

**MEASURE B AND MEASURE BB  
Annual Program Compliance Report  
Reporting Period - Fiscal Year 2023-24**

**AGENCY CONTACT INFORMATION**

Agency Name: **City of Newark**

Date: **12/23/2024**

**Primary Point of Contact**

<b>Name:</b>	Brett Oeverndiek
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**Agency's Certification of True and Accurate Reporting by Submission**

By submitting this Compliance Report to the Alameda County Transportation Commission, the submitting agency certifies the compliance information reported is true and complete to the best of their knowledge, and the dollar figures in the agency's Audited Financial Statement matches exactly to the revenues and expenditures reported herein.

Additionally, for the 2000 Measure B and 2014 Measure BB Direct Local Distribution (DLD) funds, pursuant to the California Public Utilities Code 180001 (e), funds generated by the transportation sales tax are to be used to supplement and not replace existing local revenues used for transportation purposes. By submit this report, the agency confirms that DLD funds are supplementing and not replacing existing local revenues used for transportation purposes.

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**Program Compliance Report Structure**

This Reporting Form is broken into the following sections for the Measure B and BB Direct Local Distribution Programs applicable to the recipient agency.

- \* **Cover - Agency Contact**
- \* **General Compliance Reporting for all programs**
- \* **Table 1 - Summary of Revenue, Expenditures, and Changes in Fund Balance**
- \* **Table 2 - Detailed Summary of Expenditures and Accomplishments**

**MEASURE B AND MEASURE BB  
Annual Program Compliance Report**

**TABLE 1: SUMMARY OF REVENUE, EXPENDITURES, AND CHANGES IN FUND BALANCE**

*DIRECTIONS: Complete the sections below based on the Measure B and BB Audited Financial Statements, for the applicable DLD programs for your agency. Values must match financial statements and total reported expenditures on Table 2.*

**A. 2000 MEASURE B Direct Local Distribution Programs**

	Bicycle / Pedestrian	Local Streets and Roads	Mass Transit	Paratransit	Total
<b>Beginning of Year Fund Balance</b>	\$ 295,849	\$ 856,347	\$ -	\$ 340,512	\$ 1,492,708
<b>Measure B Revenue</b>		\$ -	\$ -		\$ -
<b>Interest</b>	\$ 12,897	\$ 26,558	\$ -	\$ 14,441	\$ 53,896
<b>GASB 31 Adjustment</b>	\$ (393)	\$ (761)	\$ -	\$ (441)	\$ (1,595)
<b>Expenditures</b> <small>Expenditures Matches Table 2?</small>	\$ 76,817 <small>TRUE</small>	\$ 336,846 <small>TRUE</small>	\$ - <small>TRUE</small>	\$ - <small>TRUE</small>	\$ 413,663
<b>End of Year Fund Balance</b>	\$ 231,536	\$ 545,298	\$ -	\$ 354,512	\$ 1,131,346

*DLD Recipient verifies amounts above agrees to DLD Recipient's audited financial statements; and DLD Recipient verifies end of the year Fund Balance reflects what is stated on the audited financial statements.*

Notes

N/A

**B. 2014 MEASURE BB Direct Local Distribution Programs**

	Bicycle / Pedestrian	Local Streets and Roads	Mass Transit	Paratransit	Total
<b>Beginning of Year Fund Balance</b>	\$ 330,644	\$ 2,014,901	\$ -	\$ 781,989	\$ 3,127,534
<b>Measure BB Revenue</b>					
<b>Interest</b>	\$ 345,770	\$ 1,310,696	\$ -	\$ 351,343	\$ 2,007,809
<b>GASB 31 Adjustment</b>	\$ 22,858	\$ 117,020	\$ -	\$ 41,681	\$ 181,559
	\$ (815)	\$ (4,013)	\$ -	\$ (1,392)	\$ (6,220)
<b>Expenditures</b> <small>Expenditures Matches Table 2?</small>	\$ 673,129 <small>TRUE</small>	\$ 17,298 <small>TRUE</small>	\$ - <small>TRUE</small>	\$ 194,786 <small>TRUE</small>	\$ 885,213
<b>End of Year Fund Balance</b>	\$ 25,328	\$ 3,421,306	\$ -	\$ 978,835	\$ 4,425,469

*DLD Recipient verifies amounts above agrees to DLD Recipient's audited financial statements; and DLD Recipient verifies end of the year Fund Balance reflects what is stated on the audited financial statements.*

Notes

N/A

**C. TIMELY USE OF FUNDS MONITORING**

**Policy:** RECIPIENT may not hold an end of fiscal year fund balance of greater than four-times their annual DLD revenue received for that same fiscal year, by respective Measure B and Measure BB Program. The Cities of Albany, Emeryville, and Piedmont are excluded from this requirement.

Measure B RECIPIENT must expend all Measure B DLD funds and all interest earned thereon by June 30, 2026.

This autopopulated section provides a tool to monitor a RECIPIENT's compliance to this policy.

	<b>Total Annual Revenue</b>	<b>Maximum Allowed Balance (4x Annual)</b>	<b>Current DLD Balance</b>	<b>Current Balance Over / Under Maximum Allowed</b>
	(A)	(B) = (A) * 4	(C)	(D) = (C) - (B)
<b>Measure BB</b>	\$ 2,007,809	\$ 8,031,236	\$ 4,425,469	\$ (3,605,767)
<b>Measure B</b>	Measure B Balance must be exhausted June 30, 2026.		\$ 1,131,346	

**Exemption Requests:** RECIPIENT must demonstrate that extraordinary circumstances have occurred, and provide a timely expenditure plan that would justify the exemption.

*For Exemption consideration, answer the follow:*

- 1) Explain and justify why there is a excess balance beyond the maximum allowed.**
- 2) Describe an Expenditure Plan, activities, and estimated timeframe to draw down balances.**

N/A

**Bicycle and Pedestrian Direct Local Distribution Program  
Reporting Period - Fiscal Year 2023-24**

**GENERAL COMPLIANCE REPORTING**

**1a. Indicate the adoption year of the most current Bicycle/Pedestrian Master Plans, as applicable.**

	<b>Adoption Year</b>
Bicycle Master Plan	
Pedestrian Master Plan	
Bike/Ped Master Plan	2017

**1b. If the plans are over five-years past the last adoption year, specify the status of the current update.**

*Indicate N/A, if not applicable.*

The new Pedestrian and Bicycle Master Plan, also known as the Active Transportation Plan is being updated at this time. The anticipated adoption of the updated master plan is tentatively scheduled for the spring of 2025.

**1c. Describe which how your bike/pedestrian master plan is being implemented in the reporting fiscal year i.e. which projects being implemented and transportation benefits/needs addressed.**

The City's Pedestrian and Bicycle Master Plan (PBMP) identifies the need for ongoing repairs of damaged curb, gutter and sidewalk infrastructure to help ensure pedestrian and bicycle safety. Project 1302 & 1346 focused the repairs of this infrastructure on various streets.

**2. Describe how your reported DLD expenditures specifically addressed safety.**

DLD expenditures specifically addressed safety by eliminating existing raised sidewalk and curb, gutter and pavement hazards within the walking and biking portion of the roadway on the affected streets. Expenditures under Project 1302 & 1346 included repairs to both sidewalk and roadway surfaces at various Citywide locations resulting in improved safety conditions for pedestrians and bicyclists at each of these locations.

**2a. How much of the end of year fund balance is encumbered into active contracts/projects?**

*Encumbered value should be less than or equal to the end of year balance.*

		<b>\$ Encumbered</b>	
MB Balance	\$ 231,536	\$	91,404
MBB Balance	\$ 25,328	\$	-
<b>Total</b>	<b>\$ 256,864</b>	<b>\$</b>	<b>91,404</b>

**2b. Why is there a fund balance?** *Indicate N/A, if not applicable.*

The City is evaluating the best use of the current remaining Measure B and Measure BB fund balances for upcoming pedestrian and bicycle related projects. The City is seeking additional discretionary funding sources for several projects and these unencumbered fund balances may be used as a critical source of matching funds.

**Bicycle and Pedestrian Direct Local Distribution Program  
Reporting Period - Fiscal Year 2023-24**

**GENERAL COMPLIANCE REPORTING**

**2c. Specify any large planned uses of fund balances within this program and their status i.e. planned or underway.**

Project Title	Brief Project Description	DLD Amount	Project Status
CIP# 1370 2025 Curb, Gutter and Sidewalk Replacement Program	Remove and replace damaged sidewalks, curbs, and gutters throughout the City. Improve bicycle and pedestrian safety.	\$ 400,000	Planned

**3. Confirm all expenditures were governing body approved (Yes/No).**

Yes

**4. Confirm the completion of the publicity requirements in the table below (Yes/No).**

	Measure B	Measure BB	Copy of article, website, signage attached?	If applicable, briefly explain why the publicity requirement wasn't completed.
Article	Yes	Yes	Yes	
Website	Yes	Yes	Yes	
Signage	Yes	Yes	Yes	

**5. Describe how the current DLD investments promoted safety and/or local vision zero efforts.**

The current DLD investments went directly towards addressing identified safety concerns on sidewalk and bicycling surfaces for improved safety for

**Bicycle and Pedestrian Direct Local Distribution Program**

**Reporting Period - Fiscal Year 2023-24**

**TABLE 2: DETAILED SUMMARY OF EXPENDITURES AND ACCOMPLISHMENTS**

Provide a detailed summary of Measure B and BB Expenditures for the reporting fiscal year. Performance reporting/quantity complete and other fund expenditures should be consistent with reporting data sent to other agencies (regional/state/federal reporting).  
 - Expenditure total must correspond to your Audited Financial Statements, and Table 1 values.

No.	Project Phase <i>(Drop-down Menu)</i>	Project Type <i>(Drop-down Menu)</i>	Primarily Capital or Administrative Expenditure?	Project Name	Project Description/Benefits	Quantity Completed in FY 23-24	Units for Quantity <i>(Drop-down Menu)</i>	Additional description on units or expanded detail on expenditures, performance, accomplishments	Equity Priority Community Proximity	High Injury Network Proximity	Measure B DL D Expenditures	Measure BB DL D Expenditures
1	Other	Other	Administrative	Bike to Wherever Sponsorship			Other		3. None (Not near EPC)	3. None (Not near HIN)	\$ 2,500	\$ -
2	Construction	Sidewalks and Ramps	Capital	CIP #1346 23/24 Curb, Gutter, Sidewalk Replacement Program	Remove and replace damaged sidealks, curbs, and gutters throughout the City. Improved pedestrian and bicycle safety.	*Combined SQ FT shown in cell H11			3. None (Not near EPC)	3. None (Not near HIN)	\$ 74,317	\$ -
3	Other	Other	Administrative	CIP #1346 Notice of Exemption Fee			Other		3. None (Not near EPC)	3. None (Not near HIN)	\$ -	\$ 50
4	Construction	Sidewalks and Ramps	Capital	CIP #1302 22/23 Curb, Gutter, Sidewalk Replacement Program	Remove and replace damaged sidealks, curbs, and gutters throughout the City. Improved pedestrian and bicycle safety.	6639	Square Feet	Remove and replace 6,639 SF of sidewalk and 1,491 FT curb and gutter	3. None (Not near EPC)	3. None (Not near HIN)	\$ -	\$ 349,998
5	Construction	Sidewalks and Ramps	Capital	CIP #1346 Curb, Gutter, Sidewalk Replacement Program	Remove and replace damaged sidealks, curbs, and gutters throughout the City. Improved pedestrian and bicycle safety.	1242.5	Square Feet	Remove and replace 1,124.5 SF of sidewalk, 297.5 FT curb and gutter, and 14 curb ramps	3. None (Not near EPC)	3. None (Not near HIN)	\$ -	\$ 323,081
<b>TOTAL</b>											\$ 76,817	\$ 673,129
<b>Match to Table 1?</b>											TRUE	TRUE
			100%									
a. Total Capital			\$ 747,396									
b. Total Administrative			\$ 2,550									

Is the total percentage of Capital vs Program Administration (outreach, staffing, administrative support) Costs GREATER THAN 50%? If not, explain how capital investments will increase in the future.

N/A

**Local Streets and Roads (LSR) Direct Local Distribution Program  
Reporting Period - Fiscal Year 2023-24**

**GENERAL COMPLIANCE REPORTING**

**1a. What is agency's 2023 Pavement Condition Index (PCI)?**

PCI =

*Use same PCI reported to MTC for their Pavement Condition Rpt.*

<https://mtc.ca.gov/operations/programs-projects/streets-roads->

**1b. What is the basis for your PCI number if not from MTC Report** - <https://mtc.ca.gov/operations/programs-projects/streets-roads-arterials/pavement-condition-index?>

**1c. If your PCI fell below a score of 60 (fair condition), specify what corrective actions are being implemented to increase the PCI? Additionally, if your agency's PCI has been consistently under 60 in the past three years, explain why.**

*Indicate N/A, if not applicable.*

**2a. How much of the program fund balance is encumbered into active contracts/projects?**

*Encumbered value should be less than or equal to the available balance.*

		\$ Encumbered
MB Balance	\$ 545,298	\$ 524,115
MBB Balance	\$ 3,421,306	\$ 17,298
<b>Total</b>	\$ 3,966,604	\$ 541,413

**2b. Why is there a fund balance?** *Indicate N/A, if not applicable.*

The City is evaluating the best use of the current remaining Measure B and Measure BB fund balances for upcoming local street and road projects, but the funds are not yet formally encumbered. The City is seeking additional discretionary funding sources for several projects and these unencumbered fund balances may be used as a critical source of matching funds. Funding will likely also be directed towards pavement maintenance and local roadway projects.

**2c. Specify any large planned uses of fund balances within this program and their status i.e. planned or underway.**

Project Title	Brief Project Description	DLD Amount	Project Status
CIP 1369 2025 Street Asphalt Overlay Program	Overlay various streets with asphalt concrete. Restored worn out pavement to full serviceability and improved traffic safety by replacing pavement surface and traffic striping.	\$ 4,000,000	Planned

**Local Streets and Roads (LSR) Direct Local Distribution Program  
Reporting Period - Fiscal Year 2023-24**

**GENERAL COMPLIANCE REPORTING**

3. Confirm all expenditures were governing body approved (Yes/No).

Yes

4. Confirm the completion of the publicity requirements in the table below (Yes/No).

	Measure B	Measure BB	Copy of article, website, signage attached?	If applicable, briefly explain why the publicity requirement wasn't completed.
<b>Article</b>	Yes	Yes	Yes	
<b>Website</b>	Yes	Yes	Yes	
<b>Signage</b>	Yes	Yes	Yes	



**Local Streets and Roads Direct Local Distribution Program**

**Reporting Period - Fiscal Year 2023-24**

**TABLE 2: DETAILED SUMMARY OF EXPENDITURES AND ACCOMPLISHMENTS**

Provide a detailed summary of Measure B and BB Expenditures for the reporting fiscal year. Performance reporting/quantity complete and other fund expenditures should be consistent with reporting data sent to other agencies (regional/state/federal reporting).  
 - Expenditure total must correspond to your Audited Financial Statements and Table 1 values

No.	Project Phase <small>(Drop-down Menu)</small>	Project Type <small>(Drop-down Menu)</small>	Primarily Capital or Administrative Expenditure?	Project Name	Project Description/Benefits	Quantity Completed in FY 23-24	Units for Quantity <small>(Drop-down Menu)</small>	Additional description on units or expanded detail on expenditures, performance, accomplishments	Equity Priority Community Proximity	High Injury Network Proximity	Measure B DLD Expenditures	Measure BB DLD Expenditures
1	Maintenance	Street Resurfacing/Maintenance	Capital	CIP #1300 Street Asphalt Concrete Overlay	Overlay various streets with asphalts concrete. Restored worn out pavement to full serviceability and improved traffic safety by replacing pavement surface and traffic striping.	500 cy	Other	Additional 500 cy of patch paving to address severe localized pavement failures and temporarily improve ride quality. Involves the removal and replacement of 3-6 inches of existing asphalt. Prevents future pavement failures and can last up to 10 years.	3. None (Not near EPC)	1. Direct (in HIN)	\$ 290,815	\$ -
2	PS&E	Street Resurfacing/Maintenance	Capital	CIP #1366 Thornton Ave. Pavement Rehabilitation Project					3. None (Not near EPC)	3. None (Not near HIN)	\$ 46,031	\$ -
3	Maintenance	Street Resurfacing/Maintenance	Capital	CIP #1300 Street Asphalt Concrete Overlay	Overlay various streets with asphalts concrete. Restored worn out pavement to full serviceability and improved traffic safety by replacing pavement surface and traffic striping.	3000 cy	Other	Approximate 3000 cubic yards of new asphalt concrete. Placement of 2 inch layer of new asphalt over existing asphalt section or mill and fill to increase strength of existing street. Extends the life of the street at least 10 years.	3. None (Not near EPC)	3. None (Not near HIN)	\$ -	\$ 17,298
<b>TOTAL</b>											\$ 336,846	\$ 17,298
Match to Table 1?											TRUE	TRUE

a. Total Capital  
b. Total Administrative

	100%
\$	354,143
\$	-

Is the total percentage of Capital vs Program Administration (outreach, staffing, administrative support) Costs GREATER THAN 50%? If not, explain how capital investments will increase in the future.

N/A

A minimum of 15% of Measure BB LSR funds are required to be expended on bike/pedestrian Improvements.

In this fiscal year, how much of Measure BB LSR funds were expended on bike/pedestrian improvements?

Percent of Measure BB LSR funds expenditures on bike/pedestrian improvements:

Meets minimum 15% threshold?

\$	-
	0.0%
	FALSE

If your agency did not meet the 15% minimum expenditure requirement this fiscal year, explain why.

Each project listed above has an aspect of work relating to bike/pedestrian improvements but the dollar amount was not able to be determined at this time. Additionally, projects budgeted specifically using

**Paratransit Direct Local Distribution Program  
Reporting Period - Fiscal Year 2023-24**

**GENERAL COMPLIANCE REPORTING**

**1a. How much of the balance identified here is encumbered into active contracts and projects?**

*Encumbered value should be less than or equal to the available balance.*

		\$ Encumbered
MB Balance	\$ 354,512	\$ -
MBB Balance	\$ 978,835	\$ -
<b>Total</b>	\$ 1,333,347	\$ -

**1b. Why is there a fund balance?** *Indicate N/A, if not applicable.*

The Measure B and BB fund balances will be expended on the three services listed below through a contract for services with the City of Fremont. Fund balances will be used for issues related to increased service demands and revenue fluctuations.

**1c. Specify any large planned uses of fund balances within this program and their status i.e. planned or underway.**

Project Title	Brief Project Description	DLD Amount	Project Status
Ride-On Tri-City! Wheelchair Van Service	Accessible door-to-door, advance registration trips for individuals	\$ 229,875	Planned
Ride-On Tri-City! Taxi Service	Same-day transportation for individuals	\$ 15,125	Planned
Ride-On Tri-City! TNC Service	Same-day transportation for individuals	\$ 55,000	Planned
Ride-On Tri-City!	Program Administrative Fee	\$ 15,207	Planned
Meal Delivery	SOS Meals on Wheels	\$ 14,000	Planned

**2 Confirm all expenditures were governing body approved (Yes/No).**

Yes

**3 Confirm the completion of the publicity requirements in the table below (Yes/No).**

	Measure B	Measure BB	Copy of Article, website, signage Attached?	If applicable, briefly explain why the publicity requirement wasn't completed.
<b>Article</b>	Yes	Yes	Yes	
<b>Website</b>	Yes	Yes	Yes	
<b>Signage</b>	Yes	Yes	No	Signage will be provided by City of Fremont and MV Transportation

Paratransit Direct Local Distribution Program  
Reporting Period - Fiscal Year 2023-24

**TABLE 2: DETAILED SUMMARY OF EXPENDITURES AND ACCOMPLISHMENTS**

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- Expenditure total must correspond to your Audited Financial Statements and Table 1 values.

No.	Project Phase <i>(Drop-down Menu)</i>	Project Type <i>(Drop-down Menu)</i>	Project Name	Project Description/Benefits	Quantity Completed in FY 23-24	Units for Quantity <i>(Drop-down Menu)</i>	Additional description on units or expanded detail on expenditures, performance, accomplishments	Equity Priority Community Proximity	Measure B DLD Expenditures	Measure BB DLD Expenditures	Other Fund Expenditures	Total Cost
1			FY23/24 Paratransit Services w/ City of Fremont					3. None (Not near EPC)	\$ -	\$ 194,786	\$ -	\$ 194,786
2	Operations	City-based Door-to-Door	Ride-On Tri-City! Wheel Chair Accessible Transportation	Ride-On Tri-City! Wheel Chair Accessible Transportation	1099	Number of One-Way Unduplicated Trips		3. None (Not near EPC)	\$ -	\$ -	\$ -	\$ -
3	Operations	Same Day/Taxi Program	City of Newark/Fremont Same Day Taxi Voucher Program	Provides same day subsidized Taxi Voucher rides for seniors and disabled who cannot access fixed route services. Provides rides to places of worship, medical appointments, shopping trips, social and recreation opportunities and visits with friends and relatives.	595	Number of One-Way Unduplicated Trips		3. None (Not near EPC)	\$ -	\$ -	\$ -	\$ -
4	Operations	Other	City of Newark/Fremont Same Day TNC Program	Provides same day subsidized TNC rides for seniors and disabled who cannot access fixed route services. Provides rides for medical appointments, grocery shopping, places of worship, social and recreation opportunities and visits with friends and family.	5340	Number of One-Way Unduplicated Trips		3. None (Not near EPC)	\$ -	\$ -	\$ -	\$ -
5	Operations	Meal Delivery	SOS Meals on Wheels	Provides hot and nutritious meal delivery to home-based Newark seniors. Also provides a daily well-check of program participants.	18000	Other		3. None (Not near EPC)	\$ -	\$ -	\$ -	\$ -
6	Operations	Program Administration	Administrative fee from City of Fremont	The city of Fremont administers the City of Newark's program and charges a monthly administrative fee	12	Other		3. None (Not near EPC)	\$ -	\$ -	\$ -	\$ -
<b>TOTAL</b>									\$ -	\$ 194,786	\$ -	\$ 194,786
Match to Table 1?									TRUE	TRUE		