



NOTICE OF MEETING

A Regular Meeting of the WCCTA Board of Directors
will be held:

DATE: Feb 13, 2025 (Thursday)
TIME: 6:30 PM
PLACE: City of Pinole Council Chambers
2131 Pear Street, Pinole CA

**Attend in Person in Pinole Council Chambers or via
Zoom ID: 862 0063 0753
<https://us02web.zoom.us/j/86200630753>
Zoom Phone Number: 1-669-900-6833
Meeting Number - 862 0063 0753**

Americans With Disabilities Act: In compliance with the Americans with Disabilities Act of 1990, if you need special assistance to participate in a WCCTA Board Meeting or you need a copy of the agenda or the agenda packet in an appropriate alternative format, please get in touch with the WestCAT Administrative Office at (510) 724-3331. Notifying the Authority staff at least 48 hours before the meeting or when services are needed will assist them in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

AGENDA

- A. CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE**
- B. APPROVAL OF AGENDA**
- C. PUBLIC COMMUNICATIONS**

This is the time for members of the public to bring up with the Board of Directors matters of general interest that are not on the agenda. In accordance with the provisions of the Brown Act, the Board will automatically refer to staff any matters that are brought before them at this time, and the matter may be placed on a future agenda. The time limit is 3 minutes and is subject to modification by the Chair.

1.0 CONSENT CALENDAR

If a Board member would like to discuss any item listed, it may be pulled from the Consent Calendar. **Recommend Approval of all Items on the Consent Agenda as follows:**

- 1.1 Approval of Minutes of Regular Board Meeting of Jan 9, 2025. **[Action Requested: Approval of Minutes] ***
- 1.2 Approval of Expenditures for December 2024 **[Action Requested: Approval of Expenditures] ***
- 1.3 Receive Contractors' Monthly Management Report for October 2024 a Monthly Passenger. **[Action Requested: Receive and File] ***

- 1.4 Approval of WCCTA Annual Statement of Investment Policy [**Formal Approval of WCCTA Investment Policy**] *
- 2.0 **CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54957(b): PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
Title: General Manager
- 3.0 **CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54957.6 : CONFERENCE WITH LABOR NEGOTIATOR**
Agency Representative: Tom Hansen
Unrepresented Employee : General Manager
- 4.0 **RECONVENE TO OPEN SESSION**
- 5.0 **CONSIDERATION OF AMENDMENT TO EMPLOYMENT AGREEMENT WITH GENERAL MANGER: Robert Thompson**
Recommendation: Consider an amendment to the employment agreement with General Manager Robert Thompson
- 6.0 **REGULAR ITEMS FOR BOARD ACTION / DISCUSSION**
 - 6.1 Consideration and Approval of WCCTA's Disadvantaged Business Enterprise Program (DBE) [**Action Requested: Formal Adoption of Resolution 2025-02 to Approve WCCTA's Disadvantaged Business Enterprise Program**]. *
 - 6.2 Consideration and Approval of WCCTA's Title VI Program [**Action Requested: Formal Adoption of Resolution 2025-03 to Approve WCCTA's Title VI Program**] *
 - 6.3 **Discussion on Capital Funding** [**Action Requested: Discussion and Direction to Staff**]
- 7.0 **COMMITTEE REPORTS**
 - 7.1 General Manager's Report [**No Action: Information Only**]
 - 7.2 WCCTAC Representative Report [**No Action: Information Only**]
- 8.0 **CORRESPONDENCE**
- 9.0 **BOARD COMMUNICATION / ITEMS FOR FUTURE BOARD MEETINGS**
- 10.0 **ADJOURNMENT**

* Enclosures

Documents provided to a majority of the Board of Directors after distribution of the packet regarding any item on this agenda will be made available for public inspection at the Administration Counter at WCCTA located at 601 Walter Avenue, during regular business hours (Pursuant to SB 343 or California Government Code Section 54957.5 -effective July 1, 2008). This information will also be uploaded and posted to the website before the meeting and made available at this link: [WestCAT Board of Directors](#). The posting of SB 343 information on this website is in addition to the posting of the information at the legally required locations specified above.

Next Board Meeting Thursday, March 13, 2025

WCCTA Board meetings are prerecorded and posted for public viewing on the Authority's website at this link: [WestCAT Board of Directors](#).



Western Contra Costa
Transit Authority

Agenda Item 1.1

WESTERN CONTRA COSTA TRANSIT AUTHORITY

BOARD OF DIRECTORS

REGULAR MEETING MINUTES

January 9, 2025

Regular Meeting

6:30 PM

Pinole City Council Chambers

The Board of Directors Meeting was held in person.

A. CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Chair Hansen called the meeting to order at 6:30 PM and led the Pledge of Allegiance.

DIRECTORS PRESENT

Chair Tom Hansen, Tiffany Grimsley, Norma Martinez Rubin, Heidi Swillinger, and Alternate Devon Murphy

STAFF PRESENT

Rob Thompson, General Manager; Yvonne Morrow, Chief Financial Officer; Debora Harris, Finance Manager; Finn Wurtz, Transit Planner; Christina Lotfy, Accounting Technician; Mica Mcfadden, Executive Assistant; Tania Babcock, Grants and Compliance Manager; Mike Furnary, Grants and Compliance Manager, and Rob Petty, General Service Manager

GUESTS PRESENT

Rami Razzouk, MV Transportation General Manager

B. APPROVAL OF AGENDA

Following an inquiry to the Board, the Board reported no conflicts with any items on the agenda.

MOTION: A motion was made by Director Grimsley, seconded by Director Murphy, to Approve the Agenda. The motion was carried by the following vote:

Ayes: 5– (Grimsley, Hansen, Swillinger, Murphy, Martinez-Rubin)

C. PUBLIC COMMUNICATIONS

NONE.

1) **CONSENT CALENDAR**

Following an inquiry to the Board, the Board reported no conflicts with any items on the Consent Calendar.

MOTION: A motion was made by Director Marinez-Rubin, seconded by Director Grimsley, to Approve the Consent Calendar. The motion was carried by the following vote:

Ayes: 5– (Grimsley, Hansen, Swillinger, Murphy, Martinez-Rubin)

2) **ITEMS FOR BOARD ACTION / DISCUSSION**

2.1 Consideration and Adoption of Resolution 2025-01 Authorizing the Filing of an Application for FTA Formula Program and Surface Transportation Program Funding for Vehicle Replacements, and ADA Set-Aside and Committing the Necessary Local Match for Project(s) and Stating the Assurance of WCCTA to Complete the Project.

Mike Furnary reported that every 1-4 years, MTC solicits a “call for projects,” where transit agencies identify agency-specific projects for that period and the funding required to complete them. The current call for projects is a two-year program for fiscal years 2025 through 2026.

During this period, staff review our planned projects, including our vehicle replacement cycle, and identify our needs for the project period. WestCAT’s project list includes vehicle replacements and ADA operations assistance for the two-year period.

The list of projects approved by MTC identifies the funding approved for WestCAT and the local match obligation. WestCAT will use multiple sources of match funds to meet our local obligations, including State of Good Repair, AB664, RM3, and TDA funds, and a continued effort to seek additional and new funding opportunities.

Director Martinez-Rubin asked if staff knew what additional grants would be sought to help with funding.

GM Thompson replied that these are federal dollars returned to the Bay Area region. They’re allocated by urban area. There is a competitive process through MTC to apply for those funds. Being in the San Francisco/Oakland Urban Area, WestCAT competes with AC Transit, BART, Muni, WETA, and all the other smaller agencies for those funds. When programs roll out, WestCAT always puts in a request for vehicle replacements that are due.

MOTION: A motion was made by Director Murphy, seconded by Director Marinez-Rubin, to Approve the Formal Adoption of Resolution 2025-01. The motion was carried by the following vote:

Ayes: 5– (Grimsley, Hansen, Swillinger, Murphy, Martinez-Rubin)

2.2 Paratransit One Seat Ride Program- Permanent MOU Recommendation: Authorize the General Manager to Finalize and Enter into a Permanent MOU with the Paratransit program.

GM Thompson reported that in November 2020, the County Connection Board approved a six-month One-Seat Ride (OSR) pilot program serving ADA paratransit eligible passengers across multiple transit agency service areas, governed by a Memorandum of Understanding (MOU) between participating agencies, including Western Contra Costa Transit Authority, Livermore

Amador Valley Transit Authority, Central Contra Costa County Transit Authority, and Eastern Contra Costa Transit Authority.

The pilot program was extended in April 2021, November 2022, and November 2023 while the program matured and partner agencies implemented various innovations and improvements, including streamlining customer service procedures, expanding fare payment options, unified data management and invoicing algorithms, and procedures for reporting OSR program data to the National Transit Database (NTD).

After an extended pilot phase, the OSR program has proven to be enormously beneficial for riders, operationally advantageous, and cost-effective for the partnering agencies compared to the previous system of coordinated inter-operator transfer trips. Staff recommended a formal MOU, making the project permanent.

MOTION: A motion was made by Director Murphy, seconded by Director Martinez-Rubin, to Authorize the General Manager to Enter into the Permanent MOU. The motion was carried by the following vote:

Ayes: 5– (Grimsley, Hansen, Swillinger, Murphy, Martinez-Rubin)

3) **COMMITTEE REPORT**

3.1 General Manager's Report. No Action: Information Only.

GM Thompson reported on the WestCAT Holiday bus and hoped everyone could see it in the community on every route. In December, the holiday bus carried a little under 2,500 passengers for free. In the coming months, staff will send an RFP to find a new advertising company.

Next, GM Thompson reported that Regional Network Management has been working on new signage prototypes at the Del Norte BART station, developing different elements for how the signs and maps will look. GM Thompson is excited to see everything roll out.

GM Thompson reported that the Comprehensive Operations Analysis, WestCAT Evolution, received around 650 passenger surveys. GM Thompson was pleased with the encouragement of the MV Drivers who worked to encourage riders to fill in the information. There was an incentive for the top three drivers who returned the most passenger surveys. Staff is currently working on scheduling two community open houses. One will take place in Hercules, and the other in Pinole. A direct mailer will be sent out to every household in our service area to hopefully gain interest from the community.

Lastly, GM Thompson introduced WestCAT's newest staff member—Tania Babcock, who recently joined the agency for Tri Delta Transit as the Compliance and Grant Manager. This is not a new position. Mike Furnary will be retiring, and Tania came on board to take his place.

3.2 WCCTAC Representative Report. No Action: Information Only.

NONE.

4) **CORRESPONDENCE**

NONE.

5) **BOARD COMMUNICATION / ITEMS FOR FUTURE BOARD MEETINGS**

NONE.

6) **ADJOURNMENT**

Chair Hansen adjourned the meeting at 7:04 PM. The next meeting is scheduled for February 13, 2025.

Tom Hansen, Chair

Date

Robert Thompson, Secretary

Date

AGENDA ITEM 1.2

WCCTA - WestCAT
Purchase Journal
 For the Period December 2024

Filter Criteria includes: 1) Unposted Transactions only; 2) Includes Drop Shipments. Report order is by Vendor ID. Report is printed in Detail Format.

Date	Account ID Account Description	Invoice/CM #	Line Description	Debit Amount	Credit Amount
1/6/25	51200-10 Rentals & Leases, Operations 20100 Accounts Payable	ARO0002465	Oct - Dec TC bus bay rental AC Transit	25,467.75	 25,467.75
1/16/25	50300-42 Outside Service, Non-Veh Mai 20100 Accounts Payable	1295937-14	Facilites tool rental San Pablo Rentals, LP	123.76	 123.76
1/1/25	11103 Office Equipment & Furniture 50499-42 Other Mat&Suppl, Non-Veh 50499-43 OtherMat&Sup-Non-Veh, Co 50499-60 Other Mat & Supplies, Admin 50499-60 Other Mat & Supplies, Admin 50903-60 Fees, Admin 20100 Accounts Payable	1XQQ-6KVJ-FJW4	File cabinet (finance office) - TDA Facilities supplies (plumbing, ant bait) IT supplies (monitor,keyboard,headset) Office supplies Product return Shipping/handling & taxes Amazon Capital Services, Inc.	283.16 373.46 286.97 67.57 67.44	 87.74 990.86
12/13/24	50501-10 Telephone, Operations 50501-60 Telephone, Admin 20100 Accounts Payable	000022743879	Nov. & Dec. phone service Nov. & Dec. phone service AT&T	121.30 60.65	 181.95
1/13/25	50501-10 Telephone, Operations 50501-60 Telephone, Admin 20100 Accounts Payable	000022891740	Dec. & Jan. phone service Dec. & Jan. phone service AT&T	119.54 59.77	 179.31
1/2/25	50908-10 Marketing & Advertising, Ope 50999-60 Miscellaneous Exp, Admin 50908-10 Marketing & Advertising, Ope 50300-43 O/S Service, Non-Veh, Compu 11103 Office Equipment & Furniture 50499-42 Other Mat&Suppl, Non-Veh 50499-41 Other Mat & Supplies,Veh Ma 50499-41 Other Mat & Supplies,Veh Ma 50300-42 Outside Service, Non-Veh Mai 50903-60 Fees, Admin 50499-41 Other Mat & Supplies,Veh Ma 50499-41 Other Mat & Supplies,Veh Ma 50499-42 Other Mat&Suppl, Non-Veh 50499-42 Other Mat&Suppl, Non-Veh 50499-42 Other Mat&Suppl, Non-Veh 11105 Oper, Maint & Admin Facility	Stmt 12/3/24- 1/2/25	Upwork (Social media marketing) Dynamite Donuts (Staff appreciation) Twilio (Emergency messaging software for ridership) Grammarly (Grammar & spell check) Wayfair (Furniture: Debora & Christina desks) - TDA Dolan's Lumber (Facilities supplies) Amazon (Vehicle parts: fuses) Amazon (Maintenance supplies: jumper cables) Contra Costa Transfer Station (Waste disposal) Walmart.com (Delivery fee) Walmart.com (Maintenance supplies: gloves) Walmart.com (Maintenace supplies: hydraulic hoses,crimp tool,fittings) Walmart.com (Facilities supplies: floor crack kit) Amazon (Facilities supplies: ceiling tiles) Amazon (Facilities supplies: ceiling grill,forklift part) Amazon (4 propane tanks for forklift) - TDA	262.50 39.50 457.30 75.00 961.02 20.60 35.98 107.54 145.50 56.47 270.11 611.04 138.84 326.49 189.61 1,632.38	

AGENDA ITEM 1.2

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Date	Account ID Account Description	Invoice/CM #	Line Description	Debit Amount	Credit Amount
	50499-41 Other Mat & Supplies,Veh Ma		Amazon (Maintenance supplies: work lights)	252.19	
	50499-42 Other Mat&Suppl, Non-Veh		Rubenstein Supply (Facilities supplies: plumbing materials)	79.27	
	50499-41 Other Mat & Supplies,Veh Ma		Walmart.com (Maintenance supplies: cordless sprayer,shopvac filters)	347.03	
	50499-42 Other Mat&Suppl, Non-Veh		Walmart.com (Facilities supplies: first aid refills)	178.00	
	11102 Maintenance Equipment		Walmart.com (Inline 7 data link adapter truck diagnostic tool) - TDA	475.86	
	50300-43 O/S Service, Non-Veh, Compu		Dropbox (Recurring monthly billing for 8 licenses)	240.00	
	50300-43 O/S Service, Non-Veh, Compu		Sage Software (Recurring monthly charge)	178.18	
	50300-43 O/S Service, Non-Veh, Compu		Zoom (Recurring monthly charge)	14.68	
	50300-43 O/S Service, Non-Veh, Compu		Microsoft (Office 365 monthly license fee)	12.50	
	50300-43 O/S Service, Non-Veh, Compu		Microsoft (Office 365 monthly support fee)	5.00	
	50410-10 Postage, Operations		Stamps.com (December stamps)	66.66	
	50410-60 Postage, Admin		Stamps.com (December stamps)	33.34	
	50499-60 Other Mat & Supplies, Admin		Staples (Office supplies)	75.13	
	50903-60 Fees, Admin		CTC-VIS (Cal.Air Res.Brd Clean Truck Check Prog. 2024 payment fee)	8.97	
	50300-41 Outside Service, Vehicle Main		CTC-VIS (Cal.Air Res.Brd Clean Truck Check Prog. 2024 compliance fee)	300.00	
	50999-60 Miscellaneous Exp, Admin		Ike's Sandwiches (Staff meeting holiday meal)	611.68	
	50300-43 O/S Service, Non-Veh, Compu		Shopify (Online store annual subscription)	348.00	
	50410-10 Postage, Operations		Stamps.com (Monthly service charge)	19.99	
	50410-60 Postage, Admin		Stamps.com (Monthly service charge)	10.00	
	20100 Accounts Payable		Bank of America Commerical CC		8,586.36
1/5/25	50300-10 Outside Services, Operations	21948026	Monitoring fee - Fire (2/1 - 4/30/25)	432.76	
	50300-60 Outside Services, Admin		Monitoring fee - Fire (2/1 - 4/30/25)	216.38	
	20100 Accounts Payable		Bay Alarm Company		649.14
1/9/25	10204 A/R Accrual - MV Liability In	14-2024-December	Dec. insurance & admin fees	1,221.88	
	20100 Accounts Payable		CalTIP		1,221.88
12/30/24	50499-41 Other Mat & Supplies,Veh Ma	143000	Vehicle parts	1,482.29	
	50499-41 Other Mat & Supplies,Veh Ma		Maintenance supplies (first aid kits,hand soap)	615.04	
	50401-10 Fuel & Lubricants		Engine oil (cars,vans) & propane	311.80	
	20100 Accounts Payable		Chuck's Brake & Wheel		2,409.13
12/16/24	50499-41 Other Mat & Supplies,Veh Ma	4214758165	December uniforms	856.22	
	20100 Accounts Payable		Cintas Corporation		856.22

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12/23/24	50499-41 Other Mat & Supplies,Veh Ma 20100 Accounts Payable	4215540427	December uniforms Cintas Corporation	856.22	856.22
12/30/24	50499-41 Other Mat & Supplies,Veh Ma 20100 Accounts Payable	4216190789	December uniforms Cintas Corporation	856.22	856.22
1/6/25	50499-41 Other Mat & Supplies,Veh Ma 20100 Accounts Payable	4216894851	January uniforms Cintas Corporation	856.22	856.22
1/13/25	50499-41 Other Mat & Supplies,Veh Ma 20100 Accounts Payable	4217635427	January uniforms Cintas Corporation	856.22	856.22
1/20/25	50499-41 Other Mat & Supplies,Veh Ma 20100 Accounts Payable	4218409777	January uniforms Cintas Corporation	856.22	856.22
12/18/24	50300-41 Outside Service, Vehicle Main 20100 Accounts Payable	0371773S	DPF cleaning (Bus 406) COAST COUNTIES TRUCK & EQUIPMENT CO.	599.39	599.39
12/18/24	50300-41 Outside Service, Vehicle Main 20100 Accounts Payable	0371774S	DPF cleaning (Bus 162) COAST COUNTIES TRUCK & EQUIPMENT CO.	599.39	599.39
1/2/25	50501-10 Telephone, Operations 50501-60 Telephone, Admin 20100 Accounts Payable	001001703864	Jan. fiber network (1/1 - 1/31/25) Jan. fiber network (1/1 - 1/31/25) Comcast Business	1,115.90 557.95	1,673.85
12/29/24	50300-42 Outside Service, Non-Veh Mai 20100 Accounts Payable	0162	Annual inspection Contra Costa Fire Equipment	2,314.40	2,314.40
1/10/25	50800-10 Purchased Transportation, Ope 20100 Accounts Payable	25101	November pilot Central Contra Costa Transit Authority	2,471.72	2,471.72
1/2/25	50500-10 Utilities, Operations 50500-60 Utilities, Admin 20100 Accounts Payable	529260 12/24	Water service (10/23 - 12/30/24) Water service (10/23 - 12/30/24) East Bay Municipal Utility District	878.64 439.32	1,317.96
1/2/25	50500-10 Utilities, Operations 50500-60 Utilities, Admin 20100 Accounts Payable	529339 12/24	Water service (10/23 - 12/30/24) Water service (10/23 - 12/30/24) East Bay Municipal Utility District	761.51 380.75	1,142.26
12/30/24	50401-10 Fuel & Lubricants 20100 Accounts Payable	24-261008	Anti-freeze Flyers Energy, LLC (RCP)	257.61	257.61

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12/30/24	50401-10 Fuel & Lubricants 20100 Accounts Payable	24-261009	Mobil Delvac Flyers Energy, LLC (RCP)	3,031.44	3,031.44
1/6/25	50401-10 Fuel & Lubricants 20100 Accounts Payable	25-265947	Mobil Delvac, DEF Flyers Energy, LLC (RCP)	2,311.78	2,311.78
1/13/25	50401-10 Fuel & Lubricants 20100 Accounts Payable	25-271362	Anti-freeze Flyers Energy, LLC (RCP)	492.29	492.29
1/13/25	50401-10 Fuel & Lubricants 20100 Accounts Payable	25-271363	DEF Flyers Energy, LLC (RCP)	994.42	994.42
12/27/24	50499-41 Other Mat & Supplies,Veh Ma 20100 Accounts Payable	41256587	Vehicle parts (Bus 601) Gillig LLC	763.16	763.16
1/1/25	50215-42 Fringe Benefits, Non-Veh Mai 50215-43 Fringe Benefits, Non-Veh, Co 50215-60 Fringe Benefits, Admin 20100 Accounts Payable	360309	January dental insurance January dental insurance January dental insurance Health Care Dental	214.21 54.52 833.21	1,101.94
12/20/24	50499-41 Other Mat & Supplies,Veh Ma 20100 Accounts Payable	371264FOW	Vehicle parts Hilltop Ford	46.67	46.67
12/20/24	50499-41 Other Mat & Supplies,Veh Ma 20100 Accounts Payable	371265FOW	Vehicle parts (# 61) Hilltop Ford	47.61	47.61
1/13/25	50499-42 Other Mat&Suppl, Non-Veh 50499-42 Other Mat&Suppl, Non-Veh 50499-43 OtherMat&Sup-Non-Veh, Co 50499-42 Other Mat&Suppl, Non-Veh 11105 Oper, Maint & Admin Facility 50499-42 Other Mat&Suppl, Non-Veh 50499-42 Other Mat&Suppl, Non-Veh 50499-41 Other Mat & Supplies,Veh Ma 50499-42 Other Mat&Suppl, Non-Veh 20100 Accounts Payable	Stmt 1/13/25	Facilities supplies (Drywall & painting) Facilities supplies (Downspout repair) IT supplies (Phone/data line repairs) Facilities supplies (Electrical & trash bags) Facilities supplies (Vinyl plank flooring) - TDA Facilities supplies (Plumbing, drain cleaner) Facilities supplies (Rat glue) Maintenance supplies (Clipboard) Facilities supplies (2 ft level, gate repairs) Home Depot Credit Services	350.20 223.53 53.41 199.27 391.38 102.52 125.07 24.53 91.01	1,560.92
12/24/24	50402-10 Tires & Tubes 20100 Accounts Payable	170238	December tires J & O's Commercial Tire Center	6,378.08	6,378.08
1/17/25	50402-10	170622	January tires	4,790.29	

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	Tires & Tubes 20100 Accounts Payable		J & O's Commercial Tire Center		4,790.29
2/1/25	50215-42 Fringe Benefits, Non-Veh Mai	2/2025	February medical insurance	3,852.87	
	50215-43 Fringe Benefits, Non-Veh, Co		February medical insurance	549.69	
	50215-60 Fringe Benefits, Admin		February medical insurance	14,830.46	
	20100 Accounts Payable		Kaiser Foundation Health Plan, Inc.		19,233.02
12/30/24	50499-41 Other Mat & Supplies,Veh Ma	15098519	Vehicle parts (Bus 161)	432.10	
	20100 Accounts Payable		Kenworth Pacific Holding		432.10
12/30/24	50499-41 Other Mat & Supplies,Veh Ma	15098526	Vehicle parts (Bus 161)	1,768.33	
	20100 Accounts Payable		Kenworth Pacific Holding		1,768.33
1/8/25	50499-41 Other Mat & Supplies,Veh Ma	15113851	Vehicle parts (Bus 167)	630.94	
	20100 Accounts Payable		Kenworth Pacific Holding		630.94
1/6/25	50499-41 Other Mat & Supplies,Veh Ma	102938102	Vehicle parts	433.49	
	20100 Accounts Payable		Kimball Midwest		433.49
12/18/24	11104 Facility Repairs	452614-07	Condensing unit replacement MV room - TDA	14,143.00	
	20100 Accounts Payable		Monterey Mechanical		14,143.00
12/31/24	50600-10 Insurance, Operations	12/2024	December liability insurance	18,033.38	
	50800-41 Purchased Transp, Veh Maint		December maintenance	97,082.17	
	50800-10 Purchased Transportation, Ope		Less: CR for rd sups		10,267.57
	50800-10 Purchased Transportation, Ope		December service	660,946.08	
	50800-10 Purchased Transportation, Ope		Less: December estimate		749,493.17
	20100 Accounts Payable		MV Transportation		16,300.89
1/6/25	50800-10 Purchased Transportation, Ope	132482	Estimated January service	758,093.37	
	20100 Accounts Payable		MV Transportation		758,093.37
1/2/25	50499-41 Other Mat & Supplies,Veh Ma	4648681-44	Maintenance supplies	346.07	
	20100 Accounts Payable		New Pig Corp.		346.07
1/14/25	50300-41 Outside Service, Vehicle Main	25-23675	Towing service (Bus 203)	1,126.13	
	20100 Accounts Payable		Olivers Tow		1,126.13
1/8/25	51200-60 Rentals & Leases, Admin	589092785	Jan. copier (1/1 - 1/31/25)	326.81	
	20100 Accounts Payable		Pacific Office Automation/Lease		326.81

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1/9/25	51200-60 Rentals & Leases, Admin 20100 Accounts Payable	993494	Black & color meter (10/9/24 - 1/9/25) Pacific Office Automation/Service	92.50	92.50
1/1/25	50300-42 Outside Service, Non-Veh Mai 20100 Accounts Payable	4213128	January landscaping Pacific Site Management	591.34	591.34
12/31/24	50501-10 Telephone, Operations 50501-60 Telephone, Admin 20100 Accounts Payable	INV-20460-122024	December phone service December phone service STREAMS	782.38 391.19	1,173.57
1/3/25	50300-60 Outside Services, Admin 20100 Accounts Payable	12/2025	December consulting services Politico Group Inc.	2,500.00	2,500.00
1/1/25	50300-10 Outside Services, Operations 20100 Accounts Payable	42033	Airtime (Jan. - Mar. 2025) Precision Wireless Service	7,767.68	7,767.68
12/15/24	50300-42 Outside Service, Non-Veh Mai 20100 Accounts Payable	0851-155339951	Dumpster rental (additional days) Republic Services #851	148.10	148.10
12/31/24	50300-42 Outside Service, Non-Veh Mai 20100 Accounts Payable	0851-155366592	Dumpster rental Republic Services #851	1,095.40	1,095.40
12/31/24	50500-10 Utilities, Operations 50500-60 Utilities, Admin 20100 Accounts Payable	0851-155368319	December garbage December garbage Republic Services #851	673.95 336.97	1,010.92
1/13/25	50300-60 Outside Services, Admin 20100 Accounts Payable	WCAT-4	COA & Mktg task 3 Ronny Kraft Consulting	5,565.95	5,565.95
12/25/24	50499-60 Other Mat & Supplies, Admin 20100 Accounts Payable	7003505569	Office suppliies Staples	233.83	233.83
12/22/24	50300-10 Outside Services, Operations 20100 Accounts Payable	12/2024	December phones & DAR tablets T-MOBILE	2,030.04	2,030.04
11/21/24	50300-10 Outside Services, Operations 20100 Accounts Payable	11/2024	Plan charges for 17 IOT connected devices T-Mobile	571.20	571.20
1/8/25	50499-41 Other Mat & Supplies, Veh Ma 20100 Accounts Payable	83610717	Vehicle parts (Bus 204) The Aftermarket Parts Company, LLC	528.51	528.51
1/8/25	50499-41 Other Mat & Supplies, Veh Ma	83610718	Vehicle parts (Bus 200)	528.51	

AGENDA ITEM 1.2

WCCTA - WestCAT
Purchase Journal
 For the Period December 2024

Filter Criteria includes: 1) Unposted Transactions only; 2) Includes Drop Shipments. Report order is by Vendor ID. Report is printed in Detail Format.

Date	Account ID Account Description	Invoice/CM #	Line Description	Debit Amount	Credit Amount
	20100 Accounts Payable		The Aftermarket Parts Company, LLC		528.51
1/8/25	50499-41 Other Mat & Supplies,Veh Ma 20100 Accounts Payable	83610838	Vehicle parts (Bus 204) The Aftermarket Parts Company, LLC	559.11	559.11
1/8/25	50499-41 Other Mat & Supplies,Veh Ma 20100 Accounts Payable	83610839	Vehicle parts (Bus 200) The Aftermarket Parts Company, LLC	382.03	382.03
12/31/24	50300-10 Outside Services, Operations 20100 Accounts Payable	INV0000001844	January maintenance & support TransTrack Systems, Inc.	5,223.59	5,223.59
12/20/24	50401-10 Fuel & Lubricants 20100 Accounts Payable	856622	Diesel Western States Oil CO.	26,366.68	26,366.68
1/2/25	50401-10 Fuel & Lubricants 20100 Accounts Payable	856878	Diesel Western States Oil CO.	26,583.26	26,583.26
1/8/25	50401-10 Fuel & Lubricants 20100 Accounts Payable	857047	Diesel & gas Western States Oil CO.	29,156.39	29,156.39
1/17/25	50401-10 Fuel & Lubricants 20100 Accounts Payable	857224	Diesel Western States Oil CO.	29,349.83	29,349.83
12/12/24	50300-41 Outside Service, Vehicle Main 20100 Accounts Payable	1500-01154669	Waste removal & admin fee Asbury Environmental Services	87.00	87.00
12/18/24	50903-60 Fees, Admin 20100 Accounts Payable	1500-01156991	Admin fee Asbury Environmental Services	7.00	7.00
12/26/24	50300-41 Outside Service, Vehicle Main 20100 Accounts Payable	1500-01159842	Waste removal Asbury Environmental Services	110.00	110.00
				1,791,187.71	1,791,187.71
				1,791,187.71	1,791,187.71



Monthly Management Report Summary

October, FY 24/25

System & Program Summary

	October FY 24/25	October FY 23/24	% Change	Year-To-Date FY 24/25	Year-To-Date FY 23/24	% Change
System Total						
Total Passengers	68,925	65,013	6.0	241,745	231,266	4.5
Revenue Passengers	62,581	58,176	7.6	225,966	203,790	10.9
Weekday Total Passengers	64,395	60,934	5.7	223,824	215,058	4.1
Saturday Total Passengers	2,535	2,294	10.5	10,340	9,548	8.3
Sunday Total Passengers	1,995	1,785	11.8	7,581	6,660	13.8
Weekday Average Passengers	2,800	2,770	1.1	2,573	2,530	1.7
Saturday Average Passengers	634	574	10.5	608	530	14.7
Sunday Average Passengers	399	357	11.8	379	333	13.8
Vehicle Revenue Hours	7,009.37	7,404.42	-5.3	27,257.14	28,307.10	-3.7
Total Vehicle Hours	7,524.76	7,878.03	-4.5	29,165.39	30,096.40	-3.1
Revenue Vehicle Miles	124,042.1	122,913.5	0.9	480,653.6	475,120.1	1.2
Total Miles	143,571.0	149,730.0	-4.1	569,309.0	572,722.9	-0.6
Dial-A-Ride Program						
Number of Weekdays	22	22	0.0	86	85	1.2
Number of Saturdays	4	4	0.0	17	18	-5.6
Total Passengers	1,784	1,874	-4.8	6,791	6,706	1.3
Revenue Passengers	1,588	1,771	-10.3	6,334	6,319	0.2
Weekday Total Passengers	1,620	1,694	-4.4	6,153	5,929	3.8
Saturday Total Passengers	164	180	-8.9	638	777	-17.9
Weekday Average Passengers	74	77	-3.9	72	70	2.9
Saturday Average Passengers	41	45	-8.9	38	43	-11.6
Vehicle Revenue Hours	919.71	963.78	-4.6	3,622.29	3,437.44	5.4
Total Vehicle Hours	955.34	996.70	-4.1	3,765.91	3,576.57	5.3
Productivity	1.94	1.94	0.0	1.87	1.95	-4.1
Revenue Vehicle Miles	8,080.0	8,337.9	-3.1	32,120.3	31,684.6	1.4
Total Miles	9,213.5	9,159.0	0.6	35,949.1	35,259.1	2.0
Express Routes Program						
Number of Weekdays	23	22	4.5	87	85	2.4
Number of Saturdays	4	4	0.0	17	18	-5.6
Number of Sundays	5	5	0.0	20	20	0.0
Total Passengers	29,447	26,924	9.4	107,367	99,797	7.6
Revenue Passengers	27,255	24,619	10.7	101,952	89,537	13.9
Weekday Total Passengers	25,570	23,539	8.6	91,844	86,546	6.1
Saturday Total Passengers	1,882	1,600	17.6	7,942	6,591	20.5
Sunday Total Passengers	1,995	1,785	11.8	7,581	6,660	13.8
Weekday Average Passengers	1,112	1,070	3.9	1,056	1,018	3.7
Saturday Average Passengers	471	400	17.8	467	366	27.6
Sunday Average Passengers	399	357	11.8	379	333	13.8
Vehicle Revenue Hours	2,498.72	2,612.62	-4.4	9,769.58	10,169.71	-3.9
Total Vehicle Hours	2,686.01	2,807.09	-4.3	10,464.85	10,902.69	-4.0
Productivity	11.78	10.31	14.3	10.99	9.81	12.0
Revenue Vehicle Miles	43,343.6	42,876.0	1.1	168,955.4	166,388.4	1.5
Total Miles	48,198.8	47,550.3	1.4	187,266.6	184,207.6	1.7



Monthly Management Report Summary

October, FY 24/25

System & Program Summary

	October FY 24/25	October FY 23/24	% Change	Year-To-Date FY 24/25	Year-To-Date FY 23/24	% Change
Local Fixed Routes Program						
Number of Weekdays	22	22	0.0	86	85	1.2
Number of Saturdays	4	4	0.0	17	18	-5.6
Total Passengers	22,419	22,180	1.1	70,618	73,105	-3.4
Revenue Passengers	19,620	18,102	8.4	62,866	58,160	8.1
Weekday Total Passengers	21,930	21,666	1.2	68,858	70,925	-2.9
Saturday Total Passengers	489	514	-4.9	1,760	2,180	-19.3
Weekday Average Passengers	997	985	1.2	801	834	-4.0
Saturday Average Passengers	122	129	-5.4	104	121	-14.0
Vehicle Revenue Hours	2,384.85	2,682.50	-11.1	9,151.61	10,307.16	-11.2
Total Vehicle Hours	2,558.72	2,826.42	-9.5	9,772.77	10,829.10	-9.8
Productivity	9.40	8.27	13.7	7.72	7.09	8.9
Revenue Vehicle Miles	37,655.9	38,237.6	-1.5	147,321.1	147,947.3	-0.4
Total Miles	40,397.0	40,961.1	-1.4	157,355.8	157,992.0	-0.4
Transbay Lynx Program						
Number of Weekdays	23	22	4.5	87	85	2.4
Total Passengers	15,275	14,035	8.8	56,969	51,658	10.3
Revenue Passengers	14,118	13,684	3.2	54,814	49,774	10.1
Weekday Total Passengers	15,275	14,035	8.8	56,969	51,658	10.3
Weekday Average Passengers	664	638	4.1	655	608	7.7
Vehicle Revenue Hours	1,206.09	1,145.52	5.3	4,713.66	4,392.79	7.3
Total Vehicle Hours	1,324.69	1,247.82	6.2	5,161.86	4,788.04	7.8
Productivity	12.66	12.25	3.3	12.09	11.76	2.8
Revenue Vehicle Miles	34,962.6	33,462.0	4.5	132,256.8	129,099.8	2.4
Total Miles	36,919.8	35,329.8	4.5	139,647.6	136,316.3	2.4



Passenger & Productivity Statistical Report

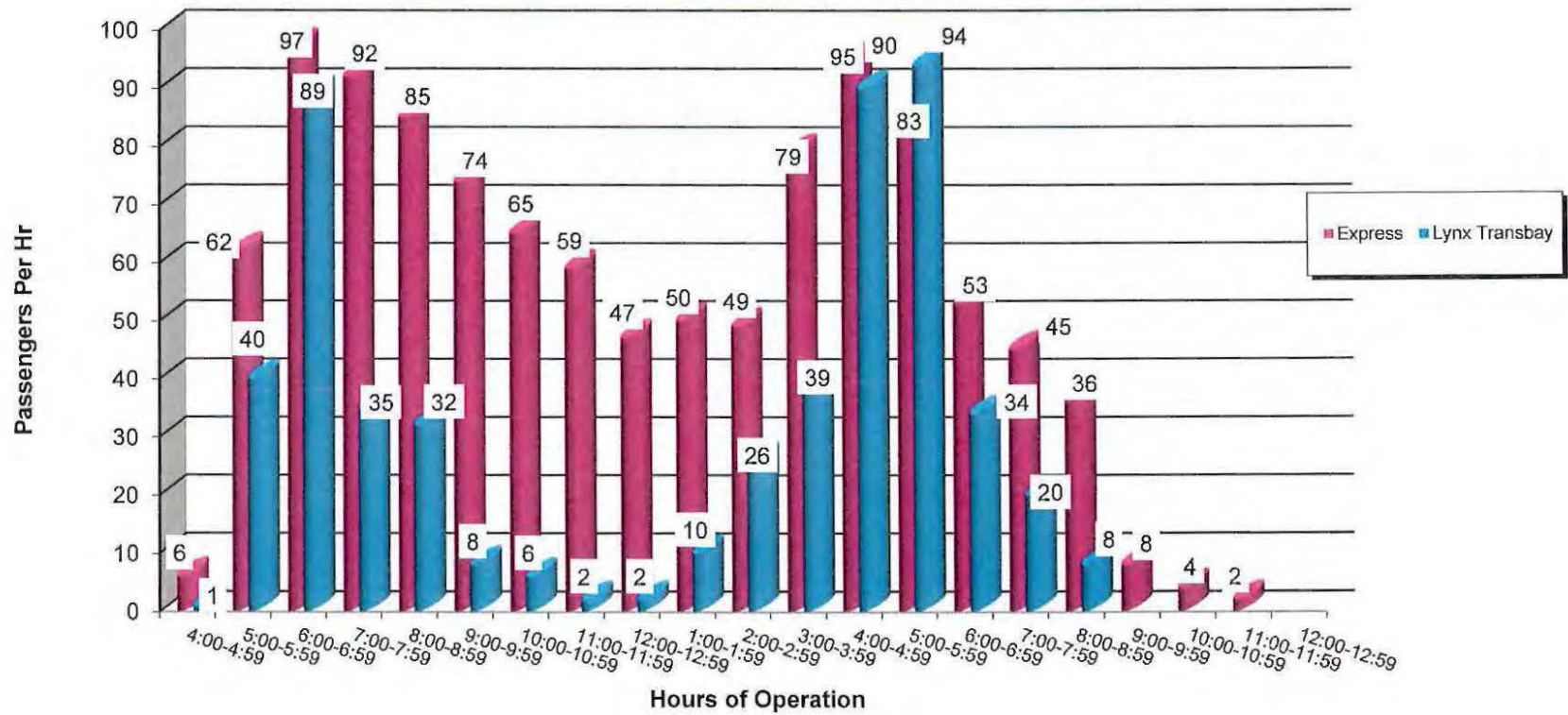
October, FY 24/25

System

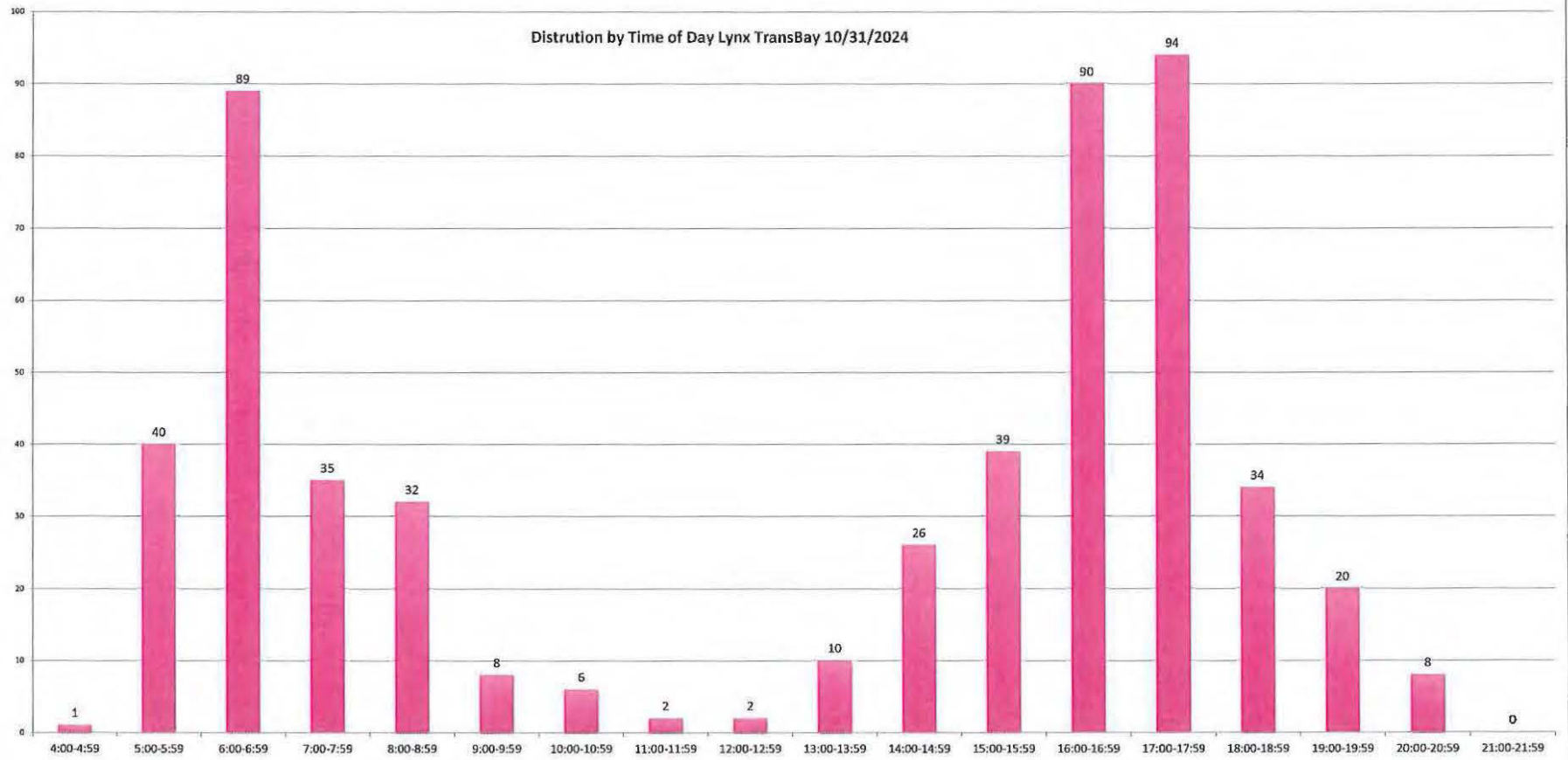
All Routes

Route by Day Type & System	Passengers						Passengers Per Revenue Hour					
	October			Fiscal Year To Date			October			Fiscal Year To Date		
	FY 23/24	FY 24/25	% Change	FY 23/24	FY 24/25	% Change	FY 23/24	FY 24/25	% Change	FY 23/24	FY 24/25	% Change
Route 10 Weekday	2,282	1,648	-27.8	7,276	5,102	-29.9	7.6	9.3	22.0	6.7	8.2	22.9
Route 11 Weekday	3,765	2,783	-26.1	12,074	9,555	-20.9	10.2	9.4	-8.3	8.5	8.8	4.1
Route 11 Saturday	263	265	0.8	1,091	902	-17.3	5.4	5.4	-0.2	5.0	4.3	-14.6
Route 11 Total	4,028	3,048	-24.3	13,165	10,457	-20.6	9.6	8.8	-8.8	8.0	8.1	0.8
Route 12 Weekday	2,097	2,559	22.0	7,102	6,897	-2.9	7.3	13.6	86.3	6.7	10.1	51.2
Route 15 Weekday	1,337	1,327	-0.7	4,786	5,199	8.6	7.2	7.9	10.9	6.6	8.0	20.5
Route 16 Weekday	5,367	5,814	8.3	16,747	17,229	2.9	8.7	9.4	7.9	7.1	7.1	0.0
Route 19 Saturday	251	224	-10.8	1,089	858	-21.2	4.9	4.6	-5.9	4.6	4.1	-10.8
Route 30Z Weekday	1,335	1,223	-8.4	4,968	4,724	-4.9	4.7	4.5	-5.8	4.5	4.4	-3.3
Route C3 Weekday	5,483	6,576	19.9	17,972	20,152	12.1	10.2	11.7	15.1	8.6	9.2	7.5
Route DAR Weekday	1,694	1,620	-4.4	5,929	6,153	3.8	1.9	1.9	-0.7	1.9	1.9	-3.2
Route DAR Saturday	180	164	-8.9	777	638	-17.9	2.0	2.1	4.5	2.2	2.0	-8.5
Route DAR Total	1,874	1,784	-4.8	6,706	6,791	1.3	1.9	1.9	-0.2	2.0	1.9	-3.9
Route J Weekday	14,303	15,215	6.4	50,665	54,886	8.3	11.3	13.7	21.4	10.4	12.8	22.9
Route J Saturday	1,600	1,882	17.6	6,591	7,942	20.5	11.9	11.6	-2.8	10.9	11.5	5.7
Route J Sunday	1,785	1,995	11.8	6,660	7,581	13.8	10.6	9.8	-7.7	10.0	9.3	-6.3
Route J Total	17,688	19,092	7.9	63,916	70,409	10.2	11.3	12.9	14.8	10.4	12.2	16.8
Route JPX Weekday	6,813	7,611	11.7	28,653	28,081	-2.0	10.4	11.3	8.6	11.2	10.5	-6.1
Route JX Weekday	2,423	2,744	13.2	7,228	8,877	22.8	6.3	8.0	26.0	4.9	6.7	38.0
Route LYNX Weekday	14,035	15,275	8.8	51,658	56,969	10.3	12.3	12.7	3.4	11.8	12.1	2.8
Total System-Wide	65,013	68,925	6.0	231,266	241,745	4.5	8.8	9.8	12.0	8.2	8.9	8.6

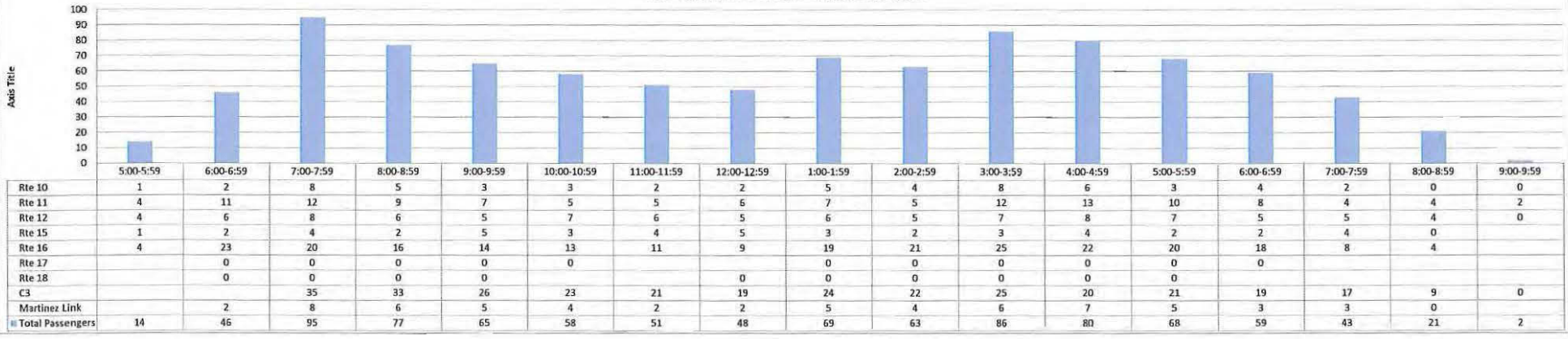
**Express Routes (J, JX, JPX), and Lynx Transbay
Ridership by Time of Day
Date:10/31/2024**



Distrution by Time of Day Lynx TransBay 10/31/2024



Distribution By Time Of Day Fixed Route 10/31/2024



Distribution by Time of Day - WestCAT Express

Distribution by Time of Day - Fixed Route

Date: 10/31/2024

	5:00-5:59	6:00-6:59	7:00-7:59	8:00-8:59	9:00-9:59	10:00-10:59	11:00-11:59	12:00-12:59	1:00-1:59	2:00-2:59	3:00-3:59	4:00-4:59	5:00-5:59	6:00-6:59	7:00-7:59	8:00-8:59	9:00-9:59
Rte 10	1	2	8	5	3	3	2	2	5	4	8	6	3	4	2	0	0
Rte 11	4	11	12	9	7	5	5	6	7	5	12	13	10	8	4	4	2
Rte 12	4	6	8	6	5	7	6	5	6	5	7	8	7	5	5	4	0
Rte 15	1	2	4	2	5	3	4	5	3	2	3	4	2	2	4	0	
Rte 16	4	23	20	16	14	13	11	9	19	21	25	22	20	18	8	4	
Rte 17		0	0	0	0	0			0	0	0	0	0	0			
Rte 18		0	0	0	0			0	0	0	0	0	0				
C3			35	33	26	23	21	19	24	22	25	20	21	19	17	9	0
Martinez Link		2	8	6	5	4	2	2	5	4	6	7	5	3	3	0	
Total Passengers	14	46	95	77	65	58	51	48	69	63	86	80	68	59	43	21	2

Total Route 10	58
Total Route 11	124
Total Route 12	94
Total Route 15	46
Total Route 16	247
Total Route 17	0
Total Route 18	0
Total C3	314
Martinez Link	62
Total	945

Distribution by Time of Day - WestCAT Express

Date: 10/31/2024

	4:00-4:59	5:00-5:59	6:00-6:59	7:00-7:59	8:00-8:59	9:00-9:59	10:00-10:59	11:00-11:59	12:00-12:59	13:00-13:59	14:00-14:59	15:00-15:59	16:00-16:59	17:00-17:59	18:00-18:59	19:00-19:59	20:00-20:59	21:00-21:59	22:00-22:59	23:00-23:59	24:00-24:59
JX		11	14	10	9							9	16	12	11	10					
JPX		21	25	26	25	24	17	15	13	20	21	24	31	27	19	15	11	0	0	0	
J	6	30	58	56	51	50	48	44	34	30	28	46	48	44	23	20	25	8	4	2	0
Total Passengers	6	62	97	92	85	74	65	59	47	50	49	79	95	83	45	36	8	4	2	0	

21:00-21:59 22:00-22:59 23:00-23:59 24:00-24:59

JX				
JPX				
J	8	4	2	0
Total Passengers	8	4	2	0

JX	102
JPX	334
J	655
Total	1091

Distribution by Time of Day -Lynx Transbay

Date: 10/31/2024

	4:00-4:59	5:00-5:59	6:00-6:59	7:00-7:59	8:00-8:59	9:00-9:59	10:00-10:59	11:00-11:59	12:00-12:59	13:00-13:59	14:00-14:59	15:00-15:59	16:00-16:59	17:00-17:59	18:00-18:59	19:00-19:59	20:00-20:59	21:00-21:59
TransBay LYNX	1	40	89	35	32	8	6	2	2	10	26	39	60	94	34	20	8	0
Total Passengers	1	40	89	35	32	8	6	2	2	10	26	39	60	94	34	20	8	0

21:00-21:59

TransBay LYNX	0
Total Passengers	0

Total Lynx	536
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formula created from page 7

Staff Report – Agenda Item 1.4

WCCTA Annual Statement of Investment Policy

This standard document is presented to the Board annually for Adoption, as one of the requirements of filling applications for numerous funding sources. This document contains no changes or updates from previously approved versions.

This document also contains the basic premise that It is the policy of Western Contra Costa Transit Authority to invest public funds in a manner that will provide the greatest security with the maximum investment return while meeting the daily cash flow demands of the entity and conforming to all state and local statutes governing the investment of public funds. The authority governing investments for municipal governments is set forth in the California Government Code, Section 53600 et seq.

Recommended Action – Adoption of WCCTA Annual Statement of Investment Policy

WESTERN CONTRA COSTA TRANSIT AUTHORITY

Statement of Investment Policy

Western Contra Costa Transit operates solely from the receipt of public funding. The basic premise underlying Western Contra Costa Transit Authority's investment philosophy is to ensure that money is always available when needed while maximizing interest in a secure account.

It is the policy of Western Contra Costa Transit Authority to invest public funds in a manner that will provide the greatest security with the maximum investment return while meeting the daily cash flow demands of the entity and conforming to all state and local statutes governing the investment of public funds. The authority governing investments for municipal governments is set forth in the California Government Code, Section 53600 et seq.

The safety of principal is the foremost objective of the investment program. Investments of Western Contra Costa Transit Authority shall be undertaken in a manner that seeks to ensure the preservation of operating funds.

Western Contra Costa Transit Authority's investments will remain sufficiently liquid to enable Western Contra Costa Transit Authority to meet all operating and capital requirements that might be reasonably anticipated.

It is intended that this Investment Policy provide guidelines for all funds and investment activities under the direct authority of the Western Contra Costa Transit Authority.

Because of limitations in the amount of available funding and the need for flexibility during each quarter of WCCTA's fiscal year, funds available for investing are to be held exclusively in the State Treasurer's Local Agency Investment Fund (LAIF).

Farebox receipts are held in an interest-bearing savings account. Savings accounts must be insured by FDIC and will not exceed \$250,000 per account.

Authority to manage Western Contra Costa Transit Authority's investment program is provided by formal action of the Board of Directors as required by State law and will be reauthorized by Resolution annually as required by law. On April 14, 2004, the Board of Directors delegated responsibility for the investment program to the General Manager or his/her designee, who shall establish written procedures for the operation of the investment program consistent with this investment policy. Such procedures shall include explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the General Manager. The General Manager shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate staff. Any new investments (excluding the LAIF transactions) will be reviewed and approved by Western Contra Costa Transit Authority Manager. Annually, the Board of Directors will review and adopt by resolution the updated Investment Policy, in which the Board of Directors will delegate responsibility for the investment program to the General Manager.

Agenda Item 1.4

Western Contra Costa Transit Authority's investments shall be designed with the objective of attaining a rate of return throughout budgetary and economic cycles, commensurate with Western Contra Costa Transit Authority's investment risk constraints and the cash flow characteristics of the funding.

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Employees and investment officials shall disclose to the General Manager any material interests in financial institutions that conduct business within this jurisdiction, and they shall further disclose any large personal financial/investment positions that could be related to the performance of Western Contra Costa Transit Authority.

Any security type or structure not specifically approved by this policy is hereby specifically prohibited. Specifically, derivatives are not eligible investment instruments. A derivative is defined as any security where the value is linked to, or derived from, an underlying asset or benchmark. Western Contra Costa Transit Authority will not use such derivatives as range notes, dual index notes, inverse floating-rate notes, deleveraged notes, or notes linked to lagging indices or to long-term indices, nor will Western Contra Costa Transit Authority invest in interest-only strips that are derived from a pool of mortgages, or any security that could result in zero interest accrual if held to maturity. This policy does not preclude the use of callable securities, as they do not fall within the definition of a derivative as described herein. Investments such as stocks are also prohibited.

Western Contra Costa Transit Authority currently only uses the Local Agency Investment Fund (LAIF) that was established by the State to enable local agency treasurers to place funds in a pool for investments. The investigation of any pool shall include the following:

- A description of eligible investment securities, and a written statement of investment policy and objectives.
- A description of interest calculations and how interest is distributed, and how gains and losses are treated.
- A description of how the securities are safeguarded (including the settlement processes), and how often the securities are priced and the program audited.
- A description of who may invest in the program, how often, and what size deposits or withdrawals are allowed.
- A schedule for receiving statements.
- A description of how reserves, retained earnings, etc. are utilized by the pool.
- A fee schedule, and when and how they are assessed.
- The eligibility or acceptance of the deposit of bond proceeds.

Protections for investment to the LAIF pool are as follows:

There is no insurance applied to the LAIF pool on individual securities, sectors of the portfolio, or the portfolio in general. However, due to the characteristics of the portfolio, credit risk is minimal. Often insurance is considered a less expensive way of maintaining credit quality, i.e. ensuring a single A bond to bring it to a AAA rating is less expensive than buying the AAA bond outright. Certain provisions regarding trigger mechanisms for policies to become effective are judged to be improbable. One such provision is the requirement that all investment earnings be exhausted before insurance coverage becomes effective.

Agenda Item 1.4

The State is self-insured. Any claim against the portfolio would go to the Board of Control. Any fraud assertions would be heard by the Attorney General's office. Any judgment awarded would be appropriated by the Legislature. Risk management controls at third-party designated depositories provide insurance coverage through a combination of blanket bonds and all-risk policies. Since by custom all Pooled Money Investment Accounts (PMIA) investments are domiciled at third-party depositories, losses on these securities due to fraudulent acts or lack of fidelity by officers or employees of these institutions are insured. Risk management controls cover losses ranging up to \$500 million, depending on the incident.

LAIF's Program Description and LAIF Statutes are attached and made a part of this policy.

PASSED AND ADOPTED, by the Board of Directors of the Western Contra Costa Transit Authority, on the _____ day of _____ 2025.

AYES:

NOES:

ABSTAIN:

ATTEST:

Tom Hansen
Chair, Western Contra Costa Transit Authority
Board of Directors

Rob Thompson
Secretary to the Board
of Directors

Date: _____

Date: _____

Agenda Item 6.1

Staff Report on Disadvantaged Business Enterprise Program

Background

On April 9, 2024 the U.S. Department of Transportation (U.S. DOT) amended the Disadvantaged Business Enterprise (DBE) regulation and published a DBE Final Rule (49 CFR Part 26). 49 CFR Part 26 is Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs.

The Disadvantaged Business Enterprise Program is designed to allow small businesses owned and controlled by socially and economically disadvantaged individuals to compete fairly for U.S. DOT funded contracts. A few of the objectives of the final rule were to modernize existing principles to improve provisions for the benefit of program participants and improve program integrity, visibility, and data collected by the U.S. DOT. Key changes to the DBE Program in 49 CFR Part 26 that affect WestCAT include:

- Modernizing the rules for counting participation by DBE material suppliers and clarifying terminology
- Expanding reporting requirements to the U.S. DOT to gain greater knowledge of DBE characteristics, bidding/solicitation practices, utilization and overall program impact
- Strengthening monitoring and prompt payment requirements
- Clarifying requirements for FTA-assisted transit vehicle procurements

Discussion

In accordance with 49 CFR Part 26, WestCAT is a Federal Transit Administration (FTA) Tier 1 recipient that will award prime contracts (excluding transit vehicle purchases) the cumulative total value of which exceeds \$670,000 in FTA funds in a Federal fiscal year.

WestCAT made updates to the DBE Program to be in compliance with the April 9, 2024 DBE Final Rule (49 CFR Part 26). WestCAT is required to receive approval by the Board of Directors and submit the updated DBE Program to the FTA by March 1, 2025. FTA will then review the submitted DBE Program for concurrence. The following changes were made to be compliant with the DBE Final Rule:

- Under the new tiered program requirements, WestCAT is a Tier 1 recipient
- Additional bidder's list information is required to be captured and reported to the U.S. DOT by WestCAT. Bidder's list information includes information about all DBE and non-DBEs that bid or quote as prime contractors and subcontractors on each federally assisted contract. The bidder's list information includes the firm name, firm address including ZIP code, firm's status as a DBE or non-DBE, race and gender information for the firm's majority owner, NACIS code applicable to each scope of work the firm sought to perform in its bid, age of the firm, and annual gross receipts of the firm. The bidder's list information will be collected by the new "Prime Contractor and Subcontractor/Subconsultant/Supplier Report".
- For monitoring and oversight requirements, additional forms were created and added to the DBE Program. The new forms will ensure compliance with the new prompt payment and running tally provisions by requiring prime contractors to provide information concerning payments to subcontractors and release of retainage where held. The forms include a "Progress Payment Report", "Subcontractor Payment Declaration", and "Final Expenditure Report".
- In counting DBE participation toward overall goals, WestCAT will use the "DBE Regular Dealer/Distributor Affirmation Form" developed by U.S. DOT to meet the requirement to make a preliminary counting determination for each DBE listed as a regular dealer or distributor.

- When awarding transit vehicle purchases to a Transit Vehicle Manufacturer (TVM), WestCAT will verify the bidder is listed on FTA's eligible TVM list and then submit to FTA within 30 days of becoming contractually required to procure a transit vehicle, the name of the TVM that was the successful bidder and the Federal share of the contractual commitment at that time.
- Definitions were updated

Requested Action

Staff recommends approval of WestCAT's Disadvantaged Business Enterprise Program updated in compliance with the April 9, 2024 DBE Final Rule and authorization for staff to submit the program to the FTA.

Attached:

1. Disadvantaged Business Enterprise Program
2. Resolution 2025-02



**WESTERN CONTRA COSTA TRANSIT AUTHORITY
(WESTCAT)**

Disadvantaged Business Enterprise Program

Updated February 2025

Contact Information:

**Western Contra Costa Transit Authority
(WestCAT)- Recipient ID 5624**

Tania Babcock
Grants and Compliance Manager (DBE Liaison Officer)
(510) 724-3331
civilrights@westcat.org

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POLICY STATEMENT AND PROGRAM OBJECTIVES (§26.1, 26.23)

Western Contra Costa Transit Authority (WestCAT) has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (U.S. DOT), 49 Code of Federal Regulations (CFR) Part 26. As a recipient of Federal financial assistance from the U.S. DOT, WestCAT has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of WestCAT to ensure nondiscrimination on the basis of race, color, sex, or national origin in the award and administration of DOT-assisted contracts. It is the intention of WestCAT to create a level playing field on which DBEs can compete fairly and participate in the performance of DOT-assisted contracts.

WestCAT’s policies, procedures and goals in this area are detailed in its adopted DBE Program. The program is the result of WestCAT’s commitment to the participation of small businesses owned and controlled by socially and economically disadvantaged individuals meeting eligibility standards set forth in 49 CFR Part 26, in purchasing and contracting opportunities funded, in whole or in part by U.S. DOT assistance. The objectives of the DBE Program are:

- To ensure nondiscrimination in the award and administration of DOT-assisted contracts;
- To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
- To ensure the DBE Program is narrowly tailored in accordance with applicable law;
- To ensure that only firms that meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
- To help remove barriers to the participation of DBEs in DOT-assisted contracts; and
- To assist the development of firms that can compete successfully in the market place outside the DBE Program.

WestCAT’s General Manager has designated the Grants and Compliance Manager as the DBE Liaison Officer (DBELO). The Grants and Compliance Manager has direct and independent access to WestCAT’s General Manager concerning DBE matters. The Grants and Compliance Manager is responsible for the development, implementation, and monitoring of the DBE Program in accordance with WestCAT’s nondiscrimination policy. Implementation of the DBE Program has the same priority as compliance with all other legal obligations incurred by WestCAT in its financial assistance agreements with the U.S. DOT. It is the expectation of the Board of Directors and the General Manager that all WestCAT personnel shall adhere to the spirit, as well as the provisions and procedures of the program.

WestCAT has disseminated this policy statement to its Board of Directors and to all departments of its organization. This policy statement is disseminated to members of the DBE and non-DBE business communities that perform or are interested in performing work on WestCAT’s DOT-assisted contracts. The policy statement is on the [DBE Program page of the WestCAT website \(web\)](#). Questions regarding WestCAT’s DBE Program should be addressed to: Tania Babcock, DBE Liaison Officer

Western Contra Costa Transit Authority (WestCAT)
601 Walter Avenue
Pinole, CA 94564
Telephone: (510) 724-3331 Fax: (510) 724-5551
Email: civilrights@eccta.org



Rob Thompson, General Manager

February 3, 2025
Date

SUBPART A – GENERAL REQUIREMENTS

(Section Numbers Reference Corresponding Sections of 49 CFR Part 26)

Objectives (§26.1)

The objectives are found in the policy statement on page four of this DBE Program.

Applicability (§26.3)

Pursuant to 49 CFR §26.3, WestCAT, a recipient of federal financial assistance from the Federal Transit Administration (FTA) of the United States Department of Transportation (U.S. DOT), is required to implement a DBE Program in accordance with 49 CFR Part 26 (Regulations). The requirements of the Regulations are incorporated by reference. In the event of any conflicts or inconsistencies between the Regulations and the DBE Program with respect to U.S. DOT-assisted contracts, the Regulations shall prevail. The DBE Program outlined herein applies to all WestCAT contracts that are funded, in whole or in part, by U.S. DOT federal financial assistance.

Definitions (§26.5)

WestCAT will adopt the definitions contained in §26.5 for this DBE Program. §26.5 definitions are outlined in Attachment 1.

Non-discrimination Requirements (§26.7)

WestCAT will not exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract governed by 49 CFR Part 26 on the basis of race, color, sex, or national origin.

In administering its DBE Program, WestCAT will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE Program with respect to individuals of a particular race, color, sex, or national origin.

Record Keeping Requirements (§26.11)

Reporting to U.S.DOT (§26.11)(a)

WestCAT will report DBE participation on a semi-annual basis to FTA using the Uniform Report Form. These reports will reflect payments actually made to DBEs on DOT-assisted contracts.

- DBE participation from October 1 through March 31 (submitted by June 1).
- DBE participation from April 1 through September 30 (submitted by December 1).

Reporting to U.S.DOT (§26.11)(b)

WestCAT will continue to report DBE participation and overall goal-setting methods to FTA as directed. Statistical data will be maintained as advised, to provide reports to U.S. DOT reflecting the DBE participation on federally assisted procurement activities

Bidders List: (§26.11)(c)

WestCAT will obtain bidders list information to compile as accurate data as possible about the universe of DBE and non-DBE contractors and subcontractors who seek to work on WestCAT’s federally assisted contracts for use in helping set its overall goals and to provide FTA with data for evaluating the extent to which the objectives of §26.1 are being achieved.

WestCAT will obtain the bidders list information about all DBE and non-DBEs that bid or quote as prime contractors and subcontractors on each federally assisted contract. The bidders list information will be submitted with the bid or initial response to negotiated procurements. The bidders list information will include:

- 1) Firm name;
- 2) Firm address including ZIP code;
- 3) Firm’s status as a DBE or non-DBE;
- 4) Race and gender information for the firm’s majority owner;
- 5) NAICS code applicable to each scope of work the firm sought to perform in its bid;
- 6) Age of the firm; and
- 7) The annual gross receipts of the firm.

WestCAT will enter the bidders list information in the centralized U.S. DOT database. WestCAT will maintain the confidentiality of any proprietary information in accordance with applicable California law and the Regulations.

WestCAT collects this information in the following ways:

- A notice in solicitations requesting firms quoting on the solicitation to provide the required information for themselves and all firms who bid, quote, or provide a proposal to perform work, provide labor, render services or provide supplies in connection with the contract. “Prime Contractor and Subcontractor/ Subconsultant/ Supplier Report” (Attachment 2).

Termination and Replacement of Subcontractor/Subconsultant/Supplier:

A Contractor may not terminate a DBE subcontractor listed on a “Prime Contractor and Subcontractor/Subconsultant/Supplier Report” (or an approved replacement DBE firm) without prior written consent from WestCAT. This includes, but is not limited to, instances in which a Contractor seeks to perform work or supply materials originally designated for a DBE subcontractor/supplier with its own forces or those of an affiliate, a non-DBE firm, or with another DBE firm. Contractor shall notify WestCAT in writing of any request to replace or terminate a DBE subcontractor and provide appropriate documentation substantiating the replacement or termination. WestCAT will consent the termination of a DBE subcontractor only for good cause, which includes, but is not limited to, the circumstances enumerated in §26.53 (f)(3).

To initiate the termination or replacement process with a DBE subcontractor, the Contractor (any tier) must do the following:

- (a) The Contractor must give notice in writing to the DBE subcontractor and WestCAT before transmitting to WestCAT its request to terminate and/or replace a DBE subcontractor. The notice must include its request to terminate and/or replace the DBE, the reason for the request and all documentation to support its claim. The Contractor must

submit a copy of the notice and support documentation to WestCAT at the time the original letter is sent to the DBE subcontractor;

- (b) The Contractor must give the DBE subcontractor five (5) business days to respond to the notice and provide WestCAT with reasons, if any, why it objects to the proposed termination of its DBE subcontract and why WestCAT should not consent to the Contractor's action;
- (c) WestCAT will then open a formal investigation inclusive of reviewing all documentation, conducting interviews and making site visits, if necessary. The Contractor carries the burden of proof to demonstrate good cause for the termination and/or replacement;
- (d) If WestCAT determines the Contractor has good cause to terminate the DBE subcontractor, WestCAT will provide written consent of the DBE subcontractor removal and the requirements to substitute work to another DBE firm. If WestCAT finds that good cause does not exist to terminate the DBE subcontractor, WestCAT will provide a written denial of the request to terminate/replace the DBE subcontractor and immediately request a corrective action plan from the Contractor.
- (e) One or more of the following circumstances should exist for purpose of good cause, to terminate or replace a DBE: (1) Failure or refusal to execute a written contract. (2) Failure or refusal to perform the work of its subcontract in a way consistent with normal industry practice and the Contractor has not acted in bad faith. (3) Failure to meet the Contractor's reasonable bonding or insurance requirements. (4) Insolvency, bankruptcy or credit unworthiness. (5) Ineligibility to work on public works project because of suspension or debarment proceedings. (6) A determination that the DBE is not a responsible Contractor. (7) Voluntary withdrawal from the project by written notification that is verified. (8) Other documented good cause that compels the replacement of the DBE.

Assurances (§26.13)

WestCAT has signed the following assurances, applicable to all U.S. DOT-assisted contracts and their administration:

Federal Financial Assistance Agreement Assurance (§26.13)(a)

Western Contra Costa Transit Authority (WestCAT) shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE Program or the requirements of 49 CFR Part 26. WestCAT shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. WestCAT's DBE Program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to WestCAT of its failure to carry out its approved program, the Department may impose sanction as provided for under Part 26 and may, in appropriate cases, refer the matter for

enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

This language will appear verbatim in all U.S. DOT operating administration financial assistance agreements and in all financial assistance agreements with subrecipients.

Contract Assurance (§26.13)(b)

WestCAT will ensure that the following clause is placed in each DOT-assisted sub-recipient agreement, each contract WestCAT signs with a contractor and in each subcontract the prime contractor signs with a subcontractor:

The contractor, sub-recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as Western Contra Costa Transit Authority (WestCAT) deems appropriate, which may include, but is not limited to:

- 1) *Withholding monthly progress payments;*
- 2) *Assessing sanctions;*
- 3) *Liquidated damages; and/or*
- 4) *Disqualifying the contractor from future bidding as non-responsible.*

This language will appear verbatim in all DOT-assisted contracts and subcontracts.

Enforcement:

If a contractor, subcontractor, or sub-recipient fail or refuse to include the §26.13(a) and/or §26.13(b) assurances verbatim in all the DOT-assisted contracts, subcontracts, or sub-recipient agreements, WestCAT may impose penalties and administrative sanctions for non-compliance as documented in “Enforcement Actions for Noncompliance of Participants” on page 13.

SUBPART B - ADMINISTRATIVE REQUIREMENTS

DBE Program (§26.21)(a)(2)(i)

WestCAT is a FTA Tier 1 recipient that will award prime contracts (excluding transit vehicle purchases) the cumulative total value of which exceeds \$670,000 in FTA funds in a Federal fiscal year. WestCAT will have a DBE Program meeting all of the requirements of §26.21.

(§26.21)(b)(1)(2)

WestCAT will submit a conforming DBE Program to FTA. WestCAT will submit an updated DBE Program to FTA when the DBE Program has significant changes, including those required by regulatory updates.

(§26.21)(c)

WestCAT will carry out its DBE Program until all funds from DOT financial assistance have been expended.

Policy Statement (§26.23)

The Policy Statement is on page four of this DBE Program. The Policy Statement is signed and dated by WestCAT’s General Manager.

DBE Liaison Officer (§26.25)

WestCAT has designated the following individual as its DBE Liaison Officer:

Tania Babcock, Grants and Compliance Manager
Western Contra Costa Transit Authority (WestCAT)
601 Walter Avenue
Pinole, CA 94564
Telephone: (510) 724-3331
Email: civilrights@westcat.org

In that capacity, the DBE Liaison Officer is responsible for implementing all aspects of the DBE Program and ensuring that WestCAT complies with all provision of 49 CFR Part 26. The DBE Liaison Officer has direct, independent access to the General Manager of WestCAT concerning DBE Program matters. An organization chart displaying the DBE Liaison Officer’s position in the organization is found in Attachment 3.

The DBE Liaison Officer is responsible for developing, implementing and monitoring the DBE Program. The duties and responsibilities include the following:

- 1) Develops, implements, and updates the DBE Program.
- 2) Gathers and reports statistical data and other information as required by U.S. DOT.
- 3) Works with all affected departments in establishing the overall DBE goal.
- 4) Ensures monitoring and oversight in the DBE Program.
- 5) Participates in pre-bid meetings.
- 6) Advises WestCAT’s General Manager on the DBE Program.
- 7) Provides outreach to DBEs and community organizations to promote contracting opportunities.
- 8) Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.

DBE Financial Institutions (§26.27)

It is the policy of WestCAT to investigate financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contract to make use of these institutions. WestCAT has made the following efforts to identify and use such institutions:

- Reviewed all institutions certified as “Minority Depository Institutions (MDIs)” dated 30, September 30, 2024 by using the [Minority Depository Institution page on the Federal Deposit Insurance Corporation website \(web\)](#)

To date, WestCAT has not identified any financial institutions owned and controlled by socially and economically disadvantaged individuals in WestCAT’s community. WestCAT will re-evaluate the availability of DBE financial institutions every three years when setting the overall DBE goal.

WestCAT includes the link to “Minority Depository Institutions (MDI’s)” on the Disadvantaged Business Enterprise page of its website and encourages all businesses to use minority-owned financial institutions when seeking financial services.

WestCAT will include the following clause in each DOT-assisted prime contract:

Per 49 CFR Part 26.27, prime contractors and their subcontractors are encouraged to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in their community and make reasonable efforts to use these institutions.

Prompt Payment Mechanisms (§26.29)

- WestCAT requires that all subcontractors performing work on DOT-assisted contracts shall be promptly paid for work performed pursuant to their agreements, in accordance with all relevant federal, state, and local law. Prompt payment and return of retainage requirements also apply to all lower-tier subcontractors.
- **In accordance with §26.29, WestCAT will include the following clause in each DOT-assisted prime contract:**
The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 30 days from the receipt of each payment the prime contractor receives from Western Contra Costa Transit Authority (WestCAT). The prime contractor agrees further to return retainage payments to each subcontractor within 30 days after the subcontractors’ work is satisfactorily complete. Any delay or postponement of payment from the above referenced timeframe may occur only for good cause following written approval of WestCAT. This clause applies to both DBE and non-DBE subcontracts.
- A subcontractor’s work is satisfactorily completed when all the tasks called for in the subcontract have been accomplished and documented as required by WestCAT.
- When WestCAT has made an incremental acceptance of a portion of a prime contract, the work of a subcontractor covered by that acceptance is deemed to be satisfactorily completed.
- WestCAT ensures prompt and full payment of retainage from the prime contractor to the subcontractor. Pursuant to §26.29, WestCAT has selected the following method to comply with this requirement:

- For construction procurements: WestCAT will hold retainage from prime contractors and provide for prompt and regular incremental acceptances of portions of the prime contract, pay retainage to prime contractors based on these acceptances, and require a contract clause obligating the prime contractor to pay all retainage owed to the subcontractor for satisfactory completion of the accepted work within 30 days after WestCAT’s payment to the prime contractors.
- For professional services procurements: WestCAT will decline to hold retainage and prohibit prime contractors from holding retainage from subcontractors.

WestCAT will include the following clause in each DOT-assisted prime contract:

The prime contractor agrees to return retainage payments to each subcontractor within 30 days after the subcontractors’ work is satisfactorily complete. Any delay or postponement of payment from the above referenced timeframe may occur only for good cause following written approval of Western Contra Costa Transit Authority (WestCAT). This clause applies to both DBE and non-DBE subcontracts.

- If WestCAT determines that the prime contractor has failed to comply with the prompt payment provisions set forth above, WestCAT may give written notice to the prime contractor and the prime contractor’s surety that, if the default is not remedied within 30 days, the contract may be terminated. WestCAT may also impose penalties and sanctions for non-compliance with the prompt payment clause contained in §26.37, Monitoring and Enforcement Mechanisms.

Directory (§26.31)

WestCAT is a non-certifying member of the California Unified Certification Program (CUCP). WestCAT uses the CUCP DBE directory that is jointly maintained and updated by the CUCP certifying member agencies statewide, and is hosted by the California Department of Transportation (Caltrans). The directory is updated in real time, as changes are made to the directory. The DBE Database is available on Caltrans’ website at: [California Unified Certification Program \(web\)](#). WestCAT will use the DBE directory as a primary resource in developing overall goals and conducting outreach and other activities to promote DBE participation in U.S. DOT contracts.

The directory is an online system that permits the public to search and/or filter for DBEs by:

- 1) Physical location;
- 2) NAICS code(s);
- 3) Work descriptions; and
- 4) All optional information added pursuant to paragraph (c) of §26.31, which includes additional data fields of other items readily verifiable in State or locally maintained databases, such as State licenses held, prequalifications, and bonding capacity.

The DBE Database shall not in any way prequalify the identified DBE firms with respect to licensing, bondability, competence or financial responsibility.

Overconcentration (§26.33)

Since WestCAT is a federal recipient located within the jurisdiction of the U.S. Court of Appeals for the Ninth Circuit and subject to *Western States Paving Co, Inc. v. Washington State Department of Transportation*, 407 F.3d 983 (9th Cir. 2005), WestCAT uses race-neutral means of achieving DBE participation. Overconcentration of DBEs is not applicable to WestCAT while using race-neutral means. However, WestCAT has not identified that overconcentration of DBEs exists in the types of work that DBEs perform on WestCAT contracts.

WestCAT will develop appropriate measures to address the over-concentration, if it determines that DBE participation is so over- concentrated in specific types of work or contracting opportunities assisted by the FTA, that it unduly burdens the participation of non-DBEs in that type of work. WestCAT will seek approval of such measures from FTA and, subsequently implement the measures into the DBE Program.

Business Development Programs (§26.35)

WestCAT may establish a DBE Business Development Program to assist firms in gaining the ability to compete successfully in the marketplace outside the DBE Program. If WestCAT determines such a program is beneficial, a proposed program will be written and submitted to FTA for approval, after which it will become part of this DBE Program. Guidelines outlined in Appendices C and D of 49 CFR Part 26 will be utilized in setting up the formal agreements and programs. WestCAT may participate in a Business Development Program and/or Mentor/Protégé Program established by other U.S. DOT recipients.

WestCAT is a member of the Business Outreach Committee (BOC). The BOC represents the nine Bay Area counties, assisting DBEs and other small businesses with expansion of their businesses through training, technical assistance, and relationship building with Bay Area transportation agency staff and the contracting community.

Monitoring Responsibilities (§26.37)

WestCAT implements and carries out appropriate mechanisms to ensure compliance with 49 CFR Part 26 program requirements by all program participants, including prompt payment, and describes and sets forth these mechanisms in WestCAT's DBE Program.

Monitoring and Enforcement Mechanisms

- WestCAT requires prime contractors to maintain records and documents of payments to subcontractors, including DBEs, for a minimum of three (3) years unless otherwise provided by applicable record retention requirements for WestCAT's financial assistance agreement, whichever is longer. These records will be made available for inspection upon request by an authorized representative of WestCAT or U.S. DOT. This reporting requirement extends to all subcontractors, both DBE and non-DBE.
- WestCAT documents its monitoring and oversight processes by completing a "Record of DBE Compliance Monitoring" (Attachment 4) for each DOT-assisted contract with DBE participation

to ensure that work subcontracted to DBEs at contract award or subsequently is performed by the DBEs to which the work was committed or subcontracted. WestCAT reviews subcontracts, monitors work sites, monitors prime payments to subcontractors and provides a written certification of the monitoring during the life of the project. Payment reviews evaluate whether the actual amount paid to DBE subcontractors is equivalent to the amounts reported to WestCAT by the prime contractor at contract award. WestCAT's Project Manager or DBE Liaison Officer is responsible for completing the "Record of DBE Compliance Monitoring."

- To ensure compliance with the prompt payment and running tally provisions, WestCAT will require prime contractors to provide information concerning payments to subcontractors and release of retainage where held. WestCAT will require a "Progress Payment Report" (Attachment 5) be completed and submitted by the prime contractor with every invoice. WestCAT will require a "Subcontractor Payment Declaration" (Attachment 6) be completed and submitted by the prime contractor for all subcontractors for every invoice submitted to WestCAT within 5 days following actual payment to subcontractor. WestCAT will also require a "Final Expenditure Report" (Attachment 7) be completed and submitted by the prime contractor at the end of the contract. Data collected from contractors may include copies of cancelled checks.
- To determine the Commercially Useful Function of a DBE, WestCAT completes the "Record of Commercially Useful Function Report" (Attachment 8) for all DBEs on each DOT-assisted contract. This is accomplished by conducting field reviews and DBE contractor interviews. WestCAT's Project Manager or DBE Liaison Officer is responsible for completing the "Record of Commercially Useful Function Report" and for monitoring the DBE firm to provide a written certification that Commercially Useful Function requirements are being met.

Prompt Payment Dispute Resolution

- WestCAT will take the following step to resolve disputes as to whether work has been satisfactorily completed for purposes of §26.29.
 - WestCAT will hold a dispute resolution meeting between the prime contractor and subcontractor, along with WestCAT's Project Manager, DBE Liaison Officer, or representative from WestCAT as appropriate. The meeting will include those individuals who are authorized to bind each interested party and a representative from WestCAT with authority to take enforcement action.

Prompt Payment Complaints

- Complaints by subcontractors regarding the prompt payment requirements are handled according to the following procedure.
 - Subcontractors are to contact the prime contractor to discuss payment discrepancies. If a resolution is not reached regarding the payment discrepancies, then the affected subcontractor may escalate the complaint to WestCAT's Project

Manager or DBE Liaison Officer. WestCAT will investigate and follow up with both the subcontractor and prime contractor involved in the complaint resolution within 10 days. If filing a complaint with WestCAT does not result in timely and meaningful action by WestCAT, the affected subcontractor may contact FTA:

- Region 9 Office
Federal Transit Administration
888 S Figueroa St, Ste 440
Los Angeles, CA 90017
213-757-5999

- If a subcontractor is not comfortable contacting the prime contractor directly regarding payment discrepancies, the subcontractor may contact WestCAT's Project Manager or DBE Liaison Officer. WestCAT will investigate and follow up with both the subcontractor and prime contractor involved in the complaint resolution within 10 days. If filing a complaint with WestCAT does not result in timely and meaningful action by WestCAT, the affected subcontractor may contact FTA:

- Region 9 Office
Federal Transit Administration
888 S Figueroa St, Ste 440
Los Angeles, CA 90017
213-757-5999

Enforcement Actions for Noncompliance of Participants

WestCAT will provide appropriate means to enforce the requirements of §26.29. These means include:

- WestCAT will bring to the attention of the United States Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that U.S. DOT can take steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the U.S. DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in §26.109.
- In the event of non-compliance with the DBE regulation by a participant in WestCAT's procurement activities, including prompt payment and retainage requirements, under 49 C.F.R. §26.13 (b), the penalties imposed by WestCAT may include, but are not limited to, the following:
 - (a) Liquidated damages;
 - (b) Suspension of payment to the contractor of any monies held by WestCAT as retained on contract;
 - (c) The denial to the contractor of right to participate in future WestCAT contracts for a specified time;
 - (d) Contract termination.

Fostering Small Business Participation (§26.39)

Because WestCAT is a small transit agency, contracts tend to be a size that small businesses, including DBEs, can reasonably perform. In order to foster small business participation, WestCAT has incorporated the following non-discriminatory element into its DBE Program to facilitate competition on DOT-assisted projects by small business concerns.

- WestCAT is a member of the Business Outreach Committee (BOC) that represents Bay Area transit and transportation agencies. The BOC assists DBEs and other small businesses with expansion of their businesses through training, technical assistance, and relationship-building with agency staff and the contracting community of the San Francisco Bay Area. These efforts help to create a level playing field on which DBEs and small businesses can compete fairly; enhance outreach and communication efforts with these firms; provide appropriate assistance and information for participation in DOT-assisted contracts; and develop joint resources among recipients. The BOC also works with NorCal APEX Accelerator as a resource for providing technical assistance and guidance to DBEs and small businesses. WestCAT’s DBE Liaison Officer participates in meetings, trainings and workshops held by the BOC.
- WestCAT provides outreach to the small business community for procurement opportunities and provides a listing of DBE and SBE resources on the [DBE Program page on the WestCAT website \(web\)](#).
- Posting contact information of small business resources, including the Southwest Small Business Transportation Resource Center and NorCal APEX Accelerator, for small business assistance on the [DBE Program page on the WestCAT website \(web\)](#).
- Posting invitations for bids and requests for proposals on the [Procurement page on the WestCAT website \(web\)](#).
- Submitting timely solicitations and developing clearly written plans and specifications that facilitate small business firms’ participation.
- WestCAT verifies small business size as provided in §26.65 and defined by the Small Business Administration (SBA).

SUBPART C - GOALS, GOOD FAITH EFFORTS, AND COUNTING

Set-asides or Quotas (§26.43)

WestCAT does not use set-asides or quotas in any way in the administration of this DBE Program.

Overall Goals (§26.45)

A description of the methodology used to calculate the overall goal and the goal calculation can be found in Attachment 9. This section of the program will be updated as required.

The DBE Liaison Officer shall calculate and establish WestCAT’s three-year overall DBE goal

("Triennial Goal"). The Triennial Goal shall be expressed as a percentage of the total amount of U.S. DOT funds (excluding the purchase of transit vehicles) WestCAT anticipates expending during the relative 3-year reporting period. WestCAT's Triennial Goal will represent the amount of ready, willing and able DBEs available to participate in contracting opportunities and shall reflect the amount of DBE participation WestCAT would expect absent the effects of discrimination. WestCAT intends to meet the goal through race-neutral means. WestCAT shall use race-conscious means only if supported by the findings of an approved and authorized Availability and Utilization Study (Disparity Study), and the expressed authorization from FTA.

In accordance with §26.45(f), after approval by the Board of Directors, WestCAT will submit its Triennial Goal to FTA by August 1 at 3-year intervals, based on a schedule established by the FTA. Before finalizing the Triennial Goal, WestCAT will consult with appropriate constituent groups representing minority, women's and general contractor groups; community organizations; and other officials or organizations to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and WestCAT's efforts to establish a level playing field for the participation of DBEs.

Following this consultation, WestCAT will publish a public notice of the proposed Triennial Goal on the [DBE Program page on the WestCAT website \(web\)](#), informing the public that the proposed goal and its rationale are available for inspection from 9:00am to 4:00pm, Pacific Standard Time, Monday through Thursday, at WestCAT's administrative office and online on the [DBE Program page on the WestCAT website \(web\)](#) for 30 days following the date of the notice, and informing the public that WestCAT will accept comments on the goal for 30 days following the date of the notice. Normally, WestCAT will issue this notice by June 1 of each year that the Triennial Goal is due. The notice will include addresses to which comments may be sent or emailed.

WestCAT will begin using the Triennial Goal on October 1 of the calendar year following the August 1 submission to FTA, unless other instructions have been received from FTA. If WestCAT receives approval from FTA to establish a goal on a project basis, WestCAT will begin using that goal by the time of the first solicitation for a U.S. DOT-assisted contract for the project.

Once established, if circumstances deem the overall Triennial Goal requires adjustment prior to the end of the three-year period, WestCAT will publish a notice of the proposed adjustment of the Triennial Goal on the [DBE Program page on the WestCAT website \(web\)](#) informing the public that the proposed goal and its rationale are available for inspection from 9:00am to 4:00pm, Pacific Standard Time, Monday through Thursday, at WestCAT's administrative office and online on the [DBE Program page on the WestCAT website \(web\)](#) for 30 days following the date of the notice, and informing the public that WestCAT will accept comments on the goal for 30 days following the date of the notice. WestCAT will also mail the notice to those constituent groups, community organizations, and other officials or organizations WestCAT consulted with when setting its initial Triennial Goal. The adjusted Triennial Goal will be approved by the Board of Directors, then submitted to FTA.

Meeting Overall Goals and Accountability (§26.47)

If the awards and commitments shown on WestCAT's Uniform Report Form at the end of any Federal fiscal year are less than the overall goal applicable to that Federal fiscal year, the DBE Liaison Officer will, in accordance with 49 CFR §26.47(c) conduct a Shortfall Analysis. The Shortfall Analysis will analyze in detail the reasons for the difference between the overall goal and WestCAT's awards and commitments in that Federal fiscal year and establish specific steps and milestones to correct the problems identified in the Shortfall Analysis. WestCAT will retain the Shortfall Analysis for three years and make it available to FTA upon request for review.

Awarding DOT-Assisted Contracts to Transit Vehicle Manufacturers (TVMs) (§26.49)

WestCAT will require each transit vehicle manufacturer (TVM), as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, to certify that it has complied with the requirements of this section and established an overall DBE goal that has been approved or not disapproved by FTA.

Before awarding to a TVM, WestCAT shall verify that the bidder is listed on FTA's eligible TVM list at [Transit Vehicle Manufacturers List \(web\)](#).

WestCAT's DBE Liaison Officer will submit to FTA within 30 days of WestCAT becoming contractually required to procure a transit vehicle, the name of the TVM that was the successful bidder, and the Federal share of the contractual commitment at that time.

WestCAT does not include FTA assistance used in transit vehicle procurements in the base amount from which its overall DBE goal "Triennial Goal" is calculated. WestCAT will establish project-specific goals for DBE participation or include in the overall DBE goal calculation, contracts awarded to non-TVMs when there are no TVMs available to manufacture the transit vehicle in FTA-assisted transit vehicle procurements.

Breakout of Estimated Race-Neutral & Race-Conscious Participation (§26.51)(a-c)

WestCAT uses race-neutral means of achieving DBE participation.

WestCAT uses the following race-neutral means to achieve DBE participation:

- Making DBEs and other small businesses aware of opportunities.
- Submitting timely solicitations and developing clearly written plans and specifications to facilitate DBEs and other small business firms' participation.
- Posting invitations for bids and requests for proposals on the [Procurement page of the WestCAT website \(web\)](#).
- Participating in the Business Outreach Committee (BOC) that represents Bay Area transit and transportation agencies. The BOC assists DBEs and other small businesses with expansion of their businesses through training, technical assistance, and relationship-building with agency staff and the contracting community of the San Francisco Bay Area.

- Including WestCAT’s procurement opportunities in the quarterly Business Outreach Committee (BOC) newsletter.

For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following:

- DBE participation through a prime contract that a DBE obtains through customary competitive procurement procedures;
- DBE participation through a subcontract on a prime contract that does not carry a DBE goal;
- DBE participation through a subcontract from a prime contractor that did not consider a firm’s DBE status in making the award.

Contract Goals (§26.51)(d-g)

Contract goals are race-conscious means that take race into consideration. Since WestCAT is a federal recipient located within the jurisdiction of the U.S. Court of Appeals for the Ninth Circuit and subject to *Western States Paving Co, Inc. v. Washington State Department of Transportation*, 407 F.3d 983 (9th Cir. 2005), WestCAT uses race-neutral means of achieving DBE participation. If WestCAT uses contract goals, it will get approval from FTA to set contract goals.

Good Faith Efforts Procedures Where There are Contract Goals (§26.13)

Good faith efforts procedures apply to contract goals. WestCAT uses race-neutral means of achieving DBE participation, not contract goals.

Counting DBE Participation (§26.55)

WestCAT will count DBE participation toward overall goals as provided in §26.55.

WestCAT uses the “DBE Regular Dealer/Distributor Affirmation Form” developed by U.S. DOT to make a preliminary counting determination for each DBE listed as a regular dealer or distributor to assess its eligibility for 60 or 40 percent credit, respectively, of the cost of materials and supplies based on its demonstrated capacity and intent to perform as a regular dealer or distributor, as defined in §26.55 (e)(2)(iv)(A),(B),(C), and (3) under the contract at issue. Prime contractors are required to submit with their bid or proposal the “DBE Regular Dealer/Distributor Affirmation Form” (Attachment 10).

SUBPART D - CERTIFICATION STANDARDS

Certification Process (§26.61 - 26.73)

WestCAT is a participant of the CUCP that uses the certification standards of Subpart D of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. The CUCP Memorandum of Agreement (MOA) provides U.S. DOT recipients the option to be either a certifying member or a non-certifying member. WestCAT is a non-certifying member.

The CUCP makes all DBE certification decisions on behalf of U.S. DOT recipients in the state. WestCAT relies upon the CUCP for the certification of DBE firms and ensures that only firms certified as eligible DBEs participate in the DBE Program.

To be certified as a DBE, a firm must meet all certification eligibility standards.

[Caltrans website \(web\)](#) provides information on required documentation and the certification process.

SUBPART E - CERTIFICATION PROCEDURES

Unified Certification Programs (§26.81-§26.83)

WestCAT is a non-certifying member of the CUCP. As such, WestCAT does not provide certification procedures itself. Certifying agencies may be found online at: [California Unified Certification Program \(web\)](#)

Procedures for Certification Decisions (§26.83)

Re-certifications (§26.83)(a)(c)

WestCAT is a non-certifying member of the CUCP and currently does not re-certify or make certification decisions.

SUBPART F – COMPLIANCE AND ENFORCEMENT

Compliance Procedures Applicable to WestCAT (§26.101)

WestCAT understands that if it fails to comply with any requirement of this part, WestCAT may be subject to formal enforcement action under §26.103 or §26.105 or appropriate program sanctions by the concerned operating administration, such as the suspension or termination of Federal funds, or refusal to approve projects, grants or contracts until deficiencies are remedied. Program sanctions may include, in the case of the FTA program, any actions permitted under 49 U.S.C. chapter 53 or applicable FTA program requirements.

Information, Confidentiality, Cooperation (§26.109)

WestCAT will follow the procedures in §26.109 regarding availability of records, confidentiality of information on complainants, cooperation, intimidation and retaliation.

WestCAT will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law.

Participants in WestCAT's DBE Program are required to cooperate fully and promptly with compliance reviews, investigations, and other requests for information. Failure to do so shall be a ground for appropriate action against the party involved.

Participants in WestCAT's DBE Program will not intimidate, threaten, coerce, or discriminate against any individual or firm for the purpose of interfering with any right or privilege secured by §26.109, or because the individual or firm has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing. Failure to comply with this part is a violation.

Attachment 1- Definitions

(§ 26.5) What do the terms used in 49 CFR Part 26 mean?

Affiliation has the same meaning the term has in the Small Business Administration (SBA) regulations, 13 CFR part 121.

(1) Except as otherwise provided in 13 CFR part 121, concerns are affiliates of each other when, either directly or indirectly:

- (i) One concern controls or has the power to control the other; or
- (ii) A third party or parties controls or has the power to control both; or
- (iii) An identity of interest between or among parties exists such that affiliation may be found.

(2) In determining whether affiliation exists, it is necessary to consider all appropriate factors, including common ownership, common management, and contractual relationships. Affiliates must be considered together in determining whether a concern meets small business size criteria and the statutory cap on the participation of firms in the DBE Program.

Alaska Native means a citizen of the United States who is a person of one-fourth degree or more Alaskan Indian (including Tsimshian Indians not enrolled in the Metlakatla Indian Community), Eskimo, or Aleut blood, or a combination of those bloodlines. The term includes, in the absence of proof of a minimum blood quantum, any citizen whom a Native village or Native group regards as an Alaska Native if their father or mother is regarded as an Alaska Native.

Alaska Native Corporation (ANC) means any Regional Corporation, Village Corporation, Urban Corporation, or Group Corporation organized under the laws of the State of Alaska in accordance with the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601, *et seq.*).

Assets mean all the property of a person available for paying debts or for distribution, including one's respective share of jointly held assets. This includes, but is not limited to, cash on hand and in banks, savings accounts, IRA or other retirement accounts, accounts receivable, life insurance, stocks and bonds, real estate, and personal property.

Business, business concern or business enterprise means an entity organized for profit with a place of business located in the United States, and which operates primarily within the United States or which makes a significant contribution to the United States economy through payment of taxes or use of American products, materials, or labor.

Compliance means that a recipient has correctly implemented the requirements of this part.

Contingent Liability means a liability that depends on the occurrence of a future and uncertain event. This includes, but is not limited to, guaranty for debts owed by the applicant concern, legal claims and judgments, and provisions for federal income tax.

Contract means a legally binding relationship obligating a seller to furnish supplies or services (including, but not limited to, construction and professional services) and the buyer to pay for them. For purposes of this part, a lease is considered to be a contract.

Contractor means one who participates, through a contract or subcontract (at any tier), in a DOT-assisted highway, transit, or airport program.

Days mean calendar days. In computing any period of time described in this part, the day from which the period begins to run is not counted, and when the last day of the period is a Saturday, Sunday, or Federal holiday, the period extends to the next day that is not a Saturday, Sunday, or Federal holiday. Similarly, in circumstances where the recipient's offices are closed for all or part of the last day, the period extends to the next day on which the agency is open.

Department or DOT means the U.S. Department of Transportation, including the Office of the Secretary, the Departmental Office of Civil Rights, the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), and the Federal Aviation Administration (FAA).

Disadvantaged business enterprise or DBE means a for-profit small business concern—

(1) That is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged; and

(2) Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

DOT-assisted contract means any contract between a recipient and a contractor (at any tier) funded in whole or in part with DOT financial assistance, including letters of credit or loan guarantees, except a contract solely for the purchase of land.

FTA Tier I recipient means an FTA recipient to whom this part applies that will award prime contracts (excluding transit vehicle purchases) the cumulative total value of which exceeds \$670,000 in FTA funds in a Federal fiscal year.

FTA Tier II recipient means an FTA recipient to whom this part applies who will award prime contracts (excluding transit vehicle purchases) the cumulative total value of which does not exceed \$670,000 in FTA funds in a Federal fiscal year.

Good faith efforts means efforts to achieve a DBE goal or other requirement of this part which, by their scope, intensity, and appropriateness to the objective, can reasonably be expected to fulfill the program requirement.

Immediate family member means father, mother, husband, wife, son, daughter, brother, sister, grandfather, grandmother, father-in-law, mother-in-law, sister-in-law, brother-in-law, and domestic partner and civil unions recognized under State law.

Indian tribe or Native American Tribe means any federally or State-recognized Tribe, band, nation, or other organized group of Indians (Native Americans), or an ANC.

Joint venture means an association of a DBE firm and one or more other firms to carry out a single, for-profit business enterprise, for which the parties combine their property, capital, efforts, skills and knowledge, and in which the DBE is responsible for a distinct, clearly defined portion of the work of the contract and whose share in the capital contribution, control, management, risks, and profits of the joint venture are commensurate with its ownership interest.

Liabilities mean financial or pecuniary obligations. This includes, but is not limited to, accounts payable, notes payable to bank or others, installment accounts, mortgages on real estate, and unpaid taxes.

Native Hawaiian means any individual whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

Native Hawaiian Organization means any community service organization serving Native Hawaiians in the State of Hawaii which is a not-for-profit organization chartered by the State of Hawaii, is controlled by Native Hawaiians, and whose business activities will principally benefit such Native Hawaiians.

Noncompliance means that a recipient has not correctly implemented the requirements of this part.

Notice of decision or NOD means determination that denies a firm's application or decertifies a DBE.

Notice of intent of NOI means recipients letter informing a DBE of a suspension or proposed decertification.

Operating Administration or OA means any of the following parts of DOT: the Federal Aviation Administration (FAA), Federal Highway Administration (FHWA), and Federal Transit Administration (FTA). The "Administrator" of an operating administration includes his or her designees.

Personal net worth or PNW means the net value of an individual's reportable assets and liabilities, per the calculation rules in §26.68.

Primary industry classification means the most current North American Industry Classification System (NAICS) designation which best describes the primary business of a firm. The NAICS is described in the North American Industry Classification Manual—United States, which is available on the Internet at the U.S. Census Bureau Web site: <http://www.census.gov/naics/>.

Primary recipient means a recipient which receives DOT financial assistance and passes some or all of it on to another recipient.

Principal place of business means the business location where the individuals who manage the firm's day-to-day operations spend most working hours. If the offices from which management is directed and where the business records are kept are in different locations, the recipient will determine the principal place of business. The term does not include construction trailers or other temporary construction sites.

Program means any undertaking on a recipient's part to use DOT financial assistance, authorized by the laws to which this part applies.

Race-conscious measure or program is one that is focused specifically on assisting only DBEs, including women-owned DBEs.

Race-neutral measure or program is one that is, or can be, used to assist all small businesses. For the purposes of this part, *race-neutral* includes gender-neutrality.

Recipient means any entity, public or private, to which DOT financial assistance is extended, whether directly or through another recipient, through the programs of the FAA, FHWA, or FTA, or who has applied for such assistance.

Secretary means DOT's Secretary of Transportation or the Secretary's designee.

Set-aside means a contracting practice restricting eligibility for the competitive award of a contract solely to DBE firms.

Small Business Administration or SBA means the United States Small Business Administration.

SBA certified firm refers to firms that have a current, valid certification from or recognized by the SBA under the 8(a) BD or SDB programs.

Small business concern means, with respect to firms seeking to participate as DBEs in DOT- assisted contracts, a small business concern as defined pursuant to section 3 of the Small Business Act and Small Business Administration regulations implementing it (13 CFR part 121) that also does not exceed the cap on average annual gross receipts specified in §26.65(b).

Socially and economically disadvantaged individual means any individual who is a citizen (or lawfully admitted permanent resident) of the United States and who has been subjected to racial or ethnic prejudice or cultural bias within American society because of his or her identity as a member of a group and without regard to his or her individual qualities. The social disadvantage must stem from circumstances beyond the individual's control.

(1) Any individual who a recipient finds to be a socially and economically disadvantaged individual on a case-by-case basis. An individual must demonstrate that he or she has held himself or herself out, as a member of a designated group if you require it.

(2) Any individual in the following groups, members of which are rebuttably presumed to be socially and economically disadvantaged:

(i) "Black Americans," which includes persons having origins in any of the Black racial groups of Africa;

(ii) "Hispanic Americans," which includes persons of Mexican, Puerto Rican, Cuban, Dominican, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;

(iii) “Native Americans,” which includes persons who are enrolled members of a federally or State recognized Indian tribe, Alaska Natives, or Native Hawaiians;

(iv) “Asian-Pacific Americans,” which includes persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, Indonesia, the Philippines, Brunei, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands (Republic of Palau), Republic of the Northern Marianas Islands, Samoa, Macao, Fiji, Tonga, Kirbati, Tuvalu, Nauru, Federated States of Micronesia, or Hong Kong;

(v) “Subcontinent Asian Americans,” which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal or Sri Lanka;

(vi) Women;

(vii) Any additional groups whose members are designated as socially and economically disadvantaged by the SBA, at such time as the SBA designation becomes effective.

(3) Being born in a particular country does not, standing alone, mean that a person is necessarily a member of one of the groups listed in this definition.

Spouse means a married person, including a person in a domestic partnership or a civil union recognized under State law.

Transit vehicle manufacturer (TVM) means any manufacturer whose primary business purpose is to manufacture vehicles built for mass transportation. Such vehicles include, but are not limited to buses, rail cars, trolleys, ferries, and vehicles manufactured specifically for paratransit purposes. Businesses that perform retrofitting or post-production alterations to vehicles so that such vehicles may be used for public transportation purposes are also considered TVMs. Businesses that manufacture, mass-produce, or distribute vehicles primarily for personal use are not considered TVMs.

Tribally-owned concern means any concern at least 51 percent owned by an Indian tribe as defined in this section.

You refers to a recipient, unless a statement in the text of this part or the context requires otherwise (i.e., ‘You must do XYZ’ means that recipients must do XYZ).

[64 FR 5126, Feb. 2, 1999, as amended at 64 FR 34570, June 28, 1999; 68 FR 35553, June 16, 2003; 76 FR 5096, Jan. 28, 2011; 79 FR 59592, Oct. 2, 2014; 89FR 24963, Apr. 9, 2024]

Attachment 2- Prime Contractor and Subcontractor/ Subconsultant/ Supplier Report

WESTERN CONTRA COSTA TRANSIT AUTHORITY (WestCAT)
 Prime Contractor and Subcontractor/Subconsultant/Supplier Report



Bidder's Name: _____ Contract # and Name: _____
 Address: _____ Zip Code: _____ Is your firm a Disadvantaged Business Enterprise: Yes _____ No _____
 Owner or Contact Person: _____ Phone: () _____ Fax: () _____
 E-Mail: _____ Ethnicity: _____ Gender: _____ Annual Gross Receipts: _____ Age of Firm: _____

INSTRUCTIONS: Please provide information on ALL firms (subcontractors/subconsultants/suppliers) that provided Bidder a bid, quote, or proposal to perform work, provide labor, render services or provide supplies in connection with this contract *WHETHER BID WAS ACCEPTED OR NOT*. You shall provide this information for all sub-bidders regardless of tier for both DBEs and non-DBEs alike. Include all bid acceptance(s) AND rejection(s). If no subcontractors/subconsultants/suppliers will be used, mark "NA" and sign the form.

Provide the North American Industry Classification System (NAICS) code(s) applicable to each scope of work the firm is sought out to perform on the contract. NAICS search <https://www.census.gov/naics/>.

Ethnicity: Indicate whether the majority owner is (AS) Asian-Pacific; (B) Black; (H) Hispanic; (N) Native; (SA) Subcontinent Asian; (NM) Non-Minority, or (O) Other

Gender: Indicate gender for the majority owner, either (M) Male or (F) Female. Make a copy of this form for additional firms.

Signature is required on page two of this form to be deemed responsive.

Subcontractor/Subconsultant/Supplier Firm Name/Address/Contact Information	Contractor's License No. DIR Registration No.	DBE (Yes*/No)	Portion of Work or Type of Materials/Supplies (DBE suppliers must complete the DBE Supplier Form)	NAICS Code(s) for each work item	Dollar Amount of Work Materials/Supplies	Bid/Quote Accepted (Yes*/No)	DBE Amount***	Annual Gross Receipts
1 Name: Address: Zip Code: Contact Person: E-mail: Phone: Ethnicity: Gender:								< \$1 Million
								< \$5 Million
								< \$10 Million
								< \$15 Million +
								Age of Firm: _____
2 Name: Address: Zip Code: Contact Person: E-mail: Phone: Ethnicity: Gender:								< \$1 Million
								< \$5 Million
								< \$10 Million
								< \$15 Million +
								Age of Firm: _____
3 Name: Address: Zip Code: Contact Person: E-mail: Phone: Ethnicity: Gender:								< \$1 Million
								< \$5 Million
								< \$10 Million
								< \$15 Million +
								Age of Firm: _____

Prime Contractor and Subcontractor/Subconsultant/Supplier Report (Continued)

Subcontractor/Subconsultant/Supplier Firm Name/Address/Contact Information	Contractor's License No. DIR Registration No.	DBE (Yes*/No)	Portion of Work or Type of Materials/Supplies (DBE suppliers must complete the DBE Supplier Form)	NAICS Code(s) for each work item	Dollar Amount of Work Materials/Supplies	Bid/Quote Accepted (Yes*/No)	DBE Amount****	Annual Gross Receipts
4 Name: Address: Zip Code: Contact Person: E-mail: Phone: Ethnicity: Gender:								< \$1 Million
								< \$5 Million
								< \$10 Million
								< \$15 Million +
								Age of Firm: _____
5 Name: Address: Zip Code: Contact Person: E-mail: Phone: Ethnicity: Gender:								< \$1 Million
								< \$5 Million
								< \$10 Million
								< \$15 Million +
								Age of Firm: _____
6 Name: Address: Zip Code: Contact Person: E-mail: Phone: Ethnicity: Gender:								< \$1 Million
								< \$5 Million
								< \$10 Million
								< \$15 Million +
								Age of Firm: _____

Attach additional sheets as necessary.

DBE Amount: \$ _____ = _____ % Bidder's DBE Achievement
 Total Bid Amount: \$ _____

* If Yes, please also provide certification number or California Unified Certification Program Firm ID number (www.californiaucp.dbesystem.com)

** Do not indicate more than one "Yes" for alternative subcontractors for the same work. Do not indicate TBD for "Bid Quote Accepted."

*** DBE participation includes that portion of the work actually performed by a certified DBE with its own forces. The DBE Regular Dealer/Distributor Affirmation Form must be submitted to confirm counting determinations for DBE supplier/distributor credit. Count 60% of the cost of materials and supplies or 40% for DBE distributor.

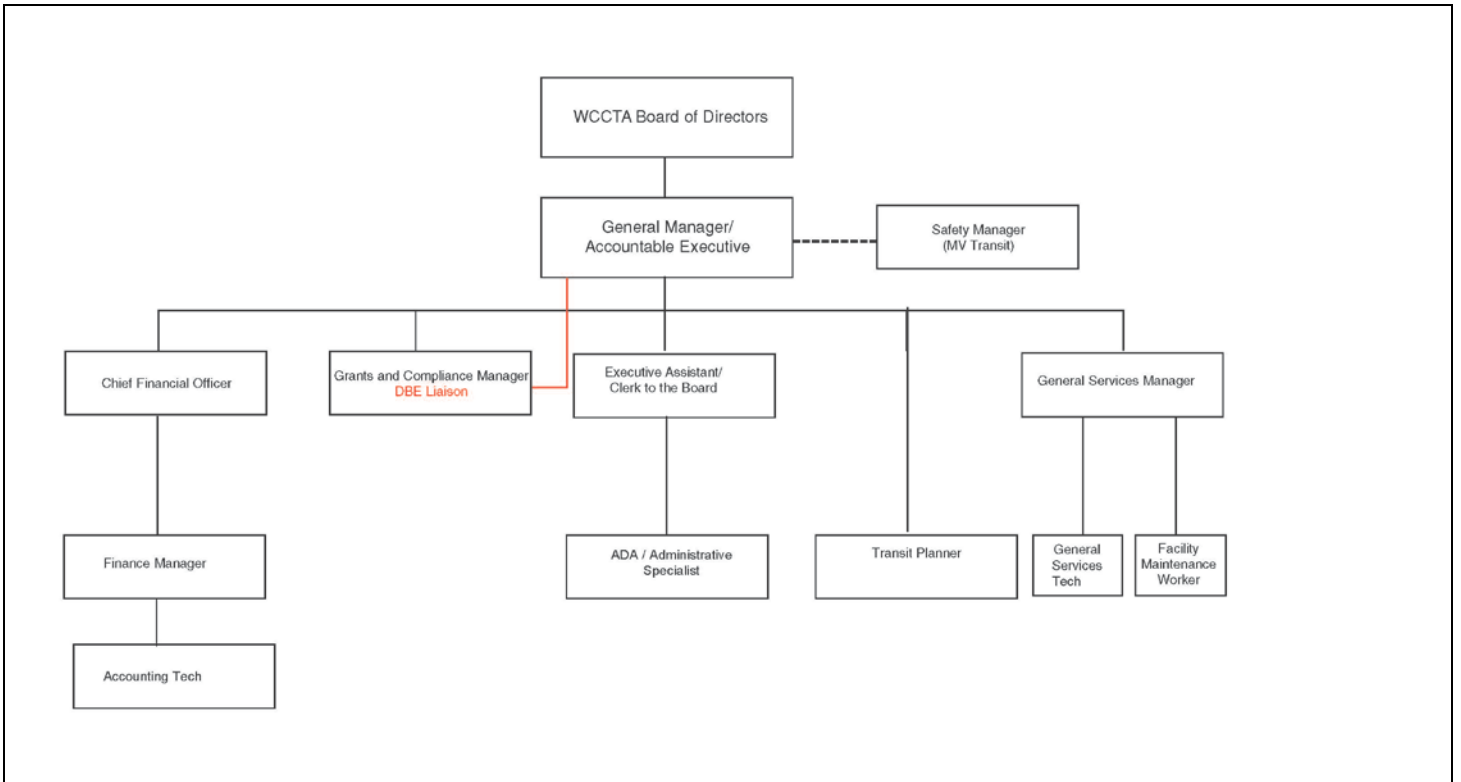
The undersigned agrees that if it is the successful bidder and is awarded the contract with Western Contra Costa Transit Authority (WestCAT) it will enter into a formal agreement with the subcontractor(s), subconsultant(s) and/or supplier(s) whose bid/quote was accepted for the work as indicated above. I certify that the information included on this form is accurate and true.

 Signature of Owner or Authorized Representative
 February 2025

 Title

 Date

Attachment 3- Organizational Chart



Attachment 4- Record of DBE Compliance Monitoring

Record of DBE Compliance Monitoring

Contract Number:		Contract Award Date:	
Current Contract Amount:		Contract End Date:	
Prime Contractor:		DBE Commitment Amount:	
DBE Subcontractors:			

Records reviewed:

Subcontracts Review

DBE Name	Date Reviewed	Reviewed By	Subcontract Reviewed for the Following			
			Scope (Y/N)	Price (Y/N)	Restrictions (Note Any)	Additional Comments

Summary Site or Place of Business Visits

Date	Place	Business	Comments

Summary of Invoice/Payment Review

Date	Activity	Comments

This summary serves as the certification that the above monitoring activities occurred on the project noted in accordance with 49 CFR Part 26.37.

Name/Signature

Date

Attachment 6- Subcontractor Payment Declaration

WESTERN CONTRA COSTA TRANSIT AUTHORITY (WestCAT)  WESTCAT
SUBCONTRACTOR PAYMENT DECLARATION

This form must be completed and submitted by the Prime Contractor for all subcontractors for every invoice submitted to WestCAT within five (5) days following actual payment to subcontractor. Payments to subcontractor shall be made no later than thirty (30) working days following receipt of progress payment from WestCAT. Use additional sheets if necessary. Failure to submit all required information may lead to partial withholding of progress payment.

Date: _____ Contract No.: _____

Contract Title: _____

Prime Contractor: _____

Invoice Date: _____ Invoice No.: _____

For the Period: _____

Total Amount of Invoice: _____ WestCAT Check #: _____

Subcontractor	DBE (Y/N)	Business Address Payment Sent To Including ZIP Code	Amount Paid	Payment Date	Check Number

Total Amount Paid to Subcontractor(s) (this Pay Period) _____

I/We declare under penalty of perjury under the laws of the State of California that the above information is complete, and that the tabulated amounts paid to date are accurate and correct.

Signature of Contact Person

Date

Print Name

Phone

Attachment 8- Record of Commercially Useful Function Report

Record of Commercially Useful Function Report

Contract Number:
Review Date:
Prime Contractor:
DBE Firm:
DBE Function:

Please mark "YES", "NO" or "N/A" for each question.

For any question marked "NO", please explain in the "COMMENTS" section below.

PERFORMANCE

1. Does the DBE have its own employees on the job to perform the work? _____
2. Does the DBE own the equipment being utilized to perform its work? (If there is a lease agreement, review information on lease document.) _____
3. Is the DBE self performing the subcontract defined task for a specific item of work on the contract? _____

HAULING FIRMS

1. Does the DBE hauling firm own and/or lease their trucks? (Review ownership/vehicle registration and/or lease documents to verify). _____
2. Does the DBE employ drivers for trucks owned by the company? (If leased trucks include operators, this should be indicated in the agreement/purchase order.) _____
3. Do the haul tickets and/or bills of lading associated with the project confirm that hauling is being performed by the DBE? _____

MATERIAL SUPPLIERS OR MANUFACTURERS/FABRICATORS

1. Does the DBE's name appear on all applicable invoices, haul tickets, and/or bills of lading? _____
2. Did the DBE provide documentation showing that the funds used to pay a supplier in fact came from the DBE's own funds? _____
3. If the DBE had any materials drop shipped to the project site, was the invoice addressed to the DBE? _____
4. Did the DBE deliver materials to the site with their own and/or leased trucks? _____

SUPERVISION

1. Is the DBE self performing work without assistance from the prime or another subcontractor? _____

2. Is the DBE providing supervision of its employees and their work? _____

3. Is the supervisor a full-time employee of the DBE? _____

Comments: _____

This summary serves as the certification that the above Commercially Useful Function review occurred on the project noted in accordance with 49 CFR Part 26.55.

Name/Signature

Date

GUIDANCE FOR COMPLETING THE RECORD OF COMMERCIALY USEFUL FUNCTION REPORT

The guidance below is included to assist you in determining whether or not a Disadvantaged Business Enterprise (DBE) is performing a Commercially Useful Function (CUF) as required under Section 26.55 of Title 49 Code of Federal Regulations Part 26. Federal DBE regulations provide that a DBE is performing a CUF when it is responsible for execution of the work it committed to perform under a contract with the prime and is carrying out its contractual responsibilities by performing, managing, and supervising the work. If it is determined that a DBE is not performing a CUF on some or all of the work subcontracted to them, the prime contractor will lose DBE credit. Continue to monitor the DBE firm to ensure that Commercially Useful Function requirements are being met during the life of the project. A CUF form must be completed for all DBEs performing on any federally funded project.

The following are some examples of some common incidences:

PERFORMANCE

RED FLAGS

- Employee(s) working for both the Prime and the DBE
- Equipment used by DBE belongs to the Prime Contractor
- Equipment used by DBE belongs to another contractor with no formal lease agreement
- Equipment signs and markings cover another contractor's identity
- Equipment has another contractor's name on it
- A portion of the DBE's work being done by the Prime Contractor or jointly with another contractor

RECORDS/DOCUMENTS

- Certified payrolls
- Equipment ownership, rental, or lease documents
- Subcontract Agreement or Purchase Order

HAULING FIRMS

RED FLAGS

- Trucks used by DBE belong to the Prime Contractor.
- Trucks used by DBE belong to another contractor with no formal lease agreement
- Truck signs and markings conceal another contractor's identity
- Trucks have another contractor's name on them
- Operator(s) working for both the Prime and DBE
- Use of operator(s) for leased trucks is/are not specified in the lease agreement and operator(s) is not an/are not employee(s) of the DBE
- Haul tickets and/or bills of lading have a firm other than the DBE listed

RECORDS/DOCUMENTS

- Certified payrolls
- Truck ownership/vehicle registration, purchase orders, rental, or lease documents

Record of Commercially Useful Function Report Page 3

MATERIAL SUPPLIERS OR MANUFACTURERS/FABRICATORS

RED FLAGS

- Invoices do not indicate that DBE is the customer
- A Prime Contractor's employee is listed as the contact person on invoices
- Materials are ordered, billed to, and/or paid, by the Prime Contractor
- Drop shipped materials are addressed to the Prime Contractor
- Materials for DBE credited work are delivered by the Prime Contractor
- Evidence is provided that the DBE supplier is not actually supplying material
- Evidence is provided that the DBE manufacturer is not actually manufacturing material
- Two Party checks or joint checks are sent by the Prime to the supplier or manufacturer

RECORDS/DOCUMENTS

- Invoices/Purchase Orders
- Copies of cancelled checks, electronic bill transfers, bank statements, credit card statement, etc.
- Bills of Lading

SUPERVISION

RED FLAGS

- Prime Contractor or another subcontractor is performing the DBE's work
- The DBE's employees are being supervised by the Prime Contractor or another subcontractor
- The DBE provides little or no supervision of work
- The DBE supervisor is not a full-time employee of the DBE

RECORDS/DOCUMENTS

- Document communication with DBE owner or Superintendent
- Certified Payroll

Attachment 9- Overall DBE Goal “Triennial Goal” (\$26.45)

SUMMARY

In accordance with 49 CFR Part 26, WestCAT implements a Disadvantaged Business Enterprise (DBE) Program to ensure nondiscrimination in the award of federally funded contracts. As part of this program, WestCAT has established a Triennial Goal for DBE participation in all new contracts planned to be funded with Federal Transit Administration (FTA) funds. WestCAT does not include FTA assistance used in transit vehicle procurements in the base amount from which its overall DBE goal “Triennial Goal” is calculated.

WestCAT has calculated a Triennial DBE Goal, which is available for review on the [DBE Program page of the WestCAT website \(web\)](#)

DEVELOPMENT OF ANTICIPATED DBE GOAL

As an eligible recipient of federal funding, WestCAT is required to comply with 49 CFR Part 26, which states that grantees must establish and implement a DBE Program and set triennial DBE participation goals.

GOAL METHODOLOGY

The methodology to calculate an agency's DBE goal is a two-step process described in 49 CFR Part 26. Step-One of the methodology establishes a base figure for new federally funded contracts anticipated to be awarded in the upcoming three Federal Fiscal Years. The base figure is derived from the relative availability of DBEs that are ready, willing, and able to participate on these anticipated contracts.

Step-Two relies on the agency's knowledge of its contracting markets and previous history of DBE participation to determine if an adjustment to the base figure is needed. The calculation using the two-step methodology results in the anticipated Triennial DBE Goal.

Step-One Process: Development of Base Figure

The initial step in developing an anticipated Triennial DBE Goal is to determine the market area for WestCAT. WestCAT's market area consists of the nine Bay Area counties: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma. The nine-county Bay Area is the most appropriate market area for WestCAT to use in its goal-setting methodology as the majority of past and current WestCAT vendors are from the Bay Area.

Then, WestCAT determines the relative availability of DBE's in WestCAT's market area. WestCAT determines the number of ready, willing, and able DBEs in the market area from the CUCP directory. Using the Census Bureau's County Business Pattern database, WestCAT determines the number of all ready, willing, and able businesses in the market area that perform work in the same NAICS codes. WestCAT divides the number of DBEs by the number of all businesses to derive a base figure for the relative availability of DBEs in the market area.

Step-Two Process: Adjustment to the Base Figure

The purpose of the analysis in Step-Two is to make a determination based on relevant evidence available to WestCAT if any adjustments to the Step-One Base Figure are justified. WestCAT's DBE participation history can assist in determining whether an adjustment to the Step-One Base Figure is warranted.

PUBLIC PARTICIPATION / OUTREACH IN SETTING DBE GOAL


WestCAT has sought and encouraged public participation input from minority, women's and general contractor groups, through its participation as a member of the BOC (Business Outreach Committee). This consortium of Bay Area Transit and Transportation Agencies assists Disadvantaged Business Enterprises (DBEs) and Small Business Enterprises (SBEs) with expansion of their businesses through training, technical assistance, and relationship-building with agency staff and the contracting community of the San Francisco Bay Area. WestCAT attends monthly BOC meetings and participates in BOC events. WestCAT participates in the BOC's Public Participation Meetings that provide members of the public with the opportunity to learn about upcoming transportation projects and provide input on the goal-setting process for federally assisted contracts.

NOTICE OF PROPOSED DBE GOAL

Federal regulations require that notice of WestCAT's proposed overall DBE goal be posted on the Agency's official website. Such notice must inform the public that the proposed DBE goal and its rationale are available for inspection during normal business hours for a period of thirty (30) days following the date of the notice. WestCAT accepts comments on the proposed goal for thirty (30) days following the date of notice. The notice will include addresses to which comments may be sent or emailed.

Attachment 10- DBE Regular Dealer/Distributor Affirmation Form

OMB Control #2105-0586 (Exp. 5/31/2027)



U.S. Department of
Transportation

DBE Regular Dealer/Distributor Affirmation Form

Bidder Name:

Contract Name/Number:

Sections 26.53(c)(1) of Title 49 Code of Federal Regulations requires recipients to make a preliminary counting determination for each DBE listed as a regular dealer or distributor to assess its eligibility for 60 or 40 percent credit, respectively, of the cost of materials and supplies based on its demonstrated capacity and intent to perform as a regular dealer or distributor, as defined in section 26.55(e)(2)(iv)(A),(B),(C), and (3) under the contract at issue. The regulation requires the recipient's preliminary determination to be made based on the DBE's written responses to relevant questions and its affirmation that its subsequent performance of a commercially useful function will be consistent with the preliminary counting of such participation. The U.S. Department of Transportation is providing this form as a tool for recipients, prime contractors, regular dealers, and distributors to use to carry out their respective responsibilities under this regulation. The form may be used by each DBE supplier whose participation is submitted by a bidder for regular dealer or distributor credit on a federally-assisted contract with a DBE participation goal. The form may also be used by prime contractors in connection with DBE regular dealer or distributor participation submitted after a contract has been awarded provided such participation is subject to the recipient's prior evaluation and approval. If this form is used, it should be accompanied by the bidder's commitment, contract, or purchase order showing the materials the DBE regular dealer or distributor is supplying. Use of this tool is not mandatory. If a recipient chooses a different method for complying with Section 26.53(c)(1), it must include that method in its DBE Program Plan.

DBE Name: _____ Total Subcontract/Purchase Order Amount: _____

Authorized DBE Representative (Name and Title): _____ NAICS Code(s) Related to the Items to be Sold/Leased: _____

1. Will **all** items sold or leased be provided from the on-hand inventory at your establishment? YES NO
 (If "YES," you have indicated that your performance will satisfy the regular dealer requirements and may be counted at 60%. **STOP here. Read and sign the affirmation below.** If "NO" Continue.)

a) Are you selling bulk items (e.g., petroleum products, steel, concrete, concrete products, sand, gravel, asphalt, etc.) or items not typically stocked due to their unique characteristics (aka specialty items)? YES NO (If "YES," Go to Question 2. If "NO" Continue.)

b) Will at least 51% of the items you are selling be provided from the inventory maintained at your establishment, and will the minor quantities of items delivered from and by other sources be of the general character as those provided from your inventory? YES NO* (If "YES," you have indicated that your performance will satisfy the regular dealer requirements and may be counted at 60%. **STOP here. Read and sign the affirmation below.**)

*If 1., 1.a), and 1. b) above are "NO," your performance on the whole will not satisfy the regular dealer requirements; therefore, only the value of items to be sold or leased from inventory can be counted at 60%. (Go to Question 3. to determine if the items delivered from and by other sources are eligible for Distributor credit.)

2. Will you deliver all bulk or specialty items using distribution equipment you own (or under a long-term lease) and operate? YES NO¹
 (If "YES," you have indicated that your performance will satisfy the requirements for a regular dealer of bulk items and may be counted at 60%. **STOP here. Read and sign the affirmation below.**)
¹ If "NO," your performance will not satisfy the requirements for a regular dealer of bulk items; the value of items to be sold or leased cannot be counted at 60%. (Go to Question 3.)

3. Will the written terms of your purchase order or bill of lading from a third party transfer responsibility, including risk for loss or damage, to your company at the point of origin (e.g. a manufacturer's facility)? YES² NO³

a) Will you be using sources **other than** the manufacturer (or other seller) to deliver or arrange delivery of the items sold or leased? YES² NO³

² If your responses to 3 and 3.a) are "YES," you have indicated that your performance will satisfy the requirements of a distributor; therefore, the value of items sold or leased **may** be counted at 40%.

³ If you responded "NO" to either 3 or 3.a), counting of your participation is limited to the reasonable cost of fees or commissions charged, including transportation charges for the delivery of materials or supplies; the cost of materials or supplies may not be counted.

I affirm that the information that I provided above is true and correct and that my company's subsequent performance of a commercially useful function will be consistent with the above responses. I further affirm that my company will independently negotiate price, order specified quantities, and pay for the items listed in the bidder's commitment. This includes my company's responsibility for the quality of such items in terms of necessary repairs, exchanges, or processing of any warranty claims for damaged or defective materials.

Printed Name and Signature of DBE Owner/Authorized Representative:

The bidder acknowledges its responsibility for verifying the information provided by the DBE named above and ensuring that the counting of the DBE's participation is accurate. Any shortfall caused by errors in counting are the responsibility of the bidder.

Printed Name and Signature of Bidder's Authorized Representative:

Attachment 11- DBE Program Board Resolution

A RESOLUTION OF THE WESTERN CONTRA COSTA TRANSIT AUTHORITY TO APPROVE WESTCAT'S DISADVANTAGED BUSINESS ENTERPRISE PROGRAM UPDATED IN COMPLIANCE WITH THE APRIL 9, 2024 DBE FINAL RULE AND AUTHORIZE STAFF TO SUBMIT THE PROGRAM TO THE FTA

WHEREAS, In accordance with 49 CFR Part 26, Western Contra Costa Transit Authority (WestCAT) is a Federal Transit Administration (FTA) Tier 1 recipient that will award prime contracts (excluding transit vehicle purchases) the cumulative total value of which exceeds \$670,000 in FTA funds in a Federal fiscal year; and

WHEREAS, As a condition of receiving Federal financial assistance, WestCAT must prepare a Disadvantaged Business Enterprise Program in compliance with 49 CFR Part 26; and

WHEREAS, WestCAT has prepared an updated Disadvantaged Business Enterprise Program in compliance with the April 9, 2024 DBE Final Rule (49 CFR Part 26); and

WHEREAS, It is the policy of WestCAT to ensure nondiscrimination on the basis of race, color, sex, or national origin in the award and administration of DOT-assisted contracts; and

WHEREAS, It is the intention of WestCAT to create a level playing field on which DBEs can compete fairly and participate in the performance of DOT-assisted contracts; now, therefore be it

RESOLVED, That the Board of Directors approves WestCAT's Disadvantaged Business Enterprise Program updated in compliance with the April 9, 2024 DBE Final Rule and authorizes staff to submit the program to the FTA; and be it finally

RESOLVED, To comply with the FTA submission deadline of March 1, 2025, this Resolution shall be effective immediately.

I hereby certify that the foregoing resolution is a full, true, and correct copy of a resolution passed by Western Contra Costa Transit Authority Board of Directors.

Passed this 13th day of February 2025, by the following vote:

AYES:

NOES:

ABSTAIN:

AGENCY BOARD DESIGNEE:

February 13, 2025

BY: Tom Hansen, Chair
WestCAT Board of Directors

Date

Resolution 2025-02

A RESOLUTION OF THE WESTERN CONTRA COSTA TRANSIT AUTHORITY TO APPROVE WESTCAT'S DISADVANTAGED BUSINESS ENTERPRISE PROGRAM UPDATED IN COMPLIANCE WITH THE APRIL 9, 2024 DBE FINAL RULE AND AUTHORIZE STAFF TO SUBMIT THE PROGRAM TO THE FTA

WHEREAS, In accordance with 49 CFR Part 26, Western Contra Costa Transit Authority (WestCAT) is a Federal Transit Administration (FTA) Tier 1 recipient that will award prime contracts (excluding transit vehicle purchases) the cumulative total value of which exceeds \$670,000 in FTA funds in a Federal fiscal year; and

WHEREAS, As a condition of receiving Federal financial assistance, WestCAT must prepare a Disadvantaged Business Enterprise Program in compliance with 49 CFR Part 26; and

WHEREAS, WestCAT has prepared an updated Disadvantaged Business Enterprise Program in compliance with the April 9, 2024 DBE Final Rule (49 CFR Part 26); and

WHEREAS, It is the policy of WestCAT to ensure nondiscrimination on the basis of race, color, sex, or national origin in the award and administration of DOT-assisted contracts; and

WHEREAS, It is the intention of WestCAT to create a level playing field on which DBEs can compete fairly and participate in the performance of DOT-assisted contracts; now, therefore be it

RESOLVED, That the Board of Directors approves WestCAT's Disadvantaged Business Enterprise Program updated in compliance with the April 9, 2024 DBE Final Rule and authorizes staff to submit the program to the FTA; and be it finally

RESOLVED, To comply with the FTA submission deadline of March 1, 2025, this Resolution shall be effective immediately.

I hereby certify that the foregoing resolution is a full, true, and correct copy of a resolution passed by Western Contra Costa Transit Authority Board of Directors.

Passed this 13th day of February 2025, by the following vote:

AYES:

NOES:

ABSTAIN:

AGENCY BOARD DESIGNEE:

BY: Tom Hansen, Chair
WestCAT Board of Directors

Date
February 13, 2025

Agenda Item 6.2

Staff Report on June 1, 2025 to May 31, 2028 Title VI Program

Background

Title VI is a federal statute and provides that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, or be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

One of the requirements of being eligible to receive Federal funds is that WestCAT prepare a Title VI Program and submit it every three years to the Federal Transit Administration (FTA) for concurrence. WestCAT previously submitted a Title VI Program to the FTA in March 2022.

Discussion

This current update to the Title VI Program incorporates more up-to-date demographic data from census data for the Language Assistance Plan. As part of the process in developing the Language Assistance Plan, an analysis is performed to determine which language services are appropriate to provide. The largest limited English proficient language group in our service area is Spanish and vital documents are translated into Spanish. The next largest limited English proficient language groups are Tagalog and Chinese, and we have added language assistance information in Tagalog and Chinese to our vital documents.

The service standards were also updated based on our current fleet and routes.

WestCAT is required to receive approval from the Board of Directors and submit the Title VI Program to the FTA before April 1, 2025.

Requested Action

Staff recommends adoption of the WestCAT June 1, 2025 to May 31, 2028 Title VI Program and approval to submit the Title VI Program to the FTA.

Attached:

1. June 1, 2025 to May 31, 2028 Title VI Program
2. Resolution 2025-03



WESTERN CONTRA COSTA TRANSIT AUTHORITY

(WESTCAT)

TITLE VI PROGRAM

June 1, 2025 to May 31, 2028

Updated February 2025

Contact Information:

**Western Contra Costa Transit Authority
(WestCAT)- Recipient ID 5624**

Tania Babcock

Grants and Compliance Manager

(510) 724-3331

civilrights@westcat.org

Title VI Program

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Title IV Program

Western Contra Costa Transit Authority (WestCAT) has prepared this Title VI Program in accordance with Circular C 4702.1B in order to comply with all elements of the Title VI of the Civil Rights Act of 1964, which protects people from discrimination based on race, color or national origin in programs or activities that receive federal financial assistance.

WestCAT has provided an annual Title VI Certification as part of its Certification and Assurances submission to FTA. A Title VI assurance shall be collected from any sub-recipient prior to passing through FTA funds and these assurances will be submitted as part of a standard list of assurances as provided to sub-recipient's direct recipient(s).

Title VI Notice to the Public

WestCAT publicly notifies the general public that the Agency complies with Title VI, and informs members of the public of the protections against discrimination afforded them by Title VI. The Title VI Notice to the Public is located in *Appendix i*.

This notice is displayed in the lobby of the main office located at 601 Walter Avenue, Pinole, CA 94564, on the [Agency website \(web\)](#), on transit buses, and on printed bus schedules published by WestCAT. It contains the following:

- A statement that WestCAT operates programs without regard to race, color, and national origin.
- A description of the procedures that members of the public should follow to request additional information on the recipient's nondiscrimination obligations.
- A description that details the procedures that members of the public may follow in order to file a discrimination complaint against WestCAT.

Title VI Complaint Procedure and Complaint Form

WestCAT displays both the complaint form and complaint procedures for the general public on the [Title VI and Civil Rights page on WestCAT's website \(web\)](#). The complaint form is also available from WestCAT's administration office located at 601 Walter Avenue, Pinole, CA 94564. The complaint form and complaint procedures are located in *Appendix ii*.

All Title VI complaints received by WestCAT are recorded electronically and are investigated as thoroughly as possible. Each complaint, when closed, is circulated to WestCAT management and WestCAT's Grants and Compliance Manager. All complaints remain on file indefinitely for future review. WestCAT's Grants and Compliance Manager reviews each closed complaint and determines if any one complaint could constitute a Title VI complaint or violation. Additionally,

complaints that may not singularly, upon initial review, be a Title VI complaint are kept on record and reviewed annually in an effort to identify any potential discriminatory patterns that may, in aggregate, constitute a potential Title VI problem.

WestCAT staff have been directed to inform WestCAT's Grants and Compliance Manager if a customer specifically requests to file a Title VI complaint. Upon such a request, WestCAT's Grants and Compliance Manager will provide the customer with the Title VI complaint form contained within this program. Once the form has been completed in its entirety, it will be investigated in accordance with the procedures documented in this program.

Complaints and Title VI Investigations

WestCAT has not been named in any Title VI complaints or investigations during the three years that this Plan covers. One potential Title VI complaint was received and investigated (see *Appendix iii*). WestCAT's process for investigating complaints or allegations of discrimination on the basis of race, color, or national origin, is to record the date that the investigation, lawsuit or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit or complaint; and actions taken by the recipient or sub-recipient in response to the matter.

WestCAT has not been named in any lawsuit which alleges discrimination on the basis of race, color, or national origin with respect to service or other transit benefits.

Public Participation and Language Assistance Plan

WestCAT is taking responsible steps to ensure meaningful access to benefits, services, information and other important portions of its programs and activities for individuals who are Limited English Proficient. WestCAT's Language Assistance Plan is located in *Appendix iv*. WestCAT's Public Outreach and Public Participation Plan is included as part of the Language Assistance Plan.

WestCAT's public hearings policy is to convene hearings before any service change that increases fares or reduces the amount of service hours by 10% or more in a route.

The agency has not conducted any public hearings since 2019 with the exception of its monthly board meetings. During the COVID-19 pandemic all in-person meetings were temporarily suspended.

To ensure equitable access to all residents of the region, the agency maintains a roster of translation volunteers who agree to be available for translation of community meetings at the request of local residents.

a. **Public Hearings:**

A public hearing must be held before any service change that increases fares or reduces the amount of service hours by 10% or more in a route. Notice of the

public hearing shall be posted at least twenty-one (21) days prior to the hearing. All notices shall include a description of the matter(s) to be considered. The notices shall also state where and when the hearing(s) shall take place, as well as options to view the information for the public that cannot attend the hearing.

Should a specific group(s) or neighborhood(s) be impacted by a proposed change, WestCAT shall use their best efforts to publish information targeting the impacted group(s) or neighborhood(s).

At a public hearing, WestCAT shall afford any interested party the opportunity to present statements, both written and oral. Limitations may be established on the length of the presentation in order for all community members to be heard.

WestCAT compiles any comment and written statements to document public input and present to the Board of Directors.

Make up of Transit Related, Non-Elected Advisory Committees

WestCAT currently has no boards or committees that are non-elected.

A seven-member Board of Directors governs WestCAT. The cities of Pinole and Hercules are each represented by two members appointed by their City Councils, while the unincorporated communities of Crockett, Rodeo, and MonTaraBay each have one representative, appointed by the Contra Costa County Board of Supervisors.

Sub-recipient Monitoring

WestCAT has no current sub-recipients. If WestCAT has sub-recipients in the future, they will be monitored for compliance with Title VI.

Facility Site Equity Analysis

WestCAT has not undertaken any facility construction.

System Wide Standards and System Wide Policies

FTA requires all fixed route transit providers of public transportation to develop *quantitative* standards for certain key service indicators. WestCAT has evaluated the demands for transit within the area it serves, and has tailored the standards to fit local conditions, rather than adopting general standards or benchmarks developed for use in the broader transit industry. WestCAT's system wide standards and system wide policies are located in *Appendix vi*.

Appendix i

Notice of Rights Under Title VI

- Western Contra Costa Transit Authority (WestCAT) operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI may file a complaint with WestCAT.
- For more information on WestCAT's Civil Rights Program, and the procedures to file a complaint, contact, 1-510-724-3331, email civilrights@westcat.org or visit the administrative office at 601 Walter Ave, Pinole, CA 94564. For more information visit www.westcat.org
- A complainant may file a complaint directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor – TCR, 1200 New Jersey Ave, SE, Washington, DC 20590.

If information is needed in another language, please contact 1-510-724-3331.

Si necesita información en Español, llame al 1-510-724-3331.

如果需要中文信息, 请致电 1-510-724-3331.

Kung kailangan ng impormasyon sa Tagalog, mangyaring tumawag sa 1-510-724-3331.

Notificación de Derechos en Virtud del Título VI

- Western Contra Costa Transit Authority (WestCAT) opera sus programas y servicios sin distinción de raza, color y origen nacional de conformidad con el Título VI de la Ley de Derechos Civiles. Cualquier persona que crea que ha sido agraviada por una práctica discriminatoria ilegal bajo el Título VI puede presentar una denuncia ante WestCAT.
- Para obtener más información sobre el Programa de Derechos Civiles de WestCAT, y los procedimientos para presentar una denuncia, póngase en contacto, 1-510-724-3331, correo electrónico civilrights@westcat.org o visite la oficina administrativa en 601 Walter Ave, Pinole, CA 94564. Para más información, visite www.westcat.org
- Un demandante puede presentar una denuncia directamente ante la Administración Federal de Tránsito presentando una denuncia ante la Oficina de Derechos Civiles, Atención: Title VI Program Coordinator, East Building, 5th Floor - TCR, 1200 New Jersey Ave, SE, Washington, DC 20590.

List of Notice Placement

The above public Notice of Rights Under Title VI is available in the following locations:

- In the lobby of WestCAT's main office, located at 601 Walter Avenue, Pinole, CA 94564
- On transit buses
- On printed bus schedules
- On the [Title VI and Civil Rights page on WestCAT's website \(web\)](#)

Appendix ii

Title VI Complaint Procedure and Form

WestCAT is committed to ensuring that no person is excluded from participation in, or denied the benefits of its services on the basis of race, color or national origin as protected by Title VI of the Civil Rights Act of 1964, as amended (*Title VI*).

This document outlines the Title VI complaint procedures related to providing programs, services, and benefits. However, it does not deny the complainant the right to file formal complaints with the California Department of Transportation, the Secretary of the US Department of Transportation, Equal Employment Opportunity Commission (EEOC), Federal Highway Administration (FHWA), Federal Transit Administration (FTA), or to seek private counsel for complaints alleging discrimination, intimidation or retaliation of any kind that is prohibited by law.

Title VI of the Civil Rights Act of 1964 requires that no person in the United States, on the grounds of race, color or national origin be excluded from, be denied the benefits of, or be subjected to discrimination, under any program or activity receiving federal financial assistance.

Procedure

1. Any person who believes that they have been subjected to discrimination may file a written complaint with Western Contra Costa Transit Authority (WestCAT). Federal and State law requires complaints be filed within one-hundred eighty (180) calendar days of the last alleged incident.

2. The complainant may download the complaint form from [our website \(web\)](#) or call 510-724-3331 and ask for a complaint form from Grants and Compliance Manager, Tania Babcock or write to:

Tania Babcock, Grants and Compliance Manager
Western Contra Costa Transit Authority (WestCAT)
601 Walter Avenue
Pinole, CA 94564
Phone: (510)-724-3331
Email: civilrights@westcat.org

Complainant may also submit a written statement that contains all of the information identified in Section 3 (steps a. through f. below).

3. The complaint will include the following information:

- a. Name, address, and telephone number of the complainant.
- b. The basis of the complaint; i.e., race, color, national origin.
- c. The date or dates on which the alleged discriminatory event or events occurred.
- d. The nature of the incident that led the complainant to feel discrimination was a factor.

- e. Names, addresses and telephone numbers of persons who may have knowledge of the event.
- f. Other agencies or courts where complaint may have been filed and a contact name.
- g. Complainant's signature and date.
- h. If the complainant is unable to write a complaint, WestCAT staff will assist the complainant. If requested by complainant, WestCAT will provide a language or sign interpreter.
- i. The complaint may be sent or faxed to the following address:
Western Contra Costa Transit Authority (WestCAT)
601 Walter Avenue
Pinole, CA 94564
Fax: (510)-724-5551
- j. The complaint may be sent via email to civilrights@westcat.org
- k. Complainants have the right to complain directly to the appropriate federal agency however, they must do so within one-hundred eighty (180) calendar days of the last alleged incident.

- 4. WestCAT will begin an investigation within fifteen (15) working days of receipt of a complaint.
- 5. WestCAT will contact the complainant in writing no later than thirty (30) working days after receipt of complaint for additional information, if needed to investigate the complaint. If the complainant fails to provide the requested information in a timely basis, WestCAT may administratively close the complaint.
- 6. WestCAT will complete the investigation within ninety (90) days of receipt of the complaint. A written investigation report will be prepared by the investigator. The report shall include a summary description of the incident, findings and recommendations for corrective action.
- 7. The WestCAT General Manager will review the report. A closing letter will be provided to the complainant. The respondent will also receive a copy of the closing letter. Each will have five (5) working days from receipt of the report to respond. If either party responds negatively or has additional information to provide, an informal meeting will be arranged by the General Manager or his designee. If neither party responds, the complaint will be closed.
- 8. WestCAT will advise complainants of their appeal rights to the appropriate federal agency.

If information is needed in another language, please contact 1-510-724-3331.

Si necesita información en Español, llame al 1-510-724-3331.

如果需要中文信息, 请致电 1-510-724-3331.

Kung kailangan ng impormasyon sa Tagalog, mangyaring tumawag sa 1-510-724-3331.

Title VI Complaint Form

Title VI of the Civil Rights Act of 1964 states "No person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." Two Executive Orders extend Title VI protections to Environmental Justice, which also protects persons of low income, and Limited English Proficiency (LEP).

Please provide the following information necessary in order to process your complaint. Assistance is available upon request. Complete this form and mail or deliver to:

Western Contra Costa Transit Authority (WestCAT)
601 Walter Avenue, Pinole, CA 94564
Fax: (510)-724-5551
Email: civilrights@westcat.org

1. *Complainant's Name:* _____

2. *Address:* _____

3. *City:* _____ *State:* _____ *Zip Code:* _____

4. *Telephone No. (Home):* _____ *(Business):* _____

5. Person discriminated against (if other than complainant)

Name: _____

Address: _____

City: _____ *State:* _____ *Zip Code:* _____

6. What was the discrimination based on? (Circle all that apply):

Race

Color

National Origin

7. Date of incident resulting in discrimination: _____

8. Describe how you were discriminated against. What happened and who was responsible? For additional space, attach additional sheets of paper or use back of form.

9. Did you file this complaint with another federal, state, or local agency; or with a federal or state court? (Circle appropriate answer)

Yes

No

If answer is yes, circle each agency complaint was filed with:

Federal Agency *Federal Court* *State Agency* *State Court Local* *Agency Other*

10. Provide contact person information for the agency you also filed the complaint with:

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Date Filed: _____

11. Sign the complaint in the space below. Attach any documents you believe supports your complaint.

Complainant's Signature

Date

If information is needed in another language, please contact 1-510-724-3331.

Si necesita información en Español, llame al 1-510-724-3331.

如果需要中文信息, 请致电 1-510-724-3331.

Kung kailangan ng impormasyon sa Tagalog, mangyaring tumawag sa 1-510-724-3331.

Título VI Procedimiento y Formulario de Denuncia

WestCAT se compromete a garantizar que ninguna persona sea excluida de la participación en sus servicios ni se le nieguen los beneficios de los mismos por motivos de raza, color u origen nacional, tal y como protege el Título VI de la Ley de Derechos Civiles de 1964, en su versión modificada (*Título VI*).

Este documento describe los procedimientos de denuncia del Título VI relacionados con la provisión de programas, servicios y beneficios. Sin embargo, no niega al denunciante el derecho a presentar denuncias formales ante el Departamento de Transporte de California, la Secretaría del Departamento de Transporte de los Estados Unidos, la Comisión para la Igualdad de Oportunidades en el Empleo (EEOC), la Administración Federal de Autopistas (FHWA), la Administración Federal de Tránsito (FTA), ni a buscar asesoría privada para denuncias que aleguen discriminación, intimidación o represalias de cualquier tipo prohibidas por la ley.

El Título VI de la Ley de Derechos Civiles de 1964 exige que no se excluya, ni se denieguen las ventajas, ni se discrimine a ninguna persona en Estados Unidos por motivos de raza, color u origen nacional, en el marco de ningún programa o actividad que reciba ayuda financiera federal.

Procedimiento

1. Toda persona que considere que ha sido objeto de discriminación puede presentar una denuncia por escrito ante Western Contra Costa Transit Authority (WestCAT). Las leyes federales y estatales exigen que las denuncias se presenten dentro de los ciento ochenta (180) días calendario del último incidente alegado.
2. El denunciante puede descargar el formulario de denuncia de [nuestro sitio web \(web\)](#) o llamar al 510-724-3331 y pedir un formulario de denuncia a la Directora de Subvenciones y Conformidad, Tania Babcock, o escribir a:

Tania Babcock, Directora de Subvenciones y Conformidad

Western Contra Costa Transit Authority (WestCAT)

601 Walter Avenue

Pinole, CA 94564

Teléfono: (510)-724-3331

Correo electrónico: civilrights@westcat.org

El demandante también puede presentar una declaración por escrito que contenga toda la información indicada en la Sección 3 (pasos a. a f. a continuación).

3. La denuncia incluirá la siguiente información
 - a. Nombre, dirección y número de teléfono del denunciante.
 - b. La base de la denuncia; es decir, raza, color, origen nacional.
 - c. La fecha o fechas en que se produjeron el hecho o hechos presuntamente discriminatorios.

- d. La naturaleza del incidente que llevó al demandante a pensar que la discriminación fue un factor.
- e. Nombres, direcciones y números de teléfono de las personas que puedan tener conocimiento del suceso.
- f. Otros organismos o tribunales en los que se haya presentado la denuncia y nombre de la persona de contacto.
- g. Firma y fecha del demandante.
- h. Si el denunciante no puede escribir una denuncia, el personal de WestCAT le ayudará. Si el denunciante lo solicita, WestCAT le proporcionará un intérprete de idiomas o de signos.
- i. La denuncia puede enviarse por correo o fax a la siguiente dirección
Western Contra Costa Transit Authority (WestCAT)
601 Walter Avenue
Pinole, CA 94564
Fax: (510)-724-5551
- j. La denuncia puede enviarse por correo electrónico a civilrights@westcat.org
- k. Los denunciantes tienen derecho a presentar una denuncia directamente ante el organismo federal competente, pero deben hacerlo en un plazo de ciento ochenta (180) días naturales a partir del último incidente denunciado.

4. WestCAT iniciará una investigación dentro de los quince (15) días hábiles siguientes a la recepción de una denuncia.

5. WestCAT se pondrá en contacto con el denunciante por escrito a más tardar treinta (30) días hábiles después de la recepción de la denuncia para obtener información adicional, si es necesario para investigar la denuncia. Si el denunciante no proporciona la información solicitada oportunamente, el WestCAT podrá cerrar administrativamente la denuncia.

6. WestCAT completará la investigación dentro de los noventa (90) días siguientes a la recepción de la denuncia. El investigador preparará un informe escrito de la investigación. El informe incluirá una descripción resumida del incidente, los hallazgos y las recomendaciones para medidas correctivas.

7. El Director General de WestCAT revisará el informe. Se entregará al denunciante una carta de clausura. El denunciado también recibirá una copia de la carta de cierre. Cada uno tendrá cinco (5) días hábiles a partir de la recepción del informe para responder. Si alguna de las partes responde negativamente o tiene información adicional que aportar, el Director General o su designado organizarán una reunión informal. Si ninguna de las partes responde, se archivará la denuncia.

8. WestCAT informará a los denunciantes de sus derechos de apelación ante la agencia federal correspondiente.

Formulario de Denuncia del Título VI

El Título VI de la Ley de Derechos Civiles de 1964 establece que "ninguna persona en los Estados Unidos podrá, por motivos de raza, color u origen nacional, ser excluida de participar en, negársele los beneficios de, o ser objeto de discriminación en ningún programa o actividad que reciba ayuda financiera federal". Dos Órdenes Ejecutivas amplían las protecciones del Título VI a la Justicia Medioambiental, que también protege a las personas con bajos ingresos y con conocimientos limitados de inglés (LEP).

Por favor, facilite la siguiente información necesaria para tramitar su denuncia. Si lo desea, puede solicitar asistencia. Rellene este formulario y envíelo por correo o entréguelo en

Western Contra Costa Transit Authority (WestCAT)

601 Walter Avenue, Pinole, CA 94564

Fax: (510)-724-5551

Correo electrónico: civilrights@westcat.org

1. Nombre del demandante: _____

2. Dirección: _____

3. Ciudad: _____ Provincia: _____ Código postal: _____

4. Teléfono (particular) _____ (Trabajo): _____

5. Persona discriminada (si no es el demandante)

Nombre: _____

Dirección: _____

Ciudad: _____ Provincia: _____ Código postal: _____

6. ¿En qué se basó la discriminación? (Marque con un círculo todo lo que corresponda):

Carrera

Color

Origen nacional

7. Fecha del incidente que dio lugar a la discriminación: _____

8. Describa cómo fue discriminado. ¿Qué ocurrió y quién fue el responsable? Si necesita más espacio, adjunte hojas adicionales o utilice el reverso del formulario.

9. ¿Ha presentado esta denuncia ante otro organismo federal, estatal o local, o ante un tribunal federal o estatal? (Marque con un círculo la respuesta adecuada)

Sí

No

Si la respuesta es afirmativa, marque con un círculo cada organismo ante el que se presentó la denuncia:

Agencia Federal

Tribunal Federal

Agencia Estatal

Tribunal Estatal Local

Agencia Otros

10. Facilite los datos de la persona de contacto del organismo ante el que también presentó la denuncia:

Nombre: _____

Dirección: _____

Ciudad: _____ *Provincia:* _____ *Código postal:* _____

Fecha de presentación: _____

11. Firme la denuncia en el espacio que figura a continuación. Adjunte cualquier documento que considere que apoya su denuncia.

Firma del demandante

Fecha

Appendix iii

2023-2025 List of Transit-Related WestCAT Title VI Investigation, Complaints, and Lawsuits

Background

This list includes any of the following that allege discrimination on the basis of race, color, or national origin:

- Active investigations conducted by WestCAT, and entities other than WestCAT;
- Lawsuits; and
- Complaints naming the recipient.

This list includes the date that the transit-related Title VI investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient in response, or final findings related to the investigation, lawsuit, or complaint. This list shall be included in the Title VI Program submitted to FTA every three years.

2023-2025 Title VI Investigations, Lawsuits and Complaints

The table below documents that WestCAT had no transit-related Title VI investigations or lawsuits during the period 2023-2025. One potential Title VI complaint was received and investigated. The date, summary of complaint, and actions taken are included in the table.

	Date (Month, Day, Year)	Summary (include basis of complaint: race, color, or national origin)	Status	Action(s) Taken
Investigations				
	N/A			
Lawsuits				
	N/A			
Complaints				
	10/7/2024	Customer alleged a Title VI violation when the operator refused to allow him to board the bus with a bike because the customer's large bike tires would not fit in the bike rack. Basis of complaint: race.	Closed.	Met with customer and verified that his bike tires did not fit in the bike rack. WestCAT policy does not allow bikes to ride inside the bus. Complaint unsubstantiated.

Appendix iv

Language Assistance Plan

Western Contra Costa Transit Authority (WestCAT)

February 2025

Introduction

Transit operators that receive federal funding are required to ensure that Limited English Proficient (LEP) persons have *meaningful* access to transit, programs and activities by developing and carrying out a language implementation plan pursuant to recommendations in Section VII of the U.S. Department of Transportation (DOT) LEP Guidance.

The starting point for the Language Assistance Plan is the four-factor analysis developed by the U.S. Department of Transportation to assist agencies in creating language access plans. The four-factor approach allows the Western Contra Costa Transit Authority (WestCAT) to prioritize types of language services and to ensure that appropriate language assistance resources are promptly available where most needed.

Demographic Information of WestCAT Service Area

WestCAT was established in August 1977 as a Joint Exercise of Powers Agreement between the County of Contra Costa and the cities of Hercules and Pinole. The WestCAT service area comprises 17.8 square miles of West Contra Costa County, including the cities of Pinole and Hercules and the unincorporated areas of Montalvin Manor, Bayview, Tara Hills, Rodeo, Crockett and Port Costa. The area is bounded to the north by the Carquinez Strait, the city limits of Pinole and Hercules to the east, the Richmond city border to the south, and by San Pablo Bay to the west. In addition, WestCAT operates regional service between Martinez and the Hercules Transit Center, TransBay service between the Hercules Transit Center and the San Francisco Transbay Terminal, and regional service between the Hercules Transit Center and Contra Costa College. Currently, population in the WestCAT service area is approximately 68,000 inhabitants.

Four-Factor Analysis

WestCAT determined the extent of its obligation to provide LEP services by employing the recommended four-factor analysis. This assessment includes:

- (1) The number or proportion of LEP persons eligible to be served or likely to encounter WestCAT services;
- (2) The frequency with which LEP individuals come in contact with WestCAT services;
- (3) The importance of WestCAT services to people's lives; and
- (4) The resources available to WestCAT and costs associated with providing language services.

Factor 1: The number or proportion of LEP persons eligible to be served or likely to encounter WestCAT services

To determine the number of Limited English Proficient (LEP) persons eligible to be served or likely to be encountered by WestCAT, it was determined what census tracts fell within its service area¹. Taking data about these census tracts from the U.S. Census Bureau², WestCAT was able to determine that the estimated total population within its service area was 68,314.

Following the Census' classification, and the formal definition of LEP persons as established by the FTA, WestCAT then focused on the number of persons who, speaking any language other than English, spoke English "less than very well" within its service area. This total came to be 11,528 persons.

WestCAT then examined the language groups themselves in order to better ascertain the extent of language assistance that might be needed. Spanish LEP speakers accounted for 7% of the total population (4,822 persons). The next two largest percentages of LEP speakers of the total population were those speakers speaking Tagalog³ at 2% (1,628 persons) and Chinese⁴ at 2% (1,467 persons).

Safe Harbor languages are defined by FTA Circular 4702.1B as languages spoken by at least 1,000 individuals with Limited English Proficiency (LEP) within the service area. The circular states, "if a recipient provides written translation of vital documents for each eligible LEP language group that constitutes five percent (5%) or 1,000 persons, whichever is less, of the total population of persons eligible to be served or likely to be affected or encountered, then such action will be considered strong evidence of compliance with the recipient's written translation obligations."

The top three languages in WestCAT's service area have not changed since the previous Title VI Program submission in 2021: Spanish is the predominant language spoken by individuals with Limited English Proficiency (LEP). Based on current census data, WestCAT has also designated Tagalog and Chinese as Safe Harbor languages.

¹ The census tracts within WestCAT's service area are: 3560.02, 3560.01, 3570, 3580, 3591.05, 3591.04, 3591.03, 3591.02, 3592.04, 3592.02, 3922.02, 3640.02, 3630, 3601.02, 3601.01, 3923

² U.S. Census, table C16001, "Language Spoken at Home for the Population 5 Years and Over"

³ For the purposes of this analysis, and following the example of the U.S. Census, Tagalog and Filipino were considered as one language under the Tagalog classification.

⁴ For the purposes of this analysis, and following the example of the U.S. Census, Chinese includes Mandarin and Cantonese.

Factor 2: The frequency with which LEP individuals come in contact with WestCAT services

To determine the frequency LEP individuals come in contact with our services, WestCAT looked at the most recent ridership surveys. Survey data indicated Spanish, Tagalog and Chinese speakers are the most frequently encountered languages.

MTC Passenger Survey

The Metropolitan Transportation Commission's most recent survey, the Bay Area Regional Transit Passenger Snapshot Survey, took place on WestCAT Local, Express, and Regional Transbay Commuter service in Fall of 2023 and Spring of 2024. The survey included information about language proficiency and similarly mirrored census data for WestCAT's service area. The survey indicated that 74.3% of WestCAT riders speak English, 19.2% speak Spanish, 2% speak Tagalog, and .9% speak Chinese, with additional languages spoken .7% or less. 10.7% of the riders indicated they spoke English less than well.

WestCAT Transit Survey

In January of 2025 WestCAT surveyed its administrative employees, vehicle operators, dispatch personnel and operations staff. The primary purpose of the survey was to gather information for determining LEP persons eligible to be served or likely to encounter WestCAT services. The survey indicated Spanish speakers were the most likely encountered LEP persons.

Factor 3: The importance of WestCAT services to people's lives

The U.S. DOT Guidance states, "The more important the activity, information, service, or program, or the greater the possible consequences of the contact to the LEP individuals, the more likely language services are needed. The obligations to communicate rights to an LEP person who needs public transportation differ, for example, from those to provide recreational programming. A recipient needs to determine whether denial or delay of access to services or information could have serious or even life-threatening implications for the LEP individual...providing public transportation access to LEP persons is crucial. An LEP person's inability to utilize effectively public transportation may adversely affect his or her ability to obtain health care, education, or access to employment."

Transit services operated by WestCAT continue to play a vital role in the lives of many residents in western Contra Costa County. WestCAT's services serve local commercial, employment, healthcare, education, and civic locations throughout western Contra Costa County and include connections to the Bay Area Rapid Transit (BART), Central Contra Costa Transit Authority, and Salesforce Transit Center in San Francisco. As such, for WestCAT riders, the importance of WestCAT's services is significant.

Factor 4: The resources available to WestCAT and costs associated with providing language services

The U.S. DOT Guidance states, “A recipient’s level of resources and the costs imposed may have an impact on the nature of the steps it should take in providing meaningful access for LEP persons. Smaller recipients with more limited budgets are not expected to provide the same level of language services as larger recipients with larger budgets. In addition, ‘reasonable steps’ may cease to be reasonable where the costs imposed substantially exceed the benefits. Recipients should carefully explore the most cost-effective means of delivering competent and accurate language services before limiting services due to resource concerns.”

WestCAT is a small transit agency. WestCAT provides over-the-phone interpretation service (currently Language Line translators translate the call into the caller’s spoken language). Bi-lingual staff also assist customers. [WestCAT's website \(web\)](#) can be translated using the Google (Select Language) button located on the homepage. At public meetings, interpreters can be requested in advance at no cost to the speaker. On the bus, interpretation may be provided by bi-lingual staff and all staff have access to language assistance cards that include the most frequently spoken languages in WestCAT’s service area.

WestCAT currently provides resources to LEP language groups while maintaining cost efficiency.

Resources may include, but are not limited to:

- Bilingual or multi-lingual staff members.
- Professional written translation services.
- Over-the-phone translation services.
- Documents, brochures, and other media of less-essential importance shall be translated into the LEP language groups upon request.
- Oral translation services shall be provided upon request.
- Any other translation request, provided it does not create an undue financial or administrative burden.

WestCAT translates the following vital documents into Spanish:

- **Notice of Rights Under Title VI, Title VI Complaint Form, Title VI Complaint Procedures.** These printed and online vital documents are provided in English and in Spanish. The English document includes a language assistance text block in all Safe Harbor languages.
- **Paratransit application and rider’s guide.** These printed and online vital documents are provided in English and in Spanish. Paratransit applications and rider’s guides printed in English after approval of this Title VI program will include a language assistance text block in all Safe Harbor languages.

- **Bus schedule.** The printed vital document is provided in English/Spanish and bus schedules printed after approval of this Title VI program will include a language assistance text block in all Safe Harbor languages.
- **Passenger bulletins identifying major service changes and fare increases.** The printed vital document is provided in English/Spanish and passenger bulletins printed after approval of this Title VI program will include a language assistance text block in all Safe Harbor languages.

The Four-Factor Analysis performed by WestCAT identified the top three LEP language groups spoken within WestCAT’s service area: Spanish, Tagalog and Chinese.

Spanish: 4,822 persons or 7%, within the population of WestCAT’s service area are Spanish LEP persons. Additionally, when looking at the frequency with which Spanish LEP speakers interact with WestCAT (34 persons or 91.2% of LEP individuals in the MTC Bay Area Snapshot Survey indicated they speak Spanish), WestCAT will translate vital documents into Spanish.

Tagalog: Tagalog LEP persons make up 2% of the total population within WestCAT’s service area (1,628 persons). Additionally, when looking at the frequency with which Tagalog LEP speakers interact with WestCAT (0 persons or 0% of LEP individuals in the MTC Bay Area Snapshot Survey indicated they speak Tagalog), WestCAT has determined that translation of vital documents into Tagalog is not warranted at this time. Tagalog is identified as a Safe Harbor language and the language assistance text block included on vital documents includes Tagalog.

Chinese: Chinese LEP persons make up 2% of the total population within WestCAT’s service area (1,467 persons). Additionally, given the frequency with which Chinese LEP speakers interact with WestCAT (2 persons or 4.4% of LEP individuals in the MTC Bay Area Snapshot Survey indicated they speak Chinese), WestCAT has determined that translation of vital documents into Chinese is not warranted at this time. Chinese is identified as a Safe Harbor language and the language assistance text block included on vital documents includes Chinese.

The following language assistance text block is included on vital documents that are printed in English after approval of this Title VI Program:

If information is needed in another language, please contact 1-510-724-7993.

Si necesita información en Español, llame al 1-510-724-7993.

如果需要中文信息，请致电 1-510-724-7993.

Kung kailangan ng impormasyon sa Tagalog, mangyaring tumawag sa 1-510-724-7993.

(1-510-724-3331 is the contact number for the Notice of Rights Under Title VI, Title VI Complaint Form, Title VI Complaint Procedures)

As a FTA recipient receiving federal financial assistance, WestCAT has taken reasonable steps to ensure meaningful access to benefits, services, information and other important portions of our programs and services for persons with limited English proficiency. This section identifies various language assistance activities at WestCAT, including:

- Identifying LEP individuals who need language assistance
- Providing language assistance measures
- Training staff
- Providing notice to LEP persons of the availability of language assistance
- Monitoring and updating the LEP plan

Identifying LEP Individuals Who Need Language Assistance

WestCAT may identify an LEP individual who needs language assistance through the following activities:

- If a customer speaks a language other than English, customer service language assistance is provided in person or over the phone.
- If bus operators or other front line staff identify language assistance needed, they provide the language assistance or connect the LEP customer to customer service for language assistance using the language assistance card.

Language Assistance Measures

Based on the results of the four-factor analysis, WestCAT provides translation of vital documents into Spanish. WestCAT provides a notice on vital documents that are printed in English stating, “If information is needed in another language, please contact 1-510-724-7993.” (1-510-724-3331 is the contact number for the Notice of Rights Under Title VI, Title VI Complaint Form, Title VI Complaint Procedures.) The statement is made in Spanish, Tagalog and Chinese.

Vital documents include:

- Notice of Rights Under Title VI, Title VI Complaint Form, Title VI Complaint Procedures.
- Paratransit application and rider’s guide.
- Bus schedule.
- Passenger bulletins identifying major service changes and fare increases.

There are numerous language assistance measures available to LEP persons, including oral and written language services. WestCAT strives to assist a LEP person who needs language assistance via the following measures:

- Bilingual or multi-lingual staff members.
- Professional written translation services.
- Over-the-phone translation services. WestCAT subscribes to a telephone language-access program allowing on-demand as-needed translation services to communicate with customers who may speak a language other than one spoken by staff.
- Documents, brochures, and other media of less-essential importance shall be translated into the LEP language groups upon request.

- Oral translation services shall be provided upon request.
- Any other translation request, provided it does not create an undue financial or administrative burden.

Training Staff

Routine Accommodations: WestCAT works to educate its staff with the knowledge of and sensitivity to the needs of LEP residents. Some of the items covered include information about LEP guidance from the U.S. DOT.

Additionally, front line staff are trained on the procedures to follow when encountering a LEP person, including how to communicate using language assistance cards. Route information and administration staff receive training on using a language translation service, such as Language Line.

Notification to LEP Individuals of the Availability of Language Assistance

The availability of language assistance for LEP individuals shall be posted in the following locations:

- Transit buses
- [Title VI and Civil Rights page on WestCAT's website \(web\)](#)

Monitoring and Updating of the LEP Plan

WestCAT will monitor requests for translations and adjust practices to meet demand while maintaining a basic level of access by LEP populations to vital information. WestCAT will continue exploring the costs and feasibility of providing increased access to information and the LEP Plan will be updated as needed to reflect significant changes.

WestCAT updates the Language Assistance Plan every three years as required by the Federal Transit Administration (FTA). WestCAT will continue monitoring and evaluating the effectiveness of its LEP Plan by:

- Analyzing census data as it becomes available to monitor demographic trends regarding LEP persons.
- Monitoring Language Line (or other translation service) and staff interpreted calls to determine which LEP populations are most frequently interacting with WestCAT's transit services.
- Reviewing complaints.

All Language Assistance Plan changes are subject to approval by the WestCAT Board of Directors.

The Language Assistance Plan shall be made available to the public at the following locations:

- Any person may request the Language Assistance Plan by emailing civilrights@westcat.org, calling the Grants and Compliance Manager at (510)-724-3331

or requesting in person: WestCAT Administration Office, 601 Walter Avenue, Pinole, CA 94564, and shall be provided a copy of the plan at no cost.

- The Language Assistance Plan is included in the Title VI Program provided online on the [Title VI and Civil Rights page on WestCAT's website \(web\)](#)

Public Participation Plan and Outreach

WestCAT's public involvement process aims to give the public ample opportunities for early and continuing participation in critical transportation projects, plans and decisions, and to provide full public access to key decisions. Engaging the public early and often in the decision-making process is critical to the success of any transportation plan or program, and is required by numerous state and federal laws, as well as by the Agency's own internal procedures.

This Public Participation Plan spells out WestCAT's process for providing the public and interested parties with reasonable opportunities to be involved in the regional transportation planning process.

Guiding Principles

WestCAT's public involvement procedures are built on the following guiding principles:

- (1) Public participation is a dynamic activity that requires teamwork and commitment at all levels of the organization.
- (2) One size does not fit all — input from diverse perspectives enhances the process.
- (3) Effective public outreach and involvement requires relationship building — with local governments, with stakeholders and advisory groups.
- (4) Engaging interested persons in 'regional' transportation issues is challenging, yet possible, by making it relevant, removing barriers to participation, and saying it simply.
- (5) An open and transparent public participation process empowers low-income communities, people with disabilities, minority populations and others to participate in decision making that affects them.

Regional Participation

For updates to the Regional Transportation Plan (RTP) and the Transportation Improvement Program (TIP), WestCAT utilizes the participation plan and process put in place by the MPO for the region, the Metropolitan Transportation Commission (MTC), who have a comprehensive region wide public participation plan designed to meet the needs of the entire population of the Bay Area Region.

[MTC's Public Participation Plan for the Bay Area \(PDF\)](#)

[MTC's Public Participation Plan \(web\)](#)

Local Participation

In addition to WestCAT’s Board of Directors, who take public comments at their regular monthly meetings, Board meetings are recorded and rebroadcast to the WestCAT service area via Youtube. Recordings of each meeting are made available on the [Board of Directors page on the WestCAT website \(web\)](#). All meetings are open to public participation.

Response to Written Comments

WestCAT pays close attention to the views of the public. WestCAT is committed to responding to every letter, fax and e-mail sent by individual members of the public.

Information Dissemination

WestCAT employs a number of methods to inform the public of fare and service changes in a timely manner, including but not limited to the following:

- Press releases
- Distribution of Passenger Bulletins disseminated onboard the buses
- Passenger Bulletins posted and disseminated at the WestCAT sales office and throughout the service area (on bus stop poles and at transit hubs)
- Ads and public notices in local newspapers within the service area (English and Spanish).
- Community meetings/workshops
- Information posted on [WestCAT's website \(web\)](#)
- Facebook and Twitter announcements - [WestCAT's Facebook page \(web\)](#) and [WestCAT's Twitter page \(web\)](#)
- Information posted on electronic/paper newsletters produced and disseminated by the Hercules and Pinole Chambers of Commerce
- Information posted on City websites and event calendars (Hercules and Pinole).
- Information posted on the [511 Bay Area website \(web\)](#) in both regional and agency specific announcements

Summary of Public Outreach

Since its last Title VI submission, WestCAT has not conducted any public hearings other than its regularly scheduled, monthly board meetings. To ensure equitable board meeting access to all residents of the region, the agency maintains a roster of translation volunteers who agree to be available for translation of community meetings at the request of local residents.

Contact Information

Any comments or questions related to this plan should be directed to the WestCAT Grants and Compliance Manager:

Tania Babcock
Grants and Compliance Manager
Western Contra Costa Transit Authority
601 Walter Ave Pinole, CA 94564
Phone: (510)-724-3331
Email: civilrights@westcat.org

Appendix v

Service Standards

Background

FTA requires all fixed route transit providers of public transportation to develop *quantitative* standards for certain key service indicators. WestCAT has evaluated the demands for transit within the area it serves, and has tailored the standards to fit local conditions, rather than adopting general standards or benchmarks developed for use in the broader transit industry.

Definitions

Service standard/policy means an established service performance measure or policy used by a transit provider or other recipient as a means to plan or distribute services and benefits within its service area.

Vehicle load (by individual mode): Generally expressed as the ratio of passengers to the number of seats on a vehicle, relative to the vehicle's maximum load point. For example, on a 40-seat bus, a vehicle load of 1.3 means all seats are filled and there are approximately 12 standees. Because of the differing service characteristics between modes, WestCAT has specified vehicle loads for each individual type of vehicle in the fleet to best match the duty cycle of the service class it is assigned to.

Vehicle headways: The amount of time between two vehicles traveling in the same direction on a given line or combination of lines.

On-time performance: A measure tracking how closely service delivery matches system timetables. Specifically, WestCAT defines this measure to mean the percentage of scheduled trips that arrive at published time points between zero minutes before and five minutes after their scheduled times.

Service availability: A general measure of the distribution of routes within an agency's service area, and the comparative degree to which locations in the service area are afforded access to transit service.

Vehicle Load Standards

The average of all loads during the peak operating period should not exceed vehicles' achievable capacities, which are, 41 passengers for low-floor 35-foot buses, 53 passengers for low-floor 40-foot buses, 62 passengers for 45-foot over the road coaches, and 100 passengers for double-decker coaches.

The practical implications of the load factor standards, including the number of standees contemplated by the measure for different vehicle categories, are presented in the following table.

The table below details vehicle type, number of seats, number of standees, total number of passengers, and the load factor. The load factor for the 35' Low Floor Bus is 1.3, the load factor for the 40' Low Floor Bus is 1.3, the load factor for the Over the Road Coach is 1.1, and the load factor for the Double Decker Coach is 1.1.

Vehicle Type	Seats	Standees	Total	Load Factor
35' Low Floor Bus	32	9	41	1.3
40' Low Floor Bus	41	12	53	1.3
Over the Road Coach	57	5	62	1.1
Double Decker Coach	88	12 (Lower Level only)	100	1.1

Vehicle Headway Standards

For the purposes of establishing vehicle headway standards, WestCAT has differentiated three separate classes of service for weekdays, two for Saturdays, and a single class on Sundays. While these service types are coordinated elements of a larger transit network, the headway standards are determined by the demand characteristics, population densities, and particular trip generation attributes of the areas served by each class of service. The headway structure is also highly affected by WestCAT's constrained financial condition.

Express Fixed Route service to BART is provided 365 days a year to provide connectivity between the service area and the regional transit network. Accordingly, this service has the highest frequency and the longest span of service in the WestCAT system. Regional Transbay Commute service operates on weekdays only. Local Fixed Routes operate on weekdays, with limited Local Fixed Route service on Saturdays.

Tables presenting headway standards appear below. It should be noted that headway information represents average times between successive buses on a single route traveling past the same bus stop in the same direction. In actual practice, individual route timetables may be

written to include some headway variations to respond to outside demand or scheduling factors, or operational constraints.

The table below details that weekday Express Fixed Route headways are 20-30 minutes peak (6-9am and 4-8pm), 45 minutes base (9am-4pm), and 60 minutes night (8pm-midnight). Weekday Local Fixed Route headways are 45 minutes peak (6-9am and 4-8pm) and 45-60 minutes base (9am-4pm). Weekday Regional Transbay Commute headways are 20 minutes peak (6-9am and 4-8pm) and 60 minutes base (9am-4pm). Saturday Express Fixed Route headways are 45 minutes day (7am-6pm) and 45 minutes evening (6-10pm). Saturday Local Fixed Route headways are 45 minutes day (7am-6pm) and 45 minutes evening (6-10pm). Sunday Express Fixed Route headways are 45 minutes day (7am-6pm) and 45 minutes evening (6-10pm).

POLICY HEADWAYS AND PERIODS OF OPERATION

WEEKDAY	Peak	Base	Night
Express Fixed Route	20-30	45	60
Local Fixed Route	45	45-60	--
Regional Transbay Commute	20	60	--

** Peak: 6-9 am and 4-8 pm; Base 9 am – 4 pm; Night: 8 pm-Midnight;
 "--" means no service is provided during that time period.*

SATURDAY	Day	Evening
Express Fixed Route	45	45
Local Fixed Route	45	45

** Day 7 am – 6 pm; Evening: 6-10 pm
 "--" means no service is provided during that time period.*

SUNDAY	Day	Evening
Express Fixed Route	45	45

** Day 7 am – 6 pm; Evening: 6-10 pm
 "--" means no service is provided during that time period.*

On-Time Performance Standards

An Express or Local Fixed Route vehicle is considered on time if it departs a scheduled time point between five minutes before and no more than 5 minutes after its scheduled time. A Regional Transbay Commute vehicle is considered on time if it departs a scheduled time point between five minutes before and no more than 15 minutes after its scheduled time.

WestCAT’s on-time performance objective is 90% or greater for Express and Local Fixed Route trips and 90% or greater for Regional Transbay Commute trips.

WestCAT differentiates between on-time performance standards for Express and Local Fixed Route trips and Regional Transbay Commute trips due to the distance travelled and fluctuations in commute traffic for the Regional Transbay Commute service.

WestCAT continuously monitors on-time performance through its Automatic Vehicle Locator system and database. System-wide on-time performance results are reviewed annually as a component of a comprehensive performance monitoring program, which is distributed to the Board of Directors in report form, and included in WestCAT’s Short Range Transit Plan.

The table below details on time performance for Express and Local Fixed Route trips operating on time (between 5 minutes early and 5 minutes late). FY21-22 is 94%, FY22-23 is 93%, and FY 23-24 is 93%.

	FY 21-22	FY 22-23	FY 23-24
Express and Local Fixed Route trips operating on time (between 5 minutes early and 5 minutes late)	94%	93%	93%

The table below details on time performance for Regional Transbay Commute trips operating on time (between 5 minutes early and 15 minutes late). FY21-22 is 72%, FY22-23 is 73%, and FY 23-24 is 72%.

	FY 21-22	FY 22-23	FY 23-24
Regional Transbay Commute trips operating on time (between 5 minutes early and 15 minutes late)	72%	73%	72%

Service Availability Standards

Since introducing fixed route service in 1987, Western Contra Costa Transit Authority has followed a coverage model in designing its transit network. The intent was to provide transit access as broadly as possible within its service area, while minimizing access distance between residential areas and transit stops. The base system did this very effectively, and enabled WestCAT to offer fixed route service within a 1/2 mile walking distance of virtually every established neighborhood throughout the service area.

With recent reductions in funding, as well as setbacks incurred resulting from the COVID-19 pandemic, WestCAT is unable to keep pace with the current rate of residential expansion, much of which is more than ½ mile from existing transit routes.

As a result, WestCAT is currently undergoing a comprehensive redesign of the transit system to make it more efficient, reliable, and better suited to our community's needs. This study will evaluate current routes and services to identify opportunities for improvement, ensuring that the system meets the needs of today's riders while attracting new users. The goal is to create a clear plan for making WestCAT an effective, convenient option for everyone, so it can continue to serve the community well and adapt to future changes. As part of the study, WestCAT has outlined clear goals to guide both service delivery and the redesign process to build a transit network that works for everyone. The goals are as follows:

1. Effectiveness- Ensure that all transit programs can be provided at high quality of service in response to demonstrated community market needs
2. Reliability- Ensure consistent and dependable transit services that passengers can rely on for timely commutes
3. Community awareness- Increase the presence of WestCAT in the communities through marketing and outreach efforts
4. Customer satisfaction- Create a positive and pleasant experience for all transit riders, making their journeys more enjoyable and stress-free
5. Connectivity- Enhance the integration of transit services across modes and networks to ensure seamless, efficient, and user-friendly connections for all passengers
6. Accessibility & Equity- Make WestCAT's services more inclusive by removing barriers for individuals with disabilities, older adults, non-English speaking people and people with low incomes, ensuring that everyone can use the system with ease.

Service Policies

Background

FTA requires that all providers of fixed route public transportation develop *qualitative* policies for the following procedures. These policies are to be set by individual transit providers; therefore, these policies will apply to individual agencies rather than across the entire transit industry.

- Vehicle Assignment
- Transit Amenities

Vehicle Assignment Policy

As outlined in the WestCAT Service Standards section, the WestCAT system is categorized into seven separate and unique classes of service. All vehicles used for these seven classes of service will be ADA accessible, air conditioned, equipped with AVL systems and voice enunciation systems, and will accommodate at least two wheelchairs and two bicycles.

Because demand differs significantly between the highly utilized Express/Feeder or Regional Commute services, and the more lightly patronized Community Access or Local Fixed Route services, the first factor used by WestCAT for its vehicle assignment is the seating capacity and specific operational requirements of each service class.

The largest vehicles in the WestCAT fleet include Double Decker coaches and 45' over the road coaches, which are assigned exclusively to Regional Commute service.

Express/Feeder Route service requires the additional seating capacity provided by the 40' low floor bus, therefore these vehicles are assigned first to Express and Feeder Routes.

Vehicle size and capacity are the primary factors determining vehicle assignment for all other classes of service. Individual vehicles are assigned to best meet demand and passenger load factors. Those routes with the lowest passenger demand will be assigned a 35' low floor bus. Due to challenging terrain and roadways in older communities, vehicle assignments and features may be adjusted to allow for safe operations.

Transit Amenities Policy

Transit amenities offer comfort and convenience to the general riding public. While WestCAT recognizes the importance of providing these amenities for its patrons, the Authority's financial situation severely limits its ability to install or maintain passenger amenities on even a modest scale within its service area. WestCAT also has limited ability to influence locational decisions about transit amenities within its service area because it does not have any jurisdiction over right of way where the improvements are placed.

The Authority does, however, attempt to partner with outside agencies to incorporate transit amenities into public and private development projects whenever possible. An example of this is the coordination of specific Paratransit and fixed route stops by the developer of a new Safeway grocery store within our service area as well as a recently completed multi-unit low-cost housing development. Most transit amenities currently located within WestCAT's service area have been installed and maintained by private advertising firms through permits issued by local jurisdictions. WestCAT has not been a party to any agreements between local jurisdictions and private firms that are associated with installation or placement of shelters and benches.

Because WestCAT lacks the authority to independently site transit amenities, it will work closely with local jurisdictions to identify candidate locations for transit amenity improvements. WestCAT will give priority to improving stops which serve the largest volume of passengers and those where physical improvements will yield substantive improvements in passenger safety.

Appendix vi

Board Resolution

A RESOLUTION OF THE WESTERN CONTRA COSTA TRANSIT AUTHORITY TO APPROVE WESTCAT’S JUNE 1, 2025 TO MAY 31, 2028 TITLE VI PROGRAM AND AUTHORIZE STAFF TO SUBMIT THE PROGRAM TO THE FTA

WHEREAS, FTA requires that grant recipients, such as Western Contra Costa Transit Authority (WestCAT), submit a Title VI Program every three years documenting compliance with Title VI; and

WHEREAS, The Federal Transit Administration (FTA) requires the Board of Directors to review and approve the Title VI Program; and

WHEREAS, The June 1, 2025 - May 31, 2028 Title VI Program has no major programmatic changes, but includes demographic updates to the service area and Language Assistance Plan, and updates to the service standards based on the current fleet and routes; and

WHEREAS, WestCAT is committed to ensuring that its policies and programs are designed to ensure meaningful participation in and equal access to transit services for minority, low-income, and limited English-proficient populations; now, therefore be it

RESOLVED, That the Board of Directors approves the June 1, 2025 – May 31, 2028 Title VI Program and authorizes staff to submit the program to the FTA; and be it finally

RESOLVED, To comply with the FTA submission deadline of April 1, 2025, this Resolution shall be effective immediately.

I hereby certify that the foregoing resolution is a full, true, and correct copy of a resolution passed by Western Contra Costa Transit Authority Board of Directors.

Passed this 13th day of February 2025, by the following vote:

AYES:

NOES:

ABSTAIN:

AGENCY BOARD DESIGNEE:

BY: Tom Hansen, Chair
WestCAT Board of Directors

Date
February 13, 2025

Resolution 2025-03

A RESOLUTION OF THE WESTERN CONTRA COSTA TRANSIT AUTHORITY TO APPROVE WESTCAT'S JUNE 1, 2025 TO MAY 31, 2028 TITLE VI PROGRAM AND AUTHORIZE STAFF TO SUBMIT THE PROGRAM TO THE FTA

WHEREAS, FTA requires that grant recipients, such as Western Contra Costa Transit Authority (WestCAT), submit a Title VI Program every three years documenting compliance with Title VI; and

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RESOLVED, That the Board of Directors approves the June 1, 2025 – May 31, 2028 Title VI Program and authorizes staff to submit the program to the FTA; and be it finally

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AYES:

NOES:

ABSTAIN:

AGENCY BOARD DESIGNEE:

BY: Tom Hansen, Chair
WestCAT Board of Directors

Date
February 13, 2025