

FOR IMMEDIATE RELEASE

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Advocates Turn to Feds in Fight Against Oakland Airport Connector *Charge BART unresponsive to civil rights impacts*

Entering a new phase in BART's controversial Oakland Airport Connector (OAC) project, Bay Area transit policy experts and community advocacy groups have filed a Title VI Civil Rights administrative complaint with the Federal Transit Administration (FTA) charging BART with failing to comply with federal civil rights obligations.

The [complaint](#), filed by Public Advocates Inc. on behalf of TransForm, Urban Habitat and Genesis, asserts that BART failed to evaluate whether the planned OAC will have a discriminatory impact on minority and low-income populations. If discriminatory impacts are found, BART is required to explore less discriminatory alternatives that meet the needs of the project at a lower cost to taxpayers.

“In the rush to build this highly controversial project, BART officials are attempting to evade well-established civil rights obligations, hoping that nobody will catch them in the act,” said Guillermo Mayer, Staff Attorney at Public Advocates. “We filed the FTA complaint to ensure that federal stimulus dollars are not spent in a discriminatory way.”

As a recipient of FTA assistance, including stimulus funding under the American Recovery and Reinvestment Act of 2009, BART is subject to federal requirements mandating an equity impacts analysis of significant service and fare changes, as well as improvements associated with the project and its alternatives. This expressly includes discriminatory impacts on minority low-income populations.

The controversial half-billion dollar connector would run the 3.2 miles between BART's Coliseum Station and the Oakland International Airport. It would replace the existing, successful AirBART bus service which charges a fare of \$3. The OAC plan calls for charging a one-way fare of up to \$6, doubling the hardship for low-wage airport employees.

When the project was evaluated in 2002, it included two intermediate stops that would give residents of the predominantly low-income and minority East Oakland community around the Coliseum BART station access to jobs along Hegenberger Road. However, BART's proposal no longer includes those intermediate stops, and its \$6 fare would exclude low-wage workers. In addition, the project cost is currently estimated at \$522-\$552 million, a number that has skyrocketed since the project was initially reviewed.

Advocacy groups and community residents have repeatedly asked BART to analyze and consider an alternative transit system to the OAC, in particular the Bus Rapid Transit alternative proposed by TransForm, dubbed RapidBART.

This alternative would provide similar service to the OAC, at a free or low-cost fare to riders, with a total estimated capital cost of \$45-\$60 million. RapidBART would include an intermediate stop to provide passengers with access to the many businesses and employment opportunities along the route, offering the potential to generate greater ridership than the proposed OAC. The freed-up hundreds of millions of flexible transportation dollars could be used for desperately needed transit operations, maintenance and capital improvements in East Oakland and throughout the Bay Area.

"TransForm's proposal would provide tremendous benefits for low-income riders; it provides much lower fares, a local stop for better job access, would save taxpayers more than \$400 million and create more jobs than BART's slow people mover," said John Knox White, a Program Director for TransForm. "Unfortunately, instead of analyzing this option, BART staff responded by paying four private consultants to "discredit" and "put holes" in TransForm's proposal."

The complaint comes on the heels of word that the U.S. Justice Department's Civil Rights Division is urging more aggressive enforcement of regulations that forbid recipients of taxpayer money from policies that have a disparate impact on minorities.

"The community is simply asking BART to comply with its obligations under federal law," said Urban Habitat's Bob Allen. "Since it's turned a deaf ear, we're now speaking with a louder voice."

If the FTA accepts the complaint, it will complete an investigation within 180 days.

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ORGANIZATION DESCRIPTIONS AND SPOKESPERSON CONTACTS

Genesis

Genesis is a regional, faith- and value-based community organization in the Bay Area. Members represent religious congregations, associations, union locals, and other community organizations. Genesis is affiliated with the Gamaliel Foundation, an international network of faith and value based organizations.

- **On the Web:** <http://genesisca.org>
- **Contact:** Michael Ohlrogge, Organizer, ohlrogge@gamaliel.org, 510-227-0136

Public Advocates Inc.

Public Advocates Inc. is a nonprofit law firm and advocacy organization that challenges the systemic causes of poverty and racial discrimination by strengthening community voices in public policy and achieving tangible legal victories advancing education, housing and transit equity.

- **On the Web:** <http://www.publicadvocates.org>
- **Contact:** Wynn Hausser, Director of Communication, whausser@publicadvocates.org; 415-431-7430, ext. 304; 650-619-1032 (cell)

TransForm

TransForm (formerly TALC, the Transportation and Land Use Coalition) works to create world-class public transportation and walkable communities in the Bay Area and beyond. Since its founding in 1997, TransForm has advocated for increased funding to support transportation choices in the Bay Area.

- **On the Web:** <http://www.transformca.org/>
- **Contact:** John Knox White, Program Director, john@transformca.org; 510-740-3150 ext. 371

Urban Habitat

Urban Habitat builds power in low-income communities and communities of color by combining education, advocacy, research and coalition building to advance environmental, economic and social justice in the Bay Area.

- **On the Web:** <http://www.urbanhabitat.org>
- **Contact:** Bob Allen, Transportation & Housing Program Director, bob@urbanhabitat.org, 510-839-9510, ext. 312