

Metropolitan Transportation Commission

January 27, 2010

Agenda Item 9 - Handout

Oakland Airport Connector (OAC) – Summary of Correspondence Received To-date

| Attachment No. | Date of Letter | Name | Agency / Organization | Comments |
|----------------|------------------|--|---|---|
| 1 | January 20, 2010 | Stuart Cohen, Executive Director | TransForm | Re-allocation of ARRA funds |
| 2 | January 21, 2010 | Chi-Hsin Shao, Pricipal | CHS Constulting Group | Support of OAC |
| 3 | January 21, 2010 | Jim Wunderman, President and CEO | Bay Area Council | Support of OAC |
| 4 | January 21, 2010 | Joseph J. Haraburda, President and CEO | Oakland Metropolitan Chamber of Commerce | Support of OAC |
| 5 | January 22, 2010 | Richard A. Marcantonio, Managing Attorney | Public Advocates | Re-allocation of ARRA funds |
| 6 | January 22, 2010 | Richard A. Marcantonio, Managing Attorney | Public Advocates | Violations of FTA Circular 4702.1A and California's Brown Act |
| 7 | January 25, 2010 | Barbara Lee, Member of Congress | House of Representatives | Support of OAC |
| 8 | January 25, 2010 | Jim Wunderman, President and CEO | Bay Area Council | Letter to FTA in Support of OAC |
| 9 | January 25, 2010 | Nathaniel P. Ford, Sr., Executive Director/CEO | SFMTA | Ready-to-go Tier II projects |
| 10 | January 25, 2010 | Marc Caswell, Program Manager | San Francisco Bicycle Coalition | Re-allocation of ARRA funds |
| 11 | January 25, 2010 | Wendy Alfsen, Chair | Sierra Club | Re-allocation of ARRA funds |
| 12 | January 26, 2010 | Victor Uno, President | Oakland Board of Port Commissioners | Support of OAC |
| 13 | January 26, 2010 | Jerry McNerny, Member of Congress | House of Representatives | Support of OAC |
| 14 | January 26, 2010 | Mark Green, Chair | Alameda County Congestion Management Agency | Support of OAC |

Summary of Email Comments Received To-date

MTC staff has received 113 emails, between January 20 and January 25 advocating the reprogramming of ARRA stimulus funding to transit agencies throughout the region away from the Oakland Airport Connector project. An example of one of the letters can be found in the next page, with a list of individual's names and the cities they represent in Attachment 15.

Example Letter:

Commissioners and Staff
Metropolitan Transportation Commission

Subject: Save jobs and transit now by reprogramming ARRA Funds to transit agencies.

Good afternoon:

I'm writing to urge you to stand up for the commitments you made last February when you voted to use \$70 million in ARRA stimulus funding to support transit agencies across the region if the Oakland Airport Connector could not meet its funding and contractual obligations.

That day is here. The Federal Transit Administration has alerted BART and MTC that the Bay Area region is at risk of losing this stimulus funding. BART has been found out of compliance with the FTA's civil rights requirements and questions are being asked about MTC's oversight of these issues.

BART told MTC in July that it had completed an equity analysis, something they now acknowledge was not done. Then last week, BART hastily submitted an analysis to the FTA which was resoundingly rejected.

Last July, hoping to avoid doing a study of alternatives, MTC and BART staff told you that any analysis that looked at alternatives to the OAC would take months to complete. There is no quick fix to the issues raised by the FTA, which makes the risk of proceeding with this project is too great for the Bay Area.

MTC must act to keep the stimulus funding in the Bay Area for the benefit of the region's transit riders and workers. Please do not risk this critical funding. Please declare the Oakland Airport Connector out of compliance for \$70 million in ARRA stimulus funding and disperse these funds to the regions transit agencies, as per your February ARRA resolution.

Thank you in advance for supporting better public transit in the Bay Area.

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TRANSFORM



Attachment 1

January 20, 2010

Commissioners
Metropolitan Transportation Commission
101 Eighth Street
Oakland, CA 94607

Dear MTC Commissioners,

You are being given a tremendous opportunity to do something great for the region. On Friday, January 15, the Federal Transit Administration (FTA) delivered a letter to BART and MTC explaining that the \$70 million in ARRA stimulus funds are at risk of being lost to the Bay Area because BART has failed to conduct an equity analysis or considered an equitable alternative to the disastrous Oakland Airport Connector project.

FTA has concurred with the Title VI complaint filed by Public Advocates on behalf of TransForm, Urban Habitat, and Genesis, that contrary to BART's statements to MTC's inquiries, "BART staff acknowledged if failed to integrate Title VI into BART's service planning and monitoring activities for the project." The letter goes further to indicate that BART has subsequently attempted to develop a fast-turnaround equity analysis for the project but that the FTA "finds it insufficient to meet the [Title VI circular] requirements."

This analysis should have been conducted last spring, as several members of the BART Board, Oakland City Council and other OAC funding agencies had suggested. Instead TransForm and our partners were not just stonewalled, but BART spent thousands of taxpayer and BART rider dollars working to "discredit" and "poke holes" in a rapid bus alternative. Because of this failure, this \$70 million is now at risk.

MTC's resolution 3885 had clearly stated that if the OAC did not meet the ARRA's deadlines for funding, the \$70 million in ARRA funds would be distributed to the regions transit agencies. With brutal service cuts and fare hikes planned for this spring and, likely to continue through next year, this is an incredible opportunity to reduce the severity of these budget shortfalls while taking the time it really needs to study a better alternative.

Ironically, BART's board is being asked to vote the day after your next meeting to cut 74 positions in order to close a massive deficit. Redistribution of the ARRA funds would deliver an immediate cash influx that would allow the District to retain these jobs. SF Muni is in a similar position, as are AC Transit and VTA. These stimulus funds can save jobs and transit service and maintain current fares if you act immediately.

The FTA's letter stands out for its strong tone, stating that there is a significant risk of the Bay Area's losing \$70 million in stimulus funds if BART and MTC continue to insist on using ARRA funding on the OAC. The letter mentions this risk multiple times. It also says that while even if BART submits, and FTA accepts, a remedial action plan, BART's implementation actions will certainly extend beyond the March 5, 2010 deadline for obligating funds. BART would not be able to "draw down any funds until it completes the action plan, implements any mitigation measures, and fully remediates non-complicance with all Title VI requirements". The letter then italicizes the following warning:

If BART were to fail in any respect to make progress or to meet its deadlines as established in the action plan, FTA would have to de-obligate the ARRA funds for the Project and would be prohibited by law from re-obligating those funds to alternative projects in the San Francisco Bay area.

Given the disastrously slow technology that was chosen, the long walks (much longer than AirBART) to use the OAC, and the low projected ridership, it is quite likely that an alternative bus system – studied objectively – would be more effective and equitable. If that is the finding, the region would lose these funds.

Reallocating the funds would *not* mean that the OAC could not move forward. Indeed, MTC is a master at finding funds for worthy projects. It simply means it would not get this \$70 million while it worked with the FTA through the spring and maybe summer to provide all of the necessary information.

We are writing you to urge each of you to act to keep these funds in the Bay Area and to save jobs, preserve transit for Bay Area residents and keep regional fares down. We look forward to working with BART, MTC and the community in addressing the equity and alternatives analysis that is required of the OAC. After that analysis is complete, we can work together to fund the appropriate project for replacing the successful AirBART service with a higher quality system.

Feel free to contact either of us by e-mail or at 510-740-3150 to discuss this issue in greater detail. It will be agendaized and must be decided upon at the January 27 Commission meeting.

Sincerely,

Stuart Cohen
Executive Director

John Knox White
Program Director



CHS Consulting
Group

January 21, 2010

RECEIVED

JAN 25 2010

MTC

Mr. Steve Heminger, Executive Director
MTC – Metro Center
101 Eighth Street
Oakland, CA 946076

Dear Mr. Heminger:

I am Owner of CHS Consulting Group in San Francisco. We are a small disadvantaged business (SBE and DBE) firm providing Transportation Engineering and Transit Planning Consulting Services.

My firm is part of the Flatiron/Parsons/Doppelmayr design-build team for the BART Oakland Airport Connector project. Our team was selected by BART for award of this \$361 million project on December 10, and we were mobilizing our resources in preparation for the project.

I am very concerned about the letter BART received from the Federal Transit Administration (FTA) Administrator last week, essentially telling BART that the FTA was prepared to deny BART \$70 million in federal stimulus funding for the project because of some apparent technicalities related to Title VI. BART officials were stunned by both the tone and the timing of the letter. Previously, FTA has been a partner with BART at every step of the project's planning.

BART is clear that they are absolutely committed to meeting the deadlines and requirements of Title IV. **BART is equally clear that the project will not move forward without the stimulus funding.**

This project is very important to my firm in these difficult economic times; it will allow me **to retain our current employees and potentially hire one more.** The project will provide Oakland and its residents with both short-term construction jobs, and long-term economic development benefits for the Oakland Airport, the Hegenberger corridor, and the planned Coliseum Transit Village. With Oakland's unemployment rate at 17.5% overall, and in excess of 30% for construction labor, the project is a perfect model for President Obama's stimulus program – job creation in an economically depressed community.

As a SBE and DBE firm, we are outraged by the threat to kill a project that the region has been pursuing for more than twenty years, and take away short-term and long-term jobs that are desperately needed.

As your constituent, I am urging you to help address this injustice by assisting BART in fighting FTA's efforts to take away OAC project funding. Thousands of jobs and the economic well being of the City of Oakland and its residents are in the balance.

Sincerely yours,

Chi-Hsin Shao, Principal



BAY AREA COUNCIL

January 21, 2009

RECEIVED

JAN 25 2010

MTC

Honorable Scott Haggerty
Chairman
Metropolitan Transportation Commission
101 8th Street
Oakland, CA 94607

Re: Support for Oakland Airport Connector project

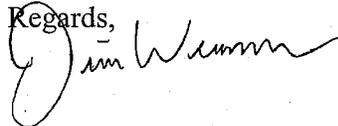
Dear Chairman Haggerty:

I was dismayed to learn of the opinion of the Federal Transit Administration that BART has failed to comply with the requirements of Title VI in planning for the Oakland Airport Connector. For such an important project that has had such an extended gestation period, to have this problem threaten the project at the last minute is, to put it mildly, extremely frustrating.

Notwithstanding whatever lapses of process or communication there may have been at BART and FTA, there should be no confusion about the merits of the Oakland Airport Connector. This is a project that has been on the books for many years; that has been subject of extensive public outreach; and that has been supported in many public votes by BART, MTC, the Port of Oakland, Alameda County CMA, ACTIA, and the City of Oakland. It will provide a reliable direct connection between regional transit and the region's second largest airport (an airport that, I might add, the Regional Airport Planning Committee envisions as absorbing a significant share of the region's future air travel growth). The connector will demonstrate the highest and best goals of the federal stimulus program, creating thousands of well-paid construction jobs while building a legacy project that will provide convenient, carbon-free mobility for decades to come.

I urge the MTC to maintain its commitment to the Oakland Airport Connector and to resist efforts to reallocate ARRA funds to other expenditures. Dedicated and collaborative effort by BART, MTC, and the FTA can, I am confident, appropriately address the Title VI issues that have been raised. The Bay Area Council is prepared to offer whatever support and assistance is necessary to ensure that FTA requirements are met, ARRA funding is preserved, and the Oakland Airport Connector is brought to fruition. Please do not hesitate to contact me if we may be of any assistance.

Regards,



Jim Wunderman
President and CEO

cc: Steve Heminger, Executive Director, MTC
Dorothy Dugger, General Manager, BART

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RHONDA ZYGOCKI
Vice President, Policy, Government,
and Public Affairs
Chevron Corporation

Ex Officio
JIM WUNDERMAN
President & CEO, Bay Area Council



January 21, 2010

Scott Haggerty, Chairman
Metropolitan Transportation Commission
101 8th Street
Oakland, CA 94607

Dear Chair Haggerty & MTC Commissioners:

RE: SUPPORT for Oakland Airport Connector

On behalf of the Board of Directors and the Chamber's business members and affiliates, I urge the Metropolitan Transportation Commission to continue its commitment to the Oakland Airport Connector (OAC). After years of consistent support for this project, I reiterate the business community's interest in seeing this project move forward. We urge the MTC to reaffirm its commitment to the initiation of this long-awaited and much needed project.

We are aware of recent discussions between BART and the Federal Transit Administration (FTA) regarding development of an action plan to address concerns raised by a lawsuit. The Chamber is confident that BART will meet the expectations of the FTA within the required timeline just as it has cooperated with FTA throughout the long development of this project. We do not believe that this last-minute development should jeopardize MTC's allocation of American Recovery and Reinvestment Act (ARRA) funds for the OAC.

Small factions of the community do not want to see the OAC built. Although some of these individuals claim to be transit advocates, they oppose this particular transit project. It is unsurprising, then, that they see this as another opportunity to derail this shovel-ready project which will put thousands of people to work creating a lasting piece of infrastructure guaranteed to improve the BART system. I respectfully remind you that stimulus funds are intended for job creation and building 21st century infrastructure! We ask you to reject any requests to reallocate ARRA funds and remind opponents that stimulus investments need to provide benefits to future generations. This is why the Chamber and other public transportation agencies -- including yours -- believe the OAC deserves to be built.

Although the OAC has been in development for many years, it will last even longer. This project has been supported by a broad coalition of partners committed to see it built. We are grateful for the partnership shown by the MTC throughout the evolution of the OAC.

The Chamber urges the MTC to continue its commitment to the Oakland Airport Connector project. Completing this key train to plane connector project is vital for the future of our region.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph J. Haraburda".

Joseph J. Haraburda
President & CEO

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Patty Leal
Administrative Staff

January 22, 2010

VIA ELECTRONIC MAIL

Chair Haggerty and Commissioners
Metropolitan Transportation Commission
101 Eight Street
Oakland, California 94607

Re: Re-Allocation of Economic Stimulus Funds

Public Advocates' civil rights complaint to the Federal Transit Administration last year, on behalf of Urban Habitat, Genesis and TransForm, led to a comprehensive FTA compliance review of BART's Title VI program. FTA's on-site investigation in December concluded that our complaint was well-founded in its allegations about BART's failure to comply with the requirement to complete a service and fare equity analysis for the Oakland Airport Connector project, as set forth in Administrator Peter Rogoff's strongly-worded letter of January 15.

In the wake of Administrator Rogoff's letter, the Commission faces a stark choice. On the one hand, it can fulfill its commitment in Resolution 3885 by immediately redistributing \$70 million in stimulus funds to ailing transit systems across the region, saving jobs and transit service from further deep cuts. On the other hand, it can risk the loss of every penny of those stimulus funds to the region by rolling the dice on BART's ability to "fully remediate non-compliance with *all* Title VI requirements" – not just those associated with the Oakland Airport Connector project – to FTA's satisfaction before the March 5 deadline.

When the Commission adopted Res. 3885 last February, it agreed that the allocation of \$70 million in stimulus funds to OAC would be contingent on BART's ability to make timely use of those funds. The Commission explicitly set out a contingency plan:

“Funding for Non-System Preservation projects [such as OAC] that do not meet the prescribed deadlines will be redistributed to the system preservation projects within the applicable categories.”
(Res. 3885, att. A, p. 7 of 10.)

Attachment C to the Resolution is the “Tier 2 Contingency List” for the reallocation of that \$70 million in FTA formula funds in the event the money could not be timely used by BART. That contingency

plan (attached) includes significant funding for preservation of existing and threatened transit service for each of the region's transit systems. It was adopted at a time when the prospects for state funding for transit operations were not nearly as dire as they are today. Under Res. 3885's contingency plan, MTC would re-program:

- \$17.5 million to MUNI, which currently faces a \$16.9 million operating deficit and could cut 230 jobs (mostly drivers), with severe service reductions.
- \$8.7 million to AC Transit, which plans to implement service cuts of 8.4 percent in March, with layoffs, on top of a recent 14 percent fare increase.
- \$17 million to BART, which will face a \$25 million budget shortfall by June 30, and is contemplating 74 layoffs and another round of fare increases.
- \$12.2 million to VTA, which faces a \$50 million operating deficit next fiscal year and recently cut service by 8 percent and raised fares.
- Another \$14.6 million would be divided among Caltrain (\$2.7 million), Golden Gate (\$2.4 million), SamTrans (\$2 million), Vallejo (\$2 million) and the other cash-strapped Bay Area transit systems.

These funds may be used not only for capital replacement, but for operating expenses, including preventive maintenance. Indeed, Congress amended ARRA last spring to allow 10 percent of these funds to be used *directly* for transit operations. This use of the funds will create many more jobs than infrastructure investments,¹ and provides the Commission with a critical opportunity to promote a widespread and equitable recovery that benefits all the Bay Area's communities and transit riders.

FTA's January 15 letter makes clear in unusually strong terms that unless BART fully satisfies the rigorous substantive and procedural standards of a full equity analysis, FTA will be forced by statute to reallocate these funds to another region. The likelihood of BART's succeeding is very low based on the strict federal timeline and BART's own dismal track record. Despite numerous warnings by Public Advocates, Urban Habitat, and others, BART refused to conduct the service equity analysis until FTA intervened. BART's last-minute effort to submit a service equity analysis that it prepared without required public participation was rejected by FTA as grossly insufficient. Moreover, it appears like that FTA will require *additional* corrective actions when it completes its comprehensive Title VI Compliance Review of BART. To summarize just the known risks that should lead the Commission to reallocate these funds:

- First, BART must "provide an acceptable action plan" for preparing the service and fare equity analysis required by law, and FTA must approve that plan.

¹ Studies demonstrate that an investment in transit operations yields almost twice as many jobs as a similar investment in capital (41,000 jobs per billion dollars compared to 23,000).

If BART prepares that plan without adequate public participation, we will protest that violation to FTA. We have already protested its submission of a draft prepared in secret.

If BART prepares an inadequate corrective action plan, we will raise those inadequacies with FTA and ask it to require additional actions.

In light of BART's grave and admitted failure to meet its obligations, and in order to avoid a mechanical equity analysis that reaches a pre-ordained conclusion, we plan to ask FTA to require BART to hire qualified independent consultants to complete the equity analysis and run the public outreach process.

- Even if this can be done both properly and quickly, which is in grave doubt, BART must then successfully *complete* the equity analysis.

If BART completes that equity analysis without adequate public participation, we will protest that violation to FTA.

If BART prepares an inadequate equity analysis, we will raise those inadequacies with FTA and ask it to require BART to conduct additional analysis.

If BART fails to prepare an equity analysis that compares alternatives, including a bus rapid transit alternative, or fails to determine whether there is a less discriminatory alternative to the current OAC project, we will protest those violations to FTA and ask it to require additional analysis and action.

It is far from clear that BART can complete an equity analysis for this project that will meet federal requirements. FTA has already made it clear that the analysis must meaningfully "analyze whether the Project . . . would have a discriminatory impact." Our Title VI complaint already demonstrates a number of discriminatory impacts that will require changes to the project.

- After completing this analysis, BART must "implement any mitigation measures."

This will likely include significant changes to the project, affecting its design (e.g., the inclusion of intermediate stops), its cost and its financing plan.

If BART fails to implement, or delays the implementation of, any mitigation measures, we will protest such violations to the FTA and seek corrective action.

All of this will mean a high likelihood of re-bidding the project.

- Finally, BART will have to "fully remediate non-compliance with *all* Title VI requirements."

This refers not just to those Title VI requirements already noted in the January 15 letter, but also to those that are likely to be "addressed through the Office of Civil Rights' compliance review

Chair Haggerty and Commissioners
January 22, 2010

Page 4 of 4

process” with BART’s Title VI program generally. This comprehensive review process is as yet unfinished, and given BART’s recent non-compliance, there is a high likelihood that unforeseen corrective actions will result from it.

The confluence of these requirements – many time-consuming, some entirely unpredictable, and others close to impossible – justify us in agreeing with FTA Administrator Rogoff’s statement that the OAC option “involves considerable risk to the \$70 million in ARRA funds” and his emphasis that “MTC and BART are now in danger of losing” that federal funding.

We urge you not to gamble with funds that BART itself could better spend maintaining service for its existing riders, and which transit operators in all nine Bay Area counties desperately need. We urge you to take the only responsible course by reallocating the funds according to the contingency plan you previously adopted.

Very truly yours,



Richard A. Marcantonio
Managing Attorney

Enclosures: Res. 3885 “contingency plan”
Letter to Chair Fang and BART directors

Cc: Steve Heminger, MTC Executive Director
James Fang, Chair, BART Board, and Board Members
President Jane Brunner and Members, Oakland City Council
President Victor Uno and Commissioners, Port of Oakland
Chair Alice Lai-Bitker, Alameda County Transportation Improvement Authority Chair
Mark Green, Alameda County Congestion Management Agency
Peter Rogoff, FTA Administrator
Cheryl Hershey, FTA Director of Civil Rights
Amber Ontiveros, FTA Title VI Specialist
Dorval Carter, FTA Chief Counsel

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Administrative Staff

January 22, 2010

VIA ELECTRONIC MAIL

James Fang, President, and BART Board Members
Bay Area Rapid Transit District
300 Lakeside Drive, P.O. Box 12688
Oakland, California 94604-2688

Re: Additional Violations of FTA Circular 4702.1A And Potential Violation California's Brown Act

Dear Chair Fang and Board Members:

We have received a copy of Administrator Peter Rogoff's letter of January 15, and of BART's January 20 response.

From Administrator Rogoff's letter, we learned that BART very recently provided to FTA for its review a purported analysis of the equity impacts of the Oakland Airport Connector project (referred to in your letter as "the January 14 submission"). The preparation of an equity analysis requires "early and continuous" public participation,¹ yet we are unaware of any public process that preceded the creation of BART's recent submission. In fact, we are unaware that BART has even made this submission public. As a result, BART has again denied low-income and minority participants the opportunity to identify adverse impacts and delayed and denied benefits associated with the project. These are very serious additional breaches of Title VI protocols, above and beyond the breach that led us to file our administrative complaint with FTA in the first place.

We are also concerned that BART's letter to Administrator Rogoff, signed by eight of BART's nine board members, indicates that the BART board, since receiving his letter, may have engaged in non-public deliberations resulting in a decision to pursue federal stimulus

¹ See, e.g., FTA Circular 4702.1A, ch. 4, sec. 9 ("An agency's public participation strategy shall offer early and continuous opportunities for the public to be involved in the identification of social, economic, and environmental impacts of proposed transportation decisions.")

funds for the Oakland Airport Connector project. A new substantive decision by you, BART's fiduciary trustees, is essential at this stage, where the risk of losing stimulus funds for OAC is very high, and the alternative use of those funds would enable the Board to preserve BART's existing service from contemplated reductions.² Under the contingency plan adopted in MTC Resolution No. 3885 (the resolution that governs the allocation of federal stimulus funds in the Bay Area), BART would receive some \$17 million if these \$70 million in FTA formula funds were reallocated among Bay Area transit systems for system preservation, i.e., preservation of existing service. While the Board has previously, in open session, approved the OAC project, it has not had the opportunity to address the trade-off that is only now apparent, namely, whether BART's constituents, and in particular its riders and employees, would be better served by rolling the dice on FTA approval of stimulus funding for the OAC project or by preserving existing jobs and existing service with its \$17 million share of stimulus funds under MTC's contingency plan.

In other words, the letter signed by a majority of the Board gives the impression that BART may have reached a new decision, behind closed doors, to pursue stimulus funding for the OAC project *at the direct expense* of its current riders and the jobs of its current employees.

As you know, the California open meetings statute, the Brown Act, not only prohibits closed-meeting decision-making, but also bars conversations "conducted serially" by an intermediary, as when a majority of board members are each approached individually to agree to a decision. Gov. Code § 54952.2;³ *see Stockton Newspapers, Inc. v. Redevelopment Agency of the City of Stockton*, 171 Cal. App. 3d 95, 101, 102 (1985); *Wolfe v. Court of Appeal*, 144 Cal. App. 4th 533, 543 (2006) ("a concerted plan to engage in a collective deliberation on public business through a series of letters or telephone calls passing from one member of the governing body to the next would violate the opening meeting requirement").

Even if this recent action by a majority of the Board was technically lawful under the Brown Act, such a weighty decision should – like the planning for and conduct of an equity analysis – be made only after full public notice and discussion in public with the opportunity for all affected parties to be made aware of the proposed decision and comment on it.

We request that all future discussions, decisions and actions relating to BART's response to FTA with regard to its Title VI compliance review, including all BART planning for and

² At its most recent meeting, on January 14 (one day before Administrator Rogoff sent his letter), the Board discussed BART's \$25.5 million FY 2010 operating deficit, and heard staff's proposal to eliminate 74 BART jobs, with the potential to impact current riders by reducing service and amenities and/or increasing fares. We are not aware of a subsequently-noticed meeting of the Board between then and the date of the January 20 letter to FTA.

³ Section 54952.2 (b)(1) provides that: "A majority of the members of a legislative body shall not, outside a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body."

James Fang and Board Members
January 22, 2010

Page 3 of 3

execution of corrective action, be taken in full view of the public, and with full participation, in particular, of affected Environmental Justice communities.

Finally, please consider this a formal request under the California Public Records Act that BART provide us with copies of the "January 14 submission" referred to in your response to Administrator Rogoff's letter, and all future correspondence and documents BART provides to MTC in connection with this Title VI compliance review, the OAC project, and the use of these stimulus funds.

Very truly yours,

A handwritten signature in black ink, appearing to read "R. Marcantonio". The signature is fluid and cursive, with a large initial "R" and a distinct "A" at the end.

Richard A. Marcantonio
Managing Attorney

Cc: Matthew Burrows, General Counsel
Chair Haggerty and MTC Commissioners
Steve Heminger, MTC Executive Director
Peter Rogoff, FTA Administrator
Cheryl Hershey, FTA Director of Civil Rights
Amber Ontiveros, FTA Title VI Specialist
Dorval Carter, FTA Chief Counsel

BARBARA LEE
9TH DISTRICT, CALIFORNIA

COMMITTEE ON
APPROPRIATIONS
Subcommittee on
Labor, Health and Human Services,
Education and Related Agencies
Subcommittee on
State, Foreign Operations and Related Programs
Subcommittee on
Financial Services and General Government

COMMITTEE ON
FOREIGN AFFAIRS
Subcommittee on
Africa and Global Health
Subcommittee on
the Western Hemisphere



Congress of the United States
House of Representatives
Washington, D.C. 20515-0509

January 25, 2010

Attachment 7 CHAIRWOMAN,
CONGRESSIONAL BLACK CAUCUS

REPLY TO OFFICE CHECKED

WASHINGTON OFFICE
2444 RAYBURN H.O.B.
WASHINGTON, D.C. 20515
Phone: (202) 225-2661
Fax: (202) 225-9817

DISTRICT OFFICE
1301 CLAY STREET, SUITE 1000N
OAKLAND, CA 94612
Phone: (510) 763-0370
Fax: (510) 763-6538

website: lee.house.gov

The Honorable Scott Haggerty, Chair
Representing Alameda County
Metropolitan Transportation Commission
Alameda County Board of Supervisors
1221 Oak Street, Room 536
Oakland, CA 94612

Dear Chairman Haggerty:

Thank you for your ongoing leadership of the Metropolitan Transportation Commission (MTC) and your commitment to improving and strengthening our transportation infrastructure and network for the benefit of all Bay Area residents. In light of recent developments regarding the San Francisco Bay Area Rapid Transit (BART) District's planned Oakland Airport Connector, I write to urge MTC to allow BART additional time to respond to the concerns raised by the Federal Transit Administration (FTA) in order to ensure that BART is able to fully meet its obligations under Title VI of the Civil Rights Act of 1964.

Like you, I am committed to ensuring that the funding allocated to the Oakland Airport Connector by MTC as part of the American Recovery and Reinvestment Act (ARRA) is spent in our region to create jobs and improve our transportation network. The Oakland Airport Connector can help accomplish these goals, but only if BART is given an opportunity to address the concerns that have been raised with the project.

My office and I have been in touch with both BART and the FTA, and I have encouraged them to work together to address the concerns raised in the FTA's January 15, 2010 letter. Given the importance of the issues that are at stake, I believe it is important for MTC to provide BART with the opportunity to comply with its requirements under the law. Therefore I urge you and the members of the commission not to take any adverse action at the upcoming MTC board meeting on Wednesday regarding the \$70 million in ARRA funding allocated to the Oakland Airport Connector project.

Thank you for your consideration of my letter. I look forward to working with MTC to ensure that this important federal funding remains in the Bay Area.

Sincerely,

Barbara Lee

Member of Congress

Cc: James Fang, President BART Board of Directors
Steve Heminger, MTC Executive Director
Dorothy Dugger, BART General Manager


BAY AREA COUNCIL

January 25, 2010

Peter Rogoff
 Federal Transit Administrator
 U.S. Department of Transportation
 East Building
 1200 New Jersey Avenue, SE
 Washington, DC 20590

Dear Administrator Rogoff:

Thank you for the Federal Transit Administration's assistance and support to BART in developing its Oakland Airport Connector (OAC) project and for your recent forthright letter on the steps that BART must take in order for this vital link in our region's transit infrastructure to be completed. As the Bay Area's leading employer organization, the Bay Area Council is a strong public transit supporter and has long recognized the absence of a BART to Oakland Airport Connector as a drag on Oakland International Airport and on the economy of Oakland and the Bay Area.

Later, there will be time to explore how this project proceeded so far through the development and funding process without having fulfilled the necessary Title VI requirements. At the moment, however, and with the clock ticking on federal stimulus funds, the priority must be to assemble a collaborative team of FTA and BART staff that can work rapidly and carefully to fully address all FTA Title VI concerns. Be assured, none of the many supporters of the OAC wish for the project to proceed in violation of cherished civil rights principles and laws. Supporters are, however, confident in the merits of the project and are convinced that BART and FTA can work through the Title VI issues.

While civil rights issues must and will be addressed, it is also important to not lose sight of the project itself. The OAC has been on the books for many years, been subject of extensive public outreach and has been supported in many public votes by BART, MTC, the Port of Oakland, Alameda County CMA, ACTIA, and the City of Oakland. It will provide a reliable direct connection between regional transit and the region's second largest airport. The Connector project demonstrates the highest and best goals of the federal stimulus program, creating thousands of well-paid construction jobs while building a legacy project that will provide convenient, carbon-free mobility for decades to come.

The Council is fully committed to the OAC and eagerly anticipates groundbreaking—for the immediate benefit of putting thousands of Bay Area residents to work, and for the long term benefits the project will bring to Oakland

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 AT&T

ALEXANDER R. MEHRAN
 President & CEO
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LENNY MENDONCA
 Director
 McKinsey & Company

JOSEPH W. SAUNDERS
 Chairman & CEO
 Visa Inc.

MASAAKI TANAKA
 President & CEO
 Union Bank of California

KENNETH WILCOX
 President & CEO
 SVB Financial Group

JANET L. YELLEN
 President & CEO
 Federal Reserve Bank of San Francisco

RHONDA ZYGOCKI
 Vice President, Policy, Government,
 and Public Affairs
 Chevron Corporation

Ex Officio
JIM WUNDERMAN
 President & CEO, Bay Area Council

201 California Street, Suite 1450
 San Francisco, CA 94111
 (415) 981-6600

and the Bay Area. Please let me know if the Bay Area Council can be of any assistance in ensuring that your concerns are addressed so the project can move forward, as planned, providing critical jobs to Bay Area residents.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Wunderman". The signature is fluid and cursive, with a large initial "J" and "W".

Jim Wunderman
President & CEO

cc: Leslie T. Rogers: Regional Administrator for Region 9
Congresswoman Barbara Lee
Mayor Ron Dellums
Steve Heminger, Executive Director, Metropolitan Transportation Commission
Dorothy Dugger, General Manager, BART
Omar R. Benjamin, Executive Director, Port of Oakland

Gavin Newsom | Mayor

Tom Nolan | Chairman

Dr. James McCray Jr. | Vice-Chairman

Cameron Beach | Director

Shirley Breyer Black | Director

Malcolm Heinicke | Director

Jerry Lee | Director

Bruce Oka | Director

Nathaniel P. Ford Sr. | Executive Director/CEO

January 25, 2010

Steve Heminger
Executive Director
Metropolitan Transportation Commission
101 Eighth Street
Oakland, CA 94607

Re: ARRA Funding and Oakland Airport Connector (OAC) project

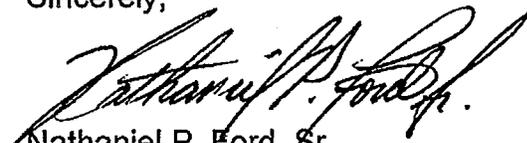
Dear Mr. Heminger,

We have received a copy of Federal Transit Administrator (FTA) Peter Rogoff's letter to the Metropolitan Transportation Commission (MTC) and the Bay Area Rapid Transit District (BART) that expresses FTA's concerns with the proposed Oakland Airport Connector (OAC) project meeting federal Title VI requirements. Given the attention that FTA's OAC letter is generating, SFMTA is positioning itself to move expeditiously if the Commission opts to release its \$70 million American Recovery and Reinvestment Act (ARRA) commitment to the OAC to other ARRA Tier II projects (per MTC Resolution 3885).

The purpose of this letter is not to impugn the OAC project. Rather, San Francisco is sensitive to the risk of the region potentially losing \$70 million of ARRA stimulus funds and is keenly aware of how delicate this issue is for BART, MTC and the region. MTC appropriately anticipated the possibility of such ARRA funds exposure by including a Tier II project list in Resolution 3885.

We understand that the Commission will make a decision on this issue at the January 27, 2010 Commission meeting. If the Commission decides to redirect ARRA funds, the SFMTA will be ready to request that FTA approve the \$17.5 million worth of Tier II projects already on our ARRA grant in order to meet the March 5, 2010 grant award obligation deadline cited in Administrator Rogoff's letter, as well as the June 30 contract award deadline. Please feel free to call me or Sonali Bose, SFMTA Chief Financial Officer, at 415.701.4617 with any questions or concerns.

Sincerely,



Nathaniel P. Ford, Sr.
Executive Director/CEO

cc: Mayor Gavin Newsom
San Francisco MTC Commissioner Chris Daly
San Francisco MTC Commissioner Jon Rubin
SFMTA Board of Directors
Irwin Lum, President, TWU-Local 250A



January 25, 2010

Chairman Scott Haggerty
Metropolitan Transportation Commission
MetroCenter
101 Eighth St.
Oakland, CA 94607-4700

RE: Re-commitment of \$70 Million ARRA Funds from BART OAC

On behalf of the 11,000 members of the San Francisco Bicycle Coalition, I am writing to urge the Metropolitan Transportation Commission to recommit the \$70 million in ARRA stimulus funds to support transit agencies and bike and pedestrian amenities. The Federal Transit Administration has alerted BART and MTC that the Bay Area region is at risk of losing this stimulus funding. BART has been found out of compliance with the FTA's civil rights requirements and questions are being asked about MTC's oversight of these issues.

BART told MTC in July that it had completed an equity analysis, something they now acknowledge was not done. Then last week, BART hastily submitted an analysis to the FTA which was resoundingly rejected.

Last July, hoping to avoid doing a study of alternatives, MTC and BART staff told you that any analysis that looked at alternatives to the OAC would take months to complete. There is no quick fix to the issues raised by the FTA, which makes the risk of proceeding with this project is too great for the Bay Area.

MTC must act to keep the stimulus funding in the Bay Area for the benefit of the region's transit riders and workers. Please do not risk this critical funding. Please declare the Oakland Airport Connector out of compliance for \$70 million in ARRA stimulus funding and disperse these funds to the regions transit agencies, as per your February ARRA resolution.

Thank you in advance for supporting better public transit, biking and walking in the Bay Area.

Sincerely,

A handwritten signature in black ink that reads "Marc Caswell". The signature is written in a cursive, flowing style.

Marc Caswell
Program Manager
San Francisco Bicycle Coalition

CC: MTC Commissioners, Director Steve Heminger, Ann Flemer, Randy Rentschler, Alix Bockelman





RECEIVED

JAN 26 2010

MTC

25 January 2010

VIA ELECTRONIC MAIL, TELEFAXED TO: 510-817-5848 AND MAILED FIRST CLASS TO:

Chair Scott Haggerty and Commissioners
Metropolitan Transportation Commission
101 Eighth Street
Oakland, California 94607

Re.: Re-Allocation Of \$70 Million Of ARRA Funds From OAC To Transit Operations

Chair Haggerty and Commissioners:

In view of the January 15, 2010 letter from the FTA (Federal Transit Administration), the Sierra Club urges you to re-allocate the \$70 million in ARRA (American Recovery and Reinvestment Act) funds from the OAC (Oakland Airport Connector) project to transit operating funds. There are significant issues of environmental justice and other environmental issues with the OAC and it would be a shame for the region to lose those funds.

The Sierra Club believes in environmental justice. Not only is it moral public policy, but environmental justice enables people to live fulfilling lives in dense urban areas with minimal use of single occupancy vehicles. We are concerned that BART did not properly analyze the Title VI issues of the service and fares of the OAC. A number of transit and social equity groups pointed this out during the process, to no avail. Given the lack of intermediate stops and the high ticket cost, we do not believe that the OAC will provide meaningful transportation for the Title VI community through which it travels.

Transit is an important part of the Sierra Club's environmental programs. Transit enables people to live in dense "smart growth" communities which emphasize walking, bicycling and transit and discourage single occupancy vehicle use. In less dense communities transit provides an alternative to auto use and provides transportation for those who, for whatever reason, cannot drive. All of the transit agencies in the SF Bay Area, like those throughout California and the United States, are in desperate financial straits. San Francisco MUNI, in particular, has been the subject of a number of recent press accounts about its financial problems. Ironically, the amount of money SF Muni needs this year is almost exactly the ARRA funds total it would receive had those funds not been assigned to the OAC. Like MUNI, all the Bay Area's transit agencies can make better use of the ARRA funds than the OAC. It would be helpful if MTC staff would identify how funds from the three urbanized areas which were assessed for the OAC project might now be distributed within the region.

Interestingly, a recent report which is part of TCRP Project J11. Task 7 ("Economic Impact of Public Transportation Investment"), shows that transit operations produce twice as many jobs for a given expenditure than do transit capital, such as the OAC. Further, good economic development can help with Secretary LaHood's "Livability" initiative, as well as reducing tendencies toward sprawl.

Finally, we are informed that most of the OAC construction would be in the form of concrete segments prefabricated outside the region then assembled in place. Production of concrete produces very large amounts of

CO₂. Even though it will not be produced in the Bay Area, CO₂ is a greenhouse gas, and its production anywhere for the Bay Area has a negative impact on the environment, detrimental to Bay Area leadership in climate action.

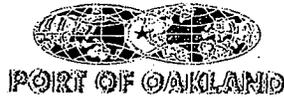
For all of these reasons, we urge you to re-allocate the ARRA funds (and whichever other funds you can) from the OAC to transit operating funds/replacement vehicles. We look forward to your response.

Sincerely,

A handwritten signature in cursive script that reads "Wendy Alfsen".

Wendy Alfsen, Chair
SF Bay Chapter Transportation Committee
2530 San Pablo Ave., Suite I
Berkeley, CA 94702
510-848-0800
EM: san-francisco-bay.chapter@sierraclub.org

Oakland Board of Port Commissioners



January 26, 2010

The Honorable Scott Haggerty, Chair
Metropolitan Transportation Commission
Alameda County Board of Supervisors
1221 Oak Street, Room 536
Oakland, CA 94612

Dear Chairman Haggerty:

On behalf of the Oakland Board of Port Commissioners, I am pleased to offer my continued support for the BART Oakland Airport Connector project. The Port has worked with the Metropolitan Transportation Commission and other regional funding partners (Alameda County Congestion Management Agency, Bay Area Rapid Transit District, and the Alameda County Transportation Improvement Authority) for a number of years to bring this project to fruition, and we are now close to making the Connector a reality.

The Oakland International Airport operates in a competitive regional market for airline service and passengers, and it is important to maintain this competitiveness with other airports in the area by continuing to demonstrate high levels of customer service and convenience for the traveling public. The Connector will provide reliable, dependable transit service to the airport for our passengers well into the future. This service is over and above what could hope to be achieved through the existing AirBART program or a rapid bus system traveling on local roads.

The Connector will deliver significant benefits to the local and regional economies through the immediate creation of new construction jobs and long-term employment opportunities once the service is up and running. Significantly, BART's project cooperation agreement ensures that 25 percent of construction jobs and 50 percent of apprenticeship hours go to Oakland residents. In our current economic climate, with joblessness rates on the rise and our community desperately in need of employment opportunities, the Connector is a perfect example of a project that will put people to work and deliver long-term benefits to the region and to the airport. The Connector will also serve to reduce congestion on the local access roads to the airport, thereby improving the environmental conditions of our airport operations.

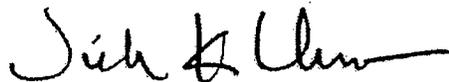
The airlines that serve OAK unanimously supported the Connector through the use of Passenger Facility Charges—these are fees that the airport currently collects from passengers traveling through the airport to help pay for various airport-related improvements. It is a testament to the fact that the Connector is a viable marketing tool for new airline service that the airlines believe that this will provide a reliable long-term transit

option and significant benefit for their passengers comparable to SFO and other major airports that they serve.

I understand that the Federal Transit Administration (FTA) has asked BART to respond to concerns over its obligations under Title VI of the Civil Rights Act of 1964, and that the federal stimulus funding previously allocated to the project is therefore at risk. The Port has been assured by BART that they are working expeditiously with FTA to address and resolve all concerns related to this inquiry by March 5, 2010, and for that reason we hope that MTC will not take any adverse action at its January 27, 2010 meeting which could jeopardize the full funding plan for this project.

Thank you for your consideration in this matter, and we look forward to continuing to serve as a partner on this important project so that the benefits to the residents and businesses of Oakland and the surrounding regions can be realized.

Sincerely,

A handwritten signature in black ink, appearing to read "Victor Uno", with a stylized flourish at the end.

Victor Uno
President, Oakland Board of Port Commissioners

JERRY MCNERNEY
11TH DISTRICT, CALIFORNIA

COMMITTEES:
ENERGY and COMMERCE
VETERANS' AFFAIRS



Congress of the United States
House of Representatives
Washington, DC 20515-0511

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WASHINGTON, D.C. 20515
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STOCKTON DISTRICT OFFICE
2222 GRAND CANAL BOULEVARD, #7
STOCKTON, CA 95207
(209) 476-8552

PLEASANTON DISTRICT OFFICE
5775 STONERIDGE MALL ROAD, #175
PLEASANTON, CA 94558
(925) 737-0727

January 26, 2010

Mr. Scott Haggerty
Chairman of the Board
Metropolitan Transportation Commission
101 Eighth Street
Oakland, CA 94607

Dear Chairman Haggerty:

As you know, the Federal Transit Administration (FTA) recently sent a letter addressed to the Metropolitan Transportation Commission (MTC) and the Bay Area Rapid Transit (BART) District in regard to BART's Title VI compliance review concerning an equity analysis for service and fare changes for the Oakland Airport Connector (OAC) Project. FTA asserted that MTC and BART are subject to losing \$70 million in federal funding provided by the American Recovery and Reinvestment Act (ARRA) for this project if an equity analysis is not quickly completed to FTA's satisfaction.

FTA has indicated that BART and MTC have the option to continue to pursue ARRA funds for OAC, if BART performs an equity evaluation for OAC and completes an implementation strategy to mitigate adverse impacts caused by failed equity analysis. However, both MTC and BART could lose the \$70 million in programmed ARRA funds if BART is unable to satisfactorily meet FTA's requirements by March 5, 2010, which were detailed in the January 15, 2010 letter. I am confident that MTC and BART share a common goal of ensuring that the \$70 million in ARRA funding is used for valuable projects in our region. BART has also informed me that the agency is capable of meeting FTA's requirements by the agency's March 5 deadline.

As you consider the future of ARRA funding for the OAC project, I request your careful consideration of several important factors. ARRA is intended to create as many jobs as possible and develop infrastructure that serves long-term transportation objectives. California suffers from unemployment rates exceeding the national average, and both short and long-term job creation should be important factors in determining project funding through ARRA. The OAC project meets the objectives of ARRA by providing immediate job growth in the greater Bay Area and promoting broader economic recovery. Furthermore, because OAC is a large construction project, it is expected that nearby regions, such as the San Joaquin Valley, will benefit from job creation as this initiative advances. I am informed that factories in nearby San Joaquin County – which I am also honored to represent and which has an unemployment rate above 17 percent in some areas – expect to hire hundreds of workers if OAC is able to proceed.

Thank you for your consideration of this letter. I look forward to working with you on this issue and other important matters in MTC's areas of jurisdiction. Should you have any questions, please feel free to contact me, or Eric Halstrom of my staff, at (202) 225-1947.

Sincerely,



Jerry McNerney
Member of Congress

CC: James Fang, President, BART Board of Directors
Steve Heminger, MTC Executive Director
Dorothy Dugger, BART General Manager



ALAMEDA COUNTY
CONGESTION MANAGEMENT AGENCY

1333 BROADWAY, SUITE 220 • OAKLAND, CA 94612 • PHONE: (510) 836-2560 • FAX: (510) 836-2185
E-MAIL: mail@accma.ca.gov • WEB SITE: accma.ca.gov

January 26, 2010

AC Transit
Director
Greg Harper

Alameda County
Supervisors
Nate Milroy
Scott Haggerty

City of Alameda
Mayor
Beverly Johnson
Vice Chair

City of Albany
Councilmember
Farid Javandel

BART
Director
Thomas Blalock

City of Berkeley
Councilmember
Kris Worthington

City of Dublin
Mayor
Tim Stranti

City of Emeryville
Vice-Mayor
Ruth Alkin

City of Fremont
Councilmember
Robert Wiecekowski

City of Hayward
Councilmember
Olden Henson

City of Livermore
Mayor
Marshall Kamena

City of Newark
Councilmember
Luis Freitas

City of Oakland
Councilmember
Larry Reid

City of Piedmont
Councilmember
John Chiang

City of Pleasanton
Mayor
Jennifer Hosterman

City of San Leandro
Councilmember
Joyce R. Starosciak

City of Union City
Mayor
Mark Green
Chair

Executive Director
Dennis R. Fay

The Honorable Scott Haggerty, Chair
Metropolitan Transportation Commission
101 Eight Street
Oakland, CA 94607

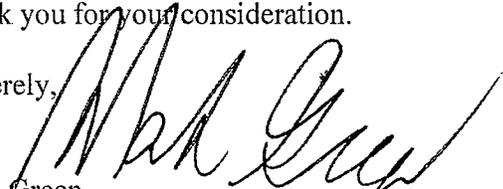
Dear Chairman Haggerty:

As you know, the Oakland Airport Connector project has been a high priority in Alameda County for some time. In light of recent developments regarding the San Francisco Bay Area Rapid Transit (BART) District's planned Oakland Airport Connector, I write to urge MTC to allow BART additional time to respond to the concerns raised by the Federal Transit Administration (FTA) in order to ensure that BART is able to fully meet its obligations under Title VI of the Civil Rights Act of 1964.

The funding allocated to the Oakland Airport Connector by MTC as part of the American Recovery and Reinvestment Act (ARRA) will create jobs and improve our transportation network. The Oakland Airport Connector can help accomplish these goals, but only if BART is given an opportunity to address the concerns that have been raised with the project. We urge you and the members of the commission not to take any adverse action at the upcoming MTC board meeting on Wednesday regarding the \$70 million in ARRA funding allocated to the Oakland Airport Connector project.

Thank you for your consideration.

Sincerely,


Mark Green
Chair

Cc: Dennis R. Fay, ACCMA Executive Director,
Christine Monsen, ACTIA Executive Director
Steve Heminger, MTC Executive Director,
James Fang, BART Board of Directors President
Dorothy Dugger, BART General Manager

Aaron Lehmer, Berkeley
 Adele Schenker, Oakland
 Adrienne Borgia, Oakland
 Adrienne Heim, San Francisco
 Alan Tobey, Berkeley
 Alexander Brennan, Berkeley
 Alia Anderson, Oakland
 Alice Linn, Santa Rosa
 Alice Mosley, San Francisco
 Allen Tacy, Petaluma
 Amit Shoham, Oakland
 Andrea Tyler, Oakland
 Andrew Ingersoll, San Francisco
 Ann Pinkerton, Oakland
 Anne Cevallos, Alameda
 Anthony Veerkamp, San Francisco
 Barbara Shaurette, San Francisco
 Biblowitz, San Francisco
 Bill Michel, Mountain View
 Carwil James, Oakland
 Cassandra Kifer, San Jose
 Cathleen Sullivan, Oakland
 Charles Malarkey, Vallejo
 Charles Robinson, Piedmont
 Charles Siegel, Berkeley
 Chris Ford, San Francisco
 Christopher Flores, Oakland
 Christopher Pederson, San Francisco
 Christopher Waters, Oakland
 Daniel Shockley, Walnut Creek
 David Esposito, Alameda
 David Favello, Walnut Creek
 Deb Samuels, Oakland
 Deborah James, Alameda
 Denise Hill, Santa Rosa
 Donald Forman, Berkeley
 Dorothy Walker, Berkeley
 Doug Linney, Alameda
 Drew Lindsey, San Francisco
 Edward Church, Albany
 Eli Cochran, Berkeley
 Ernest Avellar, Hayward
 Ernest Goitein, Atherton
 Gail Feldman, Kensington
 Gene Anderson, Oakland
 George Robin, San Francisco
 Gladwyn d'Souza, Belmont
 Gregory Currey, San Jose
 Howard Wong, San Francisco
 Janet Noble, Oakland
 Jean Fraser, San Francisco
 Jeremy Shaw, San Francisco
 Jo Ann Carter, Berkeley
 John Holtzclaw, San Francisco
 John Spangler, Alameda
 Jon Walawitch, Hayward
 Jonathan Bair, Oakland
 Jonathan Greene, Palo Alto
 Julia Prange, Sebastopol
 Karen Kunze, Oakland
 Kelly Snider, San Jose
 Kenton Williston, Oakland
 Kevin Armstrong, San Jose
 Laura Machala, San Francisco
 Laura Thomas, Alameda
 Lawrence Leong, San Francisco
 Len Conly, Berkeley
 Lian Alan, Oakland
 Lindsay Imai, Oakland
 Lionel Gambill, Petaluma
 Lisa Feldstein, San Francisco
 Mark Brucker, Berkeley
 Mark Kindred, San Francisco
 Mark Shaw, Oakland
 Marla Fields, Novato
 Marta Lindsey, San Francisco
 Martha Robin, San Francisco
 Matt Iverson, San Leandro
 Michael Kelly, Hollister
 Michael Kruefer, Alameda
 Michael Sarabia, Concord
 Mike Cluster, Concord
 Mike Fogel, San Francisco
 Miriam Hawley, Berkeley
 Naomi Schiff, Oakland
 Nicholas Kibre, Redwood City
 Paula Rainey, Alameda
 Peter Saltzman, Oakland
 Peter Van Tassel, Oakland
 Phil Woods, San Leandro
 Philip Morton, Berkeley
 Ro Nakadegawa, Berkeley
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 Ron Sundergill, Oakland
 Sarah Hendlish, San Francisco
 Seth Goddard, Berkeley
 Shannon Regan, Alameda
 Shannon Tracey, Oakland
 Shaw San Liu, San Francisco
 Sherman Lewis, Hayward
 Stephanie Reyes, San Mateo
 Steve Gerstle, Alameda
 Steve Ly, Los Altos
 Sue Vaughan, San Francisco
 Susan Decker, Alameda
 Taylor, San Francisco
 Terry Trumbull, Santa Clara
 Thea Hensel, Santa Rosa
 Tom O'Neill, Petaluma
 Valerie Taylor, San Rafael
 Vincent Casalaina, Berkeley
 Will Henderson, San Francisco
 Willard Richards, Santa Rosa