



## The Oakland Airport Connector

**Documentation of misstatements, inaccuracies and incomplete information in the presentation of the OAC to the public, regional decision-makers and federal agencies.**

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## Ridership Projections

The Oakland Airport Connector is first and foremost a transit project, which means that ridership issues are front and center. Ridership speaks to the need for the project and is directly related to farebox recovery, which determines whether operating subsidies are needed or not.

BART staff presented their re-revised, stimulus-ready Project to both ACTIA<sup>1</sup> and the MTC<sup>2</sup> as carrying 13,540 riders during key presentations on doubling the public funding for the OAC. As late as May 6, 2009, two weeks after BART's Board was caught unaware that updated ridership projections had been withheld from the public and just a week before the BART Board met, BART's website still listed the ridership for the OAC as 13,540<sup>3</sup>.

By July 8, 2009, BART had reduced the number of possible riders on the OAC to 10,090 in a presentation to the MTC's Programming and Allocations Committee (MTC PAC). In defending this number from the 2002 EIR, Project Manager Tom Dunscombe stated, "The environmental ridership studies are still valid...The BART board believes the ridership will come."<sup>4</sup> At this time, it became clear that the underlying assumptions of the 2002 EIR were significantly incorrect, as Oakland Airport use was expected to be almost 50% lower than assumed in the 2002 study.

At the December 10, 2009 BART Board meeting, after the close of public comment, BART General Manager Dorothy Dugger confirmed for the first time that 4,350 (the number from the 2009 ridership update) was "the forecast staff is using."<sup>5</sup>

These staff forecasts were created in February, 2009, well before the actual OAC speeds and travel times were known. These factor's, according to the 2002 EIR have a significant effect on ridership, while 4,350 is presented as a conservative number, it is possible that actual ridership might be lower still.

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<sup>1</sup> ACTIA Project overview – January 2009

<sup>2</sup> MTC – February 25, 2009 – ARRA Stimulus presentation

<sup>3</sup> BART Website, May 6, 2009

<sup>4</sup> MTC Programming and Allocations committee 7/8/09 – Tom Dunscombe 35:11 into the recording.

<sup>5</sup> BART Board Meeting – 12/10/09 – Dorothy Dugger 3:02 into the recording

## Third Terminal

BART staff have tried to have it both ways with a possible third terminal at Oakland Airport. In order for the ridership projections in the 2002 FEIR to come to pass, OAK must add a third terminal in order to handle the number of passengers that the EIR assumes. The third terminal, with its 6 minute walk from the OAC, is problematic for BART, because if over 20% of OAC riders are using Terminal 3, the convenience of the system is suspect and further reduced when compared to a Bus Rapid Transit solution, which could have a stop directly at the terminal with a one minute walk.

At the MTC's July 24, 2009 meeting, Dorothy Dugger was asked whether a third terminal was needed in order for the OAC to meet its 2002 EIR projections. After checking with her staff, she definitively stated "No" a third terminal is not needed to reach the high EIR projections. This is absolutely untrue.

At the same meeting, Tom Dunscombe told the MTC that it was BART's understanding that the Port of Oakland has no plans to build a third terminal.<sup>6</sup> This was the same meeting at which he told the committee that "the environmental ridership studies are still valid...The BART board believes the ridership will come."<sup>7</sup> Given that the OAC FEIR ridership projections were directly based on Airport ridership and that without a third terminal, the passenger projections cannot be accommodated, it is not possible that the plans for the airport include no third terminal AND the EIR ridership projections are still valid.

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<sup>6</sup> MTC PAC meeting – Dunscombe – 34:00

<sup>7</sup> MTC Programming and Allocations committee 7/8/09 – Tom Dunscombe 35:11 into the recording.

## OAC Project Financing

While the half-billion dollar capital cost of the OAC has garnered most of the headlines, the ongoing operations and maintenance costs have been a source of much confusion. At both the April and May 2009 BART Board Meetings, General Manager Dugger and BART's Controller/Treasurer Scott Schroeder presented slides that showed that with a \$6 fare and lower than expected ridership,

“Our financial analysis continues to show that the revenue generated will cover the operating and maintenance costs of the project, the capital replacement requirements for this project over its 30 year cycle, as well as repay the debt service associated with the financing required to close the funding gap.”<sup>8</sup>

At the beginning of June 2009, after numerous requests, TransForm received all the financial model assumptions for BART's finance plan and identified that fares did not cover these costs. On June 10, TransForm called Boardmembers Radulovich, Franklin, Murray, McPartland and Keller and asked them whether it was their understanding that the OAC's high \$6 fare would be covering all costs of O&M, debt repayment and capital replacement costs. Each said that this is what they had been lead to believe. The following day, at the June 11, 2009 BART Board meeting, Lindsay Imai of Urban Habitat presented the BART board with a presentation showing that using the BART financial model, over \$120 million in core-system fares would be used to make this system “break even.” Director Sweet acknowledged being surprised by this. On June 22, Dugger and Schroeder confirmed in writing that TransForm's analysis was correct<sup>9</sup> and staff reconfirmed this fact in a second memo to the Board in October.<sup>10</sup>

At the July 8 MTC PAC meeting, Dunscombe told the Commission that BART's financial plan shows that with low ridership assumptions, the OAC “essentially breaks even.”<sup>11</sup> There is no mention of the need to use core-system subsidies to attain this result.

While working on this issue, TransForm sent a June 26th request to Schroeder under the California Public Records Act asking for “a copy of the data for the analysis of core-system fares and "added rider revenue" assumptions in Dorothy Dugger's...memo to the board.”<sup>12</sup> On July 6, Schroeder replied saying “unfortunately, I have none of the information you have requested.”<sup>13</sup>

However, on September 21, 2009, the office of Oakland City Councilmember Rebecca Kaplan sent a request asking for

“...documentation reporting potential impacts to BART's core operations and any operating subsidies taken from BART's core system to fund the OAC project. Including the dollar amount,

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<sup>8</sup> BART Board Meeting – 5/14/09 – Dorothy Dugger

<sup>9</sup> Memo from GM Dugger and Controller Schroeder – June 22, 2009

<sup>10</sup> Memo from GM Dugger and Controller Schroeder – October 2, 2009

<sup>11</sup> MTC Programming and Allocations Committee meeting – July 8, 2009 – Dunscombe – 37:48

<sup>12</sup> Email from John Knox White to Scott Schroeder – June 26, 2009

<sup>13</sup> Email from Schroeder to Knox White – July 6, 2009

and proportion, of passenger fares on the core BART system which will be used to fund the costs of the proposed OAC, and any financial analysis used to come up with these numbers.”<sup>14</sup>

Shortly thereafter, 2 ledger sheets of financial numbers and documentation arrived at her office.<sup>15</sup> This was exactly the information requested by TransForm in June that was said to not exist.

At the December 10, 2009 BART Board meeting, after closing Public Comment, Schroeder confirmed to the Board, in what was the first public mention of the issue, that BART’s financial model assumes that new riders attracted to the OAC will not contribute money to the core-system that they will be using to get there.<sup>16</sup>

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<sup>14</sup> Kaplan letter to BART – September 21, 2009

<sup>15</sup> Financial Model information sent to Rebecca Kaplan from BART in Late September ‘09

<sup>16</sup> BART Board Meeting – December 10, 2009 – Controller Schroeder – 2:53 into the recording

## Fares

Fares have a big impact on ridership. Transit dependent airport workers are unable to pay high surcharges, as witnessed by the SFO surcharge revolt in July 2009 when the fare surcharge was raised from \$1.50 to \$4.00 and BART saw a significant reduction in its SFO ridership because SFO was forced to institute a free workers shuttle to Millbrae BART station in order to help workers avoid the charge. Fares can also convince "choice" riders to use other means.

At the April 2009 BART Board meeting, BART staff verbally acknowledged that planning assumptions for the OAC envisioned a six-dollar fare. The staff presentation at the May 14 BART Board meeting also included the six-dollar fare.<sup>17</sup>

At the July 8 MTC PAC meeting, BART's Dunscombe told commissioners that there was no discussion to be had regarding the fare because the "BART Board is responsible for setting the fare."<sup>18</sup> She continued by stating this fare is "an assumption [that] is just part of a conservative ridership study." This is the same ridership study the general manager Dugger acknowledged in December as the "forecast"<sup>19</sup> staff is using for the project.

This argument was made again in October 2009 at the Oakland City Council meeting, when BART staff both publicly and privately told councilmembers that the fare was not "set" and that any discussion on the issue was superfluous.

At the December 10 BART Board meeting, BART's Controller Treasurer confirmed to Board member Franklin that staff's planning assumptions include a six dollar fare that could decrease "possibly as low as \$5.50."<sup>20</sup>

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<sup>17</sup> BART staff presentation-May 14, 2009

<sup>18</sup> MTC Programming and Allocations Committee meeting – July 8, 2009 – Dunscombe – 36:40

<sup>19</sup> BART Board Meeting – December 10, 2009 – Dorothy Dugger 3:02

<sup>20</sup> BART Board Meeting - December 10, 2009-Controller Treasurer Schroeder

## Vehicle Speed

A significant argument for building the OAC has been that it would make the connection to the Oakland Airport much faster. At the end of May 2009, BART released a request for proposals that mandated a minimum operating speed for the OAC of 35 mph.<sup>21</sup> The speed would have mandated the system travel at least at the speed limit of Hegenberger Road, the road along which it will travel.

At the end of July, BART issued an addendum to the RFP reducing the vehicle speed necessary to meet the requirements of the RFP to 27 mph.<sup>22</sup> This reduction in travel speed was made with no public input.

Through the end of the summer into the beginning of fall, BART staff met with local and regional decision-makers and suggested that such a technology for the OAC had not been selected, no one could say what the speed of the vehicles would be, and that therefore discussion around speed by community members was disingenuous.

At the December 10 BART Board meeting, BART staff announced that because the Oakland Airport Connector stopped halfway through its journey to the airport for 10 to 15 seconds<sup>23</sup> the average trip speed for the system will be under 24 mph, an average speed that is significantly slower than was ever publicly discussed before the adoption of OAC contract.

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<sup>21</sup> OAC Request For Proposal – May 2009 release

<sup>22</sup> OAC RFP Addendum #5 – July 28, 2009

<sup>23</sup> BART Meeting – December 10, 2009 - Dunscombe

## Convenience

Convenience has been one of the biggest selling points of the Oakland Airport Connector project. BART's website continues to state: "The Airport Connector Project is expected to enhance schedule reliability over AirBART, reduce trip times *and provide a seamless connection* with the BART system."<sup>24</sup>

The OAC's reported additional convenience is used as an argument for ignoring the 2009 ridership study in favor of the 2002 ridership numbers. BART's Dunscombe has stated on numerous occasions that the 2002 report was "appropriate" in its assumptions because it "took into consideration subjective factors such as the...convenience...of the OAC."<sup>25</sup>

In December 2009, BART altered its language after much community criticism and began speaking about "seamless ticketing."<sup>26</sup> It has also become clear that the OAC is significantly less convenient for passengers than AirBART, with walk-distances for passengers with luggage 2-3 times further than either the current bus or a BRT alternative.<sup>27</sup>

At the airport, OAC passengers will have extended walks to Terminals 1 and 2 and a significantly further walk to a future Terminal 3, which will have an average walk time of 6 minutes.<sup>28</sup> This includes travelers having to cross six additional traffic lanes, negotiate 2 more stop lights, and negotiate an escalator that neither AirBART or a BRT alternative would have.<sup>29</sup>

At the Coliseum station, OAC passengers will carry their luggage approximately 10 times further than they do for AirBART, and during rainy periods, a significant portion of this walk will be uncovered.<sup>30</sup>

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<sup>24</sup> BART Website – February 4, 2010

<sup>25</sup> Letter: BART Project Mgr Dunscombe to MTC – July 15, 2009

<sup>26</sup> BART Meeting – December 10, 2009 – Dunscombe – 8:30

<sup>27</sup> TransForm Convenience Power Point

<sup>28</sup> BART Meeting – December 10, 2009 – Dunscombe

<sup>29</sup> TransForm Convenience Power Point

<sup>30</sup> Parsons/Flatiron presentation of DCC OAC stations

## Travel Time

As late as April 24, 2009, BART's website continued to promise the public an OAC travel time of less than 10 minutes.<sup>31</sup> By December 2009, staff was reporting that the travel time for the OAC would be 14.5 minutes. At the same time, BART has continued to quote the 2002 EIR with travel times for a Rapid Bus (Quality Bus alternative) as 20 minutes.

However, these travel times are not comparable as they assume walk-distances for each mode that are different. Also, BART is only calculating the walk-time to Terminal 1, when OAC passengers will be walking a significantly further distance for Terminals 2 and 3. BART's travel time analysis assumes that OAC riders will walk 2-3 times further than Quality Bus riders and have numerous other obstacles as identified in the Convenience section, and yet the Quality Bus walking travel time is assumed to be over 40% longer than the OAC.

On December 8, 2009, TransForm informed BART's Project Manager of this inconsistency and on December 9 sent a copy of their analysis with citations.<sup>32</sup> Yet on December 10, after the close of Public Comment, Dunscombe responded to a direct question on this issue from Director Joel Keller, and provided the Board with the same incorrect information.<sup>33</sup>

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<sup>31</sup> BART Website – April 24, 2009

<sup>32</sup> Email for John Knox White to Tom Dunscombe – December 9, 2009

<sup>33</sup> BART Board Meeting – December 10, 2009 – Dunscombe

## Jobs Creation

The creation of local jobs is extremely important in this current economy, and the OAC project is hoped to create new jobs. However, in response to an email sent by Oakland City Councilmember Rebecca Kaplan's office, MTC acknowledged that: "MTC did not perform/release any reports related to projected jobs created from stimulus funding."<sup>34</sup>

The 2001 Draft OAC EIR stated that the OAC would generate 689 jobs, 273 of which would be directly related to the project.<sup>35</sup> This was confirmed by BART's Manager of Government and Community Relations, Kerry Hamill in a May 2009 letter sent to the Oakland City Council, in which she wrote, "The Oakland Airport Connector will create 200-300 local construction jobs over the next several years."<sup>36</sup>

In fact, BART's September 15, 2009 submittal an application for Stimulus TIGER funds that stated, "The OAC would create approximately 689 direct and indirect jobs during the construction period."

But on September 8, 2009, at the same time that the FTA application was being finalized, Hamill sent an email to OAC supporters providing four separate numbers for jobs creation which ranged from 2500-15,000 and told these supporters to "Use whatever # you prefer."<sup>37</sup> At the October 6, 2009 meeting of the Oakland City Council, General Manager Dugger presented generic job creation numbers of 2500-5000 and characterized them as "very conservative."<sup>38</sup>

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<sup>34</sup> <http://kalwnews.org/audio/exploring-mystery-job-creation-numbers>

<sup>35</sup> 2001 DEIR – page 2.5-2

<sup>36</sup> Letter: Hamill to Oakland City Council – May 5, 2009

<sup>37</sup> Email: Hamill to OAC supporters – September 8, 2009

<sup>38</sup> BART – Oakland City Council – Oct. 6 – 4:40:30

## Community Input

Community input has been a point of concern throughout the last year. In May 2009, BART presented the OAC as having been through a full community process, but when asked for supporting data, BART could only provide evidence of updates given at a few, daytime meetings of obscure county agencies.<sup>39</sup> Since the 2001 EIR process, there have been no community meetings on this project and the changes that it has gone through.

Between the April and May 2009 BART Board meetings, the Board received a number of letters in support of the Oakland Airport Connector. These letters had been authored by BART staff and sent to various business groups to send back to the Board.<sup>40</sup>

At the same time, Oakland's political blogs were beginning to cover the issue and vigorous discussions in these blogs' comments sections took place. Eventually, it was discovered that some of the anonymous posters, posting pro-OAC comments under fictitious names to bolster support for the project were BART staff.<sup>41</sup>

At the December 10, BART meeting, both staff and Director Murray listed off the various public meetings at which the OAC had been discussed. However, the issue was not whether "lots" of meetings had been held, but whether there had been a meaningful vetting of the project publicly. Given BART staff's advocacy and consistent downplaying of key project facts, no such vetting can be said to have taken place.

BART staff continues to misrepresent the amount of community input that has taken place on this project. In BART's January 14, 2010 equity analysis submitted to the FTA, BART lists business groups as the only community groups that they met with about this project, there is not a single non-trade group mentioned. In fact, BART lists contractor forums as "community outreach." BART carefully refers to their community outreach efforts as "presentations" on the project, these were not information gathering endeavors, but presentations of much of the cherry-picked and incorrect information highlighted in this document to organizations who have been years-long supporters of the project, most of whose members stand to directly gain from the small number of jobs and contracts generated by the project.<sup>42</sup>

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<sup>39</sup> Email: Hamill to Urban Habitat – May 13, 2009

<sup>40</sup> Letter to the Board with Document Properties – May 2009

<sup>41</sup> Living in the O Blog Post – [May 13, 2009](#)

<sup>42</sup> BART OAC Equity Analysis - January 14, 2009

## SFO Ridership

From April through October 2009, BART staff and directors continued to present the San Francisco Airport extension as an example of the success that BART hopes to emulate in the East Bay. In September, BART staffer Molly McArthur told Oakland city councilmembers that SFO was consistently seeing daily ridership over 13,000 and rising. Three weeks later, at the October 6, 2009, Oakland City Council meeting, General Manager Dugger presented a PowerPoint that claimed that "SFO currently averages between 11,000 and 12,000 riders a day, often above 13,000."<sup>43</sup>

This information is not consistent with the quarterly weekday ridership reports that BART releases, which show that from July – Dec, average Weekday ridership at SFO were decreasing. Averages at the time of the September comments were barely 11,000 and between October and December (a peak flying time) were under 11,000 a day.

The BART SFO extension has yet to meet its first year ridership projections, even though it is in its eighth year of service. Presenting this extension as a huge success when the airport station, and the other three stations included in the project are significantly below projections, costing BART millions annually, is not credible. The presentation of inflated ridership numbers to make the case for the OAC are another example of BART staff playing fast and loose with facts in order to support their advocacy position.

## Title VI

In June 2009, Urban Habitat presented BART with a letter, telling them that they were out of compliance with FTA Title VI requirements for the OAC project.<sup>44</sup> While BART never responded to this letter, agency staff sent MTC a letter in July stating that all appropriate analysis and community outreach had been done.<sup>45</sup> After community advocates filed a complaint in September with the FTA's Office of Civil Rights, the FTA confirmed that BART, by its own admission, had not completed the necessary analysis of the project.<sup>46</sup>

On January 14<sup>th</sup>, BART staff submitted a rushed Title VI analysis that was prepared behind closed doors with no public participation. FTA rejected it immediately as flawed.

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<sup>43</sup> BART – Oakland City Council – Oct. 6 – 3:36:00

<sup>44</sup> Letter from Urban Habitat – June 2009

<sup>45</sup> Letter from BART – July 2009

<sup>46</sup> Letter from FTA - Rogoff – January 15, 2010

## Buy America

Because the OAC is using Federal funds, the project must comply with Federal "Buy America" requirements. Qualifying for this is a requirement of the OAC RFP process. At the December 10, 2009 BART Board meeting, BART staff was asked if the project had met this requirement and responded definitively that staff had audited the proposal and determined that it had.<sup>47</sup> Director Ward Allen confirmed this later in the meeting.<sup>48</sup> And staff responded that the Parsons/Flatiron project "met all our requirements"<sup>49</sup> with regards to Buy America.

However, at the same time, BART staff was organizing a December 14 conference call with FTA because there were some questions as to whether the project did indeed meet the "Buy America" requirement. Subsequently, on Dec. 22, FTA sent a letter to BART staff stating that the FTA "cannot support BART's interpretation of the Buy America requirements."<sup>50</sup>

This decision set off a flurry of changes to the suppliers of key components for significant operations of the OAC, like the engine, traction motor, ropes and cable mechanisms which were only found to comply in mid-January.<sup>51</sup>

These negotiations stand out in stark contrast to BART staff's comments that the bidding process would not allow negotiations of bids that were out of compliance, and therefore one project was found to be deficient and not considered.

At the time of the December Board meeting, while staff was arguing about local jobs creation from the OAC project, BART staff was advocating a position at the FTA that would allow over 40% of the OAC project to be manufactured overseas. The advocacy for this project and this vendor has overshadowed the importance of local and American jobs.

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<sup>47</sup> BART Board Meeting – Dunscombe – 2:43

<sup>48</sup> BART Board Meeting – Dunscombe – 2:50

<sup>49</sup> BART Board Meeting – Dunscombe – 2:52

<sup>50</sup> USDOT letter to Nancy Lowenthal – December 22, 2009

<sup>51</sup> USDOT letter to Dorothy Dugger – rcvd January 14, 2010

## Proven Technology

The OAC RFP requires that systems be "proven" which is defined as in constant operation for a minimum of two years. As proof of this compliance, BART staff stated at the December 10, 2009 BART Board meeting that DCC, the system provider, had installed 14,000 systems around the world. However, nearly all of these are ski-lifts, funiculars and other unrelated systems.<sup>52</sup> While the staff report noted that five of these specific systems have been built, Parson's RFP response states that only four AGT's are up and running.

Neither the staff report, nor the RFP, mentions that none of these systems are multi-cable systems or that DCC has never manufactured a pinched-loop, multi-cable system like the one proposed for the OAC. This is a significant breach of the RFP requirements. We note that the RFP offer conditions under which a non-proven technology might be accepted for this project. But in their December presentation to the Board, staff make the case that DCC's technology is already proven citing DCC's existing, but different, systems as the necessary proof of the viability of this completely new, untried system.

Given the significant technological differences between single and multi-cable systems, including the need for driverless vehicles to change cables while stopped half-way through the journey, the fact that BART Board members and the public were not alerted to the fact that a major exception to the RFP requirements was being made is a serious concern.

Contrary to the goals of the RFP, Bay Area tax payers have no idea whether they are buying a half-billion dollar system that will randomly strand passengers in the middle a vacant piece of property between Hegenberger and Doolittle.

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<sup>52</sup> BART Board Meeting – December 10, 2009

## Analysis

On May 14, 2009, BART staff told the Board that they had analyzed a Bus Rapid Transit (BRT) option for the OAC. What was left out of that presentation was that the analysis was from 1993. In the 2002 Final Environmental Impact Report (FEIR), BART stated that BRT “is considered infeasible and was not analyzed in the [2001] [EIR].”<sup>53</sup>

The configuration of Hegenberger has changed significantly since 1993. Analysis undertaken in 1993 was therefore completely outdated in 2009. However, presentations by BART staff to the BART Board, MTC, the Port of Oakland and Oakland City Council have relied heavily on their analysis of their exclusive lane analysis, which was not a part of the EIR process in 2002 [per the EIR itself].

On April 23, BART staff presented the Board of Directors with a proposal to apply for up to \$150 million in loans to build the Oakland Airport Connector. During that discussion, it became clear to the Board that key issues surrounding the project had not been made public, including updated ridership projections for the project that were still unpublished.

At that meeting, a motion was passed to hold off approving the loan application. Boardmembers made clear that the loan application should not be voted on until updated ridership numbers had been released. A number of Boardmembers also requested information on BRT options and changes to the project since its EIR was first approved in 2002.

Two weeks later, on May 7, TransForm released the RapidBART BRT proposal and requested that BART staff include it in the requested analysis of surface transit alternatives.<sup>54</sup> Immediately, the OAC Project Manager wrote, “RapidBART is not the Quality Bus analyzed in the 2002 OAC FEIR/EIS.”<sup>55</sup>

The next morning, BART staff sent the RapidBART report to four separate paid, private consultants, asking them for help “*discredit[ing]*” and “*put[ting] holes*” in the report to assuage the “worried boardmembers.”<sup>56</sup>

On May 12, the OAC Project Manager emailed the four consultants, saying that General Manager Dugger had “asked that I give the [May 14 Board] presentation and add one slide *attacking the TransForm proposal directly*. . . . I need to *punch holes in the credibility* of this report.”<sup>57</sup>

At the July 8, 2009 MTC PAC meeting, BART consultant Donald Dean told the commission that “we did study a bus alternative on Hegenberger...we really went into a great deal of detail...”<sup>58</sup> During his presentation, Dean presented only the low end of ranges from TransForm's proposal, ignoring the high end that showed RapidBART performing better than the Quality Bus.

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<sup>53</sup> OAC FEIR – Vol. II, Response to Comments, pages 2-137 and 2-140

<sup>54</sup> Stuart Cohen, email to Dorothy Dugger, 5/7/2009

<sup>55</sup> Tom Dunscombe, email to Staff, 5/7/2009

<sup>56</sup> Tom Dunscombe, email to consultants, 5/8/2009

<sup>57</sup> Tom Dunscombe, email to consultants, 5/12/2009

<sup>58</sup> MTC PAC meeting – Donald Dean – 7/8/2009

At this meeting, Dean went further, discussing the analysis of the RapidBART's queue jump proposal stating that “seven locations are infeasible for queue jump” because they don't currently have right-turn lanes. Dean's disingenuous analysis ignores the fact that like the OAC, a BRT solution could include some roadway redesigns to accommodate the upgraded service.

This is another way that BART staff and their paid consultants presented expert testimony that was only aimed at discrediting ideas that they were afraid would compete well with the OAC. Instead of providing professional, neutral analysis, these presentations selectively choose facts and ignore others in order to further the goal of building an OAC project that is not a Bus Rapid Transit project.

## Intermediate Stations

In 2001, the City of Oakland and the community supported an OAC overhead project on the promise that only the OAC could have two community and business serving intermediate stops.<sup>59</sup> At the July MTC PAC meeting, OAC project Manager Dunscombe stated that the “Goal of the OAC is to connect Airport to Oakland businesses.”<sup>60</sup> He went further, stating that “BART is open to consider another station site, should one be developed,” referring to BART's willingness to find an additional station site beyond the possible Doolittle station. However, the cable technology manufactured by Dopplemayr Cable Car, which was selected for this project, does not have the capacity to add new stations.<sup>61</sup>

Yet another example of BART Staff saying one thing to regional decision makers, but moving in a different direction with the actual project.

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<sup>59</sup> BART OAC EIR response to AC Transit Comments - 2002

<sup>60</sup> MTC PAC Meeting – July 8, 2009 – Tom Dunscombe

<sup>61</sup> DCC website – stations must be equidistant