isn't only disabled, but they're elderly and their income is not increasing at all. And I'm very much aware that everything, that everybody's got no money to pay for anything anymore. But let's face it, if you keep raising the prices for people, they aren't going to be able to use paratransit or BART. And that was my main complaint, is I want to know that, I did vote for the increase and I did vote for people that if they do not show up when they have an appointment-- I do feel that they should have to pay for the bus to come. That's my last comment. Thank you.

**President Fernandez:** Thank you.

**District Secretary Nemeroff:** That was our last speaker.

**President Fernandez:** Okay.

**District Secretary Nemeroff:** Unless anyone else has comments in the audience.

**President Fernandez:** Would anyone else in the audience please -- yes, please go ahead and come to the microphone and then make sure to fill out a speaker card afterwards.

**General Counsel Scheidig:** Just give us your name, please.

**Harriett Saunders:** Harriett Saunders, and all I wanted to say is, I wanted everybody to be mindful that I do know that increases are necessary and quite frankly, I do agree with the outside of your community, you know, local trips, that's the zero to twelve miles. Outside of twelve miles, I can understand the increase. Everything is going up, your tolls and especially going to San Francisco. But for paratransit to do \$4 just to take a five minutes local ride to a drugstore and back, that's like \$8. Or, someone has to go to the grocery store. And a lot of communities have lost their AC Transit transportation so we're going to see a lot more people, you know, having no other choice than to ride with

paratransit, which is going to put a strain on it as it is. And it might be more. You know, I just want you to be mindful that, just like Sharon had just said, everybody got hit and you know, disabled people now really did not get a bailout. That's all. Thank you.

**President Fernandez:** Thank you. Anyone else like to speak? We can wait here a moment or two.

**General Counsel Scheidig:** The public hearing's noticed until 1:30, Mr. President.

**President Fernandez:** Yes. Director Peoples?

**Director Peoples:** Since we have spare time, let me ask a question. Mallory, can you talk a little more about the other changes that are sort of an attachment to your memo? The 3 days and the – the reservation period of 3 days – only during business hours? It seems to me, I don't know how you get savings from the first one. I think it gets very difficult for people who have weekly appointments and would like to make a reservation when they make their appointment to then have to remember to make it the next time. And, I do understand how you save money by only having the reservation folks open 8 to 5. But, do you have any numbers on how many reservations you're getting outside of that time period?

**Mallory Nestor-Brush:** Well, we used to take reservations from 7 am to 7 pm, except for next day service; they were always cut off at 5 pm. So that did not change for anyone. The reduction in the reservation days, the goal is not necessarily dollars as it is having people – reducing your no shows and cancellations. Because they make trips seven days out, they forget that they have made the trip, and so the closer you get to the appointment date, the likelihood is that you will recall that you have in fact made that reservation. So, twofold, savings of course in staff time by reducing it. We don't take any reservations outside of 8 to 5 now. And again, this was implemented on March 1<sup>st</sup>, so we don't really have any numbers, but I think probably at the end of this month we'll at least have 30 days worth of data we can look at and see where the calls came in. The first couple of weeks were busy because people were changing their schedule. We provided postcards because, "I couldn't figure out - Okay, if I have an appointment on Saturday when do I have to call?" But the call takers were trained. We sent out postcards for folks, so that if you had an appointment on Saturday you were to call on Wednesday; if you had an appointment on Tuesday, you call on that day. So we're trying to help folks through the transition. But we're hoping again, it will result in fewer cancellations and no shows – again that leaves the schedule open for more trips.

The other things that we've done: We've put a hiring freeze on the broker, we requested and received a reduction in the broker costs for this current fiscal year. We received hourly rate concessions from each of our providers, between 22 and 45 cents an hour for [FY] 09-10, which we think was great for us. And again, our in person assessment process which we started as of April 1, we brought Oakland on, which is about 40% of our total database, our eligible riders, is Oakland. We did a four-city pilot project beginning last April and we brought Berkeley on and now we're bringing Oakland on, which is the largest piece. And by requiring in person assessment – before, our certification process was self-certification with or without medical verification. By calling them in for an in person interview, we're able to determine whether or not they have abilities to use fixed route for certain trips, or not, or refer them. We've been very supportive of ACTIA sponsored travel training programs through CIL, (and I know Chris

Mullen is here today from CIL). And through Fremont – they had a very aggressive, and USOAC (United Seniors of Oakland) have a program that we participated in. Again, to encourage people to continue to use fixed route at a lower cost as opposed to paratransit. And so we think that's being successful. So the fare increases are not proposed in a vacuum. We've looked at our operations and seen what we can do to improve the services internally.

**Director Peebles:** Thank you.

**President Fernandez:** All right. We will keep the hearing open for another 15 minutes.

**DGM Skowbo:** Mr. President?

**President Fernandez:** Yes.

**DGM Skowbo:** Since we have a moment, I would like to recognize Susie Gallagher who's in the audience. I think this is going to be Susie's last meeting, right? She's with BART and is retiring at the end, I think, at the end of this month, and I want to recognize Susie for her contributions which have been many, and thank her and wish her well on her retirement.

**President Fernandez:** All right, thank you.

**IGM King:** Mr. President, I was wondering if, since we have some time, if staff had any responses to Mary's – [spoken to Ms. Steiner] what's your name now?

**Mary Steiner:** Mary Steiner.

**IGM King:** Steiner--I knew her in a different life--to any of the questions that she asked. So if any of that can be covered today...

**President Fernandez:** Sure.

**Mallory Nestor-Brush:** I don't have Mary's questions in front of me, but if I can get them I'm happy to address the ones I can. What I – I did chat with Mary prior to the meeting and what she's interested in is liquidated damages, or penalties and incentives. And the broker, Veolia, is under a different incentive/disincentive program through the RFP. And then the service providers are subject to liquidated damages and I know this Board, or at least the previous Paratransit Committee requested that staff actually look at carrots as opposed to sticks for all the service providers in our next contract which will be up in 2013. So we do charge liquidated damages to each of the providers for missed trips, late responses to customer complaints, on time performance. Veolia has incentives and disincentives based on larger scale things that they control – reservation and scheduling – whether it be on time performance or productivity. And I know that our productivity has been increasing because we're carrying more folks now, and our on time performance still is at over 94%, which is phenomenal for a system our size. So I indicated to Mary that I'd be happy to send her the RFP which is a public document, which outlines all of the liquidated damages and costs.

[Reading Ms. Steiner's written questions] I was a little confused about the, ah, if I can read this. You look at the SSI or the COLA and we know that since the last fare



increase in 2005, the SSI has increased by 15.5%. It is true that this year and next year, SSI will not be receiving any increase in their COLA's.

[Answering Ms. Steiner's questions] The fare – as we determined, the ADA allows you to charge twice the non-discounted adult fare. So you look at AC Transit for a transbay trip, you're paying \$4, we have the ability to charge up to \$8 for that trip under the ADA. Again, because of East Bay Paratransit, we blend the fares of both BART and AC Transit and we look at both distance and fare. And we're audited every year to ensure that in fact, we're meeting the blended rate, distance based, and AC Transit fares appropriately.

[Continuing with Ms. Steiner's questions] I think I addressed the penalties. The cost, she's asking if the cost of injury to drivers and riders is part of the increase. Our contract is based on a billable hour, so the service providers that contract, again AC Transit and BART do not hold the contract with the actual providers on the street. Veolia holds that contract, and they [service providers] bid an hourly rate and that includes everything, workers compensation, vehicle depreciation, interest, drivers' wages, maintenance, fuel – all of that is included in the rate and that's how they bid. Again the capital costs of the vehicles are included in that rate through vehicle depreciation and interest.

**Director Peeples:** Mallory, don't we use 5307 money? Or, 5310 money? For the capital costs. The whole 5300 series of 42 USC, I think is –

**President Fernandez:** Tax code.

**Director Peeples:** No, no, not tax code--Federal grant funding. 5310 is specifically paratransit. 5307 is buses and bus facilities.

**Mallory Nestor-Brush:** And I would defer that to Lewis. I'm on the other side of the equation, not what money AC Transit takes in. I know that we report on vehicle depreciation with interest for the entire fleet, and then whatever they take in then it's left out of the General Fund for AC Transit. But if Lewis wants to address that, he can. Let me just quickly go to the [interrupted]

**Harriett Saunders:** Excuse me. Before she leaves, for SSI, the Governor went in three times and cut (inaudible]

**General Counsel Scheidig:** You need to use the microphone.

**CFO Clinton:** Good afternoon, Lewis Clinton, Chief Financial Officer. [Spoken to Director Peeples] I'm sorry, the question was related to capital equipment?

**Director Peeples:** Yes, it's a Kate question. The question the lady asked was whether the rate included capital costs for the vehicles, and my question was, aren't we using 5310 money to buy vehicles?

**CFO Clinton:** Right, the rate that we charge for the service itself, does not include the capital cost of the vehicles.

**Mallory Nestor-Brush:** I guess for clarification, the providers, the private providers, their rate per hour does include their capital cost through vehicle depreciation and

interest. Maybe not AC Transit.

**CFO Clinton:** Right, as you well know, that's a negotiated contract between us and the service providers. But, in terms of the vehicles that we acquire with the capital that we in fact receive from the Federal government, we do not factor that into the actual overall cost of what we think the service should be for the riders themselves.

**General Counsel Scheidig:** And Mallory, how much service do we provide, is it one quarter?

**Mallory Nestor-Brush:** AC Transit provides approximately 18% up to 25%. We generally run at about 20% of the total service provided.

**General Counsel Scheidig:** Okay.

**Unidentified Speaker in Audience:** [inaudible]

**President Fernandez:** I'm sorry, we need to make sure that everybody talks in the microphone so that it's recorded and people at home can follow the discussion.

**Sharon Powers:** I'm sorry, the reason I did not comment more was because I didn't want to overuse my time, but since you have a little bit more time. I live in Fremont which is a long way, and apparently, I'm one of the furthest ones out. And right now I pay \$6 one way and \$6 back so it costs me \$12 per trip. And the thing of it is that I belong to three different organizations and so that means that I use paratransit to come into Oakland more than once a week. And sometimes, like this week, I've had two meetings alone in here. So if you raise it even a dollar, which does not sound like a lot of money, it'll cost me \$14 a trip. That's my other comment, thank you.

**President Fernandez:** Thank you.

**General Counsel Scheidig:** Could you state your name again?

**Sharon Powers:** I'm Sharon powers.

**General Counsel Scheidig:** Thank you.

**Director Peeples:** If I can ask a question, wouldn't, do you need paratransit on both ends of the trip? In other words, you need it to get from your home to a BART station, could you get from a BART station to where your meetings are without paratransit?

**Sharon powers:** Yes, I could, but my problem is I have to take the 12<sup>th</sup> Street exit to get off BART, and when you go to get off BART to go to the, up on the elevator, to go up, you have to go clear down to the end where there's hardly anybody. And I have been approached on BART before by myself, and I've had people ask me for money. It makes me very insecure when I've got a long way to go, and I keep looking to see if anybody else is on that platform that far down. Plus, on top of that, I've gotten stuck in BART on the elevator. This was about five years ago, and because I was in there for almost two hours, in that elevator, they sent me a – they asked me to come in and they gave me a BART ticket that, for six years I was able to use it. So I really don't like using BART by myself unless I bring an attendant with me. And if my electric chair is working,

I do not take an attendant with me. Thank you.

**President Fernandez:** All right, we'll keep open here for another five minutes.

**General Counsel Scheidig:** If a speaker has spoken, they can speak again.

**Sheila Gunn Cushman:** Since Harriett didn't have a microphone, what I'll say is what she said and that is that three times in the past twelve months, the State of California has cut SSI and there are threats that IHHS and SSI will be cut again in the near future. We are being hit from all sides. FYI. Thank you.

**Director Peeples:** Since we're just sitting here, as someone who has always opposed having any sedans in the fleet, I would be interested in hearing, I think it's Mary's comments, about why sedans, why she has a problem with the cutaways with the vans.

**Mary Steiner:** Thank you. I've had broken bones, and I have been injured riding buses. And so I find that the bus vans, I've tried them, are very rough to ride. There's a lot of sway, a lot of give. And if you're in a wheelchair you're thrown around a lot more, you feel it more. And there is no support for the neck and the back, and if you have had spine injuries that's really a risk. Then, boarding and disembarking the bus van on a lift is very treacherous. And I know one bus driver who hurt her hand with the belt. And I feel very insecure using those lifts; they're very high off the ground. And they're [the vans] very hard to get onto if you have to climb the steps. So, plus, they're just very inefficient. I just never see – I wonder about the gas mileage when I'm on them. They use gasoline. And I wonder about – I just never see more than one or two other people on a vehicle that can carry maybe four, five, six, seven, eight people. So, originally I thought it was a good idea to have the bus vans, but from personal experience. . . . My doctor has written several letters requesting that I be provided a sedan. They do have much more adequate back and neck support. In fact, the type of vehicle also is important. I notice a lot of people have difficulty getting in and out and prefer the front seat. Because of the spine injuries, they can't twist and turn and lift their legs, and they like the front seat. On the Toyotas, I'm not a Toyota fan, but on the Toyotas, there's enough leg room in the back and there's neck support in the back, and it's lacking in the Crown Victoria. The back seat's really uncomfortable. So when you have all these sensitivities and feelings, you learn to appreciate the sedans much more. And you can get three people, maybe four passengers in a sedan. And, they are narrower than the bus vans. They can go through the narrow windy lanes and alleys that we have up in the hills. And the driveways, some of those driveways are really long and steep. So I recommend that you consider keeping them and also, if no sedans are available, that you have a policy of back up sedans. Or the ability – access to taxis. And Veolia has given me reasonable accommodation and has from time to time provided a taxi at the same fare, and I'm wondering if taxi fares actually come out less. I don't want to complicate your issues, but I'm looking at money and costs, too, and trying to think about more efficient ways to get around. I just want to make one more comment. And I spoke to Susie the other day. I had requested from East Bay Paratransit, several times, that they send me the agenda for this meeting and I never received a packet. So I called on Monday and asked just for the time and place, and they wouldn't tell me. They referred me over to the Advisory Committee. I just wonder why it's so difficult to find the time and place of the meeting and to get the information. So maybe Susie's been able to follow up on that. Thank you.

**Harriett Saunders:** The reason I was taken off a bus years ago.

**General Counsel Scheidig:** We need your name again.

**Harriett Saunders:** Oh, I'm sorry, Harriett Saunders. Was because I arrived in the emergency room with chest pains. They took X-rays down the right side of my body and they found out that the jarring of the bus had actually – I had contusions, like someone laid me down and actually walked over me. I have spinal stenosis and some days I'm good and some days I'm bad. Okay. The vans have a tendency – I don't know why, not all of them – but I've rode on some I felt like saying, "Please pull me into the next emergency room." Because they were rockety. And you know, it's just the way, you know, it is. I don't know if they can help that because the way their seating is, or they have to make, you know, have the room for the chairs. I don't know what they could do about that, but some of those, you know, the way they shake – and our roads aren't, you know, aren't all the best. They're lovely in California, but they're not all the best and you can feel every vibration and every bump if you have a problem. So, you know, that's why I said normally – you know, if you have someone going a long distance, maybe has some issues with their back, especially, you know, a sedan is quite, you know, much better ride for them. And I also want to say that the staff really is good about getting back to you so I don't know what happened [Spoken to Ms. Steiner]. I've never had a problem talking to Mark, Susie or anybody.

**Mary Steiner:** Susie's great.

**Harriett Saunders:** No, they all are. I just wanted to say that.

**President Fernandez:** I want to thank everybody who came out to express your concerns and your thoughts about this issue, and to the staff for doing a good job of engaging, and hopefully they can continue to get good answers to everybody. With that, I will declare the public hearing now closed. I want to thank – want to thank you very much for your interests and concerns that you've expressed today. And your remarks and observations are going to be taken into account in making our future decisions, and thank you once again for attending.

**General Counsel Scheidig:** A reminder to everybody that the BART Board will be holding their public hearing next week on the 22<sup>nd</sup> at the BART Board Room located on the 2<sup>nd</sup> Floor of the Kaiser Center 20<sup>th</sup> Street Mall, 344 20<sup>th</sup> Street here in Oakland. The AC Transit Board will not be taking any action until its May 12<sup>th</sup> meeting at the earliest. Thank you for your cooperation.

**[END OF TRANSCRIPT]**

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

Proposed East Bay Paratransit )  
Fare Increase and East Bay )  
Paratransit Policy Changes )  
Regarding Billing the Rider )  
for Rider Fault No-Shows and )  
Charging Two Times the ADA )  
Fare for Special Non-ADA Group)  
Trip Service for Social )  
Service Agencies. )

---

REPORTER'S TRANSCRIPT OF PUBLIC HEARING

---

Thursday, April 22, 2010  
BART BOARD ROOM  
344 20th Street, 3rd Floor  
Oakland, California

Reported by:

COREY W. ANDERSON, CSR 4096

(427808)

OAKLAND, CALIFORNIA

THURSDAY, APRIL 22, 2010

9:00 A.M.

--oOo--

## PUBLIC HEARING

PRESIDENT FANG: Thank you.

We now have a public hearing. Under the procedures adopted by the San Francisco Bay Area Rapid Transit District, a public hearing is held at a regularly scheduled meeting of the Board prior to consideration of a fare increase. This is the time to hold the public hearing on proposed East Bay Paratransit Fare Increase and Fare Modification.

At the Board meeting of Thursday, May 13th, the Board will review the East Bay Paratransit Fare Proposal, including all public comments, and take action on the proposal. Staff will now give a brief presentation on the fare increase and modification proposal.

The meeting will then be open for comment from the public. The public hearing is for public to comment. We will reserve director comments until the meeting of May 13th, 2010.

That's obviously not to say that if directors have a point that they are willing to make, we most certainly can. We are just trying to create some sort

of format so that the participation when the decision is made on May 13th, that will be a wonderful opportunity for all directors to chime in.

Having said that, I'd like to open the public hearing. I'm sorry, staff. I'm sorry, staff will give, I'm sorry, got a little confused there.

Staff. Good morning.

MS. GALLAGHER: Good morning. I am Susan Gallagher. Am I coming through? No? BART's manager of accessible services -- I haven't been here in quite awhile, the technology has gotten past me, I guess.

PRESIDENT FANG: That's why we are going to the role call vote, just to make sure that the public's work is done.

MS. GALLAGHER: Yeah.

And I am the administrator for BART for East Bay paratransit, I have a brief presentation here and a PowerPoint for you on the fare increase proposal and modification.

Just a bit of background first. East Bay Paratransit is a joint project of BART and AC Transit and it serves disabled riders in the area of where the two district services overlap.

East Bay Paratransit has a blended fare which blends both the AC Transit flat fare and the BART

1 distance based fare.

2           Since the inception of East Bay Paratransit in  
3 mid '90s it has been the practice and policy that the  
4 fare charge approximated the ADA maximum fare, which is  
5 two times the regular adult undiscounted fixed rate  
6 fare, and that's part of the ADA law that that is the  
7 maximum that can be charged. The fare is for origin to  
8 destination, so it includes transfer fees and access,  
9 for example, bus to BART to bus, would be a single fare  
10 in the paratransit.

11           And we do provide direct rides into and from  
12 San Francisco in partnership with Muni, so you'll see  
13 some fares that go into San Francisco and not just in  
14 the East Bay.

15           Again, more background. The current cost to  
16 the agencies of providing a one-way trip on East Bay  
17 Paratransit is approximately \$50.00. That's our average  
18 trip cost. The fare per trip you'll see later is  
19 currently \$3.00 to \$7.00 to the passenger.

20           BART's share of costs and revenues is 31  
21 percent based on some research and an agreement with AC  
22 Transit that was developed when this service was  
23 initiated. The total annual cost of East Bay  
24 Paratransit to the two agencies in fiscal year 10 was  
25 31 million, 31 and a half million dollars. The fare



1 revenue without the increase was 2.1 million in fiscal  
2 year '10 and we assume would be similar in fiscal year  
3 '11.

4 If implemented, this increase would bring in  
5 an additional \$580,000, of which we, BART, would receive  
6 31 percent, or about \$180,000.

7 The last East Bay Paratransit fare increase  
8 was in 2005, and both agencies have had fixed fare  
9 increases since then.

10 This slide shows the current and proposed  
11 fares. The fares that you see were developed with the  
12 input of our riders, and working with or rider advisory  
13 group, the Service Review Advisory Committee, and it was  
14 developed as part of a larger set of service proposals  
15 that increased the efficiency of the system and also  
16 looked at other possible revenue sources.

17 Current rides in the East Bay are \$3.00 for  
18 trips zero to eight miles, \$4.00 for trips eight to 12,  
19 \$5.00 for trips 12 to 20 miles and \$6.00 for trips of  
20 over 20 miles in the East Bay.

21 The proposal is for trips in the East Bay to  
22 be \$4.00 for trips zero to 12 miles, so we are  
23 collapsing the first two fare categories; \$6.00 for  
24 trips of 12 to 20 miles; \$7.00 for trips of over 20  
25 miles.

1           And again, the service territory extends from  
2 Pinole in the north to Milpitas in the south. So a  
3 20-mile trip is not unknown on East Bay paratransit.

4           As far as our San Francisco service goes, for  
5 service to and from San Francisco, at the current time,  
6 we charge \$6.00 for destinations from the East Bay up to  
7 the Civic Center BART station, and \$7.00 for  
8 destinations beyond the Civic Center BART station.

9           We also have an operating agreement with Muni  
10 where we go into their service territory, we charge an  
11 additional \$2.00 for those trips which is the Muni  
12 paratransit fare, and Muni does reimburse us for the  
13 actual cost of providing those trips.

14           We are proposing going to more of a zonal  
15 system to and from San Francisco, which would be based  
16 on the city of origin or destination in the East Bay,  
17 and then the zones in -- over on the peninsula would be  
18 travel up to Civic Center BART, beyond Civic Center  
19 BART, and travel to Daly City.

20           At Daly City, if a rider were headed down the  
21 Peninsula, they would transfer to SamTrans Paratransit.

22           And you can see we have four zones:

23           Zone 1, Alameda, Berkeley, Emeryville,  
24 Piedmont, Oakland, Central Area;

25           Zone 2, Albany, Castro Valley, El Cerrito,

1 El Sobrante, Kensington, Orinda, San Leandro, San  
2 Lorenzo, Richmond, and San Pablo;

3 And Zone 3, Fremont, Hayward, Hercules,  
4 Milpitas, Newark, Pleasanton, Pinole, and Union City.

5 And the fares charged really again reflect the  
6 total cost of the trip which would include if you were  
7 on fixed route of BART ride. So these have been  
8 developed based on BART's distance, base fares, plus the  
9 access cost of AC Transit and AC Transit fund.

10 And there is no change on this chart to the  
11 fares that from Zone 1 the Central Area, the first two,  
12 6 and \$7.00, will remain unchanged.

13 There are two other fare modifications which  
14 are fairly minor and that we want to make, but they do,  
15 since they are modifications, they do require the vote  
16 of the Board. One is to charge twice the regular ADA  
17 paratransit fares for group trips which we provide a  
18 very small number of and which can be provided by other  
19 agencies, they are not an ADA requirement, and the law  
20 allows you to charge a premium fare for premium service,  
21 and these are considered by most agencies to be a  
22 premium service.

23 And then the other modification we want to  
24 make is to charge the regular fare for rider fault  
25 no-shows. That's where a rider has made a reservation

1 and decides not to take the trip, for example, they get  
2 a ride home from the senior center with a friend, they  
3 don't cancel, we send our vehicle, it's inefficient and  
4 expensive for us, and in order to enforce the idea of  
5 timely cancellation we would like to charge the fare for  
6 that rider, which we do not currently do.

7           As the Board can see from the next slide,  
8 slide 8, and then I'll show you slide 9, we did a very  
9 extensive outreach with the paratransit community as we  
10 developed this proposal, and as we have circulated the  
11 proposal for comment. We will be completing a Title 6  
12 (inaudible) analysis prior to bringing this back to the  
13 Board, and we will also be providing the Board with all  
14 of the comments that we have taken when we solicit  
15 comments from people with disabilities. We try to  
16 provide as many opportunities for people to comment as  
17 possible, especially if they find it difficult in person  
18 to come to a Board hearing. So we have set up a number  
19 of ways for people to do that and have collected all  
20 those comments for you.

21           Finally, the next steps, AC Transit Board held  
22 a public hearing on this proposal on April 14th. Today  
23 is the BART public hearing. AC Transit has this item  
24 scheduled for action on May 12th, and the BART Board has  
25 it scheduled for action on May 13th.

1           It would require the two-thirds approval of  
2 both of the boards to pass, and if approved, new fares  
3 would be implemented not before July 1st, but  
4 potentially July 1st, 2010 for the new fiscal year.

5           That's the end of my presentation. We did  
6 receive a letter from a rider who asked that it be read  
7 into the record, so I'm going to do that.

8           And then we can -- I see that we do have some  
9 people here that want to make comment. We could open it  
10 up for comment.

11           PRESIDENT FANG: Why don't you read the letter  
12 first.

13           MS. GALLAGHER: Trying to escape.

14           This letter is from Ms. Dorothy Emery, and it  
15 was directed to President James Fang and the Board of  
16 Directors.

17           "My name is Dorothy Emery, I am many years  
18 over the age of 65. I am legally blind and not able to  
19 send an e-mail. My transportation is, and has been for  
20 ten years, provided by East Bay Paratransit. I have  
21 lots to say, and you may receive this message in two  
22 parts," which we did.

23           "I would like to know why the proposed fare  
24 increase for East Bay Paratransit riders is not being  
25 announced on the radio. A proposed increase for

1 transportation in the Bay Area is usually announced on  
2 the radio long before the vote is taken.

3 "Also, East Bay Paratransit wants to start  
4 charging riders a fine for being a no-show. This  
5 proposal is on the Web, but not being announced anywhere  
6 else, I am told.

7 "Recently BART announced on the radio that  
8 there would be no fare increase for the coming fiscal  
9 year. This is because the State of California has  
10 restored \$26 million to the BART budget. In my opinion,  
11 a fare increase on the backs of the elderly and disabled  
12 who must use East Bay Paratransit is unthinkable at this  
13 time during a deep recession.

14 And then part two: "The AC Transit and BART  
15 proposed fare increase for paratransit is being  
16 presented as four more miles for an additional dollar.  
17 I do not think of it that way. Paratransit tickets are  
18 sold in books of ten, \$30.00 now buys one book, \$40.00  
19 is the proposed cost. \$60.00 is the cost of two books,  
20 and it will go up to 80 and up from there.

21 I am a Social Security retirement beneficiary  
22 with no other pension. I do not have a union to  
23 represent me and get back what is taken away.

24 Social Security retirees have to survive for  
25 24 months without their annual cost of living

1 adjustment. It was taken away starting January 2010.

2 "It should now be clear that I cannot afford  
3 an increase and your vote should be no.

4 "Sincerely, Dorothy Emery.

5 "P.S., I have given this commentary a name.  
6 It is Road Rage From An Elder."

7 And that's the end of that comment.

8 PRESIDENT FANG: Thank you.

9 Our first speaker today is Mary Steiner. Good  
10 morning, Mary.

11 MS. STEINER: Is this one on?

12 PRESIDENT FANG: Yes.

13 MS. STEINER: Hello, everybody. Can you hear  
14 me?

15 DIRECTOR SWEET: No.

16 MS. STEINER: Thanks.

17 I provided you a list of questions in my  
18 handwriting. I hope can you read my handwriting.

19 PRESIDENT FANG: Hold on just a second, Mary.  
20 We are having some problem with the mic.

21 MS. STEINER: Is it okay? Yeah.

22 PRESIDENT FANG: There we go.

23 MS. STEINER: So just want to thank you for  
24 what you are doing. And I have had a chance to  
25 experience various paratransit services in various

1 cities in order to get medical treatment, and I have  
2 used the paratransit services in San Francisco, and now  
3 I'm using the services here in the East Bay.

4 And want to say that if it weren't for your  
5 services, I would not be able to get to my medical  
6 appointments. And I also use a personal care assistant.

7 I would like to also commend San Francisco for  
8 its use of hybrid taxies for paratransit service and for  
9 also the use of a taxi card which is just swiped like a  
10 debit card or a credit card. It seems to be much more  
11 efficient and also much more accessible and flexible in  
12 terms of needing to get to the doctor same-day service  
13 and door-to-door service, that kind of thing.

14 Where I have difficulty is in using BART and  
15 AC -- and the bus. I am not able to use it and in fact  
16 I have been injured trying to use those services. So  
17 right now I rely on door-to-door service.

18 And when there is an interagency transfer  
19 necessary from, say, Alameda County to Contra Costa  
20 County, there are no other options in Contra Costa  
21 County, for example, to use sedans. I need to use  
22 sedans.

23 And I would like to comment that the bus vans  
24 are very rough. And most of the riders I know are not  
25 able to use those because of the sway and the roughness.



1 Also, just the difficulty getting in and getting out.  
2 And I hear of injuries, not just from the riders, but  
3 from the drivers.

4 The other question I had about the bus vans in  
5 terms of controlling costs are that I very often see  
6 only just one or two riding a bus that can carry eight.  
7 And it uses a lot of gasoline. So I would like, I am  
8 very interested in the efficiency.

9 And I would like to support Ms. Emery in her  
10 comments about the inability of any of us to pay an  
11 increased fare at this time. Not only Social Security  
12 retirement people have had no increase, but the SSI  
13 people have actually had a decrease in income, I  
14 understand, for the last three years. So we won't be  
15 able to use your services if you increase the fare.

16 Thank you very much.

17 PRESIDENT FANG: Thank you, Mary.

18 Our next speaker is Jennifer Mueller.

19 Ms. Miller? Excuse me. Thank you.

20 MS. MILLER: Good morning.

21 PRESIDENT FANG: Good morning.

22 MS. MILLER: Good morning. My name is  
23 Jennifer Miller, and I work as a licensed clinical  
24 social worker with Alameda County Behavioral Health,  
25 though I'm here as a concerned individual.

1           And I work with primarily chronically mentally  
2 ill adults, many of whom also have physical disabilities  
3 and need to take paratransit to get to both the clinic,  
4 my clinic for psychiatric treatment, and there are many  
5 doctor's appointments.

6           As the prior speaker said, these people have  
7 been cut in their SSI, which is for most of my clients  
8 their only source of income. And it has gone from I  
9 have in January of 2009 people living independently were  
10 given \$907. This went down in May to \$870, in July to  
11 850, and it is now at \$845. There has been no  
12 increase -- there has been no decrease in their rents,  
13 there has been no decrease in their food. And most of  
14 these people do not have bank accounts, so every time  
15 they go to a bank to cash a check they need to pay a  
16 cash checking fee, and a dollar increase each way to go  
17 to the doctor would be for them the -- probably would  
18 make -- they probably would make the decision not to go  
19 to the doctor. They just simply could not afford it.

20           And I understand that the rates have not been  
21 increased in a long time, but this is not the time to do  
22 it for these people.

23           Thank you.

24           PRESIDENT FANG: Thank you.

25           Are there any more speakers from the public?

Good morning.

THE WITNESS: Good morning. Thanks. I think I would have filled out a speaker card if I had actually found one, but thanks for giving me the opportunity.

PRESIDENT FANG: Sure.

MR. MULLIN: My name is Chris Mullin and I am the Trans Outreach Specialist at the Berkeley Center for Independent Living, and I -- I am the transit outreach specialist in charge of our travel training program that works with people with disabilities and how to take public transit.

I have also served on the Service Review and Advisory Committee for East Bay Paratransit for the last I'd say about six years when I was the former chair and vice-chair of that committee.

A lot of people that I work very closely with can work in the community, so I would just like to say, echo some of the sentiments here that we have really heard that this fare -- I have gotten lots of calls from people that have said what a hardship this is and how this could be happening. Fare increases are really difficult for our community on a extremely fixed income, and I would urge some consideration of this in how it's going to affect people that are on limited (inaudible) in the community.

Thanks.

PRESIDENT FANG: I believe, have him fill out a blue slip just for the record.

Is there anybody else from the public that would like to speak?

(No response)

PRESIDENT FANG: Seeing none, I will close the public hearing. Thank you.

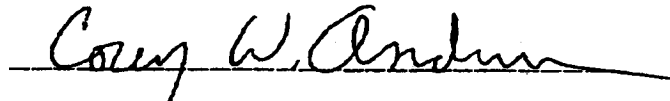
(Whereupon, the public hearing concluded at 9:30 A.M.)

1 CERTIFICATE OF REPORTER

2 I, COREY W. ANDERSON, a duly authorized  
3 shorthand Reporter, do hereby certify: That the  
4 foregoing transcript constitutes a full and correct  
5 transcript of my shorthand notes taken by such reporter  
6 of the proceedings herein, and reduced to typewriting  
7 under my supervision and control to the best of my  
8 ability.

9 In witness whereof, I have subscribed my name.

10  
11 DATED: April 27, 2010

12   
13 COREY W. ANDERSON, CSR 4096

**Summary of comments on the proposed fare increase received after the close of the Public Comment Period.**

<b>Option</b>	<b>Number of comments received</b>
Voice mail	7
Email	1
<b>Total</b>	<b>8</b>

### Voice Mail Comments Received

#	Name/City, if given	Comment	Has other transportation ?	Not completely opposed
1.	Mary Jane Colt	4/26/10 at 09:25 During a call to book a ride to her doctor, Mary Jane Colt said that she approves of the fare increase. Said it is very fair. She really appreciates the service. Transmitted from an EBP Customer Service Agent.		X
2.	Regina Tilman	The following message was left on the EBPT Comment Line 4/23/10 at 18:13: I am calling about Paratransit's prices going up. A lot of us are on limited income and our income isn't going up. A lot of times to pay another \$1 or \$2 is a hardship. I hope you guys don't increase your prices.		
3.	Laurie	Against increase. The increase would be unfair for disabled and elderly. Perhaps \$0.25 or \$0.50. \$1.00 is not a reasonable increase. There is always a problem with scheduling and dispatching.		
4.	Edna	Haven't received increase in benefits and are all living on a fixed income. When benefits are increased so are their expenses such as transportation. It's unfair to tax seniors who have worked all their lives in the United States. It's a disgrace to tax the disabled and veterans. You should make FRT more available and time efficient. The buses also need to be more accessible.		
5.	Regina	Long time user of EBP. Many people are on fixed incomes and have to pay for high medical and prescription expenses. It would be a hardship for me and many other people. We haven't received increases in our subsidies. Please take my comment into consideration.		
6.	Vivian	There have been no increases in benefits for the old and disabled. If you increase the fare I can't get to work. Please consider not increasing the fare this year.		
7.	Sylvia	Opposed to the fare increase. Finds the service excellent, but higher fares will hurt the people with the biggest financial problems.		

**Email comments about the proposed fare increase:**

**1) From:** Kim Bostrom [mailto:kimeoebostrom@yahoo.com]  
**Sent:** Saturday, April 24, 2010 9:36 AM  
**To:** Paratransit  
**Cc:** Ron Halog; Liz Vollmer; Bruce Bostrom; Kim Bostrom  
**Subject:** Fare increase: you've got a lot of nerve!

Why should we pay even more for the abysmal service your company "provides"?

Why does it take EBP two and sometimes three hours to transit my 19-year-old mentally disabled daughter from Ala Costa Center in Berkeley to our home in Alameda? Honestly, this is criminal: you cannot keep any person--let alone a disabled on--confined on a bus for two or three hours.

My daughter has had instances of wetting her pants on your busses...and then going to the back to change them, right on the bus! She has also had to help your drivers to find their way to other riders' homes, as well as to her own...and she is retarded! What is your excuse: don't your drivers have GPS, or radio contact with you? Have you ever heard of a MAP, for goodness sake?

On Good Friday, my daughter did not arrive home until 8:30 p.m.; her pickup in Berkeley is scheduled for between 5 and 5:30. She could have WALKED in that time...and NO ONE FROM YOUR OFFICE CALLED US. In fact, we NEVER get called and informed when the bus is late.

A copy of this complaint is going to Ala Costa Center in Berkeley, to the Regional Center of the East Bay, and to the Better Business Bureau.





## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia Dolan</i>		GENERAL MANAGER ACTION REQ'D: Approve and Place on May 13, 2010 Administration Committee Agenda		
DATE: c <i>5/7/10</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Frank Schultz Dept: Operating Budgets and Analysis Signature/Date: <i>Frank Schultz 5/6/10</i>	General Counsel <i>MB 5/7/10</i>	Controller/Treasurer <i>[Signature] 5/7/10</i>	District Secretary [ ]	BARC <i>[Signature] 5-6-10</i>

TITLE:  
**Approval of Northern California Power Agency (NCPA) Second Phase Agreement for Development Activities of the Solar Photovoltaic Project**

NARRATIVE:

PURPOSE

To authorize the General Manager to execute the Phase II Agreement that provides for the District's participation in the development activities of the NCPA Solar Photovoltaic project.

DISCUSSION

The NCPA Green Power Project is a collective effort by NCPA members to procure renewable energy supplies. The District entered into the NCPA Green Power Project in September 2006. In January 2008, the Board approved a revised Green Power Project Agreement that removed the original agreement's cap on the cost of power. So far no renewable power has been procured under the Green Power Project due primarily to the high prices that have been proposed by renewable energy developers.

The District currently has two solar PV systems operating at the Richmond and Hayward yards that were intended to serve as a demonstration effort showing whether on-site solar generation can serve as a reliable and safe energy supply for the District's operations. Our experience has shown solar PV generation is both safe and reliable.

A remaining concern in expanding the District's use of solar energy is that it can cost considerably more than conventional market power supply. Through the Green Power Project, NCPA has developed a group of proposed solar PV projects with preliminary prices that are comparable to the long-term cost of conventional market supply. Staff made an informational presentation at the Board's April 8th meeting on the District's proposed projects.

There are seven participants in the NCPA Solar PV project amounting to 35 megawatts of capacity. BART's proposed share amounts to approximately six megawatts from the following potential project sites: one megawatt from PV carports at the Lafayette and Orinda stations (this would be a second PV system at the Orinda station and is in addition to the SunEdison system already planned for that station in 2011) and five megawatts from a ground-mounted PV array on District property in Livermore (North Greenville Road). This site is currently under consideration as a potential station and maintenance yard site in the BART to Livermore Extension Program Environmental Impact Report. NCPA shall be required to make the solar

facilities compatible with the station and yard, if that site is selected for BART to Livermore.

NCPA has a three-phase project development process. As part of Phase I, NCPA made a competitive selection of solar developers that included PV respondents from NCPA's broad-based renewable energy RFP and other PV developers that were added to improve the price competition. NCPA worked with the developers to assess their capability, ability to obtain project financing and to obtain the lowest price. The two selected firms provided the lowest price from a viable developer. They are Lightbeam Power Company (LPC) and Solar Development Inc (SDI). As currently planned, LPC would develop the District's projects. NCPA entered into nonbinding letters of intent with both developers to pursue initial investigations and analyses of the potential generation sites and to identify the costs to develop the projects at those sites. LPC would construct, own and operate the solar facilities and project participants would purchase the solar supply through a power purchase agreement. This is similar to the arrangement the District has for the existing solar facilities on BART property. SDI has a comparable site license arrangement.

NCPA is ready to proceed with Phase II development of these projects. Under the terms of our agreements with NCPA, the District has the opportunity to continue with Phase II development (opt-in) or end our participation in the projects (opt-out). Key Phase II tasks include:

- California Environmental Quality Act (CEQA) environmental review
- Electrical system interconnection studies
- Site reviews and additional engineering
- Preparation of the power purchase and site license agreements
- Development of final pricing schedules

It is noted that the Phase II studies, particularly the environmental review, may result in findings that require a different site location in Livermore. The Phase II period will allow all departments' concerns to be addressed in the power purchase, site license and permitting agreements. After all key tasks in Phase II are completed (early 2011), the developers will review each proposed site plan and final price schedule with both NCPA and the participating members. BART would have a final opportunity to make an opt-in or opt-out decision before proceeding to Phase III - project construction.

The NCPA Commission is scheduled to approve the Phase II Development agreement on May 27, 2010. The Office of the General Counsel will approve the NCPA Phase II agreement as to form.

#### **FISCAL IMPACT**

If the District proceeds with Phase II development, the District would be responsible for the cost of the Phase II tasks associated with BART's proposed projects. The District's estimated share of the NCPA's Phase II development costs is \$235,000. NCPA has provided a \$100,000 contingency allowance. Total costs would not exceed \$335,000. The cost of District Maintenance and Engineering, Real Estate and Legal services are estimated at \$80,000. These are operating costs. They will need to be addressed in the Preliminary FY11 Operating Budget if the Board approves the agreement. Staff proposes to fund these costs from the Power

Stabilization Reserve which has a balance of \$1.5 million.

As presented previously, the power supply from the NCPA solar projects is expected to be competitive with estimated market power supply over the 25 year term of the project. In addition, these prices are well below the prices of the PV proposals submitted by other developers to NCPA under the Green Power project for the past three years.

#### ALTERNATIVE

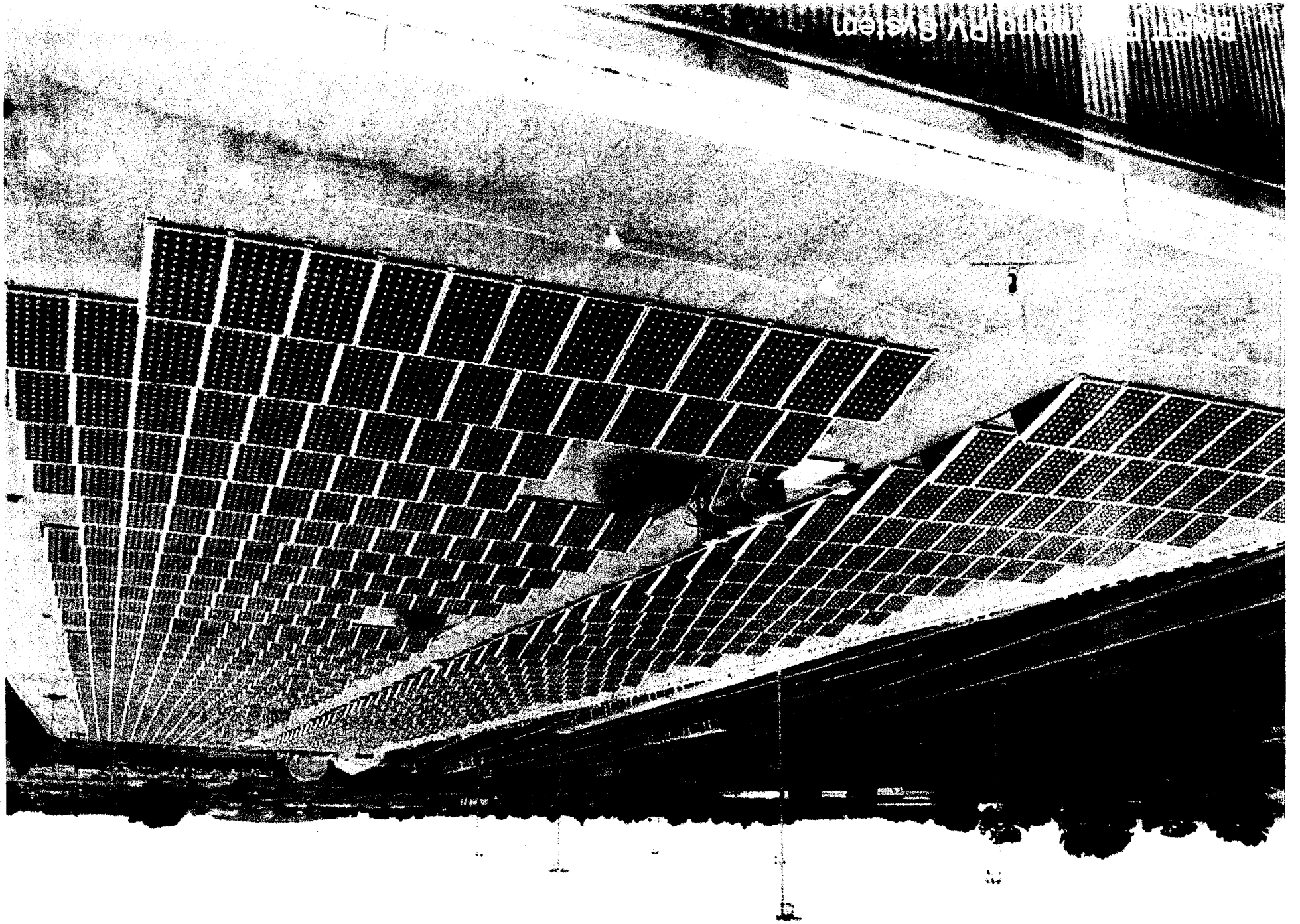
The District could decide to "opt-out" of the Phase II development and not proceed with these projects.

#### RECOMMENDATION

It is recommended that the Board of Directors adopt the following motion.

#### MOTION

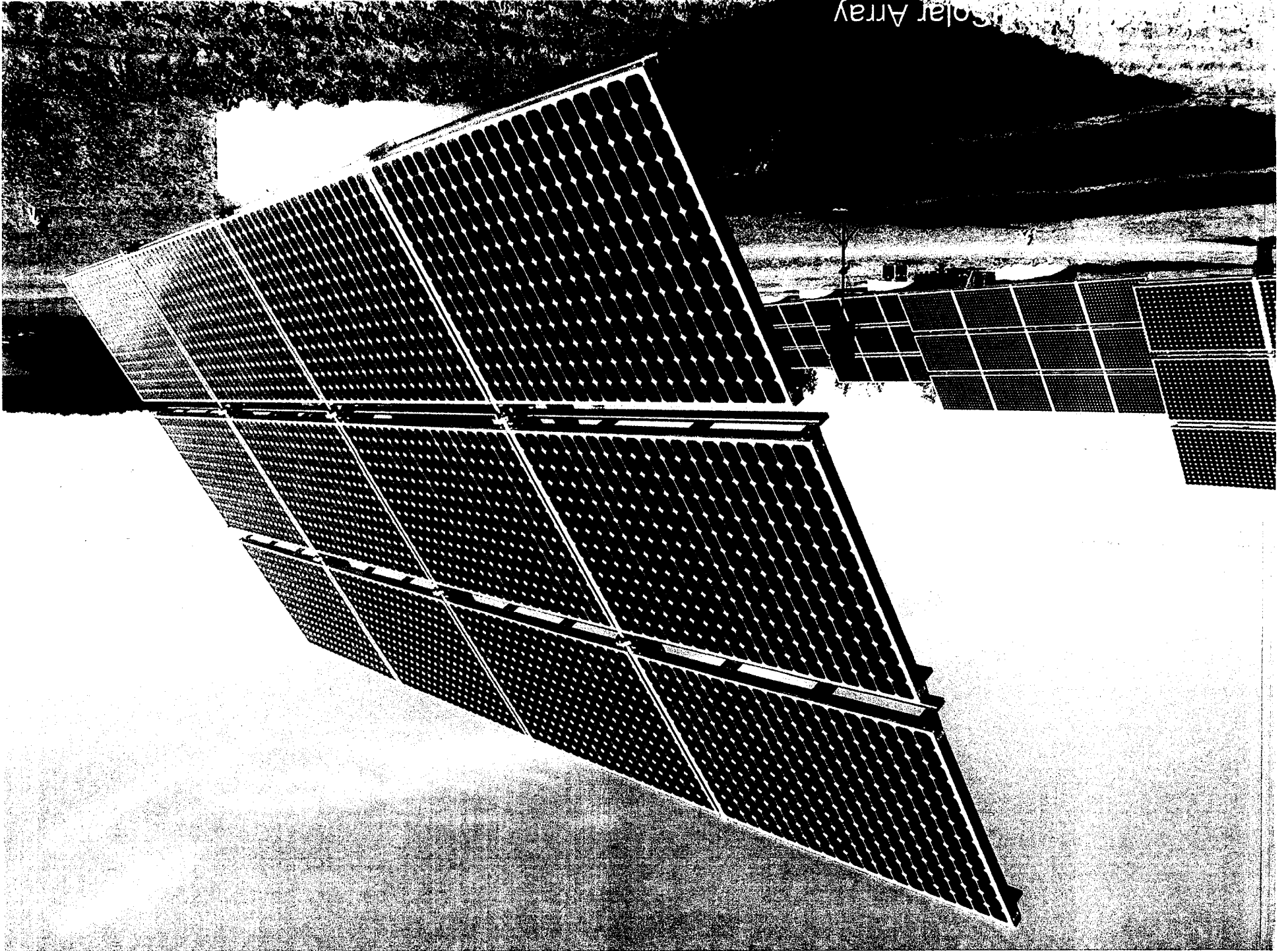
That the General Manager is authorized to execute the NCPA Second Phase Agreement for Funding the Planning and Development Activities of the Solar PV project and to authorize the payment of \$415,000 for the District's Phase II costs.

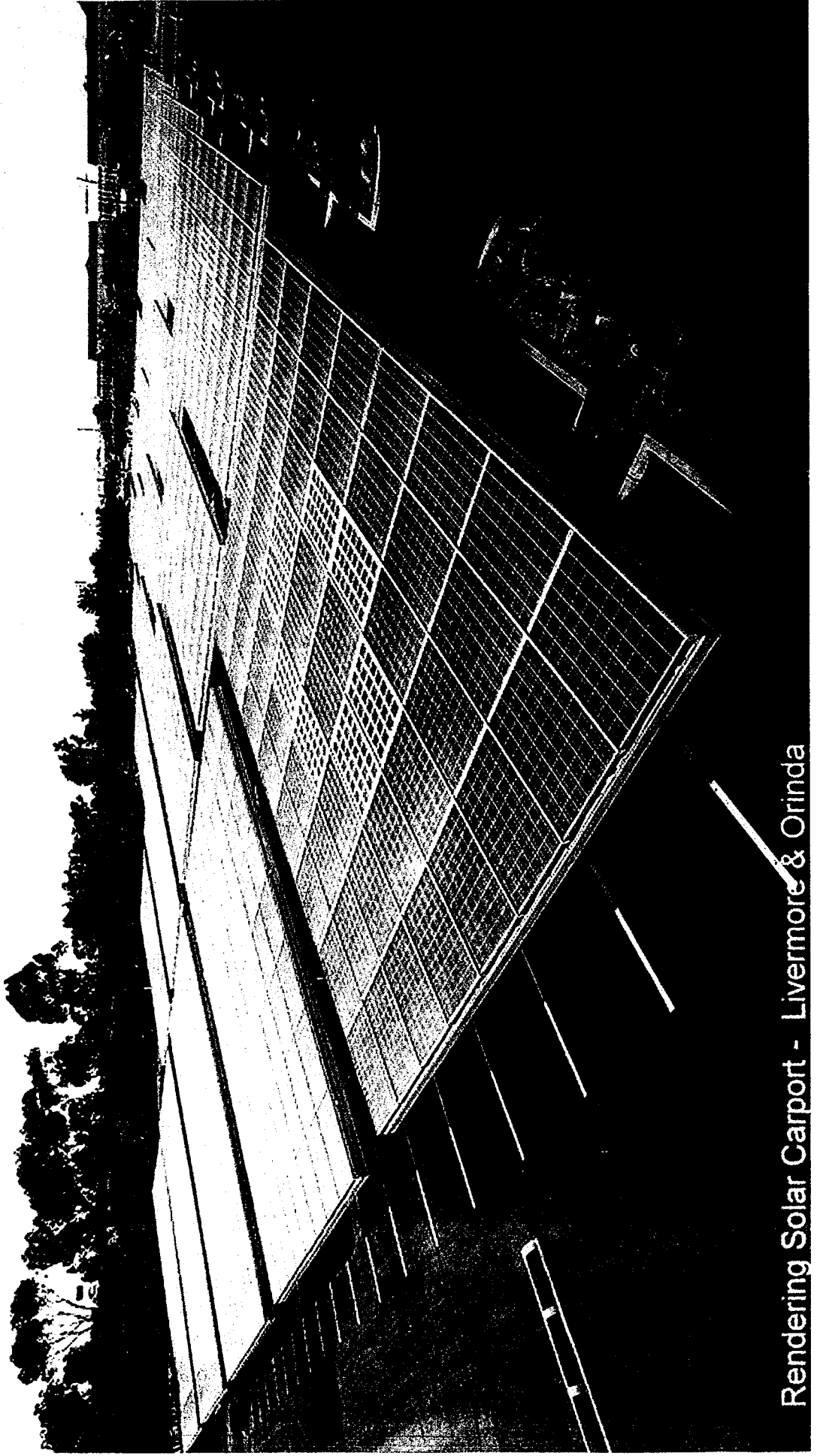




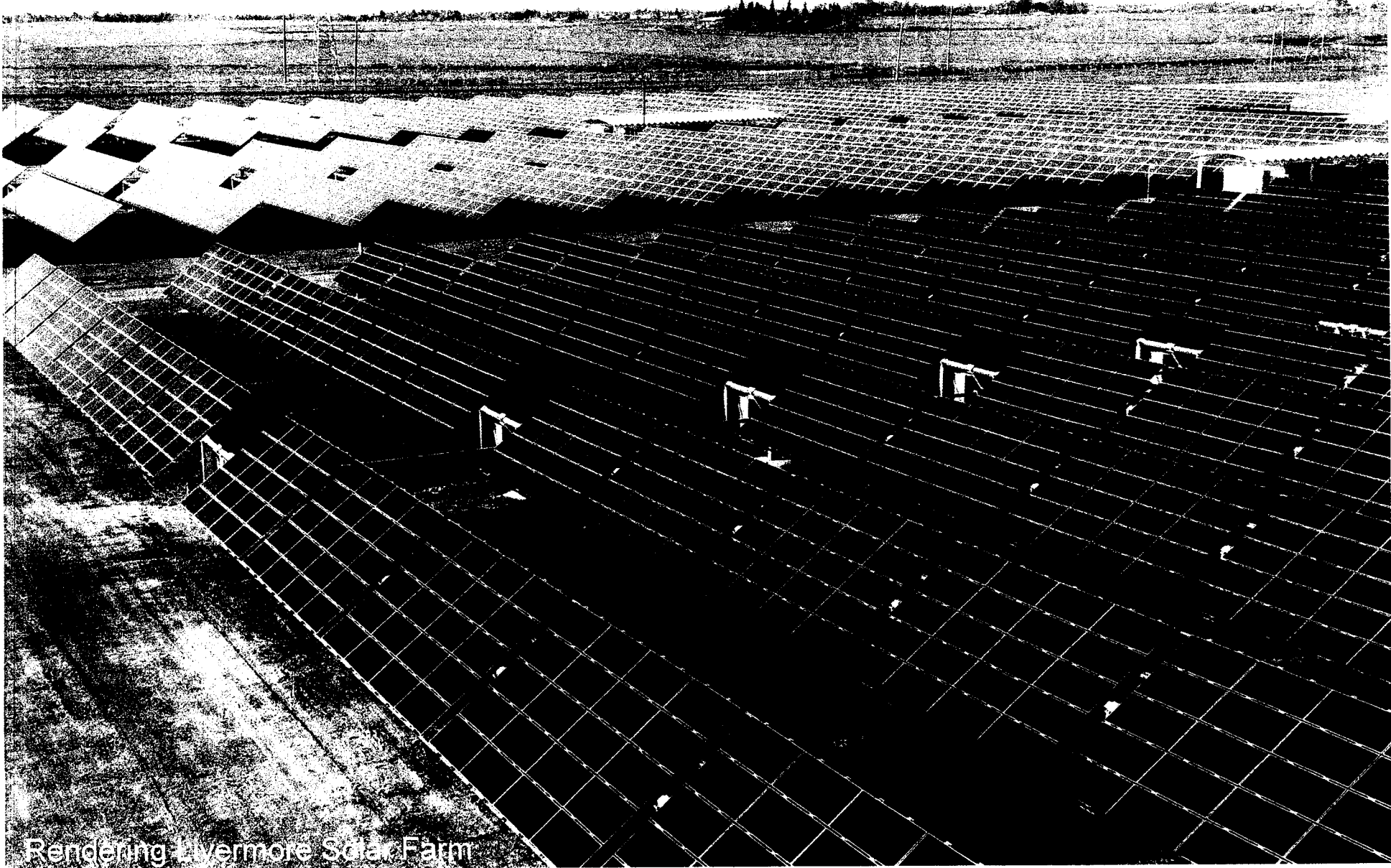
PV System

Solar Array





Rendering Solar Carport - Livermore & Orinda



Rendering Livermore Solar Farm





## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marce DeBange</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board of Directors		
DATE: 5/5/10		BOARD INITIATED ITEM: No		
Originator/Prepared by: Scott Van Dussen Dept: TSD <i>Scott Van Dussen</i> Signature/Date: 4/29/10	General Counsel <i>Michelle Kwon</i> 4/29/10	Controller/ Treasurer <i>Paul</i> 4/29/10	District Secretary	BARC <i>Paul</i> <i>Cherrier</i> 5/3/10
Status: <b>Approved</b>		Date Created: 04/15/2010		

TITLE:

### Award of Contract No. 15PN-110, BART Earthquake Safety Program, Systemwide Equipment Retrofit

NARRATIVE:

#### PURPOSE:

To obtain Board authorization for the General Manager to award Contract No. 15PN-110, for BART Earthquake Safety Program, Systemwide Equipment Retrofit, to Taber Construction Inc.

#### DISCUSSION:

Contract No. 15PN-110 will provide for the seismic strengthening of Systemwide Equipment between Richmond Yard, Concord Station, Fremont Station and Daly City Yard as part of BART's Earthquake Safety Program. The work consists of strengthening equipment anchorage associated with architectural, mechanical, electrical and structural components of BART's system.

The District provided an advance notice to 697 prospective Bidders on January 25, 2010 and Contract Documents were sent to 24 plan rooms. The Contract was advertised on February 5, 2010. A total of 28 firms purchased copies of the Contract Documents. A pre-Bid meeting and site tour were conducted on February 25th and 26th, 2010 with 20 potential Bidders in attendance. Two addenda were issued on March 8th and March 25th, 2010 extending bid time and correcting a Contract Drawing. Seven (7) bids were received and publicly opened on April 6, 2010.

Tabulation of the Bids, including the Engineer's Estimate, is as follows:

<u>BIDDER</u>	<u>LOCATION</u>	<u>TOTAL AMOUNT</u>
Taber Construction Inc.	Concord, CA	\$7,868,000.00
West Bay Builders, Inc.	Novato, CA	\$8,982,000.00
Blocka Construction Inc.	Fremont, CA	\$10,590,000.00
Diablo Contractors, Inc.	San Ramon, CA	\$10,938,000.00
Robert A. Bothman, Inc.	San Jose, CA	\$11,783,450.00
Angotti & Reilly, Inc.	San Francisco, CA	\$13,353,032.00*



There is no fiscal impact on available unprogrammed District Reserves.

**ALTERNATIVE:**

The Board may decline to authorize award of the Contract. If the Contract is not awarded, BART will be unable to implement the seismic retrofit of the Systemwide Equipment.

**RECOMMENDATION:**

It is recommended that the Board adopt the following motion:

**MOTION:**

The General Manager is authorized to award Contract No. 15PN-110, BART Earthquake Safety Program, Systemwide Equipment Retrofit, to Taber Construction Inc., for the Bid price of \$7,868,000.00, including applicable taxes, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures and Department of Homeland Security (DHS) requirements related to protests.

## FUNDING SUMMARY - EARTHQUAKE SAFETY PROGRAM

PROJECT ELEMENT	Baseline Budget	Current Forecast as of 4/14/10	REMARKS
<b>ENVIRONMENTAL, ENGINEERING, AND CONSTRUCTION MANAGEMENT</b>			
GEC (Bechtel Team)	\$105,000,000	\$226,200,000	
Other GEC	\$81,478,000	\$0	
<b>Subtotal GEC</b>	<b>\$186,478,000</b>	<b>\$226,200,000</b>	
CM	\$61,498,000	\$79,000,000	
Environmental	\$1,042,796	\$2,198,237	
<b>TOTAL E, E &amp; CM</b>	<b>\$249,018,796</b>	<b>\$307,398,237</b>	
<b>CONSTRUCTION</b>			
<b>Transbay Tube</b>			
Oakland Ventilation Structure	\$1,033,000	\$1,153,096	
Oakland Landside	\$17,970,000	\$10,699,433	
<b>San Francisco Ferry Plaza</b>			
SFTS (including Tube liner)	\$73,037,000	\$5,655,414	
Marine Vibro Demo	\$101,285,000	\$76,030,000	
Stitching	\$82,962,000	\$0	
<b>Aerial Guideways</b>			
West Oakland/North Oakland	\$112,923,000	\$90,000,000	
Fremont	\$178,224,000	\$117,800,000	
Concord	\$36,500,000	\$45,300,000	
Richmond	\$80,155,000	\$75,800,000	
San Francisco/Daly City	\$36,590,000	\$9,991,645	
<b>Stations (18)</b>	<b>\$126,961,000</b>	<b>\$118,896,318</b>	
<b>Other Structures</b>			
LMA	\$5,529,000	\$5,267,440	
Yds & Shops	\$12,436,000	\$17,557,497	
Parking Structures	\$14,437,000	\$13,500,000	
At Grade Trackway	\$22,361,000	\$0	
34.5kV Replacement		\$40,000,000	
<b>Systems</b>	<b>\$7,066,000</b>	<b>\$9,868,000</b>	
<b>TOTAL CONSTRUCTION</b>	<b>\$909,469,000</b>	<b>\$637,518,843</b>	
<b>PROGRAM COSTS</b>			
Program Costs ( Hazmat, ROW, Consult, Staff)	\$159,894,204	\$241,801,763	
Contingency	\$32,104,000	\$66,715,314	
<b>TOTAL PROGRAM COSTS</b>	<b>\$191,998,204</b>	<b>\$308,517,077</b>	
<b>BASELINE FUNDING</b>	<b>\$1,350,486,000</b>		
<b>REVISED FUNDING</b>		<b>\$1,253,434,157</b>	

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

---

**MEMORANDUM**

**TO:** Board of Directors

**DATE:** May 6, 2010

**FROM:** District Secretary

**SUBJECT:** Special Appointments: Liaisons to San Mateo County Stations

Attached for your consideration are President Fang's proposed appointments of Directors as newly established liaisons to Stations located in San Mateo County.

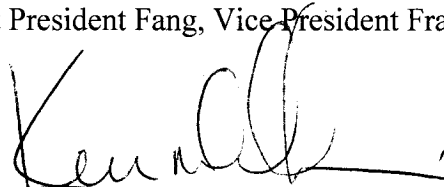
The liaison positions have been established at the recommendation of Vice President Franklin. These appointments would establish a program to "adopt" San Mateo County BART stations, as San Mateo County residents do not have elected representation on the Board of Directors. These liaison positions will serve as a point of contact between the constituents of the San Mateo County stations and the District.

Board Rule 3-3.2 requires the ratification by a majority vote of all members of the Board any appointment of any committee member by the Board President. The Rule includes a provision that such appointments shall be submitted directly to the Board.

In accordance with Board Rule 3-3.2, President Fang is bringing the appointments before the Board of Directors for ratification on May 13, 2010.

Should you have any questions, please contact President Fang, Vice President Franklin, or me.

Thank you.



Kenneth A. Duron

Attachment

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff

RATIFICATION OF SPECIAL APPOINTMENTS  
LIAISONS TO STATIONS IN SAN MATEO COUNTY

MOTION:

That the Board of Directors ratifies the following appointments of Liaisons to Stations in San Mateo County.

Station

Director

Daly City Station

Tom Radulovich

Daly City Parking Lot

Bob Franklin

Colma

John McPartland

South San Francisco

Carole Ward Allen

San Bruno

Lynette Sweet

San Francisco International Airport

James Fang and Bob Franklin

Millbrae

Joel Keller