



SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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1-20-10 BART Board Response to P. Rogoff Letter dated 1-15-10

January 20, 2010

2010

James Fang
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Bob Franklin
VICE PRESIDENT

Dorothy W. Dugger
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6TH DISTRICT

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7TH DISTRICT

James Fang
8TH DISTRICT

Tom Radulovich
9TH DISTRICT

Peter M. Rogoff
Administrator
Federal Transit Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Administrator Rogoff:

We write in response to your January 15, 2010 letter to inform you that the San Francisco Bay Area Rapid Transit District (BART) intends to continue to pursue federal funding for the Oakland Airport Connector Project (the OAC Project).

Our organization always has been and will continue to be committed to providing non-discriminatory, equitable, accessible and safe public transportation to the communities and residents of the San Francisco-Oakland Bay Area, and to achieving the objectives established under Title VI of the Civil Rights Act of 1964 and the other programs administered by the FTA's Office of Civil Rights. Our organization incorporates public participation in our planning process and strives to give the public ample opportunities for early and continuing participation in critical transportation projects, plans and decisions, and to provide full public access to key decisions. BART takes strong exception to the assertion in your January 15 letter suggesting otherwise and the alleged admission by BART during the compliance review conducted in December 2009.

As explained in our January Submission, because the OAC does not implement revenue service until the middle of 2013, specific outreach to address the break even fare has yet to be implemented and the rate will depend on a variety of factors, not yet known, including: (1) the actual cost of the project, (2) the cost of financing, (3) the amount of passenger traffic at the Oakland Airport at time of service. Certainly, the break even fare topic was discussed during the 17 public Hearings and the 8 public Project Presentations that were held last year. Participating organizations (to name a few) such as the East Bay Small Business Counsel, East Bay Social Justice Center, the Oakland Black Board of Trade and the Oakland Community Economic Leadership Forum attended and discussed all aspects of this important project. Notwithstanding, we remain committed to working with FTA to satisfy concerns regarding the timing and scope of the equity analysis.

Nonetheless, with regard to the "Title VI, Environmental Justice, and Limited English Proficiency Analysis of Proposed Service and Fare Changes" that is the subject of your letter, we look forward to working closely with the FTA to identify and address the specific insufficiencies you state exist in BART's January 14, 2010 submission (the Submission) and to developing an action plan that is acceptable to the FTA. BART's Submission was a good faith effort to meet the core objectives of Title VI – and BART is strongly committed to developing and implementing an action plan for the future that will identify and, if necessary, mitigate any possible discriminatory impact resulting from the project.

BART staff has been directed to immediately contact FTA Chief Counsel Dorval R. Carter, Jr. and Amber Ontiveros in the Office of Civil Rights to schedule a teleconference as soon as possible to review the BART Submission and get this process underway. Given the tight time deadlines, we ask for your assistance by directing Mr. Carter and Ms. Ontiveros to make this Project a priority in the weeks between now and the March 5, 2010 deadline.

Administrator Peter Rogoff
Federal Transit Administration
January 20, 2010

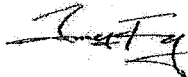
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The OAC Project has been a local priority for more than a decade because it will provide a critical link in the intermodal transportation system of the San Francisco-Oakland Bay Area. That is why the MTC allocated \$70M in ARRA funds to the OAC Project and the MTC, the BART Board of Directors, the Oakland City Council and the Port of Oakland Board of Commissioners have consistently voted in support of the Project. All are comprised of or appointed by local elected officials who seek out and represent the interests of the residents and diverse communities of the region.

The OAC Project is a particular priority today because it will bring anywhere from 2500 to 5200 new jobs to the area that are of vital importance to our economic recovery, including jobs in the construction, electrical, steel fabrication and other building trades that are experiencing unemployment rates in excess of 30 percent. That is why the OAC Project has the strong support of the local business organizations, trade unions and community and citizen groups for the Bay Area.

I look forward to working with you and the FTA to address the important issues identified in your January 15, 2010 letter, and ask your support in helping us complete this important local priority Project.

Sincerely,



James Fang
President



Bob Franklin
Vice President



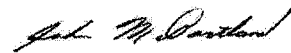
Gail Murray
District 1



Joel Keller
District 2



Carole Ward Allen
District 4



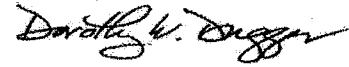
John McPartland
District 5



Thomas M. Blalock
District 6



Lynette Sweet
District 7



Dorothy W. Dugger
General Manager

cc: Scott Haggerty, Chair, Metropolitan Transportation Commission
Steve Heminger, Executive Director, Metropolitan Transportation Commission
Dorval R. Carter, Jr., FTA, Chief Counsel
Amber Ontiveros, FTA, Office of Civil Rights
Matthew Burrows, BART, General Counsel