



**BOARD OF DIRECTORS
MEETING AGENDA
September 15, 2021 – 1:30 PM**

**IN ACCORDANCE WITH GOVERNOR’S EXECUTIVE ORDERS N-25-20 AND N-29-20
THE SMART BOARD OF DIRECTORS MEETING WILL BE HELD VIRTUALLY**

MEMBERS OF THE PUBLIC MAY NOT ATTEND THIS MEETING IN PERSON

ZOOM TELECONFERENCE INSTRUCTIONS

PUBLIC COMMENT PRIOR TO MEETING:

If you wish to make a comment you are strongly encouraged to please submit your comment by 5:00 p.m. on Tuesday, September 14, 2021 at <https://www.surveymonkey.com/r/SMARTBoardComments>

PUBLIC COMMENT DURING THE MEETING:

The SMART Board Chair will open the floor for public comment during the Public Comment period on the agenda. Please check and test your computer settings so that your audio speaker and microphones are functioning. Speakers are asked to limit their comments to two (2) minutes. The amount of time allocated for comments during the meeting may vary at the Chairperson’s discretion depending on the number of speakers and length of the agenda.

1. Call to Order
2. Approval of the September 1, 2021 Board Minutes
3. Board Member Announcements
4. General Manager’s Report
5. Public Comment on Non-Agenda Items
6. Consent Calendar
 - a. Accept Monthly Ridership Report - August 2021
 - b. Approval of Civic Edge Consulting Contract Amendment No. 2
 - c. Approve a Resolution Confirming Documentation of Salary of Former SMART General Manager, Lillian Hames

Regular Calendar

7. Authorize the General Manager to Award a Sole Source Purchase Order to MAHLE Industrial Thermal Systems America, L.P in an amount of \$200,581.36 for Specialized Diesel Multiple Unit (DMU) Maintenance Equipment
8. Approve a Resolution authorizing the 1) Reaffirming and updating the SMART Title VI Program and Nondiscrimination Policy; 2) Submittal of the document to the Federal Transit Administration; and 3) Allowing the General Manager authority to make non-policy and administrative changes to the SMART Title VI Program as needed, with changes reported to the Board
9. Next Regular Meeting of the Board of Directors, October 6, 2021 – 1:30 PM
10. Adjournment

DISABLED ACCOMODATIONS:

Upon request, SMART will provide for written agenda materials in appropriate alternative formats, or disability-related modification or accommodation, to enable individuals with disabilities to participate in and provide comments at/related to public meetings. Please submit a request, including your name, phone number and/or email address, and a description of the modification, accommodation, service or alternative format requested at least two (2) days before the meeting. Requests should be emailed to Leticia Rosas-Mendoza, Clerk of the Board at lrosas-mendoza@sonomamarintrain.org or submitted by phone at (707) 794-3072. Requests made by mail SMART's, 5401 Old Redwood Highway, Suite 200, Petaluma, CA 94954 must be received at least two days before the meeting. Requests will be granted whenever possible and resolved in favor of accessibility.



**BOARD OF DIRECTORS
REGULAR MEETING MINUTES
September 1, 2021 - 1:30 PM**

**IN ACCORDANCE WITH GOVERNOR'S EXECUTIVE ORDERS N-25-20 AND N-29-20
THE SMART BOARD OF DIRECTORS MEETING WILL BE HELD VIRTUALLY**

MEMBERS OF THE PUBLIC MAY NOT ATTEND THIS MEETING IN PERSON

1. Call to Order

Chair Rabbitt called the meeting to order at 1:34pm. Directors Arnold, Bagby, Colin, Connolly, Fudge, Garbarino, Gorin, Hillmer, Lucan, Pahre and Rogers were present.

2. Approval of the July 21, 2021 Board Minutes

MOTION: Director Colin moved approval of July 21, 2021 Board Minutes as presented. Director Arnold second. The motion carried 9-0 (Directors Garbarino, Hillmer and Roger no audio).

3. Board Members Announcements

Chair Rabbitt stated that the progress continues with the hiring of the General Manager. The AdHoc Committee met and there are good and solid candidates. On September 9th two community panels will interview the candidates and on September 10th the Board will meet and interview the candidates. He thanked everyone for their participation.

4. General Manager's Report

General Manager Mansourian announced that last week, SMART celebrated its 4th year Anniversary. Despite floods, fires and the pandemic, SMART's staff continues to provide service. Since the start of passenger service in August 2017, SMART has carried 2,051,464 passengers, 219,000 bicycles, and over 7,900 wheelchairs.

He stated that during the discussion and approval of the Capital Projects it was recommended that a feasibility study be conducted for the Puerto Suello Pathway in San Rafael. Chief Engineer, Bill Gamlen will provide an update and status of the study.

Chief Engineer, Bill Gamlen, said that staff embarked on the feasibility study for pathway options for the Puerto Suello Hill. The City of San Rafael and SMART hired Zoon Engineering firm to develop concepts, and they come up with a few general alignments. On August 12th they met on site with the Marin Bicycle Coalition, Warren Wells, Transportation Alternatives for Marin, Patrick Steidler, City representatives, Zoon Engineering and engineers. They reviewed the various alignment concepts, received good feedback, and will develop those concepts further with associated cost and pros and cons. Once all the information is compiled, we will bring it back to the Board.

Comments

Director Colin thanked SMART's staff for following up and having a Puerto Suello meeting. She stated that she looks forward on the feasibility study and update.

Chair Rabbitt stated that SMART is still in its infancy , which means we can continue to have opportunities and grow. Obviously, we would like to have a more boring existence and not have constant wildfires, floods, pandemics, and other strife among us. Nothing's been smooth in those four years; the one thing that has been consistent is the dedicated professionals in the SMART's staff. He thanked the entire staff for all the work that they've done to date, and he is excited about what the future of the organization.

5. Public Comment on Non-Agenda Items

Richard Brand asked if there was an issue with Zoom and asked the Chair to provide a brief update of what had been discussed since he missed the beginning of the meeting. Chair Rabbitt responded that staff gave a brief update of the Puerto Suello Feasibility Study and SMART's 4th year anniversary. There was a glitch initially on the zoom link, and it was fix quickly.

Eris Weaver stated she had difficulties getting into the meeting. She was very happy to meet with Emily Betts, SMART's Principal Planner used to be on the Sonoma County Bicycle Coalition Board of Directors. She and Warren Wells from the Marin Bicycle Coalition have had some very productive meetings. She is feeling very positive and optimistic about working together. She said she has been reviewing the legal documents and comments regarding a City of Santa Rosa application for an extension on the Jennings Avenue Crossing, which the Sonoma County Bicycle coalition supports and will be filing its own documents with the California Public Utility Commission, since the deadline is later this month. She is not sure if the Board really discussed it unless it was during a meeting she did not attend.

Warren Wells stated that Eris Weaver along with Directors Bagby, Lucan and Rogers rode on the SMART pathway. He is planning a similar ride along the Marin County segments and SMART pathway. A couple of weeks ago, he sent invitations to members of the Board, and he has heard back from a few and wants to invite staff to join. Once he has a list of interested members, he will start to find a date that will work for everyone. He thanked staff for the invitation to attend the Puerto Suello field visit and to the SMART Board, especially Mayor, Kate Colins, for allocating funding for the feasibility study. He echoed Eris Weaver for her comment on SMART hiring Ms. Betts to be part of the planning staff.

Rick Luttmann stated that we are in the fall of 2021 and have three years until the next presidential election during which, he presumes SMART is going to ask the voters once again to authorize continuation of the SMART tax fund. He is a supporter of SMART and rail, and wants to see SMART succeed; however, he is worried that the extension will not get approved. In 2008, there were various groups that supported SMART and at this time lots of enthusiasm has been lost. He urged the Board to recognize this and try to rebuild those coalition city councils to support you, chambers of commerce, private organizations such as to the bike coalitions and the Sonoma County Conservation Action and persuade people who don't live near the rail line to support the tax because people who don't ride the train benefit when other people do. He hopes this will be a very high priority for the new General Manager.

6. Consent
 - a. Accept Monthly Ridership Report – July 2021
 - b. Approval of Monthly Financial Reports – June 2021

Chair Rabbitt asked for Board and public comments on the proposed Consent Agenda.

MOTION: Director Lucan moved approval of the Consent Agenda as presented. Director Bagby second. The motion carried 12-0.

7. Authorize the General Manager to Award Contract No. OP-PS-21-004 to Modern Railway Systems for Track Driver Extra (TDX) Dispatch System Technical Support Services, Rail Network Technical Support Services and Rail Network Management System Implementation for an initial term of one year, with a total not-to-exceed amount of \$157,000

Manager of Train Control Systems, Aaron Parkes, stated that SMART's commuter and freight service depends on the reliable operation of our computer-aid train dispatching system and the fiber optic network that provides communication across SMART's network. These systems were initially placed in 2017 and operate continuously. The dispatch system and network require monitoring, maintenance, and troubleshooting. These activities must involve personnel with specialized knowledge, training, and experience.

SMART needs a third-party technical support for the computer-aided dispatching system, the fiber optic rail network, and the implementation of a rail network management system.

Modern Railway Systems (MRS) was the designer and system integrator of SMART's Initial Operating System which opened in 2017 as well as the Larkspur Extension and Novato Downtown Station in 2019.

MRS is also the designer of SMART's upcoming Windsor Extension and finally SMART's computer-aid dispatch system is proprietary to MRS. These factors make MRS, uniquely qualified to perform this work.

Staff recommends authorizing the General Manager to award the contract to MRS for dispatch system technical support services, rail network technical support services, and rail network management system implementation for an initial term of one year, with a total not to exceed amount of \$157,000. The funding for the first year is included in the adopted Fiscal Year 2021-22 budget and assumed in subsequent years.

Comments

Vice Chair Pahre stated that SMART will receive a staggering amount of support for the contract.

MOTION: Vice Chair Pahre moved to Authorize the General Manager to Award Contract No. OP-PS-21-004 to Modern Railway Systems for Track Driver Extra (TDX) Dispatch System Technical Support Services, Rail Network Technical Support Services and Rail Network Management System Implementation for an initial term of one year, with a total not-to-exceed amount of \$157,000 as presented. Director Arnold second. The motion carried 12-0.

8. Authorize the General Manager to Execute Contract Amendment No. 1 with Nossaman, LLP for specialized legal support services in the amount of \$200,000, for a contract not-to-exceed the amount of \$275,000

General Counsel, Tom Lyons, stated that Nossaman has provided SMART legal services in Real Estate negotiations prior to the start of operations. Nossaman has specialized legal expertise in a variety of real estate and transportation

Staff recommends authorizing the General Manager to execute Contract Amendment for an increase amount of \$200,000 for a not to exceed amount of \$275,000.

Comments

Rick Luttmann asked for clarification of the amount of the contract. District Counsel, Tom Lyons responded that the contract amendment amount is \$200,000 and the original contract was \$75,000

MOTION: Director Arnold moved to Authorize the General Manager to Execute Contract Amendment No. 1 with Nossaman, LLP for specialized legal support services in the amount of \$200,000, for a contract not-to-exceed the amount of \$275,000 as presented. Director Bagby second. The motion carried 12-0.

Director Garbarino left at 2:10pm

9. Approve a Resolution Amending the Fiscal Year 2021-22 Budget by Budgeting \$3,151,221 in projected American Rescue Plan (ARP) Funding; Authorize additional spending authority of \$427,907; and Authorize Position Changes

Chief Financial Officer, Heather McKillop, stated that the item before you today is to approve a Resolution to amend the Budget for fiscal year 2021-22 to include funds from the American Rescue Plan (ARP).

The Metropolitan Transportation Commission (MTC) received \$1.7 billion in ARP Funds. For the ARP distribution, MTC has allocated the first tranche amount to the Sonoma County Transportation Authority (SCTA) on behalf of the Sonoma County operators. SMART and SCTA have met on various occasions to discuss the distribution of the funds. The goal of the ARP funds is to restore service to pre-pandemic service, SMART should receive \$3,151,221. The budgetary adjustments can be seen on Attachment 1 (page 79 or 89) of the packet.

We are adding (4) Engineer/Conductor positions, for which the hiring can take approximately 6 months. With the hiring of additional Engineer/Conductors, SMART will be able to add more service. We are asking for additional revenue vehicle maintenance cost and fuel.

Position Changes:

As mentioned, we are asking to add (4) Engineer/Conductor positions. We are reclassifying the following position titles:

- Procurement Assistant to Purchasing Assistant
- Accounting Assistant to Accounts Payable Technician
- Accountant to Accountant I

The changes are being proposed to better clarify the position and get qualified applicants.

Comments

Director Colin thanked Ms. McKillop for the presentation. She said she contacted Chair Rabbitt to receive clarification on the agenda item language. She understands the agenda item is requesting two approvals: 1) is accepting the ARP funds and 2) how they're going to be allocated. She is concerned, that the Board has not had a higher level at 30,000 feet strategic conversation about what are we going to do with these funds, we always have priorities and there isn't an endless amount of funds her concern is that we're being asked to make a tactical specific approval when those kinds of overarching strategic discussions haven't taken place and it could be everything from how are we going to get back to our ridership, to as our public comment we'd heard earlier, critical issues such as a renewal of the sales tax. Are there other ways and other things we might want to be allocating those funds, she was concerned that they're all combined. The position clarification makes sense, she asked why it's embedded and said it would be easier to have this conversation if things were spread apart and done more subsequently.

Ms. McKillop responded that these funds were specifically designed to return to pre-pandemic service that it is the goal of MTC and the Board who met on numerous occasions and had that conversation; those funds need to use towards that goal. It does not mean that overtime there might be funding available, to accomplish additional tasks and items, we are relying on the work that had been done previously in the year during the listening sessions discussion. We move forward with as far as the welcome back campaign and those type of items which were to return to pre-pandemic service. During the budget, it was discussed that SMART did not have funding and ARP funds were not available at that time, and it was decided that when that time came, staff will bring it back to the board and program those funds.

From staff's perspective, the Board had that consideration already, and the goal was to move forward if SMART received funds to restore more service. Another, big piece is the amount of time it takes to hire and get them trained to act as Engineer/Conductors on our system, and we had a lot of conversations with MTC allowing SMART to move forward with this pending their approval either in September or October. The reason is that they understood the amount of time it takes for hiring.

Budgeting the funds from a revenue perspective, and allocating them at this time, you will realize that there is a pretty big difference between the \$3.1M and \$427K that is being allocated into the fund balance. At this current time the funds are not needed until SMART hires staff and increases service. In the future we probably will need those funds because we calculated the need over a three year period.

Director Colin asked of the MTC fund designation only for personnel costs. Ms. McKillop responded that the funds can also be used for fuel and operating costs. Don't think they had intended for that to be used for capital. If the Board decided not to increase service, SMART would not receive funding and that conversation would have to be held, because I know there are a lot of other agencies that would be anxious to receive the funding that SMART has received allocation for. Director Colin stated that the Board received the raw data from the listening, but the Board members didn't have a strategic discussion from that listening session.

Chair Rabbitt stated that on the listening sessions, we did summarize what was common and then implemented actions and some have been incorporated. Even with the hiring of the four additional Engineer/Conductors, staffing would be difficult if service was restored on Sundays. When the second round of funds become available through MTC those will be for post pandemic, post COVID on transit and going forward, which will be interesting because we will have a better idea of what the new workplace patterns are going to show.

Director Lucan stated that regarding the listening sessions and Director Colin, it may have been the meeting you miss, however the Board did receive a summary and we have mapped out many of them of the major topics that came up. We have already begun to undertake others pending. He suggested that the General Manager send out the summary again because we did map out the topics over the next several months.

Chair Rabbitt stated that what the Board heard was more trains, service, hours, days, and cheaper fares.

Public Comments

Richard Brand stated that financial issues can be sticky especially when you have naysayer that want to pick things apart. It would be very prudent to allocate the funds on how they will be used. He said that the Citizens Advisory Committee is supposed to oversee the finances and they have not met in a year. He suggested that the group be activated and meet at a later time to discuss especially since the voters will have to approve the renewal of sales tax.

Steve Birdlebough stated that there is a strong interest in weekend service, and he hopes to soon have a conversation to recover weekend service. He asked if some of the resources can be shifted from midday to weekday service to be able to operate on both weekend days, which could involve some tricky staff arrangements.

Rick Luttmann thanked Director Colin for bringing up the matter of two action items. Incorporating the \$3M into the budget is a no brainer, however what is going to be done with that money. It is important to have the Board consider priorities as Director Colin suggested.

Dani Sheehan stated that she can't wait to see everyone in person. She said that the funding can always be re-appropriated later, however it needs to be approved to secure receiving the funding and not lose it. She can't wait for Sunday service to be restored and she is not sure if it is contingent on the ferry service. She asked when the ferry will start service on the weekend.

Chair Rabbitt asked the General Manager to respond to a few comments mentioned. General Manager Mansourian responded to the following: 1) the Citizens Oversight Committee does not oversee the financing; however they are responsible to prepare the Strategic Plan every five years; 2) the next General Manager will work on creating a different Citizens Oversight Committee with members and specific duties as decided by the Board; 3) the Board has set the priorities, not staff; 4) the Board asked staff to provide the raw data from the listening session, which was presented. Then staff was asked to go into specifics and over the next several sessions we divided that raw data into very specific sessions, you received presentations by various staff and in each of those sessions, the Board made specific actions, for example, what kind of data should we use, what should we prepare and keep and report. Whether we should be having the farebox recovery per person or per mile those were the kind of decisions that were made. On the schedule, what the Board directed staff to do was to restore the weekdays travel back and add the late evening trips, since that was being asked from the public. Also, asked staff to get back to the weekend, as soon as the ferry was ready and we reported at that time based on our available Engineer/Conductor, we could not and still cannot provide the public with the same level of service on weekday and Saturday and Sunday.

What SMART's Chief Financial Officer presented to the Board is based on MTC wanting all transit agencies to get funded, to get back to their pre-pandemic service and have agreed to allow staff to spend the funds to hire the four (4) Engineer/Conductors to restore service to pre-pandemic staffing for train operation and under that scenario we will a position to offer weekday as well as Saturday and Sunday.

General Manager Mansourian stated that he is not aware of when Golden Gate Ferry is going to start Sunday service, however we work very closely with each other, and he is sure they will inform staff. SMART's staff continues to monitor the activities in San Francisco. Until the conventions, concerts and offices open on Sunday might be questionable but that's why we're putting ourselves in a position of having trained staff and the required training and certification, we can quickly react to that. He said he will send out listening

sessions information and all the discussions your Board had, and the direction and recommendation given to staff.

Therefore, the recommendation today is to get ready to restore that pre-pandemic level of staffing, to have weekday and both Saturday and Sunday service when it's time to do so.

Director Bagby stated that she is little surprised that these items have come up because having been new to the board trying to pay very close attention and get up to speed it seems that this is policy direction that has been extensively discussed and vetted by the Board and we did set this policy. In conjunction with staff, we honestly ask them how we get back to this level of service, they did an analysis and they answered it, and the answer to that question is on page 76 of our packet. In the first paragraph under ARP expenditures, the last sentence..."We have determined that to get to pre-pandemic levels of service, we need four (4) additional Engineer/Conductor. The hiring and onboarding process takes practice approximately six months".

This money needs to be spent to get us back to pre-pandemic service, the analysis has been done, the recommendations have been made and would like to see the Board move forward with this thoroughly analyzed evidence backed recommendation by the Board.

Director Fudge stated that she agrees with Director Bagby's comment. In the last two weeks she has taken the train and people are starting to ride again. She was very impressed with the number of people on the Ferry and the number of people that were waiting for the trains going North and to San Rafael. In the morning there were a lot of school kids using the train again and were getting off the Hamilton Station. The Engineer/Conductors are excited to see so many people back. Staff needs to start the hiring process since we need to meet the demand to increase ridership. She is appreciative that we have the money to be able to do that, so I think we need to move ahead.

Director Connolly stated that Director Bagby hit on the head, this is consistent with prior direction and with the listening session and it is a move in the right direction

MOTION: Director Bagby moved to Approve a Resolution Amending the Fiscal Year 2021-22 Budget by Budgeting \$3,151,221 in projected American Rescue Plan (ARP) Funding; Authorize additional spending authority of \$427,907; and Authorize Position Changes as presented. Director Connolly second. The motion carried 10-1 (Director Colin No vote; Director Garbarino absent).

10. Approve a Resolution Amending District Hiring Policy and Procedure to include Proof of COVID-19 Vaccination as a Condition of New Employment

Human Resources Manager, Lisa Hansley stated that the item before you today is to amend District Hiring Policy and Procedures. We have been dealing with the COVID-19 pandemic for the last 18 months. Recently there has been a surge of new infections due to the Delta variant. As a result, the State Public Health Officer, the Marin County Health Officer, and the Sonoma County Health Office have issued orders requiring employees in high risk

settings to provide proof of vaccination and/or submit to regular testing.

The recent data as of August 31, 2021 in Sonoma County, shows for vaccinated vs. unvaccinated, new cases per 100,000 residents was 30.7 among unvaccinated residents and 5.9 cases per day for vaccinated. On August 28, 2021, in Marin County new cases per 100,000 residents was 36.8 among unvaccinated residents and 9.1 cases per day for vaccinated. We have seen our local public agencies taking steps to amend their policy. On August 17, 2021, the County of Sonoma adopted a policy, that all employees show proof of vaccination or have weekly testing effective in September. The City of Petaluma passed similar policy on August 23rd and the City of Santa Rosa passed a policy on August 31st mandating testing or proof of vaccination effective in October.

We are proposing to revise the District's Hiring Policy and Procedure to require proof of vaccination for all new hires as part of the employee screening process. Applicants may request an accommodation for religious or medical reasons.

Comments

Director Lucan asked whether we might consider expanding it in coordination with our different employee groups. He would like a policy to be applicable to the entire Board of Directors because he thinks it starts with them. He asked what the next steps would be to direct staff not necessarily mandating vaccines but do regular testing. We want to make sure, first and foremost, our employees and our passengers are safe.

Ms. Hansley responded that if the Board would like staff to research that, we'd be happy to do so, and we will talk with the Unions as well, and come back to the Board as soon as possible with that policy.

Chair Rabbitt stated that he would be in support of that as well. He is looking to his colleague, Supervisor Gorin, in this case, since it was a meet and confer and he does not think it was with our Union groups and obviously not everyone thought it was the best idea and most did. Director Gorin stated it was confusing because, we had a meet and confer process with our employee groups to come back into the office and then COVID ramped up, and so we probably must meet and confer again to say wait everything is on hold. She doesn't believe it was meet and confer requiring or mandating vaccinations.

Director Rogers stated that the City of Santa Rosa Council had the same discussion last night and he would be supportive of the direction that is being suggested by Director Lucan. For the City of Santa Rosa, it came down to a couple of primary factors, one being the dual role that employees play in being Disaster Response Workers as well, helping to evacuate people in the event of an emergency and making sure that that is a reliable source our community to depend on during a disaster. This is a perspective that was discussed last night and is important.

Vice Chair Pahre stated that she agrees with Directors Lucan and Rogers comments. She said her niece, who is a veterinarian, said that the veterinary world has been dealing with Coronavirus for a long time. The virus has an incredible ability to mutate and reinvent

themselves and her opinion is this going to be going on for some time.

Chair Rabbitt stated that the action for the Board today is to adopt the policy for new employees and look for consensus to staff to return with a further policy for existing employees, including all of us on the Board of Directors.

Public Comments

David Schonbrunn stated that he has spent much of the last year and a half, studying the science of COVID and the proposed vaccine mandate is part of a COVID control strategy that became obsolete a month ago. The reasons why the National Strategy had previously been based on universal vaccination was the idea that if everyone was vaccinated everyone would be safe, no one would spread the disease. Recent events have made that vision completely untenable, it has become clear, since the recent Massachusetts breakthroughs that vaccinated people also spread COVID. Their viral loads are extremely high, making them very efficient spreaders because the virus enters the body through the nose. However, because the vaccines provide immunity in the blood and not the nose these vaccines can't fight the virus when it's in the nose, they don't protect against catching the disease or then spreading it. The Brits recognize this reality, a few weeks ago, Sir, Andrew Pollard, Director of the Oxford vaccine group said we're in a situation here with this current variant where herd immunity is not a possibility, because delta still infects vaccinated individuals. We now must recognize that the idea that vaccines will make everyone safe is obsolete. When non-vaccinated people catch COVID they stay home because they feel ill. The vaccinated people that get COVID are likely to spread the virus since they don't feel ill enough to stay home. A big study from Israel found that previously infected people are 13 times less likely than a vaccinated person to get infected with COVID. Vaccination is much less effective than natural immunity and protecting people from getting COVID. If an employee policy is created, it should favor hiring people that were previously infected with COVID, there is no legitimate basis anymore to require vaccination and for testing only the unvaccinated vaccinated. The current push for mandates, is the result of social hysteria pumped up by the environment of fear fostered by the media. He urged the Board not to give into that hysteria by adopting a mandate that the Board thinks is going to make everyone safer will encourage overconfidence and have the counter intuitive result of less safety.

Eris Weaver expressed her support for the policy, she has created a very similar policy among her staff since they work with kids and adults. It is very difficult to stay far away when helping people on the bicycle. She has the same concern that Director Lucan expressed that mandating for the new hires but what about the staff that faces the public on the train. Knowing that the employees on the train are vaccinated and protected would make her feel safer on the train. She encourages the Board to extend the policy for existing employees especially those who interact with the public contact. She is happy to hear that it would be extended to the Board Members.

Dani Sheehan said that nobody wants to see the economy and the impact that we saw over the last year. If the mandate is to be vaccinated to reduce the severity of the infection and you wear a mask, that is what needs to happen to be able to go to a restaurant, and a concert. She supports this policy and does not understand why people don't want to get vaccinated.

This is the new trend in corporates, restaurants and events and are not going to be able to go anywhere without a Vaccination Card.

Sheila Baker stated that she agrees with all the comments made from the previous speakers. She is for vaccinations and masking. She feels safer riding the train knowing that the staff is vaccinated and wearing their mask. The vaccinations and masks work and keep people out of the hospital.

Steve Birdlebough supports staff recommendation. SMART employees are very valuable and do not want to lose them to the extent that vaccination saves lives which is important morally. On the question regarding spreaders, perhaps considering conducting more testing, since the vaccinated can still spread the disease.

Jack Swearengen stated he has been fascinated by the efforts of SMART staff has done to clean the trains with the forced air movement and the COVID killing UV lights. The SMART train is safer than the air in your local coffee shop or anyplace else without active virus killing SMART has a very advanced air cleaning system, which makes the cars safer than most public places

Chair Rabbitt stated that the motion to approve then it would include the direction to come back at a future date for the all-encompassing requirement as well. Director Lucan stated to move for approval the staff recommendation with policy recommendations that would come back that would apply to existing employees and that also includes the Board of Directors.

Chair Rabbitt said that his first meeting this morning was with a good dear friend who is an elementary school principal, her husband died of COVID earlier this year. Currently, we have a pandemic of the unvaccinated and nearly 100% more likely to have severe symptoms, including death and has been politicized such a shame that this Country has been dealing with for quite a while. He said that he would listen to George Rutherford, MD, PhD who specializes in Communicable Disease and gives morning briefing every day at UCSF than someone who provides information from the internet.

MOTION: Director Lucan moved to Approve a Resolution Amending District Hiring Policy and Procedure to include Proof of COVID-19 Vaccination as a Condition of New Employment as presented. Director Rogers second. The motion carried 11-0 (Director Garbarino absent).

11. Next Regular Meeting of the Board of Directors, September 15, 2021 – 1:30 PM
12. Adjournment - Meeting adjourned at 2:44pm

Respectfully submitted,

Leticia Rosas-Mendoza
Clerk of the Board

Approved on: _____



September 15, 2021

David Rabbitt, Chair
Sonoma County Board of Supervisors

Barbara Pahre, Vice Chair
Golden Gate Bridge,
Highway/Transportation District

Judy Arnold
Marin County Board of Supervisors

Kate Colin
Transportation Authority of Marin

Damon Connolly
Marin County Board of Supervisors

Debora Fudge
Sonoma County Mayors' and
Councilmembers Association

Patty Garbarino
Golden Gate Bridge,
Highway/Transportation District

Susan Gorin
Sonoma County Board of Supervisors

Dan Hillmer
Marin County Council of Mayors and
Councilmembers

Eric Lucan
Transportation Authority of Marin

Chris Rogers
Sonoma County Mayors' and
Councilmembers Association

Farhad Mansourian
General Manager

5401 Old Redwood Highway
Suite 200
Petaluma, CA 94954
Phone: 707-794-3330
Fax: 707-794-3037
www.sonomamarintrain.org

Sonoma-Marin Area Rail Transit Board of Directors
5401 Old Redwood Highway, Suite 200
Petaluma, CA 94954

SUBJECT: Monthly Ridership Report – Aug 2021

Dear Board Members:

RECOMMENDATIONS: Information Item

SUMMARY:

We are presenting the monthly ridership report for activity for the month of Aug 2021. This report shows trends in ridership for SMART by tracking Totals, Average Weekday riders, and Average Weekend/Holiday riders via the two methods we employ to track riders on a daily basis: Onboard Counts and Clipper + Mobile App paid fares. The report details bicycles and wheelchairs counted as well. We have added charts and graphs of the information to further illustrate system trends.

As discussed in prior presentations to Your Board, using both Onboard Counts and Fare collection counts of riders is necessary to track progress. Onboard Counts capture all riders, including the riders who are riding during the Free Fare Days or Free Fare Programs offered by Your Board, riders with passes who neglect to tag on or off, as well as categories of riders such as children under five years old. Therefore, Clipper + Mobile App paid fare reports do not capture all riders.

This and future reports will compare the most recent month to the same month during the prior year, as is standard industry practice for tracking trends over time. The report also shows progress so far in the Fiscal Year compared to the same time in the last Fiscal Year, to enable tracking of riders relative to budget expectations. These reports also note relevant details associated with fare program discount usage and trends in riders bringing bicycles onboard. As this data collection and reporting process evolves, we will continue to revise data discussion and presentation in the reports.

SMART's rider data for July 2021 was posted on the SMART Ridership website (<http://sonomamarintrain.org/RidershipReports>) and SMART's detailed August 2021 data will be posted once validated.

The report covers the ongoing increase of riders returning to SMART as Bay Area Counties lift their Shelter-In-Place restrictions and phase the opening of schools, restaurants, retail shops, offices, and other places of work.

FISCAL IMPACT: None

REVIEWED BY: [x] Finance /s/ [x] Counsel /s/

Very truly yours,

 /s/
Joanne Parker
Programming and Grants Manager

Attachment(s): August 2021 Monthly Ridership Report

AUGUST 2021 (COVID-19) SMART RIDERSHIP

SMART Ridership Report
Board of Directors,
September 15, 2021

SMART's August 2021 ridership was up 188% over August 2020, which was heavily impacted by the COVID-19 shutdown. Average weekday ridership has risen steadily since February 2021, with July 2021 average weekday ridership increasing 15% over June 2021, and August 2021 increasing 2% over July 2021. Throughout the region, automobile traffic levels have returned to pre-pandemic levels in some areas and transit agencies are seeing the first signs of ridership recovery. However, the Delta variant and ongoing remote-work trends due to COVID continue to have a detrimental effect on transit ridership throughout the Bay Area.

As a reminder, SMART modified services in March 2020 due to the COVID-19 pandemic, with weekend service annulled starting March 21 & 22, 2020, and weekday service reduced first by 4 trips (down to 34) on March 23, 2020, then by another 18 trips, (down to 16), on April 6, 2020. Beginning on Monday, May 24, 2021, SMART added service to the weekday schedule with two new morning trips and three new afternoon trips, resulting in 26 weekday trips. Saturday service was also restored the last two weekends in May, with 3 morning and 3 afternoon round trips. Saturday ridership has been very strong, seeing approximately 65% of average weekday ridership levels on less than half the number of train trips.

The tables below present data from August 2020 and 2021, year-over-year, and comparing fiscal years to date (July – August).

MONTHLY TOTALS YEAR-OVER-YEAR	AUG 2020	AUG 2021	% Change
Total Ridership (Onboard Counts)	8,703	25,053	188%
Total Paid Ridership (Clipper + App Only)	8,144	22,920	181%
Average Weekday Ridership (Onboard Counts)	414	1,022	147%
Average Weekday Paid Ridership (Clipper + App Only)	387	939	143%
Average Weekend/Holiday Ridership (Onboard Counts)	0	644	N/A
Average Weekend/Holiday Paid Ridership (Clipper + App)	0	551	N/A
Total Bikes Onboard	1,887	4,297	128%
Total Wheelchairs Onboard	20	140	600%

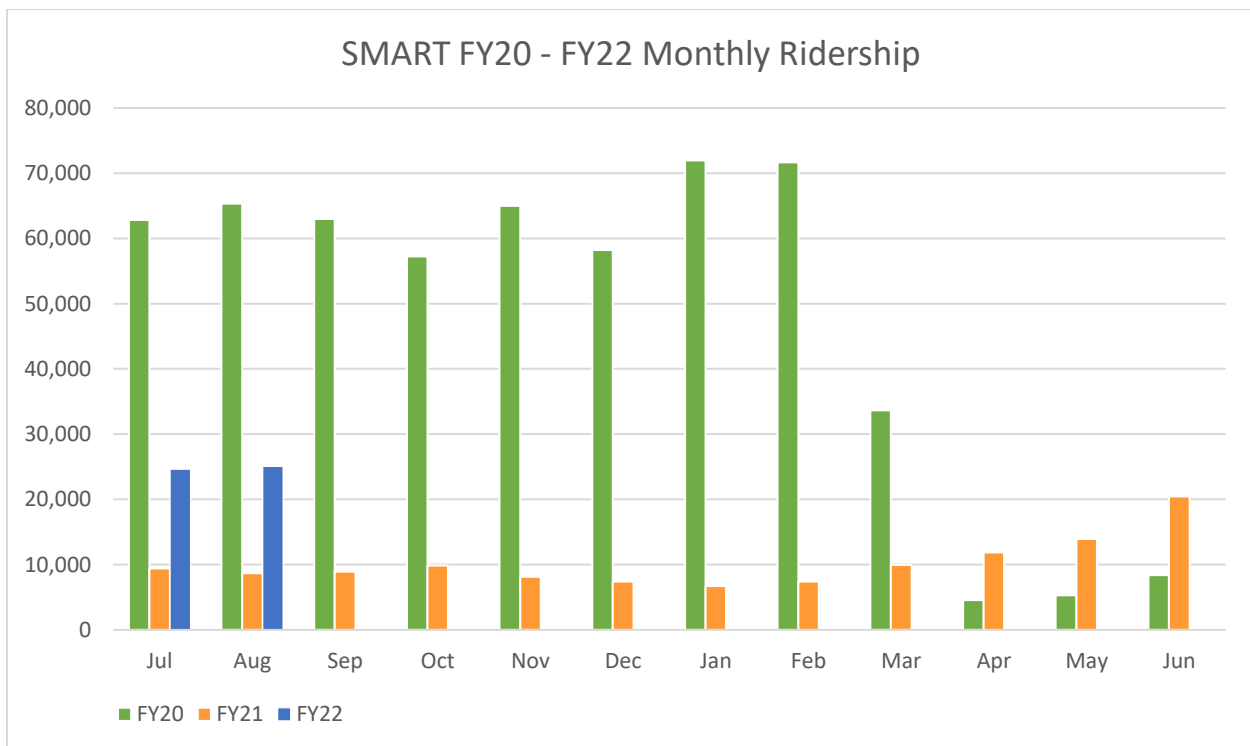
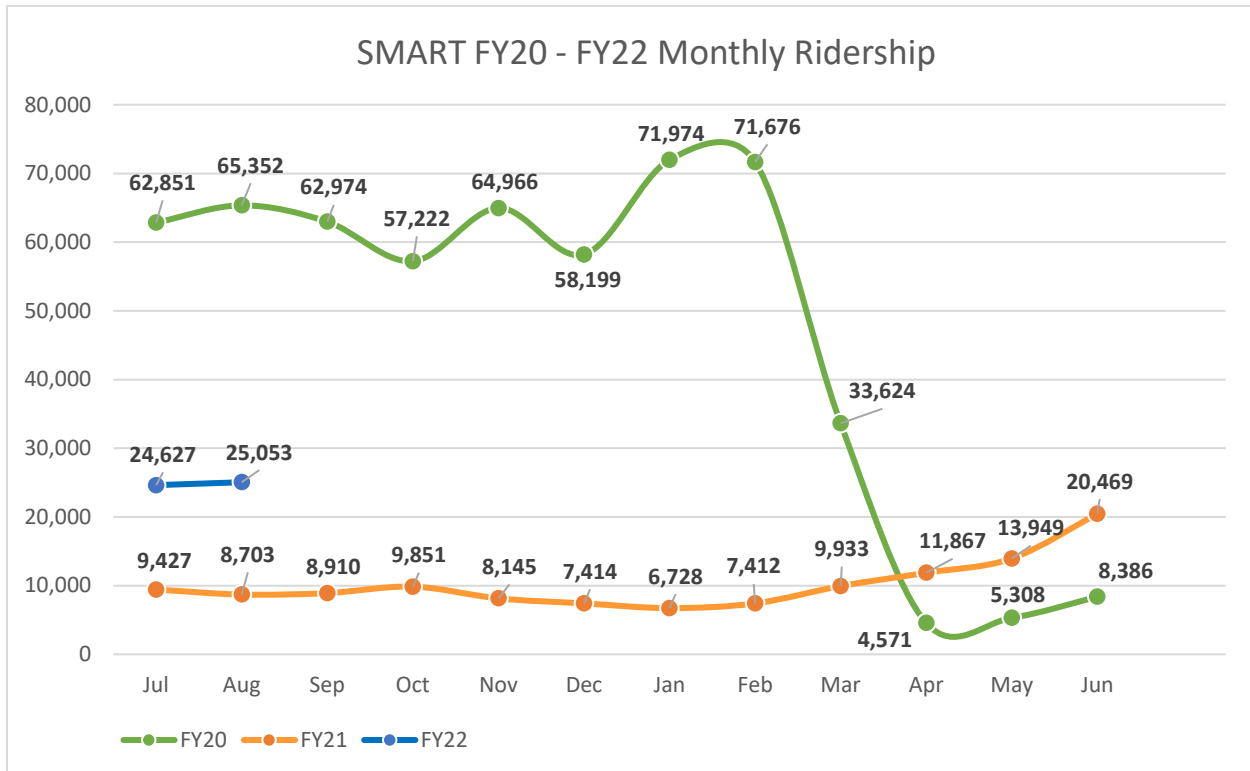
Youth ridership saw an increase with the start of school in mid-August; a more detailed analysis will be available for the next ridership report.

FISCAL YEAR-TO-DATE (AUG)	Fiscal Year 2021	Fiscal Year 2022	% Change
Total Ridership (Onboard Counts)	18,130	49,680	174%
Total Paid Ridership (Clipper + App Only)	16,864	45,248	168%
Average Weekday Ridership (Onboard Counts)	412	994	141%
Average Weekday Paid Ridership (Clipper + App Only)	383	912	138%
Average Weekend/Holiday Ridership (Onboard Counts)	0	662	N/A
Average Weekend/Holiday Paid Ridership (Clipper + App)	0	566	N/A
Total Bikes Onboard	4,030	8,296	106%
Total Wheelchairs Onboard	44	292	564%

AUGUST 2021 (COVID-19) SMART RIDERSHIP

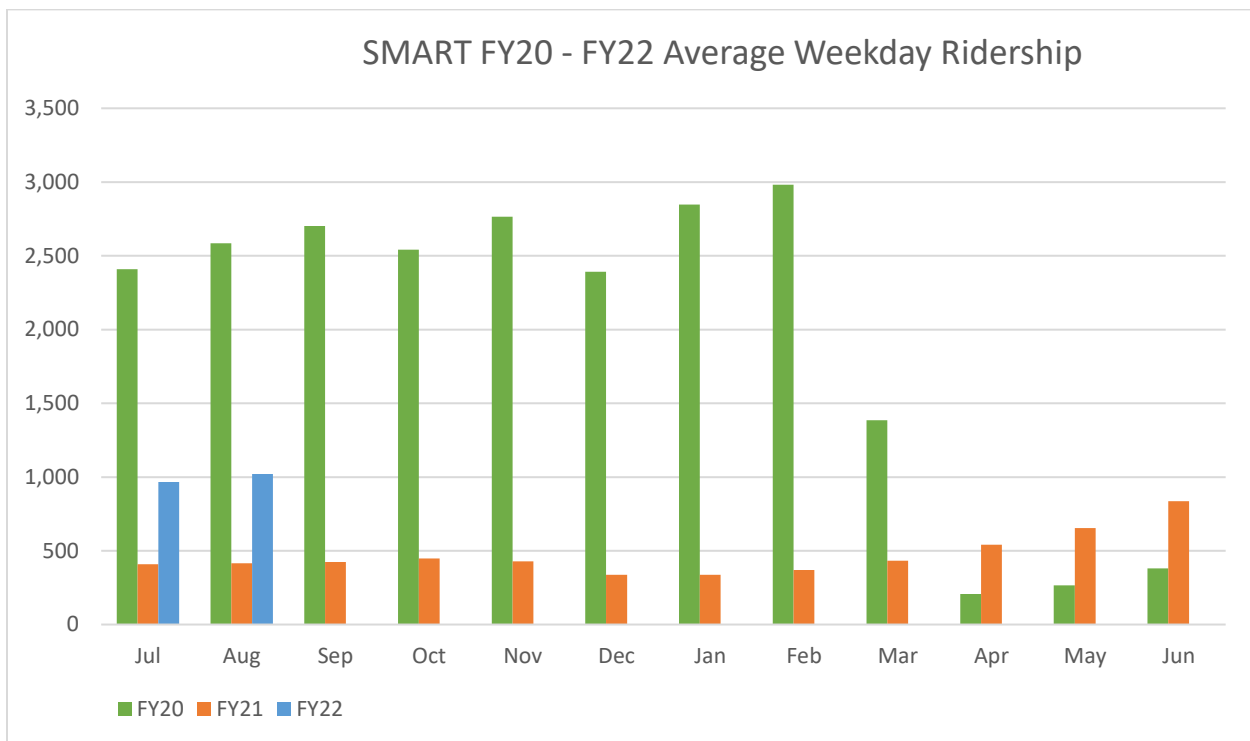
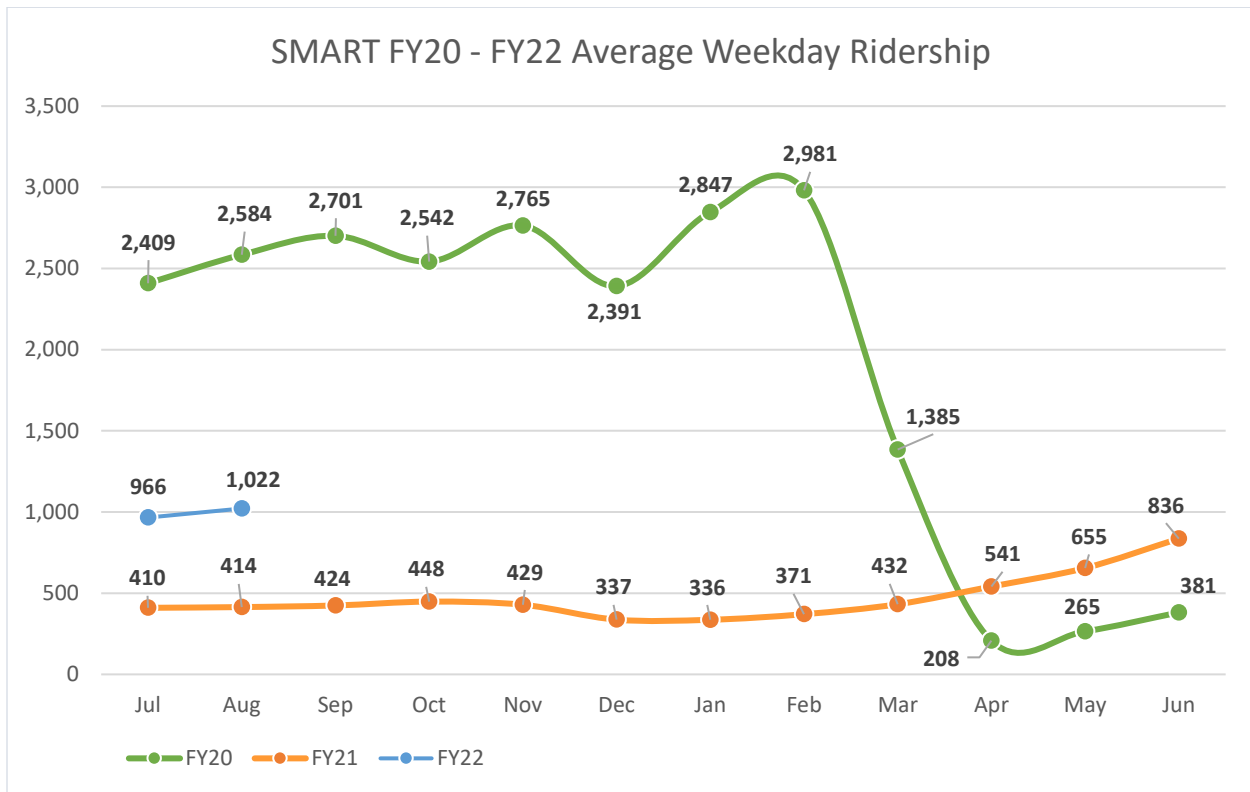
SMART Ridership Report
Board of Directors,
September 15, 2021

The following charts compare the monthly totals and average weekday ridership for June and illustrate monthly and average weekday ridership trends.



AUGUST 2021 (COVID-19) SMART RIDERSHIP

SMART Ridership Report
Board of Directors,
September 15, 2021





David Rabbitt, Chair
Sonoma County Board of Supervisors

Barbara Pahre, Vice Chair
Golden Gate Bridge,
Highway/Transportation District

Judy Arnold
Marin County Board of Supervisors

Melanie Bagby
Sonoma County Mayors' and
Councilmembers Association

Kate Colin
Transportation Authority of Marin

Damon Connolly
Marin County Board of Supervisors

Debora Fudge
Sonoma County Mayors' and
Councilmembers Association

Patty Garbarino
Golden Gate Bridge,
Highway/Transportation District

Susan Gorin
Sonoma County Board of Supervisors

Dan Hillmer
Marin County Council of Mayors and
Councilmembers

Eric Lucan
Transportation Authority of Marin

Chris Rogers
Sonoma County Mayors' and
Councilmembers Association

Farhad Mansourian
General Manager

5401 Old Redwood Highway
Suite 200
Petaluma, CA 94954
Phone: 707-794-3330
Fax: 707-794-3037
www.sonomamarintrain.org

September 15, 2021

Sonoma-Marin Area Rail Transit Board of Directors
5401 Old Redwood Highway, Suite 200
Petaluma, CA 94954

SUBJECT: Approval of Civic Edge Consulting Contract Amendment No. 2

Dear Board Members:

RECOMMENDATION:

Authorize the General Manager to execute Contract Amendment No. 2 with Civic Edge Consulting in the amount of \$36,925 for marketing support services for a contract total not-to-exceed amount of \$294,975 and extend the term of the contract through December 31, 2021.

SUMMARY:

In November 2020, SMART contracted with Civic Edge Consulting to perform day-to-day social media communications assistance to the SMART Communications and Marketing team, and to build a strong multimedia community outreach effort based on a long-term strategic communications goal.

On May 19, 2021, SMART executed Amendment No. 1 of its contract with Civic Edge Consulting to support SMART's outreach and marketing efforts to regain its pre-pandemic ridership and to attract new riders, and to increase overall public awareness of the benefits that SMART brings to the North Bay. Amendment No. 1 provided continuing services through September 30, 2021.

Today we present for your approval Amendment No. 2 to the Civic Edge contract to continue its partnership with SMART staff in performing day-to-day social media communications support through December 31, 2021, and to provide support for a digital ad campaign if requested if SMART modifies its schedule before the end of this year. The Communications and Marketing team currently consist of one person and this contract will help extend the effectiveness of SMART's marketing capabilities.

FISCAL IMPACT: Funds for this service are included in the Fiscal Year 2021-22 Community Outreach budget.

REVIEWED BY: ☒ Finance /s/ ☐ Counsel /s/

Very truly yours,

 /s/

Matt Stevens
Acting Communications & Marketing Manager

Attachment(s): Civic Edge Consulting Contract Amendment No. 2

**SECOND AMENDMENT TO THE AGREEMENT FOR CONSULTANT SERVICES
BETWEEN THE SONOMA-MARIN AREA RAIL TRANSIT DISTRICT
AND CIVIC EDGE CONSULTING.**

This Second Amendment dated as of September 15, 2021 (the “Second Amendment”), to the Agreement for Consultant Services by and between Civic Edge Consulting (hereinafter referred to as “CONSULTANT”) and the Sonoma-Marín Area Rail Transit District (hereinafter referred to as “SMART”), dated as of November 1, 2020 (the “Original Agreement,” as amended and supplemented by the First Amendment, and now this Second Amendment, the “Agreement”).

RECITALS

WHEREAS, CONSULTANT and SMART previously entered the Original Agreement on November 20, 2020 to provide public engagement and media planning services; and

WHEREAS, SMART and CONSULTANT previously entered into one other Amendment to the Agreement on May 20, 2021 to increase the not-to-exceed amount, amend the scope of services, and extend the term of the Agreement; and

WHEREAS, SMART desires to amend the Agreement to adjust the scope of services, increase the not-to-exceed amount by \$36,925 for a total not-to-exceed amount of \$294,975 and extend the term through December 31, 2021.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

AGREEMENT

1. **“ARTICLE 2. LIST OF EXHIBITS.”**

The Exhibit A “Scope of Work & Timeline” is hereby amended to include the scope of work identified in the Exhibit A “Scope of Work & Timeline” included in this Second Amendment.

The Exhibit B “Schedule of Rates” is hereby supplemented by the Exhibit B “Schedule of Rates” included in this Second Amendment.

2. **“ARTICLE 5. PAYMENT”** Article 5 of the Agreement is amended as follows:

In addition to the not-to-exceed amount set forth in the Original Agreement and subsequent Amendments, the contract amount shall be increased by an amount not-to-exceed \$36,925 or a total not-to-exceed amount of \$294,975 or the Agreement.

3. **“ARTICLE 6. TERM OF AGREEMENT”** is hereby deleted and replaced in its entirety with the following:

“ARTICLE 6. TERM OF AGREEMENT. The term of this Agreement shall remain in effect through December 31, 2021, unless terminated earlier in accordance with the provisions of **Article 7.**”

4. Except to the extent the Agreement is specifically amended or supplemented hereby, the Agreement, together with all supplements, amendments and exhibits thereto is, and shall continue to be, in full force and effect as originally executed, and nothing contained herein shall, or shall be construed to, modify, invalidate, or otherwise affect any provision of the Agreement.

THIS SPACE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the parties hereto have executed this Second Amendment as of the date first set forth above.

**SONOMA-MARIN AREA RAIL TRANSIT
DISTRICT**

Dated: _____

By _____
Farhad Mansourian, General Manager

CIVIC EDGE CONSULTING

Dated: _____

By _____
Lisbet Sunshine, President

APPROVED AS TO FORM:

Dated: _____

By _____
District Counsel

EXHIBIT A SCOPE OF WORK & TIMELINE

This Exhibit A “Scope of Work & Timeline” supplements the existing scope of services included in the Original Agreement and First Amendment. The scope of services identified below shall be performed during the period of October 1, 2021 through December 31, 2021.

Civic Edge Consulting shall continue managing SMART’s social media communications and provide marketing of service schedule updates on an as-requested basis.

I. Scope of Work

A. Managing Social Media Communications

- a. Consultant, with SMART approval of all content prior to release, shall continue to perform the following services under this task:
 - i. Develop and Manage SMART’s day-to-day social media platforms.
 - ii. Consultant will develop for approval and release a minimum of 2-5 posts per week.
 - iii. Broadly, the goals of SMART’s social media presence will continue building on key messages that include, but are not limited to, the following:
 1. Dispel misunderstandings and untruths about SMART.
 2. Give residents of Sonoma and Marin Counties a broader understanding of SMART benefits to the community.
 3. Provide stakeholders and leaders with the information they need to become SMART champions.
 - iv. Consultant will continue to collect and share meaningful data about SMART’s operation and impact, build a sense of pride and ownership around how SMART ties together the community, and develop engaging, sharable content that speaks to the interests of residents and stakeholders.
 - v. Consultant will develop SMART’s Social Media calendar

B. Marketing Service Schedule Updates (As Requested)

- a. Consultant, with SMART approval of all content prior to release, shall perform the following services on an as-requested basis:
 - i. Develop, Manage, and Execute Digital and Radio Ads
 1. Consultant shall provide SMART with a Media Buy Plan for review and approval.
 2. Consultant shall partner with SMART regarding the target audience for all digital advertisements.
 3. Digital Ads may include:
 - a. Display ads

- b. LinkedIn
- c. High Impact Mobile Scroller
- d. Nextdoor
- 4. Radio Ads may include:
 - a. KSRO

II. Timelines for Deliverables

Consultant shall provide SMART with an initial detailed and comprehensive schedule for all task work with an understanding that all final schedule dates must be approved by SMART.

EXHIBIT B
SCHEDULE OF RATES

	Lisbet Sunshine	Marianne Glaser	Jenny Zhou	Other Direct Costs	Sub Totals	Totals
Rates	\$250.00	\$175.00	\$150.00			
Task 1 Social Media						\$21,150.00
1.1 Social Media Content Creation (Oct - Dec)	9.00	28.00	58.00	\$1,250.00	\$17,100.00	
1.2 Metrics Reporting	3.00	12.00	8.00		\$4,050.00	
Hours	12.00	40.00	66.00			
Budget	\$3,000.00	\$10,000.00	\$16,500.00	\$1,250.00	\$21,150.00	
Task 2 Digital Ad Campaign - Fall Service						\$11,275.00
2.1 Production and Creative Management	3.00	3.00			\$1,275.00	
2.2 Media Ad-Buys (sub- consultant)				\$10,000.00	\$10,000.00	
Hours	3.00	3.00	0.00			
Budget	\$750.00	\$750.00	\$0.00	\$10,000.00	\$11,275.00	
Task 3 Project Management and Communications						\$4,500.00
3.1 Client Check in's	1.00	7.00	3.00		\$1,925.00	
3.2 Internal Communications and Strategy	3.00	7.00	4.00		\$2,575.00	
Hours	4.00	14.00	7.00			
Budget	\$1,000.00	\$3,500.00	\$1,750.00	\$0.00	\$4,500.00	
TOTALS						\$36,925.00
Hours Sum	19.00	57.00	73.00			
Column Sum	\$4,750.00	\$9,975.00	\$10,950.00	\$11,250.00	\$36,925.00	\$36,925.00

CIVIC EDGE CONSULTING
SECOND AMENDMENT
MK-PS-20-001



September 15, 2021

David Rabbitt, Chair
Sonoma County Board of Supervisors

Barbara Pahre, Vice Chair
Golden Gate Bridge,
Highway/Transportation District

Judy Arnold
Marin County Board of Supervisors

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Farhad Mansourian
General Manager

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Sonoma-Marin Area Rail Transit Board of Directors
5401 Old Redwood Highway, Suite 200
Petaluma, CA 94954

SUBJECT: Documentation of Salary for California Public Employees Retirement System

Dear Board Members:

RECOMMENDATION:

Adopt Resolution Number 2021-23 confirming the salary of former General Manager, Lillian Hames, for CALPERS retirement purposes.

SUMMARY:

On January 16, 2008, the District entered into a contract with Lillian Hames to serve as the General Manager of the Sonoma-Marin Area Rail Transit District for a period of four years. The contract set Ms. Hames' base salary at \$160,894 annually. On January 21, 2009, the Board met in closed session and approved a salary increase of 15% for the General Manager with an effective date of January 1, 2009. This compensation increase included a market adjustment of ten percent (10%) and a Cost-of-Living Adjustment of five percent (5%) and was reported in the Board Minutes for January 21, 2009. On February 18, 2009, the Board approved the Minutes for the Board of Directors Meeting dated January 21, 2009. SMART's practice at that time was to approve the increase in the General Manager's salary through public approval of the Board Minutes.

The California Public Employees Retirement System (CALPERS) no longer accepts approval of Board of Directors Meeting Minutes as documentation of salary for retirement purposes. At the request of CALPERS, the District has been asked to formally document Ms. Hames' salary for the purpose of calculating her retirement. We recommend the adoption of the Resolution No. 2021-23 confirming that effective January 1, 2009, the General Manager, Ms. Lillian Hames, was awarded a 15% salary increase by the Board of Directors, bringing her annual base salary to \$185,028.10.

FISCAL IMPACT: There is no impact to the current fiscal year budget.

REVIEWED BY: [X] Finance ____/s/____ [X] Counsel ____/s/____

Very truly yours,

/S/

Lisa Hansley
Human Resources Manager

Cc:

Attachment(s):

- 1) Resolution No. 2021-23
- 2) Contract Dated March 19, 2008 between Lillian Hames and SMART
- 3) Minutes of SMART Board Meeting January 21, 2009
- 4) Agenda SMART Board of Directors Meeting February 18, 2009

RESOLUTION OF THE BOARD OF DIRECTORS OF THE SONOMA-MARIN AREA RAIL TRANSIT DISTRICT, STATE OF CALIFORNIA, DOCUMENTING THE SALARY OF LILLIAN HAMES, FORMER SMART GENERAL MANAGER, FOR CALPERS RETIREMENT PURPOSES

WHEREAS, as part of its approval of the Annual Budget, the Board duly considers the annual expenditures necessary for the Sonoma-Marín Area Rail Transit District which includes the authorization of positions and salary ranges; and

WHEREAS, on January 6, 2004, SMART and Lillian Hames (EMPLOYEE) entered into a four (4) year employment contract for her services as General Manager; and

WHEREAS, on March 19, 2008, SMART and the EMPLOYEE entered into a new four (4) year employment contract, retroactive to January 1, 2008, which set the EMPLOYEE's salary at \$160,894.00; and

WHEREAS, per the contract dated March 19, 2008, the Board of Directors, in its sole discretion may adjust the EMPLOYEE's salary upwards by an appropriate percentage amount based on the EMPLOYEE's performance; and

WHEREAS, on January 21, 2009, the Board of Directors met in closed session and approved an increase of fifteen percent (15%) retroactive to January 1, 2009, bringing the EMPLOYEE's annual salary to \$185, 028.10; and

WHEREAS, on February 18, 2009, the Board of Directors approved the Board Meeting Minutes of January 21, 2009, which reported the EMPLOYEE's salary increase;

NOW THEREFORE, BE IT RESOLVED by the Board of Directors of the Sonoma-Marín Area Rail Transit District that the previously approved salary increase awarded to former EMPLOYEE Lillian Hames effective January 1, 2009, as shown in the attached Minutes from the SMART Board Meeting dated January 21, 2009, be adopted for the purpose of documentation as required by the California Public Employees Retirement System.

This resolution shall be and is hereby declared to be in full force and effect from the date of its passage.

Resolution No. 2021-23
Sonoma-Marin Area Real Transit District
September 15, 2021

PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Sonoma-Marin Area Rail Transit District held on the 15th day of September 2021, by the following vote:

DIRECTORS:

AYES:

NOES:

ABSENT:

ABSTAIN:

David Rabbitt, Chair, Board of Directors
Sonoma-Marin Area Rail Transit District

ATTEST:

Leticia Rosas-Mendoza, Clerk of the Board of Directors
Sonoma-Marin Area Rail Transit District

AGREEMENT FOR EMPLOYMENT SERVICES
FOR GENERAL MANAGER
SONOMA MARIN AREA RAIL TRANSIT

This Agreement is made this 19th day of March, 2008, by and between the Sonoma-Marine Area Rail Transit, a public entity (hereinafter "SMART") and Lillian Hames (hereinafter "EMPLOYEE"). (SMART and EMPLOYEE shall collectively be referred to as the "parties").

RECITALS:

WHEREAS, on or about January 15, 2001, SMART's predecessor in interest, the Sonoma-Marine Area Rail Transit Commission (the "Commission"), and EMPLOYEE entered into a one (1) year contract for consulting services;

WHEREAS, on or about April 16, 2002, the Commission and the EMPLOYEE entered into a subsequent three (3) year contract for consulting services;

WHEREAS, on or about January 6, 2004, SMART, as successor in interest to the Commission, and the EMPLOYEE entered into a new four (4) year employment contract, superceding the prior contract between the Commission and the EMPLOYEE;

WHEREAS, SMART and the EMPLOYEE subsequently entered into two amendments to the employment contract, primarily to adjust EMPLOYEE's salary in subsequent years;

WHEREAS, SMART and the EMPLOYEE desire to enter into a new four (4) year employment contract;

NOW, THEREFORE, BE IT AGREED by and between the parties as follows:

1. EMPLOYMENT. SMART hereby employs EMPLOYEE in the position of General Manager for a period of four (4) years. The Agreement shall commence on, and be retroactive from, January 1, 2008. This Agreement may be terminated sooner pursuant to the termination provisions as hereinafter provided.

2. TENURE. EMPLOYEE shall serve at the will and pleasure of SMART's Board of Directors and expressly waives and disclaims any right to any pre-termination or post-termination notice and hearing.

3. SCOPE OF SERVICES/JOB DESCRIPTION.

EMPLOYEE shall preform the duties of the General Manager, as provided for in Public Resources Code §105052, in SMART's Administrative Code and in SMART's Personnel Policies and Procedures.

4. TERMINATION/SEVERANCE PAY.

(a) Notwithstanding anything else contained herein to the contrary, SMART may terminate EMPLOYEE'S employment with or without cause.

(b) At any time and without cause, SMART, in its sole discretion, shall have the right to terminate this Agreement by giving EMPLOYEE sixty (60) days written notice of termination. In such event, EMPLOYEE shall be entitled to severance pay in an amount equal to four (4) months salary.

(c) SMART may terminate EMPLOYEE's employment with cause at any time by giving notice of employment discrepancies and an opportunity to respond to such discrepancies prior to termination. Notice is accomplished by SMART depositing a written notice in the United States mail that is addressed to EMPLOYEE at her last known home address. After termination for cause has been effected, EMPLOYEE shall have no further rights under this Agreement or to continued employment with the SMART.

(d) At the expiration of the term of this Agreement, EMPLOYEE'S employment shall automatically cease and terminate, and the SMART shall have no further obligation to compensate or employ EMPLOYEE in any manner or capacity of any nature whatsoever. Such expiration shall be effective regardless of whether EMPLOYEE had or had not performed satisfactorily during the term of this Agreement. EMPLOYEE acknowledges that, other than as provided herein, there is no provision for automatic renewal.

(e) EMPLOYEE acknowledges, understands and warrants that EMPLOYEE shall have no further right or claim to employment after the expiration of the term of this Agreement, and that no other document, handbook, policy, resolution or oral or written representation, of any nature whatsoever, shall be effective or construed to be effective to extend the term hereof or otherwise grant EMPLOYEE any right or claim to continued employment with SMART. This warranty has been relied upon by SMART as a material inducement to enter into this Agreement and, in the absence thereof, SMART would not have entered into this Agreement.

(f) EMPLOYEE may terminate her employment at any time by delivering to the SMART'S Board of Directors her written resignation. Such resignation shall be irrevocable and shall be effective no earlier than sixty (60) calendar days following delivery.

(g) From the date upon which EMPLOYEE either resigns or learns of the SMART's intention to terminate the Agreement to the actual date upon which the resignation, termination or expiration becomes effective, EMPLOYEE shall continue to devote her full time, attention and effort to the duties anticipated hereunder and shall perform the same in a professional and competent manner. If requested, EMPLOYEE shall assist SMART in orienting EMPLOYEE'S replacement and shall perform such tasks as are necessary to effect a smooth transition in the leadership of the SMART.

(h) SMART's Board of Directors may, in its sole discretion, publish its reasons for termination. In such event, publication shall consist of the reading of a written statement of the Board Chairperson at a regular or special meeting following the disclosure required by Section 54957.1 of the Government Code. A copy of the statement shall be made for EMPLOYEE and kept for her in the office of the Board's Clerk. Within ninety (90) days following the announcement of termination, EMPLOYEE may present a written response to the Board at a public meeting during which it will be read aloud and maintained as a public record.

(i) EMPLOYEE agrees that any concerns that SMART's Board of Directors, or individual members of the Board, have concerning EMPLOYEE's performance are not "specific complaints or charges brought against an employee by another person or employee" as that phrase is used in Government Code § 54957 and that the notice requirement of that section is, under those circumstances, inapplicable.

5. ADMINISTRATIVE LEAVE. The Chair of SMART's Board of Directors may place EMPLOYEE on administrative leave when, in the sole opinion of the Chair EMPLOYEE's temporary removal from office would be in the best interests of SMART. The administrative leave will commence on the Chair's delivery to EMPLOYEE's office of a written notice to that effect. Upon the delivery of the notice to EMPLOYEE's office, EMPLOYEE's duties as General Manager are suspended but all other provisions of this Agreement shall remain in full force and effect. Thereafter, EMPLOYEE's duties as General Manager shall be performed by the employee next in authority, as determined by the Chair, until further written notice by the Chair. SMART and EMPLOYEE agree that SMART will incur damages, if, during the period of administrative leave, EMPLOYEE performs or attempts to perform any of the duties as General Manager, or in any other

way interferes with the administration or operation of SMART. SMART and EMPLOYEE agree that the measurement of these damages would be difficult and speculative and accordingly further agree that if EMPLOYEE performs or attempts to perform any of the duties as General Manager, or in any other way interferes with the administration or operation of SMART that SMART's obligations under this Agreement are discharged for each day during which EMPLOYEE engages in such non-cooperation and/or interference. The administrative leave and the suspension of the duties as General Manager shall terminate on the Chair's delivery to EMPLOYEE's office of a written notice to that effect.

6. COMPENSATION AND BENEFITS.

(a) EMPLOYEE's annual salary shall be \$160,894.00 or as hereafter established by SMART's Board of Directors. SMART shall review EMPLOYEE's performance annually, and based on said review, the Board of Directors may, in its sole discretion, adjust EMPLOYEE's salary upwards by an appropriate percentage amount based upon prior performance. In addition, because EMPLOYEE does not receive a car allowance under this contract, the Board of Directors shall take into consideration as part of its annual salary review, information on whether there has been an increase in car allowances provided to County of Sonoma Department Heads. The Board of Directors in its sole discretion may increase EMPLOYEE's annual salary based on her performance review and may also increase EMPLOYEE's salary based upon any increase in the amount of compensation that County of Sonoma Department Heads receive for a car allowance in future years.

(b) EMPLOYEE shall be entitled to the fringe benefits as set forth in this Agreement, and those fringe benefits set forth in SMART's Personnel Policies and Procedures. To the extent that there is a conflict between the benefits provided in this Agreement and those provided in SMART's Personnel Policies and Procedures, the provisions in this Agreement shall control.

(c) In addition to EMPLOYEE's base salary, and in addition to any other retirement plan provided for and authorized by SMART, SMART shall deposit an additional 5%, based on EMPLOYEE's bi-weekly salary, into a 401(a) or 457 Deferred Compensation account. The County of Sonoma currently administers SMART's payroll functions, including administering a 401(a) or 457 Deferred Compensation Plan. Nothing herein renders SMART liable to the EMPLOYEE for continuance of the deferred compensation plan in the event of a discontinuance of Internal Revenue Service or Franchise Tax Board approval of a SMART or County of Sonoma deferred compensation plan or portion thereof or the employee becoming ineligible to participate in the deferred compensation plan.

(d) SMART shall provide EMPLOYEE with health, dental and vision insurance coverage at the levels and percentages provided by the County of Sonoma to its Unrepresented Administrative Management Employees.

(e) SMART shall provide for a Term Life Insurance Policy for the EMPLOYEE, based upon the same level of coverage provided to EMPLOYEE under her prior employment contract.

(f) SMART shall provide for a Disability Insurance Policy for the EMPLOYEE, based upon the same level of coverage provided to EMPLOYEE under her prior employment contract.

(g) SMART and EMPLOYEE acknowledge that EMPLOYEE's current salary compensation under this Agreement, as set forth above under subsection (a), already includes reimbursement for automobile expenses, including but not limited to insurance, gas and maintenance. Said compensation shall be in lieu of any expenses allowed for by SMART's Personnel Policies and Procedures. EMPLOYEE shall be responsible for maintaining automobile liability insurance for any owned, hired, and non-owned vehicles utilized by EMPLOYEE. Said insurance shall cover bodily injury and property damage in an amount no less than one million dollars (\$1,000,000) combined single limit for each occurrence. Said insurance shall include coverage for owned, hired, and non-owned vehicles. Said policy shall be endorsed with the following language:

This policy shall not be canceled or materially changed without first giving thirty (30) days prior written notice to the Sonoma-Marine Area Transit.

At any point during the term of this Agreement, SMART may, in its sole discretion, provide EMPLOYEE with a defined reimbursement allowance for automobile expenses at the same rate that is provided to County of Sonoma Department Heads or at the same rate provided to EMPLOYEE under her prior contract (which was \$ 235 per bi-weekly pay period) or provide EMPLOYEE with an assigned vehicle (i.e. leased vehicle). In the event that SMART provides EMPLOYEE with a defined reimbursement allowance or with an assigned vehicle, EMPLOYEE's salary compensation shall be reduced by \$235 per bi-weekly pay period.

(h) EMPLOYEE shall accrue and may use vacation leave with full pay at the same rate as that provided by the County of Sonoma to its Unrepresented Administrative Management Employees. EMPLOYEE's vacation time shall be taken after notification of the Chair of SMART.

(i) As General Manager, it is expected that EMPLOYEE shall attend trainings and seminars on topics related to the administrative management of rail districts and public agencies. SMART shall be responsible for, and shall reimburse or pay in advance for, any costs associated with attending said trainings and seminars. It is anticipated that this benefit will cost no more than \$3,000 per year.

(j) SMART and EMPLOYEE acknowledge that funding for the position of General is currently substantially dependent upon State and regional funding. Accordingly, should said funding be materially reduced or otherwise negatively impacted, SMART and EMPLOYEE agree that the terms of this Agreement may have to be modified. SMART and EMPLOYEE agree that should State and regional funding be materially reduced or otherwise negatively impacted, SMART and EMPLOYEE shall in good faith meet and confer in an effort to modify the provisions of this Agreement so that the termination provisions set forth in this Agreement do not have to be implemented.

7. RECORDS MAINTENANCE. EMPLOYEE shall keep and maintain full and complete documentation and accounting records concerning all services performed that are compensable under this Agreement and shall make such documents and records available to SMART for inspection at any reasonable time. EMPLOYEE shall maintain such records for a period of not less than five (5) years following completion work hereunder.

8. ASSIGNMENT AND DELEGATION. EMPLOYEE shall not during the term of this Agreement make any assignment or delegation of any of its provisions without the prior written consent of SMART, and no such transfer shall be of any force or effect whatsoever unless SMART shall have so consented.

9. COMPLIANCE WITH LAW. EMPLOYEE shall, during her employment hereunder, comply with all laws and regulations applicable to such employment. Any conviction for an act or omission of EMPLOYEE constituting a public offense involving moral turpitude or a withholding of labor is a material breach of this Agreement relieving SMART of any and all obligations hereunder. Such act or omission shall constitute sufficient grounds for EMPLOYEE'S termination with cause pursuant to Section 4(c) of this Agreement.

10. CONFLICT OF INTEREST: EMPLOYEE covenants that she presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of its services hereunder. EMPLOYEE further covenants that in the performance of this Agreement no person having any such interest shall be employed. In addition, EMPLOYEE shall complete and file a "Statement

of Economic Interest” with SMART disclosing EMPLOYEE’s financial interests.

11. CONFIDENTIAL INFORMATION: All data, documents, discussions, or other information developed or received by or for EMPLOYEE in performance of this Agreement are confidential and shall not be disclosed by EMPLOYEE to any person except as authorized by SMART, or as required by law.

12. OWNERSHIP OF WORK PRODUCT: All reports, original drawings, graphics, plans, studies and other data or documents, in whatever form or format, assembled or prepared by EMPLOYEE or on behalf of EMPLOYEE in connection with this Agreement shall be the property of SMART. EMPLOYEE shall deliver such materials to SMART upon either the expiration or termination of this Agreement in such form or format as SMART deems appropriate, unless directed otherwise by SMART. Such materials shall be and will remain the property of SMART without restriction or limitation.

13. NO THIRD PARTY BENEFICIARIES: Nothing contained in this Agreement shall be construed to create and the parties do not intend to create any rights in third parties.

14. APPLICABLE LAW AND FORUM: This Agreement shall be construed and interpreted according to the substantive law of California excluding the law of conflicts. Any action to enforce the terms of this Agreement or for the breach thereof shall be brought and tried in either the Superior Court for the County of Sonoma or the Superior Court for the County of Marin.

15. CAPTIONS: The captions in this Agreement are solely for convenience of reference. They are not a part of this Agreement and shall have no effect on its construction or interpretation.

16. NUMBER and GENDER: Wherever used herein, unless the provision or context otherwise requires, the singular number shall include the plural and the plural the singular, and the masculine gender shall include the feminine and neuter.

17. DAY AND BUSINESS DAY: Wherever used herein, the term “day” shall mean any calendar day, and the term “business day” shall mean any calendar day on which the offices of the County are open for regular business.

18. MERGER. This writing is intended both as the final expression of the Agreement between the parties hereto with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement, pursuant to Section

1856 of the Code of Civil Procedure. No modification of this Agreement shall be effective unless and until such modification is evidenced by a writing signed by both parties.

19. PRIOR AGREEMENTS. To the extent that there is any conflict between the provisions set forth in this Agreement and SMART's Personnel Policies and Procedures, the provisions in this Agreement shall control. Upon execution, this Agreement shall supersede any and all terms set forth in any previously referenced contracts between EMPLOYEE and either SMART or the Commission, and said contracts shall have no force or effect.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as set forth below:

SONOMA MARIN AREA RAIL TRANSIT

DATED: 3/19/08 By [Signature]
Chairman, Board of Directors

EMPLOYEE

DATED: 3/26/08 [Signature]
Lillian Hames

Approved as to form:

DATED: 3/19/08 [Signature]
Gregory T. Dion,
Deputy County Counsel, County of Sonoma
Legal Counsel for SMART



MINUTES OF SMART BOARD MEETING
January 21, 2009
San Rafael City Council Chambers
1400 Fifth Street
San Rafael, California

I Call to Order

Chair McGlashan brought the meeting to order. The following Board members were present:

Judy Arnold
Peter Breen
Carole Dillon-Knutson
James Eddie
Debora Fudge
Mike Kerns
Barbara Pahre
Carol Russell

II Minutes of the December 17th, 2008 SMART Meeting

Motion was made by Director Kerns and seconded by Director Dillon-Knutson to approve the minutes of the December 17, 2008 SMART Board meeting. Motion passed.

III Consent Agenda

Chair McGlashan introduced the Consent Agenda and stated that Items b & c would be pulled from today's agenda. Motion was made by Director Kerns and seconded by Director Dillon-Knutson to approve the Consent Agenda. Chair McGlashan thanked Director Brown for his service on the Board. Director Pahre thought the resolution was very appropriate and asked Chair McGlashan to read it.

Chair McGlashan asked Greg Dion to explain the corrections to the Consent Agenda. Mr. Dion stated III-b; the Willard Keeney Contract should be amended to reflect Mr. Keeney was with URS Corporation Inc. On III-c, the Administrative Code amendment, the date should be corrected from 2008 to 2009. Director Kerns moved approval and it was seconded by Vice-Chair Fudge. Motion passed unanimously.

Mr. Dion swore in Supervisor Judy Arnold as the new Marin County director. Chair McGlashan welcomed Director Arnold to the SMART Board.

IV Agenda Review

Chair McGlashan asked that item XVIII Update to SMART Website be moved up before the Closed Session. Chair McGlashan asked for public comments not on the agenda today. There were none.

V Board Member Announcements

Chair McGlashan called for announcements from the Board members. Director Breen asked if staff was aware of any violations of the funding non-compete clause of the 2008 Expenditure Plan. Ms. Hames stated she was not aware of this issue.

VI Public Comment on Items Not On the Agenda

Tanya Narath, Friends of SMART, thanked Chris Coursey for all of his work for SMART. She presented him with a photo book documenting his work.

VII SMART General Manager Report

Lillian Hames stated staff had posted notices for the Rail Engineering Manager and Chief Financial Officer on the SMART website as well as other professional publications. She outlined the work that the Program Management team was doing. She also stated that the application for SMART committees was now on the website and forms were being received. She noted that the Board had requested that vehicle related PowerPoint presentations also be made available on the website.

Ms. Hames thanked Chris Coursey for his work with SMART, noting that SMART could not have won in 2008 without him. She stated he would be with the District a bit longer on a consulting basis until a replacement was located. Chair McGlashan also stated his appreciation for a job well done.

Director Dillon-Knutson stated this would be her last SMART Board meeting. Chair McGlashan thanked her for her time and contributions to the Board.

VIII Real Estate Committee Report

Rob Krantz stated site visits to possible acquisition sites for the project had taken place over the last month. Key site acquisitions included the Jennings Road and Corona Road station sites and a Windsor maintenance facility. Ms. Hames asked John Nemeth to provide a monthly update on the Railroad Square project work. John Nemeth stated the developers were working on the Prop. III-C application. The application would be due in March, 2009. The developers were also working with private lenders and had commissioned Dan Solomon to do more architectural work.

IX Board Officer and Committee Assignments 2009

Chair McGlashan asked for a motion on the proposed Board Officers and Committee Assignments for 2009. Director Boro moved to approve and it was seconded by Director Breen. It passed unanimously. Chair McGlashan stated he was glad to be the Chair another year and looked forward to working with the Board and the SMART staff.

X Personnel Ordinance 2009-01 and Resolution 2009-02

Greg Dion stated SMART's enabling statute, AB2224, had envisioned five full time positions for the SMART District. A new Personnel Ordinance was required to establish the positions of Rail Engineering and Project Implementation Manager, Community Outreach Manager, Chief Financial Officer, Office Manager, and Rail Planning Manager. The Rail Engineering and Project Implementation Manager would be a new position. The other positions were previously created by the Board pursuant to resolutions. The proposed ordinance would also combine the office of auditor, controller and treasurer into

one position: Chief Financial Officer (CFO), which the Board would appoint. The ordinance would also delegate authority to the General Manager to supervise the CFO. Director Dillon-Knutson asked how you would control the three positions. Ms. Hames stated SMART would still have independent audits, which were currently conducted regularly by Sonoma County, MTC and Caltrans. Mr. Dion stated for clarification, staff was introducing the ordinance now but that it would be brought back to the February Board Meeting for final approval. Vice Chair Fudge asked if annual reviews would be conducted by the General Manager; Ms. Hames replied they would be. The motion was moved by Director Russell and seconded by Director Eddie.

Chair McGlashan asked for public comments. There were none.

XI Program Management Consultant Update

Kam Shadan gave an overview of the Program Management work to date. He stated that the LTK Vehicle Selection Study, advanced project engineering on railroad crossings, advanced engineering on a pathway segment, project cost analysis and the development of a milestone schedule were all underway. Director Arnold asked who would be on the negotiating team for the rail operations agreement. Ms. Hames stated the team included legal counsel, operations consultants, Bob Jehn and herself. She noted that a rail manufacturer's presentation would be conducted at the February Operations Committee.

Chair McGlashan noted the Operations Committee meeting at the Marin Civic Center on February 11th would start at 12:30 a.m. and end at approximately 5:30 p.m. and suggested all Board members attend. Mr. Shadan went on to present the six month schedule for the PMC work. Ms. Hames pointed out that the vehicle selection work and freight assumptions were critical path items. Another critical path would be issue of bid packages. Director Breen asked that all PowerPoint presentation materials be made available in print at every public meeting and that the presentations be readable on the screen in the future. Mr. Shadan said it would be corrected in the future.

Chair McGlashan asked for public comments. David Schonbrunn, Transdef, urged the Board to study only non-compliant DMU's. Karen Nygren also wanted handouts and noted an FRA waiver was required for non-compliant cars. Steve Birdlebough asked about design, build and operate scenarios. Ms. Hames stated SMART's enabling legislation limits operating and maintenance personnel to ATU employees of SMART or the Golden Gate Bridge District. Director Eddie stated he felt initiating discussions with NCRA was critical. Ms. Hames noted meetings were scheduled for those discussions.

XII Status on the Proposed Federal Economic Recovery Package

Ms. Hames gave an overview of the current standing of the House Economic Stimulus package. She noted SMART was speaking with MTC and FTA on this issue. Projects under consideration included advanced rail construction in the CalPark Tunnel, railroad crossing upgrades and pathway improvements between Civic Center Drive and North San Pedro Road. Ms. Hames noted that the MTC was currently setting priorities for the funds allocated to the regional entities and that Caltrans would also likely receive stimulus funding. Funds would have to be expended within approximately 120 days. Ms. Hames had been in communication with SMART's Washington lobbyist everyday and would let the Board know the outcomes.

XIII Railroad Square Update

John Nemeth stated that staff and counsel were seeking to clarify the Board's intent prior to executing the legal agreements for the Railroad Square development project that were conditionally approved by the Board. Staff and counsel were seeking clarification as to whether a right of first offer for the Plant 5 site satisfied the Board's expectations. Chair McGlashan asked for clarification of right of first offer vs. right of first refusal. Mr. Nemeth stated the right of first offer means the developer would offer to sell the site to SMART first and if there was no agreement on price, after 60 days they could sell to someone else at not less than 10% over what was offered to SMART. Director Kerns stated the project may be different if SMART would not be able to acquire the Plant 5 property but felt the agreement was what was discussed at the last meeting. Directors Breen, Dillon-Knutson and Pahre supported a right of first refusal concept but could not support a right of first offer.

Chair McGlashan asked for public comments. There were none.

Chair McGlashan asked for a motion. Director Arnold moved and Vice Chair Fudge seconded the motion. The vote was as follows: Directors Arnold, Eddie, Fudge, McGlashan, Kerns, Russell voted aye and Directors Breen, Dillon-Knutson and Pahre voted no. The motion passed.

XVIII Update to SMART Website (Moved Up in the Agenda)

Chris Coursey stated updates and changes were made recently to the SMART website. He noted a new a new drop down list of Opportunities (which included employment, citizen involvement and contracting) was added. Two new job descriptions were listed under employment for the Rail Engineer and CFO. A new application for the Citizen Oversight Committee was also added. The Board would be appointing those positions in the near future. The Board asked if Oversight Committee members would require Form 700's. Mr. Dion stated not necessarily but he would look into that. Director Pahre asked if SMART was receiving a large amount of job applications. Ms. Hames said yes, they had received several. Director Russell cautioned that the HR procedures for applications and review should be closely followed. Ms. Hames noted they had hired Gail Papworth to assist with personnel matters. Director Russell offered to help if it was needed.

XIV Closed Session

Chair McGlashan stated the Board would now go into closed session.

XV Report on Closed Session

Chair McGlashan the Board had concluded the closed session and nothing further there.

XVI General Manager's Compensation for 2009

Chair McGlashan stated the Executive Committee meet with the General Manager in a closed session for her annual performance review. As a result of her positive performance review and the additional responsibilities the GM was taking on, the Board recommended a salary increase of 15% which included a market adjustment of 10% and a 5% COLA increase. The effective date for this salary increase would be January 1, 2009. Director Pahre moved the motion; it was seconded by Director Breen and passed unanimously. Ms. Hames thanked the Board for their support and noted she was looking forward to working with all of them as the SMART project proceeded into design and implementation.

XVII Calendar of Meetings for 2009

The new 2009 calendar of meetings was presented. It was moved by Director Arnold and the seconded by Eddie. The motion passed.

XIX Next Meetings

Next Meetings

- A. SMART Board Meeting: February 18, 2009 at 1:30 p.m. Sonoma County Supervisors Chambers.
- B. Real Estate Committee Meeting: February 4, 2009 at 10:00 a.m. San Rafael City Council Chambers.
- C. Operations Committee Meeting: February 11, 2009 at 12:30 PM Marin County Board of Supervisors Chambers, Civic Center

XX Adjournment

The meeting was adjourned at 4:40 p.m.



AGENDA: SMART DISTRICT BOARD MEETING

February 18, 2009

1:30 PM

Sonoma County Board of Supervisors Chambers
575 Administration Drive, Suite 102-A, Santa Rosa, California

And via Telephone from
3505 Civic Center Drive, San Rafael, CA
314 Laurel Ct., Cloverdale, CA

- I. Call to Order
- II. Minutes of the January 21, 2009 SMART Meeting – **DISCUSSION/ACTION****
- III. Consent Agenda – **DISCUSSION/ACTION****
 - III-a SMART Financial Update Project Cost Report - **INFORMATION ****
 - III-b Joe Walsh Contract Extension- **DISCUSSION/ACTION****
 - III-c Chris Coursey Contract – **DISCUSSION/ACTION****
 - III-d Travel and Meal Reimbursement Policy - **DISCUSSION/ACTION****
 - III-e Authorization to Travel to Portland and San Diego - **DISCUSSION/ACTION****
 - III-f SMART Committee Assignments - **DISCUSSION/ACTION****
 - III-g Personnel Ordinance 2009-01 and Resolution 2009-02 Amendment to Conflict of Interest Code

IV. Public Comment on Items Not on the Agenda (Comments Limited to 3 Minutes)

V. SMART General Manager Report (Lillian Hames) – **DISCUSSION**

VI. Next Board Meeting Date: March 18, 2008 San Rafael City Council Chambers –
DISCUSSION/ACTION

Special Operations Committee Meeting Date: February 27, 2009 Portland, Oregon –
DISCUSSION/ACTION

Special Operations Committee Meeting Date: March 2, 2009, San Diego, California–
DISCUSSION/ACTION

Next Real Estate Committee Meeting Date: March 4, 2009 at 10:00 AM San Rafael City Council
Chambers, San Rafael, CA – **DISCUSSION/ACTION**

Next Operations Committee Meeting Date: March 11, 2009 at 1:30 PM Sonoma County Board
of Supervisor Chambers, 575 Administration Drive, Ste. 102-A, Santa Rosa, CA–
DISCUSSION/ACTION

VII. Adjournment – ACTION

DISABLED ACCOMMODATION: if you have a disability that requires the agenda materials to be in an alternate format or that requires an interpreter or other person to assist you while attending this meeting, please contact SMART at least 72 hours prior to the meeting to ensure arrangements for accommodation.

DOCUMENTS: Documents distributed by SMART for its monthly Board meeting or committee meetings, and which are not otherwise privileged, may be inspected at SMART's office located at 750 Lindaro Street, Suite 200, San Rafael, CA 94901 during regular business hours.

* Information will be provided at the meeting, ** Information attached.



MINUTES OF SMART BOARD MEETING
February 18, 2009
Sonoma County Board of Supervisors Chambers
575 Administration Drive, Suite 102-A
Santa Rosa, California

I Call to Order

Chair McGlashan brought the meeting to order. The following Board members were present:

Judy Arnold
Al Boro
Peter Breen
Valerie Brown
James Eddie
Debora Fudge
Madeline Kellner
Mike Kerns
Jake Mackenzie
Barbara Pahre
Carol Russell

II Minutes of the January 21th, 2009 SMART Meeting

Director Kerns moved and Director Russell Seconded to approve the minutes of January 21, 2009. Motion passed.

III Consent Agenda

Chair McGlashan introduced the Consent Agenda. Director Breen stated there were two typos on the Travel and Meal Reimbursement Policy. The first typo was on page 3, item 3 it showed "of county business" vs. "of SMART business" and on page 5, first paragraph, the word food was misspelled. Director Pahre stated she emailed some protocols of travel reimbursements to Ms. Hames and would like to review those suggestions in the future. Greg Dion stated the current request was to allow reimbursement of travel for the planned day trips to Portland and San Diego. Chair McGlashan stated there were minor changes to the Board committee roster; Director Breen would now be on the Operations Committee and Director Kellner would be joining the Real Estate Committee. The Consent Agenda was moved by Director Mackenzie, seconded by Director Breen and passed unanimously.

IV Public Comments on Items Note on the Agenda

Lionel Gambill stated there was a revised shorter rail tour that he would like to invite all SMART directors to attend. He described the tour and asked that the information and schedule be distributed by SMART staff to the Board. Several Board members commented on how much they learned from the tour and encouraged others to attend. Ms. Hames suggested Nina West coordinate with Mr. Gambill and the Board members for a future tour. Steve Birdlebough commented on the floor height of the California passenger

rail car noting that level boarding issues were important considerations in vehicle procurement. Allen Tacy stated bike storage was also an issue to consider in vehicle procurement. Marla Fields thanked Director Kellner for the recommendation of the Novato City Council on the Hamilton Station, noting the door to door work that she and other volunteers had provided on this topic. Ms. Fields encouraged SMART to work with the City of Novato on the whistle stop station proposal for downtown Novato. David Porter stated the City of Novato had requested a station at Atherton, a station at Hamilton and a downtown whistle stop.

Chair McGlashan asked Director Kellner to provide an update on the Novato Council meeting. Director Kellner stated there were quite a lengthy deliberation and noted a previous agreement with Novato by SMART to provide a downtown whistle stop station. She said a letter would be sent to SMART. Director Boro asked for a point of clarification on any previous agreement to provide a whistle stop station in downtown Novato. Lillian Hames stated she was not aware of any agreement, noting her recollection was that Novato had asked SMART in 2001 to drop the downtown Novato Station in exchange for two stations at Atherton and Los Robles and consider a whistle stop in the downtown. Ms. Hames suggested SMART review the documents on this issue before formally responding.

V SMART General Manager Report

Ms. Hames provided the Board with an update on the MTC list for federal stimulus funds noting SMART was not on the list at this time. She noted the bulk of the regional transit funds were programmed for rehabilitation purposes. Ms. Hames stated that staff was finalizing plans for the trips to Portland and San Diego and would be working on ground transportation recommendations. The final trip details and itinerary would be sent out next week. She also provided an overview of the Operations Committee meeting and the presentations of the six rail manufacturers. She noted that a status report on the vehicle selection process would come back to Operations Committee in March.

VI Next Board Meeting Dates

Next Meetings

- A. SMART Board Meeting: March 18, 2009 at 1:30 p.m. San Rafael City Council Chambers
- B. Special Operations Committee Meeting Date: February 27, 2009 Portland, OR
- C. Special Operations Committee Meeting Date: March 2, 2009, San Diego, CA
- D. Next Real Estate Committee Meeting Date: March 4, 2009 at 10:00 a.m. San Rafael City Council Chambers, San Rafael, CA
- F. Next Operations Committee Meeting Date: March 11, 2009 at 1:30 p.m. Sonoma County Board of Supervisor Chambers, 575 Administration Drive, Ste. 102-A, Santa Rosa, CA

VIII Adjournment

The meeting was adjourned at 2:15 pm.



September 15, 2021

David Rabbitt, Chair
Sonoma County Board of Supervisors

Barbara Pahre, Vice Chair
Golden Gate Bridge,
Highway/Transportation District

Judy Arnold
Marin County Board of Supervisors

Melanie Bagby
Sonoma County Mayors' and
Councilmembers Association

Kate Colin
Transportation Authority of Marin

Damon Connolly
Marin County Board of Supervisors

Debora Fudge
Sonoma County Mayors' and
Councilmembers Association

Patty Garbarino
Golden Gate Bridge,
Highway/Transportation District

Susan Gorin
Sonoma County Board of Supervisors

Dan Hillmer
Marin County Council of Mayors and
Councilmembers

Eric Lucan
Transportation Authority of Marin

Chris Rogers
Sonoma County Mayors' and
Councilmembers Association

Farhad Mansourian
General Manager

5401 Old Redwood Highway
Suite 200
Petaluma, CA 94954
Phone: 707-794-3330
Fax: 707-794-3037
www.sonomamarintrain.org

Sonoma-Marin Area Rail Transit Board of Directors
5401 Old Redwood Highway, Suite 200
Petaluma, CA 94954

SUBJECT: Authorize the General Manager to Award a Sole Source Purchase Order to MAHLE Industrial Thermal Systems America, L.P. in an amount of \$200,581.36 for Specialized Diesel Multiple Unit ("DMU") Maintenance Equipment.

Dear Board Members:

RECOMMENDATION:

Your Board-Approved Fiscal Year 2022 Budget includes purchases of specialized DMU parts and equipment essential for supporting maintenance operations on the trains. Staff recommends authorizing the General Manager to award a Sole-Source Purchase Order to MAHLE Industrial Thermal Systems America, L.P. in an amount of \$200,581.36.

SUMMARY:

SMART's railcars are equipped with a rooftop cooling unit that maintains the temperature and air circulation inside the passenger compartments. Every six years, these rooftop cooling units require an overhaul service to be performed in order for the system to continue to function properly. Fourteen (14) of SMART's railcars have been in operation since 2015 and require this service to be performed in the upcoming year. MAHLE Industrial Thermal Systems America, L.P. specifically designed these rooftop cooling units for SMART's DMUs and are the sole manufacturer and only authorized distributor of the overhaul kits required for this maintenance service. SMART's purchasing and vehicle maintenance teams reviewed the pricing submitted and were able to determine that the prices quoted to SMART are fair and reasonable.

Pursuant to Public Contract Code §3400, your Board may direct the purchase of any supply, equipment, or material upon a finding that there is only a single source of procurement and that the purchase is for the purpose of matching other products in use on a particular system or equipment or for replacing supplies, equipment, or material already in use.

Staff recommends that the Board authorize the General Manager to Award a Purchase Order to MAHLE Industrial Thermal Systems America, L.P. in an amount of \$200,581.36 for Specialized Diesel Multiple Unit (“DMU”) Maintenance Equipment.

FISCAL IMPACT: Funding is included in the approved Fiscal Year 2021-22 budget.

REVIEWED BY: [X] Finance /s/ [X] Counsel /s/

Very truly yours,

/s/
Ken Hendricks
Procurement Manager



September 15, 2021

David Rabbitt, Chair
Sonoma County Board of Supervisors

Barbara Pahre, Vice Chair
Golden Gate Bridge,
Highway/Transportation District

Judy Arnold
Marin County Board of Supervisors

Melanie Bagby
Sonoma County Mayors' and
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Kate Colin
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Sonoma County Mayors' and
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Golden Gate Bridge,
Highway/Transportation District

Susan Gorin
Sonoma County Board of Supervisors

Dan Hillmer
Marin County Council of Mayors and
Councilmembers

Eric Lucan
Transportation Authority of Marin

Chris Rogers
Sonoma County Mayors' and
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Farhad Mansourian
General Manager

5401 Old Redwood Highway
Suite 200
Petaluma, CA 94954
Phone: 707-794-3330
Fax: 707-794-3037
www.sonomamarintrain.org

Sonoma-Marin Area Rail Transit Board of Directors
5401 Old Redwood Highway, Suite 200
Petaluma, CA 94954

SUBJECT: Sonoma-Marin Area Rail Transit District 2021 Title VI Program and Nondiscrimination Policy

Dear Board Members:

RECOMMENDATIONS:

Approve Resolution Number 2021-22 authorizing the following:

- 1) Reaffirming and updating the SMART Title VI Program and Nondiscrimination Policy;
- 2) Submittal of the document to the Federal Transit Administration; and
- 3) Allowing the General Manager authority to make non-policy and administrative changes to the SMART Title VI Program as needed, with changes reported to the Board.

SUMMARY:

In June 2015, SMART was approved by the Federal Transit Administration (FTA) as eligible to be a direct recipient of FTA federal grant funds. With the FTA Direct Grantee status comes requirements to implement a number of programs, policies, and procedures. In July 2015, Your Board adopted SMART's first *Title VI Program and Nondiscrimination Policy*, formalizing SMART's compliance with federal Title VI of the Civil Rights Act of 1964. This policy and document are presented to Your Board every three years for updating and reaffirmation, per FTA guidance.

Title VI (42 U.S.C. §2000 et seq.) was enacted as part of the landmark Civil Rights Act of 1964. It prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance. In addition to Title VI, several Presidential Executive Orders address federal protections for those with limited English proficiency, the rights of women, the elderly and disabled, and environmental justice for minority and low-income communities.

Other civil rights provisions prohibit discrimination on the basis of religion, family status, sexual orientation, or gender identity. *SMART's Nondiscrimination Policy* is generally intended to serve as an umbrella policy covering all persons.

In order to comply with the FTA Title VI Circular (FTA C 4702.1B) guidelines governing grantee Title VI Program requirements, SMART is required to develop several brief plans and adopt several policies.

Those elements of a Title VI Program include: a Nondiscrimination Policy, a Public Participation Plan, a Limited English Proficiency Plan, System-Wide Service and Standards Policies, and a Title VI Complaint and Reporting Process. In 2015, Your Board adopted these processes, plans, policies, and standards that were created by SMART staff based on common industry standards applied to the new SMART transit system. The FTA's Office of Civil Rights accepted the 2015 program with compliments to SMART on the program's thoroughness and completeness and notified SMART that our next triennial Title VI Program would be due to the FTA by October 1, 2018. In 2018, Your Board approved the reaffirmation and updating of the SMART Title VI Program and Nondiscrimination Policy. The FTA's Office of Civil Rights accepted the 2018 program and notified SMART that our next triennial Title VI Program would be due to the FTA by October 1, 2021.

The re-affirmed and updated triennial Title VI Program, per FTA requirements, must be approved by a resolution of the Board and transmitted to the FTA's Office of Civil Rights for acceptance. As part of this ongoing Title VI Program, SMART will certify compliance with Title VI on an annual basis directly within the FTA's electronic grants system. Administrative changes to this Title VI Program may occur if Federal requirements change or should FTA request or require any modifications after initial review of the program. We will report to the Board if any such changes become necessary.

FISCAL IMPACT: There is no direct fiscal impact that will result from the adoption of the resolutions confirming the results of the monitoring program and equity analysis and approving the entire Title VI Program.

REVIEWED BY: [X] Finance /s/ [X] Counsel /s/

Very truly yours,

/s/
Joanne Parker
Programming and Grants Manager

Attachment(s):

- 1) Resolution No. 2021-22
- 2) Draft 2021 SMART Title VI Program and Nondiscrimination Policy

RESOLUTION OF THE BOARD OF DIRECTORS OF THE SONOMA-MARIN AREA RAIL TRANSIT DISTRICT ADOPTING A TITLE VI TRIENNIAL PROGRAM AND NONDISCRIMINATION POLICY FOR 2021-2024

WHEREAS, Title VI (codified at 42 U.S.C. §2000d et seq.) of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance; and

WHEREAS, the Federal Transit Administration (FTA) issued Title VI Circular 4702.IB, effective October 1, 2012, setting forth requirements and guidelines for Title VI compliance; and

WHEREAS, the above-referenced Circular details required elements of the Title VI Program, which each recipient of FTA assistance must submit to the FTA triennially (every three years); and

WHEREAS, the above-referenced Circular requires SMART's Board of Directors to approve SMART's Title VI Program before it is submitted to the FTA; and

WHEREAS, SMART, as an FTA Direct Recipient, is required to have in place a Title VI program that ensures that the level and quality of public transportation service is provided in a nondiscriminatory manner, promotes full and fair participation in public transportation decision-making without regard to race, color or national origin, and ensures meaningful access to transit-related programs and activities by persons with limited English proficiency; and

WHEREAS, SMART's Title VI Program must contain numerous elements, including but not limited to, SMART's:

1. Title VI Notice to the Public
2. Title VI Complaint Procedures
3. Title VI Complaint Form
4. List of Transit-Related Title VI Complaints, Investigations, and Lawsuits [SMART has None]
5. Public Participation Plan
6. Limited English Proficiency Language Access Plan
7. Table Depicting Racial Breakdown of Non-Elected Boards and Committees
8. Evidence of the Board's Review and Approval of the Title VI Program
9. System-Wide Service Standards and Policies, Result of Service Monitoring and evidence of the Board's Approval of Such Monitoring
10. Description of the Public Engagement Process used for Adoption of the Major Service Change, Disparate Impact, and Disproportionate Burden Policies; and

WHEREAS, staff has developed a proposed Title VI Program (provided to the Board via staff report), including the above-referenced items and evidencing SMART's compliance with Title VI, for Board consideration and approval.

NOW, THEREFORE, BE IT RESOLVED THAT THE Board of Directors of the Sonoma-Marin Area Rail Transit District adopts the SMART Title, VI Program; and

BE IT FURTHER RESOLVED that the Board of Directors authorizes the General Manager, or a designee, to:

1. Include evidence of the Board's consideration and approval of the final SMART Title VI Program;
2. Submit the final SMART Title VI Program to the FTA;
3. Make non-policy and administrative changes to the SMART Title VI Program as needed, with changes reported to the Board; and
4. Take any other steps necessary to give effect to this Resolution, including responding to any follow-up inquiries from the FTA.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Sonoma-Marin Area Rail Transit District held on the 15th day of September 2021, by the following vote:

DIRECTORS:

AYES:

NOES:

ABSENT:

ABSTAIN:

David Rabbitt, Chair, Board of Directors
Sonoma-Marin Area Rail Transit District

ATTEST:

Leticia Rosas-Mendoza, Clerk of Board of Directors
Sonoma-Marin Area Rail Transit District



Sonoma-Marin Area Rail Transit District

Title VI Program and Nondiscrimination Policy

BOARD OF DIRECTORS
SEPTEMBER 15, 2021



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Sonoma County Board of Supervisors

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Steve Birdlebough
Peter Breen
Dennis Harter
Patricia Kendall
David Oster
Steve Rabinowitsh
Tanya Narath, alternate
Julia Violich, alternate

Contents

SMART’S TITLE VI PROGRAM INTRODUCTION.....	1
SMART TITLE VI/NONDISCRIMINATION POLICY.....	4
SMART TITLE VI/NONDISCRIMINATION COMPLAINT PROCEDURES	6
LIST OF TRANSIT-RELATED TITLE VI INVESTIGATIONS, COMPLAINTS, AND LAWSUITS	9
SMART’S PUBLIC PARTICIPATION PLAN (PPP) IMPLEMENTATION	9
SMART’S LIMITED ENGLISH PROFICIENCY (LEP) PLAN IMPLEMENTATION.....	17
SMART’S TITLE VI SYSTEMWIDE STANDARDS AND SERVICE POLICIES	20
GENERAL REPORTING REQUIREMENTS	28
APPENDIX A: SAMPLE – SMART TITLE VI NOTICE TO THE PUBLIC	29
APPENDIX B: SMART CIVIL RIGHTS COMPLAINT FORM	31
APPENDIX C: SMART DISTRICT PUBLIC PARTICIPATION PLAN (PPP).....	33
APPENDIX D: SMART DISTRICT LIMITED ENGLISH PROFICIENCY PLAN.....	43

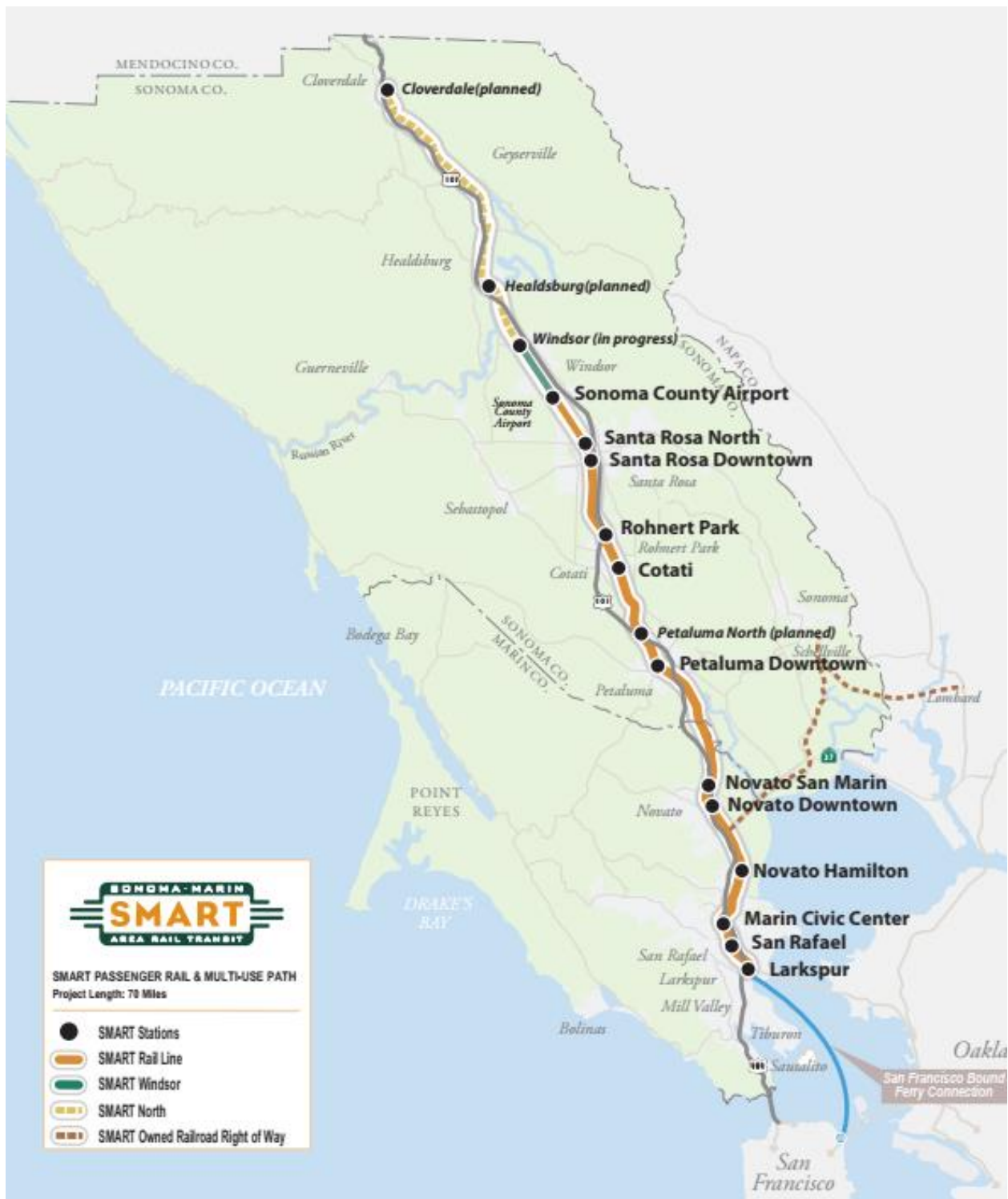
SMART'S TITLE VI PROGRAM INTRODUCTION

SMART District and Project Background

The SMART District was created by an act of the California Legislature with the passage of AB2224, also known as the Sonoma-Marín Area Rail Transit District Act, effective January 1, 2003, and codified in the Public Utilities Code section 105000, et. seq. The SMART District boundaries include all of Marin and Sonoma Counties. The SMART project involves rebuilding and operating a 70-mile commuter rail service within the publicly owned SMART right of way through Marin and Sonoma counties. The rail facility is a single-track facility with passing sidings and gauntlet tracks at stations to accommodate freight trains along the corridor. The project includes full implementation of Positive Train Control. The passenger rail project will ultimately extend 70-miles from Cloverdale in northern Sonoma County, to Larkspur in Marin County. A map of the project is shown in *Figure 1*.

A locally funded 43-mile first phase of the project was opened to public passenger service in Summer 2017, operating between Downtown San Rafael in the south and Sonoma County Airport Boulevard in the north, and served the major employment and population centers in the two counties. Construction on a two-mile southern extension between Downtown San Rafael and Larkspur began in late 2017 and that service opened to the public in late 2019, along with Larkspur and Downtown Novato stations. A northern extension to Windsor began construction in 2020 and is approximately 30% complete. The extension project is currently on hold due to legal proceedings associated with one of the project's funding sources. The complete buildout of the commuter rail project includes sixteen stations on the 70-mile route between the cities of Cloverdale and Larkspur.

Figure 1: SMART Project corridor.



SMART's Title VI Program and Nondiscrimination Policy Background

The SMART District is committed to ensuring that no person is excluded from participation in or denied the benefits of its transit services on the basis of race, color or national origin, as protected by Title VI of the Civil Rights Act of 1964. Effective July 2015, the Sonoma-Marín Area Rail Transit District (SMART) has been designated a Federal Transit Administration (FTA) grantee (direct recipient of FTA grant funds). As an FTA direct grantee, SMART is required to have policies and processes in place pursuant to Title VI of the Civil Rights Act of 1964 to meet the following objectives:

- Ensure that the level and quality of public transportation service is provided without regard to race, color, or national origin.
- Promote full and fair participation in public transportation decision-making without regard to race, color, or national origin.
- Ensure meaningful access to transit-related programs and activities by persons with limited English proficiency.

This SMART Title VI Program and Nondiscrimination Policy is intended to demonstrate compliance with the transit provider reporting requirements outlined in FTA Circular 4702.1B, "Title VI Requirements and Guidelines for Federal Transit Administration Recipients," effective October 1, 2012 (Federal Register Docket Number FTA-2011-0054). As required by FTA Circular 4702.1B, this SMART program documentation is updated every three (3) years. SMART is also providing information in this document regarding how SMART has historically acted in compliance with Title VI.

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color or national origin in programs or activities receiving federal financial assistance. Presidential Executive Order 12898 addresses environmental justice in minority and low-income populations. Presidential Executive Order 13166 addresses services to those individuals with limited English proficiency. The rights of women, the elderly and the disabled are protected under related authorities. These Presidential Executive Orders and the related authorities fall under the umbrella of Title VI. SMART's Title VI/Nondiscrimination Program provides leadership, direction, and policy to ensure compliance with Title VI of the Civil Rights Act of 1964 and related authorities. In addition to compliance with federal civil rights requirements through its Title VI program, SMART's Nondiscrimination Policy seeks to not discriminate on the grounds of religion, family status, sexual orientation, or gender identity.

SMART is proud of the work it has completed to date to provide information to all members of the community and to ensure that social impacts to communities and people are recognized early and continually throughout the transportation decision-making process. SMART's first Title VI Program and Nondiscrimination Policy was adopted by the SMART Board in 2015, with an update in 2018 and this 2021 update. SMART's next Title VI program update in 2024 will have the benefit of 2020 Census data to be used for updated demographic market analysis. SMART's transition from being a planning and construction project into an operating rail system has been guided by this Title VI Program and Nondiscrimination Policy and has taken place within an umbrella of public inclusiveness

SMART TITLE VI/NONDISCRIMINATION POLICY

It is the policy of the SMART District, under Title VI of the Civil Rights Act of 1964 and related statutes and regulations, that not person in the United States shall, on the basis of race, color, national origin, sex, age, disability/handicap, or income status, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any federally or non-federally funded program or activity administered by SMART or its sub-recipients. In compliance with other civil rights provisions, SMART will not discriminate on the grounds of religion, family status, sexual orientation, or gender identity. No person will be retaliated against for complaining of discrimination or for participating in an investigation of discrimination.

SMART will ensure that its programs, policies, and activities comply with Title VI of the Civil Rights Act of 1964, as amended, and Department of Transportation regulations. SMART has designated a Title VI Coordinator in the District's administrative offices to receive any formal Title VI complaints (via the process described below). The Title VI Coordinator is the person responsible for record keeping for complaints related to SMART and reporting those complaints as part of any updates to this SMART Title VI/Nondiscrimination Program every three years.

To effectively implement and sustain the Title VI Program and related statutes, mandatory training is provided to SMART staff upon hiring and periodically thereafter. Training includes information on the SMART Title VI Procedures and Limited English Proficiency (LEP) responsibilities, description of language assistance services offered to the public, documentation of language assistance requests, and how to handle a potential Title VI/LEP complaint. SMART maintains records of SMART staff training on Title VI Program and Nondiscrimination Policy compliance and provides training to new employees. In FY 2019, SMART trained 97 existing and new staff members. Additional employees were trained as part of the hiring process in FY 2020 (19 employees) and FY 2021 (17 employees).

The public will be informed of their rights under Title VI through posting the Title VI notice on the SMART website (<https://sonomamarintrain.org/civil-rights>), on platform signage in station shelters (Figure 2), meeting room posters, comment cards, public meeting advertisements and handouts, newsletters, newspaper ads, and construction notification mailers. Notices detailing SMART's Title VI obligations and complaint procedures will be translated into languages other than English and Spanish, as needed.

Figure 2: SMART station platform notification.



All advertisements for public meetings will include language like the following:

“Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. Persons who require special accommodations under the Americans with Disabilities Act or person who require translation services should contact (name of appropriate District personnel) at (telephone number) or dial CRS 711 at least 72 hours prior to the meeting.”

A sample SMART Title VI Notice to the Public is included in *APPENDIX A*.

SMART TITLE VI/NONDISCRIMINATION COMPLAINT PROCEDURES

SMART has established the following Title VI complaint procedures:

1. Any person who believes that he or she, or any specific class of persons, has been discriminated against on the basis of race, color, or national origin by SMART, may file a formal (written) or verbal/non-written Title VI complaint. In addition, any individual who believes that he or she, or any specific class of persons, has been discriminated against on the grounds of sex, age, disability, religion, family status, sexual orientation or gender identity may also file a formal (written) or verbal/non-written complaint. SMART investigates complaints received no more than 180 days after the alleged incident and then will process complaints that are complete. The SMART Title VI Coordinator or his/her designee may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for doing so.

2. All formal Title VI complaints shall be submitted on SMART's Civil Rights Complaint Form (included as *APPENDIX B*) to:

SMART Title VI Coordinator
SMART District – Administrative Offices
5401 Old Redwood Highway, Suite 200
Petaluma, CA 94954

info@sonomamarintrain.org

phone: (707)794-3330

Fax: (707) 794-3062

3. All verbal/non-written complaints received by SMART shall be resolved informally when feasible. Informal complaints can be received by phone as listed above. However, once a complaint is written it becomes a formal complaint. If the issue has not been satisfactorily resolved through informal means, or if at any time the person(s) request(s) to file a formal written complaint, the SMART Title VI Coordinator shall process the complaint in accordance with approved SMART formal complaint procedures.

4. Written formal complaints should be verified by the complainant and may be submitted in writing via postal service mail, email or fax to the contact identified above. In cases where the complainant is unable or incapable of providing a written statement, but wishes SMART to investigate alleged discrimination, a formal verbal complaint of discrimination may be made to SMART's Title VI Coordinator. The complainant will be interviewed by the officer or official authorized to receive complaints. If necessary, SMART's Title VI Coordinator will assist the person in converting verbal complaints to writing. All complaints converted into writing by SMART's Title VI Coordinator must be signed by the complainant or his/her representatives. The District's representative will assist those with Limited English Proficiency (LEP) in filing a complaint.

5. Formal Title VI complaints submitted in writing shall be signed by the complainant and/or the complainant's representative. Complaints shall set forth as fully as possible the facts and circumstances surrounding the alleged discrimination and shall include the following information:

- Name, address, and phone number of the Complainant.
 - A written statement of the complaint, including the following details:
 - Basis of complaint (i.e., race, color, and national origin).
 - The nature of the incident that led the complainant to feel discrimination was a factor.
 - A detailed explanation of the alleged discriminatory act(s).
 - The date or dates on which the alleged discriminatory event or events occurred.
 - If applicable, name(s) of alleged discriminating official(s).
 - Other agencies (state, local, or federal) where the complaint is also being filed (if applicable).
 - Complainant's signature and date.
6. Once the complaint is received, within 10 working days SMART's Title VI Coordinator will review and will provide the complainant with an acknowledgement letter informing her/him whether the complaint will be investigated by SMART or forwarded to the appropriate agency or organization for response. In that acknowledgement letter, the complainant will be advised of other avenues of redress available, such as a formal complaint with FTA.
7. SMART has 30 days to investigate the complaint. If more information is needed to investigate the complaint, SMART may contact the complainant. In the event of such request, the complainant has 30 days from the date of the letter to provide the requested information. If SMART is not contacted by the complainant or does not receive the additional information within 30 days, SMART can administratively close the investigation. An investigation can also be administratively closed if the complainant no longer wishes to pursue their complaint.
8. After the Title VI Coordinator personnel reviews/investigates the complaint, she/he will prepare a draft written response subject to review by SMART's General Manager and SMART's General Counsel. SMART will issue a response letter to the complainant. In addition, all findings related to alleged Title VI violations will be forwarded to FTA for formal findings. The FTA makes a final determination of "probable cause" or "no cause" and prepares a final decision letter for signature. The investigation will address only those issues relevant to the allegations in the complaint. If a closure letter is issued summarizing the allegations, stating that there was not a Title VI violation and informs the complainant that the case will be closed, the complainant has 10 days after the date of the closure letter to appeal the decision.
9. Both formal and verbal/non-written complaints received by SMART are documented, logged and tracked for investigation. Interviews will be conducted to obtain facts and evidence regarding the allegations in the complaint. The investigator will ask questions to elicit information about aspects of the case which the witness can provide firsthand information about. Interviews can be tape recorded with the interviewees consent. A chronological contact sheet is maintained in the case file throughout the investigation. The SMART Title VI Coordinator prepares a written report which includes:
- The date of the written complaint.

- The date the complaint was received by SMART.
- The date the investigation, lawsuit, or complaint was filed.
- The basis of the complaint (race, color, national origin, etc.).
- A summary of the allegation(s).
- The status of the investigation, lawsuit, or complaint.
- An explanation of the actions SMART has taken or proposed to resolve the issue raised in the complaint.
- Any Preliminary and Final FTA findings related to the investigation, lawsuit, or complaint.
- Other agencies (state, local, or federal), if any, where the complaint has been filed.

A copy of the complaint, together with a copy of the report of investigation, is forwarded to the FTA within 60 days of the date the complaint was received.

10. If information regarding SMART Title VI Complaint procedures is needed in another language, contact Title VI Coordinator at 707-794-3062 for assistance. The SMART Title VI Complaint procedures are translated into Spanish and attached here as *APPENDIX A*.

LIST OF TRANSIT-RELATED TITLE VI INVESTIGATIONS, COMPLAINTS, AND LAWSUITS

This section compiles a list of transit-related Title VI investigation(s), lawsuit(s), or complaint(s) that have been filed since the last report. The list includes the date; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient in response, or final findings related to the investigation, lawsuit, or complaint.

Since the last report in 2018, SMART has not had any formal investigations, formal complaints, or lawsuits filed regarding Title VI compliance.

In 2019, SMART received a complaint form a patron. Upon further investigation, it was determined that the complaint was misidentified and was not a Title VI complaint. SMART notified the individual. No further Title VI communications were received on this item

On a separate occasion, in March 2019, SMART received an email from an individual that was identified as potential Title VI concern. SMART sent two letters to the individual requesting additional information, enclosed a complaint form and offered assistance. SMART received no response, and no formal Title VI complaint was filed.

SMART'S PUBLIC PARTICIPATION PLAN (PPP) IMPLEMENTATION

The SMART District recognizes the importance of involving the public in information exchange when providing transportation facilities and services for the North Bay. Therefore, it is the policy of SMART to promote public involvement opportunities and information exchange activities in all functional areas using various techniques adapted to local area conditions and project requirements.

The SMART Public Participation Plan (PPP) is included as APPENDIX C. The SMART PPP identifies strategies to effectively involve the public in transportation decision-making. It describes a variety of methods and techniques to involve the public in the development of transportation plans, programs, and projects. Title VI and Limited English Proficiency compliance are integrated into SMART's public outreach techniques and methods.

SMART has been proactive in its efforts to engage the public in meaningful dialogue through a variety of means and programs outlined in the PPP. In addition to traditional methods, such as community events, presentations and meetings, SMART also utilizes social media and digital methods to engage the public. SMART has also made safety a top priority in all its outreach programs



Larkspur Extension Public Involvement

In late-2017, SMART began construction on the 2.1-mile Larkspur extension of the rail line, connecting downtown San Rafael with the Larkspur Ferry Terminal area. This project was funded in part via the Federal Transit Administration (FTA) Small Starts program and the FTA was kept apprised of public outreach activities related to the extension via quarterly project meetings with SMART. SMART conducted the following outreach activities on the extension:

- Created a public outreach plan in preparation for two major street closures, as well as a station closure requiring a bus bridge.
- Canvassed businesses in the affected area of San Rafael in advance of street closures.
- Distributed road closure detour maps in printed and digital formats to local businesses for

distribution to suppliers and customers.

- Issued public notifications using advertising in print publications and radio (English and Spanish).
- Utilized high-profile signage for pedestrians and motorists in advance and during road closures to provide advance notice and clear directional assistance.
- Made onboard train announcements and onboard canvassing to connect with passengers and assist with questions.
- Made real-time text alerts before and during road closures and the bud bridge operation.
- Provided an on-site SMART outreach team for customer support during the road closures.

Figure 4: Road closure and rail installation during Larkspur extension project.

Figure 5: Street closure sign (Spanish) for Larkspur extension project.



Próximos cierres viales de fin de semana en San Rafael

Debido a la construcción de la extensión del ferrocarril SMART hacia Larkspur, habrá dos cierres viales de fin de semana en junio. Los negocios permanecerán abiertos durante la construcción.

- 2nd Street estará cerrada a partir de las 8:00 p.m. del viernes, 31 de mayo, hasta las 4:00 a.m. del lunes, 3 de junio, entre Tamalpais Avenue y Hetherton Street.
- 3rd Street estará cerrada a partir de las 8:00 p.m. del viernes, 7 de junio, hasta las 4:00 a.m. del lunes, 10 de junio entre Tamalpais Avenue y Hetherton Street.
- La estación SMART de San Rafael estará cerrada el sábado 8 y el domingo 9 de junio. Un autobús de enlace transportará a los pasajeros entre la estación SMART de Marin Civic Center, el San Rafael Transit Center y la terminal de ferry de Larkspur.

Para obtener más información, visite
visit www.SonomaMarinTrain.org o llame 707-794-3077.



Figure 6: SMART Bus Bridge to take people from San Rafael to Larkspur during the Larkspur extension project.



Community Outreach

From October 2018 through March 2020, SMART conducted 86 community outreach events at community fairs, schools, meetings, and presentations. This outreach consists of safety messaging and general information. SMART also connects with hard-to-reach populations, including the homeless living along the SMART corridor.

SMART partners with Operation Lifesaver California, promoting messages that encourage safe behavior near tracks and trains (example shown in Figure 3). These important safety messages are also delivered to students through SMART safety presentations at our local schools. From October 2018 through March 2020, 2,942 elementary and middle-school students attended SMART's rail safety presentations.

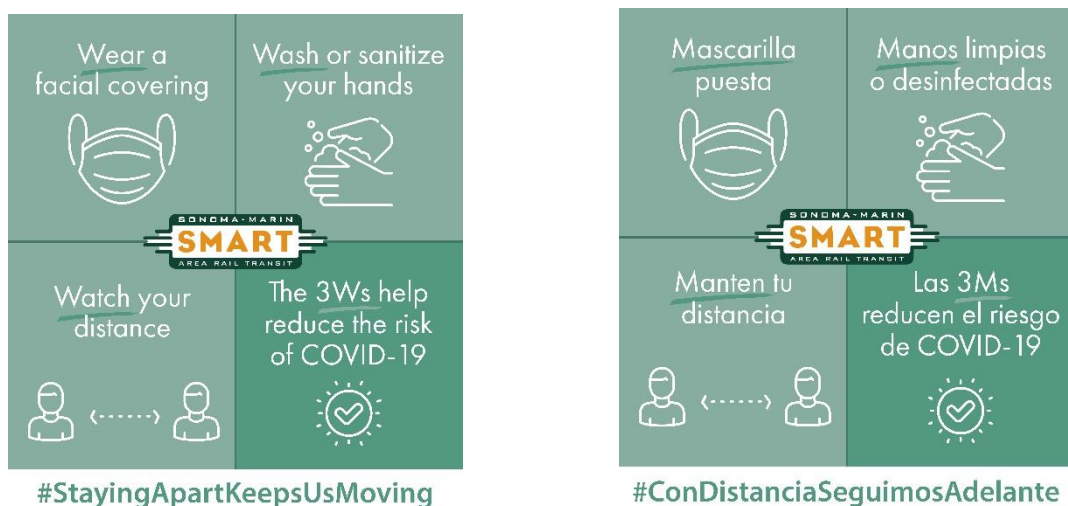
Figure 7: SMART outreach, May 2019. Cinco de Mayo festival, Santa Rosa, CA.



Community Outreach During the COVID-19 Pandemic

Beginning in March of 2020, SMART's community outreach activities significantly constrained by the COVID-19 pandemic and the accompanying shelter-in-place orders. During the pandemic, all outreach activities were web-based and primarily consisted of social media posts.

Figure 8: COVID-19 safety information in English and Spanish.

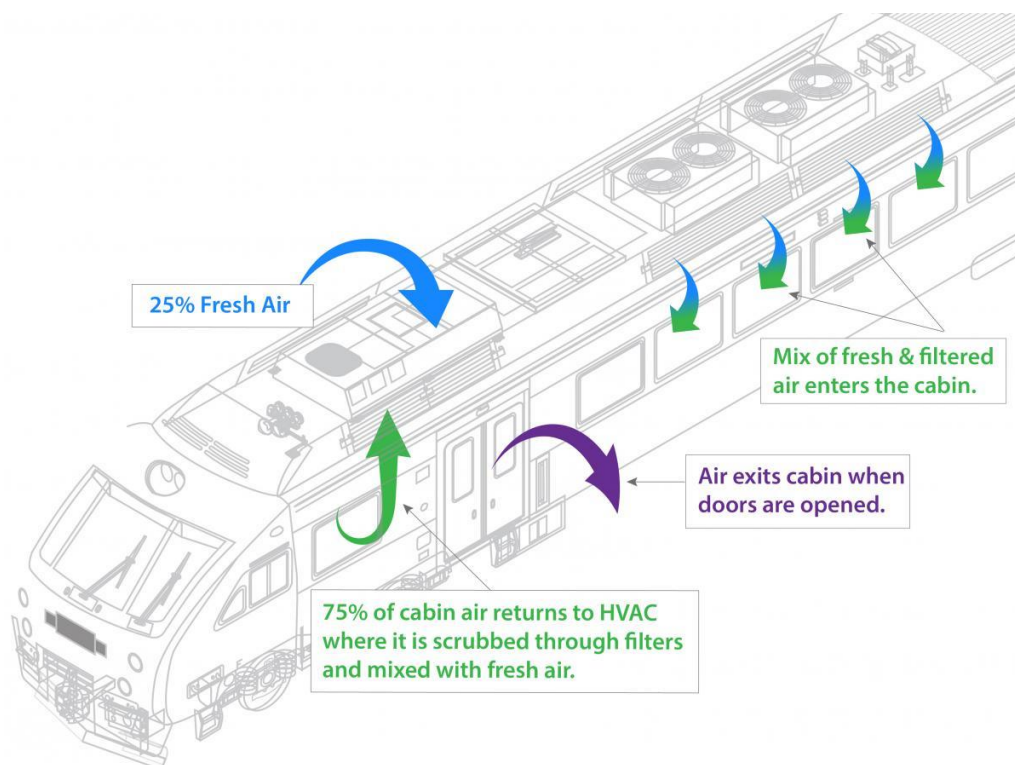
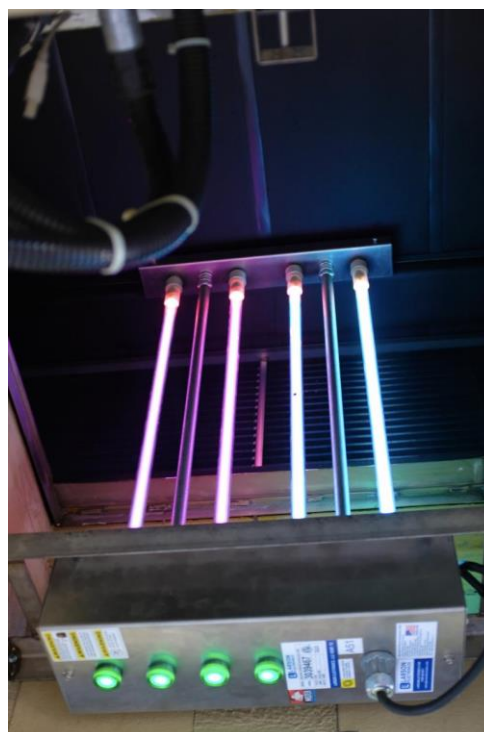


SMART created a dedicated COVID-19 section accessible from the SMART website homepage. This section detailed information about enhanced safety and hygiene protocols. The section also informed riders about the free rides to vaccinations sites offered by SMART.

Figure 9: Enhanced safety and hygiene protocols onboard SMART trains.



Figure 10: Ventilation upgrades to SMART trains, including MERV-13 filters and UV sterilizers



In early 2021, SMART collaborated with a consultant to provide more communication on social media and in the public about the benefits of SMART. The consultant products included a video to highlight SMART's benefit in the region and the role SMART can play as Marin and Sonoma counties reopen for more recreational activities and residents return to transportation. The "Community Ties" campaign launched in March 2021 on SMART's social media platforms in English and Spanish ([Community Ties Spanish Video Link](#)) and with the airing of radio ads promoting SMART's cleaning protocols and reliable transportation system.

Welcome Back Campaign

In May 2021, SMART's Community Outreach and Marketing team conducted community surveys that informed a Welcome Back campaign, a 10-point plan to welcome our riders back on board as the COVID-19 pandemic entered the next phase of post-vaccination availability. SMART initiated a robust social media campaign coupled with an extended approach to increase engagement and ridership throughout Summer 2021. The 10-point plan included proposals to:

- Increase weekday train service
- Resume Saturday train service
- Introduce promotional discount fares
- COVID-19 preventative measures
- Highlight mask requirements, as directed by TSA guidelines
- Contactless payment
- Maintain a healthy workforce
- Safety signage at SMART facilities
- Community Outreach and Marketing
- Customer Service

SMART's Advisory Body Composition

The SMART Board approved a "Measure Q Expenditure Plan" in July 2008 as part of the ¼ cent sales tax ballot measure that was put before the voters. That sales tax measure was approved by nearly 70% of the voters in November 2008. The Measure Q Expenditure Plan included as a guideline for implementation of the plan that "A Citizens Oversight Committee will be established by the SMART Board to provide input and review on the Strategic Plan and subsequent updates". The Strategic Plan is a document updated every five years, per Measure Q Expenditure Plan requirements. SMART's Citizens Oversight Committee (COC) is comprised of seven members and two alternates. Membership of the COC is determined by the Board and the Board subsequently makes appointments. Openings are advertised in a paper with local circulation and on the SMART website. Applicants are invited to present to the Board in advance of appointment.

The current COC member roster has been in effect from 2009-2021: Russ Colombo (Chair), Steve Birdlebough, Peter Breen, Dennis Harter, Patricia Kendall, David Oster, Steve Rabinowitsh, Tanya Narath (alternate) Julia Violich (alternate). The demographic composition of the committee is shown in Table 1. A revised committee mission and bylaws for the committee, including member representation, appointment process and service terms, may be developed and adopted by the Board of Directors prior to SMART's next Title VI Program Update in 2024.

The SMART District boundaries include all of Marin and Sonoma Counties. As a fixed route system, SMART is expected to draw passengers from throughout the two counties, and as such the two combined counties constitute the District and SMART's Service Area.

Table 2: Minority Representation on the Citizens Advisory Committee.

	Citizens Advisory Committee		Citizens Advisory Committee with Alternates		SMART District (Sonoma & Marin Counties)	
Total	7	100%	9	100%	759,715	100%
Male	6	86%	6	67%	371,001	48.8%
Female	1	14%	3	33%	388,714	51.2%
American Indian and Alaska Native	0	0%	0	0%	7,051	0.9%
Asian	0	0%	0	0%	51,631	6.8%
Black or African American	0	0%	0	0%	12,155	1.6%
Native Hawaiian or other Pacific Islander	0	0%	0	0%	5,707	0.8%
Some Other Race alone or in combination with one or more other races	0	0%	0	0%	95,712	12.6%
Minority Persons (sum of above)	-	0%	-	0%	172,256	22.7%
Hispanic or Latino	0	0%	0	0%	175,096	23.0%
White alone, not Hispanic or Latino	7	100%	9	100%	500,982	65.9%

Source: American Community Survey (ACS) 2019 5-Year Estimates Data Profiles for Sonoma and Marin Counties.

SMART'S LIMITED ENGLISH PROFICIENCY (LEP) PLAN IMPLEMENTATION

Consistent with Title VI of the Civil Rights Act of 1964 and other Federal regulations, SMART has and will continue to take reasonable steps to ensure meaningful access to benefits, services, information and other important portions of SMART's program and activities for individuals who are limited-English proficient (LEP). The current SMART LEP Plan, including the required "Four Factor Analysis", is included as APPENDIX D.

The SMART LEP Plan shows that the most prevalent linguistically isolated population in the SMART District speaks Spanish. SMART is committed to providing meaningful access and has historically translated outreach materials into Spanish for distribution. Examples of those materials include construction notice mailers, construction notice door hangars, and rail safety education materials for school aged children are shown in Figures 6-8. SMART has also conducted bilingual telephone surveys, targeted community outreach events, and implemented several language assistance measures and policies identified in the attached LEP. Additionally, Title VI Program and language access training is provided to SMART administrative and operations staff upon hire and periodically thereafter.

Figure 11: Sample SMART construction notice, Spanish version.

SONOMA-MARIN
SMART
AREA RAIL TRANSIT

ALERTA de cierre de caminos para construcción

¿Tiene preguntas o necesita más información?

Llame nuestra línea directa sin cargos para el proyecto:

1-855-312-7444

Como parte del proceso de reemplazo de las vías en preparación para el servicio ferroviario de pasajeros en su zona, la compañía contratista Stacy Witbeck/Herzog (SWH) Va nivelar el cruce de:

ADOBE RD, PENNGROVE
EMPIEZA A LAS 6:00AM EL SÁBADO, 1 DE JUNIO
HASTA A LAS 7:00PM EL SÁBADO, 1 DE JUNIO

El cruce de caminos estará cerrado a todo tráfico vehicular (ver abajo en **Rojo**). Habrá acceso peatonal controlado. Habrá carteles electrónicos en el cruce y señales de desvío marcando rutas alternativas. Por favor use las rutas alternativas cuando viaje por esta zona.

La seguridad es muy importante para SMART y estamos trabajando duro para maximizar la seguridad durante la fase de construcción. Por favor cumpla su parte siguiendo las instrucciones de desvío y manteniéndose alejado de todas las actividades y el equipo de construcción.

¡Gracias por su paciencia durante nuestra fase de construcción!

Map showing the location of the closure on Adobe Rd, near Old Redwood Hwy and Main St, with a red circle indicating the closure area. The map also shows nearby streets like Penn Grove Ave, Main St, and Woodward Ave, and landmarks like Penn Grove Elementary School and Penn Grove Motorcycle Guiting.

Figure 12: Sample SMART construction notice door hanger, Spanish version.

ALERTA de cierre de caminos para construcción

En preparación para el servicio ferroviario de pasajeros en su zona, la compañía contratista Shimmick Construction reemplazará los cruces de ferrocarril en:

5th Ave, San Rafael
el lunes, 10 de noviembre—al viernes 14 de noviembre

Mission Ave, San Rafael
el lunes, 17 de noviembre—al jueves 20 de noviembre

La construcción ocurrirá 7AM hasta las 7PM pero, los cruces de caminos estará cerrado a todo tráfico 24/7 (**ver abajo en Rojo**). Habrá carteles electrónicos en el cruce y señales de desvío marcando rutas alternativas. Por favor use las rutas alternativas cuando viaje por esta zona.

Para las actualizaciones en curso sobre los plazos de construcción de su vecindario, por favor visite la página Web de SMART:

www.sonomamarintrain.org/construction-updates

Para información en español LLAME AL: 707-794-3330

Para obtener más información, llame a nuestra línea gratuita: (855) 312-7444, o escribanos a info@sonomamarintrain.org.

La seguridad es nuestra principal prioridad en SMART. Estamos trabajando duro para maximizar la seguridad durante nuestra fase de construcción. Por favor haga su parte y manténgase alejado de todos los equipos y actividades de construcción.



ALERTA de cierre de caminos para construcción

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Figure 13: SMART rail safety training in schools, Spanish version.
(Booklet cover)



SMART'S TITLE VI SYSTEMWIDE STANDARDS AND SERVICE POLICIES

System-Wide Service Standards

SMART is required to set quantitative system-wide service standards for several indicators to guard against discriminatory service designs or operations decisions. All service standards will be set to ensure equitable service across all jurisdictions and populations served by the SMART system.


A key characteristic of the SMART rail service is that it is a fixed guideway rail system with no variability in route options - there is only one route. Further, SMART is primarily a single-track rail line, with siding areas for passing trains. Single-track rail systems can be subject to operational limitations. SMART shares its track with a short haul freight operator, as required by the legislation governing SMART, creating further passenger operational limitations.

SMART's current rail car fleet consists of 18 rail cars. The train sets are currently comprised of an "A" and "B" cars combined into 2 and 3-car train sets. Platform lengths are designed for up to three car trains and provide for level boarding. SMART rail vehicles are divided into two age categories: The original cars and the additional cars. Fourteen of the cars are part of the original order. These are the same age and condition, having been manufactured and delivered between April 2015 and December 2015. Four additional cars were manufactured for delivery in late 2018 with deployment in Fall of 2019. Since the start of passenger revenue service in August 2017, all stations receive the same level of rail service, with all trains consisting of two and three-car train sets and all trains stopping at all stations the same number of times per day and at the same headways as at each other station. SMART's partially restored post-COVID pandemic weekday schedule has 13 southbound and 13 northbound trains, with service hours from 5:02 a.m. to 10:37 p.m. SMART's partially restored weekend schedule currently has only Saturday service, with 6-southbound and 6-northbound trains providing service from 7:35 a.m. to 8:51 p.m. SMART is continuing efforts to recruit sufficient staff to restore additional service that was reduced during the COVID-19 pandemic.

Figure 14: SMART weekday, weekend, and holiday schedule.

Effective May 24, 2021

Efectivo el 24 de mayo de 2021



AM Times

PM Times

TEMPORARY WEEKDAY SCHEDULE													
HORARIO TEMPORAL DE DÍAS LABORABLES													
SOUTHBOUND - Sonoma County Airport to Larkspur													
DIRECCIÓN SUR - Sonoma County Airport a Larkspur													
TRAIN NUMBER	3	5	9	13	15	19	21	23	27	29	33	35	39
Sonoma County Airport	5:02	6:06	7:10	8:14	9:18	12:45	1:17	2:21	3:25	3:57	5:01	5:33	6:37
Santa Rosa North	5:09	6:13	7:17	8:21	9:25	12:52	1:24	2:28	3:32	4:04	5:08	5:40	6:44
Santa Rosa Downtown	5:13	6:17	7:21	8:25	9:29	12:56	1:28	2:32	3:36	4:08	5:12	5:44	6:48
Rohnert Park	5:21	6:25	7:29	8:33	9:37	1:04	1:36	2:40	3:44	4:16	5:20	5:52	6:56
Cotati	5:24	6:28	7:32	8:36	9:40	1:07	1:39	2:43	3:47	4:19	5:23	5:55	6:59
Petaluma Downtown	5:39	6:43	7:47	8:51	9:55	1:22	1:54	2:58	4:02	4:34	5:38	6:10	7:14
Novato San Marin	5:51	6:55	7:59	9:03	10:07	1:34	2:06	3:10	4:14	4:46	5:50	6:22	7:26
Novato Downtown	5:54	6:58	8:02	9:06	10:10	1:37	2:09	3:13	4:17	4:49	5:53	6:25	7:29
Novato Hamilton	6:02	7:06	8:10	9:14	10:18	1:45	2:17	3:21	4:25	4:57	6:01	6:33	7:37
Marin Civic Center	6:08	7:12	8:16	9:20	10:24	1:51	2:23	3:27	4:31	5:03	6:07	6:39	7:43
San Rafael	6:14	7:18	8:22	9:26	10:30	1:57	2:29	3:33	4:37	5:09	6:13	6:45	7:49
Larkspur	6:21	7:25	8:29	9:33	10:37	2:04	2:36	3:40	4:44	5:16	6:20	6:52	7:56
NORTHBOUND - Larkspur to Sonoma County Airport													
DIRECCIÓN NORTE - Larkspur a Sonoma County Airport													
TRAIN NUMBER	4	6	10	14	16	20	22	24	28	30	34	36	40
Larkspur	6:38	7:42	8:46	9:50	10:54	2:21	2:53	3:57	5:01	5:33	6:37	7:09	8:29
San Rafael	6:46	7:50	8:54	9:58	11:02	2:29	3:01	4:05	5:09	5:41	6:45	7:17	8:37
Marin Civic Center	6:51	7:55	8:59	10:03	11:07	2:34	3:06	4:10	5:14	5:46	6:50	7:22	8:42
Novato Hamilton	6:58	8:02	9:06	10:10	11:14	2:41	3:13	4:17	5:21	5:53	6:57	7:29	8:49
Novato Downtown	7:04	8:08	9:12	10:16	11:20	2:47	3:19	4:23	5:27	5:59	7:03	7:35	8:55
Novato San Marin	7:07	8:11	9:15	10:19	11:23	2:50	3:22	4:26	5:30	6:02	7:06	7:38	8:58
Petaluma Downtown	7:20	8:24	9:28	10:32	11:36	3:03	3:35	4:39	5:43	6:15	7:19	7:51	9:11
Cotati	7:33	8:37	9:41	10:45	11:49	3:16	3:48	4:52	5:56	6:28	7:32	8:04	9:24
Rohnert Park	7:37	8:41	9:45	10:49	11:53	3:20	3:52	4:56	6:00	6:32	7:36	8:08	9:28
Santa Rosa Downtown	7:45	8:49	9:53	10:57	12:01	3:28	4:00	5:04	6:08	6:40	7:44	8:16	9:36
Santa Rosa North	7:49	8:53	9:57	11:01	12:05	3:32	4:04	5:08	6:12	6:44	7:48	8:20	9:40
Sonoma County Airport	7:55	8:59	10:03	11:07	12:11	3:38	4:10	5:14	6:18	6:50	7:54	8:26	9:46

TEMPORARY WEEKEND/HOLIDAY SCHEDULE - SATURDAY ONLY, EFFECTIVE MAY 29													
HORARIO TEMPORAL DE LOS FINES DE SEMANA Y DÍAS FERIADOS - SOLO EL SÁBADO, EFECTIVO EL 29 DE MAYO													
SOUTHBOUND - Sonoma County Airport to Larkspur							NORTHBOUND - Larkspur to Sonoma County Airport						
DIRECCIÓN SUR - Sonoma County Airport a Larkspur							DIRECCIÓN NORTE - Larkspur a Sonoma County Airport						
TRAIN NUMBER	1	3	5	7	9	11	TRAIN NUMBER	2	4	6	8	10	12
Sonoma County Airport	7:35	9:35	11:35	1:35	3:35	5:35	Larkspur	9:34	11:34	1:34	3:34	5:34	7:34
Santa Rosa North	7:42	9:42	11:42	1:42	3:42	5:42	San Rafael	9:42	11:42	1:42	3:42	5:42	7:42
Santa Rosa Downtown	7:46	9:46	11:46	1:46	3:46	5:46	Marin Civic Center	9:47	11:47	1:47	3:47	5:47	7:47
Rohnert Park	7:54	9:54	11:54	1:54	3:54	5:54	Novato Hamilton	9:54	11:54	1:54	3:54	5:54	7:54
Cotati	7:57	9:57	11:57	1:57	3:57	5:57	Novato Downtown	10:00	12:00	2:00	4:00	6:00	8:00
Petaluma Downtown	8:12	10:12	12:12	2:12	4:12	6:12	Novato San Marin	10:03	12:03	2:03	4:03	6:03	8:03
Novato San Marin	8:24	10:24	12:24	2:24	4:24	6:24	Petaluma Downtown	10:16	12:16	2:16	4:16	6:16	8:16
Novato Downtown	8:27	10:27	12:27	2:27	4:27	6:27	Cotati	10:29	12:29	2:29	4:29	6:29	8:29
Novato Hamilton	8:35	10:35	12:35	2:35	4:35	6:35	Rohnert Park	10:33	12:33	2:33	4:33	6:33	8:33
Marin Civic Center	8:41	10:41	12:41	2:41	4:41	6:41	Santa Rosa Downtown	10:41	12:41	2:41	4:41	6:41	8:41
San Rafael	8:47	10:47	12:47	2:47	4:47	6:47	Santa Rosa North	10:45	12:45	2:45	4:45	6:45	8:45
Larkspur	8:54	10:54	12:54	2:54	4:54	6:54	Sonoma County Airport	10:51	12:51	2:51	4:51	6:51	8:51

Vehicle Load

SMART's Vehicle Load Standard will be the same for peak and off-peak services and may be revised as more is learned for various operating scenarios. Based on initial actual revenue operating experiences, the average of all loads during the peak operating period should not exceed the train's anticipated achievable capacities, which are 158 persons each for both A and B car types. SMART's vehicle load standard for initial years of service will target the anticipated maximum load factor of the fleet, or 2. As fleet capacity allows, SMART may mix "A" and "B" car types into 2- and 3-car train sets to achieve operational efficiencies.

A two-car train set (A + B) is estimated to accommodate 158 seated passengers per train set, and up to 316 passengers with standees. All SMART station platforms are constructed to handle up to three car lengths. A full three car train has an anticipated capacity of 474 people.

SMART may seek to maximize operational efficiencies and adjust vehicle load standards, though options to do so will be limited due to the single-track rail environment and limited fleet capacity. During the COVID-19 pandemic, SMART enforced social distancing protocols for the safety of passengers and workers.

Table 3: Vehicle load policy.

Car Type	Seated Capacity	Standing Capacity	Total Capacity	Maximum Load Factor
A	79	79	158	2.0
B	79	79	158	2.0

Vehicle Headway

Service will operate on the mainline trunk line every 30-210 minutes in each direction during the weekday peak periods and throughout the day, five days a week. Vehicle Headway Standards for off-peak weekend service will be every 120 minutes in each direction. This is the current service due to COVID-19 pandemic service reductions.

On-time Performance

A train is determined to be on-time if it reaches its destination within five minutes of the published schedule time. SMART does not permit its trains to depart early. It is SMART's goal to have 95 percent of trains meet these on-time performance criteria. Since the inception of service in 2017, SMART has been measuring on-time performance based on arrival at the end destination of the trip. Using this method, SMART's on-time performance from start of service on August 25, 2017 through June 30, 2021, is 95%. The data is shown by fiscal year below.

Table 4: Fiscal Year On-time Performance FY18-FY21.

Fiscal Year	Average On-time Performance
FY18	98%
FY19	97%
FY20	89%
FY21	98%

Starting with July 2021, SMART tracks on-time performance on a station-by-station basis, following industry standards. This change will support the inclusion of on-time performance in SMART’s upcoming Performance Metric reporting to the SMART Board and public, to begin in the second half of Fiscal Year 2022 (FY22). This methodology will be used in subsequent Title VI reports. The on-time performance data by month for FY22 to date is shown in the table below.

Table 5: FY22 On-time Performance to Date

Month	Average On-time Performance
July 2022	97%
August 2022	97%

Service Availability

Service availability is described by the October 2012 FTA Circular 4702.1B:

Service availability is a general measure of the distribution of routes within a transit provider’s service area...A standard might also indicate the maximum distance between stops or stations...Commuter rail service or passenger ferry service availability standards might include a threshold of residents within a certain driving distance as well as within walking distance of the stations or access to the terminal.

SMART operates a fixed guideway system. According to the 2010 Census, 72% of all the residents in Marin and Sonoma Counties (the SMART District) are within 3-miles of a SMART station. In addition, 70% of all jobs are within 3-miles of a SMART station (LEHD 2018). SMART coordinates with local jurisdictions to encourage land use policies that encourage jobs and housing near the SMART stations.

Table 5: Service availability policy.

	Population	Housing Units	Jobs
SMART District	736,287	315,786	330,289
Stations - 3 miles	532,111	211,892	232,050
Stations - 1 mile	223,669	90,703	106,212
Stations - 0.5 miles	90,332	38,015	40,740
	<i>percent</i>		
SMART District	100.0%	100.0%	100.0%
Stations - 3 miles	72.3%	67.1%	70.3%
Stations - 1 mile	30.4%	28.7%	32.2%
Stations - 0.5 miles	12.3%	12.0%	12.3%
<i>Source:</i>	<i>Census 2010</i>	<i>Census 2010</i>	<i>LEHD 2018</i>

System-Wide Service Policies

SMART is required to adopt system-wide service policies necessary to guard against service design and operational policies that may have disparate impacts. System-wide policies differ from service standards in that they are not necessarily based on a quantitative threshold. All service policies will provide equitable service across all jurisdictions and populations served by the SMART system. All policies are subject to approval by the SMART Board.

Vehicle Assignment

Vehicle age and type are similar for all the vehicles in the fleet. SMART operates two-car train sets comprised of an “A” car and a “B” car. SMART can deploy the “A” and “B” cars into two- and three-car train set configurations depending on rail car availability and passenger demand. All vehicles are assigned to the same route between Airport Boulevard and Larkspur. All rail cars comply with Americans with Disabilities Act (ADA) requirements, including wheelchair accessible spaces and level platform boarding.

Transit Amenities

According to the October 2012 FTA Circular 4702.1B:

Transit amenities refer to items of comfort, convenience, and safety that are available to the general riding public. Fixed route transit providers must set a policy to ensure equitable distribution of transit amenities across the system. Transit providers may have different policies for the different modes of service that they provide. Policies in this area address how these amenities are distributed within a transit system, and the manner of their distribution determines whether transit users have equal access to these amenities. This subparagraph is not intended to impact funding decisions for transit amenities. Rather, this subparagraph applies after a transit provider has decided to fund an amenity.

SMART provides a variety of amenities at stations to attract and retain customers. These packages of station amenities are uniform throughout the SMART system. Generally, SMART has two types of station environments, Downtown and Other, with downtown stations located in higher density, mixed land use neighborhoods. Examples of these Downtown stations are Downtown San Rafael and Santa Rosa's Railroad Square. Station platforms themselves are uniformly designed, with platform height designed to allow for level boarding onto the rail vehicles and stations are provided a basic amenities package described below. As SMART's passenger revenue service continues to mature from the 10-station 2017 launch and the 2-station addition to the system in 2019, ridership performance will be monitored with particular attention given to whether station types are correctly categorized and whether there may be a need to differentiate station amenities between station types.

The basic set of amenities exists at most stations and includes bike racks, shelters/canopies, benches, and trash cans. In addition, SMART has installed a minimum of one block of four electronic bicycle lockers at each SMART station, either on SMART property or adjacent to the station on property owned by others. SMART conducted a State-funded bicycle parking plan to attempt to determine bicycle parking demand in advance of the actual start of SMART commuter rail system. Usage of these lockers at each SMART station is monitored to determine whether additional electronic lockers or other more intensive bicycle parking equipment is warranted.

Sonoma County Transportation Authority and the Transportation Authority of Marin are currently piloting a bikeshare program in the two counties. Bikeshare hubs will be located at or near nine of the twelve SMART stations, based on preferences expressed by local City staff and bicycle advocacy groups. SMART is not a sponsor of the program and will not be managing the implementation. A successful pilot may lead to expansion at more SMART stations in the future.

In general, station amenities have been designed with local jurisdiction input and are uniform except for minor features (such as color) as requested and/or funded by local jurisdictions. SMART's fare collection system is the Metropolitan Transportation Commission (MTC) regional Clipper® smart card and mobile app fare system supplemented with a SMART-specific mobile payment system. Clipper® validation equipment and ticket vending machines are located at SMART stations as procured and installed by the regional Clipper® program contractor with one machine per station platform. SMART provides standard customer information across each of the stations and will coordinate with regional MTC wayfinding and signage standards in further implementation of a station customer information program. These standardized station amenities described above are included in the definition of basic amenities.

Amenities Policy

Installation of transit amenities along SMART's rail route is based on the needs of each individual station, with standardized amenities described above assembled into a Basic Amenities package. All station amenities are distributed equally among stations and all on-board amenities are distributed equally among all vehicles. Table 4 graphically describes this amenities policy.

Table 6: Amenities policy.

Station Type	Level	Amenities
Downtown	Level 1	Basic amenities
Other	Level 2	Basic amenities

Requirement to Evaluate Service and Fare Changes

Because SMART does not operate 50 or more fixed route vehicles in peak service, it is not required to evaluate significant system-wide service and fare changes to determine whether those changes will have a discriminatory impact.

While not required of SMART, SMART is aware of FTA Title VI requirements and endeavors to bear in mind the intent of the regulation to not create disparate impacts on the basis of race, color or national origin when updating this Title VI Program and when evaluating fare and service policies and practices. In 2015 and 2016 SMART conferred with FTA staff to ensure that the public process undertaken for the adoption of the District's first fare program would be sufficient to meet Title VI guidelines. That fare program included the structure and pricing of the future system expansions, including the Larkspur/Downtown Novato expansion of 2019, the current Windsor and other future northern extensions, and the future infill station in Petaluma.

In the past two years, SMART has made two modifications to the SMART fare program. The first is participation in the regional pilot Means Base Fare Program, or Clipper START, and the second a one-year post-pandemic pilot fare incentive to encourage people to try riding SMART.

The Clipper START program allows adults ages 19-64 living in the Bay Area who have a household income of 200% or less of the federal poverty level to receive single ride discounts of 20% or 50% on 21 transit operators. The SMART Board adopted a pilot Low Income fare discount of 50% and the Metropolitan Transportation Commission, the regional manager of the Clipper system, implemented Clipper START on SMART at the end of November 2020. Boardings having increased from 4 per month to 73 in July; however, START program usage remains at less than 1% of total boardings. To create a public incentive to ride SMART as the COVID-19 pandemic continues, SMART implemented a pilot fare reduction program. In May 2021, SMART kicked off its Welcome Back campaign with reduced fares available on the SMART e-Tickets app. In September 2021, the reduced fares became available on Clipper, the regional payment system. These promotional fares are set to run through fiscal year 2022 and offer riders over 40% off the fare price.

Requirement to Monitor Transit Service

Because SMART does not operate 50 or more fixed route vehicles in peak service, it is not required to monitor the transit service provided throughout SMART's service area. SMART does endeavor, however, to undertake periodic system-wide service monitoring activities to compare the level and quality of service provided relative to their system-wide service standards and service policies (i.e., vehicle load, vehicle assignment, transit amenities, etc.). In May 2021, the SMART Board approved seven performance measures to help SMART analyze efficiency and effectiveness and guide future policy setting and prioritization of investments.

Initial Metrics (from National Transit Database):

1. Operating Cost per Vehicle Revenue Mile
2. Operating Cost per Passenger Mile
3. Passenger Miles per Vehicle Revenue Mile
4. Average Fare

Additional User-Focused Metrics:

5. On-Time Performance
6. Customer Experience
7. Pathway Usage

Reporting on these metrics to the SMART Board will begin in Fiscal Year 2021/22.

GENERAL REPORTING REQUIREMENTS

SMART's Title VI Program and Nondiscrimination Policy addresses FTA's general reporting requirements for SMART programs, policies, and activities to document compliance with Title VI of the Civil Rights Act of 1964, the United States Department of Transportation (DOT) implementing regulations in 49 CFR 21 (Nondiscrimination in Federally Assisted Programs of the Department of Transportation).

Annual Certifications and Assurances

In accordance with 49 CFR Section 21.7(a), SMART will provide the required annual Title VI Certifications and Assurances by submitting an electronic copy of the Pinned Certifications and Assurances from FTA's electronic grants management system.

SMART Title VI/Nondiscrimination Program Notice to the Public

The SMART Title VI/Nondiscrimination Program Notice to the Public is included as APPENDIX A. Both English and Spanish versions are shown, and the Notice is posted at the SMART District offices, on SMART Station platforms, and on the SMART website.

Records Management

The SMART Title VI Coordinator maintains a log of complaints and consolidates the district logs for reporting purposes. The complaint logs maintain at a minimum the complainant's name, contact information, nature of complaint and the disposition of the complaint. SMART maintains a list of active investigations, lawsuits, and/or complaints that allege Title VI discrimination. This list includes the date of the investigation, or the date the lawsuit or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the SMART in response to the investigation, lawsuit, or complaint. These records are reported in updates on SMART's Title VI Program every three years and are made available to the FTA as requested.

SMART Title VI/Nondiscrimination Program Updates

SMART updates the documentation of the SMART Title VI/Nondiscrimination Program every three years by resolution of the SMART Board. If any changes to regulation or SMART operational issues arise between document updates that require modifications to the document or program, administrative changes will be allowed.

APPENDIX A: SAMPLE – SMART TITLE VI NOTICE TO THE PUBLIC

Title VI of the Civil Rights Act of 1964

The Sonoma-Marín Area Rail Transit District (SMART) is committed to ensuring that no person is excluded from participation in or denied the benefits of its transit services on the basis of race, color or national origin, as protected by Title VI of the Civil Rights Act of 1964.

How do I file a Title VI Complaint?

If you believe you have been subjected to discrimination under Title VI, you may file a written complaint with SMART.

To file a formal Title VI complaint, you or your representative must submit a signed and SMART Civil Rights Complaint Form within one hundred and eighty (180) days of the last date of alleged discrimination. Download the Complaint Form here:

https://sonomamarintrain.org/sites/default/files/Documents/ADA%20Title%20VI%20CivilRights_ComplaintForm-2017.pdf.

Alternatively, you can request a copy of the Complaint Form at 707-794-3330 or TDD711.

If information is needed in another language, contact SMART at 707-794-3330.

Si se necesita información en otro idioma, póngase en contacto con SMART al 707-794-3330.

Si usted cree que ha recibido un trato discriminatorio por SMART sobre la base de su raza, color u origen nacional, usted tiene el derecho de presentar una queja con el Oficial de Derechos Civiles. La queja debe ser presentada a más tardar 180 días calendario después del supuesto incidente discriminatorio alegado. Este documento y el formulario de queja del Título VI están disponibles aquí:

https://sonomamarintrain.org/sites/default/files/Documents/ADA%20Title%20VI%20CivilRights_ComplaintForm-2017.pdf.

Los documentos que describen la Declaración de la Política conforme al Título VI y los Procedimientos de Queja de SMART se pueden traducir al español bajo solicitud.

Por favor llame al (707)794-3330 o TDD 711.

Upon request, the Title VI Coordinator will assist with writing a complaint if the complainant is unable to do so, including any language assistance required.

The complaint should include the following information:

- Your name, address, and how to contact you (i.e., telephone number, email address, etc.).
- How, when, where, and why you believe you were discriminated against. Include the location, names and contact information of any witnesses.

The complaint may be filed in writing with SMART as follows:

SMART - Attn: Title VI Coordinator
5401 Old Redwood Highway, Suite 200
Petaluma, CA 94954

Complainants may also use the following to initiate the filing of a written complaint:

By e-mail to: info@sonomamarintrain.org with Title VI Complaint in the subject line.
By fax: Attn: SMART Title VI Coordinator - (707) 794-3037

What happens to my complaint after it is submitted to SMART?

All complaints alleging discrimination based on race, color or national origin in a service or benefit provided by SMART will be recorded in the Title VI Database and electronically assigned an ID number by the Title VI Coordinator.

The SMART Title VI Coordinator reviews all customer feedback and research complaints alleging discrimination based on race, color or national origin in a service or benefit. Upon request, the SMART Title VI Coordinator will provide appropriate assistance to complainants, including people with disabilities, or who are limited in the ability to communicate in English in accordance with SMART's Limited English Proficiency Plan (ATTACHMENT D of SMART's TITLE VI PROGRAM).

The SMART Title VI Coordinator will review and provide complainant with an acknowledgement letter of receipt of the complaint within 10 working days. Generally SMART will investigate the complaint and prepare a draft written response subject to review by the SMART General Manager and SMART General Counsel within 30 days.

In instances where additional information is needed for assessment or investigation of the complaint, the SMART Title VI Coordinator will attempt to contact the complainant in writing. Failure to provide the requested additional information within 30 days of the letter date may result in the administrative closure of the complaint. More details on the process for Title VI complaints can be found in SMART's Title VI Program document.

How will I be notified of the outcome of my complaint?

The SMART staff will send a final written response to the complainant and advise the complainant of his or her right to file a complaint externally. SMART will use its best efforts to respond to Title VI complaints within 60 working days of its receipt of such complaints.

In addition to the complaint process at SMART, individuals and organizations may also file a complaint by completing a Federal Transit Administration Office of Civil Rights Title VI complaint form (<https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/file-complaint-fta>).

Complaints should be signed and include contact information and should be sent to SMART and to:

Federal Transit Administration
Office of Civil Rights Attention: Complaint Team
East Building, 5th Floor - TCR 1200
New Jersey Ave, SE
Washington, DC 20590

APPENDIX B: SMART CIVIL RIGHTS COMPLAINT FORM



CIVIL RIGHTS COMPLAINT FORM

Section I:				
Name:				
Address:				
Telephone (Home):			Telephone (Work):	
E-Mail Address:				
Accessible Format Requirements:	Large Print		Audio Tape	
	IDD		Other	
Section II:				
Are you filing this complaint on your own behalf?			Yes•	No
*If you answered "yes" to this question, go to Section III .				
If not, please supply the name and relationship of the person for whom you are complaining:				
Please explain why you have filed for a third party _____				

Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.			Yes	No
Section III:				
I believe the discrimination I experienced was based on (check all that apply):				
<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin <input type="checkbox"/> Other _____				
Date of Alleged Discrimination (Month, Day, Year): _____.				
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved, Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form.				

APPENDIX C: SMART DISTRICT PUBLIC PARTICIPATION PLAN (PPP)

Inclusive Public Involvement

SMART is required to engage in community outreach consistent with the Department of Transportation Order on Environmental Justice and should seek out and consider the viewpoints of minority and low-income populations while conducting public outreach and involvement activities. SMART's public participation strategy will endeavor to offer early and continuous opportunities for the public to be involved in key transportation decisions.

SMART recognizes that the FTA has given recipients wide latitude to determine when, how and how often specific public involvement measures should take place and what measures are most appropriate. To date, SMART has engaged the public throughout its planning and implementation decision-making process. Between 2003 and 2021, the following key milestone points included extensive public participation:

- Rail vehicle selection and development
- Certification of Environmental (CEQA) Documents
- Development of Initial Operating Segment (IOS)
- Station area planning and design workshops
- Regional and County-level transportation planning and transit coordination activities at the Metropolitan Transportation Commission, Sonoma County Transportation Authority, Transportation Authority of Marin, etc.
- COVID-19 pandemic survey.
- Larkspur extension outreach.
- Healthy Transit Plan and All Aboard Bay Area Transit
- Online updates for Windsor extension project.

In addition to these milestone points in the SMART project, SMART provided regular opportunities for the public to learn about and participate in the development of the creation of the SMART Commuter Rail and Pathway project:

- *Monthly and biweekly meetings of the SMART Board of Directors* - These meetings provide regular opportunities for the public to participate in policy formation and issues identification and follow California Brown Act public notification requirements.
- *Construction information:*
 - Construction Outreach follows a SMART Construction Notification Protocol (ATTACHMENT A to this PPP), including distribution of notices and door hangars.
 - Construction information meetings (2012-2015) that provide information to local neighborhoods prior to the beginning of construction activities.
 - Construction information hot-line (855-312-7444) for people to call with questions or

comments related to construction activities.

- ***General community presentations*** - SMART Community Education and Outreach delivers on average 2-3 presentations per month to a diverse range of community and educational groups including:
 - Civic clubs (e.g., Rotary Club, Kiwanis Club, Active 20/30 Club)
 - Community interest groups (e.g., Municipal Chambers of Commerce, Latino Chambers of Commerce, Latino advocacy groups and retired persons clubs)
 - Religious organization (e.g., church and synagogue groups)
 - School organizations (classes and public events, with emphasis on Rail Safety Education) – ATTACHMENT B to this PPP shows education materials developed by SMART, in partnership with Operation Lifesaver (Spanish version shown).
- ***Participation in other community-based organization events*** - SMART has over time endeavored to build relationships with other community-based organizations, such as those listed below, to support effective outreach and participation:
 - Los Cien (Sonoma County Latino civic leadership group)
 - Transportation Equity Alliance of Marin
 - Marin Grassroots
 - Marin American Indian Alliance
 - Sonoma County Human Development Commission
- ***Providing staffed information booths at County Fairs, Community Festivals, other Community Events*** – SMART participates in numerous events by providing a staffed booth and distributing information in both English and Spanish at these events. ATTACHMENT C to this PPP shows the types of general SMART information pamphlets provided in English and Spanish at these events and others.
- ***Customer Service Call Centers*** - With the start of passenger services, SMART engaged Golden Gate Transit in a contractual relationship to provide customer service center functions (call center, in person customer service center at San Rafael/Bettini Transit Center, Lost and Found Service). This customer service contractual relationship has since changed, and SMART is now managing customer service functions with SMART staff. Customers can reach bilingual SMART Customer Service by calling SMART directly or through the regional 511 transit information call line. In addition, as the sole fare media for SMART, the regional Clipper® call center is also available for Clipper technical support for SMART customers. SMART also maintains bilingual in-person and telephone customer service functions for SMART information and Clipper sales at the SMART administrative offices in Petaluma.
- ***Website and Social Media*** - Persons interested in the SMART project can receive updates and sent comments via the SMART website (www.sonomamarintrain.org), as well as email (info@sonomamarintrain.org). SMART utilizes social media services, such as through Facebook (<http://www.facebook.com/sonomamarintrain>) and Twitter (<http://twitter.com/smarttrain>) for general information dissemination. Comments in all forums are encouraged and are responded to in a timely fashion.

Native American Tribes

SMART has worked closely with local Native American Indian tribes, primarily the Federated Indians of Graton Rancheria, in the process of environmental and archeological monitoring of SMART track and bridge reconstruction.

Public Participation Techniques

SMART utilizes a variety of public participation methodologies to inform key decisions and policy formation including:

- SMART Board of Directors meetings, public meetings, and workshops Polls/Surveys
- Targeted Mailing/Flyers Utilizing Local Media
- Social Media/E-Newsletters

Providing Meaningful Access to Limited English Proficient (LEP) Individuals

SMART has taken responsible steps to ensure meaningful access to the benefits, services, information, and other important portions of SMART's programs and activities for individuals who are Limited English Proficient (LEP). SMART has developed a LEP Plan (APPENDIX D to this SMART Title VI/Nondiscrimination Program) which focuses on areas to provide meaningful access for individuals who are Limited English Proficient to the same public transit services provided to all members of the transit service area.

Safe Harbor Analysis

SMART has found through census data and demographic studies that the dominant group of Marin and Sonoma County residents and employees with limited English proficiency is composed of those who primarily speak Spanish. Because of the concentrations of LEP Spanish speakers, SMART has employed several methods to inform the public of critical elements related to the project, including Spanish language construction flyers distributed door-to-door in neighborhoods and Spanish language rail safety materials targeted to school age children. SMART will continue to use reasonably available methods to inform the public critical information related to the project in a timely manner. Some of those methods include but are not limited to the following:

- News releases:
 - SMART Train Rider's Guide
 - Distribution of "take one" notices distributed on the trains and shuttles
 - Passenger electronic newsletters
 - Ads in local newspapers within the service area (English and Spanish) Community meetings/workshops
 - Information booths at County Fairs and other Community Events and Festivals Discussion of changes with the Measure Q Citizen Oversight Committee Information posted on the SMART website
 - Signage (posters) at train stations Posters and signage onboard the trains and shuttles Facebook and Twitter announcements
 - Email subscription alerts

Where appropriate, information published by SMART will continue to be printed in English and Spanish. Other documents that may be translated include public hearing notices, outreach documents, fare increase notices, service change notices, station signs in areas identified as having a higher concentration of Limited English Proficient populations, and the website (www.sonomamarintrain.org). With the start of passenger revenue rail operations, customer services were provided for SMART by Golden Gate Transit through a contractual arrangement until 2020, when SMART began performing these functions with SMART staff.

SMART will continue to make every effort to translate and print all route and other critical information in both English and Spanish.

Information Dissemination

SMART employs several methods to inform the public of ongoing projects and future fare and service changes in a timely manner. Communication channels may include but are not limited to those listed above.

Information published by SMART, including any future SMART Rider's Guide, will be printed in English and Spanish. "Rider Alerts," or their equivalent, which identify details about the train and shuttle bus service, will be printed in both English and Spanish. Other documents that will be translated include public hearing notices, outreach documents, fare increase notices, service change notices, construction notifications (further detailed in PPP Attachment A below), station signage (in areas identified as having a higher concentration of non-English or ESL populations and the website (www.sonomamarintrain.org)).

Figure 15: PPP Attachment A. Construction Notification Protocol



SMART Construction Outreach

Track and Grade Crossing Construction Notification Protocols

Summary: The goal of SMART construction outreach is to provide timely notification to businesses, property owners and tenants who live or work near the SMART right-of-way (ROW), who may be impacted by construction activities or crossing/road closures. We aim to ensure that nearby businesses and residents have as clear a picture as possible of all the activities that will take place on the right-of-way during construction.

Track and Crossing construction outreach each have some unique requirements, and we have established two sets of protocols to ensure that notification is effective for both track construction activities and crossing/road closures. Each protocol is focused on communicating directly with anyone likely to be impacted by construction activities.

During the Phase 1 system construction between 2012 and 2017, these protocols have been successful in keeping the community up to date and getting their questions answered. These protocols have also been used for the Larkspur Extension and Downtown Novato Infill projects (open December 2019) and the Windsor Extension (underway 2020 and 30% constructed prior to funding-related suspension being implemented). These protocols will also be used for SMART rail and pathway extension projects.

Track Construction Notification Protocol:

This process generally begins 4-8 weeks prior to construction.

Activity:

1. Create Google Earth maps showing business and residences in the areas identified for upcoming construction, with measurements showing 500 feet from track centerline. (Note: General practice for rail construction noticing is 300 feet, but SMART has elected to expand the baseline for noticing to 500 feet.)
2. Following a review of Google Earth maps, conduct a driving/walking tour of the areas beyond the 500-ft zone to determine what additional areas/parcels have sight lines and/or probability for noise reflection during construction. Adjust notification areas in the map(s) accordingly.
3. If determined that direct contact cannot be made, using Assessor's Property data, generate notification address list of those residents and owners of both residential and commercial property within 500 feet of the centerline of the specific section of the SMART ROW that will be under construction. Identify homeowner's associations and schools which are in the areas adjacent to the construction zone, as well as staff from local jurisdictions to be added to the

notification list. Verify that any property owners in contact with SMART on real estate negotiations are also included.

4. Coordinate with Engineering & Construction to ensure that staff from local jurisdictions are aware of upcoming construction activity and receive invitations to attend any community meetings that have been scheduled.
5. Identify and reserve a date, time, and a location convenient to the neighborhood, for one or more community meetings. The purpose of these meetings is to present an overview of all activities that will occur during construction and answer questions about construction topics. Meetings are generally scheduled in the evening so that those who work during the day can also attend. If construction areas are large enough to include multiple geographically unique neighborhoods, conduct multiple, conveniently located community meetings.
6. Notify property owners, tenants, and businesses of upcoming community meetings via door hangers, flyers, paid media (and if necessary, US mail). All notifications include our Project Information telephone number for questions. These notices inform recipients that track construction will soon occur on the SMART ROW in their area and announce the meeting location, date and time. If US Mail is utilized, any mail that cannot be delivered by the postal carrier is returned to SMART Community Outreach, and SMART staff follows up on each item to determine if the owner of record has recently changed, or if the address is valid, and attempts to redeliver either via mail or visit to the address.
7. Two weeks prior to the start of construction, conduct door-to-door canvassing to the addresses immediately adjacent to the right-of-way or construction zone to ensure that those who reside closest to the work being done receive an additional reminder. If residents are home, staff speaks to them directly as well as leaving a reminder door hanger/flyer; if no one is home, the door hanger/flyer is left in as secure a location as possible near the door without violating rules concerning mailbox use.
8. Conduct community meeting to present construction details and to answer questions. The general format is a joint presentation by Community Outreach, the Contractor Construction Leads and SMART Engineering staff with pictures and description of what we are building, equipment that is used, construction days and hours, processes that are followed during construction for monitoring, and finished result. Content is tailored for each meeting to include neighborhood-specific information. Ample time is allowed to take and respond to questions from the public.
9. In the case where notification or community meetings precede the actual start of construction by more than 3-4 weeks, additional door-to-door canvassing of areas adjacent to tracks is conducted with additional Track Construction Notification door hanger/flyers to ensure that residents and commercial buildings adjacent to the SMART ROW are informed of the start of construction.
10. Maintain up to date information on the SMART Construction Updates web page (ongoing throughout process).
11. Return calls to our Project Information line from the public (ongoing throughout process).

Grade Crossing/Road Closure Protocol:

This process generally begins 4-8 weeks prior to full or partial closure of a crossing for construction. Samples of the notifications referenced below are at the end of this section.)


There are cases where anticipated closure dates can change due to a variety of factors (including: weather, changes in construction schedule, working in partnership with local jurisdictions on accommodating their projects while SMART's crossing improvements are underway), so this process is designed to maintain flexibility while ensuring those in the notification area are kept up to date.

Activity

1. Work closely with Construction Contractor to track crossing/road closures. A formal meeting is held once a week, supplemented by daily check-ins with lead contractor and participation in the bi-monthly "owners meeting." With 3-6-week look-ahead.
2. Generate Google Earth maps showing all businesses and residents in the area around a crossing identified for upcoming construction, with a measurement showing a 500-foot radius around the crossing. (Note: General Practices is to notify within 300 feet, but SMART has elected to expand the baseline for noticing to 500 feet.)
3. Following analysis of Google Earth maps, conduct a driving/walking tour of the areas around the crossing or road closure to determine additional residences and businesses that may be impacted by the crossing closure. Adjust notification zone accordingly.
4. Determine businesses, residences, schools, and others within the notification zone of the specific crossing that will be closed for construction. (This is done with Google Earth maps and site field/site visits.)
5. Coordinate with Engineering & Construction to ensure that staff from local jurisdictions are aware of upcoming crossing construction activity. Canvass crossing closure sites that have unique problems like lack of alternate routes to determine how best to minimize impacts.
6. Visit (re-canvass) each property within the notification zone to distribute crossing construction/closure information, speaking directly with business owners/managers, residents, property managers, school administration, etc. The construction information phone number is clearly located on all notification collateral materials and website.
7. Distribute crossing/road closure information to public safety agencies, US Post Office, Garbage Haulers, Caltrans, COZEEP, REDCOMM etc.
8. Issue Crossing Closure Advisories to local press with up-to-date closure information.
9. Contractors place an electronic message boards along adjacent roadways announcing road closure (1- 2 weeks prior to closure).
10. Maintain up to date information on the SMART Construction Updates web page (ongoing throughout process).
11. Return calls to our Project Information line from the public (ongoing throughout process).

Construction Notification Communications Materials - Examples

Sample: Closure Notification Flyer (double-sided English & Spanish). NOTE: The main communications approach for the public for crossing closures is message boards that go up 10-14 days prior to the closure; the flyers are used for canvassing to residents and businesses immediately adjacent to the closure location.



Railroad Construction Crossing CLOSURE NOTICE

**Have questions
or need more
information?**

Call our toll-free
project hotline at:

1-855-312-7444

As part of the replacement of the tracks to prepare for passenger rail service in your area, SMART contractor Stacy Witbeck/Herzog (SWH) will be replacing the railroad crossing at:


EAST D STREET, PETALUMA
6:30AM MONDAY, APRIL 29TH TO
7:00PM SUNDAY, MAY 5TH


The road crossing will be closed to all vehicular traffic (see below in **Red**). Controlled pedestrian access will be available.

There will be electronic message boards at the crossing and detour signs showing alternate routes. Please use alternate routes when traveling through this area.

Safety is very important to SMART, and we are working hard to maximize safety during our construction phase. Please do your part by following detour instructions and staying clear of all construction equipment and activities.

Thank you for your patience as we improve this crossing.





ALERTA de cierre de caminos para construcción

**¿Tiene
preguntas o
necesita más
información?**

Llame nuestra línea
directa sin cargos
para el proyecto:


1-855-312-7444

Como parte del proceso de reemplazo de las vías en preparación para el servicio ferroviario de pasajeros en su zona, la compañía contratista Stacy Witbeck/Herzog (SWH) reemplazará el cruce de ferrocarril en:

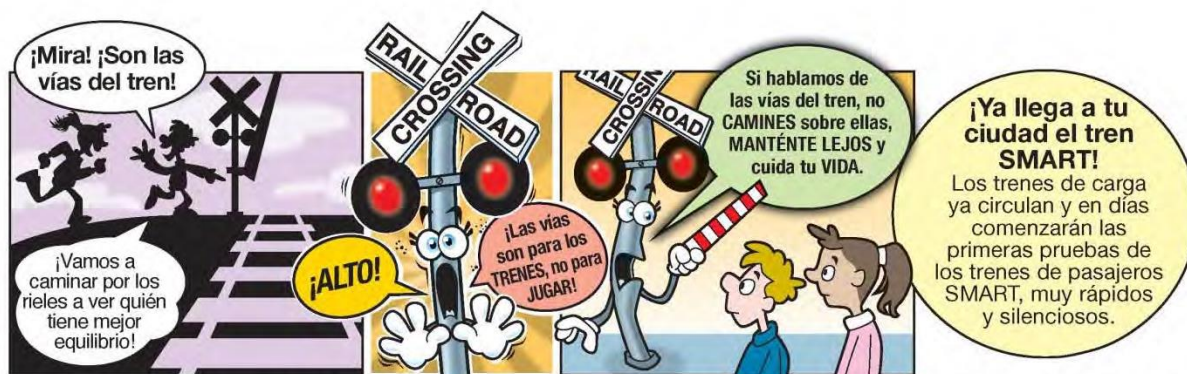
EAST D STREET, PETALUMA
EMPIEZA A LAS 6:30AM EL LUNES, 29 DE ABRIL
HASTA A LAS 7:00PM EL DOMINGO, 05 DE MAYO

El cruce de caminos estará cerrado a todo tráfico vehicular (ver abajo en **Rojo**). Habrá acceso peatonal controlado. Habrá carteles electrónicos en el cruce y señales de desvío marcando rutas alternativas. Por favor use las rutas alternativas cuando viaje por esta zona.

La seguridad es muy importante para SMART y estamos trabajando duro para maximizar la seguridad durante la fase de construcción. Por favor cumpla su parte siguiendo las instrucciones de desvío y manteniéndose alejado de todas las actividades y el equipo de construcción.



PPP ATTACHMENT B: SCHOOL SAFETY ACTIVITY BOOK PAGE (SPANISH)



Safety-Minded Around Rails and Trains

Entrena tu mente

Usa el código para completar esta importantísima regla de seguridad.

_____ camines, _____ o _____

sobre o _____ de las vías del tren. Es muy

peligroso y está _____.

¡Las _____ están hechas para

los _____ exclusivamente!



- | | | | |
|--|----------------------|--|----------|
| | = PROHIBIDO POR LEY | | = VÍAS |
| | = ANDES EN BICICLETA | | = TRENES |
| | = CERCA | | = NUNCA |
| | = JUEGUES | | |

Más formas de ser SMART con las vías:

- **¡Nunca uses las vías del tren como atajo en tu camino!** Cruza las vías del tren sólo dónde haya un señalamiento "cruce de ferrocarril" y obedece todas las indicaciones, barreras y avisos.
- **¡Nunca trates de ganarle una carrera al tren!** En el tiempo que le tarda al conductor del tren verte y accionar los frenos, ya es muy tarde para detener la formación a tiempo.

Ya llega el Tren

Inserta las palabras para completar el párrafo.

PROTECCIÓN BARRERAS HIJOS
PRUEBAS SEGURIDAD

El último tren de pasajeros en pasar por el Norte de la Bahía fue en 1958. ¡Hace ya una generación entera! Esa generación ha crecido e incluso tuvo sus propios _____ sin aprender a respetar las reglas de _____ en las vías del tren y los ferrocarriles.

Pero recuerda que las vías están ACTIVAS.



Muy pronto comenzará a funcionar el servicio de tren SMART. Primeramente el servicio de tren hará unas _____ en preparación antes de la inauguración del servicio. Los trenes son muy modernos y cuentan con todas las medidas de seguridad, como _____ para el cruce, luces y alarmas que nos alertarán sobre la llegada de un tren. Pero nada de eso servirá de _____ si hay personas jugando en las vías del tren.

PPP ATTACHMENT C: SMART PROJECT INFORMATION (SPANISH)

DATOS INTERESANTES

Infraestructura con la Tecnología más Avanzada

- Equipos de construcción están reemplazando las vías ferroviarias, que tienen entre 60 y 100 años, por nuevos rieles, traviesas, balastos y pelanos de cambio – reconstruyendo desde el subsuelo.
- Los cruces de caminos locales en las vías están siendo actualizados por paneles de hormigón modernos, para facilitar el paso de peatones, sillas de ruedas, bicicletas y coches.
- Cada tramo nuevo de riel mide cerca de cinco canchas de fútbol de largo. Esta soldada de manera continúa para ofrecer un viaje suave y silencioso – ¡sin más "clac-clac"!.

Enfoque en la Sustentabilidad

- Las viejas traviesas, los rieles e incluso las secciones de puente serán reciclados o guardados para usos de nuevo. Los nuevos rieles tienen una mayoría de contenido reciclado.
- Las nuevas traviesas de hormigón y los rieles de acero son materiales inertes = beneficio neto al medio ambiente.
- Hecho en los EE.UU. – distancias más cortas de transporte = emisiones reducidas.
- Los rieles fueron fabricados en Pueblo, CO
- Las traviesas fueron fabricadas en Spokane, WA
- Los trenes fueron fabricados en Rochelle, IL
- El balasto – es 100% de abastecedores locales
- Los rieles y las traviesas fueron transportados por ferrocarril – ¡se puede transportar una tonelada de carga 500 millas con un galón de combustible!
- El nuevo puente Haystack en Petaluma es una arcada reutilizada con 85 años de vida útil.

Los Beneficios a la Economía Local

- 69% de los subcontratistas durante el primer gran contrato de construcción son locales = más de 1/2 de las horas de construcción local la fecha.
- Contratos de SMART ha puesto más de \$20 millones de dólares directo en la economía local mediante el uso de materiales locales y abastecedores de servicios.

Un Poco de Historia

- La red ferroviaria del Norte de la Bahía era extensa durante la primera mitad del siglo 20. Los vagones de carga estuvieron en uso hasta fines de los años 90 – y comenzaron a ser utilizados nuevamente bajo NCR/ NWP Co. en 2011. El último tren pasajero funcionó hasta 1958.
- Los gobiernos locales trabajaron con el Distrito del Golden Gate Bridge a fines de los años 80 para preservar el derecho de paso para el futuro uso de trenes pasajeros.
- SMART fue creado en 2002 por legislación estatal. La Iniciativa Q fue aprobada por los votantes en 2008.

SIGA NUESTRO PROGRESO



MANTENGASE EN CONTACTO

- Revise nuestro sitio web para información sobre el proyecto, informes y para anotarse para nuestro boletín electrónico en www.sonomamarintrain.org
- Mande sus preguntas o comentarios sobre el proyecto por correo electrónico: info@sonomamarintrain.org
- Solicite información sobre la construcción en su vecindario llamando a la línea sin cargos de información sobre el proyecto: (855) 312-7444

SEA INTELIGENTE CON LAS VÍAS

El único lugar seguro y legal para atravesar las vías ferroviarias es en un cruce designado – indicado por la señal de cruce como esta ilustrado aquí.

Las vías ferroviarias son para los trenes – ¡no para jugar! Además de estar sujetos a multas, los intrusos ponen sus vidas en peligro. Es ilegal caminar, correr, jugar o andar en bicicleta en las vías.

ISOLICITE UNA PRESENTACIÓN GRATUITA DE "RAIL SAFETY"!

Ayúdenos a CREAR UNA COMUNIDAD SEGURA, visite www.caolus.org y clic en "Request a Presentation."



5401 Old Redwood Highway Suite 200
Petaluma, CA 94954
www.sonomamarintrain.org
T: (707) 794-3330 F: (707) 794-3037

Actualizado noviembre 2014



PROYECTO DE SONOMA-MARIN AREA RAIL TRANSIT

RESUMEN

¿QUÉ ES SMART?

SMART es un proyecto de tren pasajero y camino para bicicletas y peatones aprobado por los votantes que está localizado en los condados de Marin y Sonoma. Servirá una ruta de 70 millas desde Larkspur hasta Cloverdale, con la primera fase de San Rafael a Santa Rosa.

SMART conectará los residentes y visitantes a los trabajos, la educación, la recreación y los servicios.

Hoy en día, más del 75% de las personas que viajan a diario entre su hogar y el trabajo en el Norte de la Bahía viajan dentro o entre los dos condados para llegar a sus trabajos. El Norte de la Bahía atrae a visitantes de todo el mundo

buscando una variedad de actividades de recreación y ocio.

El tren y camino de SMART ofrece opciones para dejar su coche y poder llegar a donde necesite ir, por trabajo o por diversión – y poder trabajar o divertirse en el camino.

Y por cada conductor que deja atrás a su coche, el tráfico mejora para todos.



RESUMEN DE LA FASE 1

Proyecto

- El servicio de tren pasajero comienza en 2016 y servirá un 70-80% de la cantidad calculada de pasajeros del sistema completo
- La construcción comenzó en mayo 2012
- 43 millas – del centro de San Rafael al Airport Blvd norte de Santa Rosa
- El costo total proyectado para la Fase 1 está calculado a \$428 millones de dólares

El Sistema de Camino de SMART

- Conecta los segmentos construidos por SMART con segmentos ya en existencia y otros proyectos planificados para crear uno de los caminos continuos más largos para bicicletas y peatones en el país
- Los segmentos del camino en la Fase 1 están enfocados en el acceso a las estaciones, el posible alto uso y poder conectar las brechas entre segmentos ya en existencia
- "Tren con sendero" permite viajes más largos y de múltiples modalidades

Las Estaciones

- 10 estaciones: Santa Rosa (Airport Blvd., Guerneville Rd. y Railroad Square), Rohnert Park (Rohnert Park Expressway), Cotati (East Cotati Ave.), Petaluma (Centro), Novato (San Marin/ Atherton y Hamilton) y San Rafael (Marin Civic Center y el Centro)
- Cumple con la Ley de Abordaje a Nivel y la Ley de Estadounidenses con Discapacidades (ADA)
- Servicio de autobús Conector Express entre Santa Rosa y localidades futuras de estaciones en Windsor, Healdsburg y Cloverdale y entre el Centro de San Rafael y Larkspur

Trenes de Pasajeros

- 7 trenes de dos vagones
- Las Unidades Múltiples Autopropulsadas con Diésel (DMU) son confortables y fiables
- Los motores son ecológicamente sanos y cumplen con los estrictos requisitos "Nivel 4" del EPA; y son económicos para operar
- Cumplen con "Buy-América" y están fabricados en Rochelle, IL
- Cada tren tiene capacidad para 158 pasajeros sentados, 160 pasajeros parados y 24 bicicletas – dependiendo de una diversidad de bicicletas, sillas de ruedas, coches de bebe y el uso de asientos plegables

Horario

- Los trenes operarán en ambas direcciones cada 30 minutos durante las horas pico, con un viaje de medio día y servicio de fin de semana también en planificación

Precios del Pasaje

- Los precios del pasaje serán comparables con otras opciones de tránsito
- Las tarjetas Clipper® serán utilizadas para la recolección de tarifas

Velocidad

- Velocidad máxima de 79 mph; velocidad promedio (incluyendo paradas) de 40 mph
- Apartaderos situados estratégicamente permiten que los trenes operen y pasen en ambas direcciones a velocidades normales
- Un viaje en tren desde Santa Rosa a San Rafael llevará cerca de 55 minutos

APPENDIX D: SMART DISTRICT LIMITED ENGLISH PROFICIENCY PLAN

Limited English Proficiency Plan (LEP)

This Limited English Proficiency (LEP) Plan has been prepared to address the Sonoma-Marín Area Rail Transit District (SMART) responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited English language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, Federal Transit Administration Circular 4702.1A dated May 13, 2007, which state that no person shall be subjected to discrimination on the basis of race, color or national origin.

Executive Order 13166, titled Improving Access to Services for Persons with Limited English Proficiency indicates that differing treatment based upon a person's inability to speak, read, write, or understand English is a type of national origin discrimination. It directs each federal agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies which receive federal funds.

Plan Summary

SMART began operating full passenger service in August 2017. SMART's LEP Plan, first adopted in July 2015, was developed while SMART was exclusively in a construction phase without operating service. SMART developed the LEP Plan to help identify reasonable steps for providing language assistance to persons with limited English proficiency that wish to access information about train construction and work is ongoing to adapt LEP services to the new transit operating environment. Modifications to the LEP services offered through SMART will occur over time as needed. As defined in Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write, or understand English.

This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP persons that assistance is available.

To prepare this plan, SMART undertook the U.S. Department of Transportation (U.S. DOT) four- factor LEP analysis which considers the following factors:

- The number or proportion of LEP persons in the service area who may be served or are likely to encounter a SMART program, activity, or service.
- The frequency with which LEP persons that encounter SMART programs, activities, or services.
- The nature and importance of programs, activities or services provided by SMART to the LEP population.
- The resources available to SMART and overall cost to provide LEP assistance.

A summary of the results of the SMART four-factor analysis is in the following section.

Four Factor Analyses

Factor 1: The number or proportion of LEP persons eligible to be served or likely to be encountered by SMART

SMART began full passenger service in August 2017. SMART's principal potential ridership consists of Marin County and Sonoma County residents.

These census data show that the linguistically isolated population in the SMART service area is relatively small, 5.1% in 2010, up from 3.7% in 2000. As no 2010 data is available for the breakdown of language types, 2000 data is used for this analysis. Of the identified linguistically isolated populations, only Spanish speakers are found in significant numbers, with 2.5% of all households in 2000. In 2000, other linguistically isolated households are found in smaller numbers and grouped by the census into broader language categories such as Other Indo-European (0.6%), Asian & Pacific Islander (0.5%), and 'Other' (0.1%).

Table 7. LEP Persons in SMART Service Area Counties.

	Marin		Sonoma		Both Counties	
	2000	2010	2000	2010	2000	2010
Population over 5 years old that speaks a	45,595	55,402	85,609	108,214	131,204	163,616
Spanish or Spanish	22,287	30,246	59,480	82,231	81,767	112,477
Other Indo-European	15,281	16,448	14,305	11,116	29,586	27,564
Asian and Pacific	6,754	7,696	9,535	12,760	16,289	20,456
Other languages	1,273	1,012	2,289	2,107	3,562	3,119

Source: U.S. Census, 2000, 2010.

Table 8. Analysis of Linguistically Isolated Households in SMART Service Area Counties

	Marin		Sonoma		Both Counties	
	2000	2010	2000	2010	2000	2010
Total Households	100,736	103,210	172,690	185,825	273,426	289,035
Households: Total Linguistically Isolated	3,729	5,057	6,465	9,663	10,194	14,720
<i>% Linguistically Isolated households</i>	3.7%	4.9%	3.7%	5.2%	3.7%	5.1%
Households: Spanish linguistically isolated	2,296	n/a	4,658	n/a	6,954	n/a
<i>% Spanish linguistically isolated Households</i>	2.3%	n/a	2.7%	n/a	2.5%	n/a
Linguistically isolated Households: Other Indo-European languages	791	n/a	927	n/a	1,718	n/a
<i>% Other Indo-European languages isolated households</i>	0.8%	n/a	0.5%	n/a	0.6%	n/a
Linguistically isolated Households: Asian & Pacific Islander Languages	609	n/a	691	n/a	1,300	n/a
<i>% of all households</i>	0.6%	n/a	0.4%	n/a	0.5%	n/a
Linguistically isolated Households: Other Languages	33	n/a	189	n/a	222	n/a
<i>% of all households</i>	0.0%	n/a	0.1%	n/a	0.1%	n/a
Non-Spanish Linguistically isolated	1,433	n/a	1,807	n/a	3,240	n/a
<i>% of all households, non-Spanish linguistically isolated</i>	1.4%	n/a	1.1%	n/a	1.2%	n/a

Source: U.S. Census 2000, 2010.

Factor 2: The frequency with which LEP individuals encounter SMART

Prior to Summer 2017, SMART was not providing any public passenger services and contact with the public occurred at community meetings, construction information meetings, public hearings, and via direct information requests and comments. Now that SMART is providing passenger services, re-examinations are underway to determine adequacy of LEP outreach.

SMART has identified that the only language other than English having a statistically significant population of isolated households is Spanish. To confirm this conclusion, SMART consulted with other social service organizations and transit agencies in the service area, including:

- Community Action Partnership of Sonoma County.
- Latino Leadership organization Los Cien.
- Sonoma County Transit.
- Transportation Equity Alliance of Marin (TEAM).

SMART will primarily provide supplemental information in Spanish. On occasion, informational pieces may be printed in a language other than English or Spanish, if needed in the target market or area being served.

From 2017-2020, SMART contracted with Golden Gate Transit for the provision of customer services including Call Center services in over 150 languages. In 2020, SMART assumed customer services with SMART staff; similar language access has been made available through LanguageLine Solutions.

Factor 3: The nature and importance of SMART to people's lives

Accessing SMART's services will not require compulsory activities such as filing applications, seeking consent, or conducting interviews. In special cases, however, such as customers purchasing prepaid fares, or requiring an application for special discount programs for seniors, persons with a disability, or youth, care will be taken to provide language assistance when needed.

It is worth noting that SMART's active rail corridor lies within existing neighborhoods. SMART takes seriously the need to enhance public awareness of what constitutes safe behavior around the active railroad right of way and has taken a proactive approach to reach out to the community to convey a rail safety message and offers translations into Spanish and will provide language assistance to communicate rail safety to the public.

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

Adequate resources are critical for successful LEP programs. Many costs associated with delivery of service to LEP individuals is already included in the daily cost of doing business in a diverse environment. To the extent they are not already included, SMART will endeavor to meet LEP service needs while managing costs to the extent possible.

The cost of providing language assistance has been minimized by ensuring the statistically significant language population has translated materials and bi-lingual SMART staff and other languages are available through SMART's contracted services with LanguageLine Solutions. In the development of SMART's Clipper-enabled fare collection machines, all screen interfaces were translated into Spanish for both the visual screens and the audio recordings made available through the audio-jack function for Americans with Disabilities Act compliance.

SMART Providing Access to Services and Programs

Community Relations

In addition to the SMART Board of Directors, which takes public comment at all its regular meetings, SMART has convened ad hoc committees/workshops open to the public. These include the ongoing Citizens Oversight Committee and several ad-hoc/workshops created for input on specific topics and have played an important role in formulating SMART's policies and services.

Citizens Oversight Committee

The Measure Q Expenditure Plan requires this committee as part of its Implementing Guidelines, specifically:

“A Citizens Oversight Committee will be established by the SMART Board to provide input and review on the Strategic Plan and subsequent updates.”

The plan goes on to state that:

“SMART will prepare a Strategic Plan, based on the commitments in this Expenditure Plan, prior to July 2009. The Strategic Plan will identify planned investments in capital implementation, operations and maintenance for the duration of the tax. The Strategic Plan will be updated at least every five years and approved by the SMART Board of Directors. The Strategic Plan will be developed with input from the public and the Citizens Oversight Committee.”

Ad-Hoc Advisory Committees/Workshops

The SMART Board has created ad-hoc committees to provide timely advice on a number of topics. On occasion, these ad-hoc committees include public workshops and meetings to gather input. One example of such a process was when the SMART Board decided to conduct workshops rather than create a Board Ad-Hoc Vehicle Advisory Committee. Public workshops and meetings were held to gather input regarding such issues as seating configurations, bicycle storage and other on-board amenities. A similar workshop process was created regarding input on stations. To encourage broad public participation on station design issues, SMART scheduled a series of public workshops in every community along the rail corridor to solicit input regarding the ultimate project’s 16 rail stations.

Language Assistance Measures

- There are numerous language assistance measures available to LEP persons, including both oral and written language services. There are also ways in which SMART staff may respond to LEP persons, whether in person, by telephone or in writing. These include:
- Post the SMART Title VI Program Statement and LEP Plan on the agency website, www.sonomamarintrain.org, in English and Spanish.
- All public information meetings have a staff English-Spanish language translator on site.
- All information flyers, door hangers and letters to the public include Spanish Language translations.
- Network with local human service organizations that provide services to LEP individuals and seek opportunities to provide information on SMART programs and services, including Community Action Partnership of Sonoma County and Los Cien.
- Provide a bilingual SMART staff at community events, public hearings, and Board of Directors meetings.
- Provide bilingual audio-visual fare machines.
- Placement of statements in notices and publications that interpreter services are available for these meetings, with seven-day advance notice.
- Provide multilingual customer service through LanguageLine Solutions.
- Include language “Spanish a plus” on transit operator recruitment flyers and onboard recruitment posters.

Staff Training

Title VI Program and language access training is provided to SMART administrative and operations staff upon hire and periodically thereafter and includes the following:

- Information on the SMART Title VI Procedures and LEP responsibilities Description of language assistance services offered to the public.
- Use of Language Identification Flashcards Documentation of language assistance requests.
- Use of phone translation services via LanguageLine Solutions.
- How to handle a potential Title VI/LEP complaint.

Outreach Techniques

When staff prepares a document or schedules a meeting where the target audience is expected to include LEP individuals, then documents, meeting notices, flyers, and agendas will be printed in the language of the known LEP population(s). Interpreters will be available as needed.

When presenting information at a public meeting, SMART makes available a Spanish Language translator upon request. All information flyers, door hangers and letters to the public include attached Spanish Language translation in the primary distribution format.

Monitoring and Updating the LEP Plan

SMART will update the LEP periodically as required by U.S. DOT. The update may include information regarding the following:

- The number of documented LEP person contacts encountered annually; How the needs of LEP persons have been addressed.
- The current LEP population in the SMART service area if the need for translation services has changed.
- If local language assistance programs have been effective and sufficient to meet the need.
- If SMART's financial resources are sufficient to fund the language assistance resources needed.
- A possible survey of train operators and other front-line staff, like dispatchers, administrative assistants, and planners, on their experience concerning any contacts with LEP persons.
- The extent to which SMART has complied with the goals of this LEP Plan.
- If complaints have been received concerning SMART's failure to meet the needs of LEP individuals.

Dissemination of the SMART LEP Plan

A link to the SMART LEP Plan and the Title VI Program Statement and Procedures is included on the SMART website at www.sonomamarintrain.org. Any person or agency with internet access will be able to access and download the plan from the SMART website. Alternatively, any person or agency may request a copy of the plan via telephone, fax, mail, or in person and shall be provided a copy of the plan at no cost. LEP individuals may request copies of the plan to be provided in alternative languages and SMART will endeavor to fulfill those requests.

Additional Information

Questions or comments regarding the LEP Plan may be submitted to the following listed below:

By mail or in person:

SMART
Attn: Title VI Coordinator
5401 Old Redwood Highway, Suite 200
Petaluma, CA 94954

Telephone:

(707) 794-3330

Email:

info@sonomamarintrain.org.

For Title VI complaints, please include “Title VI Complaint” in the subject line.

Fax:

(707) 794-3037, attention Title VI Coordinator