

LIVERMORE AMADOR VALLEY TRANSIT AUTHORITY
1362 Rutan Court, Suite 100
Livermore, CA 94551

BOARD OF DIRECTORS MEETING

DATE: January 5, 2026

PLACE: LAVTA Offices, Diana Lauterbach Room,
1362 Rutan Court, Suite 100, Livermore, CA

TIME: 4:00pm

TELECONFERENCE LOCATIONS

Scott Haggerty Heritage House
4501 Pleasanton Avenue
Pleasanton CA. 94566

54049 Oak-Hill
La Quinta, CA 92253

BOARD MEMBERS

JULIE TESTA – CHAIR
EVAN BRANNING
JEAN JOSEY
KRISTIE WANG

DAVID HAUBERT – VICE CHAIR
CRAIG EICHER
MICHAEL McCORRISTON

Agenda Questions: Please call the Front Desk at (925) 455-7555 or send an email to frontdesk@lavta.org

Documents received after publication of the Agenda and considered by the Board of Directors in its deliberation will be available for inspection only via electronic document transfer, due to the COVID-19 outbreak. See the COVID-19 provisions outlined below. Please call or email the Executive Director during normal business hours if you require access to any such documents.

MEETING PROCEDURE

This Board of Directors meeting will be conducted in person and on the web-video communication platform, Zoom. In order to view and/or participate in this meeting remotely, members of the public will need to download Zoom from its website, www.zoom.us. We encourage members of the public to access the meeting online using the web-video communication application, Zoom. Zoom participants will have the opportunity to speak during Public Comment. It is recommended that anyone wishing to participate in the meeting remotely complete the download process before the start of the meeting.

Public comments will also be accepted via email until 1:00 p.m. on Monday, January 5, 2026 at frontdesk@lavta.org. Please include “Public Comment BOD – 1/5/2026” and the agenda item in the subject line. In the body of the email please include your name. Public comments submitted will be read during Public Comment and will be subject to the regular three-minute time restriction.

There will be zero tolerance for any person addressing the Board making profane, offensive and disruptive remarks, or engaging in loud, boisterous, or other disorderly conduct, that disrupts the orderly conduct of the public meeting.

How to listen and view meeting video:

- From a PC, Mac, iPad, iPhone or Android device click the link below:
<https://zoom.us/j/86715841855>
Passcode: BOD1362Mtg
- To supplement a PC, Mac, tablet or device without audio, please also join by phone:
Dial: 1 (669) 900-6833
Webinar ID: 867 1584 1855
Passcode: 761222
To comment by video conference, click the “Raise Your Hand” button to request to speak when Public Comment is being taken on the Agenda item. You will then be unmuted when it is your turn to make your comment for up to 3 minutes. After the allotted time, you will be muted.

How to listen only to the meeting:

- For audio access to the meeting by telephone, use the dial-in information below:
Dial: 1 (669) 900-6833
Webinar ID: 867 1584 1855
Passcode: 761222
*Please note to submit public comment via telephone dial *9 on your dial pad. The meeting’s host will be informed that you would like to speak. If you are chosen, you will be notified that your request has been approved and you will be allowed to speak. You will then dial *6 to unmute when it is your turn to make your comment for up to 3 minutes. After the allotted time, you will be muted.*

To submit written comments:

- Provide public written comments prior to the meeting by email, to frontdesk@lavta.org
If you are submitting public comment via email, please do so by 1:00 p.m. on Monday, January 5, 2026 to frontdesk@lavta.org. Please include “Public Comment BOD – 1/5/2026 and the agenda item to which your comment applies in the subject line. In the body of the email please include your name. Public comments submitted will be read during Public Comment and will be subject to the regular three-minute time restriction.

BOARD OF DIRECTORS MEETING
AGENDA

1. Call to Order and Pledge of Allegiance

2. Roll Call of Members

3. Meeting Open to Public

- Members of the audience may address the Board of Directors on any matter within the general subject matter jurisdiction of the LAVTA Board of Directors.
- Unless members of the audience submit speaker forms before the start of the meeting requesting to address the board on specific items on the agenda, all comments must be made during this item of business. Speaker cards are available at the entrance to the meeting room and should be submitted to the Board secretary.
- Public comments should not exceed three (3) minutes.
- Items are placed on the Agenda by the Chairman of the Board of Directors, the Executive Director, or by any three members of the Board of Directors. Agendas are published 72 hours prior to the meeting.
- No action may be taken on matters raised that are not on the Agenda.
- For the sake of brevity, all questions from the public, Board and Staff will be directed through the Chair.

4. Consent Agenda

Recommend approval of all items on Consent Agenda as follows:

A. Minutes of the December 1, 2025 Board of Directors meeting.

Recommendation: Staff recommend the Board of Directors approve the Minutes for the December 1, 2025 Board of Directors meeting

B. Treasurer's Report for November 2025

Recommendation: Staff recommend that the Board of Directors approve the November 2025 Treasurer's Report.

C. DBE Policy Update

Recommendation: Staff recommend that the Board of Directors approve Resolution 2-2026 and the updated DBE policy.

5. Contract Award for RFP #2025-08 for Wheels Access Mobility Management Services

Recommendation: Staff recommend the Board of Directors approve Resolution 01-2026, authorizing the Executive Director to execute a contract for Wheels Access Mobility Management Services to ADARide.com, LLC for an initial two-year base term with three one-year option terms exercisable at LAVTA's sole discretion, for a maximum compensation amount of \$986,970

- 6. Innovative Clean Transit Regulation Overview and Zero Emissions
Transition Status Update
Recommendation: None – Information only**
- 7. Executive Director’s Report**
- 8. Adjourn to CLOSED SESSION**
- 9. Closed Session pursuant to Government Code § 54957(b)(1):
EXECUTIVE DIRECTOR - GENERAL MANGER EVALUATION**
- 10. Reconvene to OPEN SESSION**
- 11. Matters Initiated by the Board of Directors**

Items may be placed on the agenda at the request of three members of the Board.
- 12. Next Meeting Date is Scheduled for: February 2, 2026**
- 13. Adjournment**

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

I hereby certify that this agenda was posted 72 hours in advance of the noted meeting.

/s/ Michelle Kumar

LAVTA, Executive Assistant

12/30/2025

Date

On request, the Livermore Amador Valley Transit Authority will provide written agenda materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services, to enable individuals with disabilities to participate in public meetings. A written request, including name of the person, mailing address, phone number and brief description of the requested materials and preferred alternative format or auxiliary aid or service should be sent at least seven (7) days before the meeting. Requests should be sent to:

*Executive Director
Livermore Amador Valley Transit Authority
1362 Rutan Court, Suite 100
Livermore, CA 94551
Fax: 925.443.1375
Email: frontdesk@lavta.org*

MINUTES OF THE DECEMBER 1, 2025
LAVTA BOARD OF DIRECTORS MEETING

1. Call to Order and Pledge of Allegiance

Chair Testa called the meeting to order at 4:00pm.

Director Branning participated remotely under the “just cause” provisions of Assembly Bill 2449. The Director notified the Board at the earliest opportunity, participated via audio and video, and made the required disclosures.

2. Roll Call of Members

Members Present

Julie Testa – Chair, City of Pleasanton
David Haubert – Vice Chair, County of Alameda
Craig Eicher – City of Pleasanton
Evan Branning – City of Livermore
Kristie Wang – City of Livermore
Jean Josey – City of Dublin
Michael McCorriston – City of Dublin

3. Meeting Open to Public

4. Meeting Minutes November 5, 2025, Tri-Valley Accessible Advisory Committee

Presented by Chair Hastings of the TAAC Committee
TAAC Chair Hastings presented an overview of the November TAAC meeting minutes.
Information Only.

5. Paratransit Ad Hoc Committee Report Out from November 13, 2025 Meeting

Presented by Director Josey and Director Branning.
Director Josey reported information from the November LAVTA/CCCTA Ad Hoc meeting, including areas of focus for the last year of the contract, including call center and On time performance (OTP).

Informational Only.

6. Consent Agenda A – E

- A. Minutes of the November 3, 2025 Board of Directors meeting
- B. Treasurer’s Report for October 2025
- C. DBE Policy Update – *Pulled from agenda.*
- D. Route 501 – Final Service Recommendation
- E. Fixed Route Customer Satisfaction Survey Results

The board discussed item B, Treasurer's report regarding the funds allotted for data and analytics. They also had questions for the fare revenues that are forecasted, appreciating the new format of the report. Director Wang had a questions about the 15,000,000 grant that will be addressed by the Director of Finance at the next meeting.

Item C was pulled from the consent agenda. The Board wanted to understand why we were changing the language, when it seems already compliant with neutral language. Executive Director Wegener stated that we would take another look at this item, with legal counsel, and bring it back to the next Board of Directors meeting.

No public comment received online or in person.

The Board approved Items A, B, D, and E.

Motion/Second: McCorriston/ Eicher

Aye: Testa, Haubert, McCorriston, Josey, Eicher, Branning, Wang

No: None

Abstain: None

7. FY26 Fare Increase Recommendation

Executive Director Wegener presented the FY26 Fare Increase Recommendation and Resolution 32-2025. Staff reviewed potential fare adjustments for fixed-route and paratransit service to address the structural deficit and conducted required outreach, including a public hearing and TAAC feedback. The proposal sets regular fares at \$2.50, senior/ADA fares at \$1.25, Youth Clipper at \$2.25, and paratransit at \$4.00, with senior eligibility remaining at age 65. Staff requested Board approval with an implementation date of April 1, 2026.

The Board discussed how much revenue would be raised with the fare increase.

Public comment received:

Herb Hastings spoke, requesting a one-month delay so the full TAAC could review the updated 25-cent paratransit fare increase, explaining that the committee's earlier letter was written before the revision and most members had not yet seen or commented on the final recommendation.

There was some discussion about the impacts of delaying the implementation of the fare increase. Wegener reported that staff's recommendation is in-line with what the TAAC recommended.

Motion/Second: Josey/McCorriston

Aye: Testa, Haubert, McCorriston, Josey, Eicher, Branning, Wang

No: None

Abstain: None

8. Paratransit Operations and Maintenance Contract Extension – One-Year Option Term

Staff presented the proposed one-year extension of the joint LAVTA/CCCTA Paratransit Operations and Maintenance contract with Transdev. They noted that Transdev's performance has been generally acceptable, the Ad-Hoc committee supports moving forward, and CCCTA has already approved the option year. Staff noted that extending the contract will prevent a rushed procurement and allow time to update the MOU and develop the next contract scope. Staff recommended approval of Resolution 34-2025.

No public comments received online or in-person.

Motion/Second: Josey/Eicher

Aye: Testa, Haubert, McCorriston, Josey, Eicher, Branning, Wang

No: None

Abstain: None

9. Para-Taxi Program Overview

Staff provided an informational overview of LAVTA's paratransit, para-taxi and Go Tri-Valley programs at the request of the Board Chair.

Informational Only.

Public comment received:

Herb Hastings emphasized that the One-Seat Ride, Para-Taxi, and Go Tri-Valley programs each meet important needs for riders with disabilities and should all be maintained.

10. Remote Meetings for Tri-Valley Accessible Advisory Committee (SB 707)

Staff provided an overview of SB 707, which allows members of advisory bodies such as the Tri-Valley Accessible Advisory Committee (TAAC) to attend meetings remotely if the Board adopts required findings related to public awareness and improved member participation. Staff will be bringing an item to the January TAAC meeting for discussion and then will return to the Board with a recommended action in February.

Information Only.

Public comment received:

Herb Hastings noted that TAAC members may have concerns about privacy and logistics with remote participation and asked staff to be ready to address these questions when the item is presented. He emphasized that remote participation should remain optional.

11. Executive Director's Report

Executive Director Wegener reported a 7.8% decline in October ridership and outlined January 2026 service adjustments to improve school trip timing and on-time performance. The Pleasanton Bus Service Plan is moving forward with outreach scheduled for January 13. Staff also provided updates on recent events, Clipper 2 preparations, the ARCHES pause, and LAVTA's \$63.95M Low-No grant award. Board requested adding average paratransit call hold time to performance tracking. Staff noted the new subcontractor, SilverRide, began service last

week with positive early feedback. Staff recommended canceling December committee meetings due to the holiday schedule.

12. Adjourn to CLOSED SESSION

Meeting adjourned to closed session at 5:51pm.

**13. Closed Session pursuant to Government Code Section 54957(b):
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: Executive Director**

**14. Closed Session pursuant to Government Code Section 54957.6
CONFERENCE WITH LABOR NEGOTIATOR
Agency Representative: Michael Conneran, Legal Counsel**

[David Haubert, from County of Alameda, departed during closed session at 7:17pm.]

15. Reconvene to OPEN SESSION

Meeting reconvened at 7:20pm

[Evan Branning, from City of Livermore, departed at 7:20pm.]

16. Consideration of Amendment to Employment Agreement with Executive Director Christy Wegener

The Board of Directors approved an amendment to the employment agreement with Executive Director Christy Wegener that will include a 4% salary increase, three additional administrative leave days, and the employment agreement will extend through December 2, 2028.

Motion/Second: Josey/McCorriston
Aye: Testa, McCorriston, Josey, Eicher, Wang
No: None
Abstain: None
Absent: Haubert, Branning

17. Matters Initiated by the Board of Directors
None

18. Next Meeting Date is Scheduled for: January 5, 2026

19. Adjournment

Meeting adjourned at 7:22pm.

LIVERMORE AMADOR VALLEY TRANSIT AUTHORITY

STAFF REPORT

SUBJECT: Treasurer's Report for November 2025

FROM: Tamara Edwards, Director of Finance

DATE: January 5, 2026

Action Requested

Review and approve the LAVTA Treasurer's Report for November 2025.

Cash accounts:

Our petty cash account (101) has a balance of \$200, and our ticket sales change account (102) continues with a balance of \$240 (these two accounts should not change).

General checking account activity (105):

Beginning balance November 1, 2025	\$3,488,138.04
Payments made	\$2,210,499.88
Deposits made	\$412,216.97
Ending balance November 30, 2025	\$1,689,855.13

Farebox account activity (106):

Beginning balance November 1, 2025	\$42,269.44
Deposits made	\$104,033.16
Ending balance November 30, 2025	\$146,302.60

LAIF investment account activity (135):

Beginning balance November 1, 2025	\$31,627,414.14
Ending balance November 30, 2025	\$31,627,414.14

Operating Expenditures and Revenues Summary:

As this is the fifth month of the fiscal year, in order to stay on target for the budget this year expenses (at least the ones that occur on a monthly basis) should not be higher than 42%. The agency is at 38% overall.

Operating Revenues Summary:

While expenses are at 38% revenues are at 64% providing for a healthy cash flow.

Contracts Executed in November by the Executive Director between \$50,000 and \$100,000.

- 1) \$59,000 Task Order #2- CTE ICT Zero Emission Bus Transition Plan update
- 2) \$56,209-Valley Peterbilt for an engine replacement

Recommendation

Staff recommend that the Board of Directors approve the November 2025 Treasurer's Report.

Attachments:

1. November 2025 Treasurer's Report

**LIVERMORE AMADOR VALLEY TRANSIT AUTHORITY
BALANCE SHEET
FOR THE PERIOD ENDING:
November 30, 2025**

ASSETS:

101 PETTY CASH	200	
102 TICKET SALES CHANGE	240	
105 CASH - GENERAL CHECKING	1,689,855	
106 CASH - FIXED ROUTE ACCOUNT	146,303	
107 Clipper Cash	996,004	
109 BOC	46	
120 ACCOUNTS RECEIVABLE	380,524	
135 INVESTMENTS - LAIF	31,627,414	
13599 INVESTMENTS - LAIF Mark to Market	28,360	
14001 Due From Rail	2,930,530	
150 PREPAID EXPENSES	165,562	
160 OPEB ASSET	67,698	
165 DEFERRED OUTFLOW-Pension Related	567,050	
166 DEFERRED OUTFLOW-OPEB	656,498	
170 INVESTMENTS HELD AT CALTIP	0	
175 CEPPT RESTRICTED INVESTMENTS	442,623	
111 NET PROPERTY COSTS	53,143,153	
TOTAL ASSETS		92,842,060

LIABILITIES:

205 ACCOUNTS PAYABLE	388,144	
211 PRE-PAID REVENUE	2,028,309	
21101 Clipper to be distributed	925,630	
22000 FEDERAL INCOME TAXES PAYABLE	40	
22010 STATE INCOME TAX	58	
22020 FICA MEDICARE	137	
22050 PERS HEALTH PAYABLE	0	
22040 PERS RETIREMENT PAYABLE	(98)	
22030 SDI TAXES PAYABLE	14	
22070 AMERICAN FIDELITY INSURANCE PAYABLE	1,563	
22090 WORKERS' COMPENSATION PAYABLE	144,742	
22100 PERS-457	0	
22110 Direct Deposit Clearing	760	
22120 Compensated absences	135,743	
23101 Net Pension Liability	1,325,703	
23105 Deferred Inflow- OPEB Related	285,799	
23104 Deferred Inflow- Pension Related	172,348	
23103 INSURANCE CLAIMS PAYABLE	15,722	
23102 UNEMPLOYMENT RESERVE	7,889	
TOTAL LIABILITIES		5,432,503

FUND BALANCE:

301 FUND RESERVE	60,465,256	
304 GRANTS, DONATIONS, PAID-IN CAPITAL	32,140,057	
30401 SALE OF BUSES & EQUIPMENT	86,871	
FUND BALANCE	(5,282,627)	
TOTAL FUND BALANCE		87,409,557
TOTAL LIABILITIES & FUND BALANCE		92,842,060

[illegible]

(\$ Thousands)

(\$ Thousands)	FY 2023	FY 2024	FY 2025																Total	Budget FY 2025	YTD % of Budget
	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual				
			24-Jul	24-Aug	24-Sep	24-Oct	24-Nov	24-Dec	25-Jan	25-Feb	25-Mar	25-Apr	25-May	25-Jun							
Operating Revenue																					
Passenger Fares	2140652.55	2242288	206,015.03	81,694.76	112,136.54	80,462.75	205,886.86	166,533.17	162,781.27	203,071.07	69,438.27	224,022.26	211,363.70	490,015.70	2,213,421.38	2,600,344.00	85%				
Other Income	17334137.45	19092225	205,477.02	15,058.36	547,152.78	349,852.80	14,001,018.95	529,854.31	2,027,673.25	348,314.33	250,981.74	110,439.99	322,222.35	-231,584.59	18,476,461.29	22,497,006.00	82%				
Total Operating Revenue	19474790	21334513	411,492.05	96,753.12	659,289.32	430,315.55	14,206,905.81	696,387.48	2,190,454.52	551,385.40	320,420.01	2,211,294.85	533,586.05	258,431.11	22,566,715.27	25,097,350.00					
Operating Expenses																					
Labor	1588745	1787639	148,143.74	153,011.99	151,850.34	152,074.27	230,670.99	152,948.66	153,370.26	154,192.98	150,810.63	154,660.55	234,218.81	188,477.98	2,024,431.20	2,244,059.00	90%				
Fringe Benefits	1087770	1279090	202,742.53	66,697.27	62,184.67	58,408.76	63,237.42	74,809.36	21,224.58	119,815.91	644,782.88	75,207.48	84,019.04	-265,021.19	1,208,108.71	1,656,998.00	73%				
Services	2182595	1886541	370,248.11	155,668.11	74,280.77	87,256.64	219,452.32	232,285.59	181,327.04	93,592.16	185,084.36	171,850.48	147,119.18	267,971.48	2,186,136.24	2,753,617.00	79%				
Purchased Transportation	12063135	13556008	958,063.88	1,037,801.31	1,316,153.40	1,088,370.57	1,027,959.24	1,017,319.91	1,072,747.36	1,447,469.75	1,200,271.42	1,188,616.36	1,195,906.90	1,608,778.54	14,202,609.20	14,751,299.00	96%				
Fuel and Supplies	1313685	1337270	27,694.82	153,932.42	72,049.82	100,292.48	26,652.39	149,051.87	69,002.40	117,926.25	110,407.91	69,661.04	96,437.23	157,839.17	1,150,947.80	1,947,523.00	59%				
Utilities	374990	464083	45,867.73	32,338.85	34,466.29	32,571.48	38,521.44	35,423.35	42,871.30	30,566.26	35,737.37	40,333.50	31,121.20	67,581.47	467,400.24	521,286.00	90%				
Insurance	557600	730764	733,956.23	-1,113.40	-5,801.09	-348.47	771	-668.42	-68.56	-91.41	-4,622.01	1,713.50	-3,715.67	137,473.29	857,484.99	648,917.00	132%				
Taxes	103688	133134	2,256.84	14,218.05	6,807.92	12,050.11	2,084.79	14,674.47	9,166.12	8,913.77	10,195.44	13,186.92	9,148.42	17,427.17	120,130.02	111,868.00	107%				
Advertising	35822	82837	0	8,000.00	5,467.36	953.14	1,607.63	837.11	13,637.08	1,111.87	44.18	5,079.87	102.43	13,169.80	50,010.47	174,000.00	29%				
Misc.	166760	77147	51,919.94	35,181.81	21,020.08	28,921.25	46,400.08	18,503.23	48,522.86	-61,539.36	22,752.80	7,232.14	19,711.29	60,830.28	299,456.40	287,783.00	104%				
Total Operating Expenses	19,474,790.00	#####	2,540,893.82	1,655,736.41	1,738,479.56	1,560,550.23	1,657,357.30	1,695,185.13	1,611,800.44	1,911,958.18	2,355,464.98	1,727,541.84	1,814,068.83	2,254,527.99	22,523,564.71	25,097,350.00	90%				
Excess Revenue Over (Under) Expenses																					
Capitla Expenditures																					
Fund Balance - Operating	0	0	-2,129,401.77	-1,558,983.29	-1,079,190.24	-1,130,234.68	12,549,548.51	-998,797.65	578,654.08	#####	-2,035,044.97	483,753.01	-1,280,482.78	-1,996,096.88	0.00	0					
Fund Balance - Capital	0	0	0	-3957.75	-9800.75	-7490.75	-27408.06	-99832.32	-296367.59	-172246.62	-331181.1	-36256.84	-449851.13	-3169682.16	0.00	0					
Fund Balance - Operating and Capital	0	0	-2,129,401.77	-1,562,941.04	-1,088,990.99	-1,137,725.43	12,522,140.45	-1,098,629.97	282,286.49	#####	-2,366,226.07	447,496.17	-1,730,333.91	-5,165,779.04	0.00	0					
Reserves (Cash and Investments)																					
Unrestricted	26478138	21418976																			
Restricted	204032	322062																			
Total Reserves	26,682,170	21,741,038	0	0	0	0	0	0	0	0	0	0	0	0	0	0					

STAFF REPORT

SUBJECT: DBE Policy Update

FROM: Tamara Edwards, Director of Finance

DATE: January 5, 2026

Action Requested

Staff recommend that the Board of Directors approve changes to LAVTA's Disadvantaged Business Enterprise (DBE) Program and authorize submittal of the revised document to the Federal Transit Administration (FTA).

Background

The U.S. Department of Transportation (U.S. DOT) has revised Title 49 of the Code of Federal Regulations (CFR) Part 26, *Participation by Disadvantaged Business Enterprise in Department of Transportation Financial Assistance Program*, effective October 3, 2025. These revisions center around removing race and sex-based presumptions from the regulatory definitions of "socially and economically disadvantaged individual" and requires business owners to demonstrate on an individual basis that they are socially and economically disadvantaged.

Discussion

This change requires an update to LAVTA's DBE policy in regard to removing terminology regarding race conscious and race neutral goals and ensures that LAVTA will operate its DBE program in a nondiscriminatory manner without regard to race or sex while maximizing efficiency of service. Also, changed are the definitions of DBE based on the new regulations.

Other than the changes to the policy itself these changes do not affect how LAVTA administers DBE goals. LAVTA already sets DBE goals using a race and sex neutral methodology. While current DBE's will need to be recertified, LAVTA is not a certifying agency therefor this only affects LAVTA in terms of not being able to update our DBE goal at this time, however, it is not due this year, and DBE reporting which the FTA has put on hold. Additionally, it could impact LAVTA in regard to claiming DBE participation on current contracts if the current DBE's are not recertified. LAVTA trusts that the FTA will be providing leeway for these types of circumstances.

The nomenclature being utilized in LAVTA's updated DBE policy reflects the suggested wording from the Department of Transportation.

Fiscal Impact

The is no direct fiscal impact associated with the recent changes to the DBE Program.

Next Steps

Once the updated policy is approved by the Board of Directors Staff will submit to the FTA for approval. Staff cannot proceed with new procurements until this DBE Policy is updated.

Recommendation

Staff recommend that the Board of Directors approve Resolution 02-2026 and the updated DBE policy.

Attachments:

1. Resolution 02-2026
2. Updated DBE Policy
3. Updated DBE Policy-Redlined

RESOLUTION NO. 02-2026

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
LIVERMORE AMADOR VALLEY TRANSIT AUTHORITY
ADOPTING CHANGES TO THE LAVTA DISADVANTAGED BUSINESS
ENTERPRISE PROGRAM**

WHEREAS, The U.S. Department of Transportation and the Federal Transit Administration have periodically changed and updated rules and regulations with regard to Participation by Disadvantaged Business Enterprises (DBE) in Department of Transportation Programs; and

WHEREAS, the Livermore Amador Valley Transit Authority has prepared a Disadvantaged Business Program in compliance with 49 CFR Part 26, the Department of Transportation Disadvantaged Enterprise Rule; and

WHEREAS, the Livermore Amador Valley Transit Authority has added clarification to 49 CFR part 26 to update the program to coincide with the changes made by the Department of Transportation in October 2025

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors that the Disadvantaged Business enterprise program for the Livermore Amador Valley Transit Authority is hereby adopted.

PASSED AND ADOPTED this 5th day of January 2026.

Julie Testa, Chair

ATTEST:

Christy Wegener, Executive Director

Approved as to form:

Michael Conneran, Legal Counsel

LIVERMORE/AMADOR VALLEY TRANSIT AUTHORITY DISADVANTAGED BUSINESS ENTERPRISE PROGRAM

*(Adopted September 1999; Revised January 2000;
Updated February 2001; Updated February 2006; Updated June 2009, Updated February
2012, Updated March 2014, Updated September 2021, Updated October 2024, Updated
January 2026)*

Section 26.1, 26.23 Objectives/Policy Statement

The Livermore/Amador Valley Transit Authority (LAVTA or Authority) has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26, October 3, 2025, as may be amended (Regulations). LAVTA has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, LAVTA has signed an assurance that it will comply with 49 CFR Part 26

In order to achieve DBE participation, the Authority has developed procedures to remove barriers to DBE participation in the bidding and award process.

The Board of Directors is responsible for establishing the DBE policy of the Authority. The Executive Director is responsible for ensuring adherence to this policy. The DBE Liaison, in coordination with all Authority Officers, Department Heads, and Purchasing and Buying staff, is responsible for the development, implementation, and monitoring of the DBE Program in accordance with the Authority's nondiscrimination policy. It is the expectation of the Board of Directors and the Executive Director that all Authority personnel shall adhere to the spirit, as well as the provisions and procedures of this Program.

This policy will be circulated to all Authority personnel and to members of the community that perform or are interested in performing work on Authority contracts. Analysis regarding the overall DBE goal(s) and/or project goal(s) established every three years is available to review at www.wheelsbus.com or by visiting the Authority's administrative office at 1362 Rutan Court Suite 100 Livermore, Ca 94551.

It is the policy of LAVTA to ensure that DBEs, as defined in part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy:

1. To ensure nondiscrimination in the award and administration of DOT assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT assisted contracts;
3. To ensure that the DBE Program operates in a nondiscriminatory manner and without regard to race or sex, while maximizing efficiency of service;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in DOT assisted contracts;
6. To assist the development of firms that can compete successfully in the market place outside the DBE Program; and
7. To adhere to the adopted LAVTA purchasing policy principles throughout all aspects of the DBE program.

The Executive Director has assigned the role of DBE Liaison Officer (DBELO) to Tamara Edwards, Director of Finance, tedwards@lavta.org, 925-455-7566. In that capacity, the DBELO is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by LAVTA in its financial assistance agreements with the Department of Transportation.

LAVTA has disseminated this policy statement to its Board of Directors and all the components of our organization. We have distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts by including it in all relevant bid and proposal solicitations.

Christy Wegener
Executive Director

Date

SUBPART A – GENERAL REQUIREMENTS

Sections 26.3 and 26.1 Applicability

The Authority, a recipient of federal financial assistance from the Federal Transit Administration (“FTA”) of the U.S. Department of Transportation (U.S. DOT), is required to implement a DBE Program in accordance with 49 C.F.R. Part 26, which is incorporated herein by this reference. The Program outlined herein applies to all Authority contracts that are funded, in whole or in part, by U.S. DOT federal financial assistance. In the event of any conflicts or inconsistencies between the Regulations and this DBE Program with respect to U.S. DOT-assisted contracts, the Regulations shall prevail.

Section 26.1 Objectives

It is the policy of LAVTA to ensure that DBEs, as defined in part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy:

1. To ensure nondiscrimination in the award and administration of DOT assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT assisted contracts;
3. To ensure that the DBE Program operates in a nondiscriminatory manner and without regard to race or sex, while maximizing efficiency of service;
4. To ensure that only firms that fully meet 49 CR Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in DOT assisted contracts;
6. To assist the development of firms that can compete successfully in the marketplace outside the DBE Program; and
7. To adhere to the adopted LAVTA purchasing policy principles throughout all aspects of the DBE program.

Section 26.5 Definitions

Any terms used in this Program that are defined in 49 C.F.R. § 26.5 or elsewhere in the Regulations shall have the meaning set forth in the Regulations. Some of the most common terms are defined below:

A. Contract

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.

B. Contractor

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

C. Department or DOT

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).

D. Disadvantaged Business Enterprise (DBE)

A for-profit, small business concern: 1) that is at least fifty-one percent (51%) 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.

E. FTA Tier I Recipient

An FTA recipient to whom this part applies 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.

F. FTA Tier II Recipient

An FTA recipient to whom this part applies 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.

G. Personal Net Worth (PNW) (Sections 26.5 and 26.68)

The net value of an individual's reportable assets and liabilities, per the calculation rules in 49 C.F.R. §26.68.

H. DBE-Conscious

A measure or program that is specifically focused on assisting only DBEs.

I. DBE-Neutral

A measure or program that is, or can be, used to assist all small businesses.

J. Small Business Concern

With respect to firms seeking to participate as DBEs in U.S. DOT-assisted contracts, a small business concern as defined pursuant to Section 3 of the Small Business Act and the U.S. Small Business Administration regulations implementing it (13 C.F.R. Part 121), whose average

annual gross receipts for the previous three (3) years does not exceed \$30.72 million (or as adjusted for inflation by the Secretary of U.S. DOT annually) pursuant to 49 C.F.R. § 26.65(b).

K. Socially and Economically Disadvantaged Individual

Socially and economically disadvantaged individual means any individual who is a citizen (or lawfully admitted permanent resident) of the United States and who a certifier finds to be socially and economically disadvantaged on a case-by-case basis. A determination that an individual is socially and economically disadvantaged must not be based in whole or in part on race or sex. For that reason, all applicants shall qualify as socially and economically disadvantaged individual if they can meet the relevant criteria described in 49 CFR § 26.67 Being born in a particular country does not, standing alone, mean that a person is necessarily socially and economically disadvantaged.

L. Transit Vehicle Manufacturer (TVM)

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

Section 26.7 Nondiscrimination Requirements

LAVTA will never 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 covered by 49 CFR Part 26 on the basis of race, color, sex, or national origin.

In administering its DBE program, LAVTA 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.

Section 26.11 Record Keeping Requirements

Reporting to DOT: 26.11(b)

LAVTA will report DBE participation on a semi-annual basis. These reports will reflect payments actually made to DBEs on DOT assisted contracts.

Bidders List: 26.11 (c)

LAVTA will create and maintain a bidders list consisting of the following information for all bidders (including prime contractors and subcontractors, DBEs and non-DBEs) on U.S. DOT-assisted projects: firm name, firm address (including zip code), firm status as a DBE or non-DBE, , NAICS code applicable to each scope of work the firm sought to perform in its bid, the age of the firm, and the annual gross receipts of the firm. Data gathering will be conducted on a form entitled *Prime Contractor and Subcontractor/Subconsultant/Supplier Report* for construction contracts and *Prime Consultant and Subcontractor/Subconsultant/Supplier Report* for professional service contracts. Subsequently, most of a firm's general information is collected on the

Authority's procurement portal powered by Bonfire Interactive Ltd., during vendor registration. The DBELO will maintain the confidentiality of any proprietary information in accordance with applicable California law and the Regulations. This information will be requested of all bidders.

Authority staff will submit bidders list information required by § 26.11, paragraph (c)(2) to the DOT's designated system no later than December 1 following the fiscal year in which the relevant contract was awarded. For "design-build" contracts where subcontracts will be solicited throughout the contract period as defined in a contractor's DBE Open-Ended Performance Plan, the data will be entered no later than December 1 following the federal fiscal year in which the design-build contractor awards the relevant subcontract(s).

Section 26.13 Federal Financial Assistance Agreement Assurance

LAVTA has signed the following assurance, applicable to all DOT-assisted contracts and their administration:

Assurance: 26.13 (a)

The recipient 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. The recipient shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of DOT assisted contracts. The recipient'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 the recipient of its failure to carry out its approved program, the Department may impose sanctions 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 in financial assistance agreements with sub-recipients.

Contract Assurance: 26.13 (b)

We will ensure that the following clause is placed in every DOT-assisted contract and subcontract:

The contractor 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 LAVTA 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.

SUBPART B – ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

We will continue to carry out this program until all funds from DOT financial assistance have been expended. We will provide to DOT updates representing significant changes in the program.

Section 26.23 Policy Statement

The Policy Statement is elaborated on the first page of this program.

Section 26.25 DBE Liaison Officer (DBELO)

The Executive Director will designate a staff member to be our DBE Liaison Officer:

The DBELO is responsible for implementing all aspects of the DBE program and ensuring that LAVTA complies with all provisions of 49 CFR Part 26. The DBELO has direct, independent access to the LAVTA Executive Director concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found in Attachment 1 to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. Duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations and identifies ways to improve progress.
6. Analyzes LAVTA's progress toward goal attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the Executive Director/Board of Directors on DBE matters and achievement.
9. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
10. Participates in DBE training seminars.
11. Acts as liaison to the Uniform Certification Process in California.
12. Provides outreach to DBEs and community organizations to advise them of opportunities.

Section 26.27 DBE Financial Institutions

It is the policy of LAVTA to identify and investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals, as defined in 49 C.F.R. § 26.5, in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contracts to make use of these institutions.

Section 26.29 Prompt Payment

LAVTA will include the following clauses in each DOT-assisted prime contract:

The prime contractor agrees to pay each subcontractor for satisfactory performance of its contract no later than 30 days from the receipt of each payment the prime contractor receives

from LAVTA. The prime contractor agrees to pay all retainage owed to each subcontractor for satisfactory completion of the accepted work within 30 days after LAVTA's payment to the prime contractor. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following the written approval of LAVTA. This clause applies to both DBE and non-DBE subcontractors. For purposes of this section, a subcontractor's work is satisfactorily completed when all the tasks called for in the subcontract have been accomplished and documented as required by LAVTA. When LAVTA 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.

If applicable California state law requires the prime contractor to pay subcontractors within a shorter time period than the 30-day time periods set forth above, the prime contractor must comply with the applicable state law. The prime contractor's attention is called to Bus. & Prof. Code, § 7108.5 (requiring prime contractors to pay subcontractors working on public works of improvement within 7 days of receipt of each progress payment) and Civ. Code, § 3321 (requiring prime design professionals to pay subconsultant design professionals working on public works of improvement within 15 days of receipt of each progress payment or final retention payment).

Any violation of the prompt payment provisions shall subject the violating Contractor to the penalties, sanctions and other remedies specified in Section 7108.5 of the California Business and Professions Code and Section 10262 of the California Public Contract Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies otherwise available to Contractor or subcontractor in the event of a dispute involving late payment, or nonpayment by Contractor, or deficient subcontractor's performance, or noncompliance by a subcontractor. Contractors shall include language in their subcontracts that stipulates Contractor and subcontractors will use appropriate alternative dispute resolution mechanisms to resolve payment disputes. Contractor will not be reimbursed for work performed by subcontractors unless and until Contractor ensures that subcontractors are promptly paid for the work they have performed.

U.S. DOT requires recipients to ensure prompt and full payment of retainage from the prime contractor to the subcontractor within 30 days after the subcontractor's work is satisfactorily completed by using one of the three methods set forth in 49 C.F.R. § 26.29(b). Subject to state prompt payment requirements that do not conflict with federal regulations, the Authority will comply with this prompt payment of retention requirement by using the method in 49 C.F.R. § 26.29(b)(3): 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 your payment to the prime contractor.

Prompt payment and return of retainage requirements apply to both DBE and non-DBE subcontractors at all tiers.

The Authority will use the following mechanisms for proactive monitoring and oversight of a prime contractor's compliance with subcontractor prompt payment and return of retainage requirements:

- Prime contractors must submit proof of payment to subcontractors with their billing in order for the billing to be approved for payment.

The Authority will enforce these prompt payment and return of retainage requirements by:

- If the Prime contractor fails to meet these requirements LAVTA shall withhold retainage from the Prime contractor until all contract requirements including payment to subcontractors have been met.

Section 26.31 DBE Database

The DBE Database is a consolidated and automated directory that identifies firms that have been certified as DBEs by the California Unified Certification Program (CUCP). The DBE Database is jointly maintained and updated by the CUCP certifying member agencies in coordination with Caltrans, the CUCP DBE Database Manager. The DBE Database is available at Caltrans' website at, <https://californiaucp.dbesystem.com>, and is made available to contractors and to the public. After the CUCP completes the reevaluation process described in 49 CFR § 26.111, the Authority will use the DBE Database as a primary resource in developing overall goals, project goals, contract-specific goals and conducting outreach and other activities to promote DBE participation in U.S. DOT contracts.

The DBE Database shall include the firm's name, address, telephone number, website(s), and types of work –utilizing the North American Industry Classification System (NAICS) codes for which the firm is certified as a DBE. Additionally, the DBE Database may include, whenever possible, the date the firm was established, the legal structure of the firm, State licenses held, the percentage owned by disadvantaged individuals, capacity, previous work experience and a contact person. The DBE Database shall not in any way prequalify the identified DBE firms with respect to licensing, bondability, competence or financial responsibility.

Section 26.33 Overconcentration

LAVTA has not identified an overconcentration of DBE firms in any type of work.

Section 26.35 Business Development Programs

LAVTA has not established a business development program.

Section 26.37 Monitoring and Enforcement Mechanisms

LAVTA will use the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.

With respect to achieving the Authority's overall goal, the Authority will use a monthly progress report procedure to keep a running tally that provides for a frequent comparison of cumulative DBE awards/commitments to DOT–assisted prime contract awards to determine whether the Authority's implementation of contract goals is projected to be sufficient to meet its annual goal. This mechanism will inform our decisions to implement goals on contracts to be advertised according to our established contract goal-setting process. All prime contractors shall submit monthly progress reports on DBE utilization to LAVTA. Specifically, this report must provide a running tally of actual payments made to DBE firms. (DBE participation is credited toward

overall or contract goals only when payments are actually made to DBE firms.) Failure to submit these reports in a timely manner shall result in a penalty of \$10 per day, per report.

1. We will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.109.
2. We will consider similar action under our own legal authorities, including responsibility determinations in future contracts. In the event of non-compliance with the DBE regulation by a participant in our procurement activities any of the following administrative remedies may be used:
 - a. Liquidated damages;
 - b. Suspension of payment to the contractor of any monies held by LAVTA as retained on the contract;
 - c. The denial to the contractor of right to participate in future LAVTA contracts for a specified time;
 - d. Contract termination.
3. We will also provide a monitoring and enforcement mechanism to verify that work committed, or in the case of DBE-neutral participation, the work subcontracted, to all DBEs at contract award (or subsequently) is performed by the DBEs to which the work was committed or subcontracted to, and such work is counted according to the requirements of 49 CFR § 26.55. This will be accomplished by a review of invoices submitted from contractors that stipulate the DBE portion of the contract actually paid out during the invoice cycle, a review of contracting records, and monitoring the work site. If DBE subcontractors are used, a specific citation on the invoice detailing the amount and date of payment to the subcontractor will be required from the Prime contractor. We will document such reviews and monitoring with written verifications.
4. With respect to each DBE commitment, the Authority will keep a running tally that provides frequent comparison of payments made to each listed DBE relative to the progress of work, including payments for such work to the prime contractor to determine whether the contractor is on track with meeting its DBE commitment and whether any projected shortfall exists that requires the prime contractor's good faith efforts to address to meet the contract goal pursuant to § 26.53(g). Notifications will be sent to Contractors that fall short of meeting their DBE/SBE commitments or contract goals.

Section 26.39 Fostering Small Business Participation

The small business element is intended to facilitate competition by small business concerns and eliminate obstacles to their participation in procurements as prime contractors or subcontractors, in accordance with 49 C.F.R. § 26.39. The SBE element is a DBE-neutral means of obtaining DBE participation.

An important part of LAVTA's small business element is its outreach activities. These outreach efforts include active, effective steps to increase small business participation, such as soliciting bids/proposals from SBEs, responding to requests for information, participating in prebid and preproposal meetings, and participating at outreach and training events for SBEs. As time and resources allow, LAVTA will participate in outreach and informational events for SBEs that may be coordinated with other U.S. DOT recipients, federal agencies, or local organizations. Topics

discussed during these outreach events will include procedures on how to do business with LAVTA, how to become certified as a DBE or SBE, LAVTA's DBE Program requirements and other topics of interest to SBEs.

Other strategies that LAVTA will consider as part of its small business element include unbundling contracts and setting contract specific SBE goals when subcontracting opportunities are available.

Any firm that wishes to participate in the LAVTA Small Business Program must be an existing, for-profit, small business as defined by the SBA standards and 49 CFR Part 26. To avoid fraud, a firm's small business status will be verified when LAVTA utilizes SBE contract goals on a project. LAVTA will require that all SBEs provide documentation to verify their certification status. LAVTA may require SBEs to submit additional documents, as necessary, to verify their eligibility.

To participate as an eligible SBE in projects administered by the Authority, a firm must meet both of the following requirements:

a. A firm (including affiliates) must be an existing small business as defined by Small Business Administration (SBA) that meets the applicable size limit in 13 C.F.R. Part 121, which corresponds to the applicable NAICS codes for the appropriate type(s) of work that a firm performs.

b. Even if a firm meets the above requirement, the firm's (including affiliates') average annual gross receipts over the previous three federal fiscal years cannot exceed a maximum cap of \$30.72 million. DOT will adjust the maximum cap amount annually and will post on its website at <https://www.transportation.gov/DBESizestandards>.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

LAVTA does not use quotas in any way in the administration of the DBE program.

Section 26.45 Overall Goals

In accordance with Section 26.45(f) LAVTA will submit its overall goal to DOT on August 1 every three years, except in cases where we submit a project goal. Project goals will be submitted at a time determined by the FTA Administrator. Before establishing the overall goal every three years, LAVTA will consult with appropriate constituent groups representing DBEs and general contractors' groups, community organizations and other officials or organizations to obtain information concerning the availability of DBEs and non-DBEs, and LAVTA's efforts to establish a level playing field for the participation of DBEs.

Following this consultation, we will publish a notice of the proposed overall goal, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at LAVTA's administrative offices for 30 days following the date of the notice, and informing the public that we and DOT will accept comments on the goals for 45 days from the date of the notice. At a minimum this notice will be issued in newspapers and trade publications. Normally, we will issue this notice by June 1 every three years. The notice will include

addresses to which comments may be sent and addresses (including offices and websites) where the proposal may be reviewed. Our overall goal submission to DOT will include a summary of information and comments received during this public participation process and our responses.

We will begin using our overall goal on October 1 of each year, unless we have received other instructions from DOT. If we establish a goal on a project basis, we will begin using our goal by the time of the first solicitation for a DOT-assisted contract for the project.

Amount of Goal

Pursuant to 49 CFR 26.45, LAVTA will establish an overall goal (either annual or project specific) for DBE participation in DOT-assisted contracts.

Methodology used to Calculate Overall Goal

The following is a summary of the methodology we use to calculate overall goals:

Determining a Base Figure

LAVTA will determine a base figure for the relative availability of DBEs on any project by using one of the following methods (method may vary by project):

1. *DBE Directories and Census Bureau Data.* Determine the number of ready willing and able DBEs in our market from the regional directory. Using the Census Bureau's County Business Pattern data base, determine the number of all ready, willing and able businesses in our market that perform work in the same SIC codes. Divide the number of DBEs by the number of all businesses to derive a base figure for the relative availability of DBEs in our market.
2. *A bidders list.* Determine the number of DBEs that have bid or quoted on our DOT-assisted prime contracts or subcontracts in the previous year. Determine the number of all businesses that have bid or quoted on prime or subcontracts in the same time period. Divide the number of DBE bidders and quoters by the number for all businesses to derive a base figure for the relative availability of DBEs in the market.
3. *Use of a goal of another DOT recipient.* If another DOT recipient in the same or substantially similar market has set an overall goal in compliance with this rule, we may use that goal as a base figure for our goal.
4. *Alternative methods.* A methodology not stated in the rule that provides a goal that is rationally related to the relative availability of DBEs in our market.

Adjusting a Base Figure

As required in the rule, LAVTA will adjust the base figure so that it reflects as accurately as possible the DBE participation we can expect in the absence of discrimination. Possible information used to adjust the based figure is:

1. Demonstrated evidence of DBE capacity to perform work on LAVTA's project;
2. Real market conditions;
3. Disparity studies conducted within the jurisdiction that satisfy the requirements of 49 CFR 26.45; and
4. Other relevant factors.

Section 26.47 Goal Shortfall Analysis

If LAVTA's awards and commitments, as shown on its Uniform Report of Awards or Commitments and Payments at the end of the three-year goal period are less than the overall goal applicable to that period, LAVTA shall Analyze in detail the reasons for the difference between the overall goal and LAVTA's awards and commitments in that period. Additionally, LAVTA will establish specific steps and milestones to correct the problems identified. The authority will retain the analysis and corrective action in its records, in the FTA, DBE file on the shared drive for seven years and make it available to the FTA upon request.

Section 26.49 Transit Vehicle Manufacturers Goals

The Authority shall require any transit vehicle manufacturers to certify that they have established an overall DBE goal that has been approved or not disapproved, at the time of solicitation, by FTA as a condition to bid on any Authority contracts. Before awarding to a TVM, the Authority shall verify that the bidder is listed on FTA's eligible TVM list at, <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/eligible-transit-vehicle-manufacturers>. The Authority shall complete the Vehicle Award Report to notify FTA of the TVM procurement award within 30 days of making such award. This reporting requirement is extended to subrecipients.

Expenditures for FTA-assisted transit vehicle procurements are not included in the funding base to which the overall goal and/or project goal for other FTA-assisted contract expenditures applies.

Project-specific goals for DBE participation are established for procurements of transit vehicles from specialized manufacturers when a TVM cannot be identified. The Authority will seek FTA's approval for the decision to use a DBE project-specific goal before the issuance of a public solicitation for such vehicles TVMs are not available to produce. The Authority will follow the procedures for goal-setting in 26.45.

Section 26.51 Regional Outreach

The DBELO is designated by the Executive Director to represent the Authority as a member of appropriate regional outreach consortia. The Authority will participate in such group programs, activities and efforts in the San Francisco Bay Area to create a level playing field on which DBEs can compete fairly; to enhance outreach and communication efforts with these firms; to provide appropriate assistance and information for participation in U.S. DOT-assisted contracts and other contracts; and to develop joint resources among recipients. To this end, the DBELO and/or designated staff will attend scheduled meetings of such groups and will contribute to the achievement of their projects approved by the Executive Director

Section 26.51(a-c) Breakout of Estimated DBE-Neutral & DBE-Conscious Participation

LAVTA will meet the maximum feasible portion of its overall goal by using DBE-neutral means of facilitating DBE participation. LAVTA uses the following DBE-neutral means to increase DBE participation:

1. Ensuring the inclusion of DBEs, and other small businesses on recipient mailing lists for bidders;
2. Ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors;
3. Ensuring distribution of our DBE directory through electronic means to the widest feasible audience of potential prime contractors; and
4. Providing assistance in overcoming limitations such as inability to obtain bonding or finances (e.g. by such means as simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids).

We will adjust the estimated breakout of DBE-neutral and DBE-conscious participation as needed to reflect actual DBE participation (see 26.51 (f)) and we will track and report DBE-neutral and DBE-conscious participation separately. For reporting purposes, DBE-neutral DBE participation includes, but is not necessarily limited to, the following: DBE participation through a prime contract 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 on a prime contract exceeding a contract goal; and DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

Section 26.51(d)-(g) Contract Goals

After the CUCP has completed the reevaluation process described in 49 CFR § 26.111, LAVTA will use contract goals to meet any portion of the overall goal LAVTA does not project being able to meet using DBE-neutral means, in accordance with 49 CFR 26.51. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of our overall goal that is not projected to be met through the use of DBE-neutral means.

We will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. We need not establish a contract goal on every such contract, and the size of contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work, availability of DBEs to perform the particular type of work).

Section 26.53 Good Faith Efforts Procedures Applicable to Contracts for Which There is a Contract Goal

Demonstration of good faith efforts (26.53(a) & (c))

If LAVTA establishes a DBE contract goal, it will award the contract only to a bidder/offeror who makes good faith efforts to meet it. LAVTA will determine that a bidder/offeror has made good faith efforts if the bidder/offeror does either of the following things: (1) Documents that it has obtained enough DBE participation to meet the goal; or (2) Documents that it made adequate good faith efforts to meet the goal, even though it did not succeed in obtaining enough DBE participation to do so. If the bidder/offeror does document adequate good faith efforts, LAVTA will not deny award of the contract on the basis that the bidder/offeror failed to meet the goal. LAVTA will use Appendix A of 49 CFR Part 26 for guidance in determining the adequacy of a bidder/offeror's good faith efforts.

Examples of good faith efforts are found in Appendix A to Part 26. LAVTA will include a Good Faith Effort form in solicitations subject to a DBE contract goal. Bidders/proposers who fail to meet the contract goal will be required to submit a completed Good Faith Effort form with their bid/proposal.

The DBELO is responsible for determining whether a bidder/offeror has met the contract goal or documented sufficient good faith efforts to meet the contract goal to be responsive to the solicitation.

We will ensure that all information is complete and accurate and adequately documents the bidder/offeror's good faith efforts before we commit to the performance of the contract by the bidder/offeror.

Information to be submitted (26.53(b))

LAVTA treats bidder/offeror's compliance with good faith efforts' requirements as a matter of responsiveness.

Each solicitation for which a contract goal has been established will require the bidders/offerors to submit the following information with their bid/proposal:

1. The names, addresses, and certification numbers of DBE firms that will participate in the contract;
2. A description of the work that each DBE will perform;
3. The dollar amount of the participation of each DBE firm participating;
4. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractors commitment and
6. If the contract goal is not met, evidence of good faith efforts.

For design-build contracts subject to a DBE contract goal with minimal-project details at the time of advertisement, Contractors must submit a DBE "Open-Ended DBE Performance Plan (OEPP)" with their proposals. An OEPP must include:

- (i) a commitment to meet the DBE goal for the entire project;
- (ii) provide details on the types of subcontracting work or services (with projected dollar amount) that the proposer will solicit to DBEs to perform; and
- (iii) estimated time frame when the DBE subcontracts will be executed.

An OEPP may be modified by mutual agreement between the Authority and Contractor throughout the life of the project, as long as the Contractor continues to use good faith efforts to meet the goal. Authority staff will conduct ongoing monitoring and oversight to determine whether the Contractor is using good faith efforts to comply with the OEPP.

Administrative reconsideration (26.53(d))

Within 48 hours of being informed by LAVTA that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official: Legal Counsel, 1362 Rutan Court #100, Livermore, CA 94550, (925) 455-7555. The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeror will have the opportunity to meet in person with our reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do so. We will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the Department of Transportation.

Good Faith Efforts when a DBE is replaced on a contract subject to a DBE contract goal (26.53(f))

We will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. We will require the prime contractor to notify the DBE Liaison Officer immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

In this situation, we will require the prime contractor to obtain our prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts. If the contractor fails or refuses to comply in the time specified, our contracting office will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the contracting officer may issue a termination for default proceeding.

Sample Bid Specification for contracts subject to DBE contract goals:

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of LAVTA to practice nondiscrimination based on race, color sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged

to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offerors, including those who qualify as a DBE. A DBE contract goal of ____ percent has been established for this contract. The bidder/offeror must meet the DBE contract goal or make good faith efforts, as defined in Appendix A, 49 CFR 26 (Attachment 1), to meet the contract goal for DBE participation in the performance of this contract.

The bidder/offeror will be required to submit the following information on the forms and in the manner prescribed by LAVTA: (1) the names and addresses of DBE firms that will participate in the contract; (2) a description of the work that each DBE firm will perform; (3) the dollar amount of the participation of each DBE firm participating; (4) Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal; (5) Written confirmation from the DBE that it is participating in the contract as provided in the commitment made under (4); and (5) if the contract goal is not met, evidence of good faith efforts.

Section 26.55 Counting DBE Participation

Only the work actually performed by a DBE will be counted towards the DBE goal. The cost of supplies and materials obtained by the DBE or equipment leased (except supplies and equipment the DBE subcontractor purchases or leases from the prime contractor or its affiliate) may also be counted.

Work that a DBE subcontracts to a non-DBE firm does not count toward DBE goals. Expenditures may only be counted if the DBE is performing a commercially useful function. A DBE should perform at least thirty percent (30%) of the total cost of its contract with its own work force. If a DBE does not perform or exercise responsibility for at least 30% of the total cost of its contract with its own work force, or the DBE subcontracts a greater portion of the work of a contract than would be expected within normal industry practice for the type of work involved, LAVTA will presume that it is not performing a commercially useful function.

If materials or supplies are obtained from a DBE manufacturer, as defined in the Regulations, 100 percent (100%) of the cost will be counted. If the materials and supplies are purchased from a DBE regular dealer, as defined in the Regulations, 60 percent (60%) of the cost will be counted.

If the materials or supplies are purchased from a DBE distributor that neither maintains sufficient inventory nor uses its own distribution equipment for the products in question, 40 percent (40%) of the cost of materials or supplies (including transportation costs) will be counted. A DBE distributor is an established business that engages in the regular sale or lease of the items specified by the contract. A DBE distributor assumes responsibility for the items it purchases once they leave the point of origin (e.g., a manufacturer's facility), making it liable for any loss or damage not covered by the carrier's insurance. A DBE distributor performs a CUF when it demonstrates ownership of the items in question and assumes all risk for loss or damage during transportation, evidenced by the terms of the purchase order or a bill of lading (BOL) from a third party, indicating Free on Board (FOB) at the point of origin or similar terms that transfer responsibility of the items in question to the DBE distributor. If these conditions are met, DBE distributors may receive 40 percent for drop-shipped items. Terms that transfer liability to the distributor at the delivery destination (e.g., FOB destination), or deliveries made or arranged by the manufacturer or another seller do not satisfy this requirement. Primes are required to submit

with their bid the *DBE Regular Dealer/Distributor Affirmation Form*, a form designated by the Authority.

A DBE may be a regular dealer in such bulk items as petroleum products, steel, concrete or concrete products, gravel, stone, or asphalt without owning, and operating, or maintaining a place of business as provided in 49 CFR § 26.55 (e)(2)(ii) if the firm both owns and operates distribution equipment used to deliver the products. Any supplementing of regular dealers' own distribution equipment must be by a long-term operating lease and not on an ad hoc or contract-by-contract basis.

DBE achievement will not be counted toward the goal until the DBE has been paid. The DBELO will track the participation of DBEs in contract-specific goal contracts separately from the participation of DBEs that is considered DBE-neutral. Additionally, the DBELO will not count that portion of a DBE's participation that is achieved after the certification of the DBE has been removed during the performance of a contract, with the exception of 49 C.F.R. 26.87(j)(3).

If an agreement has been executed between a prime contractor and a DBE subcontractor, before the certifying agency has notified the DBE subcontractor of its decertification, the prime contractor may continue to use the decertified DBE subcontractor. The prime contractor may also continue to receive DBE credit for the full payment made to the decertified DBE subcontractor, but the Authority cannot count the continued performance by the decertified DBE subcontractor towards the Authority's overall DBE program goal.

If the decertified DBE subcontractor merges or is purchased by a non-DBE, the prime contractor will not receive DBE credit for utilizing that subcontractor and the Authority may not count the decertified DBE subcontractor's participation towards the Authority's overall DBE program goal. The prime contractor may not add work to the decertified DBE subcontractor's scope of work after notification of decertification without the consent of the Authority.

SUBPART D – DBE CERTIFICATIONS

The California Unified Certification Program (CUCP) is responsible for DBE certifications in the state of California. LAVTA relies on the CUCP's DBE certification program, and currently does not recertify or make certification decisions. For information on the CUCP, please visit: <https://californiaucp.dbesystem.com/>.

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.109 Information, Confidentiality, Cooperation

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

Notwithstanding any contrary provisions of state or local law, we will not release personal financial information submitted in response to the personal net worth requirement to a third party (other than DOT) without the written consent of the submitter.

Monitoring payments to DBEs

We will require prime contractors to maintain records and documents of payments to DBEs for three years following the performance of the contract. These records will be made available for inspection upon request of any authorized representative of LAVTA or DOT. This reporting requirement also extends to any certified DBE subcontractor. We will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award.

We will perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE participation.

ATTACHMENTS

Attachment 1	Organizational Chart
Attachment 2	Form 1 & 2 for Contract Goals

Attachment 1
Organizational Chart

Attachment 2**Forms 1 & 2 for Contract Goals**

Forms 1 and 2 will be placed in solicitations where a DBE contract goal has been established.

Forms 1 and 2 will not be incorporated into contracts without DBE contract goals.

FORM 1: DISADVANTAGED BUSINESS ENTERPRISE (DBE) UTILIZATION

The undersigned bidder/offeror has satisfied the requirements of the bid specification in the following manner (please check the appropriate space):

_____ the bidder/offeror is committed to a minimum of _____% DBE utilization on this contract.

_____ the bidder/offeror (if unable to meet the DBE goal of ____%) is committed to a minimum of _____% DBE utilization on this contract and submits documentation demonstrating good faith efforts (Documentation must be attached to Form 1).

Name of bidder/offeror's firm: _____

State Registration No. _____

By _____
(Signature) Title

FORM 2: LETTER OF INTENT

Name of bidder/offer's firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Name of DBE firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

Description of work to be performed by DBE

The bidder/offeror is committed to utilizing the above-named DBE firm for the work described above. The estimated dollar value of this work is \$ _____.

Affirmation

The above-named DBE firm affirms that it will perform the portion of the contract for the estimated dollar value as stated above.

By _____
(Signature) (Title)

If the bidder/offeror does not receive award of the prime contract, any and all representations in this Letter of Intent and Affirmation shall be null and void.

(Submit this page for each DBE subcontractor.)

LIVERMORE/AMADOR VALLEY TRANSIT AUTHORITY DISADVANTAGED BUSINESS ENTERPRISE PROGRAM

*(Adopted September 1999; Revised January 2000;
Updated February 2001; Updated February 2006; Updated June 2009, Updated February 2012,
Updated March 2014, Updated September 2021, Updated October 2024, Updated December 2025)*

Section 26.1, 26.23 Objectives/Policy Statement

The Livermore/Amador Valley Transit Authority (LAVTA or Authority) has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26, ~~revised as of April 9, 2024~~October 3, 2025, as may be amended (Regulations). LAVTA has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, LAVTA has signed an assurance that it will comply with 49 CFR Part 26

In order to achieve DBE participation, the Authority has developed procedures to remove barriers to DBE participation in the bidding and award process.

The Board of Directors is responsible for establishing the DBE policy of the Authority. The Executive Director is responsible for ensuring adherence to this policy. The DBE Liaison, in coordination with all Authority Officers, Department Heads, and Purchasing and Buying staff, is responsible for the development, implementation, and monitoring of the DBE Program in accordance with the Authority's nondiscrimination policy. It is the expectation of the Board of Directors and the Executive Director that all Authority personnel shall adhere to the spirit, as well as the provisions and ~~procedures~~procedures of this Program.

This policy will be circulated to all Authority personnel and to members of the community that perform or are interested in performing work on Authority contracts. Analysis regarding the overall DBE goal(s) and/or project goal(s) established every three years is available to review at www.wheelsbus.com or by visiting the Authority's administrative office at 1362 Rutan Court Suite 100 Livermore, Ca 94551.

It is the policy of LAVTA to ensure that DBEs, as defined in part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy:

1. To ensure nondiscrimination in the award and administration of DOT assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT assisted contracts;
3. To ensure that the DBE Program ~~is narrowly tailored in accordance with applicable law~~operates in a nondiscriminatory manner and without regard to race or sex, while maximizing efficiency of service;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in DOT assisted contracts;
6. To assist the development of firms that can compete successfully in the market place outside the DBE Program; and
7. To adhere to the adopted LAVTA purchasing policy principles throughout all aspects of the DBE program.

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The Executive Director has assigned the role of DBE Liaison Officer (DBELO) to Tamara Edwards, Director of Finance, tedwards@lavta.org, 925-455-7566. In that capacity, the DBELO is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by LAVTA in its financial assistance agreements with the Department of Transportation.

LAVTA has disseminated this policy statement to its Board of Directors and all the components of our organization. We have distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts by including it in all relevant bid and proposal solicitations.

Christy Wegener
Executive Director

Date

SUBPART A – GENERAL REQUIREMENTS

Sections 26.3 and 26.1 Applicability

The Authority, a recipient of federal financial assistance from the Federal Transit Administration (“FTA”) of the U.S. Department of Transportation (U.S. DOT), is required to implement a DBE Program in accordance with 49 C.F.R. Part 26, which is incorporated herein by this reference. The Program outlined herein applies to all Authority contracts that are funded, in whole or in part, by U.S. DOT federal financial assistance. In the event of any conflicts or inconsistencies between the Regulations and this DBE Program with respect to U.S. DOT-assisted contracts, the Regulations shall prevail.

Section 26.1 Objectives

It is the policy of LAVTA to ensure that DBEs, as defined in part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy:

1. To ensure nondiscrimination in the award and administration of DOT assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT assisted contracts;
3. To ensure that the DBE Program ~~is narrowly tailored in accordance with applicable law~~operates in a nondiscriminatory manner and without regard to race or sex, while maximizing efficiency of service;
4. To ensure that only firms that fully meet 49 CR Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in DOT assisted contracts;
6. To assist the development of firms that can compete successfully in the marketplace outside the DBE Program; and
7. To adhere to the adopted LAVTA purchasing policy principles throughout all aspects of the DBE program.

Section 26.5 Definitions

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Any terms used in this Program that are defined in 49 C.F.R. § 26.5 or elsewhere in the Regulations shall have the meaning set forth in the Regulations. Some of the most common terms are defined below:

A. Contract

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.

B. Contractor

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

C. Department or DOT

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).

D. Disadvantaged Business Enterprise (DBE)

A for-profit, small business concern: 1) that is at least fifty-one percent (51%) owned by one or more individuals who are both socially and economically disadvantaged ~~or, in the case of a corporation, in which fifty-one percent (51%) of the stock is owned by one or more socially and economically disadvantaged individuals~~; and 2) whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

E. FTA Tier I Recipient

An FTA recipient to whom this part applies 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.

F. FTA Tier II Recipient

An FTA recipient to whom this part applies 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.

G. Personal Net Worth (PNW) (Sections 26.5 and 26.68)

The net value of an individual's reportable assets and liabilities, per the calculation rules in 49 C.F.R. §26.68.

H. RaceDBE-Conscious

A measure or program that is specifically focused on assisting only DBEs, ~~including women-owned DBEs.~~

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I. Race/DBE-Neutral

A ~~measure/procedure~~ or program that is ~~used~~, or can be ~~used~~, to assist all small businesses.
~~For the purposes of this Program, race/DBE-neutral includes ethnic and gender neutrality.~~

J. Small Business Concern

With respect to firms seeking to participate as DBEs in U.S. DOT-assisted contracts, a small business concern as defined pursuant to Section 3 of the Small Business Act and the U.S. Small Business Administration regulations implementing it (13 C.F.R. Part 121), whose average annual gross receipts for the previous three (3) years does not exceed \$30.72 million (or as adjusted for inflation by the Secretary of U.S. DOT annually) pursuant to 49 C.F.R. § 26.65(b).

K. Socially and Economically Disadvantaged Individuals

Socially and economically disadvantaged individual means any individual who is a citizen (or lawfully admitted permanent resident) of the United States and who a certifier finds to be socially and economically disadvantaged on a case-by-case basis. A determination that an individual is socially and economically disadvantaged must not be based in whole or in part on race or sex. For that reason, all applicants shall qualify as 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 if they can meet the relevant criteria described in 49 CFR § 26.67 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 required. Being born in a particular country does not, standing alone, mean that a person is necessarily socially and economically disadvantaged.~~

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

~~1. "Black American" (including persons having origins in any of the Black racial groups of Africa);~~

~~2. "Hispanic American" (including persons of Mexican, Puerto Rican, Cuban, Dominican, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race);~~

~~3. "Native American" (including persons who are enrolled members of a federally or State recognized Indian tribe, Alaska Natives, or Native Hawaiians);~~

~~4. "Asian Pacific American" (including 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, Kiribati, Tuvalu, Nauru, the Federated States of Micronesia, or Hong Kong);~~

~~5. "Subcontinent Asian American" (including persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal, or Sri Lanka);~~

~~6. Women; or~~

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~~7. Any additional groups whose members are designated as socially and economically disadvantaged by the Small Business Administration, at such time as the Small Business Administration designation becomes effective.~~

L. Transit Vehicle Manufacturer (TVM)

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

Section 26.7 Nondiscrimination Requirements

LAVTA will never 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 covered by 49 CFR Part 26 on the basis of race, color, sex, or national origin.

In administering its DBE program, LAVTA 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.

Section 26.11 Record Keeping Requirements

Reporting to DOT: 26.11(b)

LAVTA will report DBE participation on a semi-annual basis. These reports will reflect payments actually made to DBEs on DOT assisted contracts.

Bidders List: 26.11 (c)

LAVTA will create and maintain a bidders list consisting of the following information for all bidders (including prime contractors and subcontractors, DBEs and non-DBEs) on U.S. DOT-assisted projects: firm name, firm address (including zip code), firm status as a DBE or non-DBE, ~~race and gender information for the majority owner~~, NAICS code applicable to each scope of work the firm sought to perform in its bid, the age of the firm, and the annual gross receipts of the firm. Data gathering will be conducted on a form entitled *Prime Contractor and Subcontractor/Subconsultant/Supplier Report* for construction contracts and *Prime Consultant and Subcontractor/Subconsultant/Supplier Report* for professional service contracts. Subsequently, most of a firm's general information is collected on the Authority's procurement portal powered by Bonfire Interactive Ltd., during vendor registration. The DBELO will maintain the confidentiality of any proprietary information in accordance with applicable California law and the Regulations. This information will be requested of all bidders.

Authority staff will submit bidders list information required by § 26.11, paragraph (c)(2) to the DOT's designated system no later than December 1 following the fiscal year in which the relevant contract was awarded. For "design-build" contracts where subcontracts will be solicited throughout the contract period as defined in a contractor's DBE Open-Ended Performance Plan,

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the data will be entered no later than December 1 following the federal fiscal year in which the design-build contractor awards the relevant subcontract(s).

Section 26.13 Federal Financial Assistance Agreement Assurance

LAVTA has signed the following assurance, applicable to all DOT-assisted contracts and their administration:

Assurance: 26.13 (a)

The recipient 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. The recipient shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of DOT assisted contracts. The recipient'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 the recipient of its failure to carry out its approved program, the Department may impose sanctions 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 in financial assistance agreements with sub-recipients.

Contract Assurance: 26.13 (b)

We will ensure that the following clause is placed in every DOT-assisted contract and subcontract:

The contractor 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 ~~LAVTA~~~~the recipient~~ 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.

SUBPART B – ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

We will continue to carry out this program until all funds from DOT financial assistance have been expended. We will provide to DOT updates representing significant changes in the program.

Section 26.23 Policy Statement

The Policy Statement is elaborated on the first page of this program.

Section 26.25 DBE Liaison Officer (DBELO)

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The Executive Director will designate a staff member to be our DBE Liaison Officer:

The DBELO is responsible for implementing all aspects of the DBE program and ensuring that LAVTA complies with all provisions of 49 CFR Part 26. The DBELO has direct, independent access to the LAVTA Executive Director concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found in Attachment 1 to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. Duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations ~~(both race neutral methods and contract specific goals attainment)~~ and identifies ways to improve progress.
6. Analyzes LAVTA's progress toward goal attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the Executive Director/Board of Directors on DBE matters and achievement.
9. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
10. Participates in DBE training seminars.
11. Acts as liaison to the Uniform Certification Process in California.
12. Provides outreach to DBEs and community organizations to advise them of opportunities.

Section 26.27 DBE Financial Institutions

It is the policy of LAVTA to identify and investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals, as defined in 49 C.F.R. § 26.5, in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contracts to make use of these institutions. ~~We have made the following efforts to identify and use such institutions: Reviewed all vendors certified under the Federal Reserve Board of Governors Statistical Release entitled "Minority Owned Banks" dated May 6, 2021 by using their website www.federalreserve.gov/releases/mob/. To date we have not identified any financial institutions owned and controlled by socially and economically disadvantaged individuals in our community. Information on the availability of such institutions can be obtained from the DBE Liaison Officer.~~

Section 26.29 Prompt Payment

LAVTA will include the following clauses in each DOT-assisted prime contract:

The prime contractor agrees to pay each subcontractor for satisfactory performance of its contract no later than 30 days from the receipt of each payment the prime contractor receives from LAVTA. The prime contractor agrees to pay all retainage owed to each subcontractor

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for satisfactory completion of the accepted work within 30 days after LAVTA's payment to the prime contractor. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following the written approval of LAVTA. This clause applies to both DBE and non-DBE subcontractors. For purposes of this section, a subcontractor's work is satisfactorily completed when all the tasks called for in the subcontract have been accomplished and documented as required by LAVTA. When LAVTA 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.

If applicable California state law requires the prime contractor to pay subcontractors within a shorter time period than the 30-day time periods set forth above, the prime contractor must comply with the applicable state law. The prime contractor's attention is called to Bus. & Prof. Code, § 7108.5 (requiring prime contractors to pay subcontractors working on public works of improvement within 7 days of receipt of each progress payment) and Civ. Code, § 3321 (requiring prime design professionals to pay subconsultant design professionals working on public works of improvement within 15 days of receipt of each progress payment or final retention payment).

Any violation of the prompt payment provisions shall subject the violating Contractor to the penalties, sanctions and other remedies specified in Section 7108.5 of the California Business and Professions Code and Section 10262 of the California Public Contract Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies otherwise available to Contractor or subcontractor in the event of a dispute involving late payment, or nonpayment by Contractor, or deficient subcontractor's performance, or noncompliance by a subcontractor. Contractors shall include language in their subcontracts that stipulates Contractor and subcontractors will use appropriate alternative dispute resolution mechanisms to resolve payment disputes. Contractor will not be reimbursed for work performed by subcontractors unless and until Contractor ensures that subcontractors are promptly paid for the work they have performed.

U.S. DOT requires recipients to ensure prompt and full payment of retainage from the prime contractor to the subcontractor within 30 days after the subcontractor's work is satisfactorily completed by using one of the three methods set forth in 49 C.F.R. § 26.29(b). Subject to state prompt payment requirements that do not conflict with federal regulations, the Authority will comply with this prompt payment of retention requirement by using the method in 49 C.F.R. § 26.29(b)(3): 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 your payment to the prime contractor.

Prompt payment and return of retainage requirements apply to both DBE and non-DBE subcontractors at all tiers.

The Authority will use the following mechanisms for proactive monitoring and oversight of a prime contractor's compliance with subcontractor prompt payment and return of retainage requirements:

- Prime contractors must submit proof of payment to subcontractors with their billing in order for the billing to be approved for payment.

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The Authority will enforce these prompt payment and return of retainage requirements by:

- If the Prime contractor fails to meet these requirements LAVTA shall withhold retainage from the Prime contractor until all contract requirements including payment to subcontractors have been met.

Section 26.31 DBE Database

The DBE Database is a consolidated and automated directory that identifies firms that have been certified as DBEs by the California Unified Certification Program (CUCP). The DBE Database is jointly maintained and updated by the CUCP certifying member agencies in coordination with Caltrans, the CUCP DBE Database Manager. The DBE Database is available at Caltrans' website at, <https://californiaucp.dbesystem.com>, and is made available to contractors and to the public. After the CUCP completes the reevaluation process described in 49 CFR § 26.111, the Authority will use the DBE Database as a primary resource in developing overall goals, project goals, contract-specific goals and conducting outreach and other activities to promote DBE participation in U.S. DOT contracts.

The DBE Database shall include the firm's name, address, telephone number, website(s), and types of work –utilizing the North American Industry Classification System (NAICS) codes for which the firm is certified as a DBE. Additionally, the DBE Database may include, whenever possible, the date the firm was established, the legal structure of the firm, State licenses held, the percentage owned by disadvantaged individuals, capacity, previous work experience and a contact person. The DBE Database shall not in any way prequalify the identified DBE firms with respect to licensing, bondability, competence or financial responsibility.

Section 26.33 Overconcentration

LAVTA has not identified an overconcentration of DBE firms in any type of work.

Section 26.35 Business Development Programs

LAVTA has not established a business development program.

Section 26.37 Monitoring and Enforcement Mechanisms

LAVTA will use the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.

With respect to achieving the Authority's overall goal, the Authority will use a monthly progress report procedure to keep a running tally that provides for a frequent comparison of cumulative DBE awards/commitments to DOT-assisted prime contract awards to determine whether the Authority's implementation of contract goals is projected to be sufficient to meet its annual goal. This mechanism will inform our decisions to implement goals on contracts to be advertised according to our established contract goal-setting process. All prime contractors shall submit monthly progress reports on DBE utilization to LAVTA. Specifically, this report must provide a running tally of actual payments made to DBE firms. (DBE participation is credited toward overall or contract goals only when payments are actually made to DBE firms.) Failure to submit these reports in a timely manner shall result in a penalty of \$10 per day, per report.

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1. We will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.109.
2. We will consider similar action under our own legal authorities, including responsibility determinations in future contracts. In the event of non-compliance with the DBE regulation by a participant in our procurement activities any of the following administrative remedies may be used:
 - a. Liquidated damages;
 - b. Suspension of payment to the contractor of any monies held by LAVTA as retained on the contract;
 - c. The denial to the contractor of right to participate in future LAVTA contracts for a specified time;
 - d. Contract termination.
3. We will also provide a monitoring and enforcement mechanism to verify that work committed, or in the case of ~~DBE~~ race-neutral participation, the work subcontracted, to all DBEs at contract award (or subsequently) is performed by the DBEs to which the work was committed or subcontracted to, and such work is counted according to the requirements of 49 CFR § 26.55. This will be accomplished by a review of invoices submitted from contractors that stipulate the DBE portion of the contract actually paid out during the invoice cycle, a review of contracting records, and monitoring the work site. If DBE subcontractors are used, a specific citation on the invoice detailing the amount and date of payment to the subcontractor will be required from the Prime contractor. We will document such reviews and monitoring with written verifications.
4. With respect to each DBE commitment, the Authority will keep a running tally that provides frequent comparison of payments made to each listed DBE relative to the progress of work, including payments for such work to the prime contractor to determine whether the contractor is on track with meeting its DBE commitment and whether any projected shortfall exists that requires the prime contractor's good faith efforts to address to meet the contract goal pursuant to § 26.53(g). Notifications will be sent to Contractors that fall short of meeting their DBE/SBE commitments or contract goals.

Section 26.39 Fostering Small Business Participation

The small business element is intended to facilitate competition by small business concerns and eliminate obstacles to their participation in procurements as prime contractors or subcontractors, in accordance with 49 C.F.R. § 26.39. The SBE element is a ~~facilitate compliance with the two objectives in 49 CFR 26.51: 1) To meet the maximum feasible portion of the goal by using race~~ DBE-neutral means of obtaining DBE participation, ~~and 2) to establish DBE contract goals to meet any portion of the goal that LAVTA is unable to meet using race-neutral methods alone.~~

An important part of LAVTA's small business element is its outreach activities. These outreach efforts include active, effective steps to increase small business participation, such as soliciting bids/proposals from ~~DBEs and~~ SBEs, responding to requests for information, participating in prebid and preproposal meetings, and participating at outreach and training events for ~~SBEs DBEs and small businesses~~. As time and resources allow, LAVTA will participate in

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outreach and informational events for ~~SBEs, DBEs and small businesses~~ that may be coordinated with other U.S. DOT recipients, federal agencies, or local organizations. Topics discussed during these outreach events will include procedures on how to do business with LAVTA, how to become certified as a DBE or SBE, LAVTA's DBE Program requirements and other topics of interest to ~~SBEs, DBEs and small businesses~~.

Other strategies that LAVTA will consider as part of its small business element include unbundling contracts and setting ~~SBE~~-contract specific ~~SBE~~ goals when subcontracting opportunities are available.

Any firm that wishes to participate in the LAVTA Small Business Program must be an existing, for-profit, small business as defined by the SBA standards and 49 CFR Part 26. To avoid fraud, a firm's small business status will be verified when LAVTA utilizes SBE contract goals on a project. ~~A currently-certified DBE is presumed eligible to participate in the small business element of LAVTA's DBE program.~~ LAVTA will require that all SBEs ~~and any DBEs not certified by the CUCP~~ provide documentation to verify their certification status. LAVTA may require SBEs to submit additional documents, as necessary, to verify their eligibility.

To participate as an eligible SBE in projects administered by the Authority, a firm must meet both of the following requirements:

a. A firm (including affiliates) must be an existing small business as defined by Small Business Administration (SBA) that meets the applicable size limit in 13 C.F.R. Part 121, which corresponds to the applicable NAICS codes for the appropriate type(s) of work that a firm performs.

b. Even if a firm meets the above requirement, the firm's (including affiliates') average annual gross receipts over the previous three federal fiscal years cannot exceed a maximum cap of \$30.72 million. DOT will adjust the maximum cap amount annually and will post on its website at <https://www.transportation.gov/DBEsizestandards>.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

LAVTA does not use quotas in any way in the administration of the DBE program.

Section 26.45 Overall Goals

In accordance with Section 26.45(f) LAVTA will submit its overall goal to DOT on August 1 ~~every three years of each year~~, except in cases where we submit a project goal. Project goals will be submitted at a time determined by the FTA Administrator. Before establishing the overall goal ~~each year every three years~~, LAVTA will consult with appropriate constituent groups representing ~~DBEs, minority, women and~~ and general contractors' groups, community organizations and other officials or organizations to obtain information concerning the availability of ~~DBEs and non-DBEs, disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs,~~ and LAVTA's efforts to establish a level playing field for the participation of DBEs.

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Following this consultation, we will publish a notice of the proposed overall goal, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at LAVTA's administrative offices for 30 days following the date of the notice, and informing the public that we and DOT will accept comments on the goals for 45 days from the date of the notice. At a minimum this notice will be issued in newspapers and trade publications. Normally, we will issue this notice by June 1 ~~of each~~ every three years. The notice will include addresses to which comments may be sent and addresses (including offices and websites) where the proposal may be reviewed. Our overall goal submission to DOT will include a summary of information and comments received during this public participation process and our responses.

We will begin using our overall goal on October 1 of each year, unless we have received other instructions from DOT. If we establish a goal on a project basis, we will begin using our goal by the time of the first solicitation for a DOT-assisted contract for the project.

Amount of Goal

Pursuant to 49 CFR 26.45, LAVTA will establish an overall goal (either annual or project specific) for DBE participation in DOT-assisted contracts.

Methodology used to Calculate Overall Goal

The following is a summary of the methodology we use to calculate overall goals:

Determining a Base Figure

LAVTA will determine a base figure for the relative availability of DBEs on any project by using one of the following methods (method may vary by project):

1. *DBE Directories and Census Bureau Data.* Determine the number of ready willing and able DBEs in our market from the regional directory. Using the Census Bureau's County Business Pattern data base, determine the number of all ready, willing and able businesses in our market that perform work in the same SIC codes. Divide the number of DBEs by the number of all businesses to derive a base figure for the relative availability of DBEs in our market.
2. *A bidders list.* Determine the number of DBEs that have bid or quoted on our DOT-assisted prime contracts or subcontracts in the previous year. Determine the number of all businesses that have bid or quoted on prime or subcontracts in the same time period. Divide the number of DBE bidders and quoters by the number for all businesses to derive a base figure for the relative availability of DBEs in the market.
3. *Use of a goal of another DOT recipient.* If another DOT recipient in the same or substantially similar market has set an overall goal in compliance with this rule, we may use that goal as a base figure for our goal.
4. *Alternative methods.* A methodology not stated in the rule that provides a goal that is rationally related to the relative availability of DBEs in our market.

Adjusting a Base Figure

As required in the rule, LAVTA will adjust the base figure so that it reflects as accurately as possible the DBE participation we can expect in the absence of discrimination. Possible information used to adjust the based figure is:

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1. Demonstrated evidence of DBE capacity to perform work on LAVTA's project;
2. Real market conditions;
3. Disparity studies conducted within the jurisdiction that satisfy the requirements of 49 CFR 26.45; and
4. Other relevant factors.

Section 26.47 Goal Shortfall Analysis

If LAVTA's awards and commitments, as shown on its Uniform Report of Awards or Commitments and Payments at the end of the three-year goal period are less than the overall goal applicable to that period, LAVTA shall Analyze in detail the reasons for the difference between the overall goal and LAVTA's awards and commitments in that period. Additionally, LAVTA will establish specific steps and milestones to correct the problems identified. The authority will retain the analysis and corrective action in its records, in the FTA, DBE file on the shared drive for seven years and make it available to the FTA upon request.

Section 26.49 Transit Vehicle Manufacturers Goals

The Authority shall require any transit vehicle manufacturers to certify that they have established an overall DBE goal that has been approved or not disapproved, at the time of solicitation, by FTA as a condition to bid on any Authority contracts. Before awarding to a TVM, the Authority shall verify that the bidder is listed on FTA's eligible TVM list at, <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/eligible-transit-vehicle-manufacturers>. The Authority shall complete the Vehicle Award Report to notify FTA of the TVM procurement award within 30 days of making such award. This reporting requirement is extended to subrecipients.

Expenditures for FTA-assisted transit vehicle procurements are not included in the funding base to which the overall goal and/or project goal for other FTA-assisted contract expenditures applies.

Project-specific goals for DBE participation are established for procurements of transit vehicles from specialized manufacturers when a TVM cannot be identified. The Authority will seek FTA's approval for the decision to use a DBE project-specific goal before the issuance of a public solicitation for such vehicles TVMs are not available to produce. The Authority will follow the procedures for goal-setting in 26.45.

Section 26.51 Regional Outreach

The DBELO is designated by the Executive Director to represent the Authority as a member of appropriate regional outreach consortia. The Authority will participate in such group programs, activities and efforts in the San Francisco Bay Area to create a level playing field on which DBEs can compete fairly; to enhance outreach and communication efforts with these firms;

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to provide appropriate assistance and information for participation in U.S. DOT-assisted contracts and other contracts; and to develop joint resources among recipients. To this end, the DBELO and/or designated staff will attend scheduled meetings of such groups and will contribute to the achievement of their projects approved by the Executive Director

Section 26.51(a-c) Breakout of Estimated ~~DBE~~-Neutral & ~~DBE~~-Conscious Participation

LAVTA will meet the maximum feasible portion of its overall goal by using ~~DBE~~-neutral means of facilitating DBE participation. LAVTA uses the following ~~DBE~~-neutral means to increase DBE participation:

1. Ensuring the inclusion of DBEs, and other small businesses on recipient mailing lists for bidders;
2. Ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors;
3. Ensuring distribution of our DBE directory through electronic means to the widest feasible audience of potential prime contractors; and
4. Providing assistance in overcoming limitations such as inability to obtain bonding or finances (e.g. by such means as simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids).

~~In order to ensure that our DBE program will be narrowly tailored to overcome the effects of discrimination, we~~ We will adjust the estimated breakout of ~~DBE~~-neutral and ~~DBE~~-conscious participation as needed to reflect actual DBE participation (see 26.51 (f)) and we will track and report ~~DBE~~-neutral and ~~DBE~~-conscious participation separately. For reporting purposes, ~~DBE~~-neutral DBE participation includes, but is not necessarily limited to, the following: DBE participation through a prime contract 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 on a prime contract exceeding a contract goal; and DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

Section 26.51(d)-(g) Contract Goals

~~After the CUCP has completed the reevaluation process described in 49 CFR § 26.111,~~ LAVTA will use contract goals to meet any portion of the overall goal LAVTA does not project being able to meet using ~~DBE~~-neutral means, ~~in accordance with 49 CFR 26.51.~~ Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of our overall goal that is not projected to be met through the use of ~~DBE~~-neutral means.

We will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. We need not establish a contract goal on every such contract, and the size of contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work, availability of DBEs to perform the particular type of work).

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~~We express our contract goals as a percentage of the total amount of a DOT-assisted contract or the Federal share of a DOT-assisted contract.~~

Section 26.53 Good Faith Efforts Procedures Applicable to Contracts for Which There is a Contract Goal

Demonstration of good faith efforts (26.53(a) & (c))

~~The obligation of the bidder/offeror is to make good faith efforts. If LAVTA establishes a DBE contract goal, it will award the contract only to a bidder/offeror who makes good faith efforts to meet it. LAVTA will determine that a bidder/offeror has made good faith efforts if the bidder/offeror does either of the following things: (1) Documents that it has obtained enough DBE participation to meet the goal; or (2) Documents that it made adequate good faith efforts to meet the goal, even though it did not succeed in obtaining enough DBE participation to do so. If the bidder/offeror does document adequate good faith efforts, LAVTA will not deny award of the contract on the basis that the bidder/offeror failed to meet the goal. LAVTA will use Appendix A of 49 CFR Part 26 for guidance in determining the adequacy of a bidder/offeror's good faith efforts.~~

~~The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. See Attachment 4 for Good Faith Effort forms. Examples of good faith efforts are found in Appendix A to Part 26. LAVTA will include a Good Faith Effort form in solicitations subject to a DBE contract goal. Bidders/proposers who fail to meet the contract goal will be required to ~~be~~ submit a completed Good Faith Effort form ~~included~~ with their bid/proposal.~~

The DBELO is responsible for determining whether a bidder/offeror has meet the contract goal or who has not met the contract goal has documented sufficient good faith efforts to meet the contract goal to be ~~regarded as responsive or responsible~~ to the solicitation.

We will ensure that all information is complete and accurate and adequately documents the bidder/offeror's good faith efforts before we commit to the performance of the contract by the bidder/offeror.

Information to be submitted (26.53(b))

LAVTA treats bidder/offeror's compliance with good faith efforts' requirements as a matter of responsiveness.

Each solicitation for which a contract goal has been established will require the bidders/offerors to submit the following information with their bid/proposal:

1. The names, ~~and~~ addresses, and certification numbers of DBE firms that will participate in the contract;
2. A description of the work that each DBE will perform;
3. The dollar amount of the participation of each DBE firm participating;
4. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;

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5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractors commitment and
6. If the contract goal is not met, evidence of good faith efforts.

For design-build contracts subject to a DBE contract goal with minimal-project details at the time of advertisement, Contractors must submit a DBE “Open-Ended DBE Performance Plan (OEPP)” with their proposals. An OEPP must include:

- (i) a commitment to meet the DBE goal for the entire project;
- (ii) provide details on the types of subcontracting work or services (with projected dollar amount) that the proposer will solicit to DBEs to perform; and
- (iii) estimated time frame when the DBE subcontracts will be executed.

An OEPP may be modified by mutual agreement between the Authority and Contractor throughout the life of the project, as long as the Contractor continues to use good faith efforts to meet the goal. Authority staff will conduct ongoing monitoring and oversight to determine whether the Contractor is using good faith efforts to comply with the OEPP.

Administrative reconsideration (26.53(d))

Within ~~48 hours~~^{10 days} of being informed by LAVTA that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official: Legal Counsel, 1362 Rutan Court #100, Livermore, CA 94550, (925) 455-7555. The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeror will have the opportunity to meet in person with our reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do so. We will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the Department of Transportation.

Good Faith Efforts when a DBE is replaced on a contract ~~subject to a DBE contract goal~~ (26.53(f))

We will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. We will require the prime contractor to notify the DBE Liaison Officer immediately of the DBE’s inability or unwillingness to perform and provide reasonable documentation.

In this situation, we will require the prime contractor to obtain our prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts. If the contractor fails or refuses to comply in the time specified, our contracting office will issue an order stopping all or part of payment/work until satisfactory action has been

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taken. If the contractor still fails to comply, the contracting officer may issue a termination for default proceeding.

Sample Bid Specification for contracts subject to DBE contract goals:

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of LAVTA to practice nondiscrimination based on race, color sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offerors, including those who qualify as a DBE. A DBE contract goal of ____ percent has been established for this contract. The bidder/offeror must meet the DBE contract goal or make good faith efforts, as defined in Appendix A, 49 CFR 26 (Attachment 1), to meet the contract goal for DBE participation in the performance of this contract.

The bidder/offeror will be required to submit the following information on the forms and in the manner prescribed by LAVTA: (1) the names and addresses of DBE firms that will participate in the contract; (2) a description of the work that each DBE firm will perform; (3) the dollar amount of the participation of each DBE firm participating; (4) Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal; (5) Written confirmation from the DBE that it is participating in the contract as provided in the commitment made under (4); and (5) if the contract goal is not met, evidence of good faith efforts.

Section 26.55 Counting DBE Participation

Only the work actually performed by a DBE will be counted towards the DBE goal. The cost of supplies and materials obtained by the DBE or equipment leased (except supplies and equipment the DBE subcontractor purchases or leases from the prime contractor or its affiliate) may also be counted.

Work that a DBE subcontracts to a non-DBE firm does not count toward DBE goals. Expenditures may only be counted if the DBE is performing a commercially useful function. A DBE should perform at least thirty percent (30%) of the total cost of its contract with its own work force. If a DBE does not perform or exercise responsibility for at least 30% of the total cost of its contract with its own work force, or the DBE subcontracts a greater portion of the work of a contract than would be expected within normal industry practice for the type of work involved, LAVTA will presume that it is not performing a commercially useful function.

If materials or supplies are obtained from a DBE manufacturer, as defined in the Regulations, 100 percent (100%) of the cost will be counted. If the materials and supplies are purchased from a DBE regular dealer, as defined in the Regulations, 60 percent (60%) of the cost will be counted.

If the materials or supplies are purchased from a DBE distributor that neither maintains sufficient inventory nor uses its own distribution equipment for the products in question, 40 percent (40%) of the cost of materials or supplies (including transportation costs) will be counted. A DBE distributor is an established business that engages in the regular sale or lease of the items specified by the contract. A DBE distributor assumes responsibility for the items it purchases once

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they leave the point of origin (e.g., a manufacturer's facility), making it liable for any loss or damage not covered by the carrier's insurance. A DBE distributor performs a CUF when it demonstrates ownership of the items in question and assumes all risk for loss or damage during transportation, evidenced by the terms of the purchase order or a bill of lading (BOL) from a third party, indicating Free on Board (FOB) at the point of origin or similar terms that transfer responsibility of the items in question to the DBE distributor. If these conditions are met, DBE distributors may receive 40 percent for drop-shipped items. Terms that transfer liability to the distributor at the delivery destination (e.g., FOB destination), or deliveries made or arranged by the manufacturer or another seller do not satisfy this requirement. Primes are required to submit with their bid the *DBE Regular Dealer/Distributor Affirmation Form*, a form designated by the Authority.

A DBE may be a regular dealer in such bulk items as petroleum products, steel, concrete or concrete products, gravel, stone, or asphalt without owning, and operating, or maintaining a place of business as provided in 49 CFR § 26.55 (e)(2)(ii) if the firm both owns and operates distribution equipment used to deliver the products. Any supplementing of regular dealers' own distribution equipment must be by a long-term operating lease and not on an ad hoc or contract-by-contract basis.

DBE achievement will not be counted toward the goal until the DBE has been paid. The DBELO will track the participation of DBEs in contract-specific goal contracts separately from the participation of DBEs that is considered ~~DBE-ace~~-neutral. Additionally, the DBELO will not count that portion of a DBE's participation that is achieved after the certification of the DBE has been removed during the performance of a contract, with the exception of 49 C.F.R. 26.87(j)(3).

If an agreement has been executed between a prime contractor and a DBE subcontractor, before the certifying agency has notified the DBE subcontractor of its decertification, the prime contractor may continue to use the decertified DBE subcontractor. The prime contractor may also continue to receive DBE credit for the full payment made to the decertified DBE subcontractor, but the Authority cannot count the continued performance by the decertified DBE subcontractor towards the Authority's overall DBE program goal.

If the decertified DBE subcontractor merges or is purchased by a non-DBE, the prime contractor will not receive DBE credit for utilizing that subcontractor and the Authority may not count the decertified DBE subcontractor's participation towards the Authority's overall DBE program goal. The prime contractor may not add work to the decertified DBE subcontractor's scope of work after notification of decertification without the consent of the Authority.

SUBPART D – DBE CERTIFICATION STANDARDSS

Section 26.61—26.73 Certification Process

~~LAVTA will use the certification standards of Subpart D of Part 26 and the certification procedures of Subpart E of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards.~~

~~LAVTA uses DBE vendors certified by the Unified California Certification Process of the state of California. Their certification application form and documentation requirements can be found at the following World Wide Web address: <https://californiaucp.dbesystem.com>~~

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SUBPART E – CERTIFICATION PROCEDURES

Section 26.81 – Unified Certification Programs

~~LAVTA uses the statewide Unified Certification Program. As such, LAVTA does not provide certification procedures itself. Interested parties are encouraged to use the World Wide Web to obtain contact information on the most recent roster of certifying agencies.~~

~~<https://dot.ca.gov/-/media/dot-media/programs/civil-rights/documents/certification/cuep-roster-of-certifying-agencies-revised-4-23-24-a11y.pdf> (ca.gov)~~

Section 26.83 – Procedures for Certification Decisions

Re-certifications 26.83(a) & (c)

~~The California Unified Certification Program (CUCP) is responsible for DBE certifications in the state of California. LAVTA relies on the state-wide CUCP's DBE certification program, and currently does not recertify or make certification decisions. For information on the CUCP, please visit: <https://californiaucp.dbesystem.com/>.~~

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SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.109 – Information, Confidentiality, Cooperation

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

Notwithstanding any contrary provisions of state or local law, we will not release personal financial information submitted in response to the personal net worth requirement to a third party (other than DOT) without the written consent of the submitter.

Monitoring payments to DBEs

We will require prime contractors to maintain records and documents of payments to DBEs for three years following the performance of the contract. These records will be made available for inspection upon request of any authorized representative of LAVTA or DOT. This reporting requirement also extends to any certified DBE subcontractor. We will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award.

We will perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE participation.

ATTACHMENTS

Attachment 1 Organizational Chart

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Attachment 2 Form 1 & 2 for Contract Goals

21161911.220

Attachment 1
Organizational Chart

21161911.221

Attachment 2**Forms 1 & 2 for Contract Goals**

*Forms 1 and 2 will be placed in solicitations where a DBE contract goal has been established.
Forms 1 and 2 will not be incorporated into contracts without DBE contract goals.*

FORM 1: DISADVANTAGED BUSINESS ENTERPRISE (DBE) UTILIZATION

The undersigned bidder/offeree has satisfied the requirements of the bid specification in the following manner (please check the appropriate space):

_____ the bidder/offeree is committed to a minimum of _____% DBE utilization on this contract.

_____ the bidder/offeree (if unable to meet the DBE goal of _____%) is committed to a minimum of _____% DBE utilization on this contract and submits documentation demonstrating good faith efforts (Documentation must be attached to Form 1).

Name of bidder/offeree's firm: _____

State Registration No. _____

By _____ Title _____
(Signature)

FORM 2: LETTER OF INTENT

Name of bidder/offeree's firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Name of DBE firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

Description of work to be performed by DBE

21161911.222

The bidder/offeror is committed to utilizing the above-named DBE firm for the work described above. The estimated dollar value of this work is \$ _____.

Affirmation

The above-named DBE firm affirms that it will perform the portion of the contract for the estimated dollar value as stated above.

By _____
(Signature) (Title)

If the bidder/offeror does not receive award of the prime contract, any and all representations in this Letter of Intent and Affirmation shall be null and void.

(Submit this page for each DBE subcontractor.)

STAFF REPORT

SUBJECT: Contract Award for RFP #2025-08 for Wheels Access Mobility Management Services

FROM: Kadri Kūlm, Senior Paratransit Planner
Jennifer Yeamans, Senior Grants & Management Specialist

DATE: January 5, 2026

Action Requested

Staff recommend that the Board of Directors award a contract for Wheels Access Mobility Management Services to ADARide.com, LLC for an initial two-year base term with three one-year option terms exercisable at LAVTA's sole discretion, for a maximum compensation amount of \$986,970.

Background

In 2019, LAVTA and the City of Pleasanton completed the Mobility Forward Tri-Valley Paratransit study, which made several recommendations to improve the effectiveness of the organization, management, and delivery of paratransit service in the Tri-Valley. These included enhancements to LAVTA's ADA paratransit (Dial-a-Ride) eligibility screening process and implementation of a "Tri-Valley Coordinated Transit Strategy" for older adults and people with disabilities, including transit-orientation, coordinated public information delivery, and mobility management approaches to improve ease-of-use for customers and ensure rides are the most cost-effective mode for any given specific trip.

In May 2024, the Alameda County Transportation Commission awarded LAVTA a Paratransit Discretionary Grant Program grant for a new project targeting older adults and people with disabilities called "Wheels Access – Expanding Mobility Options in the Tri-Valley," which aimed to integrate and coordinate several existing specialized transportation programs with new initiatives through

- 1) establishing a new Mobility Management program to provide individualized consultation and travel training targeting seniors and persons with disabilities, including promotional incentives to use electronic payments for certain trips,
- 2) continuing the popular Para-Taxi Reimbursement/PEX Debit Card program which provides a same-day accessible travel option, and
- 3) providing operating support within Alameda County for the multi-jurisdictional One Seat Ride program, an enhanced ADA paratransit service developed in response to long-standing community requests

Concurrently, as ridership on Dial-a-Ride, LAVTA's ADA-mandated paratransit service, has continued to rebound after the pandemic, LAVTA identified a need to revisit the 2019

recommendation to enhance the ADA eligibility screening process, and integrate the eligibility determination process with additional consultation and service offerings to help users entering the process understand and be able to access the maximum range of travel options.

To use staff resources more efficiently and organize customer-facing efforts around a coordinated approach to providing specialized transportation services, in October 2025 LAVTA issued Request for Proposals (RFP) #2025-08 for Wheels Access Mobility Management Services. This RFP followed two earlier attempts to solicit similar services in December 2024 and March 2025 that did not result in contract awards, with LAVTA making refinements to both scope and business outreach efforts following each previous solicitation.

RFP Process

LAVTA issued RFP #2025-08 on October 9, 2025, and proposals were due on November 14. The solicitation was posted on LAVTA's Bonfire Procurement Portal and e-mailed to known vendors, and advertised in the East Bay Times. A virtual pre-proposal conference was held on October 28, and one addendum was issued providing clarifications and answers to questions received. LAVTA received three (3) proposals prior to the submission deadline from the following firms:

- ADARide.com LLC; Carson, California
- MV Transportation, Inc., Dallas, Texas
- Transdev Services, Inc., Lombard, Illinois

Proposals were evaluated based on the criteria included with the RFP:

Evaluation Criteria	Max Points
Company Qualifications, Experience & References	22
Qualifications and Experience of Key Personnel	22
Project Understanding and Management Plan	21
Reasonableness of Cost	35
Total =	100

The evaluation committee included LAVTA staff familiar with and responsible for paratransit operations and customer service, and familiar with the services offered and mobility needs of older adults and persons with disabilities in the Tri-Valley. The committee reviewed the proposals to evaluate and rank the relative strengths of each firm, and subsequently conducted interviews via teleconference on December 2 and 3, with all three proposers. Staff contacted and confirmed references for these proposers. Following interviews, the committee requested revised proposals from two of the firms and further clarifications about the project understanding from the third. Following rescoring based on these responses, the evaluation committee concluded that LAVTA's interests would be best served by ADARide.com LLC. The evaluation committee's final composite scores were as follows:

Firm	Total Points (Avg/ 100 points)
ADARide.com LLC	78.5
Transdev Services, Inc.	69.25
MV Transportation Inc.	61.75

Discussion

The proposal from ADARide.com demonstrated significantly more breadth and depth of specialized experience and familiarity with coordinating transportation services for the target populations than the other proposers. ADARide.com can provide an independent “arm’s length” relationship with LAVTA’s other service providers when helping to determine the most cost-effective service delivery model for customers’ mobility needs. They also have existing locations in Pleasanton and Livermore where staff can host in-person mobility conferencing, travel training, and offer localized support by phone. The evaluators found their experience integrating with health and social service providers to be superior compared to the other proposers. ADARide.com LLC have provided similar services to other Bay Area transit agencies including SamTrans and Napa Valley Transportation Authority, as well as nearby agencies such as Santa Cruz METRO and others throughout California and nationwide.

Fiscal Impact

Funding for the project’s first year is included in the FY26 budget, and in future years as shown below. The maximum compensation amount that may be expended under the contract is \$986,970 and is subject to future Board-approved funding for the option years.

The 50% portion of the work to conduct ADA paratransit eligibility assessments is 100% LAVTA-funded; the 50% of the work to carry out mobility management activities is funded 63% by Alameda CTC’s Paratransit Discretionary Grant Program (PDGP) as follows, for an overall local cost share of 68% in the base term and 75% for the maximum term, though LAVTA would apply for future PDGP or other grant funding to continue the program if successful, as currently only four years of grant funding is programmed for the project:

Fund Source	Base Term (2 years)	%	Option Years (3 Max)	5-Year Max Total	%
ACTC PDGP	\$125,462	32%	\$121,946	\$247,408	25%
Local Match	\$271,391	68%	\$468,171	\$739,562	75%
Total	\$396,853	100%	\$590,117	\$986,970	100%

Recommendation

Staff recommend the Board of Directors approve Resolution 01-2026, authorizing the Executive Director to execute a contract for Wheels Access Mobility Management Services to ADARide.com, LLC for an initial two-year base term with three one-year option terms exercisable at LAVTA’s sole discretion, for a maximum compensation amount of \$986,970.

Attachment:

1. Resolution 01-2026

RESOLUTION 01-2026

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE LIVERMORE AMADOR VALLEY TRANSIT AUTHORITY
AWARDING THE WHEELS ACCESS MOBILITY MANAGEMENT SERVICES
CONTRACT TO ADARIDE.COM, LLC FOR A MAXIMUM COMPENSATION
AMOUNT OF \$986,970**

WHEREAS, LAVTA requires the services of a qualified firm to provide mobility management services under the branding name of Wheels Access; and

WHEREAS, the agency issued Request for Proposals (RFP) #2025-08, Wheels Access Mobility Management Services, seeking a firm to provide a range of mobility services related to travel navigation, ADA paratransit eligibility assessments, travel training, and implementing an Electronic Fare Media Incentive Program, among other tasks requested in the RFP; and

WHEREAS, LAVTA utilized the “Best Value” method for procurement, in conformance with applicable procurement guidelines and procedures; and

WHEREAS, the evaluation committee reviewed the three proposals received in response to the RFP, conducted interviews and requested revisions and clarifications from all three proposers, and determined that the proposal from ADARide.com, LLC is responsive to the RFP, provides the best value to LAVTA, and the proposer is responsible; and

WHEREAS, the term of the Agreement will be for a two (2) year base term with up to three (3), one-year option terms as outlined in the RFP; and

WHEREAS, the maximum compensation amount that may be expended under this contract is \$986,970, and funds for the contract shall be within the annual budget adopted by the Board of Directors; and

WHEREAS, staff recommends that the Board of Directors authorize the Executive Director to enter into a contract with ADARide.com, LLC for Wheels Access Mobility Management Services;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Livermore Amador Valley Transit Authority that the Executive Director is authorized to enter into a contract for Wheels Access Mobility Management Services with ADARide.com, LLC for a two year base term for a maximum compensation amount of \$396,853 in a form approved by Legal Counsel; and

BE IT FURTHER RESOLVED that the Board authorizes the Executive Director to exercise three optional one-year contract extensions, which are exercisable at LAVTA's sole discretion for a maximum compensation amount of \$590,117, and to take all other actions necessary to give effect to this Resolution.

PASSED AND ADOPTED this 5th day of January 2026.

Julie Testa, Chair

Attest:

Christy Wegener, Executive Director

STAFF REPORT

SUBJECT: Innovative Clean Transit Regulation Overview and Zero Emissions Transition Status Update

FROM: Christy Wegener, Executive Director

DATE: January 5, 2026

Action Requested

None – information only

Background

This informational update is meant to provide the background of State of California’s Innovative Clean Transit (ICT) regulation, LAVTA’s 2022 Zero Emission Bus (ZEB) Rollout Plan, challenges agencies have encountered in meeting the regulation, and LAVTA’s next steps in 2026.

Discussion

ICT Regulation

On December 14, 2018, the California Air Resources Board (CARB) enacted the Innovative Clean Transit (ICT) regulation, setting an unfunded mandate for California public transit agencies to have zero-emission heavy-duty bus fleets by 2040. The regulation specifies the percentage of new bus procurements that must be zero-emission buses for each year of the transition period (2023–2040) and sets different purchasing milestones for small and large transit agencies. LAVTA is defined as a Small Transit agency, having fewer than 100 buses in peak service. The annual percentages for Small Transit agencies are as follows:

ICT Zero-Emission Bus Purchase Requirements for Small Agencies:

- January 1, 2026 - 25% of all new bus purchases must be zero-emission
- January 1, 2027 - 25% of all new bus purchases must be zero-emission
- January 1, 2028 - 25% of all new bus purchases must be zero-emission
- January 1, 2029+ - 100% of all new bus purchases must be zero-emission
- March 2021-March 2050 – Annual compliance report due to CARB

The ICT regulation requires each transit agency to submit a ZEB Rollout Plan (Rollout Plan) before ZEB purchase requirements take effect. The Rollout Plan is meant to be a living document to guide the implementation of ZEB fleets and help agencies work through many of the potential challenges and explore solutions. LAVTA’s plan was completed and submitted to CARB in April 2022 and is included as Attachment 1. ICT also requires annual compliance reporting.

CARB indicates there are offramps and exemptions available to agencies who are unable to meet the ICT regulation, however, the exemption process is unclear.

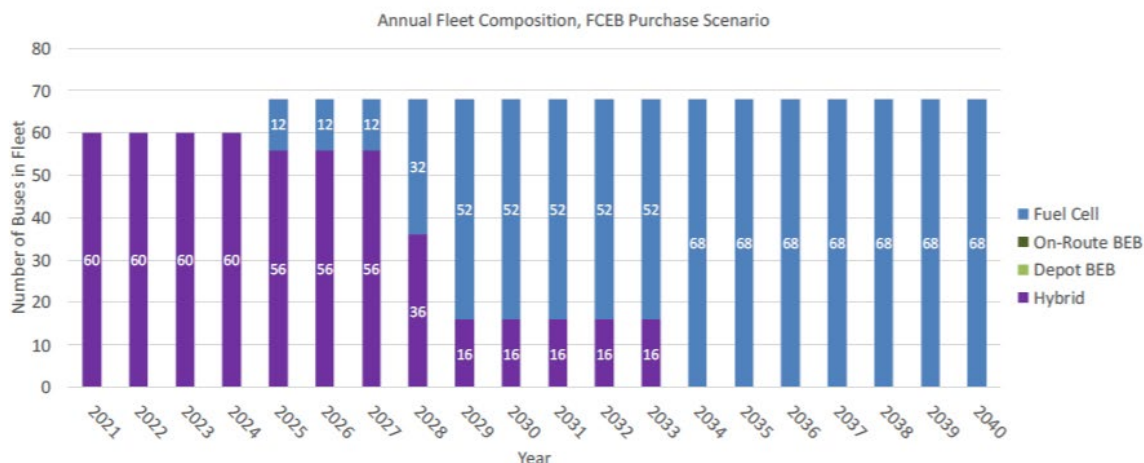
LAVTA's 2022 ICT Rollout Plan

In 2022, the LAVTA Board approved an ICT Plan that identified a future zero-emission fleet comprised of 100% hydrogen fuel cell electric buses (FCEB). At that time, LAVTA's fleet transition strategy was to never purchase another internal combustion engine (ICE) bus and instead replace ICE buses with an FCEB as they reach the end of their useful life beginning with the purchase of 12 FCEB in 2025. The ICT Plan as it was written achieved full zero emissions by 2034.

In developing the ICT Plan, LAVTA and consultant CTE explored three possible ZEB transition scenarios, landing on an FCEB-only fleet as the preferred technology.

- Battery Electric Bus (BEB) only: At the time the plan was adopted, LAVTA decided against a BEB only fleet due to the limited range of the vehicles and the difficulty of adding on-route chargers which would be required to meet the agency's service portfolio.
- Mixed Fleet (BEB & FCEB): LAVTA also decided not to pursue a fleet composed of both BEB and FCEB technologies since such a fleet would require the construction of infrastructure to support fueling and maintaining both technologies at the depot.
- FCEB only: Although the FCEB-only scenario was only slightly more expensive than the other scenarios when using 2022 pricing, this technology was also newer, and the consultants were at that time confident that hydrogen prices would reduce over time.

The following replacement schedule was identified:



LAVTA's ZEB transition plan of a 100% FCEB requires funding to fully construct the Atlantis Facility, new FCEB rolling stock, and hydrogen fueling infrastructure.

Since the time LAVTA's ICT Plan was approved, LAVTA has pursued funding from a variety of Regional, State and Federal sources to fund elements of the Plan, securing approximately \$9.5M for a permanent (15,000 Gal) hydrogen fueling station, as well as funding for 45' FCEB buses for future 680 Express Service. LAVTA recently received \$63.95M from Low No for the Atlantis Operations/Administration and Maintenance buildings.

MTC 2024 Zero Emission Transition Report

In 2024, MTC published a ZEV report which was designed to aggregate the cost of the full ZEV transition for the Bay Area's transit agencies. The report identifies capital costs of up to \$7.6B for all zero-emissions infrastructure and facility-related costs to fully transition the Bay Area's transit agencies to zero emissions, with a funding shortfall of approximately \$5.0B. The report identifies that the funding available is not committed and is largely discretionary based.

While the report identifies some areas for collaboration, such as shared procurements, working groups to share information, workforce development, and emergency response, it also identifies all the risks to meeting the CARB mandate, including:

- Timeline of facility infrastructure upgrade delays
- Timeline of utility capacity upgrades
- Inability to get utility capacity upgrades from PG&E
- Insufficient funding for rolling stock and infrastructure
- Operating costs grow beyond projections

Additional efforts are underway at the State and Regional Level to better understand what it will take for agencies to comply with the ICT, as well as to track which agencies are applying for exemptions. LAVTA participates in the MTC Zero Emissions Vehicle Working Group.

LAVTA's Immediate Next Steps in 2026

Given a number of variables, including: the reduction in Federal and State discretionary funding, the high cost of hydrogen, the lack of availability of hydrogen, the high cost of FCEB rolling stock, the state of American bus manufacturers, and LAVTA's structural operating deficit, we will be revisiting its ICT plan and updating the assumptions made in 2022 to consider a non-FCEB only future.

LAVTA engaged with CTE to revisit the ICT rollout plan and determine the conversion cost and total cost of ownership for previously analyzed scenarios, as well as including a new mixed fleet scenario with fewer FCEB buses. The updated plan will consider the funding LAVTA received for the hydrogen fueling station and contemplate different sizes and use cases and will guide LAVTA's next steps with procuring hydrogen technology. The 2026 ICT Rollout Plan Update will be complete in early Spring 2026.

LAVTA's 2025 bus purchase includes 12 buses; originally programmed to be all FCEB per the 2022 ICT plan, in 2025 LAVTA modified programming to 8 diesel-hybrid and 4 FCEB. LAVTA is proceeding with purchasing 8 diesel-hybrid buses off the Washington State Contract which was approved by the Board in late 2025. The purchase of the remaining 4 FCEB buses, or a recommendation to re-program those funds to an alternate energy source, will be made after the 2026 ICT Rollout Update is complete.

Recommendation

None – Information only

Attachments:

1. 2022 ICT Rollout Plan



The Livermore Amador Valley Transit Authority (LAVTA)

Zero-Emission Bus Rollout Plan

Prepared by Center for Transportation and the Environment



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List of Abbreviations

ADA: Americans with Disabilities Act
 A&E: Architecture and Engineering
 ACTC: Alameda County Transportation Commission
 BEB: Battery Electric Bus
 CA: California
 CARB: California Air Resources Board
 CNG: Compressed Natural Gas
 COVID/COVID-19: Coronavirus Disease 2019 (SARS-CoV-2)
 CTE: Center for Transportation and the Environment
 DAC: Disadvantaged Community
 FCEB: Fuel Cell Electric Bus
 HVAC: Heating, Ventilation, and Air Conditioning
 ICE: Internal Combustion Engine
 ICT: Innovative Clean Transit
 kW: Kilowatt
 kWh: Kilowatt-Hour
 LAVTA: Livermore Amador Valley Transit Authority
 MTC: Metropolitan Transportation Commission
 MV: MV Transportation
 MW: Megawatt
 OEM: Original Equipment Manufacturer
 OET: Operator Excellence Training
 PM: Particulate Matter
 PPI: Producer Price Index
 RCNG: Renewable Compressed Natural Gas
 RFP: Request for Proposals
 SCE: Southern California Edison (SoCal Edison)
 TDA: Transportation Development Act
 VTT: Verification of Transit Training
 ZEB: Zero-Emission Bus
 A glossary of useful terms can also be found in Appendix C – Glossary



Executive Summary

Livermore Amador Valley Transit Authority (LAVTA) provides transportation services to communities in Alameda County and the cities of Dublin, Livermore, and Pleasanton. LAVTA's mission is "to provide equal access to a variety of safe, affordable and reliable public transportation choices, increasing the mobility and improving the quality of life of those who live or work in and visit the Tri-Valley area." LAVTA's bus service provides key transportation access to the state-designated low-income community of North Livermore.

LAVTA currently operates 60 diesel-hybrid buses of varying sizes: 30-ft., 35-ft., and 40-ft. buses. LAVTA has future plans to expand to a 68-bus fleet. The paratransit service is currently operated by a third party and uses sedans and accessible vans.

Based on outcomes of the transition planning study completed by the Center for Transportation and the Environment (CTE), LAVTA plans to transition its fleet entirely to fuel cell electric buses (FCEB). By 2034, LAVTA expects to operate a zero-emission fleet of 68 40-ft. FCEBs. The paratransit service was excluded from LAVTA's ZEB Transition Plan at this time as sedans and vans are currently exempt from the ICT Regulation.

All of LAVTA's services operate out of a single operations/maintenance/administrative facility at 1362 Rutan Court in Livermore, California. The population grow in the Tri-Valley is expected to increase by 50 percent by 2040, it is expected LAVTA will increase service proportionately for the same period. For this reason, LAVTA is conducting site planning for a new depot, which will be designed to accommodate the storage, maintenance, and fueling of up to 120 FCEBs. LAVTA has also developed a contingency plan for maintaining and fueling FCEBs at the current facility should construction of the new depot lag behind bus procurement. The agency estimates that pursuing a ZEB fleet in place of an ICE fleet will cost an additional \$61.8 million in bus and infrastructure costs between 2021 and 2034.

To support this fleet transition process, LAVTA will build upon an existing training protocol to provide the necessary FCEB-specific training. LAVTA also plans to pursue funding opportunities at the federal, state, and local levels. which will require significantly more funding opportunities.





Transit Agency Information

LAVTA Profile

Livermore-Amador Valley Transit Authority (LAVTA) operates the *Wheels* bus system and provides bus services to communities in Alameda County and the cities of Dublin, Livermore, Pleasanton. The agency operates 29 fixed-service bus routes and door-to-door service for disabled riders and partners with Uber and Lyft for riders to supplement bus services. Before the COVID-19 pandemic, LAVTA provided 7,500 rides per day on fixed-route service and 150 trips per day on paratransit. LAVTA is currently operating at approximately 70 percent of pre-pandemic levels of service and is planning to increase service as demand increases over the next several years.

LAVTA currently has one depot, located on Rutan Court. LAVTA expects to move to a new facility located at Atlantis Court by 2025.

1. LAVTA Current Facility: 1362 Rutan Court, Livermore, CA 94551
2. LAVTA Future Facility: 875 Atlantis Court, Livermore, CA 94551

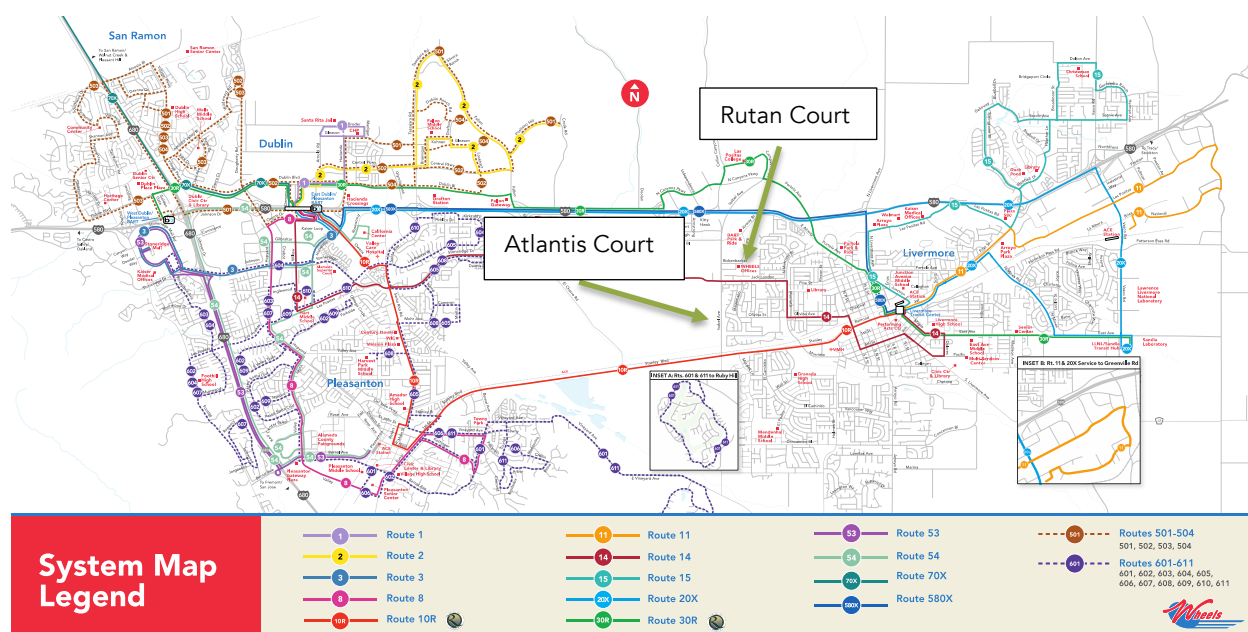


Figure 1 - LAVTA System Map Highlighting Facility Locations



LAVTA Basic Information

Transit Agency's Name:

Livermore-Amador Valley Transit Authority

Mailing Address:

Livermore-Amador Valley Transit Authority
1362 Rutan Court, Suite 100
Livermore, CA 94551

Transit Agency's Air Districts:

San Francisco Bay Area

Transit Agency's Air Basin:

San Francisco Bay Area

Total Number of Buses in Annual Maximum Service:

60 diesel-hybrid buses and 9 paratransit vehicles (sedans and accessible vans)

Urbanized Area:

40 square miles

Population of Urbanized Area:

238,310 people

Contact Information for Inquiries on the LAVTA ICT Rollout Plan:

Toan Tran, *Director of Operations and Innovation*
ttran@lavta.org

Is your transit agency part of a Joint Group?

No

LAVTA's Sustainability Goals

LAVTA has developed a plan to transition to a fully fuel cell electric bus (FCEB) fleet by 2034, which exceeds the Innovative Clean Transit (ICT) goal of 2040 by six years. LAVTA has committed to purchasing exclusively zero-emission vehicles beginning in 2025, demonstrating the agency's commitment to reducing emissions. In line with the environmental values of LAVTA's Short Range Transit Plan (SRTP), expediting the plan is a means to improve air quality and conserve natural resources. This initiative also contributes to the SRTP's goal for community and economic development, by advocating for increased transit-oriented developments while responding to the SB 375 directive to address climate change and reduction of greenhouse gases (GHG).

The LAVTA Board has been fully supportive throughout the development of the FCEB transition plan. The cities of Dublin, Livermore, and Pleasanton, and also Alameda County, have all adopted Climate Action Plans that strategize to meet GHG reduction targets, ultimately benefiting communities through cleaner air, greater independence from fossil fuels, and more environmental sustainability.



B

Rollout Plan General Information

Overview of the Innovative Clean Transit Regulation

On December 14, 2018, CARB enacted the Innovative Clean Transit (ICT) regulation, setting a goal for California public transit agencies to have zero-emission bus fleets by 2040. The regulation specifies the percentage of new bus procurements that must be zero-emission buses for each year of the transition period (2023–2040). The annual percentages for Small Transit agencies are as follows:

ICT Zero-Emission Bus Purchase Requirements for Small Agencies:

January 1, 2026 - 25% of all new bus purchases must be zero-emission

January 1, 2027 - 25% of all new bus purchases must be zero-emission

January 1, 2028 - 25% of all new bus purchases must be zero-emission

January 1, 2029+ - 100% of all new bus purchases must be zero-emission

March 2021-March 2050 – Annual compliance report due to CARB

This purchasing schedule guides agency procurements to realize the goal of zero-emission fleets in 2040 while avoiding any early retirement of vehicles that have not reached the end of their 12-year useful life. Agencies have the opportunity to request waivers that allow purchase deferrals in the event of economic hardship or if zero-emission technology cannot meet the service requirements of a given route. These concessions recognize that zero-emission technologies may cost more than current internal combustion engine (ICE) technologies on a vehicle lifecycle basis and that zero-emission technology may not currently be able to meet all service requirements.

LAVTA's Rollout Plan General Information

LAVTA's Rollout Plan achieves a zero-emission fleet ahead of the ICT's 2040 target. The last of the agency's diesel-hybrid buses will reach end of life in 2033.

Rollout Plan's Board Approval Date: April 4, 2022

Resolution No. (optional): 12-2022

Is a copy of the Board-approved resolution attached to the Rollout Plan? Yes, a copy of the Board-approved resolution is included as **Appendix A** – Approved Board Resolution



Contact for Rollout Plan follow-up questions:

Toan Tran, *Director of Operations and Innovation*

ttran@lavta.org

Livermore/Amador Valley Transit Authority

1362 Rutan Court, Suite 100

Livermore, CA 94551

Who created the Rollout Plan?

LAVTA with assistance from the Center for Transportation and the Environment (CTE).

LAVTA created their ICT Rollout Plan in combination with its Zero-Emission Bus Transition Master Plan, which explains LAVTA's plans for transition in greater detail. The Master Plan will be maintained and updated annually. As a result of CTE's fleet transition planning methodology described herein and in greater detail in the Master Plan, LAVTA decided to pursue a zero-emission fleet comprised of all fuel cell electric buses (FCEB). LAVTA's fleet transition strategy is to replace each ICE bus with an FCEB as they reach the end of their useful life, thus avoiding the early retirement of ICE buses.

This document, the ICT Rollout Plan, contains the information for LAVTA's zero-emission fleet transition trajectory as requested by the ICT Regulation. It is intended to outline the high-level plan for implementing of the transition. The Rollout Plan provides estimated timelines based on information on bus purchases, infrastructure upgrades, workforce training, and other developments and expenses that was available at the time of writing. LAVTA may update the Rollout Plan as needed as the industry continues to develop and as the Master Plan is updated.





Technology Portfolio

ZEB Transition Technology Selection

LAVTA has elected to pursue an FCEB Only fleet. The fleet is projected to be zero-emission in 2034 when it will be comprised of 68 40' FCEBs. As detailed below, LAVTA explored three possible ZEB transition scenarios: BEB Only, Mixed Fleet (BEB & FCEB), and FCEB Only. LAVTA decided against a BEB Only fleet due to the limited range of the vehicles and the difficulty of adding on-route chargers which would be required to meet the agency's service energy. LAVTA also decided not to pursue a fleet composed of both BEB and FCEB technologies since such a fleet would require the construction of infrastructure to support fueling and maintaining both technologies at the depot. This would present would be a spatial and land acquisition challenge. Also, having a small group of mechanics maintaining three technologies would pose an insurmountable challenge. A Mixed Fleet would also complicate block assignment at pullout since there would be certain blocks that could only be run by FCEBs. Although the FCEB Only scenario appeared to be slightly more expensive than the other scenarios when using 2022 pricing as the basis for fuel and fleet capital cost estimates, this technology is also newer and the agency is confident that the prices will reduce over time. LAVTA also plans to participate in the LCFS credit program, which will help offset the agency's fuel costs. LAVTA's decision to pursue an FCEB Only fleet was also encouraged by the developments in the hydrogen and FCEB markets outlined above, as well as their board and the local community.

Local Developments and Regional Market

California has become a global leader for zero-emission buses, as well as the zero-emission fuel and fueling infrastructure required to support these vehicles. California is home to four bus OEMs that manufacture zero-emission buses. Although three of these OEMs do not currently build FCEBs, growing demand for this vehicle technology may encourage these manufacturers to enter the market.

California has one of the most mature hydrogen fueling network in the nation. The state legislature has fostered growth in zero-emission fuels through the state's Low-Carbon Fuel Standard (LCFS) program, which incentivizes the consumption of fuels with a lower carbon intensity than traditional combustion fuels. California's hydrogen market has developed to support the growing number of fuel cell electric vehicles on the roads in the state. California has four medium-and-heavy-duty fueling stations in operation and four more in development. Additionally, the number of hydrogen production and distribution centers is growing to meet increased hydrogen demand as it gains popularity as a transportation fuel. One of these distribution centers, operated by First Element Fuel, is located in Livermore, CA, which is also where LAVTA's depot is located.



ZEB Transition Planning Methodology

LAVTA's ICT Rollout Plan was created in combination with LAVTA's ZEB Transition Master Plan, utilizing CTE's ZEB Transition Planning Methodology. CTE's methodology consists of a series of assessments that enable transit agencies to understand what resources and decisions are necessary to convert their fleets to zero-emission technologies. The results of the assessments help the agency decide on a step-by-step process to achieve its transition goals. These assessments consist of data collection, analysis, and modeling outcome reporting stages. These stages are sequential and build upon findings in previous steps. The assessment steps specific to LAVTA's Rollout Plan are outlined below:

1. Planning and Initiation
2. Requirements Analysis & Data Collection
3. Service Assessment
4. Fleet Assessment
5. Fuel Assessment
6. Facilities Assessment
7. Maintenance Assessment
8. Total Cost of Ownership Assessment

For **Requirements Analysis & Data Collection**, CTE collects data on the agency's fleet, routes and blocks, operational data (e.g., mileage and fuel consumption), and maintenance costs. Using this data, CTE establishes service requirements to constrain the analyses in later assessments and produce agency-specific outputs for the zero-emission fleet transition plan.

The **Service Assessment** phase initiates the technical analysis phase of the study. Using information collected in the Data Collection phase, CTE evaluates the feasibility of using zero-emission buses to provide service to the agency's routes and blocks over the transition plan timeframe from 2021 to 2040. Results from the Service Assessment are used to guide ZEB procurement plans in the Fleet Assessment and to determine energy requirements in the Fuel Assessment.

The **Fleet Assessment** projects a timeline for the replacement of existing buses with ZEBs that is consistent with LAVTA's existing fleet replacement plan and known procurements. This assessment also includes a projection of fleet capital costs over the transition timeline and is optimized to meet state mandates or agency goals, such as minimizing cost or maximizing service levels.

The **Fuel Assessment** merges the results of the Service Assessment and Fleet Assessment to determine annual fuel requirements and associated costs. The Fuel Assessment calculates energy costs through the full transition timeline for each fleet scenario, including the agency's existing fossil-fuel buses. To more accurately estimate battery electric bus (BEB) charging costs, a focused Charging Analysis is performed to simulate daily system-wide energy use. As older technologies are phased out in later years of the transition, the Fuel Assessment calculates the changing fuel requirements as the fleet transitions to ZEBs. The Fuel Assessment also provides a total fuel cost over the transition timeline.

The **Facilities Assessment** determines the infrastructure necessary to support the projected zero-emission fleet composition over the transition period based on results from the Fleet Assessment and Fuel Assessment. This assessment evaluates the required quantities of charging infrastructure and/or



hydrogen fueling station projects and calculates the costs of infrastructure procurement and installation sequenced over the transition timeline.

The **Maintenance Assessment** calculates all projected fleet maintenance costs over the transition timeline. Maintenance costs are calculated for each fleet scenario and include costs of maintaining existing fossil-fuel buses that remain in the fleet and maintenance costs of new BEBs and FCEBs.

The **Total Cost of Ownership Assessment** compiles results from the previous assessment stages to provide a comprehensive view of all fleet transition costs, organized by scenario, over the transition timeline.

Requirements Analysis & Data Collection

The Requirements Analysis and Data Collection stage begins by compiling operational data from LAVTA regarding its current fleet and operations and establishing service requirements to constrain the analyses in later assessments. CTE requested data such as fleet composition, fuel consumption and cost, maintenance costs, and annual mileage from LAVTA to use as the basis for analyses. CTE also collected GPS data from a representative sample of LAVTA's routes, which was used as the basis for modelling energy efficiencies for BEBs operating in LAVTA's service area. The calculated efficiencies were then used in the Service Assessment to determine the energy requirements of LAVTA's service.

CTE evaluated BEBs and FCEBs in LAVTA's service to support LAVTA's technology selection. The range of FCEBs, however, does not have the same level of sensitivity to environmental and operating conditions as BEBs. After collecting route and operational data, CTE determined that LAVTA's longest block is 305 miles long. Based on observed performance, CTE estimates FCEBs are able to complete any block under 350 total miles, which means that FCEB technology already has the capability to meet LAVTA's service requirements. Although FCEBs were determined to have the capability of serving all of LAVTA's routes, LAVTA did not have a full picture of which technology or combination of technologies would be the best fit for the agency at this stage of the analysis, so it was necessary to determine how much of LAVTA's service could feasibly be served by depot-only charged BEBs in order to develop a set of ZEB transition scenarios that would allow the agency to make an informed decision on what technology or technologies would be most suitable to the agency's needs.

The energy efficiency and range of BEBs are primarily driven by bus specifications, such as on-board energy storage capacity and vehicle weight. Both metrics are affected by environmental and operating variables including the route profile (e.g., distance, dwell time, acceleration, sustained top speed over distance, average speed, and traffic conditions), topography (e.g., grades), climate (e.g., temperature), driver behavior, and operational conditions such as passenger loads and auxiliary loads. As such, BEB efficiency and range can vary dramatically from one agency to another or even from one service day to another. It was therefore critical for LAVTA to determine efficiency and range estimates based on an accurate representation of its operating conditions.

To understand BEB performance on LAVTA's routes, CTE modeled the impact of variations in passenger load, accessory load, and battery degradation on bus performance, fuel efficiency, and range. CTE ran models with different energy demands that represented *nominal* and *strenuous* conditions. Nominal loading conditions assume average passenger loads and moderate temperature over the course of the day, which places low demands on the motor and heating, ventilation, and air conditioning (HVAC) system. Strenuous loading conditions assume high or maximum passenger loading and near maximum



output of the HVAC system. This nominal/strenuous approach offers a range of operating efficiencies to use for estimating average annual energy use (nominal) or planning minimum service demands (strenuous). Route modeling ultimately provides an average energy use per mile (kilowatt-hour/mile [kWh/mi]) for each route, bus size, and load case.

In addition to loading conditions, CTE modeled the impact of battery degradation on a BEB's ability to complete a block. The range of a battery electric bus is reduced over time due to battery degradation. A BEB may be able to service a given block with beginning-of-life batteries, while later it may be unable to complete the entire block at some point in the future as batteries near their end-of-life or derated capacity (typically considered 70-80% of available service energy).

Service Assessment

Given the conclusion that FCEBs could meet the range requirements for LAVTA's service, the Service Assessment focused on evaluating the feasibility of BEBs in LAVTA's service. The efficiencies calculated in the Requirements Analysis & Data Collection stage were used to estimate the energy requirements of LAVTA's service. The main focus of the Service Assessment is called the block analysis, which determines if generic battery electric technology can meet the service requirements of a block based on range limitations, weather conditions, levels of battery degradation and route specific requirements. The Transit Research Board's Transit Cooperative Research Program defines a block as "the work assignment for only a single vehicle for a single service workday".¹ A block is usually comprised of several trips on various routes. The energy needed to complete a block is compared to the available energy of the bus assigned to service the block. If the bus's usable onboard energy exceeds the energy required by the block, then the conclusion is that the BEB can successfully operate on that block.

The Service Assessment projects the performance of a BEB that is charged overnight at the depot and operates on LAVTA's service schedule at the time of the plan's writing. The results are used to determine if or when along the transition timeline, a fleet of overnight depot-charged BEBs can feasibly serve LAVTA's territory or if another zero-emission technology is required to maintain service. This information can then be used to inform the scale and timing of BEB procurements in the Fleet Assessment.

Modeling & Procurement Assumptions

CTE and LAVTA defined the following assumptions and requirements used throughout the study:

- The Service Assessment energy profile assumed a 5% improvement in battery capacity every two years with a starting battery capacity of 530 kWh, which was the average battery capacity seen in commercially-available buses in 2022.
- This analysis also assumed LAVTA will maintain blocks in a similar distribution of distance, relative speeds, and elevation changes to pre-COVID-19 service because buses will continue to serve similar locations within the service area and general topography remains constant even if specific routes and schedules change.

¹ TRB's Transit Cooperative Research Program. 2014. TCRP Report 30: Transit Scheduling: Basic and Advanced Manuals (Part B). https://onlinepubs.trb.org/onlinepubs/tcrp/tcrp_rpt_30-b.pdf



- Fleet size and vehicle length distribution change over time to incorporate LAVTA's planned adjustments, which include adding eight buses—expanding the fleet from 60 to 68 buses—and replacing 30' and 35' buses with 40' buses going forward.
- Buses are assumed to operate for a 12-year service life.
- Usable on-board energy is assumed to be that of a mid-life battery (10% degraded) with a reserve at both the high and low end of the battery's charge potential. As previously discussed, battery age affects range, so a mid-life battery was assumed as the average capacity of the battery's service life. Charging batteries to 100% or dropping the charge below 10% also degrades the batteries over time, which is why the analysis assumes that the top and bottom portions of the battery are unusable.
- CTE accounts for battery degradation over the transition period with the assumption that LAVTA can rotate the ZEBs to battery capacity to block energy requirements. As the zero-emission fleet transition progresses, older buses can be moved to shorter, less demanding blocks and newer buses can be assigned to longer, more demanding blocks to account for battery degradation in BEBs over time. LAVTA can rotate the fleet to meet demand, assuming there is a steady procurement of BEBs each year to match service requirements. CTE accounts for this variability in battery age by using a mid-life usable battery capacity to determine block feasibility.

Results

The Service Assessment determines the timeline for when LAVTA's service may become achievable by BEBs on a single depot charge. Coupled with the FCEB range-to-block length comparison, the block analysis determines when, or if, a full transition to BEBs or FCEBs may be feasible. LAVTA and CTE can then use these results to inform ZEB procurement decisions in the Fleet Assessment. Results from this analysis are also used to determine the specific energy requirements and fuel consumption of the fleet over time. These values are then used in the Fuel Assessment to estimate the costs to operate the transitioning fleet.

While routes and block schedules are unlikely to remain the same over the course of the transition period, these projections assume the blocks will maintain a similar distribution to current service because LAVTA will continue to serve similar destinations within the city. This core assumption affects energy use estimates and block achievability in each year.

The results of LAVTA's Service Assessment can be seen below in **Figure 2**. Based on CTE's analysis, 58% of LAVTA's blocks could be served by a single charge of a depot-only BEB and with the assumed 5% improvement every 2 years, 88% of LAVTA's blocks could be served by this technology by 2040, which would leave 12% of LAVTA's service infeasible with an overnight charged BEB.



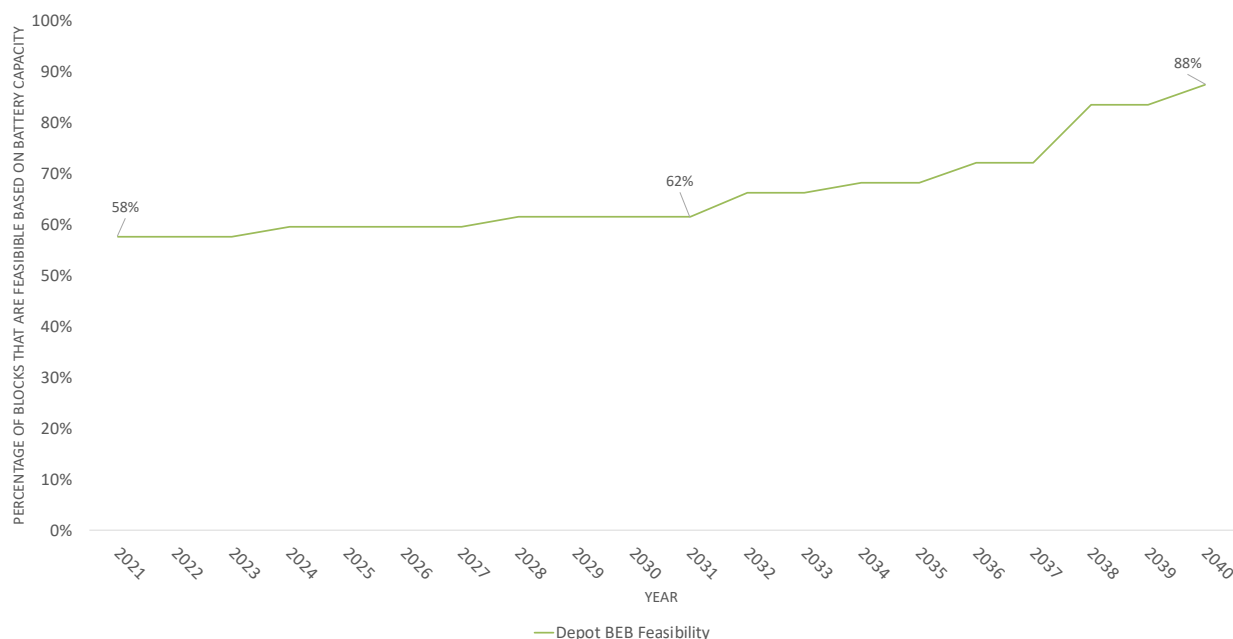


Figure 2 – BEB Block Achievability Percentage by Year

As noted previously, FCEBs are assumed to be able to complete any block under 350 total miles and LAVTA’s longest block is 305 miles long, which means that FCEB technology already has the capability to meet LAVTA’s service requirements.

Description of ZEB Technology Solutions Considered

The Service Assessment identified that 12% of LAVTA’s blocks would not be feasible with today’s BEB technology on a single charge, so CTE developed two transition scenarios that provide zero-emission solutions for serving the more energy-intensive blocks by supplementing the range of BEBs, as well as a third scenario that would entirely avoid the range limitations of BEBs. The scenarios are: (a) BEB Only, which includes on-route charging, (b) Mixed Fleet, which assumed BEBs would be deployed on the blocks that could be served by with the onboard energy of an overnight depot-charged BEB and that FCEBs would be deployed on the longer blocks, and (c) an FCEB Only scenario, in which FCEBs would serve every route because they meet LAVTA’s range requirements for every route.

CTE developed the BEB Only scenario to model a fleet consisting entirely of BEBs that could meet LAVTA’s range requirements with on-route charging. Operating BEBs in LAVTA’s service without on-route charging would necessitate the purchase of additional buses to act as relief buses. As shown by the Service Assessment, depot-charged BEBs cannot meet the range requirements of some routes. A relief bus would therefore be required to complete the block when the first bus returned to the depot to charge. On-route charging removes the need for additional bus purchases by extending the range of in-service buses and reducing the depot time necessary for charging. Selecting a uniform technology—battery electric, in this case—throughout the fleet allows for the installation of a single fueling technology at the depot. On-route charging faces some challenges, however, including but not limited to accessing strategic placements along the routes for chargers, modification to service to accommodate charging layovers, and the additional costs of land acquisition, equipment, and infrastructure installation.



In the Mixed Fleet scenario—BEBs and FCEBs—all of the blocks that depot-charged BEBs cannot serve due to range limitations are served by FCEBs. FCEBs have a longer range between refueling than BEBs and are capable of completing blocks that BEBs cannot. FCEBs can therefore replace ICE buses at a 1:1 ratio. FCEBs and hydrogen fuel, however, are more expensive than BEBs and electricity, so a mixed fleet allows an agency to use the less expensive BEB technology where possible and cover service needs with FCEBs only as needed. A mixed fleet may also be more resilient to service interruptions if either fuel becomes temporarily unavailable. For agencies such as LAVTA that operate only one depot, however, mixed fleets present the spatial challenge of hosting both infrastructure types in one depot.

The FCEB scenario identifies benefits and challenges associated with transitioning the entire fleet to fuel cell technology. An FCEB fleet can replace ICE buses at a 1:1 ratio. Committing to hydrogen fueling also avoids the need to install two types of fueling infrastructure and the acquisition of additional land for on-route charging. An FCEB fleet may lack the redundancy provided by diverse fuels that a mixed fleet utilizes. LAVTA's depot is located near a hydrogen distribution center, which will provide greater fuel availability in the event of fuel supply interruptions on a national scale. Finally, the cost of buses and fuel for FCEBs still exceed the comparable costs for BEBs, despite the savings in infrastructure costs for hydrogen fueling compared to the cost of chargers at scale.



D

Current Bus Fleet Composition and Future Bus Purchases

Fleet Assessment Methodology

The Fleet Assessment projects a timeline for the replacement of existing buses with FCEBs. The timeline is consistent with LAVTA's fleet replacement plan that is based on the 12-year service life of transit buses. This assessment also includes a projection of fleet capital costs over the transition timeline.

ZEB Cost Assumptions

CTE and LAVTA developed cost assumptions for future bus purchases. Key assumptions for bus costs for the LAVTA Transition Plan are as follows:

- Diesel-hybrid bus costs are based on LAVTA's most recent procurement price, and FCEB prices are based on the 2022 Metropolitan Transit Commission (MTC) Pricelist. MTC is the transportation planning, financing, and coordinating agency for the nine-counties in the San Francisco Bay Area and provides financing for transit vehicle purchases made by its agencies.
- Annual costs were not adjusted for inflation.
- Bus costs shown below are inclusive of estimates for configurable options and taxes.
- Costs for retrofits or bus conversions are not included because LAVTA does not plan to convert any diesel-hybrid buses to battery electric powertrains.

Table 1 – Fleet Assessment Vehicle Cost Assumptions

Bus Type & Length	Source	Total Price with tax (9.25%)
Diesel-Hybrid 40'	LAVTA's most recent bus procurement	\$843,000
Fuel Cell 40'	2022 MTC Pricelist	\$1,381,000



Description of LAVTA's Current Fleet

LAVTA's current service and fleet composition provide the baseline for evaluating the costs of transitioning to a zero-emission fleet. LAVTA staff provided the following key data on current service:

- Fleet composition by powertrain and fuel
- Routes and blocks
- Mileage and fuel consumption
- Maintenance costs

Fleet

LAVTA's fleet is currently comprised of 60 GILLIG diesel-hybrid buses. Presently, 17 of these buses are 30', 10 are 35', and 33 are 40'. All buses are housed at a 1362 Rutan Court, Livermore, CA. Buses range in age from model year 2007 to 2017. LAVTA has placed an order for 16 diesel-hybrids that are expected to enter service at the end of 2022. LAVTA's ZEB Transition Plan provides for the growth of the fixed-route fleet to 68 buses in 2025 and that all 30' and 35' buses will be replaced with 40' buses during its next procurement round.

Routes and Blocks

LAVTA's service operates 29 fixed-service routes within 103 blocks. Routes range in length from 3.1 miles to 42.2 miles and blocks range in distance from 10.9 miles to 305.0 miles. Buses pull out as early as 04:21 and return as late as 22:17. LAVTA's routes service Livermore, Dublin, Pleasanton, San Ramon and Walnut Creek.

Current Mileage and Fuel Consumption

LAVTA currently operates a diesel-hybrid fixed-route fleet.

Annual mileage of the fleet:

2.09 million miles

Annual fuel consumption:

416,000 gallons of diesel

Fleet average efficiency:

5.01 mpg

LAVTA current fuel expense:

\$927,000 per year

Average diesel cost:

\$2.20 per gallon

LAVTA's ZEB Transition Plan assumes that the amount of service miles will remain the same.



Diesel-Hybrid Maintenance Costs

In 2019, LAVTA spent approximately \$1.8 million on scheduled and unscheduled maintenance, including both parts and labor, for the entire fleet. This results in an average maintenance cost of \$0.38 per mile. Buses also undergo one engine overhaul at an average cost of \$40,000 and two transmission overhauls during their lifetime at an average cost \$11,000 each.

Zero-Emission Bus Procurement Plan and Schedule

FCEBs will be sufficient to meet LAVTA's service demands because they have a projected range of 350 miles. LAVTA's fleet transition strategy is to replace each diesel-hybrid bus with an FCEB as the diesel-hybrids reach the end of useful life beginning in 2025. LAVTA does not plan to retrofit any diesel-hybrids for zero-emission service. **Figure 3** provides the number of each bus type that is purchased each year through 2040 with this replacement strategy.

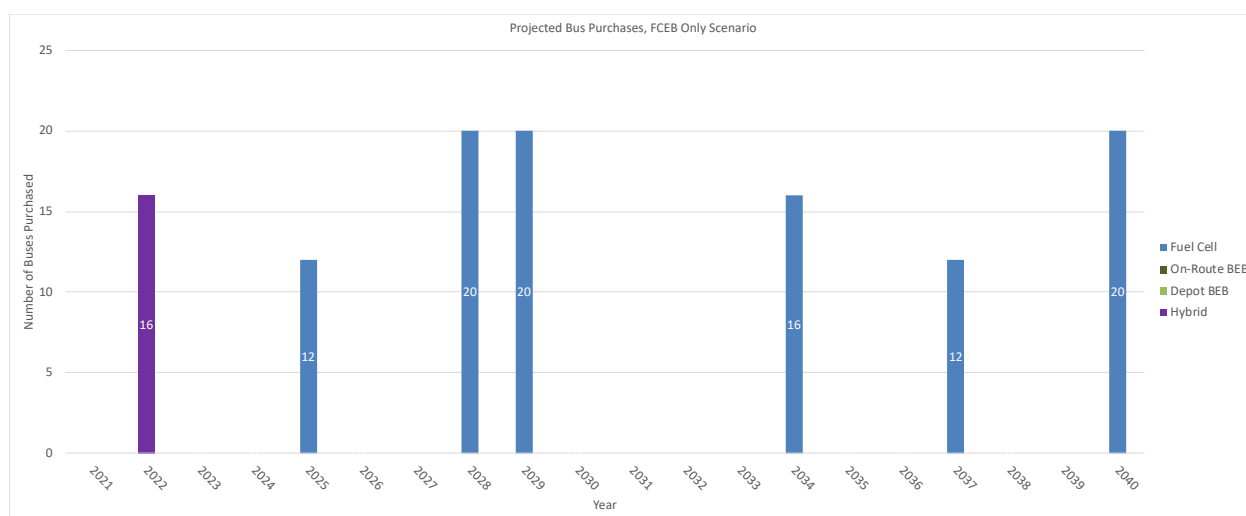


Figure 3 – Projected Bus Purchases

Figure 4 depicts the annual composition of the LAVTA fleet through 2040. By 2034, LAVTA's fleet consists entirely of FCEBs. The fleet increases by eight buses in 2025.



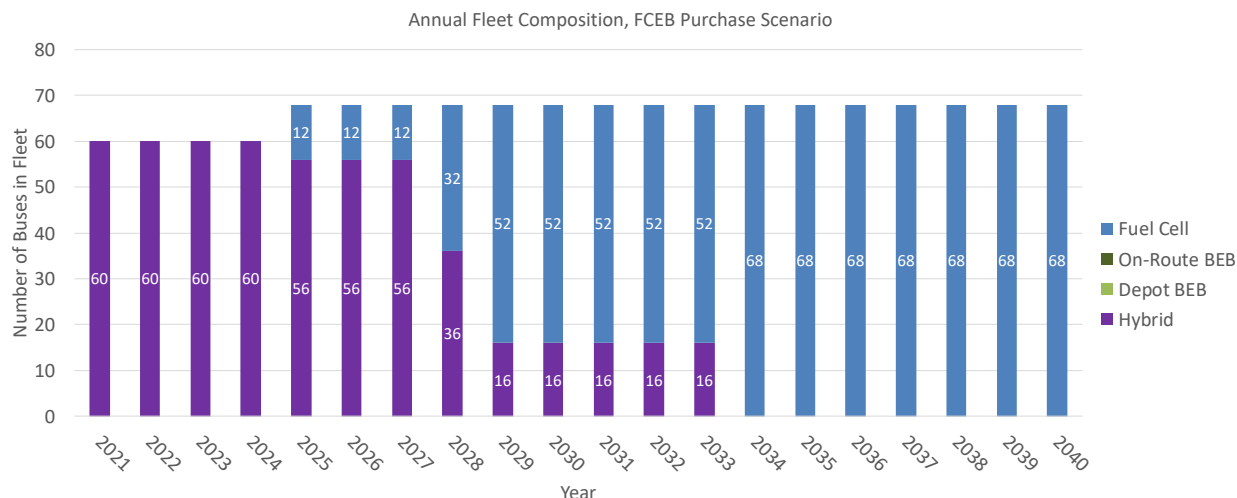


Figure 4 – Annual Fleet Composition, FCEB Only Scenario

Projected Annual Capital Costs for ZEB Purchases

The total capital cost over the entire transition period is estimated at \$151.6 million, compared to the \$97.7 million that would have been incurred by continuing to purchase diesel-hybrid replacement buses over that period. Costs are incurred cyclically, according to the 12-year replacement cycle of transit buses. **Figure 5** below shows the annual capital costs for all ZEBs purchased in a given year through 2040.

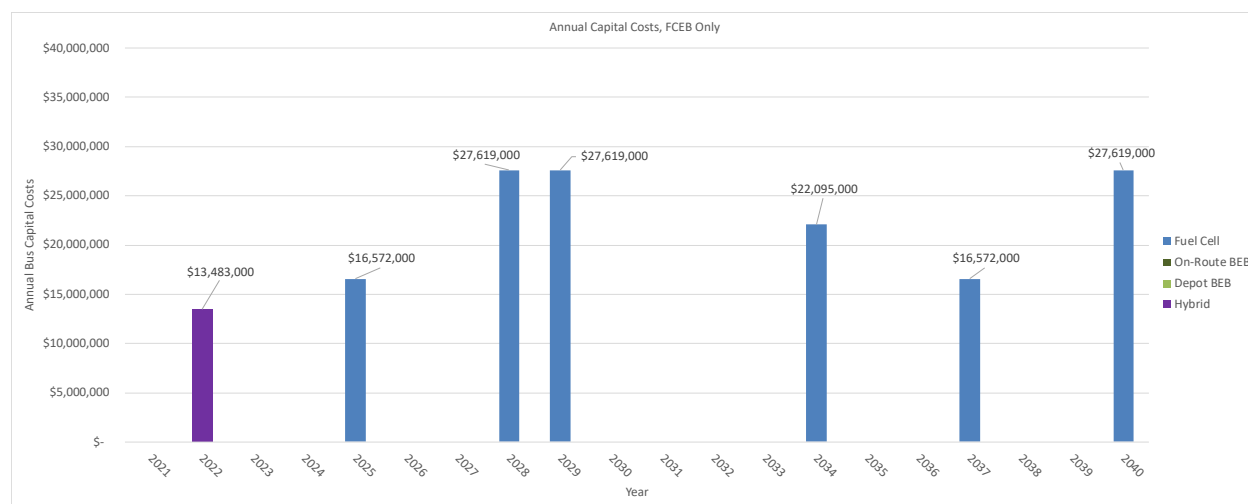


Figure 5 – Annual Capital Costs, FCEB Only Scenario



Table 2 – LAVTA Bus Capital Investment to transition to a 100% ZEB fleet by 2040

	Baseline	ZEB Incremental Costs	Total Investment
Bus Capital Costs	\$97.7M	\$53.9M	\$151.6M

As seen in **Table 2** the capital investment for purchasing ZEBs is over \$50 million higher than for diesel-hybrid buses over the transition period. This highlights the importance of staying vigilant in the search for funding opportunities to help fill this gap.

Additional Considerations

LAVTA presently purchases diesel-hybrid buses through MTC and plans to do the same for FCEBs. Although the procurement process may be similar in this respect, the agency will need to consider several factors that should be given more attention in FCEB procurements than may be needed in diesel-hybrid purchasing given that fuel cell is a newer technology. First, when contracting with an FCEB manufacturer, LAVTA should ensure expectations are clear between the bus OEM and the agency. As with a diesel-hybrid purchase the agreement should be clear regarding bus configuration, technical capabilities, build and acceptance process, production timing with infrastructure, warranties, training, and other contract requirements. Additionally, by developing and negotiating specification language collaboratively with the bus vendor(s), LAVTA can work with the vendor(s) to customize the bus to their needs as much as is appropriate, help advance the industry based on agency requirements and recommended advancements, ensure the acceptance and payment process is fully clarified ahead of time, fully document the planned capabilities of the bus to ensure accountability, and generally preempt any unmet expectations. Special attention should be given in defining the technical capabilities of the vehicle, since defining these for FCEBs may differ from diesel-hybrid buses.

When developing RFPs and contracting for FCEB procurement, LAVTA should specify the source of funding for the vehicle purchases to ensure grant compliance, outline data access requirements, define the price and payment terms, establish a delivery timeline, and outline acceptance and performance requirements. LAVTA should test the buses upon delivery for expected performance in range, acceleration, gradeability, highway performance, and maneuverability. Any such performance requirements must be included in the technical specification portion of the RFP and contract to be binding for the OEM. Defining technical specifications for FCEBs will also differ slightly from diesel-hybrids since they will need to include requirements for hydrogen fuel cell and battery performance. It is also recommended that LAVTA purchase an extended battery warranty for the vehicle, which should be specified in the RFP and contract.

FCEB procurement will also differ from diesel-hybrid procurement since there are fewer OEMs presently manufacturing these vehicles, although this is expected to change with increasing demand. FCEBs are included in the MTC Pricelist, however, so this should not greatly affect LAVTA's procurement process. LAVTA will also be able to apply for additional funding for these vehicles through zero-emission vehicle specific funding opportunities, which are discussed further in which are discussed further in **Section H: Potential Funding Sources**.





Facilities and Infrastructure Modifications

LAVTA Facility Configuration and Depot Layout

Current Depot Address:

1362 Rutan Court, Livermore, CA 94551

Future Depot Address:

875 Atlantis Court, Livermore, CA 94551

Electric Utility:

PG&E

Located in a NOx Exempt Area?

No

Bus Parking Capacity:

100+

Current Vehicle Types Supported:

LAVTA's depot at Rutan Court currently supports diesel-hybrid fueling and maintenance. The Atlantis Court Depot will be built to support all vehicle types and will include hydrogen gas detection.

Propulsion Types That Will be Supported at Completion of ZEB Transition:

Fuel cell electric propulsion

Facilities Assessment Methodology

FCEB deployments require installation of a fueling station and may require improvements to existing electrical infrastructure, such as upgrades to the switchgear or utility service connections. Planning and design work, including the detailed electrical and construction drawings required for permitting, is also necessary once specific fueling equipment has been selected. LAVTA's new depot at 875 Atlantis Court will be designed to support FCEBs, which avoids the need to retrofit existing infrastructure.

To project the costs of hydrogen fueling infrastructure, CTE used industry pricing provided by A&E subcontractors and an infrastructure build timeline based on the procurement timeline. This plan assumes that infrastructure projects will be completed prior to each bus delivery. These projects are described in detail below.



Infrastructure Upgrade Requirements to Support Zero-Emission Buses

The FCEB Only scenario assumes that LAVTA deploys FCEBs to service all of its routes by 2034. CTE assessed the hydrogen infrastructure costs needed to support a fleet of 68 FCEBs. The project timeline assumes the new depot is completed to serve the agency's first FCEB deployment in 2025.

Permanent hydrogen refueling infrastructure requires planning including permitting and fuel demand requirements. The cost projections indicate that planning occurs in 2022, the year prior to construction. The total cost of planning for the Atlantis court depot is approximately \$200,000.

Construction of the hydrogen fueling station requires installation of mechanical equipment and hydrogen storage, as well as upgrades to maintenance bays to meet the safety requirements for indoor hydrogen vehicle maintenance. These cost projections show station construction beginning in 2023 and concluding by 2025 when the vehicles are delivered for testing and acceptance. The entire station construction project is anticipated to cost approximately \$7.5 million.

Maintenance bays at each depot will require hydrogen detection and exhaust equipment. This construction will also have to be completed prior to FCEB deployment in 2025. A total of 11 maintenance bays will be outfitted for hydrogen gas detection. CTE estimates that installing the required ventilation systems and hydrogen detection equipment will cost \$13,600 per bay. To outfit the 11 maintenance bays at Atlantis Court with these require safety measures will cost \$151,000 more than if the maintenance bays were constructed to work on diesel-hybrids.

FCEB Only Infrastructure Summary

Table 3 provides the total infrastructure costs for the FCEB Only scenario for the entire transition period. The required infrastructure to fuel, operate, and maintain FCEBs will cost approximately \$7.85 million.

Table 3 – Total Infrastructure Costs, FCEB Only Scenario

Depot	Cost
Atlantis	\$ 7,850,000
Total	\$ 7,850,000

Figure 6 shows a cumulative summary of infrastructure costs by year.



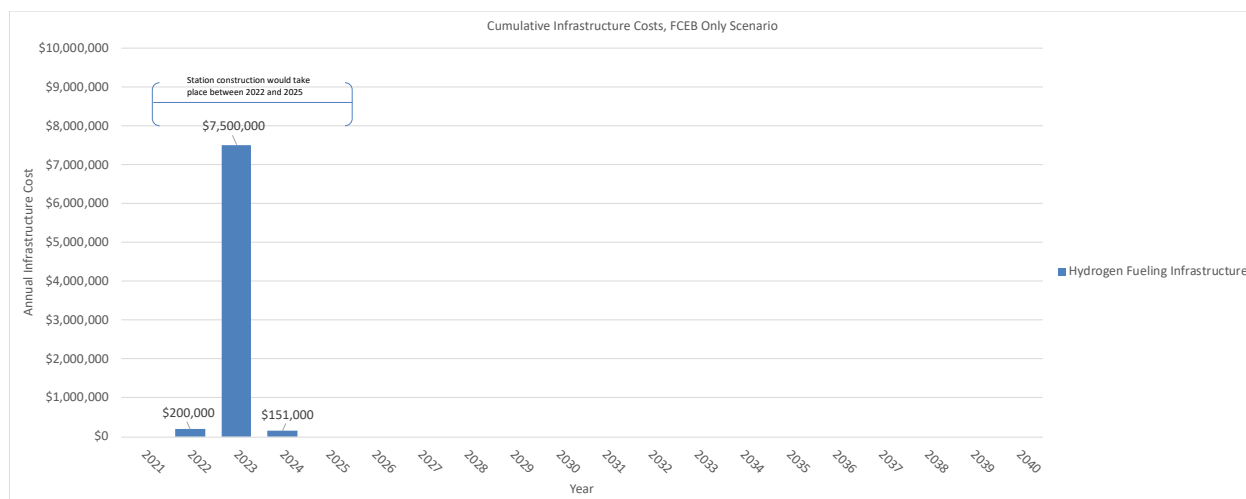


Figure 6 - Cumulative Infrastructure Costs, FCEB Only Scenario

These facilities costs are estimated based on the assessed infrastructure requirements for the given fleet and the selected fueling technology. These costs will need to be confirmed or revised to reflect conditions at time of construction and installation.

Description of Changes to Depot

Given LAVTA's plans to construct a new depot at Atlantis Court to support FCEBs, it is unlikely that it will be necessary to retrofit or change LAVTA's current depot at Rutan Court. In the event that LAVTA needs to pursue a contingency plan for fueling and maintaining the FCEBs, LAVTA will upgrade two maintenance bays at Rutan Court and will fuel vehicles at the hydrogen distribution center operated by First Element in Livermore.



F

Providing Service in Disadvantaged Communities

Providing Zero-Emission Service to DACs

In California, CARB defines disadvantaged communities (DACs) as communities that are both socioeconomically disadvantaged and environmentally disadvantaged due to local air quality. In the Bay Area, lower income neighborhoods, such as West Oakland, are exposed to greater vehicle pollution levels due to proximity to freeways and the port of Oakland, which puts these communities at greater risk of health issues associated with tailpipe emissions.² Though LAVTA has no census tracts identified as DACs as defined by SB 535 and CARB, it provides service for a block group that meets disadvantaged community criteria in Livermore, California. The agency's routes 10 and 14 serve Block Group number 60014516021. In 2019, the ridership totals on these routes were 409,363 and 108,571 respectively. Between these two routes, 63,475 boardings occurred specifically in this block group. Routes 10 and 14 will be fully electrified by 2034. Additionally, DACs located in Hayward and Oakland, which border LAVTA's service area, will also benefit from the emissions reduction resulting from LAVTA's ZEB transition.

Environmental impacts, both from climate change and from local pollutants, disproportionately affect transit riders. For instance, poor air quality from tailpipe emissions and extreme heat harm riders waiting for buses at roadside stops. The transition to zero-emission technology will benefit the region by reducing fine particulate pollution and improving overall air quality. In turn, the fleet transition will support better public health outcomes for residents in DACs served by the selected routes.

Public transit has the potential to improve social equity by providing mobility options to low-income residents lacking access to a personal vehicle and helping to meet their daily needs. In California, transit use is closely correlated with carless households as they are five times more likely to use public transit than households with at least one vehicle.³ Although 21% of Californians in a zero-vehicle household are vehicle free by choice, 79% do not have a vehicle due to financial limitations. Many low-income people

² Reichmuth, David. 2019. Inequitable Exposure to Air Pollution from Vehicles in California. Cambridge, MA: Union of Concerned Scientists. <https://www.ucsusa.org/resources/inequitable-exposure-air-pollution-vehicles-california-2019>

³ Grengs, Joe, Jonathan Levine, and Qingyun Shen. (2013). Evaluating transportation equity: An inter-metropolitan comparison of regional accessibility and urban form. FTA Report No. 0066. For the Federal Transit Administration



therefore rely solely on public transportation for their mobility needs.⁴ LAVTA's current diesel-hybrid fleet consumes an annual average of 417,000 gallons of diesel. The combustion of this fuel exposes those who are reliant on this transportation option to diesel exhaust, which has been classified as a probable human carcinogen with links to asthma and other lung related health issues.⁵ Portions of LAVTA's service area are in the 90th-100th percentile for diesel particulate matter (PM) according to CalEnviroScreen 4.0. Moving LAVTA's fleet to zero-emission technology will help alleviate this pollution, which will improve the health of communities impacted by high diesel PM and all Bay Area communities.

Access to quality transit services provides residents with a means of transportation to go to work, to attend school, to access health care services, and run errands. By purchasing new vehicles and decreasing the overall age of its fleet, LAVTA is also able to improve service reliability and therefore maintain capacity to serve low-income and disadvantaged populations. Replacing diesel-hybrid vehicles with zero-emission FCEBs, will also benefit these populations by improving local air quality and reducing exposure to harmful emissions from diesel exhaust.

Map of LAVTA's Service to Census Block Group 4516.02-1

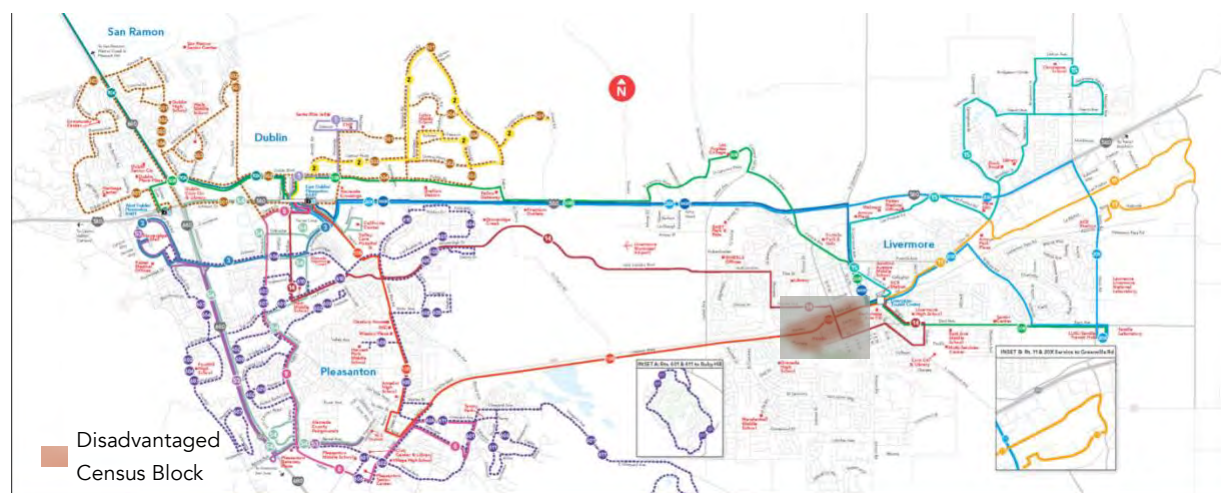


Figure 7 – Map of Census Block Group 4516.02-1 in LAVTA's Service Area

Emissions Reductions for DACs

Greenhouse gases (GHG) are the compounds primarily responsible for atmospheric warming and include carbon dioxide (CO₂), methane (CH₄), and nitrous oxide (N₂O). The effects of greenhouse gases are not

⁴ Paul, J & Taylor, BD. 2021. Who Lives in Transit Friendly Neighborhoods? An Analysis of California Neighborhoods Over Time. Transportation Research Interdisciplinary Perspectives. 10 (2001) 100341. <https://reader.elsevier.com/reader/sd/pii/S2590198221000488?token=CABB49E7FF438A88A19D1137A2B1851806514EF576E9A2D9462D3FAF1F6283574907562519709F8AD53DEC3CF95ACF27&originRegion=us-east-1&originCreation=20220216190930>

⁵ National Resources Defense Council Coalition for Clean Air. No breathing in the aisles — diesel exhaust inside school buses. New York: The Council; January 2001. Available: www.nrdc.org/air/transportation/schoolbus/sbusinx.asp



localized to the immediate area where the emissions are produced. Regardless of their point of origin, greenhouse gases contribute to overall global warming and climate change.

Criteria pollutants include carbon monoxide (CO), nitrogen oxides (NO_x), particulate matter under 10 and 2.5 microns (PM₁₀ and PM_{2.5}), volatile organic compounds (VOC), and sulfur oxides (SO_x). These pollutants are considered harmful to human health because they are linked to cardiovascular issues, respiratory complications, or other adverse health effects.⁶ These compounds are also commonly responsible for acid rain and smog. Criteria pollutants cause economic, environmental, and health effects locally where they are emitted. CARB defines DACs in part as disadvantaged by poor air quality because polluting industries or freight routes have often been sited in these communities. The resulting decrease in air quality has led to poorer health and quality of life outcomes for residents.

By transitioning to ZEBs from diesel-hybrid buses, LAVTA's fleet will produce fewer carbon emissions and fewer harmful pollutants from the vehicle tailpipes. Communities disadvantaged by pollution served by LAVTA's fleet will therefore benefit greatly from the reduced tailpipe emissions of ZEBs compared to ICE buses.

⁶Institute of Medicine. Toward Environmental Justice: Research, Education, and Health Policy Needs. Washington, DC: National Academy Press, 1999; O'Neill MS, et al. Health, wealth, and air pollution: Advancing theory and methods. Environ Health Perspect. 2003; 111: 1861-1870; Finkelstein et al. Relation between income, air pollution and mortality: A cohort study. CMAJ. 2003; 169: 397-402; Zeka A, Zanobetti A, Schwartz J. Short term effects of particulate matter on cause specific mortality: effects of lags and modification by city characteristics. Occup Environ Med. 2006; 62: 718-725.



G

Workforce Training

LAVTA's Current Training Program

LAVTA is experienced in recruiting, hiring, training, and integrating new staff to ensure that LAVTA's employees are qualified to provide quality services to their riders. The level of training that LAVTA drivers and maintenance staff engage in is dependent upon their level of experience at time of hiring. LAVTA's training is conducted by contractors specialized in operator and maintenance training. Examples of the raining required by experience level are shown below:

Not licensed (Class C only):

- A 28.5-hour classroom curriculum
- Obtain a Class B Commercial License Permit (CLP) by passing three California Department of Motor Vehicles (DMV) written tests: air brake, passenger, and general knowledge
- A 40-hour behind-the-wheel instruction period. This includes six hours of skills and 33 hours of city driving. A one-hour final check ride is required and must be approved by the Safety Manager
- Successful completion of a vehicle inspection, including air brake test, basic control skills, and road test with a certified DMV third party tester
- Obtain a Verification of Transit Training (VTT). This consists of 20 hours of city driving which is part of the 33 hours of behind-the-wheel instruction
- Successful completion of a "cadet" program which includes 16 hours or more riding in revenue service with a mentor on several routes and a final 1-hour check ride is also required and given by the Safety Manager



Licensed but no verification of transit training (Class B):

- A 21-hour classroom curriculum
- A 20-hour behind-the-wheel instruction period inclusive of six hours of skills to receive a VTT from the DMV. A one-hour final check ride is required and must be approved by the Safety Manager
- Successful completion of a “cadet” program which includes 14 hours or more riding in revenue service with a mentor on several routes and a final one-hour check ride is also required and given by the Safety Manager

Incumbent (fully licensed)

- A 12-hour classroom curriculum
- An 11-hour behind-the-wheel instruction period, which includes six hours of skills and final one-hour check ride is also required and given by the Safety Manager
- Successful completion of a “cadet” program including 14 hours or more riding in revenue service with a mentor on several routes and a final one-hour check ride is also required and given by the Safety Manager

Requirements for all operators

All operators are required to keep their credentials current. Maintaining credentials is described as follows:

- Must have a driver proficiency certificate on file which is good for duration of employment
- Annual renewal of the Platinum Care Customer Service class
- Annual renewal of the Americans with Disabilities Act (ADA) sensitivity class
- Annual renewal of the Mobility Device securement process
- Annual driving record review
- Annual pull notice
- Annual or Biannual renewal of the medical certificate
- Quinquennial (five year) VTT renewal which is completed by attending monthly Safety Meetings
- Quinquennial License renewal, obtained by following DMV requirements and having a current medical on file

Hiring process for mechanics

Mechanics are also required to obtain their Class B Commercial Driver’s License. The process is the same as above with the following addition:

- Mechanics must attend monthly Occupational Safety and Health Administration meetings.



LAVTA's ZEB Training Plan

OEM Training

LAVTA plans to take advantage of trainings from the bus manufacturers and station suppliers, including maintenance and operations training, station operations and fueling safety, first responder training and other trainings that may be offered by the technology providers. OEM trainings provide critical information on operations and maintenance aspects specific to the equipment model procured. Additionally, many procurement contracts include train-the-trainer courses through which small numbers of agency staff are trained and subsequently train agency colleagues. This method provides a cost-efficient opportunity to provide widespread agency training on new equipment and technologies.

Bus and Fueling Operations and Maintenance

The transition to a zero-emission fleet will have significant effects on LAVTA's workforce. Meaningful investment is required to upskill maintenance staff and bus operators trained in ICE vehicle maintenance and fossil fuel fueling infrastructure.

LAVTA training staff will work closely with the OEM providing vehicles to ensure all mechanics, service employees, and bus operators complete necessary training prior to deploying ZEB technology and that these staff undergo refresher training annually and as needed. LAVTA staff will also be able to bring up any issues or questions they may have about their training with their trainers. Additionally, trainers will observe classes periodically to determine if any staff would benefit from further training.

ZEB Training Programs Offered by Other Agencies

Several early ZEB adopters have created learning centers for other agencies embarking on their ZEB transition journeys. One such agency is SunLine Transit Agency, which provides service to the Coachella Valley and hosts the West Coast Center of Excellence in Zero Emission Technology (CoEZET). The Center of Excellence supports transit agency adoption, zero-emission commercialization and investment in workforce training. Similarly, AC Transit offers training courses covering hybrid and zero-emission technologies through their ZEB University program. LAVTA plans to take advantage of these trainings offered by experienced agencies and has already met with AC Transit to discuss the agency's FCEB operations.





Potential Funding Sources

Sources of Funding for ZEB Transition

LAVTA is prepared to pursue funding opportunities at the federal, state, and local level, as necessary and as available.

Federal

LAVTA is exploring federal grants through the following funding programs: Federal Transit Administration's (FTA) Urbanized Area Formula program; discretionary grant programs such as the Bus and Bus Facilities (B&BF) program, Low or No Emission Vehicle Deployment Program (Low-No), and Better Utilizing Investments to Leverage Development (BUILD) grant; and other available federal discretionary grant programs.

Annual Reliable Funding

- Federal Transportation Administration (FTA)
 - Urbanized Area Formula program
 - State of Good Repair Grants

Future Funding Opportunities

- United States Department of Transportation (USDOT)
 - Better Utilizing Investments to Leverage Development (BUILD) Grants
- Federal Transportation Administration (FTA)
 - Bus and Bus Facilities Discretionary Grant
 - Urbanized Area Formula program
 - State of Good Repair Grants
 - Capital Investment Grants – New Starts
 - Capital Investment Grants – Small Starts
 - Low-or No-Emission Vehicle Grant
 - Metropolitan & Statewide Planning and Non-Metropolitan Transportation Planning
 - Flexible Funding Program – Surface Transportation Block Grant Program
- Federal Highway Administration (FHWA)
 - Congestion Mitigation and Air Quality Improvement Program
- Environmental Protection Agency (EPA)
 - Environmental Justice Collaborative Program-Solving Cooperative Agreement Program



State

LAVTA will also seek funding from state resources through grant opportunities including but not limited to Senate Bill 1 State of Good Repair (SGR), Transit and Intercity Rail Capital Program (TIRCP), Low Carbon Transit Operations Program (LCTOP) funding, the California Energy Commission's Clean Transportation Program as well as Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project (HVIP) for bus purchases when available.

Secured Funding

- California Department of Transportation (Caltrans)
 - State Transit Assistance (STA) + STA SB1

Future Funding Opportunities

- California Air Resources Board (CARB)
 - Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project (HVIP)
 - State Volkswagen Settlement Mitigation
 - Carl Moyer Memorial Air Quality Standards Attainment Program
 - Cap-and-Trade Funding
 - Low Carbon Fuel Standard (LCFS)
- California Transportation Commission (CTC)
 - Solution for Congested Corridor Programs (SCCP)
- California Department of Transportation (Caltrans)
 - Low Carbon Transit Operations Program (LCTOP)
 - Transportation Development Act
 - Transit and Intercity Rail Capital Program
 - Transportation Development Credits
 - New Employment Credit
- California Energy Commission

Local

Additionally, LAVTA will pursue local funding opportunities to support zero-emission bus deployment such as Transportation Development Act (TDA) 4.0 and Alameda County Transportation Commission (ACTC) Measure B/BB/VRF funding. Funds from these opportunities will also be used to fund the Atlantis Bridging Documents. LAVTA also purchases buses through the Metropolitan Transportation Commission (MTC), which will help finance 80% of the vehicle's capital costs. While the aforementioned funding opportunities are mentioned by name, LAVTA will not be limited to these sources and will regularly assess opportunities for fiscal support for the ZEB program.



Start-up and Scale-up Challenges

Financial Challenges

Challenges can arise with any new propulsion technology, its corresponding infrastructure, or in training operators and maintenance staff. Nearly all transit agencies must contend with the cost barriers posed by zero-emission technologies. The current market cost of ZEBs is between \$750,000 and \$1,200,000, which is about \$250,000 to \$700,000 more costly than traditional diesel buses. Additionally, the necessary infrastructure to support these buses adds to the financial burden of transitioning to a ZEB fleet, as outlined below in **Table 4**. LAVTA will seek financial support to cover the cost of their FCEBs from the resources discussed in Section H.

Table 4 – Incremental Cost of ZEB Transition

Incremental cost of ZEB Transition			
	Diesel-hybrid Baseline	FCEB Incremental Costs	FCEB Transition Scenario Costs
Bus Capital Expense	\$97.7M	\$53.9M	\$151.6M
Fueling Infrastructure	\$0	\$7.9M	\$7.9M
Total	\$97.7M	\$61.8M	\$159.5M

As seen in **Table 4**, costs of required fueling infrastructure and fueling operations for ZEB technologies pose another hurdle for transit agencies transitioning to zero-emission service. Continued financial support at the local, state and federal level to offset the capital cost of this new infrastructure is imperative. For alternative fuels such as hydrogen, financial support from state and federal grant opportunities for green hydrogen supply chains and increasing economies of scale on the production side will ultimately benefit transit agencies deploying and planning for FCEBs.

CARB can support LAVTA by ensuring continued funding for the incremental cost of zero-emission buses and fueling infrastructure. Funding opportunities should emphasize proper transition and deployment planning and should not preclude hiring consultants to ensure best practices and successful deployments. The price and availability of hydrogen, both renewable and not, continue to be challenges that can be allayed by legislation subsidizing and encouraging renewable fuel production.



Limitations of Current Technology

Beyond cost barriers, transit agencies must also ensure that available zero-emission technologies can meet basic service requirements of the agency's duty cycles. The applicability of specific zero-emission technologies will vary widely among service areas and agencies. As such, it is critical that transit agencies in need of technical and planning support have access to these resources to avoid failed deployment efforts. Support in the form of technical consultants and experienced zero-emission transit planners will be critical to turning Rollout Plans into successful deployments and tangible emissions reductions.



Appendix A – Approved Board Resolution

RESOLUTION NO. 12-2022

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE LIVERMORE AMADOR VALLEY TRANSIT AUTHORITY ADOPTING LAVTA'S ZERO-EMISSION ROLLOUT PLAN

WHEREAS, in 2018, the California Air Resources Board (CARB) adopted the Innovative Clean Transit (ICT) Regulation, which requires public transit agencies to transition to a 100 percent zero-emission bus (ZEB) fleet by 2040; and

WHEREAS, the ICT includes the following requirements for bus purchases for small agencies such as LAVTA:

- January 1, 2026 - 25% of all new bus purchases must be zero-emission
- January 1, 2027 - 25% of all new bus purchases must be zero-emission
- January 1, 2028 - 25% of all new bus purchases must be zero-emission
- January 1, 2029+ - 100% of all new bus purchases must be zero-emission
- March 2021-March 2050 – Annual compliance report due to CARB

WHEREAS, the ICT regulation requires each agency to submit a ZEB Rollout Plan (Rollout Plan) to CARB by July 1, 2023. The Rollout Plan is a living document intended to guide the agency's conversion to a ZEB fleet; and

WHEREAS, the Rollout Plan must be approved by the transit agency's governing body through the adoption of a resolution prior to submission to CARB; and

WHEREAS, per the requirements of the ICT, the Rollout Plan includes the following components:

- Introduction, including LAVTA's operations, service area, and environmental factors;
- Current Fleet Composition and Future Bus Purchases;
- Facilities and Infrastructure Modifications, including a description of each operating and maintenance facility and potential facility modifications needed to support a ZEB fleet;
- Disadvantaged Communities, which describes the disadvantaged communities (DACs) that will be impacted by the ZEB transition;
- Workforce Training, which provides background on personnel training requirements for ZEB implementation;
- Costs and Funding Opportunities, which outlines rough order-of-magnitude costs and potential funding sources for ZEB implementation; and
- Start-Up and Scale-Up Challenges, which describes challenges the agency will have to mitigate during ZEB implementation

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Livermore Amador Valley Transit Authority hereby adopts LAVTA's Zero-Emission Bus Rollout Plan and approves it for submission to CARB.



PASSED AND ADOPTED this 4th day of April 2022.



Karla Brown, Chair

ATTEST:



Michael Tree, Executive Director

APPROVED AS TO FORM:

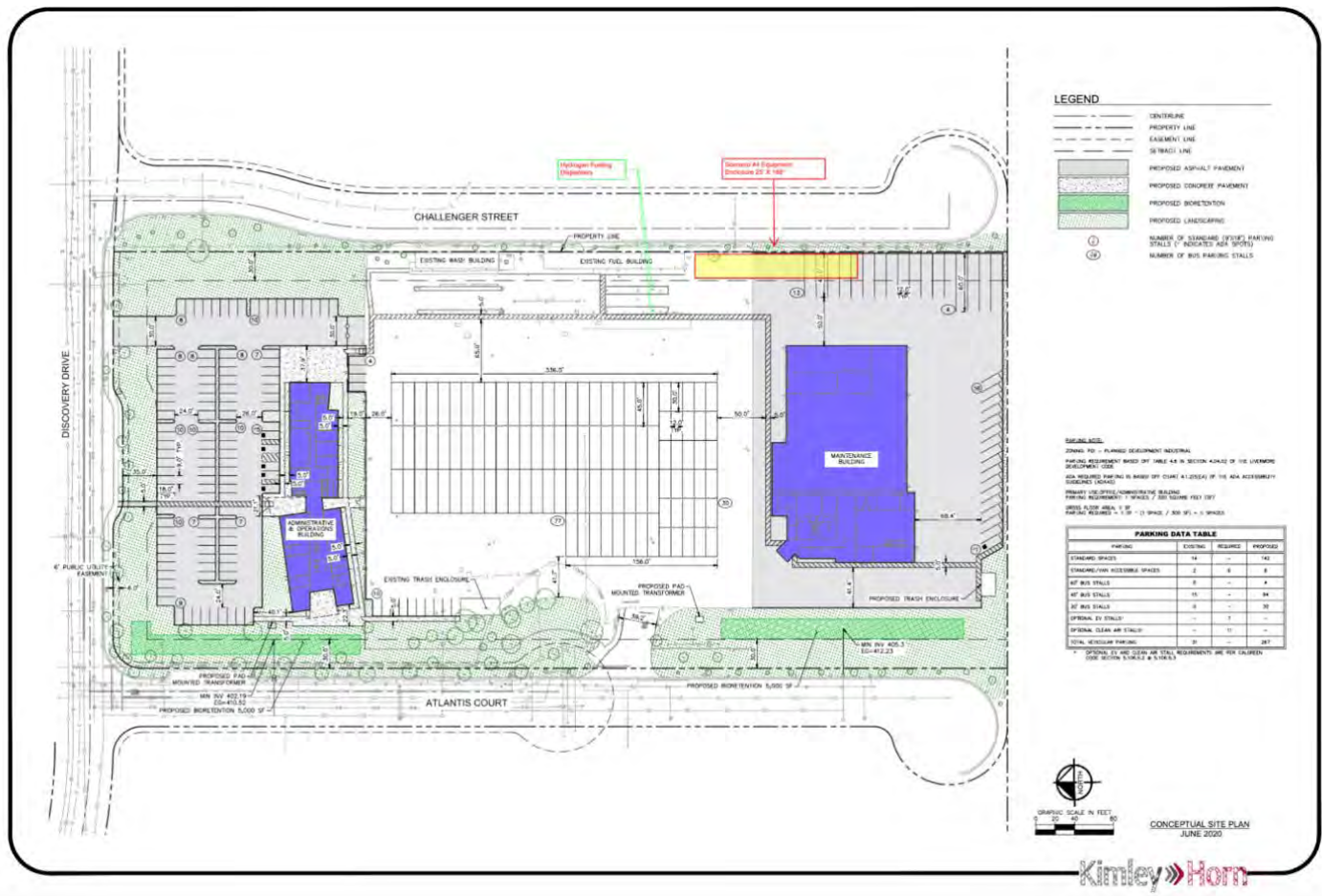


Michael Conneran (Apr 8, 2022 11:18 PDT)

Michael Conneran, Legal Counsel



Appendix B – ZEB Transition Site Plans



Appendix C – Glossary

Auxiliary Energy: Energy consumed (usually as a by time measure, such as “x”kW/hour) to operate all support systems for non-drivetrain demands, such as HVAC and interior lighting.

Battery Electric Bus: Zero-emission bus that uses onboard battery packs to power all bus systems.

Battery Nameplate Capacity: The maximum rated output of a battery under specific conditions designated by the manufacturer. Battery nameplate capacity is commonly expressed in kWh and is usually indicated on a nameplate physically attached to the battery.

Block: Refers to a vehicle schedule, the daily assignment for an individual bus. One or more runs can work a block. A driver schedule is known as a “run.”

Charging Equipment: The equipment that encompasses all the components needed to convert, control and transfer electricity from the grid to the vehicle for the purpose of charging batteries. May include chargers, controllers, couplers, transformers, ventilation, etc.

Depot Charging: Centralized BEB charging at a transit agency's garage, maintenance facility, or transit center. With depot charging, BEBs are not limited to specific routes, but must be taken out of service to charge.

Energy: Quantity of work, measured in kWh for ZEBs.

Energy Efficiency: Metric to evaluate the performance of ZEBs. Defined in kWh/mi for BEBs, mi/kg of hydrogen for FCEBs, or miles per diesel gallon equivalent for any bus type.

Fuel Cell Electric Bus: Zero-emission bus that utilizes onboard hydrogen storage, a fuel cell system, and batteries. The fuel cell uses hydrogen to produce electricity, with the waste products of heat and water. The electricity powers the batteries, which powers the bus.

Greenhouse Gas Emissions: Zero-emission buses have no harmful emissions that result from diesel combustion. Common GHGs associated with diesel combustion include carbon dioxide (CO₂), carbon monoxide (CO), nitrous oxides (NO_x), volatile organic compounds (VOCs), and particulate matter (PM). These emissions negatively impact air quality and contribute to climate change impacts.

Hydrogen Fueling Station: The location that houses the hydrogen production (if produced onsite), storage, compression, and dispensing equipment to support fuel cell electric buses.

On-route Charging: BEB charging while on the route. With proper planning, on-route charged BEBs can operate indefinitely, and one charger can charge multiple buses.

Operating Range: Driving range of a vehicle using only power from its electric battery pack to travel a given driving cycle.



Route Modeling: A cost-effective method to assess the operational requirements of ZEBs by estimating the energy consumption on various routes using specific bus specifications and route features.

Useful Life: FTA definition of the amount of time a transit vehicle can be expected to operate based on vehicle size and seating capacity. The useful life defined for transit buses is 12-years. For cutaways, the useful life is 7 years.

Validation Procedure: to confirm that the actual bus performance is in line with expected performance. Results of validation testing can be used to refine bus modeling parameters and to inform deployment plans. Results of validation testing are typically not grounds for acceptance or non-acceptance of a bus.

Zero-Emission Vehicle: A vehicle that emits no tailpipe emissions from the onboard source of power. This is used to reference battery-electric and fuel cell electric vehicles, exclusively, in this report.

Well-to-wheel Emissions: Quantity of greenhouse gas, criteria pollutants, and/or other harmful emissions that includes emissions from energy use and emissions from vehicle operation. For BEBs, well-to-wheel emissions would take into account the carbon intensity of the grid used to charge the buses. For FCEBs, well-to-wheel emissions would take into account the energy to produce, transport, and deliver the hydrogen to the vehicle.

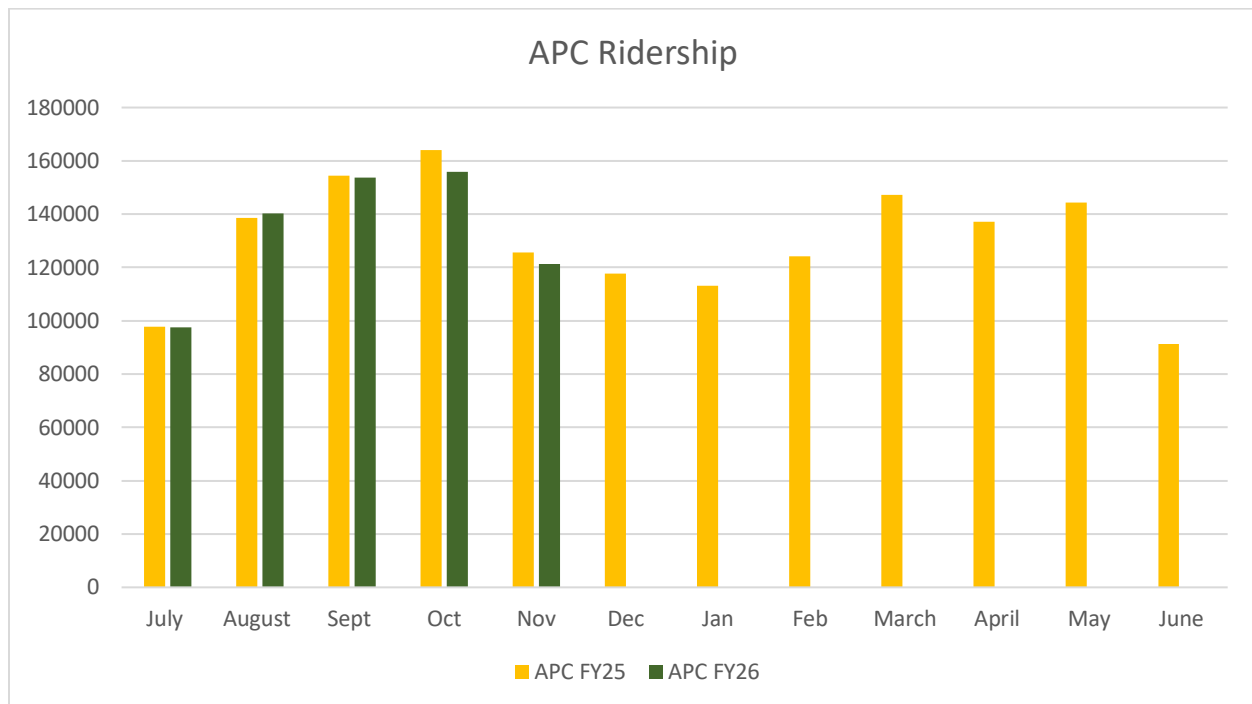




EXECUTIVE DIRECTOR'S REPORT**Service Development****November Ridership Highlights**

When looking at our farebox/GFI data, systemwide ridership in November amounted to 97,822 unlinked boardings, representing a decrease in the order of approximately 8% compared with the same month of last year. Automatic Passenger Counter (APC) data for November reports a higher number of boardings – 121,256.

Staff re-ran ridership going back to July 2024 using the APC data; below is the chart. While ridership year-over-year is still down, it is down less than 4% year-over-year and fiscal YTD ridership is down less than 2%.



The agency has just won approval from the Federal Transit Administration (FTA) to have the option of officially reporting ridership based on automatic passenger counter (APC) data. Since the current data source (fareboxes) depends solely on bus drivers manually keying in each ride, our hope is that using APC as the source for boarding data will help avoid the significant potential for under-counting that comes with manual counts. Staff will develop the necessary new procedures to transition to APC data over the next couple of months. Staff will continue to officially use GFI for our Federal Reporting until the end of the FY then make the switch to APCs, but will include APC data in the monthly ED report moving forward.

EXECUTIVE DIRECTOR'S REPORT

Pleasanton Bus Service Planning Update

As part of the Pleasanton Bus Service Planning (PBSP) project, several public outreach activities will take place in January:

- **Public Survey:** A community survey will be released to gather feedback on two alternative routing options for the 10R in downtown Pleasanton, as well as input on potential changes to Pleasanton school tripper service in response to shifting demographics, demand, and upcoming changes to PUSD attendance boundaries. The survey is tentatively scheduled to open on January 5 and close on January 22.
- **Public Workshop:** A hybrid public workshop will be held on January 13 at the Firehouse Arts Center. Riders and interested community members are encouraged to attend either in person or online to learn more about the project background and review the service concepts presented in the public survey.
- The PBSP Ad Hoc Committee comprised of Directors Eicher and Wang are scheduled to meet on January 23.
- A project update will be brought to the January Projects and Services Committee at their January meeting.

Operational Effectiveness

Efforts to Improve OTP and Connectivity

A new schedule will go into effect on Saturday, January 31st. The following updates will be made:

- **Route 14:** Using Swiftly running time data, the run times of Route 14 time will be adjusted to improve on-time performance. Route 14 has 71% OTP on weekdays since July 1.
- **Route 10R:** An additional bus will be added on Sundays to help with schedule reliability. Schedule updates are also being made to afternoon trips to better align with BART. Route 10R operates 70.9% on-time on Sundays.

EXECUTIVE DIRECTOR'S REPORT

Marketing and Communications

Livermore Sights and Sounds Parade

Wheels staff were joined by AC Transit General Manager Salvador Llamas with family and friends as the Rideo bus spread bubbles and holiday cheer in Downtown Livermore.



Pleasanton Hometown Holiday Parade

The Madden Memorial Cruiser shone brightly with holiday spirit as LAVTA Staff Mike Tobin and Ethan Yeung accompanied the bus down Main Street.



EXECUTIVE DIRECTOR'S REPORT

MV Appreciation Holiday Potluck

On Thursday, December 11, LAVTA along with MV Management hosted our annual holiday potluck, celebrating our frontline workers and serving them a holiday potluck feast. This year's event had record attendance and included an Elf-on-the-Shelf Selfie and Ugly Sweater Contest.



KKIQ Stuff a Bus

The December 13 Stuff-a-Bus event at Pleasanton Walmart was a huge success. Wheels staff and Tri-Valley shoppers displayed incredible generosity, filling our bus floor to ceiling with over 50 bins of donated toys.



EXECUTIVE DIRECTOR'S REPORT

December Social Media:



December 2, 2025

WHEELS FREE AT 40!

7,366 Views

4,523 Reach

Holiday Outing:

On Thursday, December 18th staff attended the LAVTA holiday outing at Granada Bowl in Livermore. Food and bowling fun made for a festive event.



Upcoming Events:

- Jan 7, 330-430pm – TAAC meeting
 - LAVTA, 1362 Rutan Court
- Jan 13, 6-8pm - Pleasanton Bus Service Planning Public Meeting
 - Firehouse Arts Center, Pleasanton

EXECUTIVE DIRECTOR'S REPORT

Regional Partnerships and Advocacy

Transit Transformation Task Force Final Report

On December 9, the California State Transportation Agency announced the public release of the final Transit Transformation Task Force Report. The report introduces five guiding principles for transforming California's transit system:

1. Transit must be operationally and financially sustainable.
2. Safety is fundamental to all aspects of transit.
3. Transit should be fast, reliable, connected and convenient.
4. Transit must be accessible and easy to use for all Californians.
5. Transit should support complete, thriving communities through high-quality systems.

The report, however, falls short of making specific recommendations for new transit funding and diluted some transit agency members' concerns about meeting the CARB ICT mandate.

Clipper 2 Update

The Clipper 2 system went live on December 10th. Immediate features of the new system include accepting open payments (credit/debit cards) on all Clipper readers. The full transition to Clipper 2 will take several months as the region transitions the 15 million Clipper cards in batches of up to 1 million per week. Once fully transitioned, all Clipper cards will offer free and reduced interagency transfers, ability to manage multiple cards on one account, and immediate access to funds once loaded into the account. There have been several issues with rollout, including longer-than-expected transition time for on-demand card migration, issues with ticket vending machines at BART, Muni, SMART, Caltrain and others, and the inability to check card balance online which has led to long hold times at the call center.

Organizational Effectiveness

2025 FTA LowNo Grant

Staff is working on next steps to obligate the FY25 Federal Transit Administration LowNo grant to construct the Atlantis facility and purchase of 8 hybrid buses. Currently the funds await programming by the Metropolitan Transportation Commission in the region's Transportation Improvement Program for later state and federal approval. Meanwhile other project documentation is being updated in consultation with FTA staff consistent with federal grantmaking requirements. Both steps must be completed before FTA can obligate the funds.

Staffing Update: Manager of Administrative Services

Salomon Abdel-Aziz will be joining LAVTA on January 12th as the new Manager of Administrative Services. Salomon comes to us from the city of Redlands, CA where he is currently the Administrative Division Manager/Management Analyst- Facilities and Community Services. Salomon will be taking on the contracts and procurement functions, in addition to overseeing administrative functions at LAVTA, including Human Resources.

EXECUTIVE DIRECTOR'S REPORT

Discount Tickets for Non-Profits

For the last ten years, there has been a holiday transit ticket campaign led by Tri-Valley resident Jacky Poulsen and the Unitarian Universalist Church and the United Asbury Church in Livermore. Since 2023, the campaign has raised over \$60,000 for transit passes for low-income and unhoused individuals in the Tri-Valley. This year Ms. Poulsen has requested that LAVTA provide a discount or match donations. In absence of a charitable giving policy, staff intend to sell day passes at a 20% discount (min purchase is 1,000 tickets). In the future staff will look into developing a charitable giving policy should other non-profits want to purchase bulk tickets at a discount.



Upcoming Holiday Closures

Wheels Administrative office will be closed on Monday, January 19th in observance of Martin Luther King Jr. Day.

1. Board Statistics November 2025

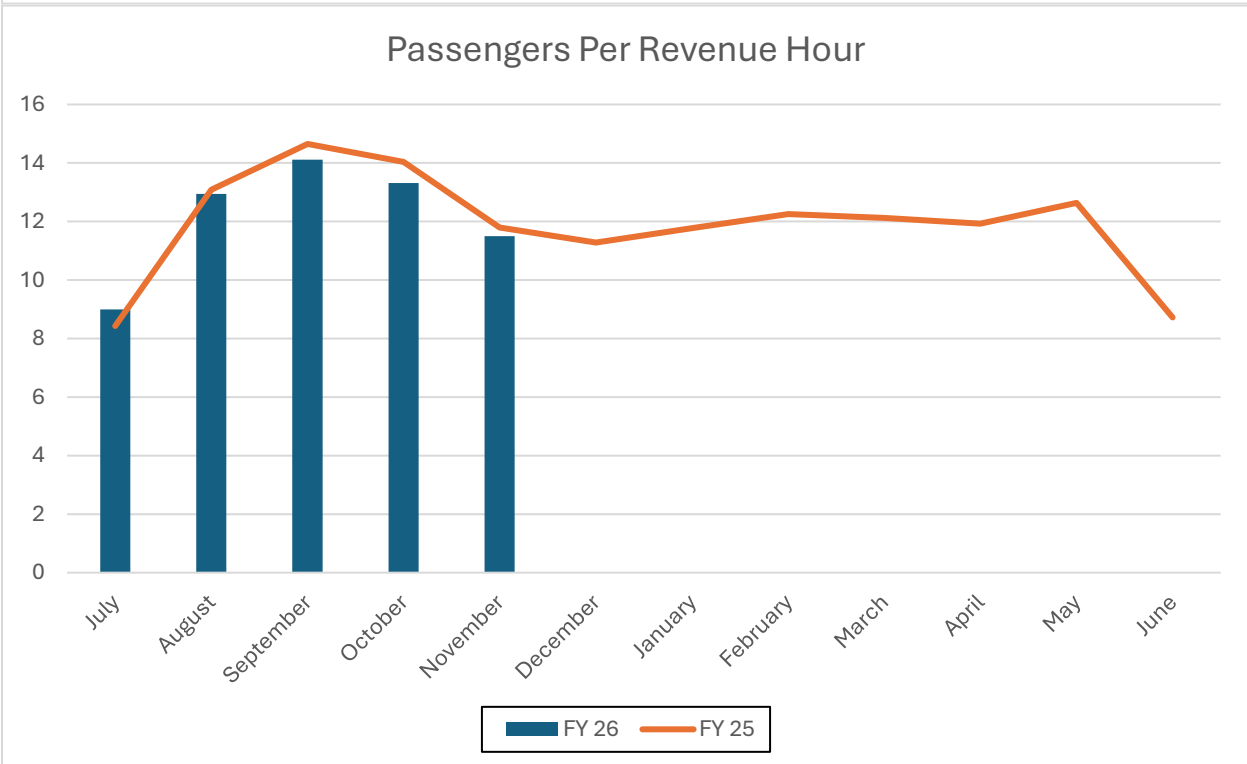
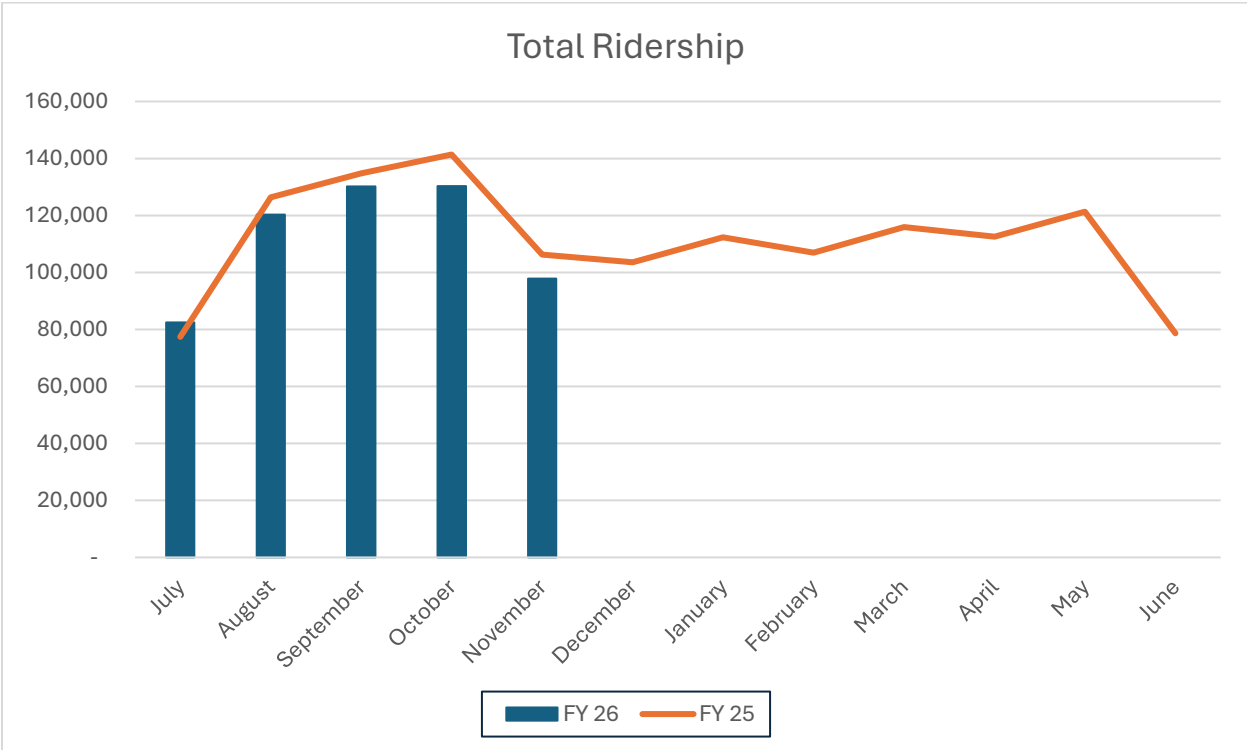


Fixed Route

Performance Indicator	Nov-24	Nov-25	Month Over Month % Change		Year Over Year % Change	
Total Ridership	106,283	97,822	-25%	↓	-8%	↓
Total Ridership FY To Date	586,264	561,196	N/A	—	-4.3%	↓
Fully Allocated Cost Per Passenger	\$14.29	\$14.67	16%	↑	3%	↑
Average Weekday Ridership	4,697	4,530	-13%	↓	-3.6%	↓
Average Saturday Ridership	1,749	1,598	4%	↑	-9%	↓
Average Sunday Ridership	1,163	1,115	-4.9%	↓	-4.1%	↓
Passengers Per Revenue Hour	11.80	11.50	-14%	↓	-2.5%	↓
System-wide On-Time Performance	80.9%	80.5%	1.8%	↑	-0.5%	↓
Preventable Accidents Per 100k Miles	2.10	2.23	252%	↑	6%	↑
Customer Complaints Per 10k Boardings	1.51	0.15	54%	↑	-90%	↓
Miles Between Mechanical Failures	7,130	10,347	12%	↑	45%	↑

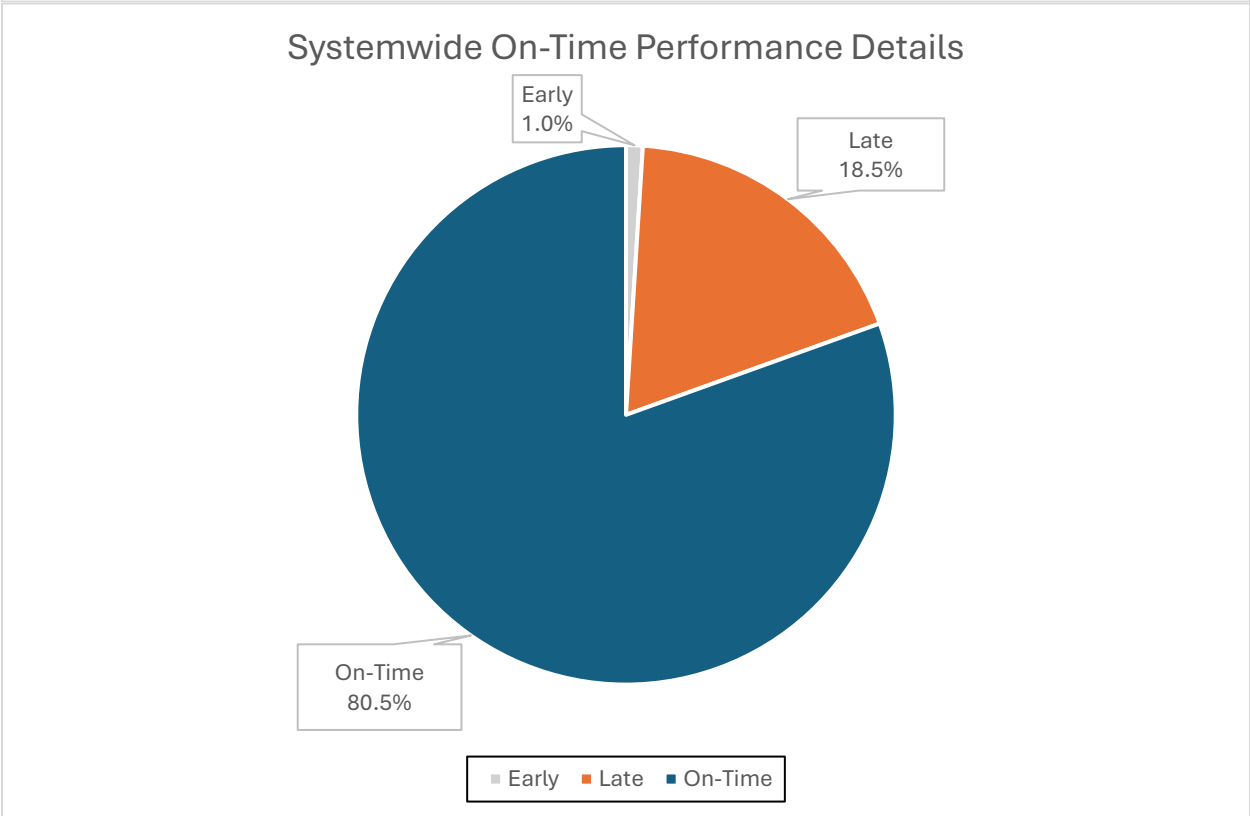
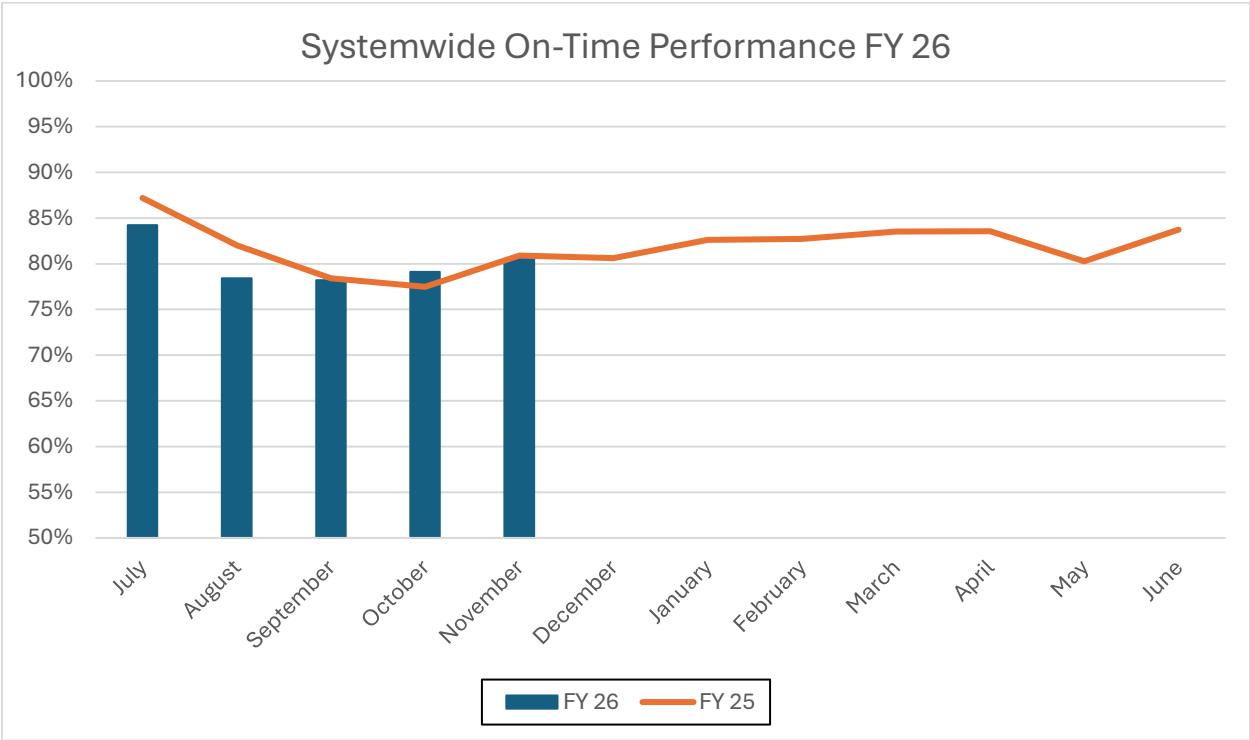


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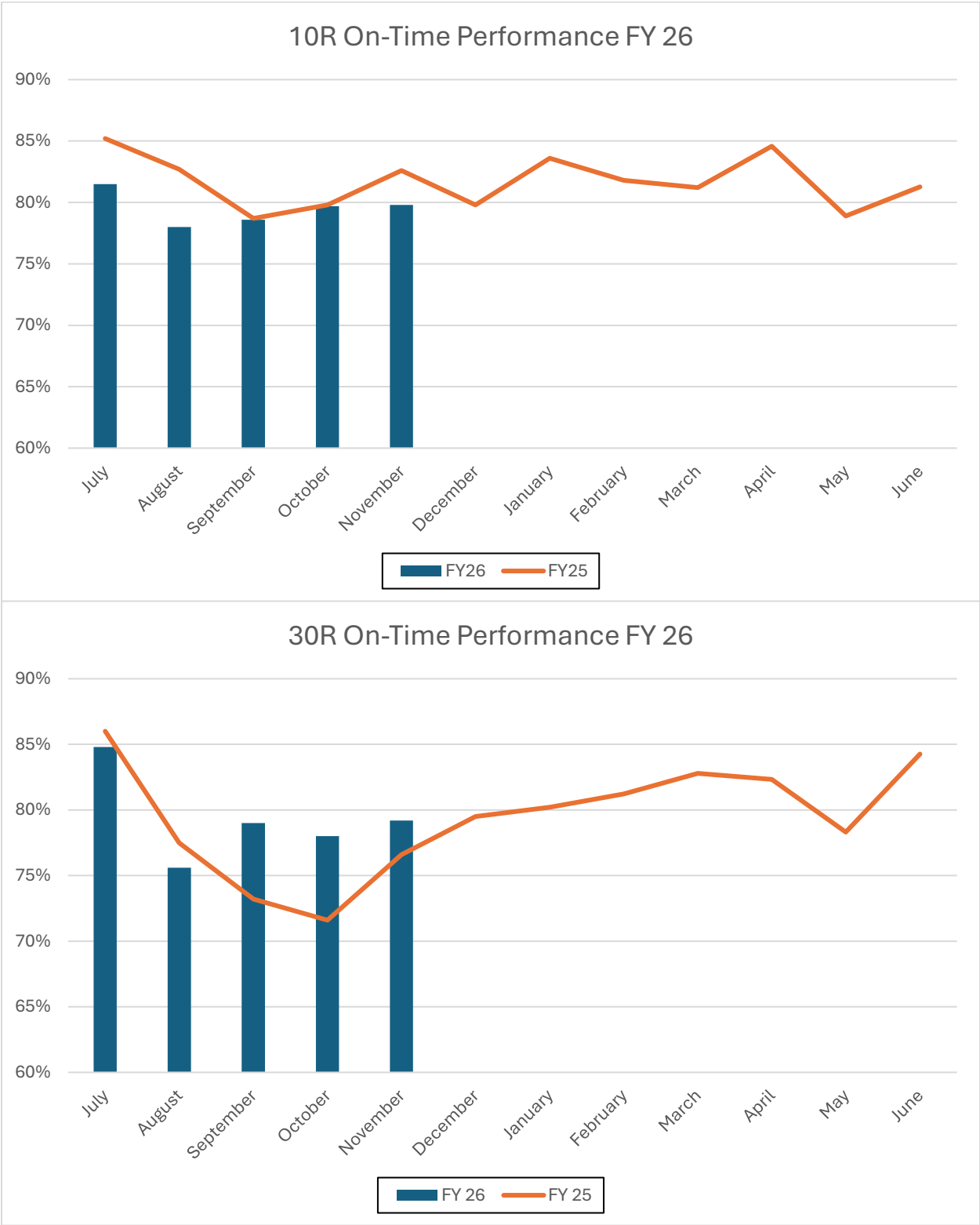


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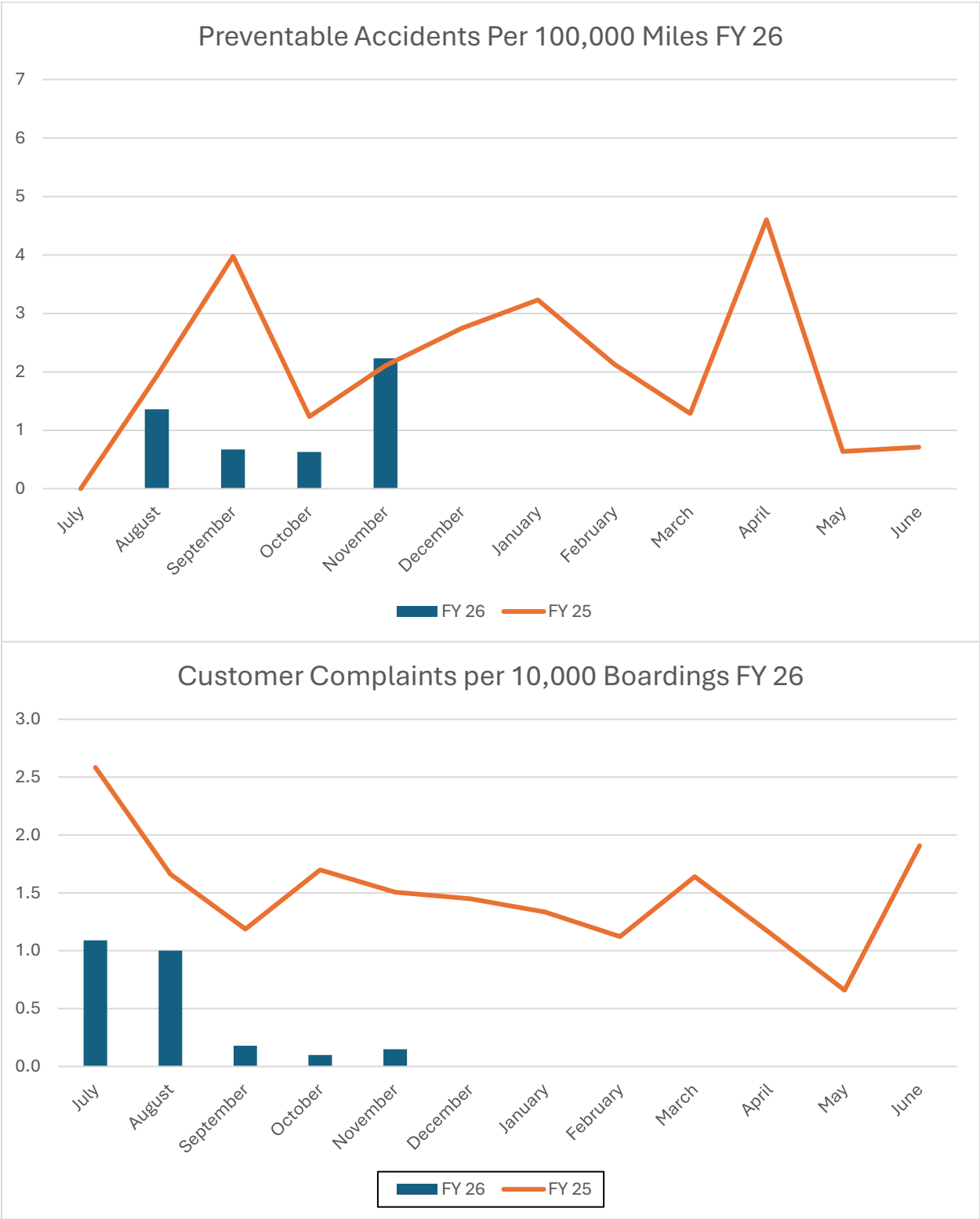


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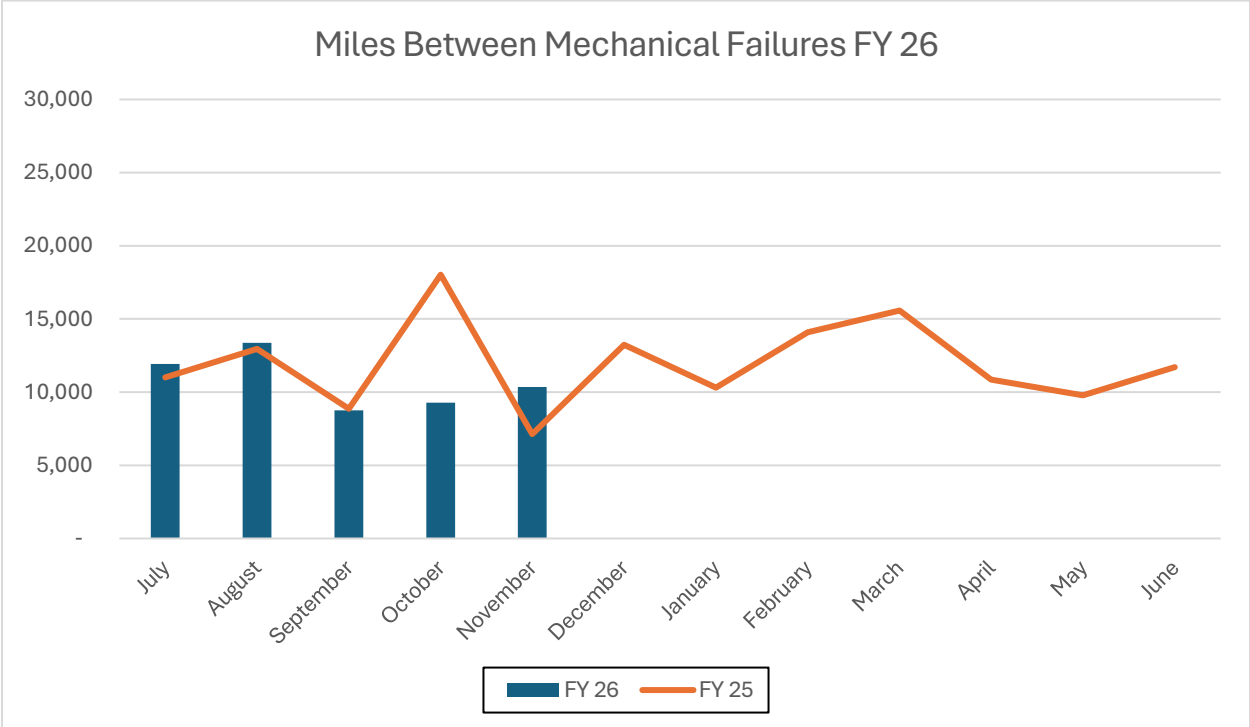


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Fixed Route



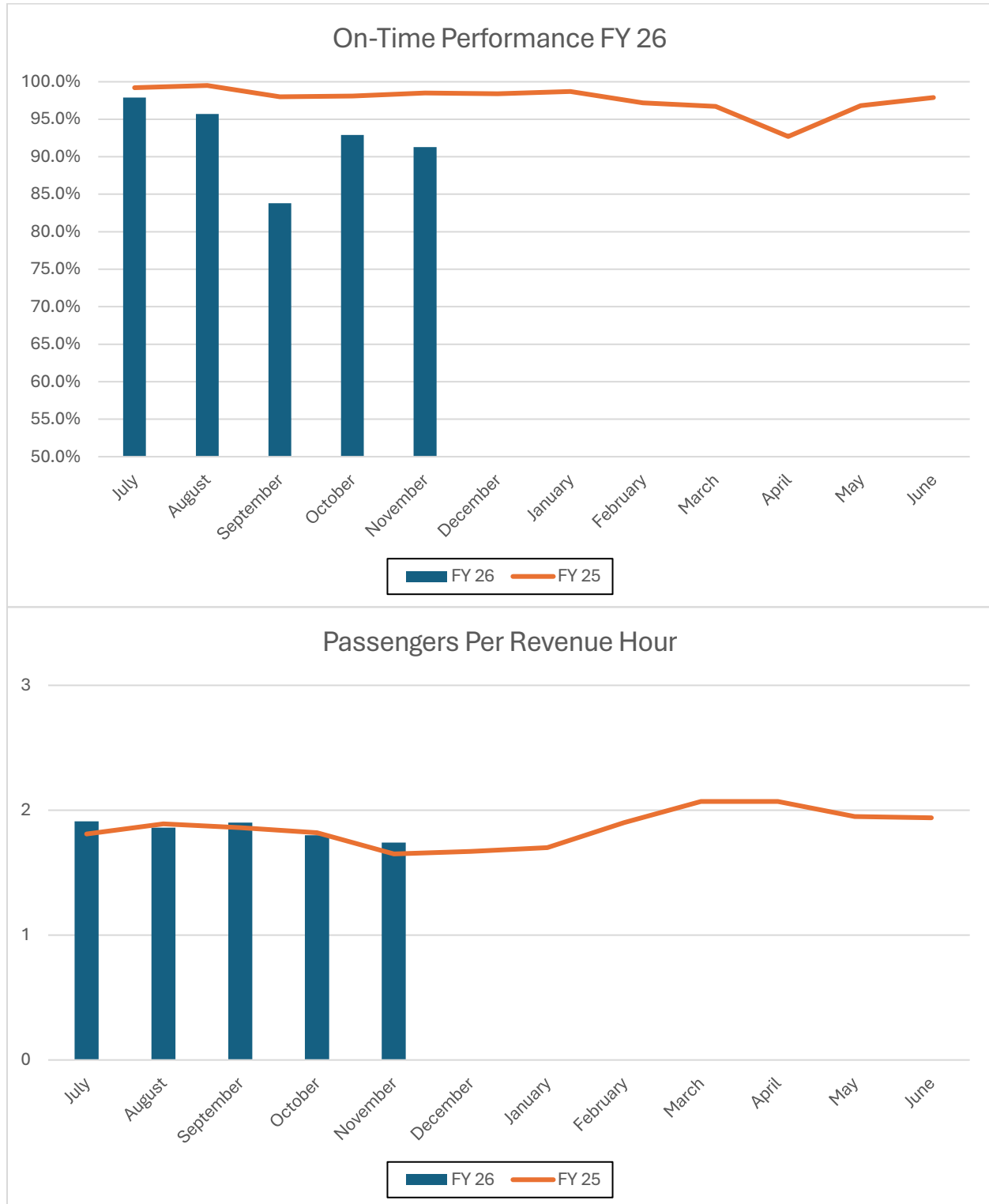


Paratransit

Performance Indicator	Nov-24	Nov-25	MoM % Change		YoY % Change	
On-Time Performance	98.5%	91.3%	-1.8%	↓	-7.3%	↓
Passengers Per Revenue Hour	1.65	1.74	-5.4%	↓	5.5%	↑
Valid Complaints Per 1,000 Passengers	0.39	1.83	-21.7%	↓	371%	↑
Phone Holds (% of calls answered within 60 seconds)	74.7%	81.5%	19.3%	↑	9.1%	↑
Average Phone Hold Time	-	1:01	N/A		N/A	
Preventable Accidents Per 25,000 Miles	1.2	0.0	0.0%	—	-100%	↓
Dial-A-Ride Cost Per Trip	\$61.38	\$70.22	13.5%	↑	14.4%	↑
Dial-A-Ride Ridership	2,568	2,182	-14.8%	↓	-15.0%	↓
One Seat Ride Ridership	349	290	-4.3%	↓	-17%	↓

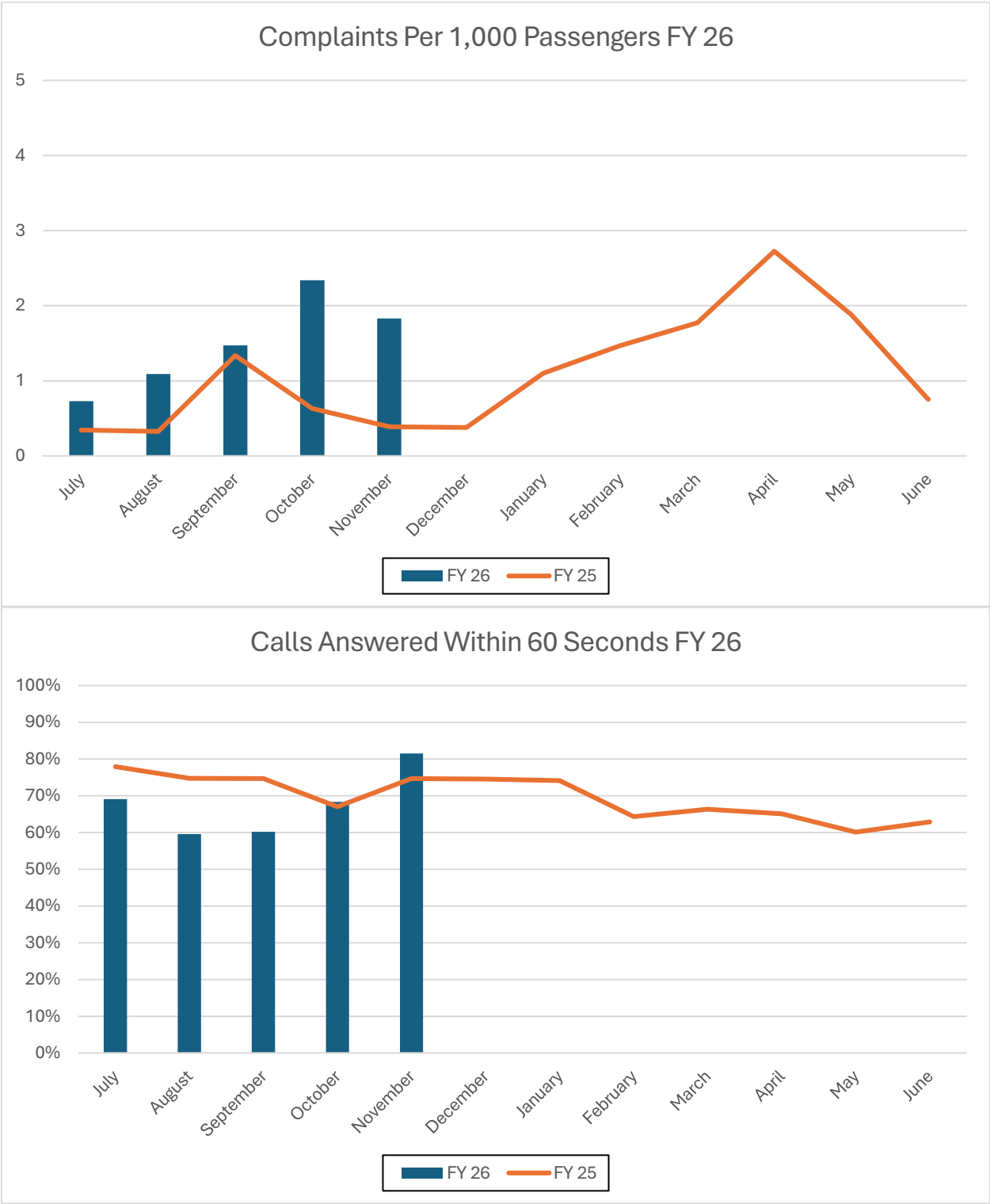


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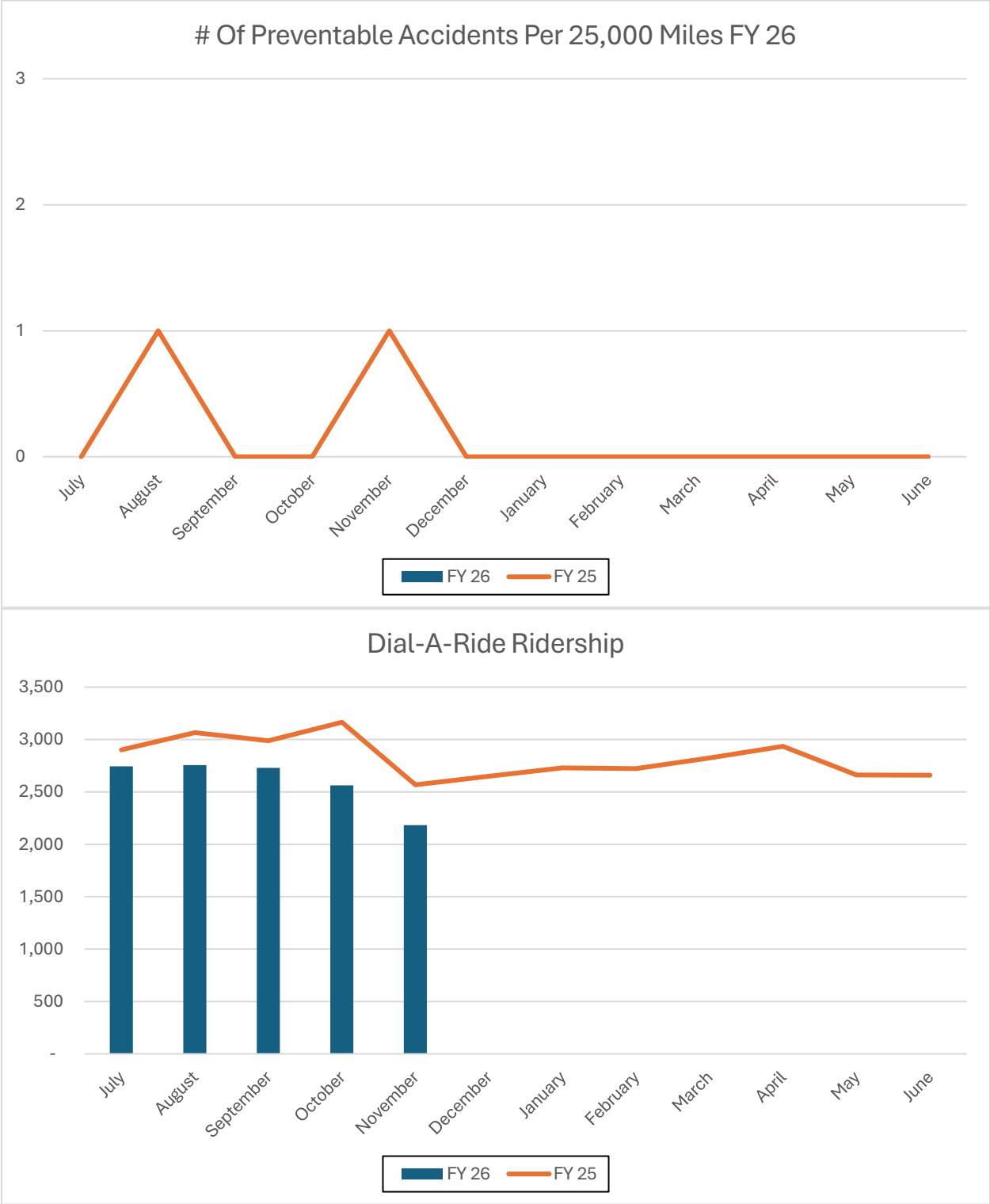


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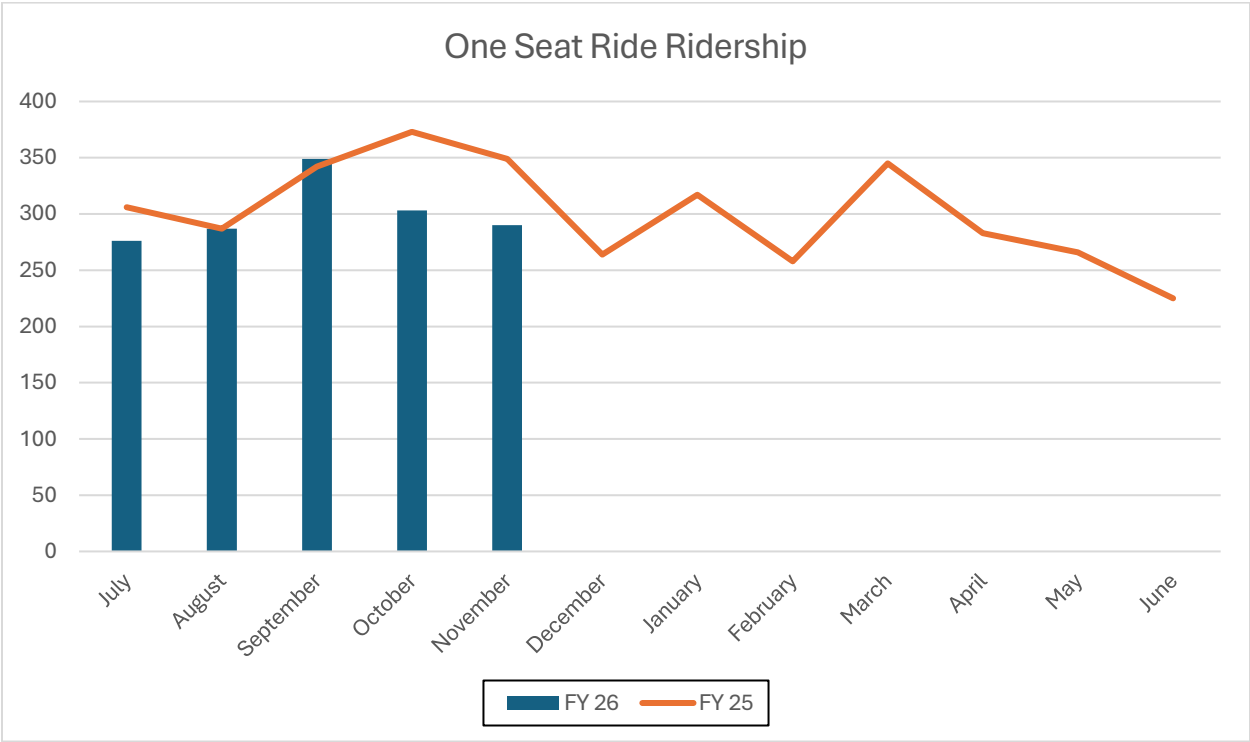


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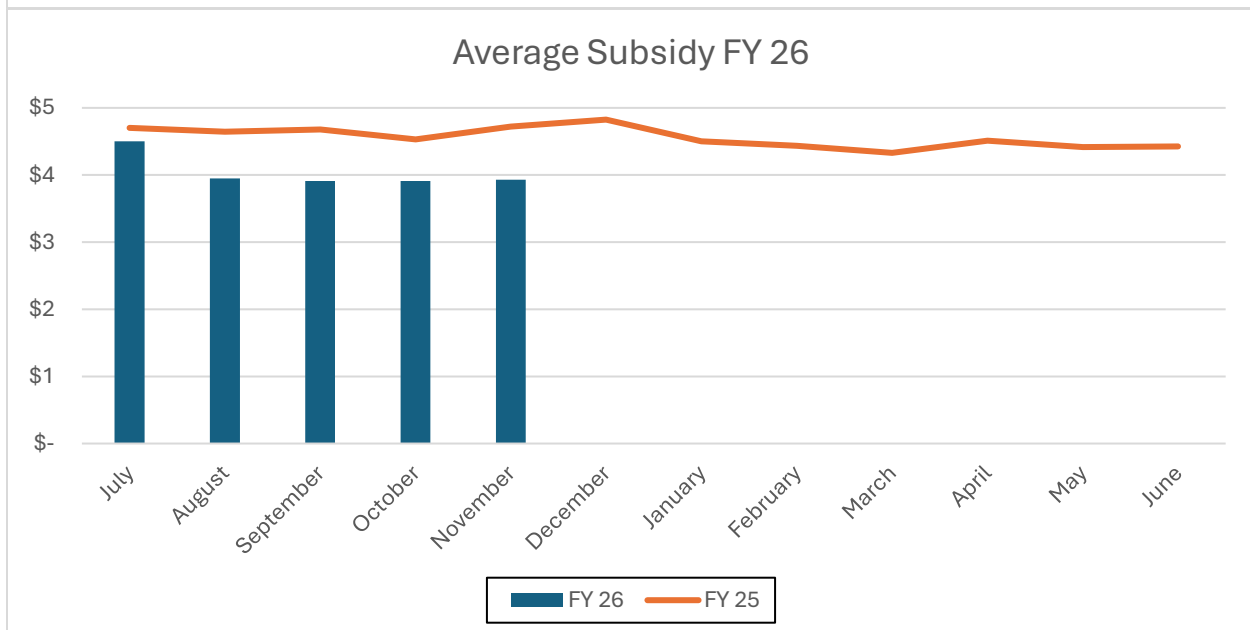
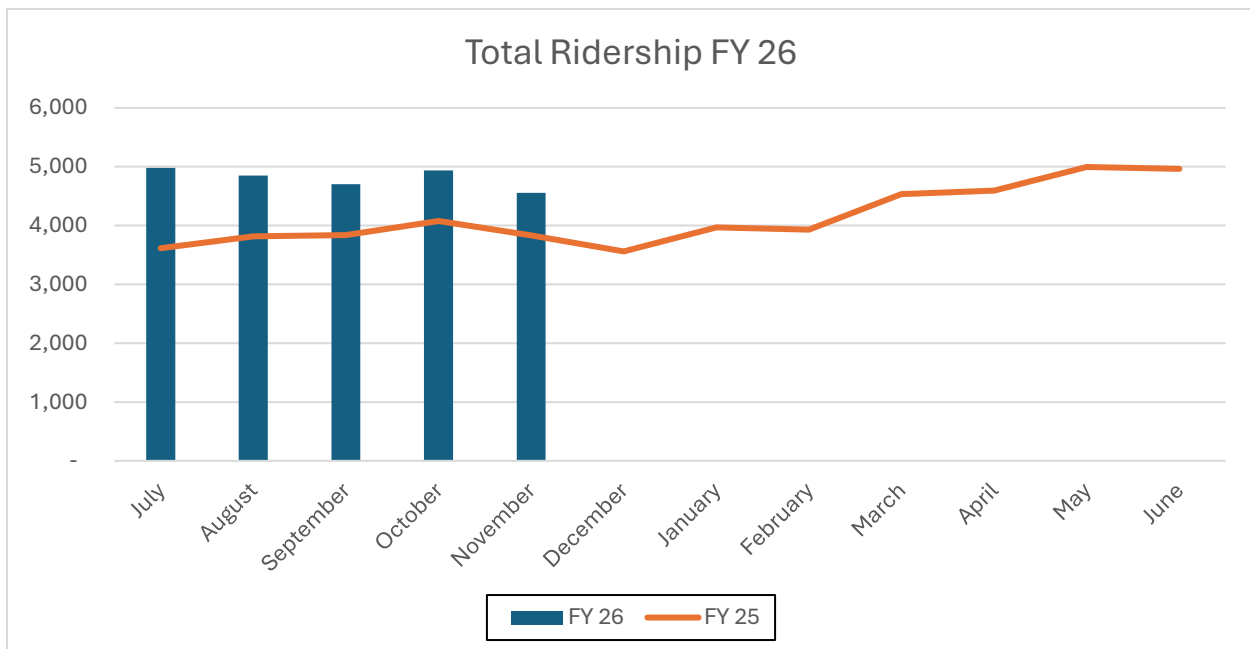
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Go Tri-Valley

Performance Indicator	Nov-24	Nov-25	Year Over Year % Change
Total Ridership	3,834	4,558	19%
Average Subsidy	\$4.72	\$3.93	-17%



Wheels System Performance
FY 2026 – November