



Board of Directors Meeting Agenda

Wednesday, December 13, 2023

Meeting Time:
4:00 pm

Location:
Eastern Contra Costa Transit Authority
Boardroom
801 Wilbur Avenue, Antioch



BOARD OF DIRECTORS:

CITY OF ANTIOCH

Lamar Thorpe - Chair
Monica Wilson

CITY OF OAKLEY

Shannon Shaw
Anissa Williams

CONTRA COSTA COUNTY

Diane Burgis
Federal Glover Vice-Chair

CITY OF BRENTWOOD

Joel Bryant
Tony Oerlemans

CITY OF PITTSBURG

Dionne Adams
Shanelle Scales-Preston

MEMBER-AT-LARGE

Merl Craft

Board of Directors Meeting Agenda
Wednesday December 13, 2023
Available Online: <https://trideltatransit.com/board.aspx>

1. **CALL TO ORDER** Chair Lamar Thorpe
 - a. Roll Call

2. **PLEDGE OF ALLEGIANCE**

3. **PUBLIC COMMENT**

While public comments are encouraged and taken very seriously, State law prevents the Board of Directors from discussing items that are not on the meeting agenda. If appropriate, staff will follow up on public comments. Please see Public Comment Guidelines on the last page of this agenda.

4. **CHAIR'S REPORT** Chair Lamar Thorpe

5. **CONSENT CALENDAR (ACTION ITEM):**

(see attachment: tab #1)

- a. Minutes of the Board of Directors meeting of October 25, 2023
- b. Financial Report
- c. Marketing and Customer Service Activities Report
Requested Action: Approve items 5a, 5b, and 5c

6. **CEO'S REPORT** Rashidi Barnes

- a. Operations Report (see attachment: tab #2)

7. **ACTION ITEMS and DISCUSSION ITEMS**

- a. **ACTION ITEM:** Board of Directors 2024 Meeting Schedule
(see attachment: tab #3)

Requested Action: Combine the November and December 2024 board meetings and conduct that meeting on December 11, 2024.

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8. CLOSED SESSION

a. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (3) of subdivision (d) of Section 54956.9: (two potential cases)

(see attachments: tab #4)

b. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

(Paragraph (1) of subdivision (d) of Section 54956.9)

Name of Case: *Kim Gilbert Brown v. Tri Delta Transit et al.* Contra Costa Superior Court Case No. C23-02465

9. RECONVENE TO OPEN SESSION

- a.** Report of actions taken during closed session

10. BOARD OF DIRECTOR'S COMMENTS

Under this item, Directors are limited to providing information, asking clarifying questions about matters not on the agenda, responding to public comment, referring matters to staff, or requesting a report be made at another meeting.

11. ADJOURN

Next Meeting: January 24, 2023, at 4:00 p.m., 801 Wilbur Avenue, Antioch, CA 94509.

PUBLIC COMMENT GUIDELINES:

- Public comments can be submitted via e-mail to CEO@trideltatransit.org.
- Comments received one hour prior to the meeting will be distributed to the members of the Board of Directors and summarized in the minutes.
- Persons requesting to address the ECCTA Board of Directors in person are requested to complete a Comment Request form and submit it to the clerk. If possible, please submit the form prior to the start of the meeting. At the appropriate time, the ECCTA chair will call on individuals to comment.
- During the public comment agenda item, the public is permitted to address the ECCTA Board of Directors on items that are on the consent calendar or items not on the agenda. Individuals may also make a request for future agenda items. No action or discussion may take place on any item not appearing on the posted agenda.
- If a person wishes to speak on a specific agenda item, the ECCTA chair will call on the individual when the agenda item is being discussed by the Board of Directors.
- Persons addressing the ECCTA Board of Directors are requested to limit their remarks to three (3) minutes unless an extension of time is granted by the chair, subject to approval of the ECCTA Board of Directors.

AGENDA, STAFF REPORT, AND DOCUMENT AVAILABILITY:

Copies of all staff reports and documents subject to disclosure that relate to each item of business referred to on the agenda are available for public inspection the Friday before each regularly scheduled Board of Director's meeting at ECCTA's front desk located at 801 Wilbur Avenue, Antioch, California. Any documents subject to disclosure that are provided to all, or a majority of all, of the members of the Board regarding any item on this agenda after the agenda has been distributed will also be made available for inspection at ECCTA's front desk at the above referenced address during regular business hours.

AMERICANS WITH DISABILITIES ACT (ADA) INFORMATION:

In compliance with the Americans with Disabilities Act, the meeting room is wheelchair accessible and disabled parking is available in the ECCTA parking lot. If you are a person with a disability and you need disability-related modifications or accommodations to participate in this meeting, please contact the CEO's Office at (925) 754-6622 or fax (925) 757-2530. Notification no fewer than 48 hours prior to the meeting will enable Tri Delta Transit to make reasonable arrangements to ensure accessibility to this meeting. {28 CFR 35.102-35, 104 ADA Title II} Please help us accommodate individuals with EI-MSD and refrain from wearing scented products to this meeting. Please turn off any electronic paging device or cell phone.

LIMITED ENGLISH PROFICIENCY (LEP):

Any person with Limited English Proficiency (LEP) who requires language assistance to communicate with the Tri Delta Transit Board of Directors during the meeting should contact the CEO's Office at (925) 754-6622 or fax (925) 757-2530. Notification no fewer than 48 hours prior to the meeting will enable Tri Delta Transit to make reasonable arrangements to assure language assistance for this meeting.

ANTICIPATED ACTION BY THE BOARD OF DIRECTORS:

The Board of Directors may take action on any item on the agenda, which action may consist of the recommended action, no action or a related action.

TAB 1

Agenda Item #5

Consent Calendar (ACTION ITEM): Minutes, Financial Report and
Marketing Activities Report

Board of Directors Meeting

Wednesday December 13, 2023

ECCTA Boardroom

801 Wilbur Avenue, Antioch, CA 94509

EASTERN CONTRA COSTA TRANSIT AUTHORITY
Antioch - Brentwood - Pittsburg - Oakley and Contra Costa County

MINUTES

October 25, 2023

The Eastern Contra Costa Transit Authority (ECCTA) meeting was called to order in the ECCTA Board Room, 801 Wilbur Avenue, Antioch, California by Vice-Chair Glover at 4:01 P.M.

ROLL CALL / CALL TO ORDER

BOARD MEMBERS

PRESENT: Dionne Adams (Pittsburg)*; Joel Bryant (Brentwood); Diane Burgis (Contra Costa County); Merl Craft (Member-at-Large)**; Federal Glover (Contra Costa County/ Vice-Chair); Tony Oerlemans (Brentwood); Shannon Shaw (Oakley); Anissa Williams (Oakley); Monica Wilson (Antioch); Lamar Thorpe (Antioch/ Chair)*
*arrived after item 7b
**arrived during CEO report

ABSENT: Shanelle Scales-Preston (Pittsburg)

STAFF PRESENT: Rashidi Barnes, Chief Executive Officer (CEO)
Toan Tran, Chief Operating Officer (COO)
Eli Flushman, General Counsel
Agustin Diaz, Chief Financial Officer (CFO)
Joe Chappelle, Manager of Administrative Services
Tania Babcock, Compliance Manager
Leeann Loroño, Manager of Customer Service and Marketing
DeAnna Perry, Manager of Accessible Services
Rosanna Dominguez, Executive Assistant

OTHERS

PRESENT: Myeisha Williams, TransDev Assistant General Manager
Ben Trejo, TransDev Safety Manager

PLEDGE OF ALLEGIANCE

Vice-Chair Glover led the Pledge of Allegiance.

PUBLIC COMMENT

No public comment

CHAIR'S REPORT

There was no Chair's report.

CONSENT CALENDAR

On motion by Director Oerlemans, seconded by Director Burgis, ECCTA Board members adopted the Consent Calendar below, which was carried by the following vote:

- A. Minutes of the Board of Directors meeting of September 27, 2023
- B. Financial Report
- C. Marketing and Customer Service Activities Report

AYES: Bryant, Burgis, Glover, Oerlemans, Shaw, Williams, Wilson

NOES: None

ABSTAIN: None

ABSENT: Adams, Craft, Scales-Preston, Thorpe

CHIEF EXECUTIVE OFFICER'S REPORT

- A. Operations Report

Chief Executive Officer Rashidi Barnes reported on meetings with MTC to discuss funding. These meetings included multiple small operators from around the Bay area.

Mr. Barnes gave an update on the most recent occurrences of ECCTA vehicles and staff affected by BB gun shootings.

Mr. Barnes reported that he attended the welcome reception for LMC's new President along with many local officials. Mr. Barnes also gave a reminder that there is no November board meeting and recognized Leeann Loroño, Manager of Customer Service and Marketing for all of her hard work with events and making sure that TDT is well represented at local events.

ACTION AND DISCUSSION ITEMS

- A. Marketing Policy Updates

Manager of Customer Service and Marketing Leeann Loroño gave an update on the current advertising policy. Ms. Loroño then gave an example of changes in the proposed new advertising policy that will replace three separate advertising policies currently in place.

On motion by Director Williams, seconded by Director Craft, ECCTA Board members approved resolution #231025A authorizing the proposed comprehensive ECCTA Advertising Policy to replace the three separate advertising policies previously adopted by the board, carried by the following vote:

AYES: Bryant, Burgis, Craft, Glover, Oerlemans, Shaw, Williams, Wilson
NOES: None
ABSTAIN: None
ABSENT: Adams, Scales-Preston, Thorpe

B. Clipper Bay Pass Phase 2 Agreement with MTC

Manager of Customer Service and Marketing Leann Lorono gave a summary on the Clipper Bay Pass program and the distribution of the program during phase 1. Ms. Lorono then gave the parameters and summary of the Clipper Bay Pass Phase 2 agreement with MTC. Further details and data will be given as the program continues regarding fare and ridership.

On motion by Director Bryant, seconded by Director Williams, ECCTA Board members approved resolution #231025B approving ECCTA to participate in the regionwide Clipper Bay Pass program and authorized the Chief Executive Officer to sign the Clipper Bay Pass Phase 2 Participation Agreement for program commencement on December 1, 2023, and continue no later than June 30, 2026, carried by the following vote:

AYES: Bryant, Burgis, Craft, Glover, Oerlemans, Shaw, Williams, Wilson
NOES: None
ABSTAIN: None
ABSENT: Adams, Scales-Preston, Thorpe

C. One Seat Demonstration Project Extension

Chief Operating Officer Toan Tran played a video created for the One Seat Demonstration project displaying how the project operates. Mr. Tran expressed how transportation for these eligible customers used to operate prior to the project, and how well-received the One Seat program has been since its implementation. Mr. Tran reported new developments to this program including new tickets and a mobile app.

On motion by Director Craft, seconded by Director Williams, ECCTA Board members approved a one-year extension to the One Seat Ride Demonstration Project to November 2024, carried by the following vote:

AYES: Adams, Bryant, Burgis, Craft, Glover, Oerlemans, Shaw, Thorpe, Williams, Wilson
NOES: None
ABSTAIN: None
ABSENT: Scales-Preston

D. ECCTA Agency Safety Plan

Compliance Manager Tania Babcock gave an update on the agency safety plan and the federal regulations that were set by the FTA requiring transit agencies to develop a safety plan. Ms. Babcock reviewed the safety management system as well as its components. Ms. Babcock reviewed changes that were made to the safety plan and the safety performance targets.

On motion by Director Glover, seconded by Director Shaw, ECCTA Board members approved

resolution #231025D approving ECCTA's 2023 Agency Safety plan, carried by the following vote:

AYES: Adams, Bryant, Burgis, Craft, Glover, Oerlemans, Shaw, Thorpe, Williams, Wilson
NOES: None
ABSTAIN: None
ABSENT: Scales-Preston

E. Clean California Transit Grant Award

Chief Executive Officer Rashidi Barnes reported the goal of ECCTA to partner with LMC to improve service to their students. ECCTA was awarded the Clean California Transit Grant allowing ECCTA to partner with LMC on improving bus stops on campus.

On motion by Director Glover, seconded by Director Adams, ECCTA Board members approved resolution #231025E authorizing the CEO to execute a restricted grant agreement allocation with the California Department of Transportation in the amount of \$210,000 to fund ECCTA's Clean California Transit Program Grant award, carried by the following vote:

AYES: Adams, Bryant, Burgis, Craft, Glover, Oerlemans, Shaw, Thorpe, Williams, Wilson
NOES: None
ABSTAIN: None
ABSENT: Scales-Preston

BOARD OF DIRECTORS COMMENT

The Board of Directors below gave comment:

Director Shaw
Director Craft
Director Adams
Director Bryant
Director Williams
Director Glover
Chair Thorpe

ADJOURNMENT

The meeting of the Eastern Contra Costa Transit Authority adjourned at 4:50 p.m. until December 13, 2023, at 4:00 p.m. in the ECCTA Administrative Facility, 801 Wilbur Ave Antioch, California.

Respectfully submitted,

Rosanna Dominguez

Executive Assistant

TRI DELTA TRANSIT
Income Statement - Comparison to Annual Budget
As of October 31, 2023
(unaudited)

	YTD Actual			YTD Budget			YTD Variance <i>favorable/(unfavorable)</i>			FY24 Full Year Budget			YTD % of Fiscal Year Budget		
	ECCTA	FR	DR	ECCTA	FR	DR	ECCTA	FR	DR	ECCTA	FR	DR	ECCTA	FR	DR
OPERATING REVENUES															
Passenger Fares	\$ 678,666	\$ 466,569	\$ 212,097	\$ 752,918	\$ 409,237	\$ 343,681	\$ (74,252)	\$ 57,332	\$ (131,584)	\$ 1,813,298	\$ 984,639	\$ 828,659	37%	47%	26%
Other Income	\$ 245,313	\$ 79,167	\$ 166,146	\$ 208,011	\$ 79,165	\$ 128,846	\$ 37,302	\$ 2	\$ 37,300	\$ 490,741	\$ 190,000	\$ 300,741	50%	42%	55%
<i>Total Operating Revenues:</i>	\$ 923,979	\$ 545,736	\$ 378,243	\$ 960,929	\$ 488,402	\$ 472,527	\$ (36,950)	\$ 57,334	\$ (94,284)	\$ 2,304,039	\$ 1,174,639	\$ 1,129,400	40%	46%	33%
NON-OPERATING REVENUES															
Federal Funds	\$ 1,614,375	\$ -	\$ 1,614,375	\$ 713,377	\$ -	\$ 713,377	\$ 900,998	\$ -	\$ 900,998	\$ 1,712,109	\$ -	\$ 1,712,109	94%		94%
State Funds	\$ 9,521,941	\$ 8,054,039	\$ 1,467,902	\$ 11,001,437	\$ 8,778,194	\$ 2,223,243	\$ (1,479,496)	\$ (724,155)	\$ (755,341)	\$ 25,968,665	\$ 20,589,362	\$ 5,379,303	37%	39%	27%
Local Funds	\$ 1,337,429	\$ 502,962	\$ 834,467	\$ 1,148,035	\$ 498,165	\$ 649,870	\$ 189,394	\$ 4,797	\$ 184,597	\$ 2,755,287	\$ 1,195,596	\$ 1,559,691	49%	42%	54%
Inter-Operator Agreements	\$ -	\$ -	\$ -	\$ 1,055,035	\$ 1,055,035	\$ -	\$ (1,055,035)	\$ (1,055,035)	\$ -	\$ 2,532,085	\$ 2,532,085	\$ -			n/a
Interest & Other Misc Income	\$ 10,853	\$ 9,078	\$ 1,775	\$ 24,996	\$ 20,831	\$ 4,165	\$ (14,143)	\$ (11,753)	\$ (2,390)	\$ 60,000	\$ 50,000	\$ 10,000	18%	18%	18%
<i>Total Non-operating Revenues:</i>	\$ 12,484,598	\$ 8,566,079	\$ 3,918,519	\$ 13,942,880	\$ 10,352,225	\$ 3,590,655	\$ (1,458,282)	\$ (1,786,146)	\$ 327,864	\$ 33,028,146	\$ 24,367,043	\$ 8,661,103	38%	35%	45%
Total Revenues:	\$ 13,408,577	\$ 9,111,815	\$ 4,296,762	\$ 14,903,809	\$ 10,840,627	\$ 4,063,182	\$ (1,495,232)	\$ (1,728,812)	\$ 233,580	\$ 35,332,185	\$ 25,541,682	\$ 9,790,503			
OPERATING EXPENSES															
Purchased Transportation	\$ 8,729,164	\$ 5,615,679	\$ 3,113,485	\$ 8,671,547	\$ 5,641,194	\$ 3,030,353	\$ (57,617)	\$ 25,515	\$ (83,132)	\$ 20,459,235	\$ 13,145,945	\$ 7,313,290	43%	43%	43%
Materials and Supplies	\$ 2,062,115	\$ 1,632,792	\$ 429,323	\$ 2,287,910	\$ 1,859,356	\$ 428,554	\$ 225,795	\$ 226,564	\$ (769)	\$ 5,338,844	\$ 4,296,981	\$ 1,041,863	39%	38%	41%
Salaries & Benefits	\$ 2,323,119	\$ 2,019,718	\$ 303,401	\$ 2,660,971	\$ 2,341,660	\$ 319,311	\$ 337,852	\$ 321,942	\$ 15,910	\$ 6,386,332	\$ 5,619,980	\$ 766,352	36%	36%	40%
Services	\$ 535,321	\$ 390,261	\$ 145,060	\$ 486,875	\$ 342,756	\$ 144,119	\$ (48,446)	\$ (47,505)	\$ (941)	\$ 1,230,818	\$ 899,350	\$ 331,468	43%	43%	44%
Other	\$ 153,361	\$ 124,327	\$ 29,034	\$ 202,961	\$ 173,642	\$ 29,319	\$ 49,600	\$ 49,315	\$ 285	\$ 459,753	\$ 396,145	\$ 63,608	33%	31%	46%
Casualty and liability insurance	\$ 712,843	\$ 586,490	\$ 126,353	\$ 481,245	\$ 386,290	\$ 94,955	\$ (231,598)	\$ (200,200)	\$ (31,398)	\$ 1,154,991	\$ 927,097	\$ 227,894	62%	63%	55%
Utilities	\$ 126,950	\$ 105,787	\$ 21,163	\$ 102,296	\$ 88,014	\$ 14,282	\$ (24,654)	\$ (17,773)	\$ (6,881)	\$ 282,334	\$ 240,787	\$ 41,547	45%	44%	51%
Taxes	\$ 11,554	\$ 8,595	\$ 2,959	\$ 10,004	\$ 7,715	\$ 2,289	\$ (1,550)	\$ (880)	\$ (670)	\$ 19,878	\$ 15,397	\$ 4,481	58%	56%	66%
<i>Total Operating Expenses:</i>	\$ 14,654,427	\$ 10,483,649	\$ 4,170,778	\$ 14,903,809	\$ 10,840,627	\$ 4,063,182	\$ 249,382	\$ 356,978	\$ (107,596)	\$ 35,332,185	\$ 25,541,682	\$ 9,790,503	41%	41%	43%
EXCESS REV/(EXP)	\$ (1,245,850)	\$ (1,371,834)	\$ 125,984	\$ 0	\$ 0	\$ -	\$ 1,245,850	\$ 1,371,834	\$ (125,984)	\$ 0	\$ 0	\$ -			

Agenda Item #5b
Eastern Contra Costa Transit Authority
Board of Directors Meeting
December 13, 2023

Staff Report to ECCTA Board of Directors



Meeting Date: December 13, 2023

Agenda Item: Marketing/Communications Activities – Agenda Item #5c

Lead Staff: Leeann Loroño, Manager of Customer Service and Marketing

Approved: Rashidi Barnes, Chief Executive Officer

Tri Delta Transit strives to provide top notch service to our customers and the community, as well as communicate the pivotal role Tri Delta Transit plays. Here are some projects Marketing has been working on.

	<h3>December Marketing Campaign</h3> <p>This month’s Monthly Grapevine ad campaign was for our upcoming January schedule change to match with BART. Since it is a month earlier than the traditional time BART changed their schedule (mid-February), we provided a little extra warning.</p> <p>The full campaign and new schedules will go out early January in advance of the January 15th change.</p>
	<h3>Sharing News and Information</h3> <p>This month, Tri Delta Transit shared information about the Daylight Savings Time, the County Hazard Mitigation Plan, Veterans Day events, traveling for APEC, Thanksgiving schedule changes, and after Thanksgiving events.</p> <p>Here are a few fun posts. (Here and see next page.)</p>

Agenda Item #5c
Eastern Contra Costa Transit Authority
Board of Directors Meeting
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Sharing News and Information Continued.

Tri Delta Transit
Published by Hootsuite • November 7 at 9:03 AM

Celebrating Veterans -
ANTIOCH's Veterans Day Celebration will be Saturday, November 10th at the Antioch Marina. The event includes a FREE Breakfast from 8-10 am, a parade and ceremony. RSVP by November 7th www.deltatransitgroup.org. Volunteers needed!



Tri Delta Transit
Published by Hootsuite • November 5 at 8:01 AM

Tri Delta Transit wants to remind you - It's Daylight Savings Time. TODAY Sunday, November 5th. Hope you turned your clocks back one hour.



Tri Delta Transit
Published by Hootsuite • November 3 at 1:02 PM

Honoring Veterans -

Contra Costa County's Board of Supervisors honors Veterans & their families at the Annual Veterans Day Celebration on Tuesday, November 7, 2023, at 11:00 a.m. in the Board Chambers at 1025 Escobar Street, Martinez. This year's ceremony will feature a special recognition for the 50th anniversary of the end of the Vietnam War.... See more




Tri Delta Transit
Published by Hootsuite • November 9 at 7:04 AM

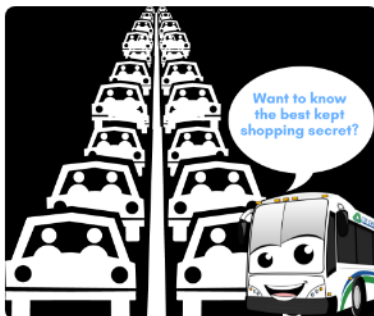
Tri Delta Transit takes you places. 20,000 visitors are expected in San Francisco starting tomorrow for the APEC conference. Don't be stressed out by the traffic, take Tri Delta Transit. On weekdays, we have five lines and Tri MultiRide that connect to BART, and on weekends, four plus Tri MultiRide. Don't forget your book and charge your phone. Enjoy the easy ride to BART.



Ongoing Projects:

 **Tri Delta Transit** @TriDelt... • Just now
Want to know the best Black Friday shopping secret?

TAKE TRI DELTA TRANSIT!!! We go to most of the shopping centers, to all the downtowns - and you can relax when there is traffic congestion. Have fun riding Tri Delta Transit.



Transit Takes You Places

Tri Delta Transit was your connection to Veterans Day events and then for Black Friday Shopping.

Tri Delta Transit takes you to most major points of interest in eastern Contra Costa County.

If you have an event that a Tri Delta Transit route goes near or to, send it to comments@eccta.org, and we will let riders know.



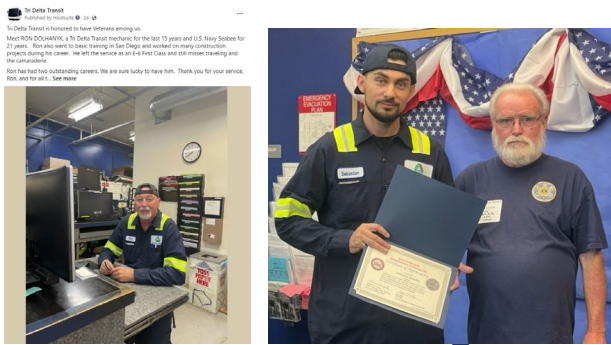
Website Reimagined

Work has begun on the new website. Surveys were released on fixed route buses, social media, alert systems for passengers and by email and posters for staff so that both groups could provide input.

We do not expect any surprises as the website is being completely overhauled, but we're excited to learn what is viewed as the largest need.

The next phase will be building design elements.

Special Events:



TRI DELTA TRANSIT IS PROUD TO HONOR OUR VETERANS

MARINES	ARMY	NAVY	AIR FORCE
★ Autrey Holmes	★ Charles Weathers Reserves	★ Blas Franco	★ James Wilson
★ Orlando Medina Sr.	★ Jeanette Slatten	★ Carl Miller	
★ Ron Perry	★ Jerry Zachary	★ Harold Smith	
★ Sebastian Sanchez	★ Ron Miller	★ Orlando Medina Sr.	
	★ Ron Perry	★ Ron Dolhanyk	
	★ Sam Tolley		
	★ David Perry		



Veterans Celebration

Along with promoting City celebrations, each year Tri Delta Transit honors the Veterans among us.

We were honored to have the Delta Veterans Group and Antioch Rivertown Lions Veterans Group on hand for a beautiful ceremony and presentation of certificates to our 16 Veterans.

In addition, we featured our Veterans' mini stories all month long on social media. They let us know a little bit more about them, such as their specialties and the time served, not just what branch they served in.

Thank you Veterans for your service and all you do for Tri Delta Transit. Thank you to our visiting organizations who always make the ceremony special.

Outreach



Career Events

Tri Delta Transit is back up to full speed with operators, but don't think that stops us from looking for Bay Area talent. Tri Delta Transit was able to attend the LMC Career Fair to meet possible operators and mechanics. We also met future mechanics from the Freshman and Sophomore classes.

We were also able to connect with students at the Pittsburg Chamber of Commerce Pittsburg High School Career Day. Students stopped by to learn about all the opportunities in transit, from CEO, to mechanic to operator and more.

LANGUAGES:

If information is needed in another language, please call 1-925-754-4040.

Si necesita información en español, llame al 1-925-754-4040.

如果需要中文信息，請致電 1-925-754-4040

Kung kailangan ng impormasyon sa Tagalog, mangyaring tumawag sa 1-925-754-4040.

Nếu cần thông tin bằng tiếng Việt, vui lòng gọi 1-925-754-4040

Safe Harbor Language Addition

In January, Vietnamese will be added as our next Safe Harbor Language, as it has a demographic count above the number threshold. Marketing will be changing all the marketing and outreach materials, required by Title VI, to include Vietnamese. We're happy to reach even more of our riders.

Required text seen here.

SOCIAL MEDIA ANALYTICS

Following please find a brief summary of metrics for the Tri Delta Transit social media accounts.

MAIN ACCOUNTS	MONTHS			
Followers	JULY 2023	AUGUST 2023	SEPTEMBER 2023	OCTOBER 2023
Facebook	1.3k	1.3k	1.3k	1.3k
Instagram	969	974	985	987
X (Twitter)	1,027	1,026	1,032	1,038
LinkedIn	367	391	406	414

NEW ALERT ACCOUNTS	MONTHS			
Followers	JULY 2023	AUGUST 2023	SEPTEMBER 2023	OCTOBER 2023
Facebook	35	37	40	42
Instagram	76	77	79	79
X (Twitter)	9	10	12	13

*Instagram back

X (TWITTER)	MONTHS			
	JULY 2023	AUGUST 2023	SEPTEMBER 2023	OCTOBER 2023
Impressions	4,500	5,255	10.9k	4,464
Engagement	42	5 new followers	2 new followers	7 new followers
Retweets	44	34	N/A	9
Likes - New	2	Not available	N/A	31*

- X is working on their analytics so number is not divided out to existing and new.

Please let us know if you have any questions or need further information about any of these materials.

Agenda Item #5c
Eastern Contra Costa Transit Authority
Board of Directors Meeting
December 13, 2023

TAB 2

Agenda Item #6
CEO's Report

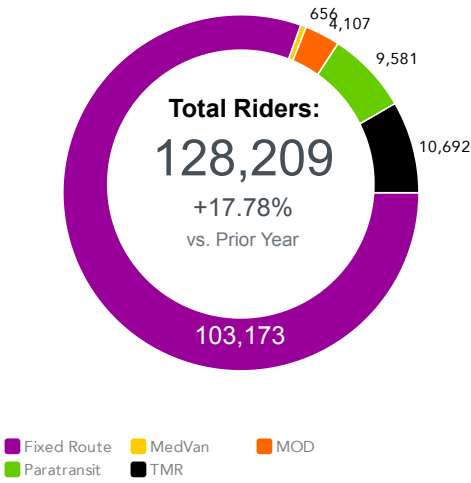
Board of Directors Meeting

Wednesday December 13, 2023

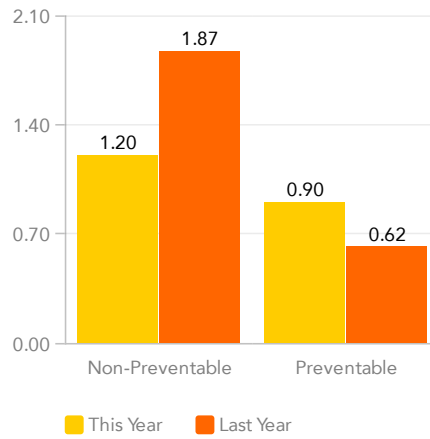
**ECCTA Boardroom
801 Wilbur Avenue, Antioch, CA 94509**

TRI DELTA TRANSIT Performance Summary

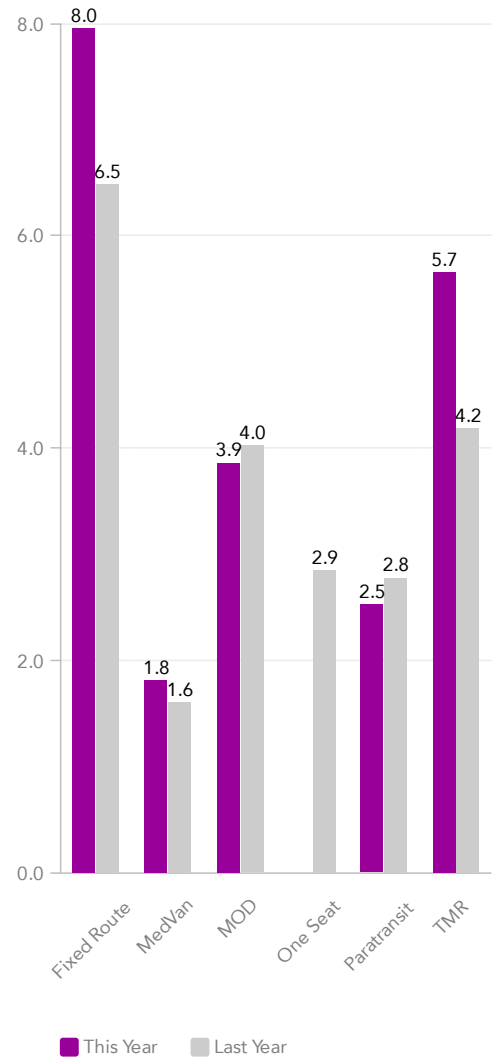
Ridership



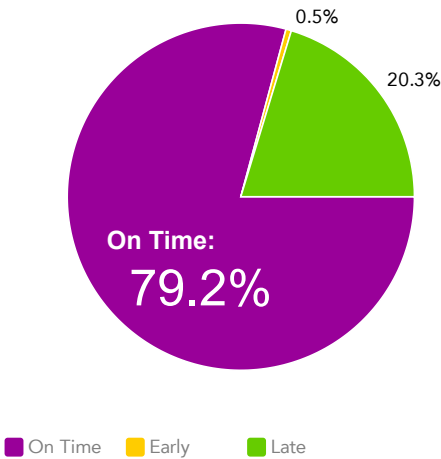
Accidents / 100K Miles



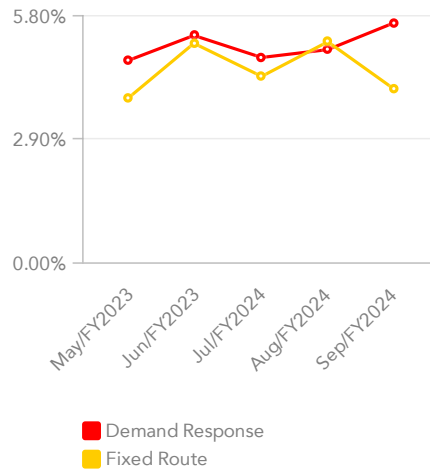
Passengers Per Revenue Hour



On Time Performance



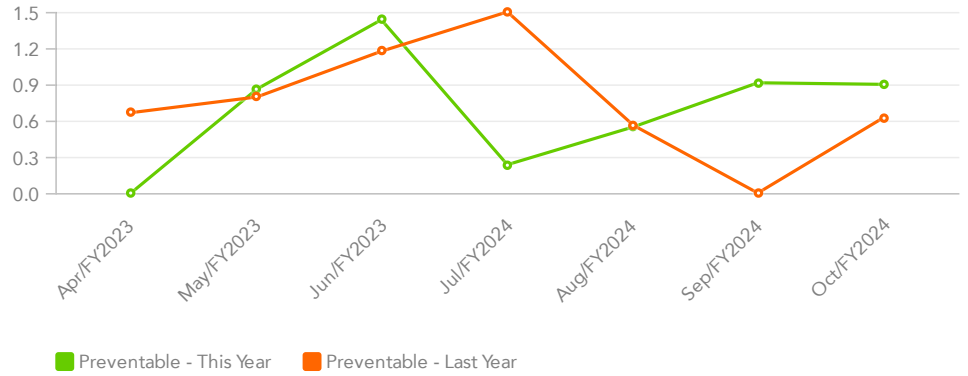
Cost Recovery Ratio



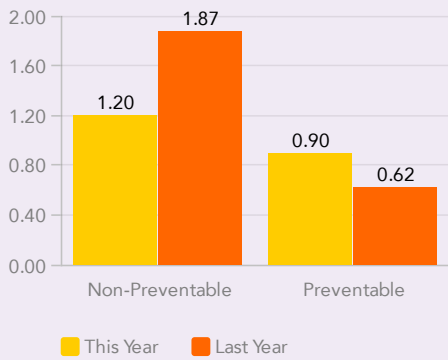
Preventable Accident Report

	Accidents	Per 100,000 Miles
May/FY2023	3	0.86
Jun/FY2023	5	1.44
Jul/FY2024	1	0.23
Aug/FY2024	2	0.55
Sep/FY2024	3	0.91
YTD 2023	2	0.62
YTD 2024	3	0.90
YTD Change	1	45.16%

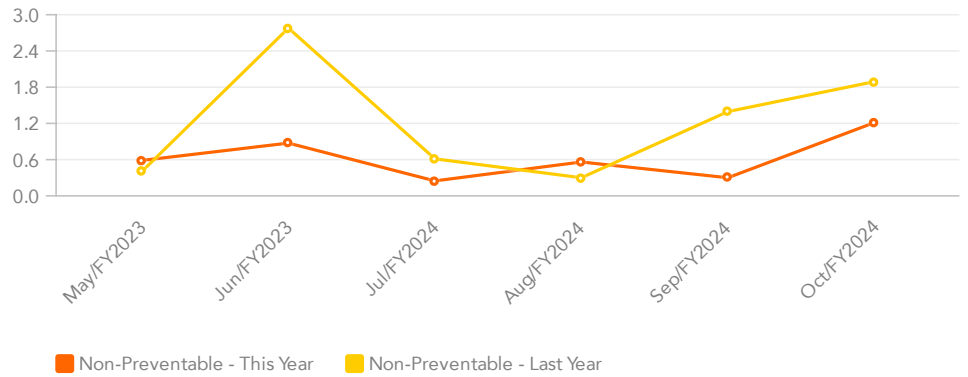
Preventable Accidents Per 100,000 Miles Last Six Months - System Wide



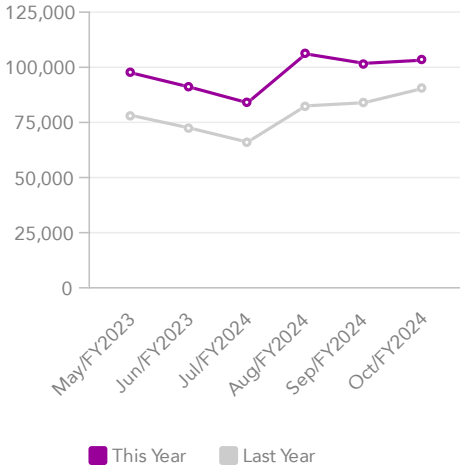
Year To Date - System Wide Accidents Per 100,000 Miles



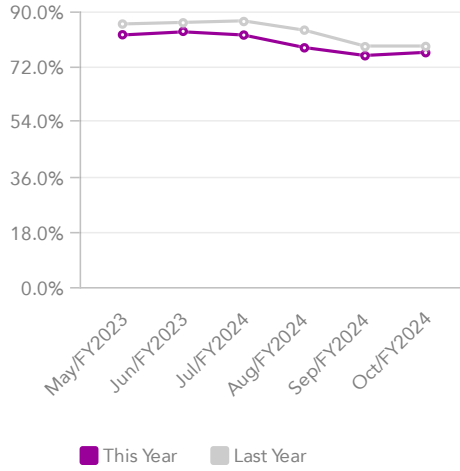
Non-Preventable Accidents Per 100,000 Miles Last Six Months - System Wide



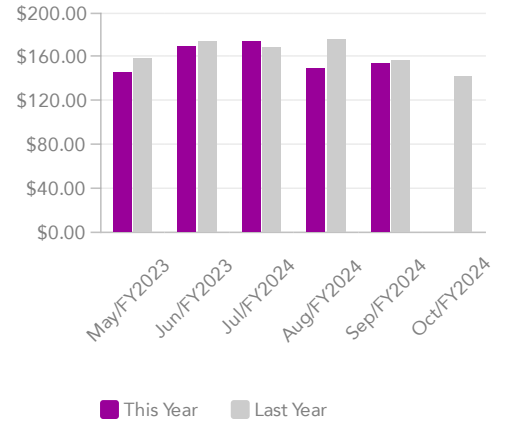
Total Ridership



On Time Performance



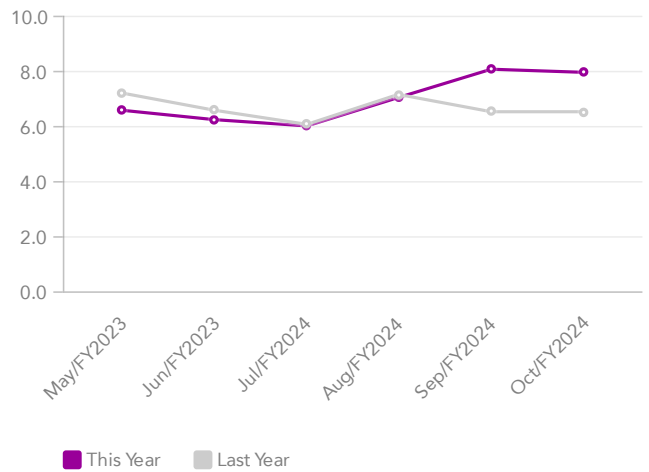
Operating Cost Per Revenue Hour



YTD Report - Fixed Route

	Metric	This Year	Prior Year	% Change
Customer Service	% of Trips On Time	76.51	78.54	-2.6%
	Average Miles Between Roadcalls	10,041.34	29,247.31	-65.7%
	Complaints Per 100k Riders	33.92	46.54	-27.1%
	Ridership Per Rev. Hour	7.96	6.49	+22.7%
Financial	Operating Costs Per Rev. Hour		142.82	
Ridership	Ridership	103,173.00	90,249.00	+14.3%

Passengers Per Revenue Hour



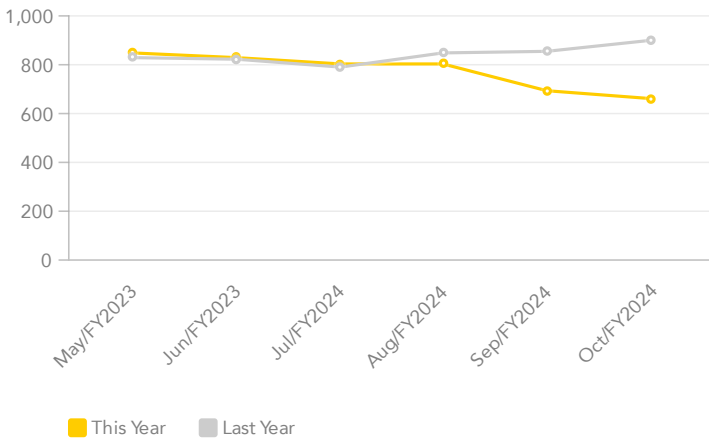
MedVan, Paratransit, and MOD Performance

YTD Report

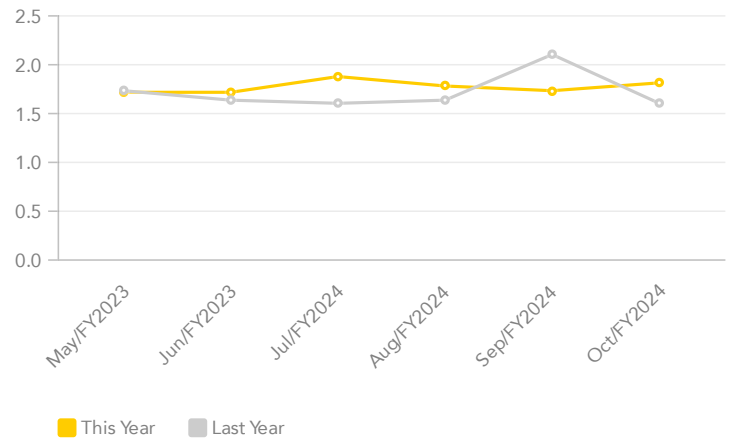
MedVan

	Metric	This Year	Prior Year	% Change
Customer Service	% of Trips On Time	92.80	95.01	-2.3%
	Complaints Per 100k Riders	0.00	0.00	
	Ridership Per Rev. Hour	1.81	1.60	+13.1%
Financial	Operating Costs Per Rev. Hour		114.03	
Ridership	Ridership	656.00	897.00	-26.9%

Total Ridership



Passengers Per Revenue Hour

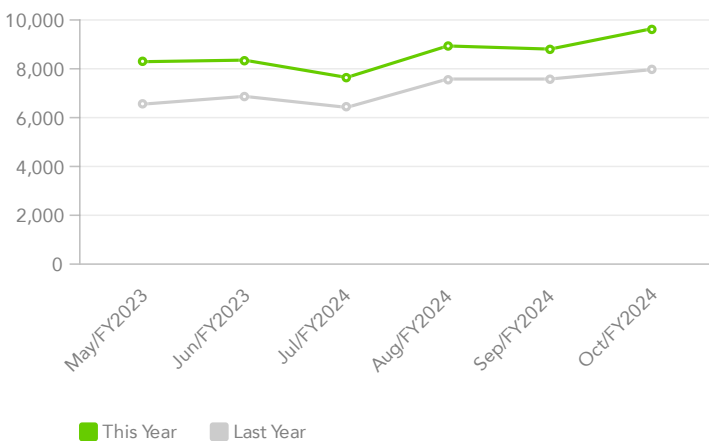


YTD Report

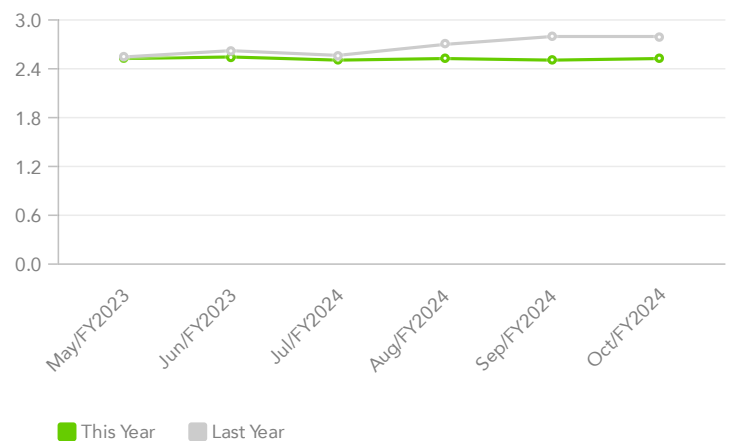
Paratransit

	Metric	This Year	Prior Year	% Change
Customer Service	% of Trips On Time	89.32	84.74	+5.4%
	Complaints Per 100k Riders	114.81	302.11	-62.0%
	Ridership Per Rev. Hour	2.52	2.78	-9.4%
Financial	Operating Costs Per Rev. Hour		113.93	
Ridership	Ridership	9,581.00	7,944.00	+20.6%

Total Ridership



Passengers Per Revenue Hour

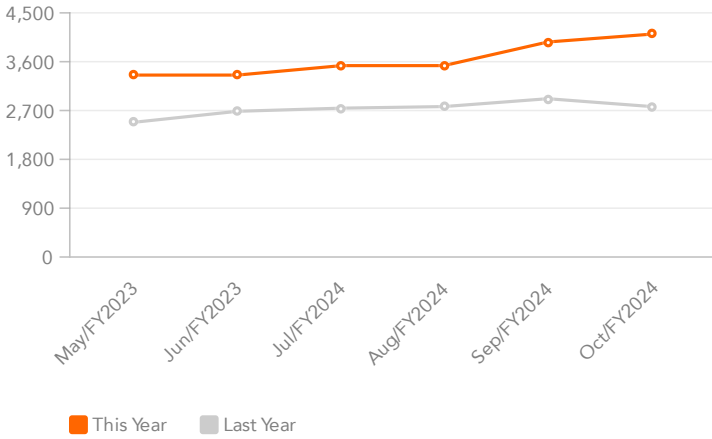


YTD Report

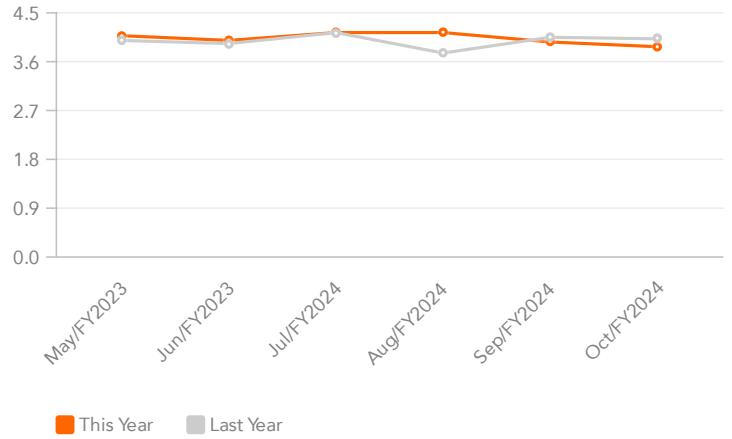
MOD

	Metric	This Year	Prior Year	% Change
Customer	Complaints Per 100k Riders	0.00	0.00	
Service	Ridership Per Rev. Hour	3.86	4.02	-4.0%
Financial	Operating Costs Per Rev. Hour		98.52	
Ridership	Ridership	4,107.00	2,750.00	+49.3%

Total Ridership



Passengers Per Revenue Hour

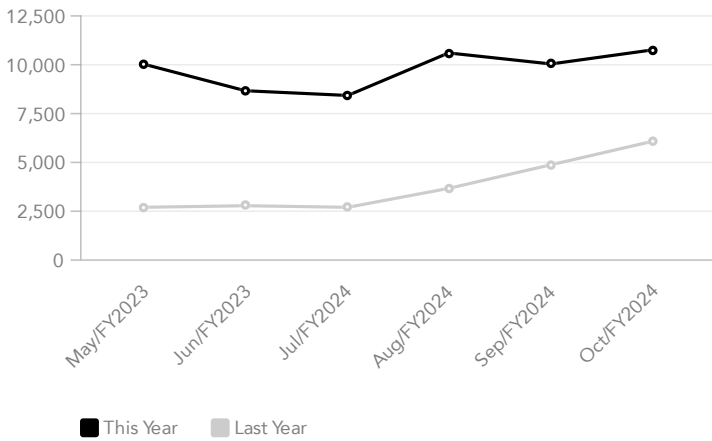


YTD Report

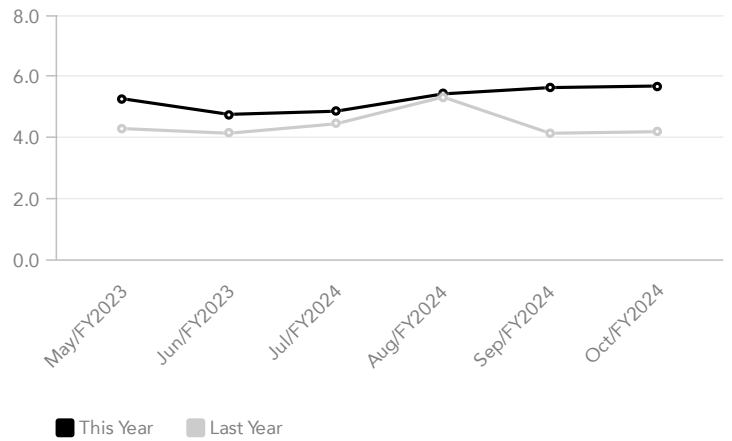
TMR

	Metric	This Year	Prior Year	% Change
Customer	Complaints Per 100k Riders	28.06	66.17	-57.6%
Service	Ridership Per Rev. Hour	5.66	4.19	+35.1%
Financial	Operating Costs Per Rev. Hour		111.50	
Ridership	Ridership	10,692.00	6,045.00	+76.9%

Total Ridership



Passengers Per Revenue Hour



TAB 3

Agenda Item #7a

ACTION ITEM: Board of Directors 2024 Meeting Schedule

Board of Directors Meeting

Wednesday December 13, 2023

ECCTA Boardroom

801 Wilbur Avenue, Antioch, CA 94509

Staff Report to ECCTA Board of Directors

Meeting Date: December 13, 2023

Agenda Item: 2024 ECCTA Board of Directors Meeting Schedule – Agenda Item 7a

Lead Staff: Rashidi Barnes, Chief Executive Officer

Background

- The regular meeting date and time of the ECCTA Board of Directors is the 4th Wednesday of each month at 4:00 p.m.
- The Board Chair has the authority to cancel or reschedule any Tri Delta Transit Board meeting if there is a lack of pressing agenda items or if extenuating circumstances exist. As much notice as possible is given so board members can plan accordingly.

Discussion

- The 4th Wednesday of each month in 2024:

January 24	May 22	September 25
February 28	June 26	October 23
March 27	July 24	November 27
April 24	August 28	December 25

In the last several years, the Board of Directors combined the November and December meetings to avoid the Thanksgiving, Christmas, and New Year holidays.

Financial Impact

None

Requested Action

Combine the November and December 2024 board meetings and conduct that meeting on December 11, 2024.

TAB 4

Agenda Item #8a

ACTION ITEM: CLOSED SESSION – Conference with Legal Council

Board of Directors Meeting

Wednesday December 13, 2023

ECCTA Boardroom

801 Wilbur Avenue, Antioch, CA 94509

CIV-110

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: Jeremy J. Schroeder FIRM NAME: Schroeder Schaff & Low, Inc. STREET ADDRESS: 2205 Plaza Drive, Suite 225 CITY: Rocklin STATE: CA ZIP CODE: 95765 TELEPHONE NO.: 916-672-6558 FAX NO.: 916-672-6602 E-MAIL ADDRESS: ATTORNEY FOR (name): BNSF Railway Company	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF CONTRA COSTA STREET ADDRESS: 725 Court Street MAILING ADDRESS: CITY AND ZIP CODE: Martinez, CA 94553 BRANCH NAME:	
PLAINTIFF/PETITIONER: Ronny Schaefer, et al. DEFENDANT/RESPONDENT: BNSF Railway Company	
REQUEST FOR DISMISSAL	CASE NUMBER: C22-01552
A conformed copy will not be returned by the clerk unless a method of return is provided with the document.	
This form may not be used for dismissal of a derivative action or a class action or of any party or cause of action in a class action. (Cal. Rules of Court, rules 3.760 and 3.770.)	

1. TO THE CLERK: Please dismiss this action as follows:

- a. (1) With prejudice (2) Without prejudice
- b. (1) Complaint (2) Petition
- (3) Cross-complaint filed by (name): _____ on (date): _____
- (4) Cross-complaint filed by (name): _____ on (date): _____
- (5) Entire action of all parties and all causes of action
- (6) Other (specify):* **BNSF's Cross-Complaint as to Eastern Contra Costa Transit Authority in case no. C22-01555.**

2. (Complete in all cases except family law cases.)

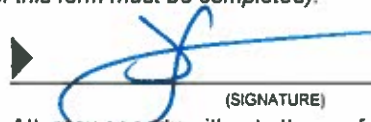
The court did did not waive court fees and costs for a party in this case. (This information may be obtained from the clerk. If court fees and costs were waived, the declaration on the back of this form must be completed).

Date: November 9, 2023

Jeremy J. Schroeder

(TYPE OR PRINT NAME OF ATTORNEY PARTY WITHOUT ATTORNEY)

*If dismissal requested is of specified parties only of specified causes of action only, or of specified cross-complaints only, so state and identify the parties, causes of action, or cross-complaints to be dismissed



 (SIGNATURE)
 Attorney or party without attorney for:
 Plaintiff/Petitioner Defendant/Respondent
 Cross-Complainant

3. TO THE CLERK: Consent to the above dismissal is hereby given.**

Date: _____

(TYPE OR PRINT NAME OF ATTORNEY PARTY WITHOUT ATTORNEY)

** If a cross-complaint - or Response (Family Law) seeking affirmative relief - is on file, the attorney for cross-complainant (respondent) must sign this consent if required by Code of Civil Procedure section 581 (i) or (j).


 (SIGNATURE)
 Attorney or party without attorney for:
 Plaintiff/Petitioner Defendant/Respondent
 Cross-Complainant

- 4. Dismissal entered as requested on (date): _____
- 5. Dismissal entered on (date): _____ as to only (name): _____
- 6. Dismissal not entered as requested for the following reasons (specify): _____
- 7. a. Attorney or party without attorney notified on (date): _____
- b. Attorney or party without attorney not notified. Filing party failed to provide
 a copy to be conformed means to return conformed copy

Date: _____ Clerk, by _____ Deputy

PLAINTIFF/PETITIONER: Ronny Schaefer, et al.
 DEFENDANT/RESPONDENT: BNSF Railway Company

CASE NUMBER:
 C22-01552

COURT'S RECOVERY OF WAIVED COURT FEES AND COSTS

If a party whose court fees and costs were initially waived has recovered or will recover \$10,000 or more in value by way of settlement, compromise, arbitration award, mediation settlement, or other means, the court has a statutory lien on that recovery. The court may refuse to dismiss the case until the lien is satisfied. (Gov. Code, § 68637.)

Declaration Concerning Waived Court Fees

1. The court waived court fees and costs in this action for *(name)*:
2. The person named in item 1 is *(check one below)*:
 - a. not recovering anything of value by this action.
 - b. recovering less than \$10,000 in value by this action.
 - c. recovering \$10,000 or more in value by this action. *(If item 2c is checked, item 3 must be completed.)*
3. All court fees and court costs that were waived in this action have been paid to the court *(check one)*: Yes No

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

 (TYPE OR PRINT NAME OF ATTORNEY PARTY MAKING DECLARATION)

 (SIGNATURE)

1 **PROOF OF SERVICE**

2 I, Noelle Murray, declare that:

3 I am a citizen of the United States and am over the age of eighteen years and not a party to the
4 within above-entitled action. I am an employee of Schroeder Schaff & Low, Inc. and my business address is
2205, Plaza Drive, Suite 225, Rocklin, CA 95765.

5 On November 9, 2023, I caused to be served the within document,

6 **REQUEST FOR DISMISSAL**

7 on the parties in said action addressed as follows:

8 **SEE ATTACHED SERVICE LIST**

9 [By Facsimile Machine (FAX)] On _____, at _____ a.m./p.m., by use of facsimile machine
10 telephone number (916) 672-6558 I served a true copy of the aforementioned document(s) on the
11 parties in said action by transmitting by facsimile machine to the numbers as set forth above. The
12 facsimile machine I used complied with California Rules of Court, Rule 2003(3) and no error was
reported by the machine. Pursuant to California Rules of Court, Rule 2008(e), I caused the
machine to print a transmission record of the transmission, a copy of which is attached to this
Declaration.

13 [By Mail] I am familiar with my employer's practice for the collection and processing of
14 correspondence for mailing with the United States Postal Service and that each day's mail is
15 deposited with the United States Postal Service that same day in the ordinary course of business.
16 On the date set forth above, I served the aforementioned document(s) on the parties in said action
by placing a true copy thereof enclosed in a sealed envelope with First Class postage thereon fully
prepaid, for collection and mailing on this date, following ordinary business practices at Rocklin,
California, addressed as set forth above.

17 [By Personal Service] By causing a true copy thereof to be personally delivered to the office of
the addressees below.

18 [By Overnight Courier] By causing a true copy and/or original thereof to be personally delivered via
19 the following overnight courier service: FedEx.

20 [By E-Mail or Electronic Transmission] I caused a copy of the document(s) to be sent from e-mail
21 address nm@sslfirm.com to the persons at the e-mail addresses listed in the service list. I did not
22 receive, within a reasonable time after the transmission, any electronic message or other indication
that the transmission was unsuccessful.

23 I declare under penalty of perjury under the laws of the State of California that the foregoing is
true and correct, and that this declaration was executed on November 9, 2023, at Rocklin, California.

24 
25 _____
Noelle Murray

SERVICE LIST

1		
2	Khaldoun A. Baghdadi Valarie N. Rose	Attorneys for Plaintiff, Ronny Schaefer
3	WALKUP, MELODIA, KELLY & SCHROENBERGER	kbaghdadi@WalkupLawOffice.com
4	650 California St., 26 th Floor	vrose@walkuplawoffice.com
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10		andrea@amslitigation.com
11		Eserve@walkuplawoffice.com
12	Louis A. Leon Ioana R. Burson	Attorneys for Defendant, Oakley Union Elementary School District
13	LEONE & ALBERTS	lleon@leonealberts.com
14	2175 N. California Blvd., Suite 900	iburson@leonealberts.com
15	Walnut Creek, CA 94596	schoals@leonealberts.com
16	Telephone: (925) 974-8600	
17	Facsimile: (925) 974-8601	
18	Mark F. Hazelwood Kimberly Chin	Attorneys for Defendant, City of Oakley
19	Michelle Magarrell	mhazelwood@aghlaw.com
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21	180 Montgomery St., Suite 1200	mmagarrell@aghwlaw.com
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23	Telephone: (415) 697-2000	
24	Facsimile: (415) 813-2045	
25	Justin M. Marvisi	Attorney for Cross-Defendant, Ghilotti Bros., Inc.
26	YUKEVICH CAVANAUGH	jmarvisi@yukelaw.com
27	355 South Grand Ave., 15 th Floor	barmistead@yukelaw.com
28	Los Angeles, CA 90071	eservice@yukelaw.com
29	Telephone: (213) 362-7777	jyukevich@yukelaw.com
30	Facsimile: (213) 362-7788	cestrada@yukelaw.com
31		elara@yukelaw.com
32		iconcepcion@yukelaw.com
33	J. Gary Gwilliam	Attorneys for Plaintiffs, Melissa Welsh-Schaefer and Kaylee Mello
34	GWILLIAM, IVARY, CHIOSSO, CAVALLI & BREWER	ggwilliam@giccb.com
35	1999 Harrison St., Suite 1600	mdenurra@giccb.com
36	Oakland, CA 94612	LLim@giccb.com
37	Telephone: (510) 832-5411	jwalker@giccb.com
38	Facsimile: (510) 832-1918	
39	James M. Treppa	Attorney for Cross-Defendant, Kaylee Mello
40	BLEDSE, DIESTEL, TREPPA & CRANE LLP	jtreppe@bledsoelaw.com
41	180 Sansome Street, 5 th Floor	bmendez@bledsoelaw.com
42	San Francisco, CA 94104	
43	Telephone: (415) 981-5411	

*Schaefer, et al. v. BNSF Railway Company, et al.; Welsh-Schaefer, et al. v. BNSF Railway Company, et al.
Contra Costa County Superior Court Case No.: C22-01552 & C22-01555*

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Facsimile: (415) 981-0352	mlegaspi@bledsoelaw.com
Michael E. Cardoza THE CORDOZA LAW OFFICES 1407 Oakland Blvd., Suite 200 Walnut Creek, CA 94596 Telephone: (925) 274-2900 Facsimile: (925) 274-2910	Co-Counsel for Plaintiffs, Melissa Welsh-Schaefer and Kaylee Mello mcardoza@cardolaw.com kmchugh@cardolaw.com kim@cardolaw.com
Nandor Krause Freeman Mathis & Gary LLP 2121 N. California Blvd., Ste. 290 Walnut Creek, CA 94596 (925) 490-1186	Attorneys for East Contra Costa Transit Authority Nandor.krause@fmglaw.com John.kortum@fmglaw.com Ricardo.Mercado@fmglaw.com AnnMarie.Listek@fmglaw.com Rosa.keel@fmglaw.com

CIV-110

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: Jeremy J. Schroeder FIRM NAME: Schroeder Schaff & Low, Inc. STREET ADDRESS: 2205 Plaza Drive, Suite 225 CITY: Rocklin STATE: CA ZIP CODE: 95765 TELEPHONE NO.: 916-672-6558 FAX NO.: 916-672-6602 E-MAIL ADDRESS: ATTORNEY FOR (name): BNSF Railway Company	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF CONTRA COSTA STREET ADDRESS: 725 Court Street MAILING ADDRESS: CITY AND ZIP CODE: Martinez, CA 94553 BRANCH NAME:	
PLAINTIFF/PETITIONER: Ronny Schaefer, et al. DEFENDANT/RESPONDENT: BNSF Railway Company	
REQUEST FOR DISMISSAL	CASE NUMBER C22-01552
A conformed copy will not be returned by the clerk unless a method of return is provided with the document.	
This form may not be used for dismissal of a derivative action or a class action or of any party or cause of action in a class action. (Cal. Rules of Court, rules 3.760 and 3.770.)	

1. TO THE CLERK: Please dismiss this action as follows:


- a. (1) With prejudice (2) Without prejudice
- b. (1) Complaint (2) Petition
- (3) Cross-complaint filed by (name): _____ on (date): _____
- (4) Cross-complaint filed by (name): _____ on (date): _____
- (5) Entire action of all parties and all causes of action
- (6) Other (specify): * BNSF's Cross-Complaint as to Cross-Defendant, Eastern Contra Costa Transit Authority Only

2. (Complete in all cases except family law cases.)

The court did did not waive court fees and costs for a party in this case. (This information may be obtained from the clerk. If court fees and costs were waived, the declaration on the back of this form must be completed).

Date: November 9, 2023


Jeremy J. Schroeder
 (TYPE OR PRINT NAME OF ATTORNEY PARTY WITHOUT ATTORNEY)
 *If dismissal requested is of specified parties only of specified causes of action only, or of specified cross-complaints only, so state and identify the parties, causes of action, or cross-complaints to be dismissed


 (SIGNATURE)
 Attorney or party without attorney for:
 Plaintiff/Petitioner Defendant/Respondent
 Cross-Complainant

3. TO THE CLERK: Consent to the above dismissal is hereby given.**

Date: _____

(TYPE OR PRINT NAME OF ATTORNEY PARTY WITHOUT ATTORNEY)
 ** If a cross-complaint - or Response (Family Law) seeking affirmative relief - is on file, the attorney for cross-complainant (respondent) must sign this consent if required by Code of Civil Procedure section 581 (i) or (j).


 (SIGNATURE)
 Attorney or party without attorney for:
 Plaintiff/Petitioner Defendant/Respondent
 Cross-Complainant

4. Dismissal entered as requested on (date): _____
5. Dismissal entered on (date): _____ as to only (name): _____
6. Dismissal not entered as requested for the following reasons (specify): _____
7. a. Attorney or party without attorney notified on (date): _____
 b. Attorney or party without attorney not notified. Filing party failed to provide
 a copy to be conformed means to return conformed copy

Date: _____ Clerk, by _____, Deputy

PLAINTIFF/PETITIONER: Ronny Schaefer, et al.
 DEFENDANT/RESPONDENT: BNSF Railway Company

CASE NUMBER:
 C22-01552

COURT'S RECOVERY OF WAIVED COURT FEES AND COSTS

If a party whose court fees and costs were initially waived has recovered or will recover \$10,000 or more in value by way of settlement, compromise, arbitration award, mediation settlement, or other means, the court has a statutory lien on that recovery. The court may refuse to dismiss the case until the lien is satisfied. (Gov. Code, § 68637.)

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1. The court waived court fees and costs in this action for *(name)*:
2. The person named in item 1 is *(check one below)*:
 - a. not recovering anything of value by this action.
 - b. recovering less than \$10,000 in value by this action.
 - c. recovering \$10,000 or more in value by this action. *(If item 2c is checked, item 3 must be completed.)*
3. All court fees and court costs that were waived in this action have been paid to the court *(check one)*: Yes No

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

 (TYPE OR PRINT NAME OF ATTORNEY PARTY MAKING DECLARATION)

 (SIGNATURE)

1 **PROOF OF SERVICE**

2 I, Noelle Murray, declare that:

3 I am a citizen of the United States and am over the age of eighteen years and not a party to the
4 within above-entitled action. I am an employee of Schroeder Schaff & Low, Inc. and my business address is
2205, Plaza Drive, Suite 225, Rocklin, CA 95765.

5 On November 9, 2023, I caused to be served the within document,

6 **REQUEST FOR DISMISSAL**

7 on the parties in said action addressed as follows:

8 **SEE ATTACHED SERVICE LIST**

9 [By Facsimile Machine (FAX)] On _____, at _____ a.m./p.m., by use of facsimile machine
10 telephone number (916) 672-6558 I served a true copy of the aforementioned document(s) on the
11 parties in said action by transmitting by facsimile machine to the numbers as set forth above. The
12 facsimile machine I used complied with California Rules of Court, Rule 2003(3) and no error was
reported by the machine. Pursuant to California Rules of Court, Rule 2008(e), I caused the
machine to print a transmission record of the transmission, a copy of which is attached to this
Declaration.

13 [By Mail] I am familiar with my employer's practice for the collection and processing of
14 correspondence for mailing with the United States Postal Service and that each day's mail is
deposited with the United States Postal Service that same day in the ordinary course of business.
15 On the date set forth above, I served the aforementioned document(s) on the parties in said action
16 by placing a true copy thereof enclosed in a sealed envelope with First Class postage thereon fully
prepaid, for collection and mailing on this date, following ordinary business practices at Rocklin,
California, addressed as set forth above.

17 [By Personal Service] By causing a true copy thereof to be personally delivered to the office of
the addressees below.

18 [By Overnight Courier] By causing a true copy and/or original thereof to be personally delivered via
19 the following overnight courier service: FedEx.

20 x [By E-Mail or Electronic Transmission] I caused a copy of the document(s) to be sent from e-mail
21 address nm@sslfirm.com to the persons at the e-mail addresses listed in the service list. I did not
22 receive, within a reasonable time after the transmission, any electronic message or other indication
that the transmission was unsuccessful.

23 I declare under penalty of perjury under the laws of the State of California that the foregoing is
true and correct, and that this declaration was executed on November 9, 2023, at Rocklin, California.

24 
25 Noelle Murray
26
27
28

SERVICE LIST

1		
2	Khaldoun A. Baghdadi Valarie N. Rose	Attorneys for Plaintiff, Ronny Schaefer
3	WALKUP, MELODIA, KELLY & SCHROENBERGER	kbaghdadi@WalkupLawOffice.com
4	650 California St., 26 th Floor	vrose@walkuplawoffice.com
5	San Francisco, CA 94108	johnzavada@WalkupLawOffice.com
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11		Eserve@walkuplawoffice.com
12	Louis A. Leon Ioana R. Burson	Attorneys for Defendant, Oakley Union Elementary School District
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14	2175 N. California Blvd., Suite 900	iburson@leonealberts.com
15	Walnut Creek, CA 94596	sshoals@leonealberts.com
16	Telephone: (925) 974-8600	
17	Facsimile: (925) 974-8601	
18	Mark F. Hazelwood Kimberly Chin	Attorneys for Defendant, City of Oakley
19	Michelle Magarrell	mhazelwood@aghlaw.com
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Schaefer, et al. v. BNSF Railway Company, et al.; Welsh-Schaefer, et al. v. BNSF Railway Company, et al.
Contra Costa County Superior Court Case No.: C22-01552 & C22-01555

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Nandor Krause Freeman Mathis & Gary LLP 2121 N. California Blvd., Ste. 290 Walnut Creek, CA 94596 (925) 490-1186	Attorneys for East Contra Costa Transit Authority Nandor.krause@fmglaw.com John.kortum@fmglaw.com Ricardo.Mercado@fmglaw.com AnnMarie.Listek@fmglaw.com Rosa.keel@fmglaw.com

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Khaldoun A. Baghdadi/Valerie N. Rose/Joseph Nicholson 190111/272566/284959 WALKUP, MELODIA, KELLY & SCHOENBERGER 650 California Street, 26th Floor San Francisco, CA 94108 TELEPHONE NO.: (415) 981-7210 FAX NO. (Optional): (415) 391-6965 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiff Ronny Schaefer	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF CONTRA COSTA STREET ADDRESS: 725 Court Street MAILING ADDRESS: PO Box 911 CITY AND ZIP CODE: Martinez, CA 94553 BRANCH NAME:	
PLAINTIFF/PETITIONER: RONNY SCHAEFER, et al. DEFENDANT/RESPONDENT: BNSF RAILWAY COMPANY, et al.	
REQUEST FOR DISMISSAL	CASE NUMBER: C22-01552
A conformed copy will not be returned by the clerk unless a method of return is provided with the document. This form may not be used for dismissal of a derivative action or a class action or of any party or cause of action in a class action. (Cal. Rules of Court, rules 3.760 and 3.770.)	

1. TO THE CLERK: Please **dismiss** this action as follows:
- a. (1) With prejudice (2) Without prejudice
 - b. (1) Complaint (2) Petition
 - (3) Cross-complaint filed by (name): _____ on (date): _____
 - (4) Cross-complaint filed by (name): _____ on (date): _____
 - (5) Entire action of all parties and all causes of action
 - (6) Other (specify):* **Complaint as to Defendant Eastern Contra Costa Transit Authority dba Tri Delta Transit ONLY.**
2. (Complete in all cases except family law cases.) Each side to bear own costs and fees.

The court did did not waive court fees and costs for a party in this case. (This information may be obtained from the clerk. If court fees and costs were waived, the declaration on the back of this form must be completed).

Date: October 30, 2023

Khaldoun A. Baghdadi.....
 (TYPE OR PRINT NAME OF ATTORNEY PARTY WITHOUT ATTORNEY)

▶

 (SIGNATURE)

Attorney or party without attorney for: **Ronny Schaefer**

Plaintiff/Petitioner Defendant/Respondent
 Cross-Complainant

* If dismissal requested is of specified parties only, of specified causes of action only, or of specified cross-complaints only, so state and identify the parties, causes of action, or cross-complaints to be dismissed.

3. TO THE CLERK: Consent to the above dismissal is hereby given.**
 Date: _____

▶ _____

 (SIGNATURE)

Attorney or party without attorney for:

Plaintiff/Petitioner Defendant/Respondent
 Cross-Complainant

** If a cross-complaint - or Response (Family Law) seeking affirmative relief - is on file, the attorney for the cross-complainant (respondent) must sign this consent if required by Code of Civil Procedure section 581(i) or (j).

(To be completed by clerk)

- 4. Dismissal entered as requested on (date): _____
- 5. Dismissal entered on (date): _____ as to only (name): _____
- 6. Dismissal **not entered** as requested for the following reasons (specify): _____
- 7. a. Attorney or party without attorney notified on (date): _____
- b. Attorney or party without attorney not notified. Filing party failed to provide a copy to be conformed means to return conformed copy

Date: _____ Clerk, by _____, Deputy

PLAINTIFF/PETITIONER: RONNY SCHAEFER, et al.	CASE NUMBER: C22-01552
DEFENDANT/RESPONDENT: BNSF RAILWAY COMPANY, et al.	

COURT'S RECOVERY OF WAIVED COURT FEES AND COSTS

If a party whose court fees and costs were initially waived has recovered or will recover \$10,000 or more in value by way of settlement, compromise, arbitration award, mediation settlement, or other means, the court has a statutory lien on that recovery. The court may refuse to dismiss the case until the lien is satisfied. (Gov. Code, § 68637.)

Declaration Concerning Waived Court Fees

1. The court waived fees and costs in this action for *(name)*:
2. The person in item 1 is *(check one below)*:
 - a. not recovering anything of value by this action.
 - b. recovering less than \$10,000 in value by this action.
 - c. recovering \$10,000 or more in value by this action. *(If item 2c is checked, item 3 must be completed.)*
3. All court fees and costs that were waived in this action have been paid to the court *(check one)*: Yes No

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

(TYPE OR PRINT NAME OF ATTORNEY PARTY MAKING DECLARATION)



(SIGNATURE)