



March 22, 2019

Re: EMPLOYEE PROTECTIONS REFERRAL
OF PENDING FTA GRANT APPLICATION
CA-2017-017-01
Alameda-Contra Costa Transit District

Dear FTA Applicant and Union Representative(s):

Pursuant to 49 U.S.C. § 5333(b), the Department of Transportation has referred the above-referenced grant application to this office and requested the Department of Labor's (DOL) certification that the required employee protective arrangements have been made. As required by DOL's procedural Guidelines, [29 C.F.R. § 215](#), as amended, we are providing a copy of this grant application to the labor organization(s) representing transit employees in the service area of the project and to the applicant and/or recipient(s) identified on the following page(s) of this letter.

DOL will certify the grant on the proposed terms and conditions set forth in Attachment A unless it receives a sufficient written objection within 15 calendar days of the date of this referral. *See* 29 C.F.R. § 215.3(d).

Objections and other correspondence must be sent to DOL by e-mail at OLMS-DSP@dol.gov, with copies to all relevant parties, including, at a minimum, the parties identified in this letter.

Additional information is available at <https://www.dol.gov/olms/regs/compliance/compltransit.htm>. Please contact me if you need assistance.

Sincerely,

A handwritten signature in black ink that reads "Denise Diminuco".

Denise Diminuco
Team Leader
Division of Statutory Programs
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Enclosure

REFERRAL SENT TO:

Grantee/Recipient(s):

ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

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Union(w/copy of grant application):

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Attachment A
DOL PROPOSAL FOR EMPLOYEE PROTECTIONS
CA-2017-017-01

GRANTEE: Alameda-Contra Costa Transit District	
Employee Representation	Protections
Amalgamated Transit Union Local 192	Operating Assistance, if any: National Model Agreement dated 07/23/1975 as addended by paragraph 9 of the 04/09/1975 agreement
Amalgamated Transit Union Local 192	Capital Assistance, if any: Agreement dated 04/09/1975 as supplemented by 09/08/1980 and 09/18/1980 side letters.
American Federation of State, County and Municipal Employees Local 3916	Capital and Operating Assistance: National Model Agreement dated 07/23/1975 , excluding paragraph 22 for capital portions
Int'l Brotherhood of Electrical Workers	Capital and Operating Assistance: Unified Protective Arrangement dated 01/03/2011
Service Area Provider : Altamont Commuter Express	
Employee Representation	Protections
Brotherhood of Locomotive Engineers/IBT; Brotherhood of Maintenance Way Employees Division/ IBT; Int'l Ass'n of Machinists and Aerospace Workers; Int'l Ass'n of Sheet Metal, Air, Rail and Transportation Workers - Transp. Div.; Transportation Communications Union; Northern California Carpenters Regional Council	Capital and Operating Assistance: Unified Protective Arrangement dated 01/03/2011
Service Area Provider : Caltrain Commuter Rail	
Employee Representation	Protections
American Train Dispatchers Ass'n; Brotherhood of Locomotive Engineers/IBT; Brotherhood of Maintenance Way Employees Division/ IBT; Brotherhood of Railroad Signalmen; Brotherhood Railway Carmen Division/TCU; Int'l Ass'n of Machinists and Aerospace Workers; Int'l Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers, and Helpers; Int'l Brotherhood of Electrical Workers - Rail Div.; National Conference of Firemen and Oilers; Int'l Ass'n of Sheet Metal, Air, Rail and Transportation Workers - Transp. Div.; Transport Workers Union; Int'l Ass'n of Sheet Metal, Air, Rail and Transportation Workers - Mech. Div.	Capital and Operating Assistance: Unified Protective Arrangement dated 01/03/2011

GRANTEE: Alameda-Contra Costa Transit District	
Employee Representation	Protections
Service Area Provider : Capitol Corridor	
Employee Representation	Protections
Brotherhood of Locomotive Engineers/IBT; Brotherhood of Maintenance Way Employees Division/ IBT; Independent Railway Supervisors Ass'n; Int'l Ass'n of Bridges, Structural, Ornamental and Reinforcing Iron Workers; Int'l Ass'n of Machinists and Aerospace Workers; Int'l Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers, and Helpers; Int'l Brotherhood of Electrical Workers - Rail Div.; National Conference of Firemen and Oilers; Int'l Ass'n of Sheet Metal, Air, Rail and Transportation Workers - Mech. Div.; Int'l Ass'n of Sheet Metal, Air, Rail and Transportation Workers - Transp. Div.; Transport Workers Union; Transportation Communications Union	Capital and Operating Assistance: Unified Protective Arrangement dated 01/03/2011
Service Area Provider : City and County of San Francisco Municipal Transit Agency	
Employee Representation	Protections
Transport Workers Union Local 250A	Capital and Operating Assistance: Unified Protective Arrangement dated 01/03/2011
Service Area Provider : City of East Palo Alto	
Employee Representation	Protections
Int'l Brotherhood of Teamsters Local 665	Capital and Operating Assistance: Unified Protective Arrangement dated 01/03/2011
Service Area Provider : City of Fairfield	
Employee Representation	Protections
Amalgamated Transit Union Local 256	Capital and Operating Assistance: Unified Protective Arrangement dated 01/03/2011
Service Area Provider : City of Union City	
Employee Representation	Protections
Int'l Brotherhood of Teamsters Local 70	Capital and Operating Assistance: Unified Protective Arrangement dated 01/03/2011
Service Area Provider : Golden Gate Bridge, Highway And Transportation District	
Employee Representation	Protections
Inlandboatmen's Union of the Pacific (N. CA); Int'l Ass'n of Machinists and Aerospace Workers; Marine Engineers' Beneficial Ass'n California; Amalgamated Transit Union Local 1575	Capital and Operating Assistance: Unified Protective Arrangement dated 01/03/2011
Service Area Provider : Livermore-Amador Valley Transit Authority	
Employee Representation	Protections
Int'l Brotherhood of Teamsters Local 70	Capital and Operating Assistance: Unified Protective Arrangement dated 01/03/2011
Service Area Provider : Napa County Transportation Planning Agency	
Employee Representation	Protections
Service Employees Int'l Union Local 614; Int'l Brotherhood of Teamsters Local 315	Capital and Operating Assistance: Unified Protective Arrangement dated 01/03/2011

GRANTEE: Alameda-Contra Costa Transit District	
Employee Representation	Protections
Service Area Provider : San Francisco Bay Area Rapid Transit District	
Employee Representation	Protections
BART Police Managers Ass'n; BART Police Officers Ass'n; Amalgamated Transit Union Local 1555; Service Employees Int'l Union Local 390; American Federation of State, County and Municipal Employees Local 3993	Capital and Operating Assistance: Unified Protective Arrangement dated 01/03/2011
Service Area Provider : San Francisco Bay Area Water Emergency Transportation Authority	
Employee Representation	Protections
Inlandboatmen's Union of the Pacific (N. CA); Marine Engineers' Beneficial Ass'n California; Int'l Organization of Masters, Mates and Pilots-Pacific Maritime Region	Capital and Operating Assistance: Unified Protective Arrangement dated 01/03/2011
Service Area Provider : San Mateo County Transit District	
Employee Representation	Protections
Amalgamated Transit Union Local 1225; Amalgamated Transit Union Local 1574	Capital and Operating Assistance: Unified Protective Arrangement dated 01/03/2011
Service Area Provider : Santa Clara Valley Transportation Authority	
Employee Representation	Protections
American Federation of State, County and Municipal Employees; Service Employees Int'l Union Local 521; Amalgamated Transit Union Local 265; Int'l Fed'n of Prof'l and Technical Engineers Local 21 (Santa Clara Co. Eng'rs and Architects Ass'n)	Capital and Operating Assistance: Unified Protective Arrangement dated 01/03/2011
Service Area Provider : Solano County Transit	
Employee Representation	Protections
Int'l Brotherhood of Electrical Workers; Amalgamated Transit Union Local 192	Capital and Operating Assistance: Unified Protective Arrangement dated 01/03/2011
Service Area Provider : Western Contra Costa Transit Authority	
Employee Representation	Protections
Int'l Brotherhood of Teamsters Local 315	Capital and Operating Assistance: Unified Protective Arrangement dated 01/03/2011

The Department of Labor makes the certification called for under the statute for the instant project on condition that:

1. As a precondition to the release of assistance, this letter and the terms and conditions of the protective arrangements referenced above shall be made applicable to the instant project and made part of the contract of assistance between the Grantee and the U. S. Department of Transportation, by reference;
2. The term "project" as used in each of the respective protective arrangements referenced above shall be deemed to cover and refer to those portions of the instant project to which they have been applied;
3. The protective arrangements certified by the Secretary of Labor are intended for the primary and direct benefit of transit employees in the service area of the project. These employees are intended third-party beneficiaries to the employee protective arrangements referenced in the grant contract between the U.S. Department of Transportation and the Grantee, and the parties to the contract so signify by executing that contract. Such transit employees are also third-party beneficiaries to the protective arrangements incorporated in any subsequent contract(s) of assistance between the Grantee and any Recipient(s). Employees not represented by any labor organization, or if so represented through their representative on their behalf, may assert claims with respect to the protective arrangements under this provision. This clause creates no independent cause of action against the United States Government;
4. Disputes over the interpretation, application and enforcement of the terms and conditions of the certified protective arrangements, including those disputes arising out of this letter of certification, shall be resolved in accordance with the procedures specified in the aforementioned certified arrangements; and
5. Employees of mass transportation providers in the service area of the project who are not represented by a union designated above shall be afforded substantially the same levels of protections as are afforded to the employees represented by the union(s) under the above referenced protective arrangements and this certification. Such protections include procedural rights and remedies as well as protections for individual employees affected by the project.

Should a dispute remain after exhausting any available remedies under the protective arrangements and absent mutual agreement to utilize another final and binding resolution procedure, any party to the dispute may submit the controversy to final and binding arbitration. With respect to a dispute involving a union not designated above, if a component of its parent union is already subject to a protective arrangement, the arbitration procedures of that arrangement will be applicable. If no component of its parent union is subject to the arrangements, the Recipient or the union may request the American Arbitration Association to furnish an arbitrator and administer a final and binding resolution of the dispute under its Labor Arbitration Rules. If the employees are not represented by a union for purposes of collective bargaining, the Recipient or employee(s) may request the Secretary of Labor to designate a neutral third party or appoint a staff member to arbitrate and render a final and binding determination of the dispute.