

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

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

**RECITALS**

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

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

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

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

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

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

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

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

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

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

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

**ARTICLE I: FUNDING ALLOCATIONS**

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

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

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

**A. BICYCLE AND PEDESTRIAN PROGRAM**

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

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

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

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

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

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

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

**C. MASS TRANSIT PROGRAM**

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

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

**D. PARATRANSIT PROGRAM**

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

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

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

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

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

## **ARTICLE II: PAYMENTS AND EXPENDITURES**

### **A. ALAMEDA CTC’S DUTIES AND OBLIGATIONS**

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

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

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

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

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

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

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

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

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

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

**C. OTHER EXPENDITURE RESTRICTIONS**

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

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

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

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

### ARTICLE III: REPORTING REQUIREMENTS

#### A. REQUIREMENTS AND WITHHOLDING

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**D. JURISDICTION AND VENUE**

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

**E. ATTORNEYS' FEES**

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

**F. TERM**

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

**G. SEVERABILITY**

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

**H. MODIFICATION**

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

*[Signatures on next page]*



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

**CITY OF HAYWARD (RECIPIENT)**

**ALAMEDA COUNTY TRANSPORTATION COMMISSION (ALAMEDA CTC)**

By: \_\_\_\_\_  
Frances David Date  
City Manager

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

Approved as to Form and Legality:

Recommended:

By: \_\_\_\_\_  
Michael Lawson Date  
City Attorney

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

Reviewed as to Budget/Financial Controls:

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

Approved as to Legal Form:

By: \_\_\_\_\_  
Wendel, Rosen, Black & Dean LLP Date  
Legal Counsel to ALAMEDA CTC

## EXHIBIT A

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

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

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

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

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

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

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

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

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

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

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

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

## EXHIBIT B

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

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

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

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

## EXHIBIT C

## PERFORMANCE MEASURE SUMMARY

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

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

**BICYCLE AND PEDESTRIAN PROGRAM  
PERFORMANCE MEASURES**

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

## EXHIBIT C (cont.)

**LOCAL TRANSPORTATION PROGRAM** (Local Streets and Roads)  
**PERFORMANCE MEASURES**

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

## EXHIBIT C (cont.)

MASS TRANSIT PROGRAM  
PERFORMANCE MEASURES

Performance Measure	Performance Metric and Standard	Evaluation Horizon and Method	Corrective Action	Potential Improvements to Correct Deficiency
<b>Ridership/Service Utilization</b> <ul style="list-style-type: none"> <li>- Annual Ridership</li> <li>- Passenger trips per revenue vehicle hour/mile</li> </ul>	Change in annual ridership and passenger trips per revenue vehicle hour/mile and qualitative explanation for possible reasons	Annually via Performance Report	N/A	N/A
<b>On-time Performance: System wide Average and Key Trunk Lines</b> On time performance of transit system	<ul style="list-style-type: none"> <li>- Average on-time performance based upon the mode of transit with a target of 75% to 90% or based on the transit agency's adopted performance goals and standards</li> <li>- Agencies are expected to maintain or increase on-time performance annually</li> </ul>	Annually via Performance Report	Any agency not meeting this target must prepare a deficiency plan with short- and long-term actions to correct, and explain what would be required to provide this level of service. The deficiency plan should include the involvement of agencies that have jurisdiction over areas that may be impacting transit performance, where applicable.	Through the deficiency plan, identify any corrective actions, responsibilities, and funding opportunities to improve system performance.
<b>Travel Time</b> Speed and reliability (peak vs non-peak) of key trunk lines (bus operators only)	Average speeds at least 50 percent of prevailing auto speed or maintain or increase speed annually	Bi-annually via Alameda CTC's LOS Monitoring Report	Any agency not meeting this target must prepare a deficiency plan with short- and long-term actions to correct, and explain what would be required to provide this level of service. The deficiency plan should include the involvement of agencies that have jurisdiction over areas that may be impacting transit performance, where applicable.	Through the deficiency plan, identify any corrective actions, responsibilities, and funding opportunities to improve system performance.
<b>Cost Effectiveness</b> <ul style="list-style-type: none"> <li>- Operating Cost per Passenger</li> <li>- Operating Cost per Revenue Vehicle Hour/Mile</li> </ul>	Maintain operating cost per passenger or per revenue vehicle hour/mile; percentage increase less than or equal to inflation as measured by CPI	Annually via Performance Report	Any agency with significant increase in costs must provide an explanation	N/A
<b>Transit Fleet State of Good Repair</b> <ul style="list-style-type: none"> <li>- Distance between breakdowns/service interruptions</li> <li>- Missed trips</li> <li>- Miles between road-calls</li> </ul>	<ul style="list-style-type: none"> <li>- Maintain or increase average distance between breakdowns or road calls</li> <li>- Maintain or reduce the number of missed trips</li> </ul>	Annually via Performance Report	Any agency not meeting expected performance must provide an explanation	N/A
<b>Service Provision</b> <ul style="list-style-type: none"> <li>- Frequency and service span on major corridors or trunk lines</li> <li>- Revenue hours</li> <li>- Revenue miles</li> </ul>	<ul style="list-style-type: none"> <li>- 15 minute or better frequencies on major corridors or trunk lines: 10 minute or better frequencies during weekday peak periods</li> <li>- Service span of 7 days/week, 20 hours per day</li> <li>- Maintain or increase revenue hours/miles</li> </ul>	Annually via performance report	Any agency not meeting expected performance must provide an explanation and a description of how service provision will be met in the future	N/A

## EXHIBIT C (cont.)

PARATRANSIT PROGRAM  
PERFORMANCE MEASURES

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

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