



Bay Area Vanpool Program Application and Acknowledgement and Limitation of Liability Form

Program Description

The Metropolitan Transportation Commission (MTC) administers and funds the Bay Area Vanpool Program (Program) to increase the attractiveness and availability of vanpools as an alternative to driving alone, reduce congestion and reduce greenhouse gas emissions. The Program offers a \$500 monthly subsidy (Subsidy), not to exceed 50 percent of the vehicle rental cost, to eligible vans in exchange for vanpool data provided monthly by the Coordinator.

Eligibility

To be eligible, a vanpool vehicle must: (1) Seat 7 to 15 passengers; (2) Have an origin or destination in the nine-county Bay Area (Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Counties); (3) Be open to the public; and (4) Be rented through Enterprise Rideshare (Supplier).

Application

To apply, the individual (Coordinator) that enters into a valid vanpool vehicle agreement with Supplier must complete and submit the Program Acknowledgement and Limitation of Liability Form & Application. Once approved and enrolled in the Program, the Coordinator must submit the required data to receive the Subsidy.

Reporting

In order to receive the Subsidy, Participant shall provide accurate data and complete surveys with accurate information as required by the Program, using required forms and formats as provided by MTC or the Supplier, and submit these records as instructed and scheduled by MTC or the Supplier.

Indemnity

YOU AGREE TO DEFEND AND INDEMNIFY MTC AND ITS COMMISSIONERS, OFFICERS, EMPLOYEES, AND AGENTS FOR ANY CLAIMS RESULTING FROM OR RELATING IN ANY WAY TO YOUR PARTICIPATION IN THE PROGRAM AND/OR RECEIPT OF THE SUBSIDY.

Additional Limitations of Liability

TO THE MAXIMUM EXTENT ALLOWED BY LAW, MTC AND ITS COMMISSIONERS, OFFICERS, EMPLOYEES, AND AGENTS WILL NOT BE LIABLE FOR ANY DIRECT, INDIRECT, INCIDENTAL, SPECIAL, CONSEQUENTIAL, OR PUNITIVE DAMAGES (INCLUDING WITHOUT LIMITATION ANY LOSS OF PROFITS, DATA, USE, OR GOODWILL) RESULTING OR RELATING IN ANY WAY TO YOUR PARTICIPATION IN THE PROGRAM AND/OR RECEIPT OF THE SUBSIDY-WHETHER BASED ON WARRANTY, CONTRACTS, TORT/NEGLIGENCE, OR OTHER LEGAL THEORY-EVEN IF MTC HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES.

THE LAWS OF SOME JURISDICTIONS MAY NOT ALLOW THE LIMITATION OF LIABILITY SET FORTH ABOVE, SO THIS LIMITATION OF LIABILITY MAY NOT APPLY TO YOU. IF ANY PART OF THIS LIMITATION ON LIABILITY IS FOUND TO BE INVALID OR UNENFORCEABLE FOR ANY REASON, THE AGGREGATE LIABILITY OF MTC AND ITS COMMISSIONERS, OFFICERS, EMPLOYEES, AND AGENTS UNDER SUCH CIRCUMSTANCES FOR LIABILITIES THAT OTHERWISE WOULD HAVE BEEN LIMITED SHALL NOT EXCEED ONE HUNDRED DOLLARS (\$100).

Termination by MTC

MTC retains the right to discontinue Coordinator enrollment and withhold the Subsidy for any of the following reasons:

- a. Misrepresentation of vanpool operation and/or inappropriate use of the Program services.
- b. Failure to submit accurate daily, monthly and other scheduled records or surveys to MTC as required.
- c. The operation of the vehicle becomes inconsistent with Program eligibility requirements.
- d. Failure to provide timely responses to reasonable requests for information made by MTC. Termination notification shall be confirmed by telephone, email or postal mail.

Participant agrees, during the term of the Agreement to:

- a. Authorize Enterprise to release actual and true records specific to the applicable vanpool vehicle to include, but not be limited to, contact information, actual monthly invoice/billing statement and vehicle information.
- b. Provide accurate data and complete surveys with accurate information as required by the Program.
- c. Maintain a minimum of 50 percent vehicle occupancy. Vehicles that fail to maintain at least 50 percent vehicle occupancy for two consecutive months may be required to change to a more appropriately sized vehicle or may be terminated from the Program.

It is herein acknowledged that:

- a. MTC retains the right to deny any funding for any vanpools and to terminate the funding for a vanpool or the Program if MTC deems that it is in the best interest of the agency to do so, or funding is not available.
- b. MTC reserves the right to establish a wait list for Program enrollment, change the Program, or cancel the Program at any time, without obligation, at the sole discretion of MTC.
- c. MTC is authorized to promote, advertise and release to the general public vanpool route information, seat availability and participant email contact information for passenger solicitation purposes.
- d. MTC is authorized to release data provided by the Coordinator to its program funders and contractors.
- e. The funding provided by MTC for vanpools is for the use of the van for commute purposes only.

Participant

I certify that this vanpool qualifies for MTC's Bay Area Vanpool Program and acknowledge the above-listed terms and requirements to receive the Program Subsidy.

Signature

Date

Printed Name

Email to: **CommuteSupport@ehi.com**

Mail to: **COMMUTE With Enterprise, 2633 Camino Ramon, Ste #400, San Ramon, CA 94583**

Vanpool Information and Routes

I. Vanpool Coordinator Information

Name		
Home Address	City	Zip
Mailing Address (if different)		
Employer		
Work Address	City	Zip
Phone	Alternate Phone	
Email Address		
Work Hours: Start Time	End time	

II. Route Information

Day(s) of the week the vanpool operates: **M** **T** **W** **Th** **F** **Sa** **Su**

Start of day pick-up location(s): These are the places that driver and passengers board the vanpool on their way to work.
(Always use complete street addresses. Example, 1234 Main Drive, Oakland, 94605.)

A. Address		
Time of pick-up	am	pm
B. Address:		
Time of pick-up:	am	pm
C. Address		
Time of pick-up	am	pm
D. Address		
Time of pick-up:	am	pm

Work day drop-off location(s): These are the places that driver and passengers exit the vanpool to start their work day.
(Always use complete street addresses. Example, 7654 Parker Place, San Jose, 95112.)

E. Address		
Time of drop-off	am	pm
F. Address		
Time of drop-off	am	pm
G. Address		
Time of drop-off	am	pm
H. Address		
Time of drop-off	am	pm

Vanpool Roster

Name (First and Last)	Email	Phone	Are you the: Coordinator (C) Driver (D) Data Reporter (R)?	Mileage traveled between home and vanpool pick-up/ drop-off location	Travel mode between home and vanpool pick-up/ drop-off location	Start of day pick-up location (Select one)	Work drop-off location (Select one)	Check if end of day drop-off is the same as start of day pick-up.
			C D R			A B C D	E F G H	
			C D R			A B C D	E F G H	
			C D R			A B C D	E F G H	
			C D R			A B C D	E F G H	
			C D R			A B C D	E F G H	
			C D R			A B C D	E F G H	
			C D R			A B C D	E F G H	
			C D R			A B C D	E F G H	
			C D R			A B C D	E F G H	
			C D R			A B C D	E F G H	
			C D R			A B C D	E F G H	