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TRANSPORTATION  
COMMISSION

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## *Memorandum*

TO: Commission

DATE: July 16, 2009

FR: Deputy Executive Director, Policy

RE: BART Oakland Airport Connector – Additional Information

The Programming and Allocations Committee held a public hearing for consideration of the reassignment of Regional Measure 2 (RM2) funding from the BART Transbay Tube Seismic Strengthening project to the BART Oakland Airport Connector project. The Committee forwarded the item without recommendation for full Commission action on July 22<sup>nd</sup>.

### **Follow Up from Committee Meeting**

Provided are several attachments addressing issues from the July 8, 2009 Programming and Allocations Committee meeting:

- Summary of Comments: Attachment A is a summary of comments received through July 15, 2009 regarding the proposed RM2 program amendment including the oral comments from the public hearing on July 8. Attachment B is a copy of the written comment that MTC has received. Any additional comments received before the 30-day comment period closes on July 21<sup>st</sup> will be provided at the Commission meeting.
- Title VI: Urban Habitat submitted oral comments about compliance with Title VI at the public hearing on July 8, and written comments in a letter submitted on the same date (Attachment B). MTC's General Counsel, Francis Chin, provides the following response:

“Pursuant to Title VI of the Federal Civil Rights Act, no person, on the ground of race, color, or national origin, shall be discriminated against under any program or activity receiving federal funds. As a recipient of federal funds, MTC certifies its compliance with Title VI by completing an assessment of its planning responsibilities and submitting it to the Federal Transit Administration (FTA). The current compliance report was prepared and approved in 2006 consistent with FTA guidelines, and included references to MTC's Environmental Justice principles and an equity analysis of MTC's long-range plan. MTC's planning efforts to assess the needs of low-income communities as referenced in the 2006 Title VI compliance report helped set the context for the preparation of MTC's long-range plan update entitled the Transportation 2035 Plan: Change in Motion, which was adopted in April 2009. In addition, MTC prepared, prior to the adoption of the Transportation 2035 Plan, an equity assessment titled Equity Analysis Report (February 2009) for the purpose of identifying the benefits and burdens of the metropolitan system investments in the long range plan for different socioeconomic groups. The BART Oakland Airport Connector (OAC)

project is included in the new Transportation 2035 Plan. The actions requested of and pending before the Commission in regards to the OAC project are consistent with all of these prior referenced MTC reports and approvals.

As to Urban Habitat's comments about BART's Title VI compliance obligations regarding the OAC project and fare and programming changes, BART's legal staff provides the attached response." (Attachment C)

- Ridership Information: Committee members requested clarification regarding ridership estimates for the project. Attachment D is additional information provided by BART staff.

### **Other Related Activities**

The Committee received comments about the timing of MTC's action relative to continuing deliberations by the City of Oakland and others. Since the time of the Committee meeting, the project has been discussed by committees of Alameda County Transportation Improvement Authority (ACTIA) and the Oakland City Council. On July 10, the ACTIA Work Program Committee (WPC) received a full project status update and discussed issues pertaining to the Measure B funding commitment for the project. The ACTIA WPC also heard testimony from TransForm, Urban Habitat, Oakland Council Member Rebecca Kaplan, and others. The ACTIA WPC took no action on the project and recommended that the matter not be forwarded to the full ACTIA Board this month. On July 14, the City of Oakland Public Works Committee (PWC) discussed the project, rendered a specific list of questions, and requested that responses be provided at the PWC meeting in September. At that time, depending on the responses, the PWC could forward the matter to the full City Council for action. We are not aware of any new information that has come to light in these other meetings that would constrain the Commission from taking the actions before you at your July 22<sup>nd</sup> meeting.

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Ann Flemer

### **Attachments**

AF: AR